

FILED

NOV 25 2015

IN THE TRADITIONAL RIGHTS COURT
OF THE
REPUBLIC OF THE MARSHAL ISLANDS

ASST. CLERK OF COURTS
REPUBLIC OF THE MARSHAL ISLANDS

HERMON PETERSON,)
)
PLAINTIFF,)
)
VS.)
)
LENI ADDING,)
)
DEFENDANT.)
_____)

CIVIL ACTION NO. 2012-185

OPINION AND ANSWER OF THE TRADITIONAL RIGHTS
COURT

MEMBERS OF THE TRC PANEL:

CHIEF JUDGE WALTER K. ELBON, PRESIDING JUDGE
ASSOCIATE JUDGE NIXON DAVID
ASSOCIATE JUDGE GRACE LEBAN

DATE OF HEARING(S):

PLACE OF HEARING(S): ULIGA COURTHOUSE, MAJURO ATOLL

ACTION TAKEN:

The questions put before Panel of the Traditional Rights Court for answer are:

1. WHO BETWEEN HERMON PETERSON AND LENI ADDING IS THE PROPER ALAB TITLE HOLDER ON KIRANKAN WETO, ARNO ATOLL, MARSHALL ISLANDS?
2. WHO BETWEEN HERMON PETERSON AND LENI ADDING IS THE PROPER DRI JERBAL (SENIOR DRI JERBAL) ON KIRANKAN WETO, ARNO ATOLL, MARSHALL ISLANDS?

ANSWER TO QUESTION NO. 1: HERMON PETERSON

ANSWER TO QUESTION NO. 2: HERMON PETERSON

ISSUE(S) IN THIS CASE:

ACCORDING TO MARSHALLESE CUSTOM, IS IT PROPER FOR THE MEMBER OF THE BWIJ OR THE BOTOKTOK TO GIVE AWAY LAND OWNED BY THE BWIJ, OR THE BOTOKTOK TO THOSE THAT ARE NOT

MEMBERS OF THE BWIJ, OR THE BOTOKTOK WHEN THERE ARE STILL SURVIVING MEMBERS OF THE BWIJ, OR THE BOTOKTOK?

The Defendant in this case, Leni Adding claims the title of Alab and Dri Jerbal on Kirankan Weto, saying that Linjir gave away the weto to Lalbijet. Linjir was the wife of Lalbijet, and Lalbijet is older than Leja, and Leja adopted Leni adding. Linjir, who was younger than Leben, had no right to give away Kiranran Weto to her husband, because the children of Leben were still alive, and there was no will or written agreement stating that the children of Leben and Linjir agreed to her giving away the weto. During trial the panel heard the testimonies as presented by witnesses and considered all evidences as admitted, and finds that it is not proper for Leni Adding to inherit the rights of Alab and Dri Jerbal on Kirankan Weto, Arno Atoll. Today Lantimur Jormelu is the Irojlaplap for Kirankan Weto according to the family lineage of family tree, which was admitted as Plaintiff Exhibit A.

It is certain after examining the Menmenbwij of Kirankan Weto that it is a Bwij Land, starting from the time of Libarmej. Tobo inherited the Irojlaplap title from his mother, Limetto. Limetto's bwij is older than Elbor's bwij. Elbor is the mother of Linjir and Leben. Tobo, being the Irojlaplap, bequeathed the land titles of Irojedrik, Alab, and DriJerbal on Kirankan Weto, Arno Atoll, to Linjir and Leben. Jortoke was an only child of Linjir, and Nodikko was an only child of Leben. Only for Kirankan Weto, the rightful Irojlaplap title successors are Linjir and Leben, and also the rightful successors the other land titles such as Irojedrik, Alab, and DriJerbal. Jortoka is a '*jidrak in bwij*' from her mother Linjir, however, because she did not have any children of her own, the bwij became extinct. Nodikko, the child of Leben, is the '*jidrak in botoktok*', and whereas, Nodikko is claiming only the rights of alab and drijerbal. Therefore, it is proper that she and her children, in this case, Hermon, inherit these rights. Today, Lantimur Jormelu is the Irojlaplap for Kirankan Weto im other wetos. Irojlaplap Lantimur Jormelu recognizes Hermon Peterson to be the rightful alan and dri jerbal for Kirankan Weto as evident on Plaintiff Exhibit D.

NAME(S) OF WITNESSES FOR PLAINTFF:

1. Katip Mack
2. Katwel Jormelu
3. Hermon Peterson

NAME(S) OF WITNESSES FOR DEFENDANT:

None

IMPORTANT ITEMS AND TANGIBLE AND DOCUMENTARY EVIDENCE RECEIVED:

1. Plaintiff Exhibit A, Menmenbwij
2. Plaintiff Exhibit B, Certification of Death of Nodikko Peterson
3. Plaintiff Exhibit C, Certificate of Death of Jortoka A. Enne
4. Plaintiff Exhibit D, Affidavit of Langtimur Jormelu

OTHER MATTERS THE COURT PANEL DEEMS IMPORTANT TO MAKE KNOWN:

Both parties in this matter agree that Kirankan Weto once belonged to Irojlaplap Tobo, but according to the Menmenbwij which was presented by the Plaintiff as Plaintiff Exhibit A, it is clear that Tobo is listed on the bwij line accordingly to be in line for the Irojlaplap title. It also shows that he was once the Irojlaplap of Kirankan Weto and other wetos that belonged to the bwij passing down from Libarnej. During Tobo's reign as the Irojlaplap, he bestowed upon Leben and his younger sister, Linjir, the titles of Irojedrik, alab and dri jermal for Kirankan weto. It is clear that no one ever challenged his arrangement. And according to Marshallese custom, Leben, being the eldest would be come first. Both titles belong to both of them. Jortoka held the Irojlaplap title for Kirankan Weto according to the bwij lineage that began with, or arose from Linjir, her mother. Nodikko could have inherited the Irojedrik title since she had Iroj blood in her. Her father, Leben was the Irojlaplap for Kirankan Weto, however, he chose only to inherit the titles of alab and dri jermal for Kirankan Weto. Therefore, it is proper that her son, Hermon Peterson, in turn become the next alab and dri jermal for Kirankan Weto.

Dated: 05/24/15

/s/

Walter K. Elbon
Presiding Chief Judge
Traditional Rights Court

/s/

Nixon David
Associate Judge
Traditional Rights Court

/s/

Grace Leban
Associate Judge
Traditional Rights Courts