

KERIBAR, Plaintiff
v.
LEJOLAN and ELEANOR, Defendants
Civil Action No. 12
Trial Division of the High Court
Marshall Islands District
May 4, 1959

Action to have plaintiff recognized as *dri jermal* of certain land on Ailinglaplap Atoll in Ralik Chain. The Trial Division of the High Court, Chief Justice E. P. Furber, held that where line under which plaintiff claims was terminated in German times, that determination cannot properly be upset by courts of present administration.

Former Administrations—Official Acts

Whether determination made during period of German Administration was right or wrong, courts of present administration cannot properly upset it now.

FURBER, Chief Justice

FINDINGS OF FACT

1. The line of *alabs* through which the defendant Eleanor claims to be the present *alab*, was established by the former *Iroi j Elap* Kabua in German times, and they have been in control of the lands ever since.

2. The alleged rights of those through and on whose behalf the plaintiff Keribar claims, were terminated by the above-mentioned establishment, and this determination was accepted by all concerned at the time.

3. The Japanese administration consistently refused to upset the above-mentioned establishment, and refused to recognize the plaintiff Keribar's claims, and so have the successive *iroi j elap* of the lands down to and including the defendant Lejolan, who is admittedly the present *iroi j elap* and whose name is sometimes spelled Lojelan.

CONCLUSIONS OF LAW

1. This action involves the ownership of the *alab* and *dri jermal* rights in two pieces of land on Ailinglaplap Atoll in the Ralik Chain of the Marshall Islands. The plaintiff Keribar is seeking to upset a determination made in German times and followed since then. The plaintiff seeks to have himself recognized as a *dri jermal* under an alleged *alab* who has presented to the court no claim on her own behalf.

2. This action is controlled by the principles set forth in the conclusions of law by this court in *Wasisang v. Trust Territory*, 1 T.T.R. 14. Whether the determination made during the period of the German administration was right or wrong, the courts of the present administration cannot properly upset it now.

JUDGMENT

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

1. As between the parties and all persons claiming under them:—

(a) The defendant Eleanor, whose name is sometimes spelled Elina, and who lives in Airok Village on Ailinglaplap Atoll in the Marshall Islands District, is the *alab* of Lomejerik *wato* and Weloken *wato*, both located in Airok Village on Ailinglaplap Atoll.

(b) The plaintiff Keribar, whose name is sometimes spelled Kedibar, and who also lives in Airok Village, has no rights of ownership in the above-mentioned lands.

2. This judgment shall not affect any rights of way there may be over the lands in question.

3. No costs are assessed against any party.

4. Time for appeal from this judgment is extended to and including August 3, 1959.