

"There being evidence sufficient in the opinion of the trial court to justify the conviction, this court, on appeal, will not upset the verdict. . . ." *Adelbai v. Ngirchoteot*, 3 T.T.R. 619.

JUDGMENT

The verdict and sentence appealed from is supported by the law and the evidence, and the judgment is affirmed.

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KIP ODAOL, Plaintiff

v.

OMELAU KERCHEBACHEB, Defendant

Civil Action No. 400

Trial Division of the High Court

Palau District

August 19, 1969

Action to determine ownership of land in Ngarchelong Municipality, Palau District. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, approved agreement of parties entered into before the court, which agreement followed the listing of ownership contained in the *Tochi Daicho*.

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*Assessor:*

JUDGE PABLO RINGANG

*Interpreter:*

KAZUMOTO H. RENGULBAI

*Counsel for Plaintiff:*

ITELBANG LUII

*Counsel for Defendant:*

MOSES MOKOLL

TURNER, *Associate Justice*

Upon commencement of trial, plaintiff was called as the first witness and testified on direct and cross-examination for a day and a half. A recess was called and the parties and their witnesses conferred separately and then together to arrive at an amicable solution to the lawsuit.

The controversy arose over ownership of a large parcel of land in Ollei Village, Ngarchelong Municipality, Palau District. The land, called Ngerdelang, was divided into

four parcels for the Japanese survey of 1938-1941 and the predecessors of the plaintiff and defendant were listed as administrators for the Ngerdelang Clan in the *Tochi Daicho*.

Plaintiff's uncle, Ngirchoilang, was listed as administrator of Lots Nos. 1856 and 1857, comprising 2,125 *tsubo* and 307 *tsubo*, respectively.

Defendant's uncle, Tarkiei, was listed as clan administrator for Lot No. 1856-1 comprising 1,110 *tsubo*. Defendant's mother, Eteleloi, was listed as clan administrator for Lot No. 1857-1, comprising 260 *tsubo*.

The plaintiff has recently built his house on Lot No. 1857 and the defendant's house is located on Lot No. 1857-1. The stone platform for the clan is located on Lot No. 1857.

The plaintiff and defendant ended their differences and shook hands in open court upon the submission of the agreement between the plaintiff and defendant and those clan members whom each represented.

#### JUDGMENT

In accordance with the stipulation of the parties, it is Ordered, adjudged, and decreed:-

1. That plaintiff shall be and hereby is declared to be the administrator of Lots Nos. 1856 and 1857 in Ollei Village, Ngarchelong Municipality, for the Ngerdelang Clan.

2. That defendant shall be and hereby is declared to be the administrator of Lots Nos. 1856-1 and 1857-1 in Ollei Village, Ngarchelong Municipality, for the Ngerdelang Clan.

3. Each administrator shall have the right to manage and direct the best use of the land and coconut trees thereon but shall not have authority to transfer or dispose of the lands under his control without first being given authority to do so by the majority of responsible clan

members, all in accordance with Palauan traditional custom.

4. Each administrator shall continue living in the house he is presently living in and shall not be disturbed in such use and possession except by appropriate clan action removing him as administrator, all in accordance with Palauan traditional custom.

5. All Ngerdelang Clan members shall have access to and use of as a burial site, the stone platform of the clan located on Lot No. 1857.

6. This judgment shall not affect any rights-of-way that may exist across the land in question.

7. No costs are assessed.

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EBIL ADELBAI, NGIR AUSUI, KALUU, and UCHEL BESANG,  
Appellants

v.

ADELBAI NGIRCHOTEOT, and NGILAS, Appellees

Civil Appeal No. 26

Trial Division of the High Court

Palau District

August 20, 1969

*Appellate Court Opinion-3 T.T.R. 619*

Petition for motion in aid of judgment. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that agreement reached as a result of meetings directed by High Court was in accordance with the provisions of that judgment and that appellee had lost whatever privileges he had by his failure to cooperate with the clan in such meetings.

Palau Land Law-Clan Ownership-Use Rights'

Appellee lost the privilege of remaining in his house, built on clan land, by his conduct and refusal to meet with or cooperate with the clan members.