

LIKOP v. ANIPICH

- (d) The culture provides and recognizes the right and act of distribution of an *Iroij's* lands amongst the *Iroij's* chiefs or *Iroij Eriks* and as such the *Iroij Eriks* are independent of each other in their acts and operations.
- (e) From this date on Abisai, Felix, Juriak, Lainlij, and Lujim will operate independent of one another. No one *Iroij Erik* shall have power over another or their respective lands and people except by common agreement between the *Erioj* (sic) *Erik* involved. Such an agreement between Juriak and Lujim is now recognized.
- (f) Each of all the people over which cultural jurisdiction is recognized and shall maintain order and peace therewith.
- (g) **If** at a later date accurate information may arise to warrant a redetermination of the principals of this proclamation, such consideration shall be had only in the presence of all pertinent *Iroij Erik* as previously mentioned.

/s/ C. E. HERRICK
Civil Administrator
Majuro District

KASPARA LIKOP (Successor to **PIO** L. Deceased), Plaintiff

v.

ANIPICH, NIKOCHON, WESEN, and KURUR, Defendants

Civil Action No. 318

Trial Division of the High Court

Truk District

January 31, 1969

Action to determine boundaries. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that Master's Findings were supported by the weight of the evidence and the Master's Report was approved.

BURNETT, *Associate Justice*

This matter comes before the court upon Master's Report entered by the Honorable Olaf W., Associate Judge

of the Truk District Court. The original plaintiff, now deceased, initially filed three separate actions, all of which involved dispute as to boundaries between lands owned by him and abutting lands owned by the captioned defendants. The first complaint was filed March 24, 1964, and upon pre-trial hearing, July 14, 1964, all three actions were consolidated and referred to the Master. The Master filed his report October 6, 1965. Oral argument was heard before a former Associate Justice of the High Court, apparently in May of 1966, and the matter then taken under advisement. There followed an Order for Survey entered on April 11, 1967, an Amended Order for Survey on May 1, 1967, and a further order entered March 11, 1968, which ordered substitution of the party plaintiff, renewed the Order for Survey, and struck the prior order that the case be under submission.

Having reviewed the entire matter as reflected by the record, and the commendably thorough Master's Report, including a transcript of the testimony taken by the Master, I have concluded that no good purpose would be served by further delay, either to await surveyor re-referral to the Master, and, accordingly, proceed to determine the matter on the basis of the Master's Report filed over three years ago.

Following taking of extensive testimony offered by all parties and their witnesses, the Master proceeded to personally view, in company with the parties, the boundaries claimed by each of the parties. On the basis of the testimony and his personal examination of the scene, he made a determination as to the proper boundaries in each of the disputed areas. His determinations are shown on precise sketches attached to his report. Upon a thorough review of all of the evidence, I conclude that the Master's Findings are amply supported by the weight of the evidence and the report is, therefore, approved.

It is, therefore, ordered, adjudged, and decreed:-

1. The boundary between the land NEMOK, owned by the plaintiff, and the lands FAITOU and NEURARENG, owned by the defendant Anipich, is as shown on the Master's sketch marked "CA 318 'A'".

2. The boundary between that portion of the land NISOK owned by the plaintiff and that portion of Nisok owned by the defendants Nikochon and Wesen, and the land NEEP owned by the intervenor Kurur, is as shown on the Master's sketch designated as "CA 318 'B'".

3. The boundary between the land NISOK, owned by the plaintiff, and the land EPINKACHAU, owned by defendant Anipich, is as shown on the Master's sketch designated "CA 318 'C'".

4. No costs are assessed against any party.

JUAN C. TUDELA, Appellant

v.

TRUST TERRITORY OF THE PACIFIC ISLANDS, Appellee

Criminal Case No. 225

Trial Division of the High Court

Mariana Islands District

January 31, 1969

Appeal from decision of District Court finding appellant guilty of charge of driving a vehicle without the consent of the owner. The Trial Division of the High Court, R. K. Shoecraft, Chief Justice, held that although ownership of the vehicle and lack of consent of the owner were essential elements to be proved in order to support a conviction it was sufficient to show that the automobile taken did not belong to the appropriator but was intentionally taken from and without the permission of the person entitled to possession, and failure to produce evidence of ownership and lack of permissive use through the legal or registered owner of the vehicle was not necessary.

1. Motor Vehicles-Operation Without Owner's Consent

Ownership of the vehicle and lack of consent of the owner are essential elements which must be proved in order to support a conviction for