

Erik share to the defendant Bina is improper and not in accordance with accepted Marshallese custom on Arno Atoll.

JUDGMENT

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

1. As between the parties hereto and all persons claiming under them, the *Iroij Erik* rights in the *watos* of Monpel and Jobwor, Ijoen Island, Arno Atoll, are held by Bina, subject to the Marshallese system of land law as generally accepted on Arno Atoll.

Costs are assessed against the plaintiff.

In the Matter of the Estate of JOSE FUYIHIRA, Deceased

Civil Action No. 161

Trial Division of the High Court

Mariana Islands District

July 7, 1969

Petition for distribution of estate. The Trial Division of the High Court, R. K. Shoecraft, Chief Justice, held that where person in question had been missing for 25 years he was presumed to be dead.

Distribution ordered.

Decedents' Estates—Presumption of Death

Where person had been missing for more than 25 years he was presumed to be dead.

SHOECRAFT, *Chief Justice*

This matter came on to be heard upon the sworn petition, the land records in the Mariana Islands District Land Office, and those in the Office of the Clerk of Courts for the Mariana Islands District, and the signed consent by Carmen Sablan Reyes, also known as Carmen Sablan Fuyihira, widow of Jose Fuyihira, deceased.

IN RE ESTATE OF FUYIHIRA

It appearing that notice of the Amended Petition and the Special Summons has been given, that no party has filed any appearance in opposition thereto, that the time for filing such objection in accordance with the notice ordered by the Court has expired, that said Carmen Sablan Reyes has requested this Court to grant the petition for distribution dated August 26, 1968, on file herein,

The Court finds that Jose A. Fuyihira, alleged to be a son of the decedent, has been missing for more than 25 years, that he left no children, and that the said alleged son, Jose A. Fuyihira, is presumed to be dead.

JUDGMENT

Upon consideration of the foregoing, it is ordered, adjudged, and decreed as follows:—

1. Lot No. 9, Block No. 2, South Garapan Village, containing an area of 671.0 square meters, more or less, on file with the Clerk of Courts for the Mariana Islands District, as shown on A.P.W.O. Drawing No. 11234, is hereby distributed to and adjudged to be the property of petitioner Ana F. Ada, Maria F. Babauta and Estanislao A. Fuyihira, to be held as undivided one-third interest.

2. Lot No. 6, Block No. 2, South Garapan Village, containing an area of 671.0 square meters, more or less, as shown on A.P.W.O. Drawing No. 11234, on file with the Clerk of Courts for the Mariana Islands District, is hereby distributed to and adjudged to be the property of Dolores F. Duenas, Merced F. Torres, and Carmen F. Santos, to be held as undivided one-third interest.

3. In accordance with the Trust Territory Code, Section 283, after the time for appeal herefrom has expired, without notice of appeal being filed or after any appeal duly taken has been finally determined, this judgment shall operate to transfer ownership of said land from Carmen Sablan Reyes, when a copy hereof, certified by the Clerk of

Courts, or any judge of this Court, is recorded in the Office of the Clerk of Courts for the Mariana Islands District.

4. The District Land Title Officer for the Mariana Islands District shall note this judgment in his records.

5. All of the heirs of Jose Fuyihira, decedent herein, listed in the Amended Petition for Distribution filed on January 13, 1967, shall be furnished with copies of this Judgment Order.

6. Costs are assessed against the petitioner.

GUERRERO and FAMILY, INC., Plaintiff

v.

MICRONESIAN LINE, INC., Defendant

Civil Action No. 252

Trial Division of the High Court

Mariana Islands District

July 9, 1969

Appellate Court Opinion—5 T.T.R. 87

Action on contract wherein defendant moves for summary judgment because action was not brought within time provided for by contract. The Trial Division of the High Court, R. K. Shoecraft, Chief Justice, held that parties could provide for a shorter period for limitation of actions than that set out by statute and if suit was not brought within that time it would be barred.

Motion granted.

Carriers—Bills of Lading—Limitation of Actions

A one year time for suit clause is of the greatest importance, thus the suit must be brought within one year, even if the carrier fails to comply with his obligations under the law and the contract.

SHOECRAFT, Chief Justice

This matter came before the Court on defendant's Motion for Summary Judgment. Oral arguments were not heard, it being stipulated by counsel that the Court should con-