

take care of their mother Srue T.. This piece of land about 50 feet square is bounded on the east by land now or formerly of Freddie, on the north by land now or formerly of Makoelun (otherwise known as Ned), on the west by a road separating it from land occupied by Irving, and on the south by land of the plaintiff Pakun Seku. It is considered by some to be the upland portion of the land known as Mutonsoik and by others as part of the land known as Fwinmona.

3. This judgment shall not affect any rights of way there may be over the land in question.

4. No costs are assessed against any party.

KUN PETER, Plaintiff

v.

PETER KONLULU, YAMATO and TILINKEN, Defendants

Civil Action No. 55

Trial Division of the High Court

Ponape District

December 11, 1953

Action to determine ownership of land on Kusaie Island, in which son brings action to obtain from father land which he had previously been given authority to manage in expectation he would inherit it. The Trial Division of the High Court, Chief Justice E. P. Furber, held that son had failed in his obligation to support and respect his father and that consequently father could otherwise dispose of land.

Ponape Land Law—Kusaie—Transfers

Under Kusaie custom, when father gives oldest son authority to manage land, son has strong obligation to obey, support and respect father, and if he fails to fulfill obligations, father may revoke son's authority to manage land and may dispose of land as he wishes.

FURBER, *Chief Justice*

FINDINGS OF FACT

1. The defendant Peter at one time gave the plaintiff Kun authority to manage the land in question for Peter, with the expectation that Kun would inherit it on Peter's death as his oldest son, but Peter never gave the land to Kun to own.

2. The plaintiff Kun thereafter was very disrespectful to the defendant Peter.

3. The defendant Peter then revoked the plaintiff Kun's authority to manage the land and gave part of it to the defendant Tilinken outright and the rest to the defendant Yamato on certain conditions.

CONCLUSIONS OF LAW

1. Under Kusaie custom when a father gives his oldest son authority to manage land for him with the expectation that he will inherit it on the father's death, the son has a strong obligation to obey, support, and show respect for his father. If the son fails to fulfill these obligations, the father may revoke the son's authority to manage the land and the father may dispose of the land as he wishes.

JUDGMENT

It is ordered, adjudged and decreed as follows:—

1. As between the parties and all persons claiming under them, the ownership of the land known as Fukul, located on Lele Island, Kusaie, and consisting of less than an acre, is divided as follows:—

a. The right hand corner toward the water (as one stands on the shore facing the land), is owned completely by the defendant Tilinken.

b. The rest of the portion abutting on the water, belongs to the defendant Yamato, with an obligation to allow

his brother Michio to use it with him, all subject to Yamato's obligation as a grandson who has been given land by his grandfather to continue to assist in taking care of that grandfather, namely the defendant Peter Konlulu, properly.

c. The part away from the water belongs to the defendant Yamato, with an obligation to manage it for the benefit of the entire family, including the plaintiff Kun Peter, and to allow all the members of the family to share in the use of it, subject to Yamato's obligation to continue to assist in taking care of the defendant Peter Konlulu properly.

All of the above named people live in Lele, Kusaie.

2. This judgment shall not affect any rights of way there may be over the land in question.

3. No costs are assessed against any party.

LIKIAKSA, Plaintiff

v.

HENRY SKILLINGS and ISIAIAH N., Defendants

Civil Action No. 56

Trial Division of the High Court

Ponape District

December 11, 1953

Action to determine rights in land on Kusaie Island, in which plaintiff objects to sale of land by husband after he had received it as gift from her in connection with their marriage. The Trial Division of the High Court, Chief Justice E. P. Furber, held that sale was valid since under Kusaie customary law it is presumed that gift from wife to husband in connection with marriage transfers all rights of ownership to husband; Court will not upset transfer made ten years before end of Japanese Administration and clearly recognized by former administration as effective.

1. Ponape Land Law—Kusaie—Transfers

Under Kusaie custom, gift of land by woman or her family to husband in connection with marriage (*tuka*) transfers all rights of ownership in the land.