

RIVERA v. UMANG

ESTANISLAUS RIVERA, Plaintiff
v.
NGIRCHOLSUCHEL UMANG, Defendant
Civil Action No. 525
Trial Division of the High Court
Palau District
January 28, 1974

Controversy arising due to defendant's admittedly mistaken belief his predecessor, who administered certain land owned by his clan, also owned the land and that defendant thus owned the land and could assign it to others to dwell on without obtaining clan approval. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, found a Master of the District Court had settled the dispute and adopted the settlement, under which the assignees were allowed to live on the land so long as they fulfilled their obligations to the clan under the custom.

TURNER, *Associate Justice*

This case was referred to Francisco Morei, Acting Presiding Judge of the Palau District Court, to conduct hearing and make his report to this Court. The Master called clan meetings and was successful in settling the controversy. The Court, accordingly, adopts the settlement as reported by the Master without requiring further hearing.

The land Techelloi, *Tochi Daichi* Lot No. 1167 consisting of 668.2 *tsubo*, is owned by the Ngeribkal Clan and the Daicho shows that Ikertang, bearing the title Ngircholsuchel, was the administrator of the land for the clan. The defendant is the successor title bearer to Ikertang. The defendant mistakenly believed Ikertang was the individual owner of the land and that he, as successor, holds owner-

ship rights to it. The defendant assigned the land to Ngetechur and her husband, Meresbang, for their dwelling site without first obtaining clan approval.

The Master, to whom this dispute was referred, conducted two meetings of all senior members of Ngeribkal Clan, Osuchel Lineage of Ngerbeched Village, Koror Municipality. Under the Master's supervision the parties and clan members reached agreement on settlement of the dispute.

The defendant admitted he was in error in believing the land belonged to him rather than the clan. At a clan meeting presided over by the Master it was agreed the action be dismissed and that:—

(1) Lot 1167 is confirmed as owned by the Ngeribkal Clan and that Estanislus Rivera is its administrator in behalf of the clan, and

(2) Ngetechur and her husband Meresbang, may continue to live on the land as long as they fulfill their obligations under the custom to the clan.

Counsel for the plaintiff confirmed the agreement reached at the clan meeting, as reported by the Master, and moved to dismiss the action. Accordingly, it is,

Ordered, that the above-entitled action be and the same hereby is dismissed, and it is,

Further ordered, that the land Techelloi, *Tochi Daicho* Lot No. 1167, is owned by Ngeribkal Clan of Ngerbeched Village, Koror Municipality, and that Estanislus Rivera is the administrator of the land for the clan.

Further ordered, that Ngetechur and her husband, Meresbang, may maintain their dwelling house on the land in question as long as they fulfill their obligations under the custom to the clan.