

**CHAPTER 23**  
**ACTIONS FOR NUISANCE, WASTE, AND WILLFUL TRESPASS**

- § 23101. Nuisance Defined; Abatement of; Actions Instituted, by Whom.
- § 23102. Waste, Actions for.
- § 23103. Trespass for Cutting or Carrying Away Trees, Etc., Actions for.
- § 23104. Measure of Damages in Certain Cases Under the Last Section.
- § 23105. Damages in Actions for Forcible Entry, Etc., may be Trebled.

**§ 23101. Nuisance Defined; Abatement of; Actions Instituted, by Whom.**

An action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by a nuisance, as the same is defined in 20 GCA, Remedies, and by the judgment in such action, the nuisance may be enjoined or abated as well as damages recovered therefor. A civil action may be brought in the name of the government of Guam to abate a public nuisance as the same is defined in 20 GCA, Remedies, by the Attorney General.

**SOURCE:** CCP §731. "Island Attorney" changed to *Attorney General* pursuant to P.L. 10-1.

**§ 23102. Waste, Actions for.**

If a guardian, tenant for life or years, joint tenant, or tenant in common of real property, commit waste thereon, any person aggrieved by the waste may bring an action against him therefor, in which action there may be judgement for treble damages.

**SOURCE:** CCP §732.

**COURT DECISIONS:** See *Palomo v. U.S.* (1960) 188 F.Supp. 633.

**§ 23103. Trespass for Cutting or Carrying Away Trees, etc., Actions for.**

Any person who cuts down or carries off any wood or underwood, tree, or timber, or girdles or otherwise injures any tree or timber on the land of another person, or on the street or highway in front of any person's house, village, or city lot, or cultivated grounds; or on the commons or public grounds of any city or town, or on the street or highway in front thereof, without lawful authority, is liable to the owner of such land, or to the

**21 GCA REAL PROPERTY**  
**CH. 23 ACTIONS FOR NUISANCE, WASTE, AND WILLFUL TRESPASS**

government of Guam, for double the amount of damages which may be assessed therefor, in a civil action, in any court having jurisdiction.

**SOURCE:** CCP §733.

**§ 23104. Measure of Damages in Certain Cases Under the Last Section.**

Nothing in the last section authorizes the recovery of more than the just value of the timber taken from uncultivated woodland for the repair of a public highway or bridge upon the land, or adjoining it.

**SOURCE:** CCP §734.

**§ 23105. Damages in Actions for Forcible Entry, etc., May be Trebled.**

If a person recovers damages for a forcible or unlawful entry in or upon, or detention of any building or any cultivated real property, judgment may be entered for three (3) times the amount at which the actual damages are assessed.

**SOURCE:** CCP §735.

-----

