

judgment. When said survey is completed, upon stipulation of the parties, a Judge of the High Court may order that the survey be incorporated into this judgment as properly depicting the claims of the parties.

5. The Court Clerk will cause this judgment to be docketed and translated. He will forward copies to counsel, to the Headquarters Land Management Officer, and to the District Land Management Officer.

6. No costs are assessed against any party.

7. Time for appeal is extended until forty-five days after entry of judgment.

MARGARITA CABRERA TUDELA, Representing her
father Jose San Nicolas Cabrera (deceased), her
brother Antonio Sablan Cabrera, and her
sister Carmen Cabrera Tudela, Plaintiffs

v.

JESUS SAN NICOLAS CABRERA, MARIA SAN NICOLAS
CABRERA, CARMEN CABRERA AUSTIN, and
ROSA CABRERA CAMACHO, Defendants

Civil Action No. 266

Trial Division of the High Court

Mariana Islands District

December 31, 1968

Action to quiet title. The Trial Division of the High Court, R. K. Shoecraft, held that where a land title determination was unchallenged by the evidence and properly authenticated the court is bound to accept and adopt its findings.

Administrative Law-Land Title Determination

A land title determination is an official document of the Trust Territory Government and where properly authenticated and unchallenged the court is bound to adopt and accept the findings of such title determination.

SHOECRAFT, *Chief Justice*

This is an action to quiet title in which there has been considerable testimony and documentation presented, including Title Determination No. 801, dated February 18, 1954, intended to show the ownership of the land involved in the said Title Determination No. 801. There has been no testimony or other evidence tending to challenge the validity of said Title Determination and no explanation given for a purported amendment of said Title Determination. Title Determination No. 801, dated February 18, 1954, is an official document of the Trust Territory Government, properly authenticated at the trial of this matter, and the court feels that it is bound to adopt and accept the findings of said Title Determination. The court, on its own motion, hereby renders the following Declaratory Judgment:-

It is ordered, adjudged, and decreed that all of the land described in the original Title Determination No. 801, dated February 18, 1954, is the property of the following persons who are the heirs of Juan T. Cabrera, deceased, and that the share or shares of those named heirs who are now deceased shall pass to and vest in the children of said deceased heirs:-

1. Jesus S.N. Cabrera, an undivided one-ninth interest
2. Joaquin S.N. Cabrera, an undivided one-ninth interest
3. Francisco S.N. Cabrera, an undivided one-ninth interest
4. Juan S.N. Cabrera, an undivided one-ninth interest
5. Carmen S.N. Cabrera Austin, an undivided one-ninth interest
6. Rosa S.N. Cabrera Camacho, an undivided one-ninth interest
7. Maria S.N. Cabrera, an undivided one-ninth interest
8. The children of Antonio Cruz Cabrera, deceased, an undivided one-ninth interest

9. The children of Jose S.N. Cabrera, deceased, an undivided one-ninth interest.

The previous appointment of a Land Trustee to act on behalf of the heirs of Juan T. Cabrera, deceased, is hereby revoked and is no longer of legal effect.

VICTORIA JOHANES, Plaintiff

v.

RISONG MECHOL, RENGUUL, and UNIBALT TELLEI,
Defendants

Civil Action No. 347

Trial Division of the High Court

Palau District

January 9, 1969

Action to recover clan land sold without clan consent. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that an individual may not transfer his land which is part of clan holdings without consent of clan and also that whether *Tochi Daicho* listing of land ownership is erroneous or not, an innocent buyer is entitled to rely upon it.

1. Palau Land Law-Clan Ownership--Transfer

An individual may not transfer his land, which is a part of clan holdings, without first obtaining consent of the clan members.

2. Palau Custom-Clans-Membership

Under Palau custom clan members should have assumed responsibility for debts incurred by clan member.

3. Palau Land Law-Japanese Survey-Presumptions

Whether the *Tochi Daicho* listing of ownership of land was erroneous or not, a land buyer is entitled to the benefit of the presumption that the listing correctly showed the status of the title.

Assessor:

Interpreter:

Counsel for Plaintiff:

Counsel for Defendants:

JunGE PABLO RINGANG

SINGICHI IKESAKES

ITELBANG LUH

WILLIAMO. WALLY