

PELITIN, Plaintiff

v.

LORENZO, Defendant

Civil Action No. 68

Trial Division of the High Court

Ponape District

April 30, 1957

Action to determine ownership of land in Metalanim Municipality, in which plaintiff claims land was divided and plot in dispute given to him. The Trial Division of the High Court, Chief Justice E. P. Furber, held that land belonged to plaintiff since division approved by *Nanmarki* and Ponape Branch Office is presumptively valid.

Ponape Land Law—German Land Title

Property on Ponape Island held under German land title is vested in owner with benefit of and subject to all rights and obligations imposed by system of private land ownership set forth in standard form of title document issued by German Government on Ponape in 1912, except as modified by law.

FURBER, Chief Justice

FINDINGS OF FACT

1. Pelep had Souiso No. 22 divided in two and gave the part in question in this action to the plaintiff Pelitin.

2. This division and the gift of the land in question to Pelitin were consented to by the *Nanmarki* and the official Japanese surveyors on behalf of the Head of the Ponape Branch Office.

CONCLUSIONS OF LAW

1. This action is controlled by the principles set forth by this court in its conclusions of law in *Teresita Phelip v. Ioakim and Eneriko*, 1 T.T.R. 147, and in paragraph 2 of its conclusions of law in *Thomas Weirland v. Kenio Weirland*, 1 T.T.R. 201.

JUDGMENT

It is ordered, adjudged and decreed as follows:—

1. As between the parties and all persons claiming under them, the part of Souiso No. 22, located in the Wapar Section of Metalanim, Ponape Island, designated as No. 986 on map on file in the Ponape District Land Office and by the name "Peltin" on the sketch attached to the plaintiff's complaint in this action, is the property of the plaintiff Pelitin, a resident of the Wapar Section of Metalanim, with the benefit of and subject to all the rights and obligations imposed by the system of private land ownership set forth in the standard form of title document issued by the German Government on Ponape in 1912, as heretofore or hereafter modified by law.

2. The plaintiff Pelitin has as complete control over the land in question as he would have if a separate German title document had been issued for it.

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

4. No costs are assessed against either party.