

LAND INHERITANCE AND ITS RELATION TO AGRICULTURAL DEVELOPMENT  
IN ONDO DIVISION, WESTERN STATE, NIGERIA

A THESIS SUBMITTED

BY

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## ABSTRACT

The study was aimed at finding the relationship between land inheritance and agricultural development in Ondo division of Western State of Nigeria.

Chapter one was devoted to the review of the economy of Western State, the requisites for agricultural development and the relationship between land inheritance and the requisites for agricultural development. The nature of our problem was considered in relation to the present mode of production, the rising population and the probable land shortage.

Chapter two was devoted to the methodology and the setting of the thesis. Among others, it considered reasons for choosing Ondo division for a case study, the sources of data and their limitations.

Chapter three considered land inheritance in theory and in practice. It reviewed the various meanings and interpretations of inheritance. Finally, we considered case studies of some selected countries.

Chapter four was devoted to the analysis of the situation in Ondo division. It was divided into three sections. The first part discussed the inheritance pattern in Ondo division, the second part discussed agriculture and the third part related inheritance to agricultural development.

Chapter five was devoted to the policy implication of the study. Our recommendations in this chapter include:

- (1) The imposition of death duties proportional to number of plots

- (2) Empowering local authorities to control the farms of those who die without wills.
- (3) That state farms organised as joint-stock companies should be introduced, where the government and farmers would be shareholders.
- (4) That multi-cooperatives should be encouraged.
- (5) That individual ownership should be encouraged.

Chapter six was devoted to the summary of the thesis. Major findings summarised in the chapter include:-

- (1) That land inheritance merely accentuates the process of fragmentation of holdings. Main causes were found to be the techniques of cultivation and safety in face of dangerous animals.
- (2) That the presence of the part-time farmers in farming, instead of being to the detriment of agriculture, is a blessing, since they bring innovation and capital to agriculture. However, in some cases, it leads to the growth of absentee landlordism.
- (3) That injection of capital and its efficient use in agriculture is impeded by aversion to borrowing, unwillingness to use inherited lands as collateral and the small sizes of farms.
- (4) That strangers though permitted in some cases to own farms, cannot decide to transfer their lands as they wish.
- (5) That consolidation of holdings may not be the answer to the fragmentation of holdings in this area, since in our situation, the farms to be consolidated involve cash-crops of varying ages.

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## CHAPTER 1

### INTRODUCTION

#### I. Preliminary Consideration

##### (a) Economy of Western State:

The Western State of Nigeria with an area of 29,100 square miles and a population of about 9.448 million people (1963 census), is made up principally of the Yorubas, one of the largest ethnic group in Nigeria. Politically unpredictable, the Yorubas are a highly sensitive and enlightened group. They are a people that can be led but not driven. These have been demonstrated by various farmers' agitation like the Tax riots. These remarks are necessary background facts that should guide any policy maker in trying to suggest solutions to development problems in the state.

Essentially an agricultural economy "the farming population of the state is composed of about one million farm families, that is 80% of the total population"<sup>1</sup> Most of the Government revenues are got directly or indirectly from agricultural produce. Even when the Government realises that industrialisation might hasten the rate of economic growth, she realises also that agricultural development must be encouraged. In a policy statement the Government remarked that "although progress is being made in establishing industry, in the foreseeable future, the greatest increase in the national wealth of Western Nigeria is likely to come from the optimum use of land and

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1. Bath and Adeogun, "Farm Settlement Scheme of Western Nigeria." Bulletin of Rural Economics and Sociology Vol. 2, No.1, 1966 p.15

its agricultural potentialities"<sup>2</sup>

The analysis of land use in this area shows us that there is a lot of land classed as "residual", but this information is not useful in determining the availability of land for further production. The area designated as "residual" would in fact not be so since they are fallow lands from which others are precluded. What this would probably show is that there is a potential agricultural land for increasing agricultural production *ceteris paribus*. Table 1.1 shows the percentage distribution of land use in Western Nigeria. The farmers are essentially peasants and production for home consumption and for export are raised on small holdings operated by the farm families. The economy of the State is characterised by the paucity of plantations. Most of the innovations so far introduced to the farmers have been accommodated with little or no change in their institutional set-up or in their mode of production. Nevertheless the peasants have contributed immensely to the economic growth of the country. This contribution led Helleiner to wonder how a traditional agriculture could have been so effective in economic growth, and yet it is true that it has been the peasant agriculture which has been the engine of growth of Nigerian economy for years.<sup>3</sup>

The farmers grow many farm crops such as beans, melon, cassava, yams, maize and *opoyam*. Most of these are consumed by the farmers

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2. Quoted by Dupe Olatunbosun in his article "Farm Settlement: A Case Study of an Agricultural Project in Nigeria", Bulletin of Rural Economics and Sociology Vol. 6, No.1, 1971 pg.
  3. Helleiner G.K., Peasant Agriculture, Government and Economic growth in Nigeria: Homewood Illinois Richard D, Unwin Inc. 1966, p. 45.

Table 1.1

Land use in Western Nigeria - percentage distribution by province 1958 - 59.

Province	Under farm crops	Under tree crops	Forest Reserve	Non-Agric. land	* Residual	Total
ABEOKUTA	4.7	3.3	12.6	1.0	78.4	100
IBADAN	12.5	8.6	11.3	1.6	66.0	100
IJEBU	4.8	4.0	23.2	0.7	67.3	100
ONDO	6.5	6.9	16.9	0.6	69.1	100
OYO	3.4	1.3	22.4	0.5	72.4	100
Average	6.38	4.82	17.28	.88	70.64	100

\* "Residual" includes plantations, fallow, uncultivated bush and waste.

Source: Western Nigeria Statistical Bulletin June and December 1966 p. 127

N.B. Figures exclude the Colony Province.

themselves. The surplus is sold in the local markets. A lot of trade takes place in these products between the Western State and other states in the country. The production of food-crops is estimated to be lower than the rate of population increase in the state and this is shown by increase in the prices of most food crops in the state. Table 1.2 shows the acreage of main farm crops by provinces in Western State. The peasants also produce cocoa and palm products. These two products earn the Government a larger part of her revenue as compared with other farm crops.

Table 1.2

Acreege of main farm crops by provinces  
1958 - 59 (in thousand acres).

Province	Yams	Cassava	Maize	Cocoyam	Melon	Beans
ABEOKUTA	17	50	67	9	17	8
IBADAN	85	91	250	15	26	56
IJEBU	16	20	49	10	6	5
ONDO	146	64	133	32	27	32
OYO	89	28	127	7	36	28
TOTAL	353	253	626	73	112	129

Source: Western Nigeria Statistical Bulletin, June and December 1966, p. 129.

For instance in 1964/65 buying season, the Government collected £1,097,716 as produce sales Tax on Cocoa, and £1,989 and £159,552 on palm oil and palm kernels respectively.<sup>4</sup>

The marketing of these export crops and the revenue so derived from this exercise, had made the Marketing Board, the principal agent of economic development in Western State. When first set up, the original aim of the Board was to stabilise the prices of cocoa and other products under its control. Surplus funds accumulated when world market prices were good were to serve as cushion against intermediate price fluctuation

4. Obtained from Table 126 - produce sales Tax by crops. Western Nigeria Statistical Bulletin, June and December, 1966.



in the world market.<sup>5</sup> Gradually, the accumulated surpluses were diverted to facilitating economic development and this implied a complete change of the fundamental objective for the establishment of the Marketing Boards. As the agency of the Marketing Board, the Western Nigeria Development Corporation was set up to further the objectives of the Marketing Boards. In the early stages the Western Nigeria Development Corporation concentrated on agricultural developments. Later on, it had to spread its tentacles to other parts of the economy<sup>6</sup>. Meanwhile, the role of the Marketing Board was enlarged to include giving grants and loans to government for developmental purposes. So that in effect the Boards became major instruments of fiscal policy. Revenues so derived from Marketing Boards are now used in almost all the facets of life in Western State. This, no doubt accounts for the great emphasis which the Government lays on agricultural development in the state. Efforts have been made to modernise the agricultural sector and some of these efforts are, the provision of credit to farmers, construction of feeder roads, provision of extension services, the setting up of agro-allied industries and the establishment of projects like plantations, farm settlements and farm institutes. All these developmental efforts and projects have failed to match the aspirations of the rural citizens of Western State for economic

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5. Ogunseye, Ayo "Marketing Boards and the Stabilisation of producer prices and incomes in Nigeria". Nigeria Journal of Economic and Social Studies. Vol. 7, No. 2, July 1965, p. 132

6. Teriba, O. "Development Strategy, Investment Decision and Expenditure Patterns of a Public Development Institution. The Case of Western Nigeria Development Corporation 1949 - 1962" Nigeria Journal of Economic and Social Studies, Vol. 8, No. 2, July 1966

growth that would imply rural development in its entirety.

(b) Agricultural Development:

(i) Theory of Agricultural Development

The gap which exists between the existing situation in developing nations today and agricultural development, poses a lot of problems to the planners in these poor countries. Agricultural development therefore, occupies an important place in most development projects of these nations. For instance agricultural development ranks next to education in the development programme of Western State. This is unavoidably so since agricultural development is synonymous with economic development of the State.

Despite the importance attached to agricultural development in most developing nations, the concept is quite nebulous and makes it difficult to formulate acceptable theories of agricultural development which countries could reasonably follow in trying to develop agriculturally. Together with "such diversities of agricultural conditions and of the general economic situation in different developing countries + and within different farming regions of an individual country - makes it quite impossible to formulate universally valid policies or prescriptions for promoting agricultural development"<sup>7</sup> Moreover, there is great variability in the conditions of agricultural production and this "makes it difficult to derive a conceptually simple and yet operationally useful concept of agricultural development"<sup>8</sup>.

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7. Southworth, H.M. and Johnston B.F.(Ed) "Agricultural Development and Economic Growth." Cornell University Press, Ithaca, New York 1967 p.4.

8. Southworth, et al, op. cit p. 26

(ii) Paths of Agricultural Development.

Despite the unclear concept of agricultural development, it has been possible to distinguish two paths of agricultural development at least from the traditional stage. According to Huth, "the first path is to ignore the existing agricultural system and replace it with a new one. Secondly, one can use the existing system as the base on which to build an improved system. The first he regarded as "the farm settlement route" and the second "improving existing peasant route". He further expressed that past efforts along either route have stressed the technological and conventional economic aspects of development process at the expense of the socio-cultural components of the existing agricultural system and its indigenous institutional framework."<sup>9</sup>

We should note that these institutional barriers are very important in following either path of agricultural development proposed by Huth. As remarked by Adegboye, "basic information regarding the use and control of land resources is as necessary for development as any information collected on such other factors of production - labour, capital and entrepreneurship."<sup>10</sup>

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9. Huth, W.P. "Traditional Institutions and Land Tenure as related to Agricultural Development among the Ibo of Eastern Nigeria." Research Paper No. 36: Land Tenure Center, University of Wisconsin Madison, Wisconsin 53706. August 1969 pp. 18 - 19.
10. Adegboye, R. O. "An Analysis of Land Tenure Structures in Some Selected Areas of Nigeria" Bulletin of Rural Economics and Sociology. Vol. 2, No. 1, 1966 p. 39.

(iii) Desirability of Agricultural Development as a Goal.

Agricultural development is desired for a lot of reasons, the most important being that it would help in increasing national output. In fact "agricultural progress (development) is equated with the expanding capacity of farm people to play an increasingly effective part in accelerating the national output through supplying their total economy with food and fibres appreciably faster than population growth adds new mouths to feed"<sup>11</sup> This is quite true as many people move out of agriculture to take employment in cities, they must be able to have food supply at reasonably low prices. Moreover an improved agriculture would release labour which would be able to work in the industries. The problem that mechanization would cause unemployment would be temporary as these could be re-employed in agro-allied industries which should spring up when the goal of agricultural development has been realised.

Since we believe that one of the ways to rapid economic development is by industrialisation, industries must be encouraged to grow. Hence raw-materials must be provided for the industries at the right time and the raw materials must be of good quality. This would further conserve the foreign exchange, and if industries which produce agricultural implements are set up, they would further increase the productivity of agriculture.

Finally, the Government would be able to increase her revenues and this would enable her perform her functions throughout the economy.

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11. Southworth, et al, op cit p. 66

(iv) Requisites of Agricultural Development:

For agricultural development to take place in any society, there are multifarious factors that must combine to make this possible. Here we would only mention the following requisites that are considered relevant to our later discussion.<sup>12</sup>

- (1) Availability of capital at the right time and at reasonable interest rate. The capital is needed to employ labour, buy chemicals and fertilizers and at times pay the school fees of children. This, the farmer often lacks. In most cases his land is the only capital he has. As a result Enchill remarked that "land is a primary capital asset and generally the most durable capital asset, serving as an almost unlimited reservoir of sustenance for the man who has the use and enjoyment of a usable portion of its surface."<sup>13</sup>
- (2) Willingness to make investments sufficient to give agriculture a "big push".
- (3) A good management of farms in relation to paying proper attention, keeping accurate accounts of all costs and so on. In short, ability to manage farms in order to get the maximum output without mining the soil.

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12. Mosher lists a number of these requisites. See Mosher, A. T., "Setting Agriculture Moving" - Essentials for Development and Modernisation" Frederick A. Praeger, New York, Chapters 5 - 14.

13. Bentsi-Enchill, Kwamena: Ghana Land Law: London Sweet and Maxwell African University Press, 1964, p. 3.

- (4) The ability of farmers to move freely from land short area to land surplus area. Until this can be done, farm labour cannot realise its maximum potential.
- (5) The farmers must have security of tenure.
- (6) Farmers must be able to acquire more land if commercial agriculture is to replace subsistence agriculture.
- (7) There must be co-operation among farmers in carrying out most of their projects.
- (8) The farmers must be able to introduce or adopt new technologies as they are made known to them.
- (9) At times it might be necessary to introduce land settlement schemes.
- (10) Some education is needed to aid the acceptance of innovations.

(v) Relationship Between Land Inheritance and the Requisites for Agricultural Development:

Capital is in short supply among the peasant farmer, first because he lives at or below the subsistence level and because he cannot borrow since he lacks security. The Banks do not accept land as collateral because no clear title can be ascertained on most lands. In most cases the Banks do not know the needs of farmers. Again, the small sizes of holdings, usually a result of inheritance, makes borrowing unprofitable, since the farmer cannot be sure whether he would be able to

repay the loans from the returns on such lands. And yet the availability of capital is quite essential for agricultural development. Furthermore, the farmer would refuse to make any substantial improvement on a particular land if he knows that he has just a life interest in it. Hence Anne Martin remarked that "when a man is free to reap all his profits from his own investments of capital and labour and to bequeath his land to his heirs, he has the greatest possible incentive to invest, to work and to keep the land in good heart."<sup>14</sup> But if he knows that his children would not be allowed to inherit such farms, then he would have no incentive to improve them. And no type of economic development can progress without substantial investments of capital.

Another requisite of agricultural development is good farm management. This requires that the farmer closely identifies himself with day to day running of the farming operations. In a sense it requires that he be no absentee landlord. But at times, inheritance might place farms in the hands of non-farmers<sup>15</sup>, who may not be interested in farming. Such farms may be neglected or a situation might occur in which such people would become absentee land-lords with all the evils associated with such a situation. Most of these absentee land-lords consider farm income as secondary to their main source of income. Hence maximum output cannot be got from the land.

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14. Martin, Anne: Economics and Agriculture: Routledge and Kegan Paul  
1958, p. 143.

15. By "non-farmers" we mean those who are not full-time farmers. Such as teachers and clerks who own farms. At times they may be referred to as "part-time" farmers.

In some cases because of the inheritance process, farmers cannot move freely from one area to another, since they are considered strangers outside their own village area. This leads to a situation where there is land shortage in one area and surplus land in another. The existence of this <sup>an</sup>immobility of labour makes it impossible for farm labour to realise its maximum potential and thus inhibiting rapid agricultural development. Closely linked with this is the insecurity of tenure. Sometimes the farmer cannot acquire more land from the surplus area but he can buy farms, if he had money. But in most cases the stranger might have to be dragged to the court by other claimants of the farms. Eventually he might have to abandon such farms even when he might have made improvements on them. This situation militates against heavy or necessary investments.

Before agricultural development can take place in a traditional society, the subsistence economy must give way to commercial agriculture. This new move would necessitate large ~~acres~~ acres of land but these lands may be in the hands of many who may have just that for their living and might be unwilling to part with them.

Co-operation among farmers is very essential for development. They could combine to reclaim land, buy tractors and expand their farming operations. But most people are reluctant to participate since they do not know whether their children would have a say in such ventures when they (the fathers) are dead. Rather they prefer to go it ~~alone~~ alone, where they feel they would have total control and hence will be able to pass



such to their children. This makes improvements in agriculture difficult and it dissipates the energy of the Government when it tries to better the lots of the farmers.

There is the risk of not accepting innovation if other people's farms are very near the farmer's. Hence Arthur Lewis considering the bad effects of inheritance remarked that "it might be difficult to make experiments which one's neighbours distrust"<sup>16</sup>, whereas agricultural development can only progress where the farmer is willing to accept innovations and adopt them.

Sometimes a way of accelerating agricultural development might be by introducing land settlement schemes. Such settlements can demonstrate modern methods of farming to farmers around them and also can solve the problem of unemployment of the rural people. But there is the problem of acquiring enough land. So when no clear titles to land can be ascertained and when many people own just a few acres, the Government might find it difficult to acquire enough land for her agricultural development. Apart from the delay which the Government might be forced to experience, it may raise the fixed cost of such projects, because of the compensation that must be paid to the claimants.

From the foregoing analysis, it is clear that in trying to achieve rapid agricultural development the problem of inheritance must be tackled very seriously. It is a problem closely linked to agricultural development

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16. Lewis, Arthur : Theory of Economic Growth: London, George Allen and Unwin Limited, p. 126.

and the removal of the ~~defects~~ in land inheritance system would tend to accelerate our efforts in agricultural development of peasant economies.

## II. Problems and Objectives of Study:

### (a) Problems

Our problem can be viewed from two angles. In the first place, we may want to know whether the traditional system of cultivation could continue to support the rising population. Secondly, we may want to know whether a modern system of agriculture could be possible, also with the rising population.

In most tropical areas, the system of shifting cultivation is the main method of farming. The FAO has made estimates which show that "over 200 million people, dispersed over 14 million square miles of tropical territory, still derive the bulk of their food by shifting cultivation."<sup>17</sup> It was also maintained by Whittlesey that "shifting cultivation takes on its most characteristic forms in regions which have one or more seasons of copious rainfall, alternating with shorter periods when little or no rain falls."<sup>18</sup> This method has assumed various forms in different regions chiefly in response to varying physical factors, particularly rainfall (17 pg. 5). "In addition to the rainfall factor, the FAO study emphasizes the rapidity with which tropical soils lose their

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17. Haney, E. B. Jr. - "The Nature of Shifting Cultivation in Latin America." Land Tenure Center No. 45, p. 1.

18. Whittlesey, D. S. "Shifting Cultivation." Economic Geography Vol. XII 1937 p. 35.

fertility and undergo undesirable physical changes encourages the development of an agricultural system based on shifting cultivation." (17 pg. 5). The method of shifting cultivation involves the periodic burning of bushes and according to Whittlesey "a prized by-product of the burning is the accumulation of potash, which increase the fertility of the soil. At the same time the fire reduces the slender hoard of humus."<sup>18</sup>

In fact, if we assume the system would continue for some years, we feel that the land would not be enough to support the system for a long time. For instance a 1937 estimate indicated that a family would need between three and ten acres of land to be able to live comfortably under the system of bush fallowing (18 pg. 40). Haney Jr. maintained (1968) that though the amounts of the land needed by a family varies according to the type of crops planted, the type of land and subsistence needs as maintained in (1937), he now feels a family would need ten acres in any season (17 pg. 11). Yet the situation when looked at even in 1958, showed that Western State cannot meet this requirement. In table 1.3. less than 35% of the farmers met the requirements for (1937) estimated by Whittlesey. But less than 3% met the requirements for (1968). Which shows that already there is the land problem. On this basis the question is what would the situation be in the year 2000? The nature of the problem can be visualised if we take the land area of Western State, and then the population in 1963, and then make a projection for the year 2000. This we have done in tables 1.4, 1.5, and 1.6. The figures in Table 1.6, clearly demonstrate that by the year 2000 acres per person would be less than one for all

Table 1.3.

Percentage distribution of farmers by size of farm by province 1958/59.

Size of Area farmed (acres)	Abeokuta	Ibadan	Ijebu	Ondo	Oyo	Total
Under .25	10	3	9	4	5	5.55
.25 and under .50	16	8	15	6	8	9.64
.50 " " 1.0	19	16	24	11	15	16.24
1.0 " " 2.5	26	42	27	29	40	34.74
2.5 " " 5.0	20	18	15	29	23	21.13
5.0 " " 10.0	8	11	8	14	8	10.04
10.0 " over	1	2	2	7	1	2.64
Total	100	100	100	100	100	99.98

Source: Western Nigeria Statistical Bulletin June and December 1966 Page 141.

Table 1.4.

Total and arable land in Western Nigeria.

AREA	Area in sq. miles (1)	89% of the Area (2)	Land Areas in Acres (3) million
Western State	29,100	25,889	16.575
Abeokuta Province	4,266	3,797	2.430
Ibadan "	4,521	4,024	2.575
Ijebu "	2,456	2,186	1.399
Ondo "	8,162	7,264	4.649
Oyo "	9,695	8,629	5.522
Ondo Division*	1,666	1,483	.949

- (1) Area of Western State by provinces. The Colony Province is excluded.
  - (2) Calculated on the assumption that 89% of the land area can be referred to as arable.
  - (3) Land area in million acres.
- \* Ondo Division is included in Ondo Province but is calculated separately because it is the study area.

Table 1.5

Population projection for Western State

	1963	1965	1970	1975	1980	1985	1990	1995	2000
	(1)	(2)		(3)					
Western State	9.448	9.926	11.229	13.017	15.091	17.495	20.281	23.518	25.073
Abeokuta	.975	1.003	1.156	1.341	1.554	1.801	2.088	2.419	2.805
Ibadan	3.327	3.494	3.954	4.585	5.315	6.160	7.141	8.279	9.597
Ijebu	0.576	.605	.685	.794	.921	1.007	1.237	1.433	1.601
Ondo	2.728	2.847	3.341	3.756	4.355	5.050	5.856	6.789	7.871
Oyo	1.882	1.977	2.259	2.619	3.032	3.515	4.077	4.708	5.479
Ondo Division	.258	.270	.305	.353	.410	.475	.551	.659	.742

1. Population of Western State, excluding the Colony Province (1963) census. (in million)
2. Further estimates beyond 1963 is calculated at an increase of 2.5% per annum of 1963 figures up to 1970.
3. After 1970, the figures are calculated at an increasing rate of 3% per annum to 2000.

Source: Author's estimate.

Table 1.6

Acres per person in Western State

	1963	1965	1970	1975	1980	1985	1990	1995	2000
Western State	1.754	1.669	1.476	1.273	1.098	0.947	.817	.704	.660
Abeokuta	2.492	2.375	2.102	1.812	1.563	1.349	1.163	1.004	.866
Ibadan	.773	0.736	0.651	0.561	.484	0.418	.360	.311	.268
Ijebu	2.428	2.312	2.042	1.759	1.519	1.313	1.130	.976	.842
Ondo	1.704	1.621	1.391	1.237	1.067	.920	.793	.684	.590
Oyo	2.934	2.793	2.444	2.108	1.821	1.571	1.163	.974	.865
Ondo Division	3.365	3.514	3.111	2.688	2.314	2.002	1.722	1.440	1.272

(1) Figures are obtained by dividing figures in column 3 of Table 1.4 by the figures in Table 1.5

Source: Author's estimate

Provinces of Western State. All along, it is assumed that all things would remain equal. But in reality the inheritance process fragments land. This means that when fragmentation is taken into account, the situation of land in Western State by the year 2000, would look very grim indeed. The conclusion that one can draw from these calculations is that the system of shifting cultivation, under the current land inheritance system, would not find sufficient land for its

problems of agricultural development and of increased productivity of agriculture have been worsened in Western Nigeria by the equally serious problem of land shortage. Land shortage problem in its own turn, will be worsened by the current systems of land inheritance which possesses the unique quality of fragmentation of holdings which are already insufficient per farmer. The greatest bottleneck to agricultural development is, therefore, the problem of inheritance and its defects. How to solve these problems is a major task of agrarian revolution and farm modernisation in Western Nigeria.

(b) Objectives of Study

With this problem in mind, the main objectives of the present study will be:-

- (1) To pinpoint some of the characteristics of land inheritance that may help or hinder agricultural development in Ondo Division of Western State of Nigeria.
- (2) To evaluate the effects of these characteristics on agricultural development.
- (3) To suggest ways in which the land inheritance process could be modified in order that it might better serve the needs of agricultural development.
- (4) To test the following hypotheses as a means of providing background material for further studies of this calibre in other areas. These hypotheses are:

- (a) The land inheritance patterns in Ondo Division caused the fragmentation of holdings into uneconomic sizes, given the current state of technology and development.
- (b) That in some cases land inheritance patterns place farms in the hands of non-farmers to the detriment of agricultural productivity.
- (c) That land inheritance in Ondo Division does not provide enough latitude for enterprising farmers to undertake modern commercialised farming that are necessary for economic development.
- (d) That population growth is likely to change the pattern of land inheritance over time, in Ondo Division of Western State of Nigeria.

### III. Plan of Study

Up to now, we have given a small account of the economy of Western State. We have also discussed what we mean by agricultural development, the requisites for agricultural development and relationship between these requisites and land inheritance. The nature of our problem was discussed together with the objectives of study. Certain hypotheses guiding the study were also stated.

In chapter two we plan to examine the locational and physical setting for the study area as well as the methodology, source and limitations of data collected. In chapter three, attention is paid to land



## CHAPTER II

### THE SETTING AND METHODOLOGY

#### A. Area of Study.

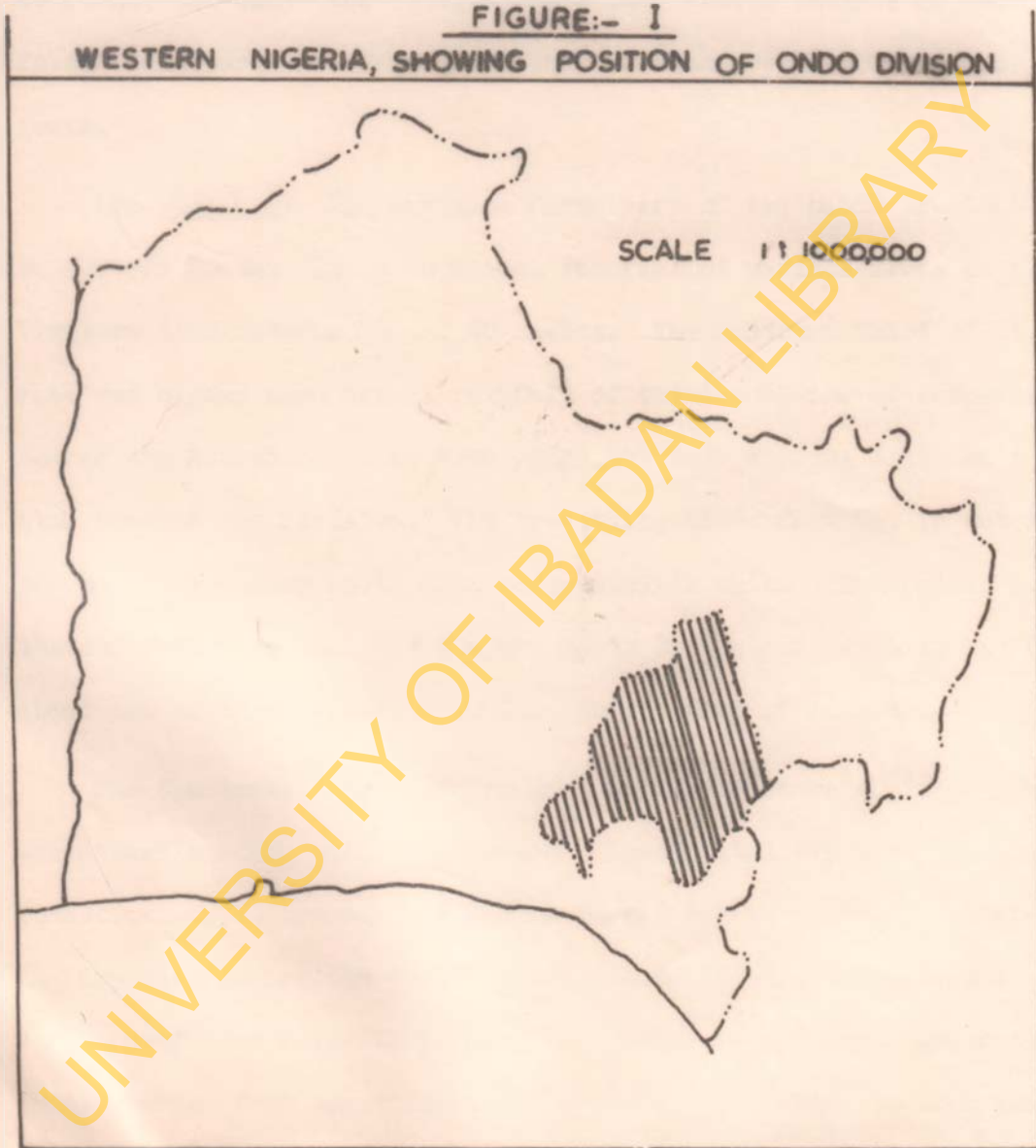
The area of study is the Ondo Division of Western State of Nigeria. This division has an area of about 1,666 square miles of which 509.34 square miles are designated as forest reserves.<sup>1</sup> It has a population of about 258,063 (1963 Census). But at the growth rate of 2.5% of 1963 figures up to 1970 and at 3% thereafter, the population of the Division is expected to be 742,000 by the year 2,000<sup>2</sup>.

#### 1. The environmental Setting

(a) Physiography: Ondo Division lies roughly between Latitudes  $6^{\circ} 30''$  and  $7^{\circ} 30''$  North and Longitudes  $4^{\circ} 20''$  and  $5^{\circ} 5''$  East. It shares common boundaries with Akure Division towards the East, Okitipupa Division towards the South, Southern Ijesha Division to the North, Ijebu and Ife Divisions towards the West. Figure 1 shows the position of the Division in Western State.

The heavy rainfall characteristic of the area has led to the excessive weathering of the Pre-Cambrian Basement Complex rocks, and this has been responsible for the changing of the original landscape due to continuous erosions. The end result of the two erosive forces is an undulating country characterised by broad shallow valleys. One of the

- 
1. Information received from the Divisional Office of Agriculture, Ondo, July 1971.
  2. See table 1.5 for projections for other areas of Western State calculated by the author.



striking works of erosion is the emergence of inselbergs which are common features of most areas of the Division. These inselbergs are well noticed at Owena, Ile-Oluji and Okeigbo where they attain heights of over 2,000 feet. Inselbergs are not common in the sedimentary rocks towards the south.

(b) Climate<sup>3</sup>: The Division forms part of the humid tropical region of Western State. The mean annual rainfall of various areas in the Division lies between 45 and 60 inches. The Southern third of the Division receives higher mean annual rainfall of between 65 and 80 inches being nearer the Atlantic ocean, from where the rain bearing South West winds blow towards the Division. The prevailing winds from May to October is the moisture laden South West monsoon winds which bring rain. During the other half of the year the dry North East winds prevail; but only about two to three months have less than 1 inch of rainfall.

The Equatorial Maritime Air Mass brings moisture as it passes over the Atlantic ocean while the Tropical Continental Air Mass brings dry conditions as it crosses the Sahara desert before reaching Nigeria. The dry air reaches the ground level between December and March. During this time rainfall dwindles to little or nothing, evaporation and transpiration from plant leaves reduces soil moisture so much that by April there is little moisture left for plant growth.

Between May and July, September and October, rainfall averages 6 inches per month in all sections of the division with a large number of

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3. Ministry of Agriculture: Divisional Office, Ondo

short, heavy storms (September and October) but there are few days in which persistent rain disturbs farm work especially in July. There is usually the August break when little or no rain falls. Though climate is still humid but ~~the~~ amount of rainfall is less than that of July and September when the two rainfall maxima occur.

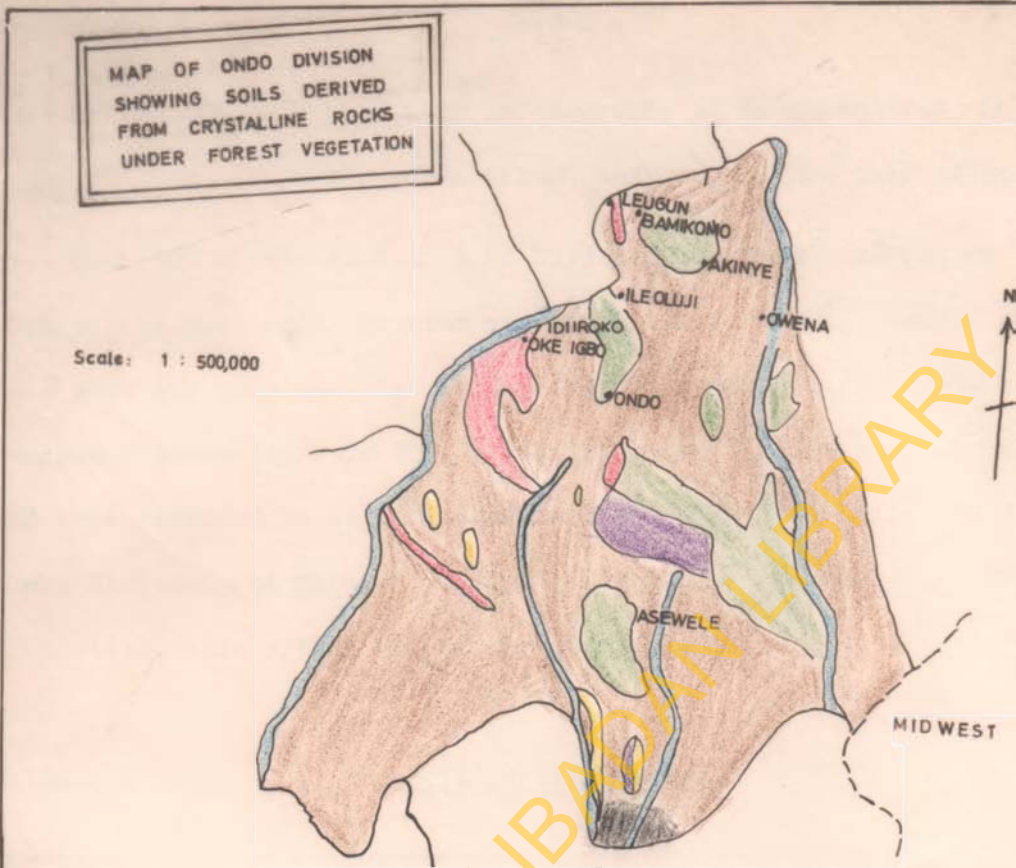
(c) Vegetation: The whole division falls within the area designated as the rain forest region. But the forest in the northern half has been cleared for the cultivation of cocoa and the raising of food crops. What is actually found is forest of secondary growth or thicket, oil palm is very common in the forest and this is indicative of the fact ~~that the~~ land has been under cultivation in the past. A greater section of the Southern half has been constituted into such forest reserves as Onishere and Oluwa forest reserves. A high proportion of the forest is found outside the reserves owing partly to relatively high rainfall condition and partly to long fallows which allow much of the fallow lands to revert to forest before a new cycle of cultivation commences. Exploitation of the forest timber has exercised great influence on road construction, as many timber magnets constructed their own roads and open such areas to commercial agriculture particularly the cultivation of cocoa.

(d) Soils: There are two major soil associations in Ondo Division; these are Ondo and Iwo associations. Within these two, can be found various soil series - Ondo, Igunshin, Balogun, Fagbo and Aponmu series. Within this area may be found coarser soil of Okemesi. There is also

Itagunmodi association which is very clayey representative of the Owena and Fagbo series noted for their fertility. Figure II shows the different soil associations.

- (i) Iwo Association: The parent rock is made up of coarse grained granite and gneisses. It contains coarse textured sandy clay over-lying weathered rock material and the soil is generally well drained.
- (ii) Ondo Series: Parent rock is medium grained granite and gneisses the soil is characterised by medium to fine textured fairly clayey particles. It is generally well drained.
- (iii) Itagunmodi: Parent rock is Amphibolite and related basic rocks. It is made up of fine textured brownish red very clayey soils with uniform profile in excess of 15 feet except on steep slopes. It is well drained.
- (iv) Okemesi: Parent rock is quartz. Schist and gneiss. It is made up of very coarsely textured gravelly greyish brown to brown sandy soils.
- (v) MAMU: Parent rock is sericite Schist. It is made up of brown fairly clayey soils. It is well drained.
- (vi) Complex: Parent rock is mixed metamorphosed sediments. It has varied soils derived from mixed metamorphic sedimentary rocks.

FIGURE:- II



Symbol	Soil association	Drainage	Parent Rock	Soil Characteristics
	IWO	DRAINED  WELL	Coarse Grained Granites and Gneisses	Coarse textured brown sandy to fairly clayey soils overlying weathered Rock material-Fresh rocks at depths of 7-9 feet frequent outcrops.
	ONDO		Medium Grained Granites and Gneisses	Medium to fine texture, orange brown to brownish red fairly clayey soils overlying orange, Brown and red mottled clay. Fresh rock of depth 10 1/4ft occasional Rock outcrops.
	ITAGUNMODI		Amphibolite and related basic rocks	Fine textured brownish red very clayey soils with uniform profile in excess of 15feet except on step slopes.
	OKEMESI		Quartz- Schist and Gneisses	Very coarsely textured gravelly greyish brown to brown sandy soils.
	MAMU		Sericite Schist	Reddish brown fairly clayey soils.
	COMPLEX		Mixed meta- morphosed sediments	Varied soils derived from mixed metamorphic sedimentary rocks.
	JAGO	Seasonal high water table	Mainly Alluvium	Freely draining soils at low levels in the topography. Textures varied and colours usually pale.

(vii) Jago: Parent rock is alluvium, it is seasonally high water table varied texture and has pale colour.

Over 50% of the land in Ondo Division can be classified as poor. Much of the good soils however are still under forest. Tables 2.1 and 2.2 show the soil quality and land use in Ondo Division. Because of the frequent fluctuations in the divisional boundaries it must be noted that the area referred to as Ondo area here includes part of Idanre now in Akure Division and part of Okitipupa Division. However over 75% of the area still falls within the present Ondo Division.

Table 2.1 Soil quality analysis

Soil Quality	Ondo Area	% of total area
Good	13.9	14.4
Fairly Good	31.5	28.1
Poor	41.8	32.2
Very poor	12.8	25.3
Total	100	100

Source: Smythe and Montgomery: "Soils and Land Use in Central Western Nigeria." The Government of Western Nigeria, Ibadan 1962  
Figure 95.

Table 2.2 Land use and Soil quality relation in Ondo area

Land use	Good	Fairly Good	Poor	Very Poor	All Soils
Jococa	39.9	30.9	26.8	2.4	100
Farm land	18.4	28.9	45.2	7.5	100
Thicket	12.4	30.6	47.1	9.9	100
Forest	9.6	33.1	39.2	18.1	100
Total	13.7	31.7	41.8	12.8	100

Source: Smythe and Montgomery: "Soils and Land use in central Western Nigeria." The Government of Western Nigeria Ibadan, 1962. Figure 96.

2. Local administration:

There used to be elected councils in most of the district council areas in the West before 1966. As from ~~that~~ time, councils have been controlled from the State Capital. Few people are hand picked to help the Administrator chosen from the Ministry of Local Government. Before the army regime the districts were divided into wards. Each ward then sent in an elected man who always reported back to the elders in each ward. Nowadays apart from the amenities which the councils keep on maintaining, very few people know of their existence. The only time the general public



is directly made to be aware of their existence is during the collection of taxes, when council officials stay on the ways to villages to collect taxes. The existence of 'allen' Administrators has resulted in a lot of laxity and negligence of the duties associated with such an office. This has resulted in the deteriorating financial situation of most local councils. This is reflected in poor maintenance of local government services.

The local councils also maintain forest reserves but such reserves are now few and only some patches are left in Ondo district area. The councils can acquire land for their development projects, either by purchasing land from the owners or by persuading them to give up such lands. Since the advent of the army regime, the councils have ceased to represent the wishes of the people and can hardly take any decision which they know would greatly affect the lives of the citizens.

Even when councils were elected, the compound heads (usually elders in the family) and the council of Chiefs in the towns seemed to be more closely concerned with the citizens when we come to the question of the acquisition or inheritance of lands. For instance if and when there are disagreements about inheritance settlements, the compounds heads would try to intervene and settle matters. If they fail, they then go to the Chiefs who would hear the judgment of the compound heads and then after further deliberation advise the parties accordingly. In most cases, the citizens would agree with the Chiefs but if this is not so, they can go to court. But most customary courts would have some of their Chiefs and at the end

the courts would order them to go and reach a settlement at home before coming to court.

If it involves acquisition of the family land, then the family heads would also meet and discuss the issue. Usually, if they are meant for building market stalls or schools, then no compensation is required. If there are disputes, both the Chiefs in Council and the courts can settle this.

The courts in the Division range from the customary grade C to the High Court of justice. The courts play a lot of important roles in cases involving inheritance rights on land. The compound heads and the Chiefs can only advise and cannot compel a person to accept a given judgment. But the courts' orders have the force of law and anyone who disobeys the orders of the courts breaks certain laws over which he can be punished. This has made it possible for the courts to order someone to abandon a property or land when no clear titles can be ascertained, until such time as all facts of the case are made known to the court. At times the court can order someone to remove his crops from a farm immediately, whether it is harvest time or not. Despite all these powers wielded by the courts, most people prefer not to go to courts. Those who go, only do so after other avenues of seeking redress have been explored.

It would be seen therefore, that the councils had power and were respected when they were elected by the people and staffed by the citizens from that particular area, but that the councils of chiefs and the compound heads are nearer to the people in most day to day affairs of the areas.

That people would **only** go to courts to seek redress only when other forms of peaceful negotiations have broken down, or when someone feels that he has not received enough justice from the Elders.

3. Occupation:

Like the Western State of which Ondo Division is a part, the Division is **predominantly** an-agricultural area and most of the inhabitants are farmers. These farmers engage primarily in the production of cash crops such as cocoa and palm products. Very few people plant food crops and the few planted now are mostly inside cocoa farms.

This specialisation in the production of cash crops has made it necessary for trade to take place between the Ondos and other parts of the country. There are therefore traders of farm products and industrial goods.

The women traders deal in **yams**, beans, gari, and rice. They form themselves into different associations. No one is expected to engage in any of the trades except she joins one of the associations. Most of the women also have taken the advantage of the new Ondo - Ore - Ijebu-Ode - Lagos road to trade in foodstuffs in Lagos and other big towns. In recent years **this** trade (coupled with population rise) has created local shortages of foodstuffs in Ondo Division.

There are a lot of office workers, but most of them are employed by the local councils. Some of these people are also traders as well as farmers. It is this category of people we shall refer to as part-time or non-farmers.

Lumbering and Sawmilling are also occupations which the vegetation of the area supports. Most of the timber resources are used locally and there are many sawmills all over the Division.

Most people also go into transportation because of the need to evacuate the produce to the port of Lagos. The good roads recently constructed have given much importance to the Division and this has encouraged the buying of more lorries which now carry goods to Lagos and other parts of the country. Generally, it should be stressed that most of the people in Ondo Division are farmers and they derive the bulk of other revenue by working on the land.

B. Justification for the Choice of Study area

We have noted earlier the relationship between land inheritance and the requisites for agricultural development. This should provide enough reasons for one to embark on the study of land inheritance in order to alleviate its possible bad effects on agricultural productivity.

The Division is a major cocoa producing area and cocoa is the main revenue earner for the Western State, being responsible for between 60% and 70% of the State's economy. This has led to the Government's efforts in regard to cocoa rehabilitation in recent years. Therefore, if the Government is going to spend such a huge amount of money on replanting cocoa, then she has rights to prevent or discourage any form of inheritance process that would not allow the farmers realise the maximum output envisaged by the Government.

More important is the produce sales tax of £4 in the ton which the government imposes on cocoa. Over years the taxes have been increasing gradually. Table 2.3 shows the value of the sales tax from 1961 - 69. More important is the export duty on cocoa. The value of this crop to Western State can only be visualised by examining these revenues as a percentage of Government revenues from 1954 - 1966. This is also shown on Table 2.4.

Table 2.3 Produce Sales Tax on Cocoa 1961/62 - 1968/69

Year	Tonnage bought by Marketing Board	Producer Price	Producer Revenue	Sales Tax at £4 per ton	Sales Tax as % of Producer Revenue
		£			
1961/62	186,027	100	18,602,700	744,108	4.00
1962/63	170,602	105	17,913,210	682,408	3.81
1963/64	202,712	110	22,298,320	807,084	3.67
1964/65	274,466	120	32,933,520	1,097,716	3.33
1965/66	167,346	65	10,877,490	669,384	6.15
1966/67	245,661	90	22,119,390	982,644	4.44
1967/68	224,781	95	21,354,195	899,124	4.21
1968/69	176,630	100	17,663,000	706,520	4.00

Source: Calculated from figures obtained from Western Nigeria Marketing Board Report, March 1970.

Table 2.4 Cocoa export duty, produce sales tax and percentage

Share of the revenue of Western Nigeria

Year	Export Duty (in £'000)	Produce Sales Tax (in £'000)	Total Direct from cocoa (in £'000)	Total Government Revenue (in £'000)	Cocoa Taxes as % of Total Revenue
1954	11,466.0	393.3	11,859.3	13,718	86.5
1955	5,569.8	325.0	5,894.8	14,381.0	40.9
1956	3,844.8	437.0	4,281.8	15,522.0	27.6
1957	3,223.0	570.5	3,733.9	15,636.0	23.9
1958	4,153.3	294.6	4,447.9	16,647.6	26.7
1959	7,504.5	526.0	8,030.5	19,681.0	40.8
1960	5,484.6	585.4	6,070.0	20,552.0	29.5
1961	3,998.5	727.7	4,666.2	23,920.0	19.5
1962	3,198.1	744.5	3,942.6	24,446.0	16.1
1963	29,122.2	697.1	3,609.3	20,404.0	17.7
1964	5,280.0	840.1	6,120.1	20,872.0	29.3
1965	4,012.2	1,088.6	5,100.8	22,394.0	22.8
1966	2,289.4	722.2	3,011.6	23,094.0	13.1

Source: Table 1: 3 in Oni, S. A. "An econometric analysis of the provincial and aggregate supply response among Western Nigeria Cocoa Farmers. "Unpublished Ph. D. Thesis." University of Ibadan, June 1971.

Ondo Division is one of the major producing centres of cocoa in Western State and together with Ekiti Divisions ranks as the major producer of cocoa<sup>4</sup>. In 1968/69 buying season - (the only year in which Divisional purchases were analysed) Ondo division produced 19,967 tons for the State. This is around 11.3% of the total purchases for the year<sup>5</sup>.

Moreover, the Division and other major producing areas are estimated to have annual revenue of upwards of £70 compared to say Oyo which has around £10<sup>6</sup>. A recent survey which gave figures for provinces showed that Ondo Province in 1970, the average receipts was about £239 and Oyo £66<sup>7</sup>. The study could throw more light on the adjustments of institutions like land inheritance to the modern methods of production.

Finally, there are ample evidences to show that the Division is threatened with acute land shortage and with rising population. One of such evidences is the boundary disputes on all sides of the Division. There is the one between the Ondos and the Ikaes towards Okitipupa

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4. Adegboye R. O. "Procuring loans through pledging of cocoa trees." Journal of Geographical Association of Nigeria. Vol. 12, Nos. 1 & 2, December 1969, p. 64.
  5. Western Nigeria Marketing Board Report, March 1970.
  6. Buchanam, K.M. and Pugh, J.C. Land and People in Nigeria, University of London Press, 1955, p. 23.
  7. Oni, S. A. "Unpublished Ph. D. thesis." University of Ibadan, June 1971.

Division. There is the one between the Ondos and Akure Division and finally between the Ondos and the Ijeshas. It is assumed that if everyone had enough land to till, no one would bother to fight on any land.

The fact that the Division specialises in cash - crop production and hence an 'importer' of food, the fact that there are various land disputes between the Division and other Divisions in Western State, and the fact that the Division is responsible for a large share of the government revenue in Western State, had made it an area worthy of study.

### C. Methodology

The study involved visits to the villages shown on Table 2.5.

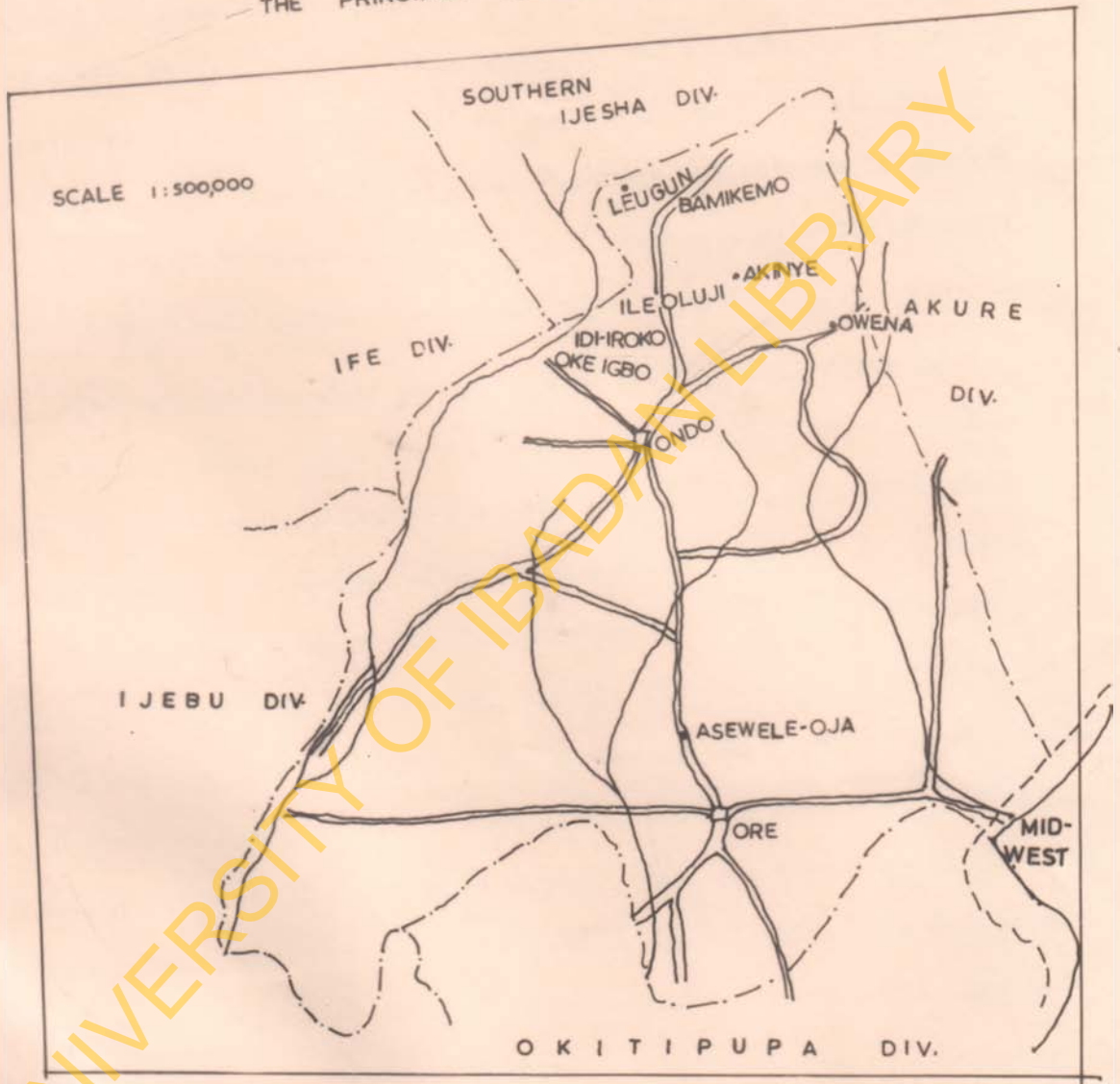
Table 2.5 Area of Study and distribution of Respondents

Principal areas	No of villages	No of respondents	Districts in which villages are situated
Leugun	3	100	ILE-OLUJI
Akinye	3	60	"
Bamikemo	7	130	"
Asewele Oja	3	51	ONDO
Owena	7	189	"
Idiroko	4	70	OKEIGBO
TOTAL	17	600	



FIGURE III

MAP OF ONDO DIVISION SHOWING  
THE PRINCIPAL VILLAGES VISITED.



KEY

- |                     |       |
|---------------------|-------|
| DIVISIONAL BOUNDARY | ----- |
| STATE BOUNDARY      | ..... |
| RIVERS              | ~~~~~ |
| ROADS               | ===== |

Figure III shows the villages visited in Ondo Division. The villages were selected because of their special characteristics vis - a vis the others. Akinye in Ile - Oluji District and Asewele Oja in Ondo District are principally 'native' villages with very few stranger elements. Leugun also in Ile - Oluji District and Idiroko in Okeigbo contain a lot of strangers. Bamikemo and Owena are situated on major roads and have both elements in almost equal proportion.

Lists of farmers were obtained from the Division Office of Agriculture at Ondo. Data for the study were obtained from a random sample of 600 farmers selected from the chosen villages. Most of the farmers chosen were designated by the Division Office of Agriculture as 'progressive'. Most of the farmers have got long contacts with extension workers from the Western Nigeria Ministry of Agriculture and Natural Resources. In addition to a choice of 600 farmers as the sample population, we had to obtain a sub-list of farmers from co-operative Marketing Unions in the chosen villages. This was necessary in the case of farmers who refused to be interviewed. Their refusal was due to the very fact that they were 'tired' of answering questions which they knew would not bring them immediate results.

The technique used in collecting the data involved the use of pre-coded questionnaire. Since it touched the personal lives of the farmers, questions were included that touched almost all their daily activities. These questions are designed to find out how the system of land

inheritance has affected the farmer's decision making process and most of his economic activities. Such questions cover important topical points such as:

- (a) The ability of the farmer to obtain credits from some named institutions and what the credits are used for.
- (b) Problems facing the farmer in trying to improve his farming.
- (c) How important is land to him and how easy it is for him to obtain additional land within and outside his own village.
- (d) How he would treat the different categories of children in dividing his assets by will.
- (e) What he feels about the future needs of lands in his area.
- (f) What he feels the Government should do to solve some of the difficulties that may arise under inheritance process.

There were two pre-test visits to the selected villages. One was in December 1970 and the other in March 1971. The first involved testing to see whether our questions have been framed very well. After the first tests, some 'begging' questions were dropped and others were included. The reframed questions were also tested by March 1971. The two visits also provided opportunities to know the locations of the villages and to inform the Head Chiefs about the intended study.

The actual survey started in June 1971. The Head Chief of every village was again informed. In most of the cases, meetings of farmers were called and I was called to address them. Questions were then put by some of them and after satisfying themselves that my study was likely to benefit them, I was allowed to proceed with my interview.

As much as possible, interviews were in private as we did not want the answers of a farmer, to influence answers given by other farmers.

D. Limitations of data collected.

There are a lot of limitations on the data collected. Most of them are unavoidable. For instance the Divisional office of Agriculture is expected to know the size of holdings in the Division, but nothing has been done in this regard. So also the land use pattern as of today. Some of these limitations are as follows:-

- (1) The farmers measured the lands cultivated in monetary terms. Nine pence is said to be equivalent of an acre. This is around 3,000 heaps. This method has long been used in most rural surveys in Nigeria. The limitations on the acreage of cultivated land obtained from this calculation is that such calculation does not take into account how far apart the heaps are and how big they are. If the heaps were made by hired labourers, heaps tend to be smaller and near to each other. Whereas, if made by the farmer himself, they tend to be bigger and far apart. The appropriate thing to do to correctly estimate acres

per person, would be to make actual surveys. But this has not been done due to the shortage of time, funds and personnel.

- (2) At times, the farmers exaggerated the acres they had and at times, they underestimated them. They exaggerated if they feel that it gives them an edge over others in obtaining a loan. They underestimated, if other farmers are around or if they feel that it might be a way of knowing the extent of their property in order to tax them. So there was no way of knowing the actual acreages cultivated by each farmer.
- (3) There tended to be a lot of variations in answers given by respondents as most of them are mainly first and second generation owners.
- (4) The existence of large number of strangers, also adds to the variability in the answers given. The strangers when asked what is the inheritance practice here, usually started (nile) i.e. at home. He then described the situation in his home town. If pressed further to give the situation here, would merely say 'I am a stranger here'. To have eliminated them altogether would have brought some bias in the sample.
- (5) The tendency to concentrate the survey on farmers who are 'progressive' invariably tends to leave out those farmers who should be brought to limelight as regards land use practices.

But this step was unavoidably taken as it was easy to derive information from the people who had had contacts with the extension workers.

E. Summary

We have tried in this chapter to consider the setting and methodology of the study. We considered the environmental setting where we noted the physiography of the place; the climate, vegetation, and soil formation. We also noted the local administration as it actually concerns the acquisition of lands and settling of inheritance problems. We also considered the occupation of the people and came to the conclusion that a great majority of people in Ondo Division derive their livelihood from agriculture. We also set down reasons for choosing Ondo Division for a case study. We then considered the methodology employed in the study, the types of data collected and the limitations of the data.

## CHAPTER III

### LAND INHERITANCE IN THEORY AND PRACTICE

#### I. The Meaning and Scope of inheritance

Sometimes one hears a remark like this:-

"This boy has inherited his behaviours from his father." This means that the boy behaves in a way similar to his father's. It does not involve taking control after death. He merely derives some qualities from his father. This is the literary meaning of inheritance. However, in land economics, when we mention 'inheritance', three things come to the mind; (a) Death must have occurred (b) There must be a property or office to which one must succeed (c) There must be the possibility of selecting an individual who shall be the heir. Hence inheritance has been defined as "the change of ownership which occurs at a death in consequence thereof."<sup>1</sup> Land inheritance can therefore be defined as inter-generation transfer of land resources. It is to be noted that there may be different systems of land inheritance between countries and even within countries, but by and large,

"the rules are in a general way, very similar in all parts of the world. Everywhere a man's property is taken by his nearest relatives. Most systems of inheritance give some preference to males and relatives through males over females. The differences which we

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1. Markby William Sir : An introduction to Hindu and Mohammedan Law:  
Oxford at the Clarendon Press 1906, pg. 53.

find mainly depend upon three considerations

- (1) The degree to which this preference is carried,
- (2) The mode in which distance of kinship is reckoned,
- (3) The extent to which primogeniture is considered"<sup>2</sup>

Land inheritance as an aspect of the general tenurial problem is unique for certain reasons. For instance, the problems associated with farm tenancy can be avoided just by having no tenants; by good farm management, or by providing such an atmosphere as will give the tenants security to put in their best in the use of land resources. In the same way, the problems of confiscation, exploitation and misuse of land resources associated with mortgaging and pledging can be avoided by the farmer having foresight and thereby saving for rainy days, or the government providing working capital to farmers during the planting season and thereby saving them the problems of borrowing. But inheritance problems must occur as long as people die. Like others, these problems can be minimised but with much difficulty. For instance wills when made, can mitigate some of these problems, but most people in developing nations are illiterates and usually do not bother to make wills. Even when these are made, lawyers can so manipulate them that the original intention of the owner might be misinterpreted. Lawyers could argue that the wills were not made in good mind and hence invalid. It is therefore clear that

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2. Markby William op. cit. pp. 57.



land inheritance is the most difficult aspect of tenurial problems to deal with. One could in fact say that it is the most sensitive arm of land tenure. Except rapid alterations occur, inheritance has to deal with the past, the present and the future. Hence the indication given that land belongs to, "a vast majority of which many are dead, few are living and countless numbers are still unborn"<sup>3</sup>. Some consciousness are required in dealing with the subject. For instance Ward-Price observed that:

"a strong deterrent against parting with land outright was the deep-rooted instinct to preserve as much as possible for the children and remoter descendants. The greater desire was to have a large progeny, and a man might have an uneasy death-bed if he knew that he had robbed them of inheritance they might have enjoyed but for his selfishness. Each land holder had a consciousness that the land he had tilled, had been tilled, may be for hundred of years, by men of the same blood and there was an urge within him to allow the inheritance to continue"<sup>4</sup>.

Parents often do not like to discuss with their prospective heirs and usually they prefer to leave such arrangements until very late in their lives. Children also generally do not bother to ask their parents what plans they have for them (the children) since they do not want to look "grabby". This situation has led Barlowe to remark that "though most people agree that the problem of how property is transferred and who receives it deserves careful consideration, but unfortunately, the

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3. Oluwasanmi, H. A. : Agriculture and Nigerian Economic Development; Ibadan Oxford University Press, p. 26.

4. Quoted by Oluwasanmi, H. A. op. cit. pp. 26 - 27.

subject is not one that we discuss freely at the break-fast table"<sup>5</sup>

It is generally recognised that much problems of litigation and family quarrels can reasonably be avoided if parents discuss with prospective heirs about their rights and limitations. This would enable each heir to know what he should expect later in life. But whether the parents do this or not, the objectives which any form of farm transfers should seek to accomplish include the following:<sup>6, 7, 8</sup>

- (1) Keep the farm within the family
- (2) Maintain continuity in farming between generations without dispersing the herds, flocks, and land improvement built up over a lifetime.
- (3) Minimising the cost, time and trouble involved in estate settlements.
- (4) Indicate to prospective heirs what to expect early in life so they can plan their lives accordingly.
- (5) Reward certain children for special favours or contributions for parents' welfare or to improvements of the farm.

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5. Raleigh Barlowe: Land Resource Economics, Prentice - Hall Inc. Englewood Cliffs. N.J. 1963 p. 389.
  6. Raleigh Barlowe op. cit. pp. 399.
  7. Timmons, J. F. and O'Byrne, J.C. "Transferring farm property within families in Iowa.", Iowa State College Research Bulletin, February 1953, p. 156.
  8. Parsons, K. H., Waples, E.O. "Keeping the farm in the family." Research Bulletin 157, Univ. of Wisconsin, September 1945, p. 11

- (6) Securing fair treatment of the heirs
- (7) Safeguarding the security of the parents

It may not be possible to achieve all the objectives under a given situation. But as much as possible, a good system of farm transfers should seek to accomplish most of these objectives. Some objectives might be difficult to achieve. One of such is to pass a farmland to a person. This needs not be so. There can be a joint-ownership without actually working for a physical division of the property. Otherwise the single heir can pay cash to other heirs.

Again it might be difficult to have equitable shares for every heir. For instance a son might have helped his father in improving the farm, while others might have been started on a business or helped to obtain education. All these categories should have different treatments.

In the final analysis "the property owner should attempt to work out an inheritance arrangement that will permit complete economic unit to pass on as a going concern."<sup>9</sup>

There are three possible choices open to a property owner in distributing his property among the family.

- (1) He can plan transfers by will,
- (2) He can plan transfers effective prior to death,
- (3) He may decide to do nothing and allow the laws<sup>10</sup> of descent to distribute his property.

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9. Raleigh Barlowe op. cit. pp. 399

10. Timmons, J. F. and O'Byrne, J. C. op. cit. p. 157.

## II. Various forms of inheritance

### A. Legal aspects of inheritance

The courts of law have always exercised a lot of influence on inheritance process even when customary rules of inheritance might have been involved. There are at least four major ways in which we can look at the legal aspects of inheritance.

- (a) The courts interpret customary laws of inheritance usually basing judgement on precedents. But often the courts would give judgement in regard to what they feel are the normal course of justice. One of such cases was considered by Elias.

"One Suberu died intestate leaving him surviving nine children by four wives married according to Yoruba customary law. There were also a number of grand-children. On appeal to the Federal Supreme Court, it was held (a) that distribution should not be among all the nine children per capita, but into four shares per stirpes according to the number of wives; (b) that this mode of division is still the universal principle in Yorubaland (c) the family head had a final discretion to order that the per capita method should be followed rather than per stirpes method, (d) that the per capita method was a relatively modern innovation; and (e) that the per stirpes method is not contrary to natural justice, equity and good conscience."<sup>11</sup>

- (b) The courts probate wills. Even when a will is left, it is not valid until it is probated. "A probated will can be shown in any court as the basis of rights to property, but an unprobated will has no legal standing."

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11. Elias, T. O. : Nigerian Land Law and Custom: Routledge and Kegan Paul, 1962, pp. 253 - 4.

"Until a will is probated technically, the title to real property is considered to be in the heirs - at - land of the decendant, and not in the persons named in the will."<sup>12</sup>

- (c) Even if a man dies intestate the surviving wife or relatives must appeal to the court to Choose an administrator. Such an administrator then gets an official letter from the court after he has taken an oath to carry out the administration of the Estate according to law.
- (d) If the marriage is under a Marriage Ordinance or under English law, then inheritance must follow the procedures laid down in such an ordinance or law. However, the court would still maintain that even when anybody is subject to these laws and ordinances, they are only effective in relation to personal property. For instance, if a man married under the marriage ordinance, his sons can only inherit his personal property. They cannot inherit common land or lineage land. If they inherit such, it is just because they are entitled to such under customary law and not because their father married under the marriage ordinance.

B. Religious aspects of inheritance.

- (a) It should be noted that religion also plays some part in the distribution of property after death. In this regard, we would

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12. Timmons et al op. cit. pp. 166

only consider two religious groups present in Nigeria. They are the christians and the mohammedans. There are various branches of the christian religion but one of them - 'The Jehovah Witnesses' say it is against their religion to inherit the property of a dead man. They are few and it has not been possible to ascertain the validity of their claim. However, the other one is marriage by christian rites. Most people who do this also expect their property to be distributed according to the English law. "Marriage according to christian rites has become increasingly common in certain areas of Nigeria and in these areas, it is now recognized that such marriages do not remove the parties from the operation of the local customary law"<sup>13</sup>

(b) Mohammedanism: There are a lot of rules governing inheritance in muslim societies. Most of these are laid down in ~~the~~ Koran (i) There is no primogeniture in the mohammedan law of inheritance; all sons take equally (ii) There is the preference of the male sex, a male as a rule taking twice as much as two females, if he does not exclude her altogether. (iii) Whosoever is related to the deceased through any person cannot inherit anything whilst that person is living. (iv) There is no right of representation in Mohammedan Law of inheritance (v) If there are several people who are entitled to inherit, inheritance goes by per capita and not per stirpes.<sup>14</sup>

There are at least three impediments to inheritance under Mohammedan

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13. Meek, C. K. "Land Tenure and Land Administration in Nigeria and the Cameroons", London: Her Majesty's Stationery Office, 1957 pg. 185.

14. Markby William op. cit. pp. 124.

law: (i) that the claimant is a slave (ii) that he is not of a Mohammedan faith (iii) that he himself caused the death of the deceased. A Mohammedan can dispose of his property by will but whatever is given out by will must be given to a stranger. A second limitation is that he cannot dispose more than one third of the whole of his estate after paying his debt.<sup>15</sup>

(c) Socio-cultural aspects of inheritance: The type and manner of inheritance patterns in a particular place would depend to a large measure on the social and cultural set up of that particular community. This is why one cannot make generalisations when one is considering inheritance pattern in a particular place. In some areas, it might be that much importance is given to the male line and in other, the female line. In such situations the societies which follow the male line would be said to be practising patrilineal principle and the other matrilineal (such as among the Gure and Hill tribes of Northern Nigeria). This would then determine how property can be transferred in such societies.

(d) Alternative arrangement of transferring property: As remarked earlier, there are many ways in which a father can transfer his ownership rights to his heirs which would be effective prior death.

(a) SALE: If the father wants to retire, he can sell the property at the current market price or at lesser value which has an element of gift. He can also sell to non-relatives at the highest price possible.

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Whomsoever buys it, the whole farm is passed on as a going concern. If the child has money, he could pay in full at once or he can mortgage the farm. Sometimes, the money realised from the sale might not be for the parents. It might be for compensating the children who would be deprived of their inheritance. When sale is made either to a son or a non-relative, it has the advantage of keeping the farm as a going concern. That is, such farms are free from fragmentation which might have occurred after the death of owner. Secondly, it enables the child to start early on the farm business when he would have the advice of his parents. Money which is borrowed and paid over a long time, saves the son from selling part of the land to pay other claimants if he were to be the owner eventually.

The only disadvantage of course, is that the parents may not leave enough for their maintenance, in which case the son might be called to take care of the parents until after their death most especially, if such sales involve some elements of gift.

(b) Joint tenancy: The father can also arrange for a joint-tenancy whereby the property can be jointly owned. This could be between the father, his sons and wife. This would be a form of joint-ownership with rights of survivorship. In which case, if there are two people involved in this arrangement, if one of them should die, the ownership, passes to the partner by rights of survivorship. The advantage of this also is that the farms are passed on to the next survivor undivided. But when there is a joint ownership one automatically loses his exclusive rights over his



property. He cannot sell or give out any portion of it while the joint-tenant lives. Again when one has a lot of heirs who should benefit from one's property, such a system would be quite unsuitable.

(c) Gift inter-vivos: Another form of transfer is by means of gift inter vivos. If it is an outright gift, the donor has no further right or interest in the property and he cannot get it back.

It may be a 'gift' on condition. In which case, the gift can only be effective when certain conditions are ~~not~~ fulfilled, the ownership reverts to the donor. There are some advantages in giving out one's property as gifts. In the first place, it precludes the payment of death duties and other legal charges involved in probating a will. Secondly, the receiver is able to make an earlier start on his job and moreover, is able to have the advice of the older generation.

(d) Will: If a father wants to enjoy the full benefits of his property until his death, he could do so, by making a will which becomes effective after his death. "A will is a written document in which a person states what he desires to be done with his property after his death."<sup>16</sup> Anyone can make a will, but to be valid it must not be a death-bed will, it must be written in ink and signed by two witnesses. Anyone who makes a will is called a "testator." If he dies leaving a will he is said to have died "testate", whereas, anyone who dies without a will is said to have died "intestate." The advantage of a will is that, it

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16. Timmons, et al op. cit. pp. 176

allows the maker to enjoy his property until his death and allows him to divide his property among his heirs in a manner in which he wants. The disadvantage is that there might be a long time before the will is finally accepted. And in some cases, the courts can reject a will if the pattern of arrangement is contrary to what is in the statute law. For instance, if a man transfers a property which is for the lineage or which is no longer his, it would be declared void.

(e) Laws of descent distribution: If a man dies without a will, his property would be divided according to the laws of descent. Usually, a third of the property would go to the wife or husband and the others to the children. If the property owner dies without a spouse, the entire property goes to his children and if there are no children, to the parents, then brothers, sisters and other legal heirs. The laws of descent are not the same everywhere. Usually, of course, the laws might give a property of a dead man to a relation he never knew or whom he would never have included in a will. Therefore, it is better to make a will if one can write one, instead of leaving one's estate to be settled according to the laws of descent.

(f) Nuncupative wills: These are oral wills made in anticipation of death and in the presence of disinterested persons. Usually, the disadvantage is that the man who is near at that time, might have some vested interests and so might change the aims of the propositus.

### III. Relationship between land tenure and land inheritance

It is not completely valid to discuss inheritance without mentioning the general tenurial situation,

"because of the pluralistic tendency of social norms and concepts, especially in the matter of land usage, there is a constant interplay between tenure and inheritance. In such a situation there is bound to be a measure of overlapping in stating the principles of either"<sup>17</sup>

The following relationship would therefore be found to be true of inheritance and tenure:

- (1) Land inheritance is an aspect of land tenure. In fact, the law of succession is said to be one of the more intractable branches of customary law.<sup>18</sup> Therefore, an understanding of the tenurial situation is a pre-requisite for understanding land inheritance problems.
- (2) The use to which a piece of land can be put is prescribed by the land tenure arrangements operating in that society. This in the long run would affect how such lands could be transferred. For instance, in Nigeria, the tenurial situation frowns at any group planting tree crops on family land, because it is assumed that whenever a man cultivates part of the family land, such a land should return to the family. Whereas, the one that permits someone to utilise

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17. Elias, T.O. Nigeria Land Law and Custom: 3rd Edition. London Routledge and Regan Paul Limited, 1962, p. 228.

18. Misfund, F.M. Customary Land Law in Africa. FAO, Rome 1966; pg.75

the land as he wishes envisages that such land can be inherited by one's heirs.

- (3) The land tenure situation also prescribes the various ways by which a person can acquire ownership of a piece of land. The way one comes by a property would also determine how that property can be transferred, either through written wills, nuncupative wills or by gift-in-*inter vivos*.
- (4) Finally, before a property can be transferred, there must develop an implicit assumption of lawful ownership which both parties must agree with. It is the land tenure arrangement which prescribes the methods by which one can claim ownership over a piece of land, and it also prescribes the rights and limitations of an individual in the use and disposal of such a land.<sup>19</sup>

#### IV. Evaluation of inheritance forms on Cultivation.

##### A. Fragmentation of Holdings.

"Fragmentation means the division of an area of a single farm into a number of different parcels."<sup>20</sup> A man may own so many plots small and uneconomic and not contiguous to each other. Excessive fragmentation may be due to the congestion of the rural population

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19. Adegboye, R. O. Improving Land Use in Nigeria through Removing Defects in Land Inheritance. Unpublished Ph. D. thesis. Iowa State University
  20. United Nations: "Progress in Land Reform" Department of Economic Affairs, New York, 1954, pg. 194.

and with the operation of laws of inheritance which prescribes division of property among surviving relatives according to fixed rules. Fragmentation of holdings may be found under any form of tenure but are most common in over-populated areas, cultivated by peasant owners where the rules of succession demand division of land.

Fragmentation of land has a lot of disadvantages such as difficulties in cultivation and the inherent high cost of production. (i) Sometimes, supervision of labour may become more expensive (ii) A lot of time may be wasted when going from one plot to another. (iii) One may not be able to make experiments which one's neighbours distrust (iv) Use of machinery is more difficult and uneconomical (v) As far as fragmentation of holding is concerned, a change in the laws of inheritance may prove an effective measure but such measures may be difficult to introduce. However, the measures are likely to be accepted if there is co-operation among farmers. Usually, measures of consolidation would be successful where farmers have a tradition of co-operation. Sometimes, the Government can use compulsion on situations where a majority of the farmers have agreed on some of the principles.

#### B. Capitalization and Scale

Modernisation of agriculture requires that a lot of capital be

injected into it. When there is fragmentation of holdings, the use of heavy capital is not profitable and as such the scale of farming operation is going to be small and sometimes uneconomical. Commercialisation of agriculture, becomes difficult and the farmer might continue production in the subsistence way to the detriment of agricultural development.

### C. Absentee Landlordism

One of the characteristics of most inheritance patterns is the division of property among children whether or not the children are interested in farming. Some of the children might have got paid jobs in the cities and they have no urge to make use of the lands they might have acquired through inheritance. The next logical step is for them to employ tenants on the farms while they remain in the cities. The disadvantages of such a situation are very clear. The landlord leaves the farming operation to the tenants whose planning horizons might be short. The landlord does not worry how much comes from the land most especially when incomes from the farms might be secondary to his main income. Therefore, the maximum output cannot be realised from the land and no significant improvement would be introduced by the tenants and such lands would definitely degenerate over years. This clearly shows that any form of inheritance which aims at transferring farms to children should ascertain the interest of such children in farming.

D. Population and Food Production

The inheritance problems are worsened by rapid population growth and demand for food. Fragmentation of holdings is said to be common mostly where there is a growing population, since the growing population has to be absorbed on the land, most especially when opportunities for employment outside agriculture is very small. This situation is in turn worsened by the inheritance process which aids the division of land among children. The end result is the small scale of agriculture and the predominance of subsistence agriculture. This situation leads to the shortage of marketable surplus of food in these areas where they operate. This also in turn leads to the situation where increasing income derived from economic development would have to be spent on buying of food, or importing food from abroad.

E. Job opportunities and Employment

In areas where inheritance patterns favour division of land, there is practically an absence of large scale farms. In fact, consolidation of holdings with a view to practising commercial agriculture is difficult to achieve and as such the farming operation remains small. Whereas, if there have been large scale farms there would have developed job opportunities for people either during cultivation, harvesting or marketing. This would of course, solve some of the unemployment problems which face the nation.

Therefore, the inheritance patterns which divide lands into uneconomic holdings do not provide job opportunities for the rural people since

It is usually uneconomical to employ paid labour on relatively small farms. As a result, the farming system does not provide any avenue for solving some of the employment problems which engulf the national economy.

F. Gravity of Reforms

The analysed situations in this section clearly demonstrate the need for immediate reforms of land inheritance patterns whenever the principal objective of the process is to divide land among many children.

For instance, we noted the disadvantages of fragmentation of holdings, the small and uneconomic **scale** of operations, the presence of absentee landlords, the problem of population growth and increasing demand for food. Finally, we considered the effects of the inheritance process on job opportunities. All these clearly demonstrate that if we have to modernise agriculture, we have to look for ways and means of removing all these defects or at least modify them. Some of them might be difficult to achieve but efforts must be made either through persuasion or compulsion to remove some of the defects as steps towards achieving effective agricultural development.

V. Case Studies of inheritance problems

A. NETHERLANDS

Netherlands faces land shortage and in recent years, huge amount of capital had been expended in reclaiming lands to provide farming lands for the increasing population.

Netherlands being one of the catholic countries pays little attention to birth control measures and hence have large families. This **situation**



coupled with the fact that each heir takes an equal portion of each estate during division of property makes the case of Netherlands similar to the problems faced by most developing nations. This principle of equal partition among all heirs has made a simple division of land impossible as each child would want parcels in each of the zones of farms owned by his father. Therefore in most cases parcels are said to be long and narrow and a heir might have no other access to his farms except he passes through his neighbour's farms.

It seems therefore, that to prevent fragmentation, there should be a review of the inheritance laws but it seems that policy makers on agricultural development have not bothered to make any changes in this process. "This is probably due to the fact that the laws governing inheritance are deeply embedded in the habits and customs of the people. It will be difficult indeed to change these laws as religious sentiments are involved."<sup>21</sup>

In fact, it has been suggested that changes in inheritance laws may not affect fragmentation as increasing population continuously leads to sub-division of land.

#### Suggestions for reforms

- (1) Consolidation of holdings was to be encouraged. Before 1920 consolidation could only be effected through the consent of those concerned. But nowadays the government has been

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21. Parsons, K. H. et al. (Ed) "Proceedings of the international Conference on Land Tenure and related problems in World Agriculture." Land Tenure, University of Wisconsin, 1963, pg. 566.

keenly interested in arresting fragmentation. The government bears about 70% of the cost of such consolidation efforts.

- (2) Consolidation was to be accompanied by general improvement to the land. Such as reclamation, eradicating all property boundaries and maintaining water levels.
- (3) The introduction of education which would make farmers realise that holdings cannot be divided into small uneconomic sizes without endangering the standard of living of farmers.
- (4) That children should be encouraged to pursue education which will enable them have employment in non-agricultural industries.
- (5) As a result of the above, every effort should be made to step up the process of industrialisation.
- (6) That there should be a substantial reduction of death duties which are now very high. This would have the effect of keeping the farms undivided if passed to one son.
- (7) Demonstration farms should be established by the extension service in areas where consolidation had been carried out.
- (8) Attention should be paid to credit facilities. For consolidation makes it possible to use machinery.
- (9) Co-operation among farmers should be stimulated.

#### B. CHILE

Chile is one of the Latin American countries whose population growth rate is very high. She has a population of about 6 million people of

which 34% are farmers. The problems of agrarian reform in most Latin American countries are tied up with politics, since a few people own very large farms (Latifundia) and the majority own small farms (Minifundia). Most owners of the latifundias invariably determine the political life of these countries. Therefore the problem of inheritance is not as pronounced in Latin American countries as in other developing nations.

For instance, in the attempt at evaluating the progress of land reform in the world, the United Nations sent requests to all countries to report on the progress of land reform in their countries. The report remarked that "in general Latin American countries pay no attention to the problem of consolidation of farm units and preventing fragmentation of holdings without indicating that this problem does not exist." <sup>20</sup> pg. 199.

It is remarked that the small farms do not exist because of shortage of land but because there have been unequal distributions of land.

However, the inheritance process in Chile is said to be facilitating the breaking up of the latifundia. The same inheritance process also tends to break farms of economic size into tracts that are too small to be economical.

The solution that has been suggested, is that there should be a good management of farms.

C. CEYLON

Ceylon is one of the developing nations of Asia. Despite various programmes of industrial development, the country still depends on agriculture for her economic development. She is of course, faced with the problem of food shortage. She has to import food from Burma and she produces only for subsistence and she has little or nothing as surplus. The food shortage can be traced to her rising population and the insufficient land for the production of agricultural products. Ceylon has a population of 10 million people (1960 census) with over 80% in agriculture. But she has only 3.8 million acres of arable land.

The colonisation of Ceylon saw the introduction of plantation system of agriculture. This mechanised form of farming could not absorb the growing population and there was a sort of 'land hunger.' Moreover, the social amenities which accompanied plantation agriculture like hospitals, schools, affected only those in the maritime region and did not touch the large peasants in the dry zone. All potential lands for increased food production have been taken up by plantations.

Before the advent of the plantation in Ceylon, there were both communal and individual ownership of agricultural land. To this, was superimposed a form of feudalistic system which required the payment of some dues. So long as the dues were paid, the agrarian community were not disturbed. But the introduction of the money

economy pushed the peasants to the world economy and their lands were turned over to plantation agriculture. The peasants in Ceylon became paid labourers, a situation which led to agitations for independence. Immediately independence was won, the Government wanted to accomplish many things at a time. "Emerging from the domination of plantation economy, she sought to restore to its peasants its inalienable right to the land. The basic theme underlying all programmes were reforms and increase in productivity to support a rapidly increasing population."<sup>22</sup>

In ancient Ceylon, anyone who cultivated a virgin land and made use of it could claim ownership over such a land. There were also laws relating to inheritance and the right of individuals. Those who owned land could pass such land to their heirs after death, through inheritance. All lands not cultivated belonged to the crown.

Fragmentation: Since 1930 population had been increasing at 2% per annum in Ceylon. Yet, there is no increase in the arable land. Hence, the ultimate result was the fragmentation of the available land to enable the increasing population to be absorbed on the land. Moreover, the system of inheritance also aided the fragmentation of holdings, for there was nothing like primogeniture (inheritance by the first son). The land was then divided into uneconomic units. There was extreme fragmentation "such as 1/360th of an acre of paddy land ownership and 1/112nd of an acre of

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22. George Thambyaphilly: "Land reform in Ceylon, the historical and economic perspective." Land Reform in Developing Countries. Ed. by Brown Lin. University of Hartford, U. S. A. 1967, pg. 170.

highland ownership. The ratio of sub-division in respect to paddy lands is .165. This means that if a parent owned one acre of paddy land, his son inherited .165 of that acre"<sup>22</sup> pg. 179. Table 3. 1 shows paddy land holdings by size in Ceylon. It could be seen that over 80% of the farmers owned less than two acres of paddy land.

Table 3. 1: Paddy Land Holdings by Size Ceylon 1952

Class	Number of Holdings	Percentage of Total
Less than $\frac{1}{2}$ acre	242,690	31.4
$\frac{1}{2}$ acre and less than 1 acre	253,823	35.8
1 acre and less than 2 acres	162,120	21.0
2 acres and less than 5 acres	85,310	11.1
5 acres and less than 10 acres	19,705	2.6
10 acres and over	8,260	1.1
	771,908	100

Source: "Land reform in Ceylon"  
Land Reform in Developing Countries  
Ed. by Brown and Lin pg. 193.

Measures adopted by farmers to prevent further fragmentation

The farmers themselves realised the economic implication of trying to allow the sub-division to go on without checking it. Therefore they adopted a number of measures which sought to keep the units undivided

while still being operated by many people.

- (1) Joint-ownership: This is a situation where there is a joint-ownership of land. The cultivation and harvesting are done together and the produce are shared in proportion to individual investments. This makes it possible to have a subdivision of title without a physical sub-division.
- (2) Joint-cultivation: The co-owners would cultivate the land together as single unit, putting equal shares of capital and labour and getting in return, the crops according to their respective contribution.
- (3) Thattumaruru: The farmland is cultivated in rotation, one or more time in a given cycle of years.
- (4) Kittimaru: Where lands are of different fertility, the co-owners cultivate each type in a rotation in a cycle of years.
- (5) Karu ande: The different aspects of cultivation are divided among co-owners and the produce are shared in proportion to individual contributions.

All these methods were adopted by the peasantry in order to solve the problem of excessive fragmentation. But the farmer still lacked capital to improve his farms and had to be thrown into the hands of money lenders. Also there was lack of effective management of these jointly operated farms. Finally, there was no special interest attached to any type of land. All these would definitely militate against permanent land improvement.

"The combined effects of the rapidly growing population, the transference of and from the peasant sector to the plantation sector, the middle class ownership of peasant lands, fragmentation and new tenurial systems, the intrusion of the money lender - truly aggravated the problems of peasants."<sup>22</sup> pg. 180.

Measures of land reform

- (a) Settlement: A lot of reform measures were introduced by the Government of Ceylon. One of them was land settlement. The dry zone was irrigated and opened up and each farmer settled was given eight acres. The farmer should own this for life and such farms could be passed to his son after death. The settlement scheme aimed at producing "an independent individualistic peasant proprietor freed from indebtedness and not bound by traditional laws of inheritance involving fragmentation."<sup>22</sup> pg. 182. Sometimes, plantations were bought by the Government and then divided among the farmers.
- (b) Security of tenure: The 1958 Paddy Land Act provided for security of tenure and measures of collective farming and consolidation of holdings were introduced. The Act provided that the tenant cannot be evicted and he had the right to nominate any person to succeed to his rights of cultivation after his death.

All tenancies were from the date of the Act to become permanent and heritable.

The farmer was to be given credit through the multi-purpose co-operatives and a crop insurance scheme was to be set up in case of floods



or other disasters affecting agricultural productivity. They were also to be represented on committees which affected their welfare.

The Act also introduced the principle of primogeniture. It would however, apply to 45% of all paddy lands. That is tenant cultivated lands. But consolidation should be attempted with the consent of the farmers.

#### D. EGYPT

Egypt is an agricultural country with over 70 per cent of her population engaging in agriculture. Not all lands are cultivable. Since she has deserts and population concentration is along the fertile Nile valley. The greatest problem the peasants had to face was securing right of ownership. The fellahs as the Egyptian peasants were called were a down-trodden people. Yet they constituted a great percentage of the people. Up till the time of Mohammed Ali, the fellahs did not receive full ownership or inheritance rights over land. Really, the situation was not different from what it had been in the 18th century when the right to cultivate land passed from father to son. But at law the fellahs could not inherit land they tilled. The fellahs merely possessed usufruct rights in their lifetime, while ownership rested with the state. During the reign of Ali, he did not grant any form of ownership and hence was able to maintain his monopoly on the land.

By 1829, he began to grant individual uncultivated land. At first, recipients had only usufruct rights but by 1836 such lands could be

inherited by the eldest sons.

Under Sa'id's rule, he made provision which gave for the first time, male and at times female heirs right to inherit a fellah's land.

Sa'id's law of 5th August 1858 was an important step in establishing private ownership rights in land. There were two types of land. The first was land the 'raqaba' and the law states that it was "the full property of whomsoever received it and that he might deal with it in every respect as a property owner."<sup>23</sup>

It was also endowed as waqf. If such a land was required for public use, compensation must be paid either by getting another land or by paying money.

The second type of land was "Athariya" and in 19th century, fellahs possessed usufruct rights to this during their lifetime. In 1845, they were allowed to pledge it against loans and in 1855, their children could inherit it. Thus fellah's position was enhanced and the 1859 law provided for inheritance according to Muslim law.

In the 19th century, large estates were created and some landowners got more land at the expense of others. But such large estates did not remain as such for a long time and most of the estates did not remain in the same families. This was as a result of fragmentation through inheritance for under muslim inheritance law an extremely large number of persons of varying degrees of kinship are entitled to share in an estate. By 19th century, the process of fragmentation of fellah's land was continuing at

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23. Baer, G: A History of Landownership in Modern Egypt 1800 - 1950, London, Oxford University Press, 1962, pg. 9.

an increasing rate.

By the 20th century there was excessive fragmentation of small property through inheritance due to the muslim law of inheritance. "As this muslim inheritance law and traditional practices which have similar effects thus operate unchecked in Egypt, the greater the population increase, the more rapid the process of fragmentation."<sup>24</sup>

Fragmentation did not have full effects on the large and medium sized property for the following reasons:

- (1) Private ownership increased between 1919 and 1949.
- (2) More people got land through purchase and not through inheritance.
- (3) The introduction of Waqf land which was not usually divided. It was to check fragmentation that Waqf lands were created.
- (4) The muslim law of inheritance was not allowed to continue unchecked on these lands.
- (5) Large companies acquired lands which were not affected by the land inheritance process.
- (6) Though Egyptians were governed by Sharia Law (pure muslim law) in inheritance, the foreigners were governed by their own inheritance laws which did not involve too much fragmentation.

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24. Baer, G. Op. cit. pp. 80.

### Suggested Reforms

While the reformers were chiefly concerned with trying to reduce large estates, they also gave some attention to small holdings. They suggested the following:

- (1) That inheritance should be by the first sons.
- (2) That the heir to the land should compensate the others by payment of money. This payment should be done after every harvest.
- (3) Towards this end, banks were to be established that would allow for low interest rates. So that the heir to the land could borrow to pay the others.
- (4) That interest should not be paid on debts owed by heir to the land.
- (5) That owners of tiny and uneconomic holdings should be encouraged to sell or exchange their land. They are to be settled on reclaimed land and the sale from their property were to be used as part of the cost of settling them.

### E. KENYA

Kenya, one of the East African countries, had a dualistic economy. The Europeans had plantations in the highlands and there were also native lands units. Of recent the Government has been giving so much thought to the problem of fragmentation and

consolidation of native land units. For all over Kenya, "it is widely believed that the fragmentation and consolidation of native law and custom may quickly lead to the undoing of all the hard work which has been put into land consolidation and eventually nullify the efforts that have been made to achieve the maximum development of African farming."<sup>25</sup>

The concept of individual ownership was unknown in the native land units until the India Succession Act 1865 and India Hindu Wills Act 1870 were passed. Before then there was communal ownership of land and since no individual owned land, there could not have been the problem of transferring property.

Nowadays however, the concept of individual ownership is prevalent. For instance, there is individual ownership of land among the Kikuyu of Kianbu district of Kenya. In all these new areas, succession follows the customary law where all the heirs of a man are entitled to inherit from their father's property. Even when a man could dictate how his property were to be distributed, there was no system of making wills. Towards this end, it was suggested that there should be registration of title. This would enable the Africans to have property of their own which they could transfer by will. There are other benefits of registration, "one of such benefits to be gained from the registration of individual title is the ability on the part of an African farmer to raise a

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25. Homan, F. D: "Inheritance in the Kenya Native Land Units.",  
Journal of African Administration, Vol. 10, 1958, pg. 131.

loan by way of a legal charge or mortgage."<sup>26</sup>

Even when registration would enable wills to be made, there are certain impediments in the way of natives trying to make wills and the following can be noted:-

- (a) Most of the natives are illiterates.
- (b) Appeal to a high court may be declared illegal.
- (c) Before probate is granted there must be proof of death.
- (d) There should be provision against the complete disinheriting of widows and children on the lines of the English inheritance (Family Provision) Act 1938.
- (e) A system of will making must cover all races and creeds.

#### Modifications of existing native law and custom

It was suggested that primogeniture cannot solve the problem of fragmentation in Kenya but that parents should work out how they want their land to be transferred after death. On the whole, it was also found out that it was not merely by modifying succession laws that we could overcome the problem of fragmentation, rather, there should be some land policy which the nation could follow. The following are the important aims of Kenyan land policy:

- (a) "To prevent re-fragmentation which will inevitably occur if land is divided among all the heirs under customary law.

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<sup>26</sup>. Homan, F. B. : "Consolidation, enclosure and registration of title in Kenya.", Journal of Local Administration Overseas, Vol. 1, No. 1, January 1962, pg. 13.

- (b) To avoid having so many co-proprietors on the register that the land ceases to be a negotiable asset and becomes undeveloped or under-developed.
- (c) To ensure that all the heirs under customary law are fairly treated even if they do not receive a share of the land."<sup>27</sup>

Suggestions for reform:

- (1) That heirs who do not get land or share of it should be compensated by cash. If the heir to the land would have to incur debt to pay the cash, the debt should not be too much above the value of the land. If this is so, it would make it difficult for the heir to borrow money from the bank.
- (2) That a Bill should be enacted to give Provincial Boards power to prescribe minimum sizes of holdings which may be registered as separate parcels.
- (3) To get maximum from the land, the best farmers should be allowed to work on the land. There should be a "land usage ordinance", providing for dispossession as a sanction for bad land usage or neglect.
- (4) That the number of co-proprietors should not be more than five.
- (5) That on death of a person anyone who wants to lay claim to

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27. Homan, F. D. "Succession to Registered Land in African Areas of Kenya." Journal of Local Administration Overseas Vol. II, No. 1, January 1963, pg. 49.

the property of such a person should receive a statement certified by an African court.

F. NIGERIA

In Nigeria, agriculture faces a lot of problems. One of such problems is land tenure problem. More important also, is land inheritance problem which is an aspect of the tenurial situations. This is manifested in the 1970-74 Development Plan which remarked inter alia "as a result of the system of inheritance, land owned by individuals or extended families also tend to become fragmented and scattered, leading to the loss of much valuable time in cultivation."<sup>28</sup> To be able to solve the inheritance problem we should trace the pattern of inheritance in Nigeria. It should be noted that it is impossible for someone to make a generalisation for the whole country because of her size and her many tribes. This has led Meek to assert that "the rules of inheritance cannot be understood without reference to the social and economic structure of a particular community in which they operate, and that generalisation may therefore be misleading."<sup>29</sup>

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28. Federal Republic of Nigeria, Second National Development Plan 1970-74. Federal Ministry of Information, Printing Division, Lagos, 1970, pg. 110.

29. Meek, C. K. "Land Tenure and Land Administration in Nigeria." London, Her Majesty's Stationery Office, 1957, pg. 178.



In our review we shall only refer to the Hausas, Yorubas and Ibos since they are the largest ethnic groups in Nigeria.

In Nigeria, patrilineal principle is universal though there are some groups which are matrilineal, such as the Gure and Hills Longuda of Northern Nigeria and some Cross River tribal groups.

All over Nigeria, only individual lands can be inherited, communal land cannot be inherited.

Strangers have rights to inherit only if they have been absorbed into such a family or if they have contributed towards the funeral ceremony of the **dead man**.

Women cannot inherit from their husbands if they have children.

Primogeniture is followed in Iboland and very strictly in Benin area, but primogeniture does not mean the first son, it merely means the **firstborn** in a family group. If a man has many wives in a polygamus house, then division is per stirpes, that is according to the number of wives who bore male child. If the man has only one wife, the land is divided per capita.

The Northern rules of inheritance are somewhat different from the Southern part of the country since they are governed by the Mohammedan law. Though the law of inheritance in Nigeria are governed by the customary law, there are variations in inheritance process. The variations are, gift inter vivos, nuncupative wills, written wills and marriage under marriage ordinance or according to christian rites.

Fragmentation of holdings

The inheritance process and the dense population of Southern Nigeria has led to excessive fragmentation of holdings. "This is likely to become a major obstacle to improved land use and more efficient farming practices in the future."<sup>30</sup> And despite the fear which was also repeated in the Development Plan, nothing had been done to solve the problem of fragmentation in Nigeria. The attempts made in the Eastern States before the civil war to consolidate and reallocate land, were not supported by the local population. For instance, a whole farm settlement in the Eastern States was attacked at night and most of the settlers were killed and the tree crops destroyed.

Suggestions for reform

- (1) It has been suggested that the government should try the consolidation and allocation on three pilot schemes in areas where the cultivators are more progressive.
- (2) That a leaf should be borrowed from the experience of Western State of Nigeria which is also faced with fragmentation. In Oyo division, there was consolidation and farmers worked on this on both communal and co-operative basis.
- (3) That the government should acquire unoccupied lands such as can be found in the middle belt, develop this and then

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30. F.A.O. Agricultural Economic Development of Nigeria, Rome 1966, pg. 333.

allocate to farmers.

- (4) The Government should be able to give loans to would-be heir to the land so that other heirs can be paid in cash.
- (5) That education should be encouraged. "Education as a lasting solution should go hand in hand with any other programme which has as part of its objectives, the improvement of the human being."<sup>31</sup>

#### VI. Agrarian implication of case studies

The cases studied have clearly demonstrated that inheritance process leads to fragmentation of holdings, but that this process is worsened by the population explosion which accompanies this fragmentation. At the same time, there is land hunger and need to provide food for the growing population. There was an awareness in each case of need to embark on immediate reforms. In every case, there have been cautions as regards legislation as most of the inheritance laws are embedded in the traditions of the people.

Moreover, the studies clearly demonstrated that changing laws in itself would not contribute substantially to increased agricultural productivity. But that measures of reform in all cases also involved more than consolidation. It includes the introduction of relevant

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31. Adegboye, R.O. "Need for Land Reform in Nigeria." Nigerian Journal of Economic and Social Studies, Vol. 1, No. 3, November 1967, pg. 350.

education, the provision of credit, the encouragement of farmers to form co-operatives, and the provision of alternative opportunities outside agriculture.

The case studies therefore, have provided us with valuable information in the process of trying to make policy measures in our case study.

## VII. SUMMARY

This chapter has been devoted to examining land inheritance in theory and in practice. We have noted the meanings attached to the word "inheritance" literally and in connection with our study. We also considered the various forms of inheritance where we treated it from the legal, religious and socio-cultural aspects. We also considered other forms of transferring property. Following this, we evaluated the effects of these various forms of inheritance on cultivation. There, we considered its effects on fragmentation of land, capitalisation and scale, absentee landlordism, population and food production, job opportunities and gravity of reforms.

Thereafter, we considered inheritance problems in some selected countries. And we noted the implication of the case studies for our own study area.

## CHAPTER IV

### Situational analysis of land inheritance and agriculture in Ondo Division

#### A. Land inheritance

##### (i) Sources of land ownership

Land inheritance in Ondo Division bears significant relationship to other parts of Yorubaland. The variation which one finds is due to the adjustment of traditional institutions to meet the needs of a developing economy.

Land in Ondo Division belongs to the Oba (head chief) and even when he might not have control over any piece of land except when it belongs to his family, his traditional control over his land can be seen in attempts to give him part of Government's compensation for the use of a piece of land for a project like the farm settlement, even when his family land might not be affected. Originally it was he who gave land to the different families who then in turn gave land to their members. One was free to cultivate as much as he could, limited only by the amount of labour and the implements at his disposal. When such lands have been cultivated and left fallow, they returned to the family and could be cultivated by any other member. No one bothered to claim ownership over any any piece of land since any one wishing to cultivate more land could always get. But as time went on, there was an increasing population and reduction in fallow periods. Moreover, the virgin land gave out. At the

same time, there was the introduction of cocoa and this gave place to the emergence of individual ownership as it was necessary to preclude one's neighbours from one's cocoa farms.

Despite the emergence of this individual ownership, there are still communal lands all over the division. Such lands are meant for the production of foodcrops and no member of the family is allowed to plant cash crops most especially when food prices have been rising daily.

Another source of land ownership in Ondo division is through purchase of farmlands by aliens. It is possible for someone to buy cocoa farms in any part of the Division as long as one has the money and he finds someone willing to sell his farms. There is no fixed price per acre of cocoa. Higher prices are however paid for young cocoa trees. Nevertheless, sale of land is always frowned upon all over the division. Most farmers feel that if it was compulsory to sell land, either to educate a child or for a ceremony, they would prefer to sell their own farms rather than sell inherited lands. While most of our respondents (84%) said they witnessed the sale of farmlands only 35% said they could sell their lands, and no respondent claimed to have sold any farmland. It is considered a shame to sell land, and yet anyone who has sufficient money, (immediately after a harvest) can be sure to get a land to buy. Most of our part-time farmers obtained their farms through purchase.

Ownership of land could be secured by being given as gifts. Some men are known to have received lands from their father-in-laws, if such men could not get enough land in their own villages. They retain the

ownership of such lands as long as they remain the effective husbands of the men's daughters.

Ownership could also be secured through seizure of farmlands. This situation occurs when a debtor cannot redeem his debts. His farms which he has pledged for such a loan becomes the property of the pledgee

(ii) Inheritance process

Individual lands can be inherited but not the communal land. If a man plants things like kolanut trees, those could be inherited by his children and relatives.

(a) Rights of Children

There is nothing like primogeniture in Ondo division. Usually, the farms are divided among all the children either males or females, married or un-married. The only variation is that the elderly ones can receive greater shares in order to command respect among other children. A great majority of our respondents were of the opinion that those at school should have smaller shares, but that any child who refuses to go to school because of his intransigence should not be given any consideration, whereas a dutiful child who could not do well at school should be given land on which to plant his crops which will compensate for the money spent on those at school. Most people feel those who have been educated from proceeds of the farms and have settled down to earnings in the town should not be given shares, or if given should be small indeed. Such people regard the education as their own inheritance. Sometimes, farms are divided per stirpes, and the children of a group would divide

the farms among themselves.

(b) Rights of relatives

Theoretically, when a man dies in Ondo division, his farmlands are distributed among his children and some of his relatives who might have helped one time or the other. Nowadays this is seldom done. Relatives would inherit only if the man dies without a child. To maintain the age old tradition, they now inherit jugs, cups, and clothes as tokens of their right to inherit from their relatives. Nevertheless, some still claim some rights over the farmlands of some close relatives, and most people fight over farmlands, most especially since cocoa has become an important economic crop and ownership of some acres of such crops gives one some economic standing in the society. Almost all our respondents have heard one time or the other, relatives fighting over inherited property. Most of the cases they saw were settled out of courts because "one can never come back from the court to become relatives." A court action is considered the end of peaceful family relationship.

There is one variation of course as regards rights of relatives. They can take part in the division of the food-crops and usually these are eaten during the funeral ceremony. At the appointed day after the funeral the relatives would go to the farm and use their feet in uprooting the yams, the logic being that the owner of the farm is dead and therefore one could do anything on his farm. They refer to this as "Paye", that is, uproot things with the feet. This shows the extent of



the power of relatives in inheritance process as of now.

(c) Rights of women.

A woman can inherit property in her father's house and she stands in the same position as other male children, whether married or not. If a woman has no children for her husband and she is too old to re-marry, she could be given part of the husband's farm for her maintenance. She has no right to sell such a land. The ones with children have no right to inherit from the husband since their children are sure to have inherited some farms. If the woman without children dies, the farm passes not to her relatives but to the children of the husband. Usually such a woman would persuade her husband to give her, her share while the husband is still alive. If they purchased the land together the woman only takes her own share of the land. Sometimes, farms are divided according to number of wives and the eldest wife will have the largest one, even if she does not provide the eldest child, because it is believed that she under-went series of hard times with her husband and she should therefore be adequately compensated.

(d) Rights of Strangers.

Ondo division has developed as a 'permissive' society in which strangers have been allowed to own property. For instance at Owena, we met two Ibo men of East Central State origin, who had worked there for over ten years and who owned plots of cocoa which they claimed to have planted themselves. In Okeigbo district, a whole village at Idiroko is occupied solely by people from Ogbomosho area and their numbers have

increased with the Ghana returnees. They have come to settle permanently and these people have been given lands to plant both food and cash crops. However, they have been confined to the areas of poor soils where cocoa trees of about seven years have started to die off. In Bankemo group of villages, strangers form a large percentage of the inhabitants, and most of the farmers who were described as "progressive" by the Divisional Office of Agriculture were strangers. Strangers, who have lived long among natives, were allowed to plant cash crops but with the proviso that they must sell such lands to their landlords or the relatives of these landlords. Most of the strangers come from Igbogila in Egbado division, where the cocoa industry has been declining in recent years, and have thus got some experience of cocoa industry. Others come from Ile-Ife, Oshogbo and Oyo. Strangers could buy lands but such lands cannot be inherited by their children and cannot be disposed of as they wished. At Asewele Oja in Ondo district, there was an agreement form signed by a stranger and a native over the purchase of a cocoa farm. The stranger was told that whenever he wanted to leave, he would have to sell the land back to the owner. If the owner was dead he should sell back to his children or his relatives.

The greatest obstacle in allowing a stranger to plant cash - crops is that the children of the donor could claim such farms from the stranger when their father is dead. A typical example of this was revealed in the study. The donor and donee were dead at the time the family of the donor took the family of the donee to court. The donee pre-deceased the

donor and since the donor was older than the donee and a High Chief in town, he did not seek to claim his farm. But when the donor himself died, his children went to the children of the donee to claim their father's land as part of their lawful inheritance. The argument being that their father had given the donee land to plant food-crops and not tree crops. They wanted their father's land back, and cared less whether there was anything on it. The case was later withdrawn from the court for settlement at home. But it proves the case that the children of strangers might not be entitled to the property of their parents through inheritance and that life could be made uneasy for strangers unless clear agreements are made.

(e) Wills and other forms of transferring ownership.

Throughout our survey, only one person claimed to have made a will. This is so because a great majority of our respondents were illiterates. Those who were literate said they were not old enough to make wills.

(i) Gift inter vivos: This is very common in Ondo division. Most children are sent to school, but because they have not been able to make any headway either because they are unable to get finance to go for higher education or they have failed at school, they remain with the parents. Most of these people help their parents in looking after the farms. Such children have been given farms which they live on and the money such children realised are being used to purchase more farms.

(ii) Nuncupative wills

Since most of the farmers are illiterates, the ways their property are to be divided among their children are usually given to a near relative who in most cases acts as the 'Babasinku'. If the man never told anybody how his property is to be divided, then it is distributed according to the customary rules, which in most cases is division per stirpes or if he has only a wife, per capita.

(f) The actual division of property after death.

The length of the period between death of owner and the division of his land varies from family to family. Sometimes the length of time would depend on how many children are left by the deceased. If they are within easy reach of one another, the legacy is shared within three months or between three months and one year. This applies to the common man. If the man were a chief, it usually takes a longer time to divide, sometimes two years. Another thing is that if the man has debts, these are paid before the farms are divided. At times farms could be divided in proportion to the debts. The debts owned by the deceased are calculated and divided into so many parts. If the man owed £200 and someone agrees to pay £100, he would receive half of the property. The same thing applied if the man was building a house, the house must be completed before division or a certain portion of the farm could be left undivided and the proceeds from such a land could be used in completing the building of the house. Again, if a man has children who are at school, the farm

would not be shared until these have completed their education. Table 4.1 shows the time interval between death of owner and division of his property.

Table 4.1 Time Interval Between Death of Owner and Division of his Property

Periods	Number of Farmers	Percentage of Total
Below 6 months	151	25.17
6 month - 1½ years	180	30.00
2 - 3½ years	129	21.50
4 - 6 years	24	4.00
Varies	100	16.66
We do not divide land	16	2.67
Total	600	100.00

$\chi^2$  value = 226.74: significant at the 5% level

Source: Field survey: December 1970 - November 1971.

Before the division the 'Babasinku' is the rightful person to look after the farms. This is nowadays considered too much a function for him and as such, if the children of the deceased are not old enough to take care of the farms, they are given out on rentage to people not related to the family. In case there are controversies on such farms, they might be left untouched. In the survey of course the majority opinion is

to allow children to look after the farms or the farms could be rented out. Table 4.2 shows this.

Table 4.2 How Farmlands are Taken Care of Before Division

	Number of respondents	Percentage of total
By the children	219	36.50
Rent out	139	23.17
By Babasinku	136	22.67
By other relatives	65	10.83
By elders in the family	21	3.50
Leave Intact	20	3.33
Total	600	100.00

$\chi^2$  value = 308.43: significant at 5% level

Source: Field Survey: December 1970 - November 1971.

(g) Major characteristics of land inheritance in Ondo Division.

- (1) There is **absence** of primogeniture. All children take part in the division of their fathers' property.
- (2) Women have equal rights with men in the division of their parents' property.

- (3) Relatives rarely inherit farmlands. They on the other hand inherit jugs, cups, chairs and clothes.
- (4) Strangers though can own property cannot easily transfer such property to their children.
- (5) People ~~from~~ at selling, mortgating or pledging inherited lands.
- (6) The characteristics of land inheritance are constantly changing in the light of changes in the economic system of the society.

## B. Agriculture

### (a) General remarks

Ondo division is principally a cocoa growing area. Most of the cocoa is produced by peasant farmers. It is characterised by the absence of large plantations. Some food crops such as yams, cocoyams, cassava, beans and maize are produced. Cocoyam has gradually assumed an important role in the diet of the people in the area. Its cultivation requires less labour, and it can be stored for a longer time than yams. Because of the increasing population in the area, and specialisation in the production of cash crops, and the increasing value of the cash crops as revenue earner for the farmer, less attention is being paid to the production of food crops, as a result the people in the area buy yams from Ekiti division, and obtain rice and beans from the North. The specialisation has resulted in the neglect of food crop production and hence

an increase in the price of food-stuffs. The situation is worsened by one significant change in recent years. The newly built road linking Ondo to Lagos via Ore, has greatly aided the transportation of food crops to Lagos where they command higher prices. The situation is a serious one because if an increasing proportion of the farmer's income would have to be spent on purchasing food, there will be nothing left to invest. A survey of the price movement over a period of eight years shows the extent of the problem in this area. If allowance is given for the general rise in prices, in the whole economy, it would be seen that the rise in prices of foodstuffs was phenomenal. For instance prices of gari rose by 200% and over 300% in (January measurement) from 14/9d in 1963/64 to 63/- in 1970/71. Table 4.3 shows the movement of prices in Ondo division 1963 - 71. In 1969 also, plantain and cocoyams were being transported to Lagos and hence their prices rose.

Very few farmers keep livestock. Sheep and goat forage for themselves. Their remains are usually considered bad when found inside cocoa beans. Hence most people refuse to keep them. But the keeping of poultry (egg) on a scientific basis is becoming a very important business among part-time farmers. The eggs find ready markets among the growing urban workers and college teachers in rural areas.

(b) Methods of farming

Formerly in Ondo division farming was by the system of bush fallow and shifting cultivation. Nowadays, the idea is dying out. The first reason for this is that most cultivable lands have been cultivated



Table 4.3 Movement of Prices of Food Stuffs in Ondo Division

Years	Yam	Maize	Gari	Yam	Maize	Gari
1963 - 64	22/6d	14/-	14/-	15/6d	14/9d	14/9d
1964 - 65	17/6d	15/6d	14/6d	19/-	16/6d	17/-
1965 - 66	22/6d	15/-	14/6d	22/-	17/3d	18/9d
1966 - 67	30/-	20/3d	21/6d	28/6d	18/9d	20/3d
1967 - 68	34/-	21/6d	18/6d	30/-	18/6d	20/6d
1968 - 69	30/-	16/-	17/-	18/8d	31/1d	14/-
1969 - 70	40/-	31/8d	28/-	32/8d	37/4d	28/-
1970 - 71	35/-	42/-	42/-	34/7d	41/4d	63/-

Producer market price per (cwt)

Source Ministry of Agriculture - Ondo

and planted with cocoa and any attempt to burn bushes now would result in spreading fire to cocoa farms, a situation which has led to so many court cases in recent years. The periodic burning of bushes no longer prevails. As a result of this the source of natural fertiliser is gone. There is an increasing need for artificial fertilisers, and between 1969/70 - 70/71 over 52 tons of fertilisers were sold in the Division. 17 tons were sold in 1969/70 season and over 35 tons in 1970/71. The Divisional office of

Agriculture at Ondo regretted that there is just no adequate supply of fertilisers by the Government, to meet the growing demand for them. Consequently, a black market has developed in the sale of most types of fertilisers. The price per cwt of sulphate of Ammonia is 15/9d in the Divisional office of Agriculture but is being sold at £1.10/- to most farmers. Even then, most farmers could not find enough to buy at the black market price. The increasing demand felt by the Divisional office was also demonstrated by the farmers. In the survey 99% of the farmers have heard about fertilisers and their importance but only 60% of them have used any form of fertiliser before.

The shifting cultivation is also giving place to permanent cropping just because there are no more lands to leave fallow. The land left are those areas where cocoa trees have not thrived. Other areas are not suitable for either cash crop or food crop production. Most farmers feel that the fallow period would be shortened in future and some forecast that sooner or later there would be no land to leave fallow. Most of them attribute the lessening of the fallow period to increasing population pressure and the scarcity of good land. While fallow period was between fifteen and twenty years about twenty five years ago, the length of the fallow period was found to vary from between one and seven years, with about 67 farmers affirming that they have no land to leave fallow. Table 4.4 shows the length of fallow period in Ondo division. About 84% of the farmers return to their lands in less than six years after first cultivation. About 48% return to theirs in less than three years after

cultivation.

Table 4.4 Length of fallow period in Ondo Division

Period	Number of farmers	Percentage of total
1 - 3 years	290	48.33
4 - 7 years	212	35.33
7 - 10 years	31	5.67
No land to leave fallow	67	11.67
Total	600	100.00

$\chi^2$  value = 296.7 : significant at 5% level

Source: Field Survey December 1970 - November, 1971.

As a result of the shortening of the fallow period and the need to expand production in both the cash crop and food crop sectors, there was a need to find out how farmers acquired land to grow both. The results are presented in Tables 4.5 and 4.6. The results show that inherited lands are not major sources of land for further production. For food crops the percentage of inherited land is 12% and 10% in cash crops. Whereas fallow lands and areas where cocoa trees have not thrived accounted for 42.66% in food crops and about 20% in cash crops. Next in importance are purchased lands which accounted for 8.5% and 12.17% respectively of source of land for further production of food and cash crops.

Table 4.5 Sources of Land for Food Crops in Ondo Division

Sources of land	No of farmers	Percentage of total
Fallow land	140	23.33
Where cocoa trees have not thrive	117	19.30
Inherited land	72	12.00
Purchased land	51	8.50
Virgin land	30	5.00
Renting	30	5.00
No land	160	26.00
Total	600	100.0

$\chi^2$  value = 198.2: significant at 5% level.

Source: Field Survey December 1970 - November, 1971.

From Table 4.6 it can be seen that about 49% of the farmers felt they could not get land for the expansion of cash crops. Yet the old cocoa trees are dying out and therefore the need for cocoa rehabilitation. The area for the production of food crops too has dwindled and so the idea of food crop farming in the area.

Table 4.6 Sources of Land for Cash Crops in Ondo Division

Sources of land	No of farmers	Percentage of total
Fallow land	94	15.67
Where cocoa trees have not thrived	25	4.17
Inherited land	60	10.00
Purchased land	73	12.17
Virgin land	30	5.00
Renting	23	3.83
No land	295	49.16
Total	600	100.00

$\chi^2$  value = 64.5 : significant at 5% level

Source: Field Survey December 1970 - November 1971.

Farm Labour

Labour is very essential in the production of most agricultural products in the Division. At the early stages farm labour was provided by the man and his wives and children. But of recent there has been an "emancipation" of women in the area, and most of them take to trading to supplement the income of the man most especially when many children from a family might be at school, thus losing the labour of the children

Most rubber trees planted at Asewelo Oja have been cut down because the farmers could not get tappers and the area planted with cocoa. Most inherited farms are operated on this share basis.

(c) Food crop farming inside cocoa farms.

This is a situation where farmers plant food crops inside cocoa farms. This method can be said to be a reaction to the challenge of food shortage and scarcity of land. There are usually some areas inside cocoa farms where cocoa trees have died out. Formerly when there was enough land to plant food crops, the farmers continued replanting cocoa in these open spaces, but only a few survived, but in most cases the cocoa trees never thrived. Nowadays, of course, nobody worries about trying to replant such open spaces, rather food crops, mostly yams, cocoyams, maize and cassava are grown. This practice is very common and the following points have been advanced for the emergence of the practice.

1. It is becoming increasingly difficult to get new land to cultivate and when found, it may be far removed from the village, and as a result the open spaces inside cocoa farms are used instead.
2. It is not always profitable to employ paid labour on food crop farms since labourers would seek to receive the same wage rate with labourers on cash crop farms. This cannot be possible as the value of the products of the food crops farms are lower in terms of farmer's total income. As a result, the farmer plants the food crops inside his cocoa farms and

employs the same labour in looking after both; the cost of labour is deducted from the revenue earned from cash crops and so the production of food crops is considered as free!!!

3. It is usually very difficult to go to distant farms to bring food while working inside cocoa farms. Therefore such food crops are consumed by the labourers while working on the cocoa farms.

4. The long distance of new land for cultivation to the village and cocoa farms is another reason for this practice. To cultivate a new land one has to go away from the village and from the cocoa farms. This is not done since the cocoa farms need much attention and since it brings much money the food crop farming inside cocoa farms therefore provide opportunity for looking after the cocoa farms as well as planting food crops.

5. The shortage of land means new land cannot be used for food crop production. All lands are being turned to cocoa production and the infertile ones rejuvenated by fertilisers.

Though the method of food crop farming inside cocoa farms testifies to the fact of land shortage, it also shows that the peasant farmer can utilise effectively the scarce resources at his disposal.

(d) Fragmentation of holdings.

1. Most of the farms in Ondo division can be classified as small and very small, ranging from three acres to about 6 acres in Owena. Some areas have over twenty acres. The large size of Owena farms is due to two factors; the good quality of the soils and secondly, the road which

links Ondo to Akure allowed for mobility of labour. Labourers came from the Eastern States to work for the farmers in these areas. Whereas other areas relied mainly on family labour. Most of the farms in Owena averaged between ten and twenty acres. On the whole the very small farms account for about 61% of farms in Ondo division. Table 4.7 shows the size of holdings in Ondo division.

Table 4.7 Size of Holdings in Ondo Division

Size of holdings	Number of farms	Percentage of total
0 - 5 acres	248	41.33
* 6 - 10 "	117	19.50
11 - 15 "	85	14.17
16 - 20 "	50	8.33
21 - above	100	16.67
Total	600	100.00

$\chi^2$  value = 197.5: significant at 5% level

\* Most of the farms in this group (15%) are about 6 acres.

Source: Field Survey: December 1970 - November 1971.

What then has accounted for the small sizes of holdings in Ondo division? This leads us to the examination of the first hypothesis, that fragmentation



of holdings is caused by land inheritance process. The following reasons have been cited for the fragmentation of holdings in Ondo division.

1. Initially, when the farmer started cultivating the ~~virg~~ virgin forest, he had only his labour and at times that of his sons, wives or relatives, and with the given technology at the time, it was not possible to cultivate much at a time. Immediately an area was found to be fertile cocoa was planted there.
2. Since it was a very thick bush, most farmers came to farm near each other in order to ward off dangerous animals which were said to be prevalent at the time. Such animals were Buffaloes, Tigers and at times Elephants. In such a situation farmers farmed small pieces of land near each other so that they could always be near each other in case of any attack.
3. The following year the farmers would move together to other areas and cultivate the plots they were able to cultivate. After a given period and inevitably in the circumstances, it was discovered that a farmer had many plots which were not contiguous.
4. However, as time went on the children of the original owners got plots from their fathers' farms. Most of them were not willing to get a plot farmed in one year but wanted a part of each portion. This was said to be a way of making sure that children got shares of both good and bad lands. Since most of our farmers are largely first generation and occasionally second generation owners, it cannot be said categorically that land inheritance accounted for the fragmentation of holdings, but

it accurately accentuated the process. It should be noted that the forefathers of most of our respondents did not plant cocoa or any tree crops. They produced for subsistence and most of them were hunters who moved from one area to the other.

(ii) Number of plots per person and distance from the village

A typical farmer in Ondo division has at least two plots. One would be very near the village and this they refer to as "Igo". Things like vegetables and at times cassava and cocoyam are planted in them, and usually they are of walking distances to the villages. The other farms are far off, sometimes two to four miles from the villages. Usually huts are built near them to provide places of rest for the farmers in the afternoons or during rains. Such farms are referred to as "Ekeko". Those farms that are very near the villages receive greater attention than do the latter ones, because the farmers can get to them all the time, even on days when they do not intend to work. The presence of the farmer on the nearer farms every day tends to ward off animals that destroy crops whereas the distant farms are abandoned as from 2 p.m. every day and most of these animals creep back to destroy some of the crops.

Again during harvesting, it is easy to get labourers on the nearer farms whereas it is very difficult to get them to work on distant farms. Wages on nearer farms are about 5/- per day and 7/6d on distant ones plus money for food, since most of them would be too tired to prepare any food after coming from such farms.

Much labour time is wasted on the distant farms. For instance during the harvesting of cocoa, it is usual for farmers to bring the cocoa beans to the village for fermentation because if left on the farms, thieves could remove them. In which case, the individual labourer must bring his own basketful of beans to the village after removing them from the pods. Thus it would involve trekking twenty miles to deposit five baskets of cocoa if the distance is two miles from the village. Hence, they cannot remove as much cocoa beans as they would have done on the nearer farms.

(e) Part-time Farming

This is the consideration of hypothesis two "that in some cases land inheritance places farms in the hands of non-farmers to the detriment of agricultural productivity."

All over the division, there is an increasing number of office workers who are continuously investing in agriculture. This is as a result of high cost of living in the cities and the relatively low wages of many. Moreover, many of these have a lot of children in secondary schools, and as a result, they need additional income to be able to live comfortably. Also, the high cost of food stuffs takes a large proportion of the income of most office workers and therefore there is a need to plant these crops themselves. Most of these part-time farmers can be found among the clerks in council offices, Health offices, Police and Teachers. Some of the part-time farmers told us that they need to invest

in agriculture now so that they could get a place to return at retirement. One respondent said he was a Railway official and that he returned to his farm after he had retired from active service. He is one of those who have fifty acres and above.

It was discovered that about 4.1% of the part-time farmers got their farms through inheritance, with majority buying their farms. Only five part-time farmers were identified as having got their lands by seizure. That is they refused to give back pledged farms when the debtors failed to pay their debts. It should be noted of course that the five part-time farmers who got their farms through seizure, were found in Okeigbo district which has no cultural or social affinity with the rest of Ondo division.

Almost all the respondents confirmed that the farms of the part-time farmers were better than theirs and the reasons they gave were:-

- (1) That the part-time farmer receives salaries and can invest part of his salaries on his farms, He does not need to borrow all the time.
- (2) That even if he wants to borrow he has enough connections in town and would be able to borrow without much difficulty.
- (3) That he has access to information about the improvements in farming.
- (4) That because he is educated, he is able to manage his farms very well and cannot be cheated easily by the labourers.

In most cases, these are valid reasons. For instance the salary earner can have money to pay his labourers and buy chemical or fertilisers by cash, although he is unable to be on the spot in most cases and has to be satisfied with whatever is given him by the labourers. In one way, problems of absentee landlordism have arisen. But since they have access to information, the part-time farmers brings innovation to farming in the area. For instance, they were the first to use fertilisers since they know their worth. Since they are able to calculate costs and revenues, they seek to get the maximum output from the farms. This is the situation where, the part-time farmers are very much like the entrepreneurs, taking the risk of investing their salaries with the hope of greater profits. Inevitably, the presence of the part-time farmers in Ondo division has not been totally detrimental to agricultural productivity. But there were some part-time farmers who were "forced" to inherit lands. Most of these do not live in Ondo division; they live in towns like Ibadan and Lagos, where the meagre farm income does not mean much to them. Some of them do not come home for about three to five years. These people we have distinguished from the first group which needed additional income. We have called them 'non-farmers'. It is the farms of the latter group that we have found negligence and lack of improvements. They have also exhibited all the evils of absentee landlordism.

C. Defects in the Structure of Land Inheritance and How they Affect Agricultural Productivity.

There are lots of defects in the inheritance pattern of Ondo division, but it has not been possible to measure accurately or directly the impact

of these defects on agricultural productivity.

(i) Capital:

For instance, it was found out that though Banks can give out loans to farmers, they know little or nothing about the requirements of the farmers. Informants, told us that banks do not generally take land as collateral since in most cases, no clear title could be ascertained on most lands. In fact, most respondents indicated that they could use any of their self acquired property as securities for loans but not their inherited lands.

(ii) Immobility of Labour:

In the Division, there is mobility of farm labour but immobility of farmers, that is those who are employed as labourers could move from one area to the others but the farmers - themselves have found it difficult to move from one place to the other. It was found that in a village, most owners are related by blood and those who are not of the same blood must have bought lands there. Usually, these category of people are few. The farmer cannot decide to go and farm any family land even if there is still surplus land. Really as remarked earlier there is sale of land and this is usually after a harvest when the farmers need money for certain projects. But the conditions governing sales to strangers are uncertain and hence buying of land is discouraged even when the farmer wants to expand his farming operations. There were reported cases of people selling lands that did not belong to them. This often lands the parties in courts where lots of money which should have been spent on increasing agricultural

productivity are wasted on litigations. This situation discourages strangers from purchasing land and restricts natives to the areas in which they have been born.

(iii) Insecurity of land title:

We discovered that in some families there are some lands which a man cannot own outright. These are areas usually meant for food-crop production. Such lands return to the family. Hence farmers do not care to improve the land as they are not sure they would come back to the same place again. Sometimes all improvements are removed after harvesting. Sometimes the farmers remarked, they had to continue cultivating a piece of land continuously without allowing it to go fallow. This would enable such farmers to establish control. Nowadays, cocoa is planted there even when they may not survive. This continuous cropping has led to the exhaustion of land and hence the increasing use of fertilisers.

Strangers too are always told categorically that they cannot bequeath their property to their children. This, all things remaining equal is believed to discourage such strangers from investing in the land. For instance, there was a case at Asewele Oja, where a stranger was made to sign that in the event of his desire to leave the area, he could only sell his farms to the man who sold it to him or to his relatives, if he was dead. In which case, the price at which the stranger would sell his land could not be governed by the going market price for

similar farms, as it is sure that the buyers would only consider the price the stranger bought it, ignoring any improvements. Cases of insecurity of title to land were noted in some cases in Ondo grade 'B' Customary Court. In the first case, a man bought a land from someone and the same land was claimed by another man who said he acquired the land through inheritance.<sup>1</sup> The case was brought to court and the court allowed the buyer to continue farming there until the case was decided. But the petitioner brought an interlocutory application in motion No. 59/60.

"Seeking for courts order to refrain Defendant, her Agent/Servants from interfering with the land in dispute until the case was heard and determined before the court."

Court Order

"Both the petitioner and respondent are hereby restrained from taking care or further cultivating any crop on the land in dispute until the case shall be determined."

Another case brought before the court also demonstrated this insecurity of tenure. A farmer was ordered by the court to hand over the land in his possession immediately as it did not rightly belong to him. (He had acquired the land by inheritance from a relative). By that time, he had already planted some crops and he could not remove them since they were not ripe for harvesting. He had to bring a motion forward asking for extension of time to remove his products. This was put forward in motion No. 77/60:

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1. Ondo Central Grade 'B' Customary Court Civil Record Book "C1", 7th September 1960.



"Motion for an extension of time within which to remove my farm products from Ugbeleye as ordered by this court. I had taken many women who deal in yams to the farm, but they have refused to buy the yams as they were not yet ripe for harvesting. I am therefore praying your worship to give me time till the end of December 1960 by which time I would have harvested the yams."

His request was granted but that he should not return to the place after that date until the case is determined.

Another motion was on a case where a man sold two plots of cocoa belonging to his dead brother. In suit No. 264/60 of the same court, the wife of the dead brother accused the man of selling his brother's farms without giving any to the surviving child. The man of course said he sold the farms to pay off the debts his brother owed.

The court ordered the farms to be returned to the plaintiff but since the man had sold the farms, the buyers were to reap the crops from the farms for two years to compensate for what had been paid for the farms. Instead of plunging the defendant's family into debt by ordering him to pay, they should hand over the two farms to plaintiff and her two children on 1/1/63 as their husband's and father's legacy.

As the three cases have demonstrated, the farmers have no security of title to land. For instance the person who was told to harvest his crops now and then to have nothing to do there until further notice would try to remove every improvement on the land since he could not be sure that he would not lose the land permanently. The others who were told to reap the crops for two years would also refuse to make any improvements whose benefits would exceed two years, since they know that they would

soon give the farms up. As a result future productivities are bound to be affected by lack of care most especially in the last year of their tenure.

Therefore, where the structures of land inheritance and land tenure impede the effective use of credit, where they impede mobility of labour and cause insecurity of titles, agricultural productivity is bound to be affected adversely. Hence modifications in these situations would have the effect of hastening the pace of agricultural development.

D. Attempted reforms in the Division

- (1) As a way of solving part of the land shortage, farmers have been allowed to use some parts of the forest reserves for two to three years to plant food crops. Then the forestry division takes over for the forest plantation programme.
- (2) Farm settlement schemes have been established in three areas of the Division. Onishere, Epe and Ile-Oluji farm settlements. These settlements have settlers from other divisions of Western State. However, most people who feel dispossessed or could not get enough land have been returning to farm part of the acquired lands which have not been used by settlers.
- (3) The practice of renting farmlands to strangers ensures that farms are not divided among children almost immediately the owner of a farm dies.

E. SUMMARY

This chapter has been devoted to the survey report. It was divided into two sections. The first section deals with land inheritance in Ondo division. We explained the various sources by which land could be acquired. Such as by purchase and through gifts. Then we discussed the inheritance rights of children, women, relatives and strangers. We also considered other forms of transferring ownership.

Section two deals with agriculture in Ondo division. We considered the general nature of agriculture in the area and went on to discuss the special problem of food shortage. We also considered the methods of farming and sources of land for the expansion of both food crops and cash crops. We also considered the sources of farm labour and the reasons leading to the fragmentation of holdings in the area.

This chapter has demonstrated that inheritance pattern is not the sole cause of fragmentation of holdings, because only 60 farmers or 10% of respondents got their land for food crops through inheritance while 72 farmers or 12% of total respondents said they got land for cash crops through inheritance. The main reasons for fragmentation were given as scarcity of land, and immobility of farmers.

Again, the survey did not show conclusively that part-time farmers got their lands solely by inheritance since only 41% of part-time farmers got their farms through inheritance. Others got their farms through

purchase and at times through seizure. We found however, that most of the part-time farmers are innovative. We therefore came to the conclusion that their presence is not all that to the detriment of agriculture.

We have also found that strangers who are enterprising have been denied rights to own lands or if they could purchase some are prevented from transferring such to their children. This we have found to have prevented some of the enterprising strangers from investing in agriculture.

It was also found through the shortage of food and increasing use of methods of food-crop farming inside cocoa farms that the situation of land availability for the expansion of both cash crops and food-crops in the face of population growth in the area, is going to be worse in future.

Finally, two hypotheses have been maintained and two have been modified, the new hypotheses are as follows:-

- (a) That land inheritance merely accentuates the fragmentation of holdings.
- (b) That part-time farmers tend to develop as absentee landlords.
- (c) That land inheritance process does not provide enough latitude for young enterprising farmers to undertake modernised farming necessary for development.
- (d) That population growth is likely to change the pattern of land inheritance overtime.

## CHAPTER V

### Policy Implications of the Study

#### A. General remarks:

The last chapter discussed the situation in Ondo Division and clearly pointed to the problems posed to agricultural development by the inheritance pattern. We have also noted earlier that the Yorubas are a highly sensitive group and the policy maker must therefore be conscious in introducing sweeping measures even when we know that these measures may solve their problems within a short time. They might result in political crisis as there are always people around ready to exploit every situation to further their political ambitions. The tax riots and other farmers' agitations are cases in point. Nevertheless, the Yorubas are receptive to innovations. Various studies have indicated that the Yoruba farmers have responded very well to innovations.<sup>1</sup> But most of these innovations have been accepted without a substantial change in their institutional set up.

#### B. Policy Instruments:

In making recommendations we need to distinguish five types of policy and we would stress that each one should be applied when all things have been considered in relation to what effects they might have on the farmers. We shall discover that some of the

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1. Oni, S. A. Op. cit.

policy instruments cannot be applied strictly to the situation in Ondo division and in fact, to the rest of Western State. For instance, the remedial policy, which is a short-term measure, may not be possible as far as land inheritance is concerned since the process is part and parcel of the social structure. And changing anything within the social structure of any community requires a sufficient time lag. However, if related to agriculture, it might be possible since measures can be introduced to increase agricultural productivity without actually asking for radical changes in the social structure. For instance, the application of fertilisers is capable of increasing productivity on the small sized farms without actually forcing the people to consolidate immediately before attempts to increase productivity are made.

The second part is the punitive policy. Knowing that the Yorubas are a highly sensitive group as we have hinted in chapter one, forms of punishment aimed at enforcing laws on inheritance might generate more social problems than the government is able to cope with.

The situation might be to persuade people at least in the early stages.

However, we still distinguish the five types of policy so that future researches could be directed towards aiming at making recommendations with the types of policy in mind. In our own situation, our recommendation would fall largely within two types of policy.

These are the regulatory, the developmental, and compensatory policies. The five types of policy include:-

- (i) Regulatory: If we accept that the present form of inheritance pattern militates against efficient agriculture, then measures must be suggested which would have to modify the situation for the future. The measures would be devised to ensure that present ills of inheritance do not repeat themselves.
- (ii) Remedial: The analysed situation have shown some bad effects as existing of now. Therefore measures would have to be suggested as to how the problems could be remedied at least in the short-run, in order to help accelerate agricultural development before attempts can be made to prevent such problems arising in future.
- (iii) Compensatory: In making immediate changes towards increasing agricultural productivity by improving the inheritance process, some people are bound to suffer. Therefore measures should be introduced which would have to make it possible for compensation to be paid to those who would lose by the changes. This would ensure that everyone would co-operate in making the new measures successful.
- (iv) Developmental: These are measures which would ensure that farmers are involved in efforts to improve their lots. Such as forming co-operatives and setting up of state-farms. Such

measures would ensure that the farmers feel the effects of development within a short-time.

- (v) Punitive: This involves empowering law enforcement agencies to punish people who go against measures that are aimed at improving the inheritance patterns and of agricultural development. This, it is hoped would convince the farmers that the Government is serious in her efforts to improve their lots.

C. Improvements in land inheritance as contributing to agricultural development

It is usually not possible and it may not be necessary to avoid inheritance process (as maintained at Madison in 1956). We need only make improvements in the structures of land inheritance for it is believed that improvements in land inheritance can contribute to agricultural development. This has been demonstrated in Chapter One when we tried to show the relationship between land inheritance and agricultural development. We noted for instance that both in the countries reviewed, and in our study area, the principal effect of land inheritance is fragmentation of holdings. Since fragmentation of holdings exists in most of the countries reviewed, and the process was either prevented or improved, it should guide us and enable us prevent excessive fragmentation and other ills that come with inheritance process. The situation also found in the study area demands that some



urgent steps be taken to remedy some of the adverse effects inheritance might have on agricultural development.

D. Need to profit from experience

We have not undertaken the review of inheritance patterns in other countries with a view to ascertaining that we could overcome our difficulties by following the steps these countries took to solve some of their problems. Rather they were undertaken in order to show that inheritance problems could arise under various forms of economic situation and under various forms of cultures and that the problems posed by these inheritance patterns could be modified, prevented or solved.

Moreover, all the countries reviewed have certain elements in common with Western Nigeria and most especially our study area. Such common features are, rising population, shortage of land and food shortage.

E. The content of land reform

Though land reform measures now occupy the attention of most governments all over the world, no agreement has been reached on the content of land reform. In some cases land reform might be limited to the consolidation and re-distribution of land. Others feel that re-distribution of land would be useless without the provision of other things like capital and education which

would help the farmers to make the best use of the allocated lands. However, we believe that land reform should involve all the improvements that can be made on land in order to increase its productivity. In this situation, land reform would involve among other things the following:-

- (1) Making land available to those who can make use of it profitably.
- (2) Providing ways of increasing the fertility of the land.
- (3) Giving farmers some elements of rural education to enable them realise the benefits of innovations.
- (4) Providing capital in kind and in cash for improving agriculture.
- (5) Providing improved marketing channels.
- (6) Providing agro-allied industries which could employ those who might be displaced from the land.
- (7) Consolidating fragmented holdings.

F. Limits of land policy prescriptions

The main purpose of examining land inheritance situations in some selected countries and studying a particular area, is to enable us formulate some land policies with the aim of improving our use of land resources. Therefore, any land policy prescriptions made now are with the view that they would achieve certain goals in

the future. Under such a situation the policy prescriptions can only be framed under some stated assumptions about the probable man-land relationship over years, the standard of living, the rising population, the increase in educational level and the rising expectation of rural farmers.

Land policies are therefore suggested not because people only feel that some measures of land reform are necessary, but also because they are not satisfied with the existing situation and they feel a better situation could be achieved at least in the light of the experience gained from other areas and the demands of economic development.

Moreover, in formulating land policies for a particular locality, it is usually not quite safe to base such policies on experience of other localities without looking very carefully at the social structures, the way by which the people earn their living and the stage of economic development of the areas. Therefore when land policies are formulated they might be operative in one locality and not in the others except those conditions which are present in one are also present in the others.

For instance the policy prescriptions for making adjustments in land inheritance in a cocoa growing area like Ondo where individual ownership of land is very common, would definitely be different from areas which produce food crops like Oyo and where communal ownership is still very common.

Finally, there is the tendency for someone making land policy prescriptions in a developing economy like that of Western State to exaggerate needed reforms most especially when land means much to the individual farmer. This is also true of other disciplines or even in some branches of agriculture like Marketing, Production, Farm Management and Agricultural Finance. It must be realised however that all disciplines are inter-dependent and measures aimed at improving agricultural productivity should be drawn from these various disciplines. This would ensure that agriculture would have enough impetus to transform from its present traditional stage to a modern commercialised agriculture.

Therefore, we do not hold that our policy prescriptions would be a sort of panacea for all the ills confronting agriculture in Western State and most especially in Ondo division. However, we do believe that in conjunction with other suggested improvements, such policies would help to accelerate agricultural development faster than when no recognisance is taken of these problems.

G. Recommendations based on types of policy

The road to rapid development might be found in industrialisation, yet the basis for such is still sound agriculture. Therefore, all efforts must be made to increase the total agricultural output both per person and per acre.

Some of the problems of agriculture have been traced to the land inheritance structures. Therefore, it is incumbent on us to suggest other forms of acquiring ownership devoid of the defects in the present inheritance structures as well as suggest modifications in the present structures.

Even when the various governments of the Federation of Nigeria have expressed fears in making changes in land tenure process because of its political nature, (as stated in the 1970-74 Development Plan), it might be dangerous to rely on the development of our institutions which affect agricultural development, by 'evolution' only if we desire rapid economic growth.

It may be quite true that most of the institutions which inhibit agricultural development would collapse in face of modernisation, yet others might have to be corrected by revolution.<sup>1</sup> This has made Antonio's cry relevant here.<sup>2</sup> That is, we need a bold land reform. And it is believed that it is only the government which can take most of the steps to achieve this since its power can rarely be challenged except when it is a very unpopular government. Such government policies could be aided by the co-operation of the farmers.

For instance, all our respondents affirmed that they do not see any reason why the Government should take control of anybody's farm when

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2. Antonio, Q.B.O. Towards Agrarian Reform in Nigeria: Proceedings of the Agricultural Society of Nigeria. Vol. 3, Oct. 1964, p. 21.

the government might not have helped the person to acquire it. Yet it occurs that many people quarrel on lands and much farm income which would have been used as investments in agriculture are wasted in unfruitful litigations.

If it is realised how much the government realises from agricultural products such as cocoa, each year, then it should have rights as to how these sources of revenue are being dealt with. For any decrease in the income of a farmer has a chain of reactions in the economy. (Such reactions could be seen when there are decreases in producer prices paid by Marketing Boards).

(i) Regulatory policy

The position of the peasant farmers in the economy is such that the government cannot afford to allow them to carry on most of their activities that could impede agricultural productivity.

1. I would therefore suggest that the government should actively intervene through legislations. Such legislations should empower the local authorities to take over the farms of those who die without wills or those who die without making proper arrangements for how their farms are to be disposed of. Such local authorities would then work out the process by which such farms could be passed on to the children undivided. The local authorities too, should be empowered to look after the farms

during the period. The local authorities should also be made executors of wills for those under their jurisdiction. This will only be possible since most of the local councils areas coincide with the main townships. In cases where the local council is made of two to three townships, it might be necessary to enlist the help of elders in such areas.

2. Any land which has been left uncultivated for upwards of ten years should become the property of the local council which should be empowered to give them out to those who do not have land.
3. Again, if anyone cultivates a piece of land which is not his for the purpose of raising food-stuffs, the courts should be empowered to permit such a person to reap the food-crops before handing over such farms to the owner or if there is every indication that the owner does not intend to use it at that time, to empower the person who has planted food-crops to buy the land from the owner if he could afford to pay.
4. Death duties proportional to the number of plots should be introduced by the government through legislation. This would ensure that death duties would be high where plots are many and low where plots are few. This, it is hoped would discourage children from dividing lands into so many plots, and hence might go a long way in solving problems of fragmentation of holdings.
5. The government should further encourage the growth of individual

ownership of land. This could be done by means of land registration. This would make it easy for people to transfer their farms by sale and would further encourage mobility of farmers. Registration also would ensure that no one piece of land could be sold to more than one person at a time. This would also prevent people selling lands that do not belong to them.

6. It is usually found that farmlands are divided within a year of the death of owner and this hasty action often results in giving lands to people who are not interested in farming. Therefore, the government should legislate that farmlands if they involve cocoa farms should not be divided until after five years of the death of owner. During the time, prospective beneficiaries should be made to manage the farms together and that after five years, if they still feel they want the farms to be divided, then they could apply to the government for such an order. In doing this, the government should be empowered to set a ceiling to the minimum sizes of such divided farms, taking into consideration, the available technology, interest of the parties and the general welfare of the people.
7. The inheritance laws as we have discovered are indeterminate and not uniform, and though we need not have uniform laws of inheritance for the whole of Western State, there should be some common elements and some basic rules of procedures to be followed when it comes to



inheritance problems. There is therefore a need for the Nigerian Faculties of Law to embark on intensive research to the customary laws most especially those customary laws in relation to property. This has to be done as we have been told that courts cannot provide us with full information, concerning inheritance as most people never go to courts on such matters.

8. Again the pace of education both in rural, primary and secondary levels should further be increased. If we increase the pace of education, a lot of problems could be solved.
  - (i) It would enable farmers to accept innovations
  - (ii) It would make most children lose attachment to land as they would prefer the industrial and urban sectors to the rural life.
  - (iii) It would enable wills to be written and farms can therefore be disposed of as the owner wishes.
9. The growth of 'absentee landlords' noticed in the study might bring more problems and the government could solve some of these problems by ensuring through legislation that only full-time farmers or those who are interested in farming are eligible to inherit lands. This process can only work if the productivity of the farmers can be increased. If this is done, they would have greater income from which the other children who are not interested in farming could be compensated. Since in anyway, it would be wise economically to give the whole farm to a child, the government could provide loans.

for the heir to the land to enable him pay the others.

10. The government should provide securities for strangers, most of whom have travelled many miles to seek their fortunes. If they are allowed to buy farmlands, then they should be free to dispose of it as they wish. The government can go ~~along way~~ by safeguarding the positions of the strangers, if they have been accepted in a society. This would enable those who have been given land to claim total ownership, so that they could utilise the land as they wish and they could dispose of it as they like.

(ii) Developmental policy:

1. The government should establish state farms in form of joint stock companies where the farmers would have substantial shares, and in addition the government can employ the farmers as operators or managers on the farms. This might have seemed a bold ambition ten years ago as far as cocoa farms are concerned, but the farmers are facing a situation which is giving all of them a great concern - the old cocoa trees are dying out and since no new land can be found to cultivate new ones, the farmers are ready to follow the government. This is why one can be optimistic in the process of cocoa rehabilitation in the state. The lands of the farmer could be counted as part of his shares. In doing this, the farms which largely

belong to the state could be run as true joint-stock companies in which case the death of one of the owners does not affect the existence of the farms as going concerns. The shares of each farmer are merely transferred to his children. This process if it can be followed, apart from solving the problem of fragmentation, would also solve the problem of shortage of capital complained of by the farmers.

2. The farm settlement scheme too is another method of acquiring ownership that should be devoid of the defects in the land inheritance process. The farms are to be passed on undivided. In the process of acquiring land for such a purpose however, most people feel disinherited and there were many court cases all over the division about inadequate compensations. Moreover, most people go back to farm on most of the lands already purchased by the government. Therefore, the government should devise ways by which compensations paid, are received by the lawful owners and most of the operations on the farm settlements should be adjusted to make the scheme fulfill its roles. It is believed that if logically carried out, the rules governing their establishment envisage that settlers' farms should be passed on as going concerns.

3. Furthermore, the ability of the educated ones to find employment would depend on job opportunities in towns. This would mean that

in conjunction with the expansion of education, the industrial and service sectors should be expanded to absorb those laid off from the land.

4. As to the present situation, the way out seems to be through multi-purpose co-operatives. This would enable the farmers raise internal capital and the government can also channel loans to the farmers through co-operatives as suggested by the farmers at Owena. This would ensure that the loans are given to farmers alone. The government can ensure that her help reaches the farmers by making available helps in kind. Such would include chemicals and fertilisers which the farmers are now aware of as being capable of increasing the yields from the barren lands.

(iii) Compensatory policy:

Most neglected farms are those willed to women who are married and are staying with their husbands. Their husbands too have their own farms and the farms of their wives are then given out on rentage. This results in lots of inefficiencies noted in chapter four.

Therefore, I would suggest that women who are married and are living with their husbands at the time of division of property be given cash or be persuaded to sell their interests in such farms to the male people in such a family.

## CHAPTER VI.

### SUMMARY AND CONCLUSION

The study was undertaken with the following objectives:-

- (a) To pinpoint some of the characteristics of land inheritance that may impede agricultural development in Ondo division of Western State of Nigeria.
- (b) To evaluate the effects of these characteristics on agricultural development.
- (c) To suggest ways in which the land inheritance process could be modified in order that it might better serve the needs of agricultural development.
- (d) To reformulate our hypotheses in the light of information obtained in the study for the purpose of assisting future inquiries of this nature.

In chapter one, we considered the vantage position of agriculture in the economy of Western State and the problems which this sector faces in the development process. We discussed the difficulty of finding adequate theory of agricultural development which policy makers could reasonably follow in trying to develop agriculturally. Despite this difficulty in finding a universal theory of agricultural development, we noted that there were two paths to agricultural development. These include improving the traditional agriculture or changing to a new and modern method of agriculture. We noted that in following either path, the

institutional framework in which we operated is always neglected.

We outlined what we mean by agricultural development and the requisities of agricultural development. We then related these requisities to the inheritance process.

In considering the problem which we have to tackle, we discussed it in relation to the method of cultivation, population growth and the demand for land. We noted that by the year 2,000, there would not be enough land to meet the needs of the people and that this acute situation would be worsened by the land inheritance process which leads to fragmentation of holdings to uneconomic sizes.

Chapter Two discussed the methodology and the setting of the thesis. In this chapter we considered the study area in relation to its environmental setting which included the consideration of the climate, vegetation and soil formation. We noted that over 50% of the soils in the area are grouped as poor and very poor. This we considered as a very serious problem if viewed in conjunction with the shortage of cultivable lands.

We went on to consider the local administration of the study area as it is related to distribution or supervision of property after the death of the owner. Thereafter we considered the occupation of the area and we came to the conclusion that most of the population in Ondo division depend on agriculture for its livelihood. We then considered the reasons for choosing Ondo division for a case study. We found that the area produces a large percentage of the Government revenue in

Western State. Not only that her specialisation on cash crop production makes her suffer from problems of food shortage. Moreover, the boundary disputes on all sides of Ondo division is indicative of the pressure of the growing population and the demand for land.

Finally we considered the methodology of study and we noted how the data were obtained, the difficulties encountered and the limitations of the data collected.

Chapter three discussed land inheritance in theory and in practice. It started with the consideration of the different meanings of inheritance and then it considered other ways of transferring ownership. Some of them are, sale, gift inter vivos, joint-ownership, wills, nuncupative wills and joint - tenancy. Then we tried to find out the relationships which exist between land inheritance and land tenure. We evaluated these forms of transferring ownership on fragmentation of holdings, absentee landlordism, capitalisation and scale, population and food production and job opportunities. All these were discussed in order to show the gavity of needed reforms.

Thereafter, we considered some case studies. We examined the inheritance patterns in Netherlands, Chile, Egypt, Ceylon, Kenya and Nigeria. We discussed how the problems of land inheritance have arisen in these countries and their effects on agricultural development. Then we discussed ways which these countries followed in trying to solve or prevent some of the abuses of land inheritance. We ended the chapter

by considering the agrarian implication of the case studies.

Chapter four was devoted to the analysis of the survey reports. The chapter was divided into three parts. The first part discussed the land inheritance as it exists in Ondo division. The second part discussed agriculture in Ondo division. The third part related the defects in the structure of land inheritance to agricultural development.

Chapter five was devoted to the policy implications of the study. There we considered the units of land policies prescriptions, the content of land reform, the need to gain from experience of other countries, improvements in land inheritance as contributing to agricultural development. Finally, we made some recommendations.

In relation to Ondo division we found out the defects in land inheritance and land tenure and the effects of these defects on the provision of capital for development, the inability of farmers to move freely from one area to another in the production process. We noted that the small sizes of most farms make it difficult for farmers to take risks in investing in agriculture and as such, borrowing is discouraged. That the farmer because of his small income cannot save and that even banks which should lend farmers money do not know their problems. We found out that there was greater supervision of small farms when they constituted the whole of what a farmer had. Since his responsibilities are almost as great as the responsibility of those who have large farms, the farmer tends to have direct supervision of his farms and for most parts of the



year he is resident in the village, coming home only during important festivals. On the other hand, we found that large farms are given out on share basis since it is difficult to manage them alone. We also noted that on such farms, tenants **always** strove to increase their share by cutting back costs of production. Such cuts in costs in most cases affect adversely future productivities of the farm. The cuts in costs might be not weeding the required number of times, not spraying the cocoa trees at the right time, or not spraying with adequate chemicals.

We also noted the communal ownership of some types of land, for example food - crop lands, discourages investments by the farmer and also discourages the children from helping their parents since they know they cannot inherit such lands.

We have also found out that consolidation of holdings might be difficult as the cocoa plantations are not of the same age. But that consolidation can be possible if the Government replants most of the cocoa plantations, in the cocoa rehabilitation scheme, and then she can reallocate the farms.

We also considered the ways by which the present land inheritance process could be modified. And we also suggested new forms of acquiring ownership of land devoid of the defects in the present inheritance process. Such measures include:-

- (1) The imposition of death duties proportional to the number of plots.

- (2) Empowering local authorities to control the farms of those who die without wills.
- (3) That State farms organised as joint-stock companies should be introduced, where the Government and farmers would be share holders.
- (4) That the growth of farm settlements should further be encouraged as farms can only be inherited by one name benefactor.
- (5) That individual ownership should be encouraged.
- (6) That education should be encouraged as it is very necessary in many ways:-
  - (a) Farmer can write, so will be able to make wills.
  - (b) As regards children, it would make them lose their attachments to land.
  - (c) It is necessary for setting up of either farm settlements and the suggested state farms.
  - (d) Necessary for the success of extension services.
  - (e) Necessary for the growth of commercial farmers.

#### Approach to Study.

The study was guided by four hypotheses. They aimed at finding the causes of fragmentation of holdings, of determining whether the land inheritance situations favour the mobility of labour or not. They

also considered the place of part-time farmers in the development process. Finally, they considered the roles which population growth could play in modifying the inheritance process.

From the study two hypotheses were maintained and two were modified. The new hypotheses are as follows:-

- (a) That land inheritance merely accentuates the fragmentation of holdings.
- (b) That part-time farmers tend to develop into absentee landlords.
- (c) That the land inheritance process does not provide enough latitude for young enterprising farmers to undertake modernised farming necessary for development.
- (d) That population growth is likely to change the pattern of land inheritance overtime.

The study was conducted in phases. Phase one involved visiting the villages and meeting the Head Chiefs about the intended study. The second phase involved visits to the Ondo Division Office of Agriculture to collect information about farmers to be interviewed. Then 600 farmers from 17 villages were interviewed. The last phase involved the reading of farm land cases in some customary courts in the Division.

#### Major findings from the Study

1. It was found that land inheritance merely accentuates the process

of fragmentation of holdings. Main causes were found to be the techniques of cultivation and safety in face of dangerous animals.

2. That the presence of the part-time farmers in farming, instead of being to the detriment of agriculture, is a blessing, since they bring innovation and capital to agriculture. However, in some cases, it leads to the growth of absentee landlordism.
3. That injection of capital and its efficient use in agriculture is impeded by aversion to borrowing, unwillingness to use inherited lands as collateral and the small sizes of farms.
4. That strangers though permitted in some cases to own farms, cannot decide to transfer their lands as they wish. Some of them are told to sell such lands back to the owner or his relatives in case the strangers want to leave.
5. That though sale of land is common, which could have aided mobility of farmers yet there is always the fear "Qua Emptores" - let the buyers beware, as most people often sell lands that do not belong to them alone.
6. That farmers tend to look after the small sized farms better than the large farms most especially when the former constituted the whole of what the farmers have.
7. That education makes one lose attachment to land as demonstrated

by the movement of educated people from rural areas. Also, it makes it possible to accept innovations as demonstrated by the innovative spirits of the part-time farmers who are educated.

8. That consolidation of holdings is not the answer to the fragmentation of holdings in this area, since in our situation, the farms to be consolidated involve cash-crops of varying ages.

#### Scope for Further Studies

As far as we know, the study has been the only non-legal analysis of land inheritance and the only one that has attempted to relate this to agriculture on empirical basis in Nigeria. The study therefore merely opens the door for further investigations. The study has been limited to Ondo division and to 600 farmers. Most of the farmers here are cash crop growers. To formulate a national policy on land inheritance as they relate to agricultural development, and to help in the overall land reform policy, areas which are noted for food-crop production should be included in future surveys.

It is hoped that future inquiries on land inheritance as related to agricultural development would focus attention on:-

- (a) The actual distances between plots. This would enable productivities to be related to distances between one plot and another and between plots and the villages.

- (b) The actual productivities from each plot so as to be able to compare returns from various plots.
- (c) The locations of the farms and how these have affected the pattern of inheritance over time.
- (d) The determination of actual acreages of lands, instead of basing them on the old methods of counting heaps of yams.
- (e) Seeking to know the opinions of children who are at school, about their hopes for their fathers' farms.
- (f) Seeking to know the opinions of part-time farmers on farming.

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APPENDIX

Land Inheritance and Agricultural Development

Summary of Questionnaire

1. How big is your farm?
  - Number of heaps
  - Number of trees
  - How many shillings?
  
2. How many plots do you farm?
  - Number of plots for food crops
  - Total area of plots for food crops - acres
  - Number of plots for cash crops
  - Total area of plots for cash crops - acres
  
3. Are these plots far apart from one another?

Yes/No

If yes, would you prefer to have all of them in one place?

Yes/No
  
4. Are they far from your residence? 

Yes/No

If yes, would you prefer to have all the plots near your house? 

Yes/No
  
5. What would you say accounted for the plots being scattered?
  - (a) Scarcity of land? 

Yes/No
  - (b) Intertility of land? 

Yes/No
  - (c) Just wanted them in different places? 

Yes/No



- (d) Inherited them in different places? Yes/No
- (e) Bought land in different places? Yes/No
6. Is your farm big enough?
- (a) For you? Yes/No
- (b) For your family? Yes/No
- (c) More than you need Yes/No
7. How did you acquire your land
- (a) By Inheritance Yes/No
- (b) Purchase Yes/No
- (c) Gift Yes/No
- (d) First to be there when a virgin land Yes/No
- (e) From family land Yes/No
- (f) From village land Yes/No
- (g) Rent Yes/No
- (h) By rendering some service to a land owning group or individual Yes/No
8. Can you always acquire more land to grow food crops when you want it? Yes/No
- Source \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

9. Can you always acquire more land to grow cash crops when you want it? Yes/No  
Source \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. When you can inherit from a brother or a dead relative, do you always want a portion of every plot of land he had? Yes/No
11. Is a farm ever too small to be divided among heirs? Yes/No
12. When your brother or other male relative dies, do you want his land divided equally among his children? Yes/No
13. As a father/mother, will you feel happy to discuss inheritance with your sons/daughters/relatives? Yes/No
14. Will you want your farmland to be distributed after your death? Yes/No
15. If death comes today, have you made arrangements for who should inherit your farm? Yes/No
16. If you fail to say how your farm is to be divided after your death, do you feel any of your sons/daughter relatives, can fight on it? Yes/No

17. Do you feel a farmland will be taken care of better if it is not divided after the death of the owner?

Yes/No

18. Will you like to exclude some people from inheriting your farm?

Yes/No

If yes, can you give reasons?

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19. Do you know or have you heard people fighting because of a farm after the death of the owner?

Yes/No.

20. Do you know of any case where a family has been broken because of such a fight?

Yes/No

21. Do you know of any person either in your family or in your area here who refused his/her portion of any inherited farm?

Yes/No

22. If yes, what happened to the portion?

Was left unclaimed

Yes/No

Was shared among the rest

Yes/No

The case was taken to court

Yes/No

The owner took it after the

elders have intervened

Yes/No

23. Do women inherit land in your family? Yes/No

24. Can wives inherit from their husbands here?  
Yes/No

25. Under what conditions can a wife inherit  
a farm?

(a) If she is old and cannot work on  
her own? Yes/No

(b) If she has no children? Yes/No

(c) If they owned the farm  
together? Yes/No

26. From whom can you inherit land?

Father Yes/No

Mother Yes/No

Male relatives Yes/No

Brother Yes/No

Sister Yes/No

Wife Yes/No

Son Yes/No

Daughter Yes/No

27. Who can inherit land from you?

Son Yes/No

Daughter Yes/No

Wife Yes/No

Male relatives	Yes/No
Female relatives	Yes/No
Brother	Yes/No
Sister	Yes/No
Father	Yes/No
Mother	Yes/No

28. When a man dies, his food-crops land passes to
- (a) his children only Yes/No
  - (b) his relatives only Yes/No
  - (c) his children and relatives Yes/No
29. When a man dies, his cash-crops land passes to
- (a) his children only Yes/No
  - (b) his relatives only Yes/No
  - (c) his children and relatives Yes/No
30. How long does it take for farmlands to be divided after the death of the owner
31. Who takes care of the farmland during this period?
32. Does your family have a common land or family land? Yes/No
33. Who allots lands to individuals, the head of the family? Yes/No
- You just occupy unused land Yes/No

34. Can your children inherit such land? Yes/No

35. Would you be allowed to plant tree crops on such lands?

Yes/No

36. Can such lands return to the family? Yes/No

37. Was your land ever surveyed and recorded? Yes/No

38. What do you use to mark your boundaries?

Between plots \_\_\_\_\_

Between your farms and those belonging to other members  
of your family \_\_\_\_\_

Between lands belonging to two different families?  
\_\_\_\_\_  
\_\_\_\_\_

39. Do the boundaries change from time to time?

Yes/No

40. How long do you leave your land to fallow?

41. Would you say the length of the fallow period was the same

twenty years ago?

Yes/No

42. Do you feel that the fallow period will be shortened in  
future?

Yes/No

43. What would you say had accounted for the changes in the fallow period within the past few years?

- (a) More people are farming Yes/No
- (b) The cultivable land is not enough? Yes/No
- (c) Population has been increasing gradually Yes/No
- (d) Fewer people are farming Yes/No

44. If you leave your land to fallow, can you always get back such land? Yes/No

45. If you went to town to work for some years, would you get a farm to work on when you come back? Yes/No

46. What happens to the land of a son who goes to town to work?

- The father takes it? Yes/No
- The relatives take it? Yes/No

47. Would you like to leave your village

- (a) If you can get a job in town? Yes/No
- (b) If you can sell you land and get some money to start a new life? Yes/No
- (c) If you will not lose your land to the family once you leave? Yes/No

48. Do you have any stranger who had been working with you  
for some-time? Yes/No
49. If you have one, can you give him land to  
cultivate? Yes/No
50. If it happens that you die, can he be allowed to  
continue farming on such a land? Yes/No
51. Would you advise such a stranger not to plant certain  
crops? Yes/No  
If yes, which crops? \_\_\_\_\_  
\_\_\_\_\_
52. When you advise a stranger not to plant certain crops on  
your land, is it because  
You may need the land in future? Yes/No  
Your family does not want a  
stranger to plant such crops? Yes/No  
The local custom does not allow it Yes/No
53. Can he buy land if he wishes to buy? Yes/No
54. If you need capital to develop your farm, how can you  
obtain it?  
Through Banks Yes/No  
Money lenders Yes/No  
Co-operative Societies Yes/No  
Savings from farm Yes/No  
Savings from non-farm activities Yes/No



55. Is farmland sold in your village? Yes/No
56. If you need money urgently, can you  
sell any of your plots? Yes/No
57. Can you sell any of your inherited plots if you need  
money? Yes/No
58. If you cannot sell such a land, is there any local proverb  
here to support you? Yes/No
- If yes, which proverb?  
Explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
59. If you cannot sell such a land, can you rent it? Yes/No
60. Can you pledge such a land for a loan? Yes/No
61. You would use farm machine fertiliser or spray to improve  
your farming,  
If the farm was big enough? Yes/No  
If you got someone to show how  
to use it? Yes/No  
If you had enough time to farm? Yes/No  
If you can get a loan Yes/No
62. Have you heard about fertiliser before? Yes/No  
If yes, have you used such before Yes/No

63. How would you improve your farming if you were given sufficient loan to do it? Yes/No
- Plant more cash crops Yes/No
- Plant more food crops Yes/No
- Hire more labourers Yes/No
- Buy machines and fertilizer Yes/No
- Acquire more land Yes/No
64. Do you feel that you can cultivate more land than what you now have? Yes/No
65. Do you feel people who are non farmers should own farms? Yes/No
66. Do you know of any part time farmer who has a farm near you? Yes/No
67. How did he acquire such a farm?
- By purchase Yes/No
- By inheritance Yes/No
- By seizure Yes/No
68. Is his farm as large as other farmers' farms around him? Yes/No
69. Do you feel he is making more money than you or any of the farmers around? Yes/No

70. What do you feel is the cause of the largness of his farm and his large income?
- (a) He can borrow money in town to buy more land Yes/No
- (b) He can seize land Yes/No
- (c) He has access to new informations about farms Yes/No
- (d) He is educated Yes/No
71. What would you say are the advantages of non-farmers, owning farms?
1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
72. What would you say are the disadvantages of non-farmers owning farms.
1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
73. Do you know what a Will is? Yes/No
- If yes, have you made one? Yes/No

74. Do you feel that the Government should be allowed to control the farms of people who die without a will?  
Yes/No
75. Do you feel that the government should help to distribute land so that everyone can have enough to work on  
Yes/No
76. Would you like the government to make it compulsory for small farms to be merged together for efficiency?  
Yes/No
77. Has the Government taken land from you before?  
Yes/No
78. If yes, how many acres?  
For what purpose or purposes \_\_\_\_\_  
\_\_\_\_\_
79. How much did you receive for such land?
80. Did you inherit such land? Yes/No
81. How did you spend the money given you by the Government?  
(a) Buying more land  
(b) Building a house  
(c) Paying a debt  
(d) Sharing among relatives

82. Do you want your children to farm? Yes/No  
If no, give reasons \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

83. If the children are already at school, do you expect them to inherit part of your farm? Yes/No

84. If you have children who go to school and others who do not, will you give them equal shares of your farm in the Will? Yes/No

If no, give reasons \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

85. What do you feel can be the advantages of making a will?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

86. What do you feel can be the disadvantages of making a will?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

87. Would you prefer any occupation to farming? Yes/No

If yes, which occupation would you prefer

and why? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

88. As a farmer, what would you say are your difficulties in improving your farm?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

89. Age of farmer

Below 30	Yes/No
Between 30 and 50	Yes/No
Over 50	Yes/No

90. Attitude during interview

1. Talked very freely Yes/No
2. No so freely on some questions Yes/No
3. Did not like to answer questions? Yes/No