

LITAIMON MAKRORO, Plaintiff

v.

BENJAMIN, Defendant

Civil Action No. 348

Trial Division of the High Court

Marshall Islands District

June 20, 1969

Action to determine *alab* on Rairok Island, Marshall Islands. The Trial Division of the High Court, Robert Clifton, held that *alab* in question had right to name successor *alab* despite the fact that the former *alab* had separated.

Marshalls Land Law-"Alab"-Succession

An *alab*, after the death of an *alab* who had "separated" the *bwij* from a *weto*, had the power to appoint a successor to such *alab*.

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CLIFTON, *Temporary Judge*

OPINION

From the testimony it appears that Libojerak, as the *alab* on the *weto* in question, and having the right to do so, designated Lijain and the plaintiff, her adopted daughter, as *dri jermal* on said *weto*. Later, when living with Lijokan, a member of her *bwij*, Libojerak called a meeting of the *iroij* of "Jebrik's side" and publicly announced that when she died Lijokan should succeed her as *alab*. However, she did not revoke her designation of Lijain and the plaintiff as *dri jermal*.

It was the contention of the plaintiff that a former *Alab* Liblok had "separated" the *bwij* of Liblok, that is, one Lajiman, from this *weto* and that under Marshallese custom that Libojerak did not have the power to "unite" this *weto* under Lijokan, a member of Lajiman's *bwij*. However, this contention as to the custom is not correct for

after the death of Liblok, Libojerak, as the *alab*, had the power to appoint an *alab* to succeed her.

FINDINGS OF FACT

Libojerak, as the *alab*, and having the power to do so, designated Lijain and Litaimon as *dri jermal* on the *weto* in question and designated Lijokan, the mother of Benjamin, as *alab*. Lijain and her children are dead, and the plaintiff and her children, by virtue of the designation of plaintiff and Lijain as *dri jermal*, have the rights of *dri jermal* on said *weto*. Benjamin has the rights of the *alab* on said *weto*.

The court finds as a mixed finding of law and fact under Marshallese custom that Libojerak, as the *alab*, had the power to designate Lijokan as the *alab*, despite the fact that Liblok, the former *alab*, had separated, that is, taken away from Lajiman, a member of the *bwij* of Lijokan, the right to be *alab*.

JUDGMENT

It is ordered, adjudged, and decreed as follows:-

1. The plaintiff, Litaimon, and her children have *dri jermal* rights to the *weto* hereinafter described, under Benjamin, as *alab*.

2. Benjamin, the defendant herein, has the right of *alab* on said *weto*.

3. Said *weto* is described as follows :-.

Kinawe *weto* (also spelled Kinawa) on Rairok Island, Marshall Islands District.