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REPUBLIC OF THE MARSHALL ISLANDS

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

DALLAS LANGIDRIK,)
)
Plaintiff,)
)
VS.)
)
DORCUS DOLAR,)
)
Defendant.)
_____)

CIVIL ACTION NO. 2005-241

OPINION AND ANSWER OF THE TRADITIONAL
RIGHTS COURT

MEMBERS OF THE PANEL: Presiding Judge Walter K. Elbon
Associate Judge Nixon David
Pro Tem Judge Risi Graham

PLACE AND DATE OF COURT PANEL'S HEARING: Majuro Courthouse, September 13, 14 and 16, 2016

THE PARTIES' CONTENTIONS:

The issue in this case is about who holds the Alab right on Kabokbok and Monkiep wetos, Ailinglaplap Atoll. The Plaintiff contends that it is not right for the Defendants to hold the Alab rights because the two wetos are *bwij* land. The Defendants contend that they are Alab on the two wetos, Kabokbok and Monkiep, because the wetos were given to Lotolar, their grandfather, and after died, his son Sam was Alab, and after Sam died, his children, who are the Defendant in this case become Alabs.

THE QUESTION REFERRED BY THE HIGH COURT:

Question No. 1: **Who between the Plaintiff and the Defendants is the proper and proper and rightful Alab on Kabokbok and Monkiep wetos on Ailinglaplap Atoll?**

SUMMARY ANSWER:

Answer No. 1: Plaintiff, Dallas Langidrik.

FACTUAL FINDINGS UPON WHICH THE OPINION IN ANSWER IS BASED:

The TRC panel heard the case beginning September 13, 2016 and ended September 16, 2016. There were testimony or evidence from both parties. During the Opening Statements of parties, both agreed that the wetos, Kabokbok and Monkiep, are bwij lands. On the Amended Rule 2 Statements of both parties, each agreed that the wetos, Kabokbok and Monkiep are bwij lands. The Amended Rule 2 Statements of both parties also state that the two wetos, Kabokbok and Monkiep are bwij land from **Nejuan**. Plaintiff Exhibit A, which no one contested during trial indicates that Nejuan, a female, had three children, who were Lilik (female), Lotolar (male), and Lantok (female). It is evident from the *Menmenbwij* that the children will inherit the right of the Alab, starting with the eldest, which is Lilik according to the *Menmenbwij*. It was also evident from the testimony during trial that the parties are from one family, because one is a descendant of the male and the other descendant of the female. Both parties agree that Neimat Reimers now holds the Iroij title for the wetos, Kabokbok and Monkiep, and that Neimata Kabua and Kabua Kabua were Iroij before her. Plaintiff's Exhibit B is a letter from Irojlaplap Kabua which was written on August 5, 1983, to the Defendants with a copy to then Alab Jomwai, explained that the Alab's money share had not been received by Lanno after the death of Sam Tolar. In the letter, Irojlaplap Kabua is saying to the Defendants to give the money to Beke, the daughter of Lanno, which Lanno never received. Plaintiff Exhibit C is a letter from Neimata Kabua to the defendants. The Leroij Neimata's letter shows that she concurred with what Irojlaplap had said in his letter to the Defendants, which was written on August 5, 1983. It is evident from Plaintiff's Exhibits A, B, and C that Beke, the daughter of Lanno, is the proper title holder of the Alab right for the wetos, Kabokbok and Monkiep on Ailinglaplap Atoll, after Lanno and Jomwai.

Defendant Exhibit 1 is a written statement of Leroij Neimat Reimers which was written on September 6, 2016. It was presented during trial as an evidence from the Defendant. According to Bilton Sam, a party to this case, Defendant Exhibit 1 is a written statement by Leroij Neimat Reimers herself and that those are not his words. Bilton further testified that he was alone when he met with Leroij Neimat Reimers about the document and that there was not a representative from the Plaintiff's side during this meeting. The TRC panel deems it would have been appropriate if a representative from the Plaintiff's side was present during the meeting. Defendant Exhibit 1 shows that there had been no disputes amongst the families until now. This is the reason why the TRC panel believes that it would have been right and proper to have both parties during the time Leroij Neimat made her Declaration or her expression. On August 5, 1983, Irojlaplap Kabua declared who he recognized as Alab for the wetos, Kabokbok and Monkiep. He did not state whether there was any agreement made between the two

parties. Leiroj Neimata who became Leroij after Kabua, agreed with Kabua as indicated on her letter to the Defendants which was written on September 2, 2002, Plaintiff Exhibit C. The Plaintiff in this case filed the complaint on September 20, 2005. The family has been in dispute since then until today. Airine Tolar, who is also a party in this case as a Defendant, did not take the witness stand even though her name appears on the Amended Rule 2 Statement as a witness for the Defendants. On Airine Tolar's answer to the Complaint, she states that she does not know who the Alab is for the two wetos, Kabokbok and Monkiep. On the Amended Rule 2 Statement, she agrees that the two wetos are *bwij* lands belonging to Nejuan. In his testimony, Eli Sam stated that Lakumok who was the Alab before Nejuan, gave the Alab right to Tolar. Lakumok is not listed on the Plaintiff's Menmenbwij, Plaintiff Exhibit A, and there was no mention of him in the CA2005-241 documents. The TRC Panel, when looking at the Menmenbwij, sees that Tolar is the son of Nejuan, and the younger brother of Lilik, the eldest daughter of Nejuan. It is true that being the elder son of Nejuan, Tolar held the Alab title after Lilik, or could have been Alab with the authority given by Lilik, but the children of Tolar can never be Alabs because they are from the bloodline of Tolar and could only inherit the Dri Jerbal title.

After looking through the evidence and listening to testimonies from both parties, the TRC finds that it is right and proper for the Plaintiffs to hold the Alab right to the wetos, Kabokbok and Monkiep, Ailinglaplap Atoll.

APPLICABLE CUSTOMARY LAW AND TRADITIONAL PRACTICE:

According to the Marshallese custom, *bwij* lands originate from a woman, and her children will inherit the Alab right. As it is in this case, the children of Nejuan hold the Alab right. The grandchildren of Nejuan from her daughters will inherit the Alab title, and the children of her sons will inherit the blood title or the Dri Jerbal title. This custom will only change if there is an agreement which all the member of the family will agree to. In this case the Plaintiff stated that there has been no agreement of changes made.

ANALYSIS:

In the year 1983, Irojlaplap Kabua decreed his recognizance of Beke as the Alab on Kabokbok and Monkiep wetos on Ailinglaplap Atoll. He declared that the Alab's share of money from copra which Lanno never received during her reign as Alab should be given the soonest to Beke, Plaintiff Exhibit B. And in the year 1992, Leroij Neimata Kabua who succeeded Kabua concurred Irojlaplap Kabua Kabua's

understanding, Plaintiff Exhibit C. Plaintiff Exhibits B and C clearly show that Irojilaplap Kabua and Leroij Neimata Kabua did not have any recollection of any agreement as stated in Leroij Neimat Reimer's declaration of September 6, 2016, Defendant Exhibit 1. With lack of evidence as to the agreement allegedly to have been made previously, the TRC panel is left with Plaintiff Exhibit A, B, and C as basis to its answer, which is that it is only right and proper for Dallas Langidrik, or the Plaintiff to hold the Alab title on Kabokbok and Monkiep wetos, Ailinglaplap Atoll.

WITNESSES:

Plaintiff(s) Witnesses:

1. Love Langidrik
2. Langue Langidrik

Defendant(s) Witnesses:

1. Eli Sam
2. Bilton Sam

EXHIBITS AND TANGIBLE EVIDENCE:

Plaintiff(s) Exhibits:

1. Plaintiff Exhibit A – Genealogy Chart
2. Plaintiff Exhibit B – Letter from Irojilaplap Kabua Kabua
3. Plaintiff Exhibit C – Letter from Leroij Neimata Kabua
4. Plaintiff Exhibit D – General Power of Attorney
5. Plaintiff Exhibit E – Certificate of Death, Beke Langidrik

Defendant(s) Exhibit

1. Defendant Exhibit 1 – Declaration of Leroij Neimat Reimers
2. Defendant Exhibit 1A – English Translation of Declaration

OTHER MATTERS THE PANEL BELIEVES SHOULD BE MENTIONED:

Members of the parties in this case are from the same family as indicated during trial. Both parties held rights to live and eat off the lands in dispute. It is right and proper for both parties to live and take care of the land. However, according to Marshallese custom, there are those who hold the Alab right. As

stated before, on a *bwij* land, it is only right and proper for the children of a female to hold the Alab right.

Date: 10/14/16

_____/s/_____
Presiding Judge Walter Elbon, TRC

_____/s/_____
Associate Judge Nixon David, TRC

_____/s/_____
Pro Tem Judge Risi Graham, TRC