

JONJEN, Plaintiff
v.
CAPELLE deBRUM, Defendant
Civil Action No. 131
Trial Division of the High Court
Marshall Islands District
November 16, 1962

Action to determine *alab* of Kejjen Island, Likiep Atoll. The Trial Division of the High Court, Chief Justice E. P. Furber, held that once those having property rights of an *iroij lablab* in lands in question have recognized party as *alab*, and decision is reasonable and fair, it will prevail over objections of one claiming to be *alab* merely because he is son of former *alab*.

1. Marshalls Land Law—"Alab"—Establishment

Under Marshallese custom, where party recognized as *alab* by those having property rights of *iroij lablab* in lands in question is half brother of former *alab*, decision is reasonable and fair and should prevail.

2. Marshalls Land Law—"Alab"—Succession

Claim to *alab* rights based solely on fact claimant is son of former *alab* is contrary to Marshallese custom, since *alab* rights do not descend that way as matter of course.

<i>Assessor:</i>	JUDGE SOLOMON, L.
<i>Interpreter:</i>	CARL HEINE
<i>Counsel for Plaintiff:</i>	MONNA
<i>Counsel for Defendant:</i>	OSCAR DEBRUM

FURBER, *Chief Justice*

The plaintiff Jonjen claims that he should be the *alab* of the lands in question simply because he is the son of the former *alab*.

The defendant claims that the third Finding of Fact by the Master is not correct, but appears to have no explanation of how this damages, or prejudices, him.

Counsel agreed that the claim for Fifty-Two Dollars and Thirty-Six Cents (\$52.36) set forth in the complaint has

been settled and that the plaintiff makes no claim for that now.

Monna, named as a plaintiff in the complaint, stated he is only acting as counsel for Jonjen and makes no claim for himself as a party.

OPINION

This action is controlled by the principles discussed in the Conclusions of Law, by this court, in the case of *Lalik v. Elsen*, 1 T.T.R. 134. Those not familiar with the general situation affecting property rights on Likiep Atoll are referred to the judgment of this court in the case of *Monna and Others v. Rudolf Capelle and Others*, Marshall Islands District Civil Action No. 49.

[1] Clearly those having the property rights of an *iroij lablab* in the lands in question have recognized Amlej as *alab*. Amlej is the half brother of the former *alab*. Under the circumstances disclosed their decision seems to the court reasonable and fair and should therefore prevail.

[2] The plaintiff Jonjen does not even claim any definite approval, by those having *iroij lablab* property rights, for his becoming *alab*. He claims he should do so just because he is the son of the former *alab*. *Alab* rights just do not descend that way as a matter of course under the Marshallese system of land ownership.

JUDGMENT

It is ordered, adjudged, and decreed as follows:—

1. As between the parties and all persons claiming under them, the plaintiff Jonjen has only *dri jermal* rights on Kejjen Island, Likiep Atoll, Marshall Islands District, under Amlej as *alab* and the deBrum and Capelle heirs (represented in this action by the defendant Capelle de-Brum) as owners of the property rights of an *iroij lablab* in the land.

2. Monna, named as a plaintiff in the complaint, is dropped as a plaintiff.

3. No costs are assessed against any party.