

3. The time for appeal is extended to and including March 15, 1969.

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PALIKNA NENA SEKU, Plaintiff

v.

NELSON SIGRAH, Defendant

Civil Action No. 305

Trial Division of the High Court

Ponape District

January 15, 1969

*See, also, 4 T.T.R. 231*

Action to determine ownership of land on Kusaie Island, Ponape District. The Trial Division of the High Court, H. W. Burnett, Associate Justice, held that evidence established that plaintiff divided the land in question, keeping a portion for himself.

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BURNETT, *Associate Justice*

This action comes before the court on a Master's Report entered by the Honorable Carl Kohler, Presiding Judge of the Ponape District Court. Copies of Findings of Fact contained in the Report were given to the parties in Kusaie on November 26, 1968. Plaintiff has advised that he has no objection to make to the findings. Counsel for defendant has filed no objection and has not made his intentions known, though he has had ample opportunity to do so.

OPINION

Upon consideration of the entire record, including the transcript of testimony taken by the Master, the court considers the Findings of Fact to be supported by the evidence, and the Master's Report is therefore approved.

This action involves disputed claims to land known as Fwinef, Lelu Section of Kusaie Island, Ponape District.

Both parties were adopted by, and derive their claims from Moses Kanku, the last registered owner, who died about 1947 without issue.

As found by the Master, before his death Moses Kanku placed plaintiff in possession of the whole of Fwinef, and as shown by the record plaintiff proceeded to plant and develop the land. In 1950, or shortly thereafter, on request of Kenye, wife of Moses Kanku and his adopted mother, plaintiff divided Fwinef and gave half of it to the defendant. The portion retained by plaintiff lies northerly of a line of coconuts dividing the land into approximately equal portions.

Defendant contends that Moses Kanku gave him the land in 1922. It is conceded, however, that his name was never registered as owner, and the evidence is convincing that the entire area now claimed by the defendant had been developed by the plaintiff.

It is, therefore, ordered, adjudged, and decreed:-

1. The northern portion of the land Fwinef, Lelu Section, Kusaie Island, Ponape District, is the property of the plaintiff Palikna Nena Seku.
2. The southern portion of the land Fwinef is the property of the defendant Nelson Sigrah.
3. No costs are assessed against either party.
4. Time for appeal is extended to and including March 16, 1969.