

ANETEN, et al., Appellants

v.

OLAF, et al., Appellees

Civil Appeal No. 6

Appellate Division of the High Court

April 26, 1957

Appeal from the Trial Division of the High Court, Truk District, involving land dispute. The Appellate Division of the High Court, in a Per Curiam opinion, held that long time possession and construction of buildings on land is evidence of ownership and Court is bound by determination of prior administration.

Affirmed.

1. Former Administrations—Official Acts

Court of present administration is bound by determinations made by previous administrations.

2. Real Property—Quiet Title—Presumption of Ownership

Possession for long period of time and construction of a number of buildings on land are indications of ownership of land.

3. Former Administrations—Official Acts

Court of present administration will not assume that German and Japanese Administrations would not have corrected any injustices.

Before SHRIVER, MANIBUSAN, *Temporary Judges*

PER CURIAM

This is an appeal from the Truk District. The trial court decreed that three parcels of land, known as Nepurek, Epilun, and Annuk, all located in Falip Village on Parem, Truk Islands, are owned by the extended matrilineal family of which Sun, one of the appellees is the present head. The trial court did not make findings of fact and conclusions of law.

[1] As is usually the case in this type of appeal, the appellants contend that the decree of the court is not warranted by the law and the evidence. This case does not present the clarity which was shown in *Penno v. Hart-*

mann, et al., decided this date. In the Penno case there was a long continued possession and a prior determination of ownership. On the contrary in the instant case, the appellants contend that the land in question had previously been controverted before both Japanese and subsequently American officials and decisions rendered in favor of their contention. If this is correct we are at least bound by the Japanese decision in accordance with *Jatios v. Levi*, 1 T.T.R. 578, which cited with approval trial decision holding in *Wasisang v. Trust Territory*, 1 T.T.R. 14, and *Cabrera v. Trust Territory*, Saipan Court of Appeals (Appellate Division) Civil Action No. 2, which in effect hold that we are bound by the determinations made by previous administrations.

The evidence in the instant case placed in issue the question as to whether such prior determinations had been made. As regards the lands now in controversy, it is not clear that they were considered by the Japanese and it is equally uncertain as to whether any final determination was made by American officials.

[2, 3] The appellees had possession of these lands for a long period of time, presently or through their ancestors. During their period of possession, they caused or sanctioned to be built on the lands a number of buildings, including a concrete church building without permission or objection from the appellant group or their ancestors. What better indication of ownership can there be than evidence that the appellee group treated this land as being owned by them? The appellant group contends that this was accomplished by force and fear but we cannot assume that the German and Japanese administrations would not have corrected any injustices or that we have facilities which will reach into a distant past to correct any injustices which may have existed.

The decree of the trial division is affirmed.