

YOKOB BAILELE, Plaintiff

v.

SERAI and BINA, Defendants

Civil Action No. 333

Trial Division of the High Court

Marshall Islands District

May 22, 1969

Action to determine *Iroij Erik* rights on Arno Atoll. The Trial Division of the High Court, R. K. Shoecraft, Chief Justice, held that on Arno Atoll the *Alab*, if there was only one *Alab* on the *wato*, could select the *Iroij Lablab* and the *Iroij Lablab* so selected had the power to name the *Iroij Erik* or could act as *Iroij Erik*.

Marshalls Land Law—"Iroij Lablab"—Powers

On Arno Atoll, if there is only one *Alab* on a particular *wato*, that *Alab* may select the *Iroij Lablab* for that *wato* and the *Iroij Lablab* so selected has the right to designate the *Iroij Erik*, and such *Iroij Lablab* may act as the *Iroij Erik*.

SHOECRAFT, *Chief Justice*

FINDINGS OF FACT

1. Defendant, Bina (also known by the more formal name of Labina), is *Leroij Lablab* of Monpel and Jobwor *watos*, located on Ijoen, Arno Atoll, Marshall Islands, having been elected as such by Serai (sometimes spelled "Jerai"), who is the *alab* on said *watos*.

2. Defendant, Bina, as *Leroij Lablab* under Marshallese custom, has the authority to designate the *Iroij Erik*, and her continuation of herself as *Iroij Erik* on said *watos* is proper under the custom.

3. Plaintiff, Yokob Bailele, performed the functions of *Iroij Erik* on said *watos* on behalf of his mother, Ada, but his authority to so act terminated upon the death of his mother.

OPINION

This action involves the *Iroij Erik* rights to Monpel and Jobwor *watos* in Arno Atoll, the plaintiff contending that money which should be paid to himself as *Iroij Erik* on said *watos* is being wrongfully paid by Serai, the *Alab*, to Bina. Plaintiff contends that he is the rightful *Iroij Erik* on said *watos* since his mother, Ada, was *Iroij Erik* and he has acted on her behalf to collect the *Iroij Erik* share of the proceeds of said *watos*. However, as is the custom on Arno Atoll, if there is only one *Alab* on a particular *wato*, that *Alab* may select the *Iroij Lablab* for that *wato* and the *Iroij Lablab* so selected has the right to designate the *Iroij Erik*. The testimony of the *Alab*, Serai, is unequivocal that she has selected Bina as *Leroij Lablab* (the female equivalent of *Iroij Lablab*) of said *watos*. Bina, as *Leroij Lablab*, has not named another person to act as *Iroij Erik*, but has continued herself as *Iroij Erik*. The plaintiff has failed to sustain the burden of proving that the defendant Serai's payment of the *Iroij*

Erik share to the defendant Bina is improper and not in accordance with accepted Marshallese custom on Arno Atoll.

JUDGMENT

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

1. As between the parties hereto and all persons claiming under them, the *Iroij Erik* rights in the *watos* of Monpel and Jobwor, Ijoen Island, Arno Atoll, are held by Bina, subject to the Marshallese system of land law as generally accepted on Arno Atoll.

Costs are assessed against the plaintiff.