

The rough field work in connection with land titles has been accomplished on all the Atolls with the exception of an odd island here and there on Arno, Maloelap, and Wotje. All parcels have been designated on paper in addition to the present known king, chief, alap, and some of the workers. Hearings are now being held at Civil Administration Headquarters with the intention of authenticating all previously collected information. Accurate parcel descriptions and measurements are being plotted.

The magnitude of the problem confronting the land titles commission can be judged to a certain extent by noting that Arno Atoll has 96 islands including 659 separate and defined parcels, while Majuro Atoll has 66 islands and 489 separate parcels. Each parcel as a rule is owned by a different combination of workers, alaps, chiefs and kings, who may be living at the present on other atolls within the Marshalls. Every Marshallese has an interest in a piece of land somewhere in the Marshalls and in most cases several pieces often on different islands or different atolls. Each parcel in turn may have from a few to as high as 125 persons connected with it. In developing accurate and complete records, the sifting of much information is necessary, particularly in establishing genealogical backgrounds. It is estimated that a complete recording of all land informations will take years.

A codification of Land Rights was submitted during this quarter covering the various phases of land ownership. (CivAdm Majuro ltr ser 260 of 29 Apr 48.)

(By Foran - worked on this - aided by Ferdinand, Angl,)  
says D. Heine - Oct. 30, 1949).

1 July 1948

Majuro Dist.

29 April 1948

From: Civil Administrator, Majuro District.  
To: Deputy High Commissioner, Trust Territory of the Pacific Islands, Navy 926,  
Guam, M.I.  
Via: Governor of the Marshalls, Navy 824, Kwajalein, M.I.  
Subject: Codification of Land Rights within the Majuro District.

1. Land within the Majuro District may be acquired thru inheritance, will, or gift. All of these methods operate within the culture and customs indigenous to the area.
2. Inheritance is primarily matrilineal and follows approximately in this order: -
  - (a) Younger brother
  - (b) Younger sister
  - (c) Oldest sisters children
  - (d) Oldest sister's daughters children
  - (e) Younger sisters children
  - (f) Younger sisters daughters children
  - (g) Own son
  - (h) Oldest brothers children
  - (i) Younger brothers children

When all the above fail to establish an heir, the relationship is traced back thru the principals mother and thence down thru her oldest sisters line or younger sisters line as applicable. In such cases as extended relationship as mentioned the intervention of a will or gift is often resorted to.

3. Devise ment of property rights by means of a will is not an uncommon practice. The most prevalent usage is in the transfer of property from father to son abrogating the normal lines of inheritance as outlined in paragraph 2 above. However, such devise ment is only legal when properly documented and authenticated by the signature of the King (Iroi j Elap) who has regal rights thereto.

4. Transfer of land rights by means of gift are also common within the area. This is broken down into three groups, (a) Iroi j nōn Kajur (land given by the king to workers). (b) Iroi j mōke (land given for royal purposes) and (c) Kajur nōn Kajur (land given worker to worker).

(a) Iroi j nōn Kajur

*tarinae (war)*

✓ 1. Marujinkot - wōnan torinae. This is land given for gallantry and bravery shown during a war. It is no longer in current use except to describe an original land grant as it applied only to Marshallese wars of which there have been none for nearly one hundred years.

*(to bail)*

2. Karailēm - wōnan elima wa (literally - reward he water bailer canoe).

Land given for outstand canoe bailing *(any time)* during a native war. No longer current; see (a) 2 above.

3. Waiēnbwe - wōnan katakin (reward for teaching). Land given for outstanding prognostication or prophesy. Again no longer in current use but used to describe an original land gift.

4. Eretab - wōnan jōk jōkwa (reward for canoe building). Land given for making fine war canoes. No longer in current use except to describe an original land grant.

*given by Sajibli in Amo listing of properties.*

*Ratak for imamate.*

5. Jikintutu - wōnan kōkajariri (reward for raising children). Land given in compensation for (adoption).

*OK also?*  
*no adoption for iroij son. (kar) fondle, play with baby in case of iroij son by kajor -*  
 6. Metakinburu - wōnan nōn eo kar belen (reward to him or her who was in marriage). This is a penalty piece for committing adultery. The man or woman committing adultery had their land rights taken away by the King (Iroij), who in turn gave them to the opposite member in marriage who had remained true. Thus a man committing adultery would lose his land rights to the husband of the woman he had an affair with, and his wife would in turn receive the land rights of the woman involved with her husband. Relatively uncommon in today's culture as adultery is now punishable in courts of law.

*maybe Ratak*  
 7. Katleb - wōnan jerbāl emōn (reward to good worker). Land given in recognition of outstanding workmanship. Also often used to describe land given by the King to newcomers to an Atoll such as refugees from an area blighted by storms, drought, etc.

*take it at point of spear.*  
 (b) Iroij Mōke

*(iroij alone) Ratak*  
 1. Bōkman marē - marōn in bōke kin beran. (Land won by a King in a native war; ie the gift of the losing King to the winning King.) No longer in current use except to describe an original land grant.

*place?*  
 2. Kwotra - Jikin didren. Land given by a King to his Queen. *(Ratak)?*

*Ratak*  
 3. Jikin kōkabit - jen jemen. Land given King by his father. Also land given by the King to the native doctor for his personal services when exemplary.

*Relik ekabit → uno (zimo)*  
 4. Ninnin - Jen Jemen. Land given from father to son within royalty.

*place where cleared from bush - & planted.*  
 5. Lowiō - mōke rakji. Land given by king to a deserving kajur (worker). This is land which prior to the giving no other kajurs had rights in.  
*clean it by himself.*

## (c) Kajur nōn kajur

1. Bōkman mare - bōkjin. Land won in a native war and taken with permission of Kajur's Iroj. No longer in common use.
2. Kitdre - jen eo kar belen (from him or her who was in marriage). Land given by husband to wife or wife to husband. Subject to approval of Iroj.
3. Metakinburu - jen eo kar belen. Land given between Kajur in lieu of land described in (a)6 of this paragraph. Subject to the approval of Iroj. This provides for a compensatory payment as arranged between the principals involved and does not carry the stigma of Metakinburu - nōn eo kar belen.
4. Lowiō - mōke <sup>k</sup>raūji. Land given for special favors done. A gift between Kajur as distinguished from Lowiō - mōke Rakji given by an Iroj. Requires approval of Iroj.
5. Dreka in kōkabit. Land given by a Kajur to a native doctor for special services. Must have approval of Iroj.
6. Jikin kōlotlot - jikin kau. Land given outside of a normal inheritance and with or without a will. Given generally a death bed transfer - the recipient being required to be in attendance and present at the time of death. This transfer requires the sanction of the Iroj and is used generally to reward a faithful attendant who has provided for care and attention to the principal prior to death that the normal family or heirs have failed to provide thru negligence or otherwise. This type of transfer is relatively common in today's culture.
7. Ninnin - jikin jen jemen. Land given by father to son with or without

a will. The transfer requires the approval of the Iroi and is similar to minnin-jen jeman as outlined in (b)4 of the paragraph except that it is between Kajur.

5. All land in the area is owned in theory by the King (Iroi). However the statement is considerably ambiguous. Whereas in former times the King held the power of life and death over all his subjects of which riparian rights to land were a vital part, the workers status today is considerably stronger. Expulsion by the king of a worker from a given piece of land is no longer practiced largely because of hinderances provided by foreign agents over the past fifty years. Today the work has nearly inviolable riparian rights to his land.

Land is held and controlled by the Iroi as titular owner, administered sometimes and sometimes not thru Iroi erik (little king or chiefs), and held in riparian right by workers (kajur). Blood lines and clans determine who is Iroi, Iroi Erik, and Kajur. It is never possible for a worker to rise to be a true Iroi or Iroi Erik.

Land rights today are considered as indigenous culture in the respect that the settlements of disputes does not always require the intervention of the king. More often than not, any difficulties that arise are handled by the Atoll Councils, who look to the Iroi for token approval in the main. This procedure has the full concurrence of the Iroi and is indicative to a certain extent of a trend within the culture. Currently the Atoll Court is taking over from the council in the hearing of and settling of land problems. Civil Administration has yet to discover a case that was settled by the Atoll Council or Atoll Court contrary to the desires of the king or in violation of the culture.

Where the blood line has ended in respect to the Iroi all rights, privileges,

and prerogatives attendant therewith involving land immediately evolve upon the Iroij Erik thereunder as individuals. Thus a kingdom may become numerous separate and independent units each headed by an Iroij Erik (who however many never become a true Iroij). Such a situation now actually exists on two atolls within the district.

All Marshallese have a land right somewhere in the Marshall Islands, many have rights on more than one atoll or island, or in one or more parcels on an island. The right to sell land in the past to alien peoples was vested only in the Iroij, however he had the contingent responsibility and obligation of providing for all Kajur affected. Today sale of land to alien people is not permitted except as approved by the High Commissioner of the Trust Territory. No instances of which are current or pending. Sale of land between native Marshallese is unknown.

Land rights are one of the main foundation blocks of the Marshallese culture, and undoubtedly the most important.

C.E. HERRICK