

IN THE TRADITIONAL RIGHT COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

FILED
JUN 17 2021
ASSISTANT CLERK OF COURTS
REPUBLIC OF THE MARSHALL ISLANDS

NAOMI MAKRORO (on behalf of Clary
Makroro),)
)
Plaintiff,)
)
Vs)
)
CARINTHA LANI, PERCY LAIEB)
JOHNNY MACK,)
)
Defendants.)
)
_____)

CIVIL Case No. 2018-074

AMENDED DISSENTING OPINION

Case in ear itok non Traditional Rights Court eo non an uak kajitok in ej walok ijin lal:
“Won eo ekkar ian Kijolok Beasa im Johnny Mack, im ro rej rie im erra iberro, bwe en kabwijer
maron ko im Title eo an Senior Dri-Jerbal, ekkar non mour im mantin Marshall Islands, ilo
Ronbad weto, Rairok Island, Majuro Atoll, Republic eo an Marshall Islands?”

Case in ej ikijien maron koi m Title eo an Senior Dri-Jerbal ilo Ronbad weto, Rairok,
Majuro Atoll. Ailwaro in ikijien maron koi m Title eo an Senior Dri-Jerbal ilo Ronbad weto ejab
juon ailwar eo ekal non an court ronjake im etale.

Ronbad weto ej bed ilo jojen eo an Jebdrik ilo Majuro Atoll. Ilo tore in ejelok en ej
kabwijer maron ko an Iroiylaplap im Iroi edrik ilo weto in im ro rej kabwijer maron eo an Senior
Dri-Jerbal rej Kijolok Beasa im Johnny Mack.

Dri Abnono in Kijolok Beasa ejjab err aim ej jumaee melele in ke Johnny Mack ej e wot ej kabwijer Title im maron ko an Senior Dri-Jerbal ilo Ronbad weto. Dri Abnono in ej kwalok bwe e ej juon ian Senior Dri-Jerbal ro ruo (2) rainin ilo Ronbad weto. Im bwe e, Dri Abnono in ear bok ak jolote maron in an Senior Dri-Jerbal jen jinen, Flora Beasa. Flora Beasa ej nejin Litamon Makroro. Dri Abnono in ej bar kwalok an jab erra iben alab Percy Laieb im Johnny Mack ilo airro jimor kowane im jab kile maron eo an non an sign im kwoppen lease agreement eo an Carintha Lani einwot ke e, Kijolok Beasa, ej juon ian Senior Dri-Jerbal ro ilo Ronbad weto. Dri Abnono in ej bar kwalok bwe jen wot an Dri Jumaee Abnono rein kwoane im jab kile einwot juon Senior Dri-Jerbal ro ilo weto in, ekomon bwe Dri Abnono in en likjab im jab maron bok tokjen an leen jikin in. Im kin un in im melele kein, Dri Abnono in ej kajitok bwe court in en kamone juon an jemlok non kwalok im kabin ke e, Kijolok Beasa, ej juon ian Senior Dri-Jerbal ro ruo (2) ilo Ronbad weto, Rairok, Majuro Atoll.

Dri Jumaee Abnono 2 im 3 rej jab erra ilo melele in an Dri Abnono in ilo an kwalok ke e ej juon ian Senior Dri-Jerbal ro ruo ilo Ronbad weto. Rej jab bar erra ilo melele in ke Dri Abnono in ej bok maron in an jen jibwin, Litamon Makroro, im rej jab bar erra ilo melele in ke Tobeke Makroro eo ej jatin Flora Beasa, ear kabwijer maron eo an Dri Jerbal mokta jen Dri Abnono in.

Libojrak ear kabwijer maron eo an Alab ilo Ronbad weto, Rairok, Majuro Atoll. Alab Libojrak ear kokajiririk ak bok Daimond Makroro im Arkilos bwe ren nejin. Im mokta jen an kar mij ilo 1947 ak 1948 eo ear kajolet erro jimor kin maron eo an Senior Dri-Jerbal ilo Ronbad weto, ilo an ejelok en eutie j lok im lablok an maron jen eo jun, im ilo ejelok kalikjolak ilo

wewen ko jet. Karok im koon in an Alab Libojrak non rein nejin ear jen juon special appointment ak arraignment ak jen juon wewen eo ejab emakijkij an komon. Special appointment in ejelet wewen kabwijer maron eo an Senior Dri-Jerbal ilo Ronbad weto, ilo jabdrewot ien.

6 TTR 451 ej ba,

“ Where two children had been adopted by Alab, children’s Dri-Jerbal 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 was obligated by custom to show respect to the remaining adopted person.”

6 TTR 365 ej ba:

“Because Alab’s two children were adopted, the customary Marshallese pattern that the oldest member of the family, or Bwij, should hold Senior Rights. Either Alab or Dri-Jerbal, did not apply, and the children were on the same level.”

Karok im kon in an Alab Libojrak ej juon eo ejab emakijkij an koman, ak Alab in ear komane ilo an kar jiton im kamnak kokajriri rein an non an kwalok jonon an yokwe im kaurok erro im ro ilo ebeben ko an Litaimon Makroro im Arkilos tokelik. Wewen in ej juon special appointment ak arraignment im ilo mantin Marshall jej watoke im kautiej e einwot “Deke in Jinme” ak bed rock. Jabon konnan eo an Dri Marshall im ej bedbed ion manit ej ba “Jab iun ak ukoj drekein jinme eo.” Special appointment in enaj bed im endrein-lok-wot ilo aolep ebeben elane ejelok un non bobrae ak kojomloke.

Manit im imenene ko rejelet case in re:

1. Drekein Jinme (Rock bed) jab iun drekein jinme eo.

2. 5 TTR 519 – An Alab may not terminate or change interests in land by himself ...”

3. 5 TTR 417 (Limitation of Power) Once the Dri Jerbal Rights have been determined, an Alab may not cut off those rights ...”

5 TTR 417 (Suspension of Rights)

“Land interests, once a person is recognized as Dri-Jerbal he cannot be kept off the land ...”

4. 5 TTR 493 (Limitation of Power)

“Land interests, once they have vested and have been established for a long time, may not be cut off by the Alab ...”

5. 6 TTR 365 (Suspension)

“Because Alab’s children were adopted, the customary Marshallese pattern that the oldest member of a family, or Bwij, should hold senior rights, either Alab or Dri Jerbal, did not apply, and the children were on the same level.”

6 TTR 365 (Suspension)

“Where two children had been adopted by Alab, childrens’ Dri Jerbal 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 ...”

6 TTR 365 (Establishments)

“That under Marshallese custom, daughter inherited her father’s Dri Jerbal interest upon his death, was sufficient to establish her interest ...”

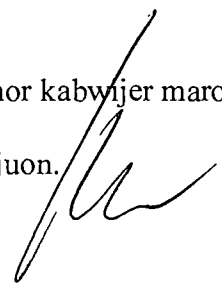
Ilo November 13, 1973 Jane Konou ear file High Court Civil Action No. 19-73, Jane Konou vs. Litamon Makroro . Case in ej bar ikijien maron eo an Senior Dri-Jerbal ilo Ronbad

weto. Ekkar non manit, bedbed ion kokajriri eo an Alab Libojrak kin Litamon Makroro im Arkilos, jemlok eo an case eo ej walok melele kein: “The fact the Dri Jerbal interests were “equal” because of the adoption permits the inheritance by plaintiff of her father’s interest even though a member of her father’s generation (The Defendant) is still living. The Rule applicable to Alab interest, where there is only one title holders, does not apply to Dri Jerbal interests where there may be and usually are more than one “equal” interest holder. Ilo April 5, 2018, 45 yio elikin an Civil Action No. 19-73, Kijolok Beasa ekar file e civil action 2018-074, Kijolok Beasa vs. Caritha Lani, Percy Laieb im Johnny Mack kin wot an Alab Percy Laieb jab kile maron eo an einwot juon ian Senior Dri-Jerbal ro ruo ilo Ronbad weto. Alab Percy Laieb ej kwalok bwe ejab kile Kijolok Beasa einwot an kar Alab eo mokta lok, Kelet Jorlikiep, kar jab kile. Ejelok jabdewot melele ikijen un eo bwe Kelet Jorlikiep en kar jab kile Kijolok Beasa einwot juon Senior Dri-Jerbal, im ebar ejelok juon un non an Percy Laieb jab kili. Kin menin, non kokajor lok karok im kon ko ikijen Ronbad weto, ro rej kabwijer maron eo an Senior Dri-Jerbal enaj ro rej Dri jolet an Litamon Makroro im Arkilos. Im nan kobajrak Special Appointment ak Arraignemnt eo an Alab Lobojrak, bedbed ion manit einwot an alikar ilo Case Laws kein emwij cite I iman lok, im enwot ke Dri Abnono im Dri Jumae Abnono in rej jibwin Lobojrak, enin ej uak eo non kajitok eo an High Court.

UAAK:

Dri Abnono Kijolok Beas aim Dri Jumae Abnono Johnny Mack, rej jimor kabwijer maron eo an Senior Dri-Jerbal, ilo an ejelok en eutie j lok ak lablok an maron je neo juon.

Dated: 6/17/21


Milton Zackios
Pro Temp Judge