

19 GCA PERSONAL RELATIONS
CH. 31 PARTICULAR KINDS OF PERSONAL PROPERTY

CHAPTER 31
PARTICULAR KINDS OF PERSONAL PROPERTY

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ARTICLE 1
THINGS IN ACTION

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- § 31102. Transfer and Survivorship.
- § 31103. Wage Assignment Generally.
- § 31104. Personal Injury Action; Death; Assignment of Cause of Actions Prohibited.

§ 31101. Things in Action Defined.

A thing in action is a right to recover money or other personal property by a judicial proceeding.

SOURCE: CC §953.

§ 31102. Transfer and Survivorship.

A thing in action, arising out of the violation of a right of property, or out of an obligation, may be transferred by the owner. Upon the death of the owner it passes to his personal representatives, except where, in the cases provided in Title 7 of this Code, it passes to his devisees or successor in office.

SOURCE: CC §954.

NOTE: The Compiler has changed the reference from the *Code of Civil Procedure* to Title 7 of this Code (the GCA) to conform to the new code structure. It is possible that, at the time this section was adopted, the reference also meant to refer to probate matters. In any event, the subject of Estates and Probate is now found in Title 15 of this Code (GCA).

§ 31103. Wage Assignment Generally.

No assignment of, or order for, wages or salary shall be valid unless made in writing by the person by whom the said wages or salary are earned and no assignment of, or order for, wages or salary made by a

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married person shall be valid unless the written consent of the husband or wife of the person making such assignment or order is attached to such assignment or order; and no assignment or order for wages or salary of a minor shall be valid unless the written consent of a parent or the guardian of such minor is attached to such order or assignment. No assignment of, or order for, wages or salary shall be valid unless at the time of the making thereof, such wages or salary have been earned, except for the necessities of life and then only to the person or persons furnishing such necessities of life directly and then only for the amount needed to furnish such necessities. Any power of attorney to assign or collect wages or salary shall be revocable at any time by the maker thereof.

SOURCE: CC §955.

CROSS-REFERENCES: The law on wage assignments has need modified considerably in the Fair Labor Standards Act of Guam (to be codified in Title 22 GCA) and in the laws respecting Enforcement of Child Support (5 GCA Chapter 34).

§ 31104. Personal Injury Action; Death does not Abate; Damages when Plaintiff Dies Before Judgment; Assignment of Cause of Actions Prohibited.

A thing of action arising out of a wrong which results in physical injury to the person or out of a statute imposing liability for such injury shall not abate by reason of the death of the wrongdoer or any other person liable for damages for such injury; nor by reason of the death of a person injured or of any other person who owns any such things in action. When the person entitled to maintain such an action dies before judgment, damages recoverable for such injury shall be limited to loss of earnings and expenses sustained or incurred as a result of the injury by the deceased prior to his death, and shall not include damages for pain, suffering or disfigurement, nor punitive or exemplary damages, nor prospective profits or earnings after the date of death. The damages recovered shall form part of the estate of the deceased. Nothing in this section shall be construed as making such thing in action assignable.

SOURCE: CC §956; added by P.L. 8-115 (3/9/66).

COURT DECISIONS: *Vela v. Govt. Employees Ins. Co.* (1968), 395 F.2d 437.

See 7 GCA §12109, *Wrongful Death of Adults & certain Minors*. Also see 15 GCA Chapters 22 and 27 relative to the administration of estates of deceased persons.

NOTE: CC §§957 through 959 did not exist.

ARTICLE 2

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SHIPPING

PART 1
GENERAL PROVISIONS

- § 31201. Definition of a *Ship*.
- § 31202. Appurtenances and Equipments.
- § 31203. Foreign and Domestic Ships Distinguished.
- § 31204. Several Owners.
- § 31205. Owner of Voyage.

§ 31201. Definition of a *Ship*.

The term *ship* or *shipping*, when used in Titles 18 through 21 of this Code, includes steamboat, sailing vessels, canal boats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons.

SOURCE: CC §960.

§ 31202. Appurtenances and Equipments.

All things, belonging to the owners, which are on board a ship, and are connected with its proper use, for the objects of the voyage and adventure in which the ship is engaged, are deemed its appurtenances.

SOURCE: CC §961.

NOTE: CC §962 did not exist.

§ 31203. Foreign and Domestic Ships Distinguished.

A ship in a port of the country to which it belongs is called a domestic ship; in another port it is called a foreign ship.

SOURCE: CC §963.

§ 31204. Several Owners.

If a ship belongs to several persons, not partners, and they differ as to its use or repair, the controversy may be determined by any court of competent jurisdiction.

SOURCE: CC §964.

§ 31205. Owner for Voyage.

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If the owner of a ship commits its possession and navigation to another, that other, and not the owner, is responsible for its repairs and supplies.

SOURCE: CC §965.

NOTE: CC §§966 through 969 did not exist.

PART 2
RULES OF NAVIGATION

- § 31210. Navigation Rules Generally.
- § 31211. Ship Entering Harbors of Guam
- § 31212. Breach of Rules to Imply Wilful Default.
- § 31213. Loss, How Apportioned.

§ 31210. Navigation Rules Generally.

The rules of navigation enacted or adopted by the Congress of the United States apply within the marginal waters of the Territory of Guam, and such local rules and regulations, not in conflict therewith, promulgated by the Governor of Guam.

SOURCE: CC §970.

CROSS-REFERENCES: See 10 GCA Chapter 69 - the *Territorial Boating Act*. Also see 12 GCA Chapter 10 establishing the *Port Authority of Guam* and giving it jurisdiction over ports in Guam; 18 GCA Chapter 56 relative to the hiring of seamen, the use of pilots, etc.; 18 GCA §21311 relative to liability of owners of ships.

§ 31211. Ship Entering Harbors of Guam.

No ship shall enter any harbor of Guam, except in emergencies, without permission of the Governor of Guam.

SOURCE: CC §971.

CROSS-REFERENCES: See the laws governing the *Customs & Quarantine Division* of the Department of Commerce for more requirements for entry into Guam ports and the declarations required.

§ 31212. Breach of Rules to Imply Wilful Default.

Damage to person or property arising from the failure of a ship to observe any rule of § 31210, must be deemed to have occasioned by the

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wilful default of the person in charge of the deck of such ship at the time, unless it appears that the circumstances of the case made a departure from the rule necessary.

SOURCE: CC §972.

CROSS-REFERENCES: See 10 GCA Chapter 60, the *Territorial Boating Act*.

§ 31213. Loss, How Apportioned.

Losses caused by collision are to be borne as follows:

1. If either party was exclusively in fault he must bear his own loss, and compensate the other for any loss he has sustained.

2. If neither was in fault, the loss must be borne by him on whom it falls.

3. If both were in fault, the loss is to be equally divided, unless it appears that there was a great disparity in fault, in which case the loss must be equitably apportioned.

4. If it cannot be ascertained where the fault lies, the loss must be equally divided.

SOURCE: CC §973.

CROSS-REFERENCES: See 10 GCA §69125, a later which fixes the owner's civil liability under the *Territorial Boating Act* for vessels covered by that Act.

NOTE: CC §§974 through 979 did not exist.

ARTICLE 3
PRODUCTS OF THE MIND

§ 31301. How Far Subject to Ownership.

§ 31302. Joint Authorship.

§ 31303. Transfer.

§ 31304. Effect of Publication.

§ 31305. Subsequent Inventor, Author, Etc.

§ 31306. Private Writings.

§ 31301. How far Subject to Ownership.

The author of any product of the mind, whether it is an invention, or a composition in letters or art, or a design, with or without delineation, or other graphical representation, has an exclusive ownership therein, and in

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the representation or expression thereof, which continues so long as the product and the representations or expressions thereof made by him remain in his possession.

SOURCE: CC §980.

§ 31302. Joint Authorship.

Unless otherwise agreed, a product of the mind in the product of which several persons are jointly concerned, is owned by them as follows

1. If the product is single, in equal proportions;
2. If it is not single, in proportion to the contribution of each.

SOURCE: CC §981.

§ 31303. Transfer.

The owner of any product of the mind, or of any representation or expression thereof, may transfer his property in the same.

SOURCE: CC §982.

§ 31304. Effect of Publication.

If the owner of a product of the mind intentionally makes it public, a copy or reproduction may be made public by any person, without responsibility to the owner, so far as the law of Guam is concerned.

SOURCE: CC §983.

CROSS-REFERENCES: For federal law on this subject, which is contrary, see Title 17 of the U.S. Code.

§ 31305. Subsequent Inventor, Author, etc.

If the owner of a product of the mind does not make it public, any other person subsequently and originally producing the same thing has the same right therein as the prior author, which is exclusive to the same extent against all persons except the prior author, or those claiming under him.

SOURCE: CC §984.

§ 31306. Private Writings.

Letters and other private communications in writing belong to the person to whom they are addressed and delivered; but they cannot be published against the will of the writer, except by authority of law.

SOURCE: CC §985.

NOTE: CC §§986 through 990 did not exist.

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ARTICLE 4
OTHER KINDS OF PERSONAL PROPERTY

§ 31401. Trademarks and Signs.

§ 31402. Good Will of Business.

§ 31403. Transfer of Good Will.

§ 31404. Title Deeds.

§ 31401. Trademarks and Signs.

One who produces or deals in a particular thing, or conducts a particular business, may appropriate to his exclusive use, as a trademark, any form, symbol, or name which has not been so appropriated by another, to designate the origin or ownership thereof; but he cannot exclusively appropriate any designation, or part of a designation, which relates only to the name, quality, or the description of the thing or business, or the place where the thing is produced, or the business carried out.

SOURCE: CC §991.

§ 31402. Good Will of Business.

The good will of a business is the expectation of continued public patronage, but it does not include a right to use the name of any person from whom it was acquired.

SOURCE: CC §992.

§ 31403. Transfer of Good Will.

The good will of a business is property, transferable like any other, and the person transferring it may transfer with it the right of using the name under which the business is conducted.

SOURCE: CC §993.

§ 31404. Title Deeds.

Instruments essential to the title of real property, and which are not kept in a public office as a record, pursuant to law, belong to the person in whom, for the time being, such title may be vested, and pass with the title.

SOURCE: CC §994.

NOTE: CC §§995 through 999 did not exist.

