



TRUST TERRITORY REPORTS AND MARSHALL ISLANDS LAW REPORTS

HEADNOTES FOR MARSHALL ISLANDS CUSTOM AND LAND LAW



HIGH COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

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Letter from the Chief Justice

This publication is a compilation of headnotes on Marshallese custom and land law from the Trust Territory Reports (Vols. 1-8, 1951-1988) and the Marshall Islands Law Reports (Vols. 1 and 2, 1982-2004). It is not intended to be authoritative; it is simply a research aid intended to make the law more accessible. Users should find the cases cited in the headnotes and read the cases before citing them for any purpose.

Users are reminded that the Nitijela in the Customary Law (Restoration) Act 1986, 39 MIRC 2, declared L. Levi, et al., v. Kumtak, et al., specified as Combined Civil Action No. 1, to be “null and void, and [that] any rights, titles or interest deriving therefrom are of no force or avail in law unless the same be in conformity with the rules of customary law applicable thereto, any changes made by the Japanese Administration to the contrary notwithstanding.” This same act abolished the authority of the “Droulul.”

Users should also be mindful that other statutes may supercede case law, including declarations of the custom that the Nitijela may enact pursuant to Article X, Section 2 of the Constitution.

Finally, users are reminded that the Supreme Court has ruled that decisions of Trust Territory courts do not have *stare decisis*, as distinguished from *res judicata*, effect in courts of the Marshall Islands. Langijota v. Alex, 1 MILR (Rev.) 216, 218 (1990).

The Court acknowledges Presiding District Court Judge Milton Zackios, whose earlier compilation suggested this one, and Assistant Clerks of the Courts Lena E. Tiobech and Ingrid K. Kabua and Law Clerk Arsima A. Muller, who assisted in compiling the headnotes. All errors are, however, mine. Corrections or suggestions are welcome. The Court can always make revisions in future distributions.

Sincerely yours,

Carl B. Ingram
Chief Justice, High Court
Date: April 23, 2007

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**TRUST TERRITORY REPORTS AND
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HEADNOTES FOR
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CUSTOM AND LAND LAW**

MARSHALLS CUSTOM

Alab

On appeal from judgment of trial division holding that appellee was alab of four wetos, claim was rejected that one of the wetos awarded was not on the list of wetos in issue. (*Shima v. Hermios*), 8 TTR 627.

—*Approval of Wills*

Specific approval of a will by an alab is not necessary. *Jabwe v. Henos*. 5 TTR 458.

Iroj could not without justification properly approve will giving alab rights where the approval would cut off the rights of the person who had the alab rights by reason of matrilineal succession. *Lota v. Korok*, 8 TTR 3.

—*Children*

An alab's children are, under the custom, his nephews and nieces as well as his natural children. *Janre v. Labuno*, 6 TTR 133.

—*Succession to Rights*

Where matrilineal line through which rights of last alab (prior to disputes over alab rights) were derived was not extinct, appellee, as a member of that lineage, took the alab rights through that line and appellant's claim to patrilineal succession must necessarily fail. *Lota v. Korok*, 8 TTR 3.

Burden of Proof

It is axiomatic that a party relying on a rule of custom has the burden of proving its existence and substance at trial. (*Zaion v. Peter*, 1 MILR (Rev.) 228, 231; *Tibon v. Jihu et al.*, 3 MILR 1, 5)

Bwij

Under Marshallese custom, just which people are referred to by term bwij in particular instance depends upon circumstances with regard to which it is used. *Limine v. Lainej*, 1 TTR 231.

Bwilok

Trial court properly found that a bwilok existed and that the iroijs confirmed such bwilok, based on testimony determined to be reliable and documentary evidence. *Shima v. Hermios*, 8 TTR 627.

—Evidence

Trial division's finding that a bwilok occurred was upheld as not clearly erroneous, based on evidence that members of the original bwij left the atoll shortly after the dispute, indicating the consent of the original bwij to the new arrangement, and that nobody contested the succession to alab by a member of the successor bwij. *Shima v. Hermios*, 8 TTR 606.

—Particular Cases

In action contesting alab and dri jermal rights to various wetos on Wotje Atoll, judgment of the trial division that a bwilok occurred and that the successor bwij acquired complete jurisdiction was affirmed, and distribution of funds pursuant to the Micronesian Claims Act of 1971 were ordered to be made as a one-third share for the alab and a two-thirds share for the dri jermal. *Shima v. Hermios*, 8 TTR 606.

Disputes

—Settlement by Courts

When an iroijs lablab is unable to make a determination between conflicting claims which he is empowered to settle under the custom, it becomes the obligation of the court to examine the claims. *Korabb v. Nakap*, 6 TTR 137.

Dri Jermal

—Evidence

In action contesting alab and dri jermal rights to various wetos on Wotje Atoll, objection that certain exhibit did not refer to the wetos by name failed, where there was other evidence in the case from which the identity of the wetos was made clear. *Shima v. Hermios*, 8 TTR 606.

Factual Inquiry

Every inquiry into custom involves two factual determinations: first, is there a custom with respect to the subject matter of the inquiry; and, if so, second, what is it? *Lobo v. Jejo*, 1 MILR (Rev.) 224, 226; *Zaion, et al., v. Peter and Nenam*, 1 MILR (Rev.) 228, 231.

Every inquiry into custom involves two factual determinations. The first is: is there a custom with respect to the subject matter of the inquiry? If so, the second is: what is it?

Only when the ascertained custom is incorporated in a statute or has formed the basis of a final court decision does it become law in the modern sense. *Jack v. Hisaiah*, 2 MILR 206, 209.

Iroj Elap

—Powers

Before foreign supervision the principal limitation on the powers of an iroj elap appears to have been the practical necessity of retaining the loyalty of enough of his subordinates so that they would effectively support him in power by force of arms and, so long as he could maintain control by force or threat of force, his personal decision was final. *Bulele v. Loeak*, 4 TTR 5.

Prior to foreign supervision an iroj elap was required to wage war offensively or defensively for the protection of his lands and the economic well-being of the people subject to him. *Bulele v. Loeak*, 4 TTR 5.

Iroj Erik

—Challenge to Authority

That members of family challenged their iroj erik's determination of right to money paid upon lease of land did not entitle iroj erik to penalize them by refusing to distribute any money to them. *Muller v. Muller*, 6 TTR 30.

—Iroj Titles Generally

Membership in a royal bwij is necessary for holders of iroj titles. *Amon v. Lokanwa*, 6 TTR 413.

—Kajur

Under Marshallese custom it is widely held that a member of the commoner class—a Kajur—cannot succeed to the office of iroj lablab or iroj erik. *Labina v. Lainej*, 4 TTR 234.

—Order of Priority

The strongest priority, in the order of priority to succession to land interests under Marshallese custom, is the descendant in the female line of the lineage, the second is the ajri, defined as the children of the male line of the matrilineal lineage, and the third and weakest priority is the adopted child whose interest in land is primarily the right to work on and receive benefits from the land belonging to the lineage of the adoptive parents. *Amon v. Makroro*, 5 TTR 436.

Under the custom, inheritance of an alab's title is by younger brothers or sisters or members of a smaller, that is, lesser, bwij. *Linidrik v. Main*, 5 TTR 561.

—*Special Arrangements*

When there is a special arrangement for succession, then matrilineal succession resumes thereafter and it does not follow that if there is one special arrangement, all succession thereafter shall be by special arrangement. *Jitiam v. Litabtok*, 5 TTR 513.

Without a clear showing that a special arrangement which breaks or interrupts normal succession only was intended to be an interest for one lifetime, such interest does not revert but continues in the lineage of appointee under the special arrangement that terminate or upset the normal course of succession. *Binni v. Mwedriktok*, 5 TTR 451.

There is no support under the custom for the theory that once there has been an election of iroij lablab, then all successors must be elected. *Jitiam v. Litabtok*, 5 TTR 513.

Because the right of decedent was clearly established and because it cut off the former line of succession without any showing it was intended for the lifetime of decedent, the sisters of the decedent were the successor ababs and the Marshallese system of succession to interests in land. *Binni v. Mwedriktok*, 5 TTR 451.

Iroij Lablab

Under Marshallese custom, position of iroij lablab is primarily one of trust and responsibility, succession to which depends upon combination of birth and recognized ability. *Lainlij v. Lajoun*, 1 TTR 113.

Under Marshallese custom, position of iroij lablab is not merely personal right which can be given away or abolished at will by one holding it. *Lainlij v. Lajoun*, 1 TTR 113.

Those holding land rights cannot throw off entirely all iroij lablab controls over their land or pick new iroij lablab of their own choosing, since this would be inconsistent with Marshallese custom. *Lojob v. Albert*, 2 TTR 338.

Iroij Lablab, see, also, Marshalls Land Law—Iroij Lablab.

—*Approval of Wills*

Under Marshallese custom, approval of iroij lablab, or those entitled to exercise iroij lablab powers, is necessary to make will of rights in land effective. *Limine v. Lainej*, 1 TTR 231.

Under Marshallese custom, approval of iroij lablab is necessary to make will of rights in land effective, although iroij lablab is expected to act within limits of law. *Lalik v. Elsen*, 1 TTR 134.

Under Marshallese custom, where certain persons are allowed to choose who shall succeed them in rights in land, iroij lablab is expected to give effect to wishes of person

making choice, so long as successor named is allowed by custom and there is no strong reason why wishes should not be followed. *Lalik v. Elsen*, 1 TTR 134.

Under Marshallese custom, iroij lablab is one to decide whether, under all the circumstances, necessary people have been consulted about a will or have consented to it, and whether a will once made may be revoked. *Lalik v. Elsen*, 1 TTR 134.

Except in few specific instances, iroij lablab under Marshallese custom is not expected to approve will unless satisfied there is good reason for disposition desired. *Lalik v. Elsen*, 1 TTR 134.

Under Marshallese custom, iroij lablab may approve will in part and disapprove it in part, and his decision, if properly made, will be binding, no matter how clear it is that person making will desired something different *Lalik v. Elsen*, 1 TTR 134.

Under Marshallese custom, where will was approved under system then in force for exercise of iroij lablab powers for approval of wills of rights in land on Jebrik's side of Majuro Atoll, it effectively cut off adopted son's rights in land. *Lajeab v. Lukelan*, 2 TTR 563.

Even if will offered was approved by the iroij erik it was invalid and of no legal effect as it was not approved by the iroij lablab concerned. *Jekron v. Saul*, 4 TTR 128.

Validity of a will depends solely upon its approval by the iroij lablab. *Jabwe v. Henos*, 5 TTR 458; *Linidrik v. Main*, 5 TTR 561.

Under Marshallese custom, approval of an alab's will by the iroij makes it valid, with or without the approval of the bwij. *Linidrik v. Main*, 5 TTR 561.

Where an Iroij Lablab did not give his consent or approval to will in question, such will had no force and effect. *Lokal v. Lolen*, 5 TTR 29.

An attempt to pass dri jermal interests by will was ineffective where the iroij lablab did not approve the will and his representative was prevented from objecting to it. *Neikabun v. Mute*, 5 TTR 493.

It is assumed, unless there is a convincing showing to the contrary, that when the iroij lablab approves a will, there is good reason for the disposition desired. *Jabwe v. Henos*, 5 TTR 458.

Party claiming on one day of trial that he did not know why iroij had not approved will under which he claimed an interest in land, and claiming the next day that iroij had withheld approval because iroij had wanted to give the land to the other party of the

action because that party had a child by the younger brother of the iroij, failed to carry the burden of showing that the iroij had acted unreasonably. *Lota v. Korok*, 8 TTR 3.

—***Powers***

Under Marshallese custom, the power to establish or terminate land interests lies with the iroij lablab or with persons holding that authority. *Nashion v. Litoria*, 8 TTR 357.

—***Presumption of Reasonable Determinations***

Determinations by an iroij are presumed to be reasonable and proper unless it is clearly shown they are not. *Lota v. Korok*, 8 TTR 3.

—***Recognition***

Under Marshallese custom, once person recognizes another as his iroij lablab, he is expected to adhere to this selection unless and until some other firm determination is reached after period of stability, or unless and until iroij lablab so recognized permits some change. *Lainlij v. Lajoun*, 1 TTR 113.

Principles applied to one who has once recognized another as his iroij lablab, and then wrongfully withdraws his recognition, would have no application to one who has never so recognized another, and whose predecessors in interest have never done so. *Lainlij v. Lajoun*, 1 TTR 113.

Under Marshallese custom, those who have undertaken to support individual as successor iroij lablab owe him obligation of loyalty until there is some other fairly definite determination. *Lainlij v. Lajoun*, 1 TTR 113.

Under Marshallese custom, alab has right to recognize another as iroij lablab against opposition of iroij erik, and to withhold share due iroij erik until he recognizes iroij lablab. *Abijai v. Jiwirak T.*, 1 TTR 389.

Under Marshallese custom, where there is no proper recognition of party as iroij lablab at any time by parties having alab interest in wato, party's action in going upon land to harvest and remove copra therefrom was without legal ground, was unjustified, and amounts to trespass against which equity will relieve. *Liwinrak v. Jiwirak*, 1 TTR 394.

Where alab parties were given express permission in 1950 from Civil Administrator to support a successor iroij lablab, they are justified in disregarding claimant as iroij erik so long as he refuses to recognize successor iroij lablab and there is no other definite determination on the matter. *Lainlij v. Lajoun*, 1 TTR, 113.

Under Marshallese custom, where an iroij erik has consistently refused to recognize another as iroij lablab, he is not required to recognize him as such nor to perform various personal services implicit in the relationship. *Abijai v. Jiwirak T.*, 1 TTR 389.

Under Marshallese custom, where iroij erik consistently refuses to recognize another as iroij lablab, he may, without danger of loss of position, refrain from according to iroij lablab those personal indications of esteem required of an iroij erik who has participated in promoting and recognizing the iroij lablab's accession. *Abijai v. Jiwirak T.*, 1 TTR 289.

Where party wrongfully refuses to recognize successor iroij lablab, his rights as iroij erik are suspended, although not completely forfeited, and if he agrees to recognize successor iroij lablab within reasonable time, he may resume the exercise of his powers. *Lainlij v. Lajoun*, 1 TTR 113.

Where party has once undertaken to support another as iroij lablab and has agreed to division of iroij erik rights between himself and others, he owes them obligation under Marshallese custom to stand by agreement in absence of good cause for change. *Laibon v. Namilur*, 2 TTR 52.

—*Succession*

Under present system of society and land ownership in Marshall Islands, there is obvious public interest in having question of succession of deceased iroij lablab determined as quickly and firmly as practicable. *Lainlij v. Lajoun*, 1 TTR 113.

Under iroij lablab system in Marshall Islands, no iroij lablab has absolute right to control selection of successor of another iroij lablab, although he may be able to influence views of others in the matter. *Lainlij v. Lajoun*, 1 TTR 113.

Under Marshallese custom, expressed wishes of iroij lablab as to his successor may have great influence with his people, but it cannot bind them in such a way as to relieve them from obligations assumed after his death. *Lainlij v. Lajoun*, 1 TTR 113.

Under Marshallese custom, where there is such reasonable uncertainty as to rightful successor to deceased iroij lablab so as to make substantial numbers of owners or interested persons hesitate before declaring their recognition, no valid claim to succession can be effectively made unless and until persons having rights in such lands recognize successor in such a fashion as to evince unmistakable choice. *Liwinrak v. Jiwirak*, 1 TTR 394.

Where former judgment named party as temporary iroij lablab and recognized possibility of others having equal or better right to that title, party named is entitled to act as iroij lablab only until such time as there was clear decision as to proper person to exercise those powers. *Liwinrak v. Jiwirak*, 1 TTR 394.

Where previous Civil Administrator determined there was no successor to deceased iroij lablab, iroij erik was justified in disregarding any successor so long as this determination remained in force. *Lainlij v. Lajoun*, 1 TTR 113.

The position of iroij laplap is primarily one of trust and responsibility, the succession to which depends upon a combination of birth and recognized ability, and it is not a merely personal right which can be given away or abolished at will by one holding it. *Jetnil v. Budnmar*, 4 TTR 420.

The expressed wishes of one iroij laplap as to the selection of his or her successor may have great influence with his people, but it cannot bind them in such a way as to relieve them from obligations assumed after his or her death. *Jetnil v. Budnmar*, 4 TTR 420.

It is not a matter for the courts to say whether a claimant should be installed as iroij. *Bina v. Lajoun*, 5 TTR 366.

It is an established principle of customary land tenure in the Marshall Islands that a claimant to the rights in land of an iroij lablab must show that the other persons having interest in the land recognize or acknowledge the rights of the iroij lablab claimant. *Bina v. Lajoun*, 5 TTR 366.

If there is opposition to the person otherwise entitled to be iroij, the court should exercise restraint in decreeing entitlement to the position even though it is possible for holders of lesser interests in land to thus effectively block the exercise of iroij lablab powers. *Bina v. Lajoun*, 5 TTR 366.

Whether contrary to custom or not, if those with rights in land oppose a claimant to iroij lablab rights and in so doing throw off iroij lablab controls contrary to custom, the Appellate Division of the High Court should not upset the determination. *Bina v. Lajoun*, 5 TTR 366.

Trial court properly made finding that no Marshallese custom exists allowing devolution of the Iroij Lablab title to a non-blood son of the deceased Iroij, and that for purpose of succession to the title of Iroij Lablab, there is no customary equivalent to a natural born blood heir. *Loeak v. Loeak*, 8 TTR 456.

At trial in which dominant issue was whether defendant's father was a blood son of an Iroij Lablab, there was no prejudicial error in the admission of testimony concerning defendant's father's skin and hair color, and admission of will of the Iroij Lablab, since this evidence had obvious relevance, its admission was discretionary with the trial court, and its weight was subject to determination by that court. *Loeak v. Loeak*, 8 TTR 163.

At trial to determine who succeeded to the rights of an Iroj Lablab upon his death, where the critical issue was whether defendant's father was a blood son of the former Iroj Lablab, trial court erred in only considering actual paternity in resolving the matter, and rejecting any consideration of whether defendant's father was other than adopted, where defendant's father was born to Iroj Lablab's wife, in his house, and was accepted as his son, and under the custom one born in the household regardless of paternity is considered the same as a blood child. *Loeak v. Loeak*, 8 TTR 163.

Jebrik's Side of Majuro

—Droulul

On Jebrik's Side the Droulul holds and exercises iroj lablab authority. *Nashion v. Litiria*, 8 TTR 357.

The Droulul is a committee composed of individuals holding rights as iroj erik, alab or dri jermal. *Nashion v. Litiria*, 8 TTR 357.

On Jebrik's Side, termination or change of land interests must have the approval and acquiescence of the Droulul. *Nashion v. Litiria*, 8 TTR 357.

Any delegation of the Droulul's authority must be either definite or specifically conferred at a meeting of which the whole Droulul had adequate notice and in which all members had reasonable opportunity to participate. *Nashion v. Litiria*, 8 TTR 357.

In a Marshallese land dispute, finding of trial court that Droulul did not give approval for sale of land was not erroneous, where only evidence that Droulul delegates its authority in land matters to party who approved sale was the party's own bald and unsubstantiated claims, which the trial court evidently concluded lacked credibility. *Nashion v. Litiria*, 8 TTR 357.

Droulul's failure to expressly repudiate a sale of land on Jebrik's Side did not amount to approval of the sale by acquiescence, since exercise of the Droulul's powers must be by approval and acquiescence, and substantial evidence supported a finding that valid approval was not given by the Droulul. *Nashion v. Litiria*, 8 TTR 357.

Dri jermal holders, acting alone, lacked legal competence to authorize a sale of Marshalls land on Jebrik's Side. *Nashion v. Litiria*, 8 TTR 357.

Kallimur

Marshallese word kallimur, frequently translated as will, includes many things which would not ordinarily be considered wills in usual American sense. *Lalik v. Elsen*, 1 TTR 134.

Analogies drawn from idea of a will under English Statute of Wills or similar statutes in United States may not apply to Marshallese term kallimur. *Lalik v. Elsen*, 1 TTR 134.

Written kallimur, indicating who will succeed to one's land rights, lacks much of element of voluntary choice implied in American idea of a will. *Lalik v. Elsen*, 1 TTR 134.

Marshallese word kallimur implies a determination within limits allowed by Marshallese custom. *Lalik v. Elsen*, 1 TTR 134.

Marshallese word kallimur may mean a determination by iroij lablab of present rights in land, or promises by others that are to have present effect without waiting for death of person making promise. *Lalik v. Elsen*, 1 TTR 134.

Japanese effort to have kallimur approved by magistrate and Japanese Administration was simply precaution to avoid arguments later, and wills so approved and filed could still be made and revoked in accordance with Marshallese custom. *Lalik v. Elsen*, 1 TTR 134.

A Marshallese will or kallimur is distinguished from the American concept of will. *Chilli v. Lanadra*, 5 TTR 318.

A kallimur is defined as a determination of land rights within the limits allowed by Marshallese custom. *Chilli v. Lanadra*, 5 TTR 318.

Trial court correctly found that a kallimur was entitled to great weight and presumed to be reasonable and proper. *Maie v. Bulele*, 8 TTR 451.

Kitre

Under Marshallese custom it is proper for kitre land to pass to the bwij of the recipient. *Wena v. Maddison*, 4 TTR 194.

Leroij

—Powers

As a general matter, a leroij (or the male counterpart, iroij) does have the power to determine the rights of subordinate landowners. *Shima v. Hermios*, 8 TTR 622.

—Weight of Decisions

A decision of a leroij to change the rights of subordinate landowners is entitled to great weight and will be upheld unless unreasonable and arbitrary. *Shima v. Hermios*, 8 TTR 622.

Marlap Land

In a dispute over alab and dri jermal rights, claimant's contention that land was marlap land and could not be taken away without good reason, even if accepted, was to no avail, since claimant's father's act of betrayal in informing on the iroij to the Japanese during

the Second World War supplied a sound and persuasive reason to cut off alab and dri jermal rights in any event *Shima v. Hermios*, 8 TTR 602.

Payment of Copra Shares

There is no law or custom that requires a worker on land to pay copra sales shares to a claimant at his peril and as long as a worker has reasonable and adequate grounds for paying one party he is relieved from further liability. *Rijinno v. Dick*, 5 TTR 557.

Public Meetings

Under Marshallese custom, questions of magnitude to the community, for example involving payment for the indefinite use rights to two watos from whence approximately 100 people had been removed, should be settled in public meeting. *Bulele v. Loeak*, 4 TTR 5.

Succession

Under Marshallese custom, each child is entitled to an equal share of their mother's estate. *In re Estate of Rose*, 5 TTR 648.

Under Marshallese custom a decedent's surviving spouse is entitled to her share and it is her responsibility to make such division as she may see fit to his adopted daughter. *In re Estate of Rose*, 5 TTR 648.

Succession to Titles

—Generally

Under Marshallese custom those designated as successors by the title-holders have the best right to succeed to such titles. *Wena v. Maddison*, 4 TTR 194.

On the general question of inheritance under the custom as it existed in the Marshall Islands on December 1, 1941, it must be found that there was no automatic succession to the office or rights of an iroij laplap, no inflexible or un-deviated rule or pattern that must be followed on the death of an iroij lablab. *Labina v. Lainej*, 4 TTR 234.

Action in appointing person out of normal line of succession to iroij lablab in effect extinguished idea of succession according to the ordinary pattern of inheritance. *Labina v. Lainej*, 4 TTR 234.

The manner of succession as to alabs applies to the pattern followed in the succession to the iroij lablabs and iroij eriks among the nobility class in the Marshall Islands. *Labina v. Lainej*, 4 TTR 234.

The normal pattern of Marshallese succession for any land interest title is by descent through the matrilineal line and when it becomes extinct, a patrilineal succession may occur for one generation and after that the interests pass in the new matrilineal line. *Jitiam v. Litabtok*, 5 TTR 513.

A break in the customary inheritance pattern cannot be continued indefinitely in the case of a member of the bwij entitled to inherit claiming the title in question. *Linidrik v. Main*, 5 TTR 561.

Superseded

Marshallese custom does not control over clearly expressed and firmly maintained determinations of Japanese Administration. *Lazarus v. Tomijwa*, 1 TTR 123.

Determination of Japanese Administration concerning land law, which deviated substantially from Marshallese custom, effectively changed law so far as land in question is concerned. *Lazarus v. Tomijwa*, 1 TTR 123.

Widow's Rights

Under the custom the widow is the sole person entitled to receive the assets of her husband's estate. *In re Estate of Lemman*, 5 TTR 137.

Under Marshallese custom the widow, upon receiving the assets of her husband's estate, will confer with her daughters as to a further distribution of the estate, and such distribution is within the sole discretion of the widow and is not within the province of the court. *In re Estate of Lemman*, 5 TTR 137.

MARSHALLS LAND LAW

Generally

Marshallese system of land law, including both power and obligation of iroij lablab and limitations on it, has been carried over under American Administration, under general principles of international law and Trust Territory law. (TTC, Sec. 24) *Limine v. Lainej*, 1 TTR 107.

Under Marshallese custom, there is no analogy between American idea of an absolute owner and Marshallese idea of holder of any one of levels of rights in common kinds of land ownership. *Jatios v. Levi*, 1 TTR 578.

Under Marshallese custom, all levels of owners of land have rights which courts will recognize and obligations to each other which severely limit their control overland. *Jatios v. Levi*, 1 TTR 578.

Under Marshallese custom, there is duty of loyalty up lines of feudal ownership and duty of protection of welfare of subordinates running down lines. *Jatios v. Levi*, 1 TTR 578.

When substantial number of persons in community question another's title and land rights under Marshallese custom, party is excused from his refusal to honor such rights until court rules on question. *Levi v. Kumtak*, 1 TTR 36.

Court will neither enlarge nor decrease rights or obligations of alab and dri jermal under Marshallese custom since rights of both are subject to and dependent on custom. *Mike M. v. Jekron*, 2 TTR 178.

Land rights in the Marshalls had become sufficiently firm by the time the American administration took over so that rights once firmly and clearly established and recognized could not be cut off except for good cause arising after their establishment. *Langjo v. Neimoro*, 4 TTR 115.

All the different levels of owners have rights which the courts will recognize, but they also have obligations to each other, thus there is a duty of loyalty all the way up the line dri jermal, to alab, to iroij erik, to iroij lablab, a corresponding duty of protection of the welfare of subordinates running down the line, and a strong obligation of cooperation running both ways. *Jetnil v. Buonmar*, 4 TTR 420.

Marshallese Commoners have relatively less in land rights than their fellow citizens of the other Districts of the Trust Territory because of the feudalistic social structure in the Marshalls whereby various members of the iroij class own interests in most of the individual parcels throughout the District. *Bulele v. Loeak*, 4 TTR 5.

As members of the same bwij, plaintiff and defendants had certain obligations with respect to each other, probably the stronger obligation being that of the defendants to look after the welfare of their father's sister, the plaintiff. *Jetnil v. Buonmar*, 4 TTR 420.

An iroij often owns rights in many watos on different atolls. *Bulele v. Loeak*, 4 TTR 5.

The applicable law under the custom provides for termination or change of a vested land interest only for good cause shown and usually with the approval of all those having present or prospective rights in the land. *Linidrik v. Main*, 5 TTR 561.

Under the custom, the interests between persons holding land rights are mutual, thus the dri jermal are required to perform the obligations due the alab and the alab in turn must respect the rights of the dri jermal. *Makroro v. Benjamin*, 5 TTR 519.

When a lineage is asked to work land, it does not follow they acquire ownership interest in the land. *Tikoj v. Liwaikam*, 5 TTR 483.

Where neither the defendant's bwij nor the droulul were informed of nor gave their approval to the attempted sale to another, such sale was invalid. *Makroro v. Kokke*, 5 TTR 465.

Under the feudal system of land tenure prevailing in the Marshall Islands there are always three and usually four rights or ownership interests in land, all of which benefit from the produce from the land, even though the product is generally obtained by the sole efforts of the dri jermal, who shares a portion of the income from the sale of copra with the alab, whose principal duty is management of the land, and with the iroij erik or iroij lablab and with both in the eastern chain. *Lijablur v. Kendall*, 6 TTR 153.

Rental or other income from land is contract or custom income, whereas payment for loss of a business on the land and the goodwill and future earnings of the business represents damages for a tort or a taking by eminent domain. *Lijablur v. Kendall*, 6 TTR 153.

Holder of dri jermal interests in leased wato was entitled to share in the rental payment, but was not entitled to share in the damages paid the alab for the loss of business he had on the land. *Lijablur v. Kendall*, 6 TTR 153.

It is traditional land law in the Marshall Islands that the iroij lablab, or the iroij elap, in the western chain, must approve of or acquiesce in any transfer of land interest before it is valid, and if lineage land is to be transferred, the approval of the iroij erik, alab and dri jermal must also be obtained, prior to obtaining the approval of the iroij lablab or iroij elap. *Ladrik v. Jakeo*, 6 TTR 389.

Adopted Persons

A person adopted by a member of a bwij, that the adopted person is not a member of, has stronger rights than a child of such adopted person; and where a person is adopted by an alab and assigned to land as a dri jermal, his interest should not be terminated except for good cause and acquiescence by the iroij, though if his child succeeds him as dri jermal, the child's interest is weaker and may be terminated without any substantial showing of good cause. *Toring v. Lejebeb*, 6 TTR 491.

—Removal From Land

Where dri jermal assigned to the land by the alab was the son of a man adopted by his bwij, dri jermal was not a member of the bwij, had very tenuous, if any, right to work the land, and at most, was on the land by the alab's sufferance; and the good cause necessary to his removal could be a lot less persuasive than would normally be required. *Toring v. Lejebeb*, 6 TTR 491.

Alab

Under Marshallese custom, alab is only one of owners of land, at one level in feudalistic system. *Jatios v. Levi*, 1 TTR 578.

Under Marshallese custom, mere bringing of suit to determine rights in certain wato does not constitute good cause for cutting off party's alab rights in other wato. *Lobwera v. Labiliet*, 2 TTR 559.

Under Marshallese custom, alab is not entitled to decide whether radical change in Marshallese system of land holding is desirable or not. *Alek S. v. Lomjeik*, 3 TTR 112.

Where situation as to rights and obligations of alab is uncertain, and he promptly brings matter to court for determination, his alab rights will only be temporarily suspended until he demonstrates he is ready to fulfill his alab obligations. *Alek S. v. Lomjeik*, 3 TTR 112.

Under Marshallese custom, there is only one holder of alab interests for a particular parcel of land. *Korabb v. Nakap*, 6 TTR 137.

—*Children*

An alab's children are in the direct line of inheritance for ninnin land, but not for lineage land. *Janre v. Labuno*, 6 TTR 133.

—*Conflicting Claims*

The rights of alab are subject to the power of the iroij lablab to make reasonable determination of conflicting claims to entitlement. *Korabb v. Nakap*, 6 TTR 137.

Designation of an alab for certain land, and the right to divide the rights between three claimants to the alab position, rested in the bwij with the approval of the iroij, but island council, as the chosen representative of the bwij, had authority to divide the alab rights between the three in absence of protest or a showing of abuse of discretion. *Enos v. Ankeir*, 6 TTR 595.

Where land distributed in the 1920's was probably meant to be ninnin land, but the extended family had treated it as kabijuknen land since 1936, and it had been administered as such with the consent of the family and the iroij lablab, court would not, in suit to determine alab interests, upset the long continued pattern and would treat the land as kabijuknen land. *Korabb v. Nakap*, 6 TTR 137.

In action to determine alab rights in what was probably meant to be ninnin land under distribution made in the 1920's but which had, by consent of the extended family and approval of the iroij lablab, been treated as kabijuknen land since 1936, and which court would continue to treat as kabijuknen land rather than upset the long established pattern, subsistence money and payments in lieu of copra income, paid to the family by the government, which had moved the family elsewhere due to operation of Kwajalein missile range, should be distributed as before, but through defendant, who was successor

alab, rather than through plaintiff, who had been receiving the payments and was next in line to hold the alab rights. *Korabb v. Nakap*, 6 TTR 137.

—***Establishment***

Under Marshallese custom, establishment of alab cannot be upset by those holding subordinate rights in land without action of the iroij elap. *Jibor v. Tibiej*, 2 TTR 38.

Under Marshallese custom, establishment of alab cannot be later upset on basis of facts which were in existence at time of establishment unless there is clear showing these facts were fraudulently concealed in some manner. *Jibor v. Tibiej*, 2 TTR 38.

Once alab has been definitely established under Marshallese custom, and establishment has been accepted by all those concerned at the time, it cannot be upset years later on basis of facts which were in existence at time of establishment. *Jibor v. Tibiej*, 2 TTR 38.

Under Marshallese custom, where party recognized as alab by those having property rights of iroij lablab in lands in question is half brother of former alab, decision is reasonable and fair and should prevail. *Jonjen v. Debrum*, 2 TTR 336.

Under Marshallese custom, if parties' predecessors were mistaken in method of allowing alab rights to pass many years ago, it would be unfair now to upset those rights as then recognized without showing fault on part of those who have been exercising these rights since then. *Likinono v. Nako*, 3 TTR 120.

If a party does not wish to follow the determination of an iroij lablab as to who is entitled to exercise alab powers on a piece of band, he may file an action in the High Court and have the Court decide if the action of the iroij was proper. *Rilometo v. Lanlobar*, 4 TTR 172.

It is not proper for a litigant who has just had a trial, an opportunity to prove his right to act as alab, and who has lost, to be allowed to maintain a new action against the iroij lablab and in effect try his case over again; under those circumstances the principles of *res judicata* apply. *Rilometo v. Lanlobar*, 4 TTR 172.

Until a successor alab is recognized in that office, he is without authority to act. *Edwin v. Thomas*, 5 TTR 326.

A claim to alab rights may not be made merely because of the exercise of dri jermal rights. *Linidrik v. Main*, 5 TTR 561.

Where the only evidence on issue of plaintiff's claimed alab and dri jermal interests in land was a government record of a land title officer's determination that someone else

was alab and plaintiff was dri jermal, the most plaintiff could successfully claim was a dri jermal interest. *Mojiliong v. Lanki*, 6 TTR 381.

—*Limitation of Powers*

Under Marshallese custom, alab may not put dri jermal off land without obtaining consent and may not disregard rights of iroj erik established by Japanese Government. *Jatios v. Levi*, 1 TTR 578.

Under Marshallese custom, an alab acting alone cannot cut off dri jermal rights or give away alab rights. *James H. v. Albert Z*, 2 TTR 135.

Under Marshallese custom, if dri jermal acts wrongfully towards alab, this does not justify those acting for alab in trying to stop workers sent by dri jermal without further consultations. *Mike M. v. Jekron*, 2 TTR 178.

An alab does not have authority to cut off interests in land by himself. *Jabwe v. Henos*, 5 TTR 458.

An alab may not terminate or change interests in land by himself, he must have the approval and acquiescence of the iroj lablab or, on Jebrik's side of Majuro Atoll, the droulul or group exercising the iroj lablab rights. *Makroro v. Benjamin*, 5 TTR 519.

Under the custom an alab, acting with the approval of the iroj lablab or those holding those powers, may not terminate a long-vested interest in land without good cause. *Makroro v. Benjamin*, 5 TTR 519.

Land interests, once they have vested and have been established for a long time, may not be cut off by the alab without the consent of the iroj lablab and the iroj lablab may not approve an attempted termination of vested interest without good cause. *Neikabun v. Mute*, 5 TTR 493.

An alab cannot name certain persons exclusively as dri jermal and thereby cut off others' rights unless he can demonstrate good cause. *Chilli v. Lanadra*, 5 TTR 318.

Once the dri jermal rights have been determined, an alab may not cut off those rights, the dri jermal may occupy the land and the alab may not put him off the land. *Lajian v. Likebelok*, 5 TTR 417.

An alab has no authority to unilaterally and without notice cut off the inheritance rights of her bwij. *Tobeller v. David*, 1 MILR (Rev.) 81, 82.

It is contrary to custom for an alab to change rights and responsibilities with respect to land without any reference to the iroij or anyone else. *Lejeman v. Laakbel*, 1 MILR (Rev.) 117, 119.

—*Obligations*

Under Marshallese custom, those acting for alab have obligation to see that their actions are in accord with their authority and do not exceed it. *Mike M. v. Jekron*, 2 TTR 178.

If alab seriously and persistently disregards his obligations under Marshallese custom, court will in extreme cases enjoin him from exercising his alab rights and, after notice and opportunity to be heard, appoint someone else to exercise alab rights for him. *Alek S. v. Lomjeik*, 3 TTR 112.

Under Marshallese custom, alab of land is obligated to cooperate with the leroij erik and show normal respect for her wishes. *Alek S. v. Lomjeik*, 3 TTR 112.

Under the custom, a holder of alab interests is not obliged to live on nor work the land over which he holds such authority. *Tikoj v. Liwaikam*, 5 TTR 483.

An alab is not expected to share income with the dri jermal when the alab sells copra or other produce from the land, but the alab has some degree of responsibility for the welfare of the dri jermal. *Lijablur v. Kendall*, 6 TTR 153.

Alab's obligation to protect the welfare of the dri jermal does not require him to make a gift to the dri jermal of a share of the alab's sole and separate business. *Lijablur v. Kendall*, 6 TTR 153.

—*Powers*

Under Marshallese custom, alab of land in which his bwij holds alab rights has no power to give those rights away without consent of iroij lablab of the land, or those entitled to exercise iroij lablab powers over it. *Lazarus v. Likjer*, 1 TTR 129.

Clearly established alab rights exercised over a long period of years could not properly or reasonably be cut off by a leroij because of any error there may have been in their establishment or recognition. *Langjo v. Neimoro*, 4 TTR 115.

Alab rights will be presumed to continue to exist until it is shown they were terminated in accordance with Marshallese custom and law. *Binni v. Mwedriktok*, 5 TTR 373.

The right to designate a dri jermal on land, without cutting off previously vested rights without good cause, is one of the powers of an alab. *Chilli v. Lanadra*, 5 TTR 318.

Alab could not give lineage land to his daughter in gift as ninnin land where there was another person entitled to inherit the land under the custom. *Lebeiu v. Motlock*, 6 TTR 145.

Where plaintiff, who was alab and dri jermal for wato, gave defendant and his extended family permission to live on the land, permission could be revoked without cause. *Lokar v. Latak*, 6 TTR 375.

Where plaintiff, who was alab and dri jermal for wato defendant and his extended family had been given permission by plaintiff to live on, was offended by defendant's son, who took plaintiff's wife without her consent, the defendant, as head of the family, also offended plaintiff and plaintiff had adequate cause under Marshallese custom to remove the family from the land, particularly since cause was not necessary. *Lokar v. Latak*, 6 TTR 375.

The amounts and timing of distributions of the alap's share among the members of his bwij entitled thereto is in the discretion of the alap. *Lobo v. Jejo*, 1 MILR (Rev.) 224, 226.

Notice to members of the alap's bwij is not necessary for the alap to convey his or her alap rights. It is sufficient that the iroj, irojedorik where necessary, alap and senior dri jermal approve of any such alienation or disposition of land rights. *Gushi Bros Co. v. Kios, et al.*, 2 MILR 120, 125.

—**Removal**

Court will decline to terminate alab rights in the absence of action under customary procedure by the iroj lablab. *Nenjir v. Laibinmij*, 5 TTR 477.

Normally, failure to pay an iroj his share of copra sales is adequate grounds for removal of either alab or dri jermal. *Nenjir v. Laibinmij*, 5 TTR 477.

Alab and dri jermal interests of person who failed to recognize and cooperate with his iroj erik could not be terminated by the court in the first instance; such decision was for the holders of iroj lablab authority to approve or acquiesce in, after which the court would enforce the decision. *Lanki v. Lanikieo*, 6 TTR 396.

—**Succession**

Under Marshallese custom, determination made by alab, with or without approval of his bwij as to who should succeed him as alab, has no legal effect without approval of iroj lablab. *Limine v. Lainej*, 1 TTR 231.

Where former alab tried to give alab rights to claimant and his bwij, it was of no legal effect when it lacked necessary consent of those exercising iroij lablab powers. *Lazarus v. Likjer*, 1 TTR 129.

Claim to alab rights based solely on fact claimant is son of former alab is contrary to Marshallese custom, since alab rights do not descend that way as matter of course. *Jonjen v. Debrum*, 2 TTR 336.

Under Marshallese custom, although an alab's son may reasonably expect to serve as acting alab, he must act as alab's representative and in accordance with her wishes. *James H. v. Albert Z.*, 2 TTR 135.

Theory of inheritance of alab rights which implies series of arrangements out of ordinary course under Marshallese custom, and which negatives normal inferences to be drawn from undisputed facts, should not be given effect without clear proof. *Likinono v. Nako*, 3 TTR 120.

Under Marshallese custom, where former alab attempts to have party made alab without necessary approval for changing order of inheritance of alab rights, his efforts are insufficient to accomplish their purpose. *Alek S. v. Lomjeik*, 3 TTR 112.

Under Marshallese customary law the nearest relative in the female line succeeds as alab as against a person not related to the former alab in the female line. *Jekron v. Saul*, 4 TTR 128.

If appellee was the successor alab in accordance with Marshallese custom, then the recognition given to another by the leroij lablab exceeded her authority. *Likinono v. Nako*, 4 TTR 483.

An adopted child possesses much the same rights as the biological children except that he may only become alab of land of the lineage into which he has been adopted upon the extinction of all lineage relatives. *Labina v. Lainej*, 4 TTR 234.

An alab, after the death of an alab who had separated the bwij from a wato had the power to appoint a successor to such alab. *Makroro v. Benjamin*, 4 TTR 366.

Where there has been a separation of ownership between a bwij and a younger bwij when the bwij dies out in the female line its alab rights pass to the senior of the descendants of the male members of the bwij. *Liwaika v. Bilimon*, 4 TTR 123.

The consent of the Iroij is essential to a gift or transfer of alab rights. *Lokal v. Lolen*, 5 TTR 29.

Alab interests of older bwij were not permanently cut off and transferred to younger bwij when alab, from older bwij, had his interests suspended when he refused to recognize iroj lablab and left the land and plaintiff, from a younger bwij, was named to replace him; so that where suspended alab returned and resumed exercise of his alab interests unchallenged by the person who had replaced him, and then died, his sister was his successor, not the person who had replaced him. *Risa v. Bokwij*, 6 TTR 170.

Where three related bwij which began, as far as instant case was concerned, with three sisters, owned, as lineage land, land in which plaintiff, a male descendant in the matrilineal line of the youngest sister, claimed alab rights as against defendant, a female descendant in the patrilineal line of the oldest sister, and plaintiff and defendant were the only living members of their generation and all older generation members had died, and oldest sister's bwij, in her children's generation became extinct in the matrilineal line and the smaller bwij of the other two sisters were extinct in the generation of the two sisters' children but were not extinct in matrilineal descendants, the alab rights passed, upon the end of the oldest bwij, to the smaller bwij, and where there were no survivors in that generation to take, the rights passed down to the next generation to plaintiff as he was the oldest person in the matrilineal line. *Lebeiu v. Motlock*, 6 TTR 145.

Where plaintiff claimed that matrilineal line holding alab rights to certain land ended with death of the alab and that plaintiff, being the oldest member of the patrilineal line, succeeded to the title, but the iroj lablab declared defendant the alab on the basis of succession list prepared in 1935, and evidence showed the list to be incorrect, presumption that iroj lablab's determination was reasonable was overcome and court would declare plaintiff the alab. *Lota v. Korok*, 6 TTR 176.

Because alab's two children were adopted, the customary Marshallese pattern that the oldest member of a family, or bwij, should hold senior rights, either alab or dri jermal, did not apply, and the children were on the same level. *Konou v. Makroro*, 6 TTR 365.

Upon death of alab, his nephew was entitled to the title and to the alab's share of proceeds of copra sales made by decedent alab's children as dri jermal, who had refused to give nephew the alab's share. *Lenekem v. Lidrik*, 6 TTR 327.

Marshallese customary pattern provides for matrilineal descent of land rights. *Lokken v. Nakap*, 1 MILR (Rev.) 69, 71).

Business on Land

Under Marshallese custom, when a person lives on and sells copra from land, he is expected to make food contributions to both the alab and the iroj, as well as sharing a small portion of copra sales with them, and in the event he operates a business on the land, the practice is continued. *Lokar v. Latak*, 6 TTR 375.

—*Distribution of Payment for Loss*

When a person operates a business on land and none of the other persons holding an interest in the land have a claim to or interest in the business, the other interest holders should not be entitled to share in damages paid for loss of the business. *Lijablur v. Kendall*, 6 TTR 153.

Delegation of Powers

Under Marshallese custom, one who handles details of work of iroij erik and iroij lablab is subject to obligation to handle these matters as their representative and in accordance with their wishes. *Laibon v. Namilur*, 2 TTR 52.

Disposition on Merits Preferred

This court agrees with the High Court that the land rights of the Marshallese people are of extreme importance and that the drastic procedure of preventing a full hearing in court should be avoided if at all possible. *Lokot and Kabua v. Kramer, et al.*, 2 MILR 89, 91.

Distribution of Land Use Payments

Allocating equal thirds of payments for land use and in lieu of copra to the irojlaplap, alap and dri jermal is consistent with Marshallese practice. *Mwedriktok v. Langijota and Abija*, 1 MILR (Rev.) 172, 175.

Dri Jermal

Under Marshallese custom, if alab cuts excessive amounts of copra, matter should be taken up by dri jermal with alab or with iroij erik and those having iroij lablab powers over the land. *Mike M. v. Jekron*, 2 TTR 178.

Under Marshallese custom, if dri jermal is sick and unable to work land himself, he should be allowed, on reasonable notice, to send members of household or others closely connected with him to work for him. *Mike M. v. Jekron*, 2 TTR 178.

—*Establishment*

Under Marshallese custom, where adopted daughter of iroij erik receives alab rights in land and also is expected to look out for her brother by adoption, he is considered to have dri jermal rights in land under her, along with her relatives by blood who have been actually using land for some time. *Beklur v. Lijablur*, 2 TTR 556.

Under Marshallese custom, where actions of previous alab are later approved by or on behalf of iroij erik, this is sufficient to vest dri jermal rights in land until some affirmative action to the contrary is taken by those entitled to exercise iroij lablab powers. *Alek S. v. Lomjeik*, 3 TTR 112.

Under Marshallese custom, establishment of dri jermal on particular piece of land can be stopped by iroij lablab of that land and is supposed to have his consent. *Alek S. v. Lomjeik*, 3 TTR 112.

It is recognized Marshallese custom that the ultimate authority in establishing dri jermal on a piece of land is vested in the iroj lablab providing his decisions are reasonable and in accordance with law and custom. *Jekron v. Saul*, 5 TTR 414.

Under Marshallese custom, establishment of dri jermal on a particular piece of land can be stopped by iroj lablab of that land and is supposed to have his consent. *Edwin v. Thomas*, 5 TTR 326.

The establishment or reestablishment of dri jermal is often done by those having lesser rights in the land without any affirmative act or express decision by the iroj lablab, but merely with his acquiescence or implied consent. *Jekron v. Saul*, 5 TTR 414.

A dri jermal cannot designate his successor dri jermal to the exclusion of the other members of the bwij, particularly when another person was recognized by predecessor alabs and the present alab as the senior dri jermal on the land. *Chilli v. Lanadra*, 5 TTR 318.

That, under Marshallese custom, daughter inherited her father's dri jermal interest upon his death, was sufficient to establish her interest without reference to father's will, which named daughter as dri jermal but failed to comply with rule that the droulul must approve or acquiesce in a will to make it valid and effective on Jebrik's side of Majuro Atoll. *Konou v. Makroro*, 6 T.T.R 365.

Finding of trial court that plaintiff and his brothers and sisters possessed dri jermal rights to certain watos in Marshall Islands District was supported by more than sufficient credible evidence where record on appeal revealed that mother of plaintiff and his brothers and sisters not only lived and worked on land in question but that her position as dri jermal was recognized by former alab and by iroj lablab. *Laubon v. Monna X*, 7 TTR 439.

—Obligations

Under Marshallese custom, if alab cuts excessive amounts of copra, this does not justify dri jermal in withholding alab's share of copra nor in ceasing to contribute food to alab's family. *Mike M. v. Jekron*, 2 TTR 178.

Under Marshallese custom, those who have dri jermal rights in land are under obligation to respect rights of acting alab, provided he in turn fulfills his obligations as alab. *Alek S. v. Lomjeik*, 3 TTR 112.

The settlement of any uncertainty relating to the status of the iroj or alab requires that dri jermal faithfully perform all their obligations. *Linidrik v. Main*, 5 TTR 561.

Under the custom dri jermal need not live on the land on which they exercise worker rights, but it is necessary that they work the land by clearing, planting and harvesting. *Tikoj v. Liwaikam*, 5 TTR 483.

—*Revocation of Rights*

Where status as to iroj lablab rights were in doubt in minds of many Marshallese in community, disregard by claimant and his bwij of their obligations to rightful alab, will not result in termination of their dri jermal rights. *Lazarus v. Likjer*, 1 TTR 129.

Under Marshallese custom, dri jermal rights which would otherwise continue indefinitely can only be cut off by iroj lablab or those having iroj lablab rights in land. *Joab J. v. Labwoj*, 2 TTR 172.

Under Marshallese custom, dri jermal rights which would otherwise continue indefinitely cannot be cut off by iroj erik alone. *Joab J. v. Labwoj*, 2 TTR 172.

Whether dri jermal's failure to fulfill his obligations is serious enough to warrant cutting off his rights should be considered in first instance by those having iroj lablab powers, and not by court. *Joab J. v. Labwoj*, 2 TTR 172.

Whether or not party is responsible for actions of those under her who grossly disregarded their obligations to acting alab, party's dri jermal rights of long standing cannot be cut off by alab without action of iroj elap. *Taina v. Namu*, 2 TTR 41.

Under Marshallese custom, party's sustained disregard of his obligations as adopted son constitutes good cause for cutting off his rights as dri jermal of land in question. *Lajeab v. Lukelan*, 2 TTR 563.

When the status of the iroj or alab is uncertain, the disregard of dri jermal obligations does not justify terminating dri jermal interests. *Linidrik v. Main*, 5 TTR 561.

A dri jermal's failure to acknowledge the alab and to pay him his share of the copra harvest is generally regarded as good cause for removal of the dri jermal from the land by the iroj. *Jekkeini v. Bilimon*, 5 TTR 442.

An alab, acting without approval of the iroj lablab, or in the case of Jebrik's side, the persons or group exercising such authority, cannot terminate a dri jermal interest in land. *Makroro v. Kokke*, 5 TTR 465.

Where defendant and his people had worked wato for half a century, it was not within anyone's power to cut off defendant's dri jermal rights without good cause. *Labiliet v. Zedekiah*, 6 TTR 571.

—*Succession*

Where two children had been adopted by alab, childrens' dri jermal interests were equal and the daughter of one of them could inherit his interest even though a member of his generation, the other adopted person, was still living, and the interest of daughter and the remaining adopted person were equal, though daughter was obliged by custom to show respect to the remaining adopted person. *Konou v. Makroro*, 6 TTR 365.

—*Suspension of Rights*

Under Marshallese custom, rightful alab and her bwij may themselves exercise dri jermal rights during such period as those otherwise entitled to hold these rights fail to recognize her as rightful alab. *Lazarus v. Likjer*, 1 TTR 129.

Where dri jermal rights of party and his bwij who disregarded their obligations to rightful alab are suspended, they may be regained by their recognizing rightful alab, within reasonable time. *Lazarus v. Likjer*, 1 TTR 129.

Under Marshallese custom, dri jerbals' disregard of their obligations to alab may suspend their rights. *Alek S. v. Lomjeik*, 3 TTR 112.

Under Marshallese custom, where alab disregards parties' dri jermal rights, latter are justified in disregarding alab's rights pending judicial determination, and their dri jermal rights will not be suspended, although persistent refusal to recognize alab's rights in future, provided he fulfills his obligations, might give ground for such suspension. *Alek S. v. Lomjeik*, 3 TTR 112.

A senior dri jermal has no authority without specific iroij approval to cut off another dri jermal without good reason. *Edwin v. Thomas*, 5 TTR 326.

The most an alab can do to a dri jermal who has not paid the alab's share is to suspend the dri jermal's interest until the share is paid. *Makroro v. Benjamin*, 5 TTR 519.

When a dri jermal has disregarded his obligations to the alab, their rights are suspended until the controversy causing the conduct contrary to custom has been determined. *Jekron v. Saul*, 5 TTR 414.

Once a person is recognized as dri jermal he cannot be kept off the land without consent of all members of the bwij nor without the approval, for good cause, of the iroij erik and the droulul. *Lajian v. Likebelok*, 5 TTR 417.

—*Transfer of Rights*

Will transferring one's dri jermal rights to one's children does not have to be approved by the alab. *Jabwe v. Henos*, 7 TTR 227.

—*Withdrawal From Land*

A dri jerbal who decides to withdraw from the land does not have a right to compensation for improvements he made to the land, rather the right to receive part of its products should be considered to have been compensation for the improvements where the withdrawal is based on the decision of the dri jerbal. Rilometo v. Lanlobar, 4 TTR 172.

An alab or iroj erik may not remove a dri jerbal without good cause. Labiliet v. Zedekiah, 6 TTR 19.

When a dri jerbal, in good faith, asserts an alab interest in himself and recognizes another as iroj erik, and a court determines the assertion and recognition to be erroneous, the dri jerbal may not be penalized or required to forfeit his interest until he and those claiming through him have been given a reasonable opportunity to perform their obligations under the custom. Labiliet v. Zedekiah, 6 TTR 19.

Dri jerbal rights of defendants who flagrantly disregarded judgment by not recognizing plaintiff as their iroj erik and alab and failing to cooperate with plaintiff under the custom would be terminated, and defendants ordered off the land. Amon v. Tobeke, 6 TTR 36.

Imon Aje

—*Generally*

Land given by the iroj to another for services performed in his declining years is known as imon aje. Jabwe v. Henos, 5 TTR 458. The difference between imon aje and ninnin lands is that ninnin is a gift of land from a father to his children while imon aje is a gift to anyone who has performed services for the giver. Jabwe v. Henos, 5 TTR 458.

—*Inheritance*

Land interests given as imon aje are subject to inheritance by the children of the recipient of the gift and in that respect imon aje is like ninnin land. Jabwe v. Henos, 5 TTR 458.

Interests Taken by Government

—*Distribution of Compensation*

Holders of interests in land taken by the Government are entitled to share, in accordance with their interests, in any compensation paid for the taking. Lijablur v. Kendall, 6 TTR 153.

Where, under Marshallese custom, the Iroj received 6 percent of copra proceeds and the alab and dri jerbal interests received 94 percent, upon condemnation of land it was proper for lower court to distribute the condemnation award according to that formula. Loeak v. Bulele, 7 TTR 504.

Iroj

—*Decisions*

The determinations of iroij are presumed to be reasonable unless it is clear that they are not. *Abner, et al., v. Jibke, et al.*, 1 MILR (Rev.) 3, 7.

—***Powers***

If an Iroij recognizes a person as alab, it must be in accordance with Marshallese custom, as to do otherwise exceeds his authority; an Iroij cannot change alab rights at will and there must be some reason to justify change. *Motlok v. Lebeiu*, 7 TTR 359.

Though determination made by an Iroij with regard to his lands is entitled to great weight, in an alab land dispute where record on appeal disclosed that the present Iroij recognized defendant, a descendant from oldest bwij and daughter of last recognized alab, now deceased, whose bwij ended upon his death, as present alab, and where record further disclosed that present Iroij stated he received his information from his predecessor, but where evidence showing some occurrence or reason to alter normal succession of alab rights and allow the Iroij to recognize someone other than the plaintiff, a descendant in matrilineal line from a smaller, younger bwij, who would take in normal and customary way, was not present in record, and where present Iroij was unable to tell reason that defendant's father transferred land to defendant, Iroij exceeded his authority and record substantiated trial court's finding that plaintiff was entitled to alab rights. *Motlok v. Lebeiu*, 7 TTR 359.

An iroij must notify and consult with his successor and/or Bwij, before executing a testamentary statement allocating a certain amount to be paid to another from the iroij's share of land use payment. *Elmo v. Kabua*, 2 MILR 150, 154.

Iroij Elap

—***Powers***

Under Marshallese custom, disposition of dri jermal and alab rights are matters to be taken up with iroij elap, whose decision on the matter will control within wide limits. *James R. v. Albert Z.*, 2 TTR 135.

Where evidence indicates iroij elap in Marshall Islands disapproved of municipal council's action to establish party as alab, and council acted contrary to local custom and there was no good reason for change of original alab, attempted change is of no legal effect. *Ejkel v. Kon*, 2 TTR 44.

Under Marshallese custom, even if alab agrees with another to divide up her rights in land over which she is alab, such agreement would not divide land unless and until approved by iroij elap. *James R. v. Albert Z.*, 2 TTR 135.

Attempt by Marshall Islands municipal council to establish party as alab, contrary to local custom, does not bind or limit iroij elap in exercise of his power. *Ejkel v. Kon*, 2 TTR 44.

Determinations by an iroij elap, with regards to his lands are entitled to great weight and it is to be supposed that they are reasonable unless it is clear they are not. *Anjetob v. Taklob*, 4 TTR 120.

Where the law leaves land matters to an iroij elap's judgment, he must act reasonably as a responsible official and not simply to satisfy his own personal wishes. *Bulele v. Loeak*, 4 TTR 5.

Presently, in order for an iroij elap's decision to have legal effect in land matters, the iroij must act within the limits of the law, including the law of Marshallese custom so far as it has not been changed by higher authority. *Bulele v. Loeak*, 4 TTR 5.

An iroij elap has the duty of making a correct division of any monies received on behalf of the alabs and dri jerbals under him and he has the duty of ascertaining whether there was agreement as to the acreage of the watos for which payment was about to be made. *Bulele v. Loeak*, 4 TTR 5.

Under Marshallese custom, if there had been agreement at an open meeting between the iroij elap, the alab and the senior dri jerbals of the watos being sold, or their representatives, without undue pressure being placed upon the alab and dri jerbals, then a division of money received for such watos would be final. *Bulele v. Loeak*, 4 TTR 5.

Where so many years had passed since an iroij's decision as to succession to certain land the presumption that his determination was reasonable and proper was reinforced by a presumption analogous to the presumption of grant or doctrine of lost grant. *Anjetob v. Taklob*, 4 TTR 120.

Iroij Erik

If an alleged will of iroij erik rights was made after the gift of such rights by kitre, the donor had no authority to include such rights where he did not reserve such power at the time of the kitre. *Wena v. Maddison*, 4 TTR 194.

—Establishment

Once an iroij erik has been established under the Marshallese system of land tenure, and the establishment has apparently been accepted by those concerned at the time, it cannot be upset years later on the basis of facts which were in existence at the time of the establishment. *Wena v. Maddison*, 4 TTR 194.

A person's long-term exercise of iroij erik rights to wato in question raised a presumption of her ownership, as did the failure of persons to challenge her rights during her lifetime and the presumed acquiescence of the Japanese Government in the arrangements. *Wena v. Maddison*, 4 TTR 194.

—*Limitation of Powers*

An iroij erik may not terminate subordinate interests in land without approval or acquiescence of the iroij lablab. *Rijinno v. Dick*, 5 TTR 557.

Upon breach of the conditions under which one person would hold and exercise the iroij erik rights which belonged to another, that other person could reclaim his rights and reassign them to another if he so wished. *Labiliet v. Zedekiah L.*, 5 TTR 273.

Rights once established in accordance with Marshallese custom, and concurred in over the years by successors to the Iroij who established those rights, should not be upset by the courts without a showing of strong cause, such as that the establishment of those rights by the Iroij was a flagrant or arbitrary abuse of his authority under Marshallese custom. *Baulol v. Lanikieo*, 5 TTR 147.

Where plaintiffs neither showed that Iroij abused his authority in establishing rights nor that defendant's ownership of such rights were contrary to Marshallese custom, then such rights would not be upset. *Baulol v. Lanikieo*, 5 TTR 147.

—*Powers*

Where there was no iroij lablab at the time, statement of iroij erik that alab suspended for leaving the land had returned and had been restored to his alab interests and that his younger sister succeeded to those interests upon his death, was the equivalent, under the custom, of a land interest determination by the iroij lablab. *Risa v. Bokwij*, 6 TTR 170.

Where defendant was given written notice to vacate land he occupied with the consent of plaintiff, who was alab and dri jermal, testimony of person taking the place of the iroij erik, that iroij erik told her he did not want defendant removed, was not a sufficient defense to removal action, for under Marshallese custom iroij erik could not allow defendant to stay without obtaining the approval of the alab and the members of the bwij. *Lokar v. Latak*, 6 TTR 375.

—*Succession*

Evidence showed plaintiff was successor to iroij erik interests in land, and whatever interests defendant had obtained by self-help, including a court ruling in his favor as against another person, or by default by prior iroij eriks, could not change the rightful succession. *Amon v. Lokanwa*, 6 TTR 413.

Iroij Lablab

—*Actions Against*

When a determination of a dispute has been made by an iroij lablab that does not give rise to an action against the iroij for damages. *Rilometo v. Lanlobar*, 4 TTR 172.

—*Approval of Transfer*

Any transfer or termination of any land interest, including interest in ninnin land, by any title bearer below the iroij lablab, including an iroij erik, must be approved by the iroij lablab. *Lanki v. Lanikieo*, 6 TTR 396.

Whether by will or oral transfer, approval of the iroij lablab, or the droulul on Jebrik's side of Majuro, is mandatory to effectuate a transfer of a land interest other than by inheritance. *Amon v. Langrine*, 7 TTR 65.

—***Basis for Decisions***

A minimum of fair play requires that an iroij hear and consider both sides of a controversy before making a decision affecting land interests. *Toring v. Lejebeb*, 6 TTR 491.

That iroij lablab recognized defendant as alab because his two predecessors had and he was not about to change any determinations they had made, was insufficient to explain why defendant was entitled to the right if defendant had been erroneously recognized as alab in the beginning and plaintiff had not slept on his rights and let too much time elapse before asserting his right to be alab. *Lebeiu v. Motlock*, 6 TTR 145.

—***Jebrik's Side of Majuro***

Although decision of Japanese Government, not to have any iroij lablab for Jebrik's side of Majuro Atoll was departure from Marshallese custom, it was clear determination by administering authority, making exception to or change in customary law. *Levi v. Kumtak*, 1 TTR 36.

Determinations of Japanese Administration, in setting up and maintaining special arrangement for control of lands formerly under iroij lablab, changed the law so far as Jebrik's side of Majuro Atoll is concerned, and established new way of exercising iroij lablab powers there. *Lazarus v. Tomijwa*, 1 TTR 123.

Whether Japanese arrangement for iroij lablab lands on Jebrik's side of Majuro Atoll should now be changed is question of policy for lawmaking authorities, not for courts to decide. *Lazarus v. Tomijwa*, 1 TTR 123.

Special arrangement for lands of former iroij lablab on Jebrik's side of Majuro Atoll, as it stood on December 1, 1941, is continued, with Trust Territory Government taking place of Japanese Administration, regardless of how much law varies from Marshallese custom. (TTC, Sec. 24) *Lazarus v. Tomijwa*, 1 TTR 123.

Under special arrangement for exercise of iroij lablab powers on Jebrik's side of Majuro Atoll, consent to gift of alab rights there must be given either by droulul without objection of the administration, or by administration itself: *Lazarus v. Likjer*, 1 TTR 129.

Property rights formerly held by, and obligations due from, iroij lablab of Jebrik's side of Majuro Atoll, have passed to Government of the Trust Territory. *Levi v. Kumtak*, 1 TTR 36.

Failure of American Administration to exercise iroij lablab powers on Jebrik's side of Majuro Atoll, previously held by Japanese Government, does not constitute waiver of such rights. *Levi v. Kumtak*, 1 TTR 36. Iroij Lablab, see also, *Marshalls Custom—Iroij Lablab*.

Although land on Jebrik's side of Majuro Atoll has no individual iroij lablab, it is definitely subject to iroij lablab powers, no matter how these are exercised. *Mike M. v. Jekron*, 2 TTR 178.

In exercising iroij lablab powers on Jebrik's side of Majuro Atoll, fair procedure should be established, including notice to all parties connected with exercise of these powers. *Joab J. v. Labwoj*, 2 TTR 172.

Under Marshallese custom, those having land rights on Jebrik's side of Majuro Atoll cannot transfer their lands to individual iroij lablab without consent of those holding iroij lablab powers on Jebrik's side any more than they could if they were under an individual iroij lablab. *Lojob v. Albert*, 2 TTR 338.

Government still has right to come in and supervise exercise of iroij lablab rights on Jebrik's side of Majuro Atoll if it ever decided to change its position not to do so. *Lojob v. Albert*, 2 TTR 338.

Iroij lablab powers on Jebrik's side of Majuro Atoll belong to the government, the iroij erik on that side, and the group (droulul) holding property rights there. *Joab J. v. Labwoj*, 2 TTR 172.

As a practical matter, iroij lablab powers on Jebrik's side of Majuro Atoll are vested in the iroij erik on that side and group (droulul) holding property rights there. *Joab J. v. Labwoj*, 2 TTR 172.

Under Marshallese custom, iroij erik alone cannot permanently change rights in land on Jebrik's side of Majuro Atoll, since they have obligation to consult droulul or those properly authorized to represent droulul. *Lojob v. Albert*, 2 TTR 338.

Under Marshallese custom, where there is dispute within bwij as to who is rightful iroij erik, there is no proper basis for one claiming to be iroij erik to take away party's alab and dri jerbal rights because of party's failure to recognize him as such, and these rights have not yet been determined. *Emoj v. James*, 2 TTR 48.

Where one party claiming to be alab of certain land on Jebrik's side of Majuro Atoll has approval of majority of iroj erik on that side, including iroj erik whose land is involved, he may temporarily act as alab. *Lojob v. Albert*, 2 TTR 338.

Under Marshallese custom, disestablishment of alab and dri jermal cannot properly be made by an iroj erik without action of iroj lablab or those holding iroj lablab rights in the land. *Emoj v. James*, 2 TTR 48.

For purpose of exercising iroj lablab powers on Jebrik's side of Majuro Atoll, Jebrik's droulul consists of those holding property rights there, including all those holding alab or dri jermal rights. *Lojob v. Albert*, 2 TTR 338.

In attempting to exercise iroj lablab powers on Jebrik's side of Majuro Atoll, statement signed by four of eight iroj erik and seven members of committee for droulul, stating that dri jermal has made many troubles, but making no mention of cutting off his rights, is insufficient to constitute exercise of the iroj lablab power to cut off such rights. *Joab J. v. Labwoj*, 2 TTR 172.

In regard to land on Jebrik's side of Majuro Atoll, same weight will be given to decisions of iroj erik on that side and droulul holding property rights there as to decisions of an individual iroj lablab, provided iroj erik and droulul develop fair and practical method of operation which will be clearly understandable, generally known to those concerned, and will take into consideration all factors individual iroj lablab is expected to and will result in responsible decisions at least as definite as those expected of individual iroj lablab. *Joab J. v. Labwoj*, 2 TTR 172.

For purpose of exercising iroj lablab powers on Jebrik's side of Majuro Atoll, the 20-20 is not considered to be same thing as Jebrik's droulul. *Lojob v. Albert*, 2 TTR 338.

For purpose of exercising iroj lablab powers on Jebrik's side of Majuro Atoll, there must be a meeting of whole droulul, and not merely meeting of the 20-20. *Lojob v. Albert*, 2 TTR 338.

In exercising iroj lablab powers on Jebrik's side of Majuro Atoll, droulul attempting to delegate these powers must make this delegation definite, at a meeting of which whole droulul has adequate notice and in which all members have reasonable opportunity to participate. *Lojob v. Albert*, 2 TTR 338.

Landowners of Jebrik's side of Majuro Atoll who oppose right of 20-20 to speak for whole of Jebrik's droulul in exercise of iroj lablab powers have not by their actions gone out of the droulul, and should not be denied their rights to notice of meetings and to be heard. *Lojob v. Albert*, 2 TTR 338.

In spite of uncertainties as to exercise of iroij lablab powers on Jebrik's side of Majuro Atoll, alab on that side is bound under Marshallese custom to respect rights of others in land of which he is alab. *Alek S. v. Lomjeik*, 3 TTR 112.

Approval for succession to rights in land on Jebrik's side of Majuro Atoll must be by the iroij eriks and droulul or by the Trust Territory Government, and the High Court may accord the approval by the Trust Territory. *Wena v. Maddison*, 4 TTR 194.

There is no iroij lablab on Jebrik's side of Majuro, those rights are exercised by the droulul which is composed of the iroij eriks and commoners holding land interests on that side. *Tikoj v. Liwaikam*, 5 TTR 483.

—*Limitation of Powers*

Power of iroij lablab over rights in land under him is more limited than it once was. *Abija v. Larbit*, 1 TTR 382.

In order for their decisions to have legal effect in land matters, iroij lablab must act within limits of the law, including Marshallese custom, so far as it has not been changed by higher authority. *Limine v. Lainej*, 1 TTR 107.

All indigenous leaders, including iroij lablab, are expected to obey laws laid down for them by foreign administration, and to restrict exercise of their powers within limits of those laws. *Limine v. Lainej*, 1 TTR 107.

After foreign supervision, powers of iroij lablab were limited and his power to wage war for settlement of disputes was prohibited. *Limine v. Lainej*, 1 TTR 595.

Under present Marshallese custom, determinations of iroij lablab must meet requirements imposed by succeeding administering authorities in order to have legal effect. *Abija v. Larbit*, 1 TTR 382.

Determinations of iroij lablab, when reasonable and proper under Marshallese custom, are binding on parties, but sudden attempted change of previous determination of alab rights, with no good reason and with representative of only one side of controversy present, is of no legal effect. *Abija v. Larbit*, 1 TTR 382.

Power of an iroij lablab to transfer alab rights in land under him is more limited than it once was. *Limine v. Lainej*, 1 TTR 107.

There is no indication that iroij lablab had rights under law in effect in 1941 to change alab rights in land at will. (TTC, Sec. 24) *Limine v. Lainej*, 1 TTR 595.

Although decisions of iroij lablab under Marshallese custom are entitled to great weight, freedom of discretion of iroij lablab is more limited than it once was. *Likinono v. Nako*, 3 TTR 120.

Most of the former functions of iroij lablab in relation to the protection and welfare of the people have been taken over by the government under the German and Japanese administrations and also under the American administration. *Labina v. Lainej*, 4 TTR 234.

The powers of the iroij lablabs in relation to land tenure have been held to be limited or circumscribed; they are subject to the review of the courts as to whether they are reasonable and just. *Labina v. Lainej*, 4 TTR 234.

An iroij lablab has the right to settle a dispute as to who is entitled to the alab rights to a piece of land but that right of the iroij is not an absolute right to grant one person or another the alab rights rather the determination must be reasonable and proper and if it is not, a court may overturn that decision. *Rilometo v. Lanlobar*, 4 TTR 172.

There is no indication that iroij lablab had rights under law in effect to change alab rights at will. *Likinono v. Nako*, 4 TTR 483.

The iroij lablab does not have authority to cut off, change or transfer alab rights, once they are vested, for any reason except good cause. *Binni v. Mwedriktok*, 5 TTR 373.

Normally, a dispute over land rights and succession to land interests should be settled by the iroij lablab, but the iroij may not cut off vested interests without good cause. *Binni v. Mwedriktok*, 5 TTR 451.

Termination interests in land cannot be done without good and legal cause and may not be done merely to satisfy the personal wishes of the iroij lablab. *Ishoda v. Jejon*, 5 TTR 497.

Under Marshallese custom, it is the requirement that the iroij must have good reason to cut off vested interests and very much the same result is achieved under the common law of the United States under the doctrine of estoppel. *Edwin v. Thomas*, 5 TTR 326.

The presumption that vested rights will continue to exist unless terminated in accordance with law offsets the general presumption that an iroij acts in accordance with the law until the contrary is shown. *Binni v. Mwedriktok*, 5 TTR 373.

An iroij must give reasonable consideration for the rights of those having interests in the land and it is not reasonable consideration for an iroij to make a determination without

notifying the party who is cut off from the land and to give him an opportunity to present his side of the issue. *Jekkeini v. Bilimo*, 5 TTR 442.

—*Obligations*

Under Marshallese custom, iroij lablab is expected to make reasonable effort to maintain peace and order on his lands. *Lalik v. Lazarus S.*, 1 TTR 143.

Where law leaves matters to their judgment, iroij lablab must act reasonably as responsible officials and not simply to satisfy personal wishes. *Limine v. Lainej*, 1 TTR 107; *Abija v. Larbit*, 1 TTR 382.

There must be good reason or reasons for decisions of iroij lablab, especially when there would upset clearly established rights. *Limine v. Lainej*, 1 TTR 107.

Iroij lablab should exercise special patience in determining that subordinate rights in land have been lost or should be taken away because of failure to recognize someone as holding one of higher rights, when there is widespread doubt as to whether given person has in fact succeeded to that higher right. *Abija v. Larbit*, 1 TTR 382.

Iroij lablab, in passing on land matters, must have good reasons for his decisions when these would upset rights that have been clearly established. *Abija v. Larbit*, 1 TTR 382.

In passing on land matters, iroij lablab must act with honest regard for welfare of his people and with reasonable consideration for rights of all those having interests in the land. *Abija v. Larbit*, 1 TTR 382.

An iroij lablab, in passing on land matters, must act with honest regard for welfare of his people and with reasonable consideration for rights of those having interests in land under Marshallese custom. *Lalik v. Elsen*, 1 TTR 134.

Iroij lablab, in making determinations as to rights in land under them, must act with honest regard for welfare of their people, and with reasonable consideration for rights of those having interests in land under Marshallese custom. *Limine v. Lainej*, 1 TTR 107.

Taking away of subordinate rights in land in Marshall Islands is drastic matter which should be undertaken by iroij lablab only after thorough investigation and reasonable attempt to settle matters by negotiation. *Abija v. Larbit*, 1 TTR 382.

Action of iroij lablab, in attempting to establish claimant as alab, in complete disregard of rights established and clearly recognized by him years before, is unreasonable, contrary to Marshallese custom, and of no legal effect. *Limine v. Lainej*, 1 TTR 107.

Under Marshallese custom, decisions of iroij lablab, to be effective, must be made like those of responsible officials, with due regard for rights already established. *Likinono v. Nako*, 3 TTR 120.

Under Marshallese custom, rights once established under iroij lablab's predecessors should not be upset without showing of strong cause. *Likinono v. Nako*, 3 TTR 120.

Principle of *res judicata* should be applied by iroij lablab under Marshallese system of land law in making decisions as to rights in land under them. *Likinono v. Nako*, 3 TTR 120.

Iroij lablab, in passing on land matters, must have good reasons for his decisions when these would upset rights that have been clearly established. *Edwin v. Thomas*, 5 TTR 326.

In passing on land matters, iroij lablab must act with honest regard for the welfare of his people and with reasonable consideration for rights of all those having interests in the land. *Edwin v. Thomas*, 5 TTR 326.

The consent of the iroij lablab to an alab's action removing dri jermal from land must be given only after thorough investigation and upon a finding that good cause exists for cutting off land interests in accordance with the law and the custom. *Jabwe v. Henos*, 5 TTR 458.

—***Overturning Decisions***

Where plaintiff was entitled to alab rights under custom, but defendant's claim to the rights had been approved by three iroij lablab extending back to 1948 and perhaps earlier, whether court would upset the three approvals depended upon the circumstances surrounding the approvals. *Lebeiu v. Motlock*, 6 TTR 145.

In action over alab rights, where inheritance pattern under custom favored plaintiff and there was no evidence that iroij lablab since twice succeeded had good cause to remove plaintiff from position of alab and install defendant, court would reject the determinations of the three successive iroij lablabs that defendant was entitled to be alab. *Lebeiu v. Motlock*, 6 TTR 145.

—***Power to Terminate Interest in Land***

An iroij lablab may not change vested interests in land without good cause. *Labiliet v. Zedekiah*, 6 TTR 19.

Where an iroij lablab has given morjinkot land, a successor iroij lablab does not have authority to take the land away from a successor alab. *Labiliet v. Zedekiah*, 6 TTR 19.

Before iroij lablab could terminate interest of successor to morjinkot land, it was necessary for successor to consent to the change, in the absence of good cause for termination. *Labiliet v. Zedekiah*, 6 TTR 19.

—*Powers*

Within limits imposed by various foreign administrations and growth of custom, iroij lablab retain all of their broad powers that have not been taken away from them. *Lalik v. Elsen*, 1 TTR 134.

Although rights of those under iroij lablab are firmer and clearer than in former times, main outline of Marshallese system of land ownership remains in force, including general power and obligation by iroij lablab over lands under him. *Limine v. Lainej*, 1 TTR 107.

Under Marshallese custom, power of iroij lablab to take away subordinate rights in land is time-honored. *Lalik v. Lazarus S.*, 1 TTR, 143.

Determinations made by iroij lablab with regard to his lands are entitled to great weight, and it is to be supposed they are reasonable unless it is clear they are not. *Limine v. Lainej*, 1 TTR 107; *Lalik v. Lazarus S.*, 1 TTR 143.

In the control of land, iroij lablab in Marshall Islands are still entitled to exercise their best judgment with considerable freedom. *Lalik v. Elsen*, 1 TTR 134.

Under Marshallese custom, iroij lablab has power to take away or transfer subordinate rights in land for good reason and in doing so may make practical compromises, without deciding on technical basis wholly in favor of or against particular claim. *Abija v. Larbit*, 1 TTR 382.

Iroij lablab in their control over land, may consider what land various claimants already control, history of land, claimants' relationship to land in the past, and other matters which would not be material in system of fixed rules of inheritance and transfer of land. *Lalik v. Elsen*, 1 TTR 134.

Iroij lablab may change category of land or determine it when category is doubtful, and so long as he uses his honest best judgment as responsible official and complies with requirements of law imposed by various foreign administrations still remaining in force, his decision is entitled to control in accordance with Marshallese custom. *Lalik v. Elsen*, 1 TTR 134.

Under Marshallese custom, iroij lablab may make practical compromises as to disposition of land, rather than determine on technical basis that one group or person is entitled to whole of land. *Lailk v. Elsen*, 1 TTR 134.

Under Marshallese custom, matter of terminating land rights for default should be taken up in first instance with persons entitled to exercise iroij lablab powers over land. *Jatios v. Levi*, 1 TTR 578.

Under Marshallese custom, rights of those holding land under iroij lablab are distinctly subordinate to those of iroij lablab, and not so absolute as is common in case of land rights in United States. *Lalik v. Elsen*, 1 TTR 134.

Under Marshallese custom, consent of person or persons entitled to exercise iroij lablab powers is essential to gift of alab rights, and attempted gift has only such effect as those concerned see fit to give it. *Lazarus v. Likjer*, 1 TTR 129.

Under Marshallese custom, rights of alab and dri jermal are subject to power and obligation of iroij lablab to make reasonable determination in doubtful cases, so as to avoid controversies and secure constructive use of land. *Lalik v. Elsen*, 1 TTR 134.

Under Marshallese custom, an iroij lablab might for good reason permit a gift of alab rights without the consent of bwij of that land. *Lazarus v. Likjer*, 1 TTR 129.

Where there is no action by iroij lablab, court will not hold that past refusal of dri jermal to recognize alab has barred their rights nor has past refusal of alab to recognize iroij erik barred his rights. *Jatios v. Levi*, 1 TTR 578.

Where iroij lablab took away alab and dri jermal rights in land due to fact acting alab and dri jermal could not get along peaceably together, his action was reasonable. *Lalik v. Lazarus S.*, 1 TTR 143.

Determination by iroij lablab to give land as katleb to third party after taking away others' rights therein was properly within his powers, and decision is binding upon parties. *Lalik v. Lazarus S.*, 1 TTR 143.

Under Marshallese custom, iroij lablab have power to take away rights in land under them for good cause. *Lajeab v. Lukelan*, 2 TTR 563.

Under Marshallese custom, where there is doubtful situation as to land rights in which iroij lablab is expected to make reasonable determination, and his decision is reasonable and fair, it will prevail. *Liema v. Lojbwil*, 2 TTR 345.

Under Marshallese custom, rights of alab and dri jermal are subject to power and obligation of iroij lablab to make reasonable determinations in doubtful cases and to avoid controversies and secure constructive use of land. *Lojob v. Albert*, 2 TTR 338.

Under Marshallese custom, where iroij erik's gifts of alab and dri jermal rights in land are binding, and party acts upon gifts in good faith and develops land and makes substantial improvements thereon, his rights cannot be cut off without good cause and consent of person exercising iroij lablab powers over the land. *Lobwera v. Labiliet*, 2 TTR 559.

The donor of land with iroij authority over it may impose conditions upon the gift and when the condition for the gift fails it is within the power of the donor, or his successors to recover the land. *Lajutok v. Kabua*, 3 TTR 630.

Under Marshallese custom, establishment or reestablishment of dri jermal may be accomplished by those having lesser rights in land, without any affirmative act or express decision by iroij lablab, but merely with his acquiescence or implied consent. *Alek S. v. Lomjeik*, 3 TTR 112.

Determinations made by an iroij lablab, and the female equivalent, a leroij lablab, with regard to his lands are entitled to great weight and it is to be presumed that they are reasonable and proper unless it is clearly shown they are not. *Langjo v. Neimoro*, 4 TTR 115.

Succession to permanent iroij erik, alab and dri jermal rights must be ordinarily approved by the iroij lablab in accordance with the law of Marshallese custom. *Wena v. Maddison*, 4 TTR 194.

The determination of land rights by the iroij lablab will be presumed correct and will be upset only when there is clear evidence one way or another. *Henos v. Kaiko*, 5 TTR 352.

A determination by those exercising Iroij Lablab powers is entitled to great weight and it is supposed that they are reasonable, unless it is clear that they are not. *Lokal v. Lolen*, 5 TTR 29.

Under Marshallese custom the iroij, for good cause and upon the exercise of fair and reasonable judgment, settle controversies over interests in land and the court will recognize and uphold those determinations of the iroij unless successfully challenged as unreasonable and arbitrary. *Henos v. Kaiko*, 5 TTR 352.

It is the rule under the custom that the iroij lablab must approve or acquiesce in the termination of vested land interests. *Tikoj v. Liwaikam*, 5 TTR 483.

Under Marshallese customary land law a transfer of land interests must be approved, in all circumstances, by the iroij lablab. *Neikabun v. Mute*, 5 TTR 493.

Under the Marshallese system of land tenure, there is a strong obligation on the part of all of those holding various rights in a piece of land at the same time to cooperate in a friendly and reasonable manner. *Henos v. Kaiko*, 5 TTR 352.

A holder of land interests may not transfer those interests without first obtaining consent of the lineage and approval of the iroij lablab or the person or group exercising iroij lablab authority. *Makroro v. Kokke*, 5 TTR 465.

Under Marshallese custom, establishment or reestablishment of dri jermal may be accomplished by those having lesser rights in land, without any affirmative act or express decision by iroij lablab, but merely with his acquiescence or implied consent. *Edwin v. Thomas*, 5 TTR 326.

A will transferring dri jermal rights to be valid must be approved by the iroij lablab, but such approval to be effective must be based on both careful investigation to ascertain that all necessary lineage consents have been given and that there is adequate justification if the rights of others are cut off. *Edwin v. Thomas*, 5 TTR 326.

On Arno Atoll, if there is only one Alab on a particular wato, that Alab may select the Iroij Lablab for that wato and the Iroij Lablab so selected has the right to designate the Iroij Erik, and such Iroij Lablab may act as the Iroij Erik. *Bailele v Serai*, 5 TTR 152

Iroij Lablab, see also, Marshalls Custom—Iroij Lablab

—***Refusal to Recognize***

Under the custom, failure to recognize an iroij lablab does not, under the proper circumstances, deprive an alab or dri jermal of land interests. *Risa v. Bokwij*, 6 TTR 170.

Defendant was bound under the custom to recognize and comply with iroij lablab authority over his land and could not successfully reject all outside authority over the land including the authority of those with iroij lablab power. *Amon v. Lokanwa*, 6 TTR 413.

—***Succession***

Court will not establish an iroij lablab where no definite choice has been made of the iroij lablab by the people concerned. *Labina v. Lainej*, 4 TTR 234.

Even in a case where a person by birth and blood is unquestionably entitled to the office of iroij lablab, if there is substantial opposition by the persons owning rights in the lands in the Territory where there has occurred a vacancy in the office of iroij lablab the High Court should not by order or decree establish the person as iroij lablab. *Labina v. Lainej*, 4 TTR 234.

Where there was a reasonable uncertainty as to the rightful successor or whether there was any successor at all to the position or office of iroij lablab in respect to certain lands as to make substantial numbers of owners or interested parties hesitate before declaring their recognition, the individual claiming such office in addition to proving that he is entitled by birth and blood to succeed to that office, must also show that the persons having rights in such lands have recognized the claimant, either by words or conduct, in such fashion as to evince an unmistakable choice. *Labina v. Lainej*, 4 TTR 234.

A female may hold the office of iroij. *Nenjir v. Laibinmij*, 5 TTR 477.

The Marshallese system of inheritance of land rights is through the matrilineal lineage starting with the oldest through the youngest of each generation, thus plaintiff, as a younger sister of the predecessor iroij, was entitled under the custom to succeed to the position and the fact that an alab refused to recognize her position did not preclude her holding the office. *Nenjir v. Laibinmij*, 5 TTR 477.

—*Weight of Decisions*

An iroij lablab's determinations regarding his lands are entitled to great weight, and it is supposed that they are reasonable unless it is clear that they are not. *Lebeiu v. Motlock*, 6 TTR 145.

Jebrik's Side of Majuro

—*Droulul*

The droulul of Jebrik's side of Majuro Atoll consists of all iroij eriks and alabs of all wato on Jebrik's side and has the only authoritative iroij lablab power for Jebrik's side, under a system of committee control begun by the Japanese administration and, under international law principles, followed by the American administration as the successor sovereign. *Jekron v. Kalbok*, 6 TTR 601.

—*Generally*

Purchasers of land on Jebrik's side of Majuro Atoll were bound by custom requiring holders of iroij lablab authority to approve land transfers, and they could not change iroij lablab authority over the land and go out of Jebrik's side to place the land under authority of another iroij lablab. *Ladrik v. Jakeo*, 6 TTR 389.

On Jebrik's side of Majuro Atoll there has been no Iroij Lablab for years and there are instead a number of Iroij Eriks, with the Iroij Lablab's powers lying in a committee known as the Droulul; and an Alab and Dri Jerbal must recognize and cooperate with the proper Iroij Erik and failure to do so may be sufficient cause for the Droulul to remove them from the land and terminate their interests. *Lanki v. Lanikieo*, 7 TTR 533.

—*Obligations Toward Iroij Erik*

Alab and Dri Jerbal against whom judgment was entered in action for their removal for failure to perform obligations to Leroij Erik on Jebrik's side of Majuro Atoll should be given the opportunity to acknowledge the Leroij Erik and perform their customary obligations to her in light of the judgment. *Lanki v. Lanikieo*, 7 TTR 533.

—*Transfers*

Any change in the special arrangement made by the Japanese regarding land transfers on Jebrik's side of Majuro Atoll, continued in effect by 1 TTC § 105, which the Appellate Division held itself to be bound by, is for the legislative authority, not the courts. *Ladrik v. Jakeo*, 6 TTR 389.

Property on Jebrik's side of Majuro Atoll may not be transferred without the approval of either the Government of the Trust Territory, the iroij eriks or the group holding property rights on that side. *Jatios v. Launit*, 6 TTR 161.

Attempt to transfer dri jermal interests in land on Jebrik's side of Majuro Atoll without obtaining required approval could not be justified by argument that the alab had sought to terminate transferor's dri jermal interest. *Jatios v. Launit*, 6 TTR 161.

Holder of dri jermal interests in land on Jebrik's side of Majuro Atoll could not transfer such interests without the approval of the iroij eriks on Jebrik's side, or the Trust Territory Government, or the droulul of Majuro Atoll. *Jatios v. Launit*, 6 TTR 161.

In dispute over iroij erik interests in wato, petition of all iroij eriks on Jebrik's side except defendant and his associate, seeking to cut off defendant's interests in his lands for failure to follow custom and court decisions, was too serious to decide as an incident to a land dispute; and in interests of fairness and custom the iroij eriks and the 20-20 should give defendant a hearing and then decide the matter, after which the court will be in a position to act. *Amon v. Lokanwa*, 6 TTR 413.

Where father's will, upon which adopted son based claim to interests in land, was not approved by the droulul and the necessary lineage consents were not given to cut off matrilineal succession in the lineage in favor of the adopted son, his claim must fail and the interests were to pass in the proper succession in the matrilineal line. *Amon v. Langrine*, 7 TTR 65.

—*Succession*

Plaintiff was bound by the law as to ownership, and successorship to ownership, of interests in wato on Jebrik's side of Majuro. *Labiliet v. Zedekiah*, 6 TTR 571.

Julobiren ne Land

—*Generally*

Julobiren ne land is land belonging to the chief alone. *Labiliet v. Zedekiah*, 6 TTR 19.

Kabjukinen Land

Under Marshallese custom, if land is traditional family or kabjukinen land, alab rights pass down in family bwij. *Beklur v. Lijablur*, 2 TTR 556.

—*Alab Rights*

Alab rights in kabjuknen land are inherited from the oldest to youngest bwij through the living, oldest to youngest members of each bwij; and when one generation in the matrilineal line has died out, the alab interests go to the oldest member of the oldest bwij in the next younger generation. *Korabb v. Nakap*, 6 TTR 137.

Extended family may upset pattern of succession to alab rights in kabjuknen land and substitute a special arrangement, with the approval of the iroj lablab. *Korabb v. Nakap*, 6 TTR 137.

Kitre

Under Marshallese custom, an iroj erik and his wife are free to arrange that alab rights in *Kitre* should pass down to their adopted daughter. *Beklur v. Lijablur*, 2 TTR 556.

Under Marshallese custom, where land is given by individual to his wife as *kitre*, other members of her bwij acquire no property rights therein. *Beklur v. Lijablur*, 2 TTR 556.

Kitre is the general term for presents of food, clothing and other things of value, given by a man to a woman before and/or after he marries her. *Wena v. Maddison*, 4 TTR 194.

Even if a will had been made of iroj erik rights and the will had been approved by Japanese authorities prior to the gift of iroj erik rights by *kitre*, the will could still be changed in accordance with the law of Marshallese custom because of the changed circumstances. *Wena v. Maddison*, 4 TTR 194.

Kitre is a gift by a husband to his wife. *Makroro v. Kokke*, 5 TTR 465.

It is appropriate under Marshallese custom for a husband to reserve power of further appointment over land which he gives to his wife as *kitre*. *Ishoda v. Jejon*, 5 TTR 497.

Where husband gave land as *kitre* to his wife, but did not grant her the right to determine how it should pass after her death, one who occupied and used the land with the wife's permission, assented in by the husband, did not acquire any vested rights, rather his interest lasted only until wife's death. *Ishoda v. Jejon*, 5 TTR 497.

An iroj lablab could not give a gift of land as *kitre* until he terminated the interest of person who succeeded warrior given the land in gift for bravery in battle. *Labiliet v. Zedekiah*, 6 TTR 19.

— *Conditions of Gift*

The husband who makes the kitre can attach conditions to it. *Bulale and Jamore v. Reimers and Clarence*, 1 MILR (Rev.) 259, 262

— *Succession to Rights*

It is proper and normal for kitre land to pass to the bwij of the recipient. *Bulale and Jamore v. Reimers and Clarence*, 1 MILR (Rev.) 259, 262

Kotra Lands

— *Generally*

Kotra lands are solely owned by the iroij and include not only the iroij rights but also exclusive alab and dri jermal interests. *Anjouij v. Wame*, 5 TTR 337.

Kotra lands are lands belonging to the chief alone. *Labiliet v. Zedekiah*, 6 TTR 19.

— *Use Rights*

An iroij may, and usually does, assign someone to work kotra lands for him compensating the worker with the dri jermal share. *Anjouij v. Wame*, 5 TTR 337.

An iroij may give kotra land away or assign workers to it and a successor iroij may appoint new workers and is not bound to continue workers on the land previously appointed, although it is acknowledged that in compliance with general custom, a worker should not be removed without good cause. *Anjouij v. Wame*, 5 TTR 337.

Where land in question was kotra land and not given as tolemour, the dri jermal assignments made by a succession of iroij lablabs excluded an interest of plaintiff who claimed lands as descendant of one who had received land as tolemour. *Anjouij v. Wame*, 5 TTR 337.

Leases

— *Distribution of Income*

When land is leased to another to use for business purposes, the rental income is shared by the land interest holders, but the income from the business on the land is not shared. *Lijablur v. Kendall*, 6 TTR 153.

— *Iroij Erik's Share*

Upon lease of wato, iroij erik was entitled to retain the iroij erik share of the lease money for his own use and distribution as he saw fit, as against claim the money should be distributed among the lineage; but the iroij erik was still subject to the general responsibility under custom to take care of his family. *Muller v. Muller*, 6 TTR 30.

Lineage Ownership

— *Inheritance*

Lineage land is inherited horizontally from the oldest to the youngest persons in the oldest to youngest bwij. *Janre v. Labuno*, 6 TTR 133.

Generally, under Marshallese custom, succession to title and interest in land proceeds horizontally within the bwij, not vertically, to the youngest member of the bwij in the same generation as the prior titleholder, and title does not descend to a titleholder's children until all members of one or more bwij have died. *Lenekem v. Lidrik*, 6 TTR 327.

Under traditional Marshallese custom, property rights are passed on at death from mothers, not fathers, until all matrilineal lines in all bwij having interest in the lands have been extinguished, at which point patrilineal inheritance begins. *Lebeiu v. Motlock*, 6 TTR 145.

Under Marshallese custom, lineage land is passed on from matrilineal line, not patrilineal line, so that plaintiff who was oldest person in matrilineal line, even though he was from a smaller, younger bwij, would succeed to alab rights, rather than defendant who was descendant from oldest bwij and daughter of last recognized alab whose bwij had ended with his death during World War II. *Motlok v. Lebeiu*, 7 TTR 359.

—*Transfer*

A member of the lineage, even though he be the senior member and even though he also holds the title of iroij erik, may not give or transfer lineage land without first obtaining the approval of the adult lineage members and of the iroij lablab. *Muller v. Maddison*, 5 TTR 471.

When the iroij lablab does approve a transfer of interest, it is assumed that the necessary consents have been given, however, if the transfer is without lineage consent and there is not good reason for the change, then the iroij lablab's consent may be upset by the court when it is challenged. *Muller v. Maddison*, 5 TTR 471.

After consent of the lineage is obtained for a transfer, then approval of the iroij lablab, or person or group exercising those powers is essential to accomplish the transfer. *Muller v. Maddison*, 5 TTR 471.

Argument that while it would have been wrong for the iroij erik to transfer all of the lineage land to his children without lineage consent, the transfer of only a part of the land was proper, was without merit. *Muller v. Maddison*, 5 TTR 471.

In order for alab to give his daughter land, land must have been capable of being given away; if land was lineage land at time of gift, alab could not give it to his daughter without obtaining consent of persons who would normally inherit in the lineage. *Motlok v. Lebeiu*, 7 TTR 359.

Mare Land

—Generally

Mare land is land given in gift by an iroij lablab to a warrior for bravery in battle. Labiliet v. Zedekiah, 6 TTR 19.

Mo Land

Where land was declared to be his mo land by an iroij lablab, when he died, his worker on the land was entitled to remain on it unless or until it was claimed by close kin and the new iroij lablab is not necessarily close kin under the custom. Ishoda v. Jejon, 5 TTR 497.

Mo land is land belonging to the chief alone. Labiliet v. Zedekiah, 6 TTR 19.

Morjinkot Land

—Descent

After it is given, morjinkot land follows the customary line of descent. Labiliet v. Zedekiah, 6 TTR 19.

—Generally

Morjinkot land is land given as a gift by an iroij lablab to a warrior for bravery in battle. Labiliet v. Zedekiah, 6 TTR 19.

Morjinkot is a gift, by the successful iroij lablab in a civil war, to an outstanding warrior or his bwij. Amon v. Lokanwa, 6 TTR 413.

Holder of Morjinkot land, and their successors and bwij, have only alab and dri jermal interests, so that one claiming to be a successor to a warrior granted such land cannot successfully claim the iroij erik interest. Amon v. Lokanwa, 6 TTR 413.

Morjinkot was alab and dri jermal interests, given by an iroij lablab who was successful in war, to an outstanding warrior, or to his bwij; and since warriors were not of the royal blood, were commoners, the iroij interest did not pass under a morjinkot gift. Labiliet v. Zedekiah, 6 TTR 571.

Rights in Morjinkot land, a gift from an Iroij as reward for bravery in battle, remain in the bwij and are inherited in the maternal line. Tobeller v. David, 1 MILR (Rev.) 81, 82.

— Termination of Rights

In order to change rights in Morjinkot lands, in absence of consent, good cause must be shown. Abner, et al., v. Jibke, et al., 1 MILR (Rev.) 3, 7.

Municipal Council

Although municipal (atoll) councils of Marshall Islands are often consulted as to various local situations and as to immediate determinations on land matters outside their powers,

they may not legally make determination which interferes with controlling local custom. *Ejkel v. Kon*, 2 TTR 44.

Ninnin

Under Marshallese custom, there are special rules as to inheritance or transfer of rights in ninnin land. *Limine v. Lainej*, 1 TTR 231.

Under Marshallese customary land law, ninnin gifts are not limited to one generation but pass on from one generation to descendants. *Jatios v. Levi*, 1 TTR 578.

Under Marshallese custom, ninnin rights may, under proper circumstances, pass on from generation to generation among descendants of person who originally gave them to his child or children. *Limine v. Lainej*, 1 TTR 231.

Under Marshallese custom, gift of ninnin land gives no rights to descendants of the mother's sisters, or descendants of one of mother's matrilineal ancestors. *Limine v. Lainej*, 1 TTR 231.

Under Marshallese custom, fact that children and their descendants may permit ninnin rights to pass down among them in female line does not raise presumption of any rights outside of these children and their descendants. *Limine v. Lainej*, 1 TTR 231.

When a man gives his children, with all necessary consents, the alab rights in land as ninnin under Marshallese system of land ownership, presumption is that rights given are limited to his children and their descendants, and that gift fails to give any rights to that part of children's maternal lineage outside of these children and their descendants. *Limine v. Lainej*, 1 TTR 231.

Under Marshallese custom, children to whom ninnin rights have been given, and their descendants, may be considered to constitute new bwij, or their smaller bwij. *Limine v. Lainej*, 1 TTR 231.

Under Marshallese custom, when smaller bwij holding ninnin rights has run out in female line, children of last generation of male members of smaller bwij may be permitted by iroj lablab to succeed to alab rights, even though there are members in female line of other branches still living. *Limine v. Lainej*, 1 TTR 231.

Dri jermal rights given as ninnin do not vest solely in the last survivor, rather the descendants of those to whom such rights were given have inheritance rights. *Edwin v. Thomas*, 5 TTR 326.

When a man gives his children, with all necessary consents, the alab rights in land as ninnin under Marshallese system of land ownership, the presumption, in the absence of a

clear showing to the contrary, is that the gift fails to give any rights to that part of the children's maternal lineage outside of these children and their descendants. *Edwin v. Thomas*, 5 TTR 326.

Had decedent had children surviving him, his ninnin interest, being the alab rights, would have descended to his child or children, a will would not have been necessary except to pass iroij erik right, but where the only survivor was an adopted child, the ninnin interests reverted to decedent's father's lineage and could properly be claimed by the oldest of that lineage. *Amon v. Makroro*, 5 TTR 436.

Ninnin lands are a gift from father to children and other lineages have no entitlement. *Korabb v. Nakap*, 6 TTR 137.

—Inheritance

Ninnin land is inherited vertically by the descending issue of the donor. *Janre v. Labuno*, 6 TTR 133.

Where disputed alab interests were in ninnin land, which descends vertically, not horizontally, and plaintiff was in the vertical line while defendant was in the horizontal line, plaintiff, acting for his older sister, was entitled to the alab interests. *Janro v. Labuno*, 6 TTR 133.

Possession

Possession or use of land does not, in itself, convey any rights in the land under the custom. *Abner, et al., v. Jibke, et al.*, 1 MILR (Rev.) 3, 7.

Questions of First Impression

—Determination

In the absence of any custom or traditional law applicable to question of first impression whether dri jermal was entitled to share in money paid alab for loss of alab's business located on land leased by Government, court would look to any analogous traditional practices or, in the alternative, apply American common law under authority of statute. (1 TTC § 103) *Lijablur v. Kendall*, 6 TTR 153.

Tolemour

Tolemour is land given to a commoner for successful services in nursing an iroij. *Anjouij v. Wame*, 5 TTR 337.

Tolemour is not mentioned in connection with jikin in kokabit, land used as a special place in which to give magical medical treatment. *Anjouij v. Wame*, 5 TTR 337.

Use Rights

Under Marshallese system of land tenure, there is strong obligation on all those holding various rights in piece of land at same time to cooperate in reasonable and friendly manner. *Lalik v. Lazarus S.*, 1 TTR 143.

Under Marshallese system of land tenure, there is obligation on all those holding various rights in piece of land at same time to be loyal to those up the line and to protect welfare of those down the line. *Lalik v. Lazarus S.*, 1 TTR 143.

Under Marshallese custom, certain persons holding rights in land under an iroij lablab may choose who, among limited number of persons, may succeed them. *Lalik v. Elsen*, 1 TTR 134.

Under Marshallese custom, where party has only revocable permission to work wato, any buildings he puts up are at his own risk if he does not wish to remove them. *Lobwera v. Labiliet*, 2 TTR 559.

Under Marshallese custom, where party has revocable permission to work wato and there is no express agreement as to other compensation, benefit which person obtains from temporary use of land is only compensation he can reasonably expect for development of land. *Lobwera v. Labiliet*, 2 TTR 559.

Under Marshallese custom, both alab and dri jermal have obligation of cooperation and of mutual consideration for reasonable needs of each other. *Mike M. v. Jekron*, 2 TTR 178.

Parties holding alab and dri jermal rights in same land are under continuing obligation of cooperation with each other and with the iroij elap. *Taina v. Namu*, 2 TTR 41.

Under Marshallese custom, alab and dri jermal retain their respective positions pending action of iroij elap, and each is obligated to respect rights of the other in any buildings, trees or other property he may lawfully have on wato. *James H. v. Albert Z.*, 2 TTR 135.

There is no Marshallese law of custom which specifically determines the division of proceeds from condemnation of indefinite use rights and the amount of each share of such proceeds must be based upon the Marshallese custom for the type of apportionment which is most clearly related. *Bulele v. Loek*, 4 TTR 5.

It would be contrary to current Marshallese customary law for an iroij acting alone and without the consent of his kajur to make a division of the proceeds from condemnation of indefinite use rights. *Bulele v. Loek*, 4 TTR 5.

Under Marshallese system of land tenure, there is an obligation on all those holding various rights in a piece of land at the same time to be loyal to those up the line and to protect welfare of those down the line. *Henos v. Kaiko*, 5 TTR 352.

The right of an adopted child to work on and receive benefits from land belonging to the lineage of the adoptive parents after the death of the parents must be with the permission of the lineage of the adoptive parent and of the alab. *Amon v. Makroro*, 5 TTR 436.

Defendant's interest, if any, in land in question was that of a worker who could cut copra with the permission of the alab and the acquiescence of the iroij lablab and, in accordance with custom, he was required to pay the shares due those holding superior interests. *Mo J. v. Bwijtak*, 5 TTR 510.

TRUST TERRITORY COURTS DECISIONS

Precedential Value

In some circumstances, the value of Trust Territory court decisions as precedent will exceed the precedential value of cases from non-Pacific Islands jurisdictions. *Langijota v. Alex*, 1 MILR (Rev.) 216, 218.

Stare Decisis

Decisions of Trust Territory courts do not have *stare decisis*, as distinguished from *res judicata*, effect in courts of the Marshall Islands. *Langijota v. Alex*, 1 MILR (Rev.) 216, 218.