

LIMINE, Appellant
v.
LAINEJ, LITOWELAN, and JINET, Appellees

Civil Appeal No. 2
Appellate Division of the High Court
February 6, 1956

See, also, 1 T.T.R. 107, 231

Appeal from the Trial Division of the High Court, Marshall Islands District, involving dispute in land. The Appellate Division of the High Court, Judge Paul D. Shriver, held that *iroij lablab* could not change *alab* rights in land without good reason.

Affirmed.

1. Marshalls Land Law—"Iroij Lablab"—Limitation of Powers

After foreign supervision, powers of *iroij lablab* were limited and his power to wage war for settlement of disputes was prohibited.

2. Marshalls Land Law—"Iroij Lablab"—Limitation of Powers

There is no indication that *iroij lablab* had rights under law in effect in 1941 to change *alab* rights in land at will. (T.T.C., Sec. 24)

Before SHRIVER, MANIBUSAN, *Temporary Judges*
SHRIVER, *Temporary Judge*

OPINION OF THE COURT

This is an appeal from the Marshall Islands District involving a dispute as to the rights of the appellant and the appellees in certain land situated in Arno Atoll. The trial court made extensive findings of fact and conclusions of law and filed a memorandum of decision which included additional findings of fact. We limit ourselves to a determination as to whether such findings and conclusions are supported by the evidence. We hold that they are.

[1] The *Iroij Lablab* Tobo originally recognized Lainej as *alab* but after a number of years attempted to recognize Limine as *alab* for reasons personal to himself and

not involving the welfare of the group as a whole. As the trial court pointed out, in the days before foreign supervision the *Iroiĵ Lablab*, as king, exercised much greater control over the lands than he may today. His responsibilities were greater as he 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. But as foreign supervision and control took effect, war as a means of determining disputes, was prohibited. The necessity no longer existed for developing alignments for strength in war with corresponding rewards to the ablest warriors, but rather to make the most effective economic use of the lands.

[2] Stability of tenure is essential to economic development, and while Section 24 of the Trust Territory Code requires the court to recognize the land law in effect on December 1, 1941, unless or until changed by express written enactment made under authority of the Trust Territory, there is no indication in the instant case that on or prior to that date the *Iroiĵ Lablab* had the authority to change *alab* rights at will.

We do not attempt to determine under what circumstances the *alab* rights, once vested, may be changed, but it does not appear that the appellees, having acquired the *alab* rights were guilty of any acts which would justify the *Iroiĵ Lablab* in divesting them of the *alab* rights so acquired.

The judgment is affirmed.