

PALIKNA NENA SEKU, Plaintiff

v.

NELSON SIGRAH, Defendant

Civil Action No. 305

Trial Division of the High Court

Ponape District

January 29, 1969

*See, also, 4 T.T.R. 215*

HAROLD W. BURNETT, *Associate Justice*

By dispatch dated December 30, 1968, parties to the above-captioned action were advised to transmit any objections which they might have to the Master's Findings of Fact on the next available transportation from Kusaie. The court was subsequently, by dispatch January 9, 1969, advised that defendant's answer was pending and that his counsel was then in Ponape. Counsel filed nothing, nor did he advise the court of his intentions before again leaving Ponape, and the court therefore entered judgment on January 15, 1969.

Defendant himself has since filed his objection to the Findings. Under the circumstances, the court will treat such statement of objections as being equivalent to a motion for reconsideration.

The only fundamental objection filed by defendant is to the Master's Finding No.5, relative to the plaintiff having had possession of the whole of the land Fwinef for the period following the end of the war until approximately 1950, when he divided it between himself and defendant. Defendant contends that this finding is in "clear conflict with all available evidence". I do not agree. The Master's Finding on this point was supported by the great weight of credible evidence which leaves little room for question that that portion, at least, of Fwinef which is here in dispute was planted and occupied by plaintiff alone.

Upon reconsideration I find no good reason to disturb the Master's Findings. The Judgment will therefore stand as entered.

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KISINA KONANG, Plaintiff

v.

ANGKEN, Defendant

Civil Action No. 351

Trial Division of the High Court

Truk District

January 30, 1969

Action to determine title to land in Moen Village, Truk District. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that where lineage land was placed under the control of individuals and worked under their authority, upon their death, no members of the lineage surviving, the land passed to the survivors of such persons.

Truk Land Law-Lineage Ownership--Transfers

Where lineage lands were placed by the lineage under the control of individuals and worked under their authority, upon their death, there being no surviving members of the lineage, that land passed to the survivors of those placed in charge.

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BURNETT, *Associate Justice*

FINDINGS OF FACT

1. The *taro* swamp designated as "Neutimas No.2" on the Plat of Survey, filed April 12, 1967, is a part of the *taro* patch Naputa.
2. Naputa was originally owned by the Wisusu lineage; no members of the lineage are still living.
3. Joseph and Eniesar received possession of Naputa from the Wisusu lineage and controlled it during their lifetime.
4. Suru and Kisina succeeded Joseph and Eniesar, with the portion here in dispute going to Kisina.