

accordance with the custom, the people of "Jebrik's side", as represented by the *iroij eriks* and the 20-20, should meet and give Labiliet an opportunity to defend himself, if he cares to, by refuting the charges of the petition. If it is then decided to cut off all of Labiliet's interests, and a showing is made to this court in an appropriate proceeding, then the court will be in a position to act on the matter. Until that is done, the court declines to do more at this time than settle the dispute between Reab and Labiliet. Accordingly, it is,

Ordered, adjudged and decreed:—

1. That plaintiff holds the title and interests of *iroij erik* for Monbod *Wato*, Ajeltake Island, Majuro Atoll.
2. No determination is made as to *alab* and *dri jermal* interests in the *wato*.
3. No costs are assessed.

DEBELBOT REKEWIS, Plaintiff

v.

TRUST TERRITORY OF THE PACIFIC ISLANDS, Defendant

Civil Action No. 506

Trial Division of the High Court

Palau District

January 28, 1974

Ejectment action. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held the action barred by *res judicata*.

Judgments—Res Judicata

Where prior judgment had held that land from which plaintiff in present suit sought to have government and its lessees ejected belonged to government and not plaintiff in present suit, the ejectment action was barred by *res judicata*.

Counsel for Plaintiff:
Counsel for Defendant:

FRANCISCO ARMALUUK
BENJAMIN N. OITERONG

TURNER, *Associate Justice*

This suit for ejectment brought by plaintiff against the government and its lessees was referred to the Acting Presiding Judge of the Palau District Court, Francisco Morei, for hearing and report. Hearing was held by the Master August 22 and 23, 1973. Hearing on the Master's report was held by this Court January 16, 1974.

Hearing was held as to ownership of the land now in question by the Land Title Officer of the Palau District March 18, 1955. Plaintiff in the present case claimed the land known as Itechetii by inheritance. The Land Title Officer denied the claim and held in determination of ownership and release No. 56, dated March 13, 1957, that the land was the property of the Trust Territory government as successor to the Japanese government which purchased Lot A from plaintiff's predecessor and which purchased Lot B from the Municipality of Koror.

Plaintiff appealed the Land Title Officer's determination and eventually Judgment was entered November 30, 1961, in Civil Action No. 82, not published, in which the Judgment of the Land Title Officer was modified to give the plaintiff a small portion of Lot A as follows:—

“The portion of said lot A excluded above from said determination of ownership and release is owned by the appellant Debelbot Rekewis, who lives in Koror, Palau District, as his individual land.”

The excluded portion awarded to plaintiff in the present action was described in the Judgment in Civil Action No. 82 as:—

“By excluding therefrom so much of lot A, on the sketch attached to the pre-trial order in this action as lies south and west of the prolongation in a straight line to the high water mark of the northeasternmost section of the boundary line of the private land adjoining said lot A on the southwest;”

After the 1961 Judgment in Civil Action No. 82, the government surveyed and mapped two lots in Lot A held to be government property. These are Lot 40578 and Lot 40579 as depicted on Land Management drawing 4031-70 dated May 4, 1970. The two lots have been leased by the government.

The plaintiff brought this action in ejectment and to enjoin the government's encroachment upon the plaintiff's land, which plaintiff claims to be Lots 40578 and 40579 in the land known as Itechetii. The government map as referred to in the Judgment in Civil Action No. 82, and the government's later map showing the boundaries of the two leased lots clearly show that the land now claimed by plaintiff was held to be government land.

The present action is clearly governed by the doctrine of *res judicata* which is defined in 46 Am. Jur. 2, Judgments, Sec. 384:—

“Literally, *res judicata* means a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by Judgment.”

When a matter has been finally and judicially determined between the parties, they and their successors may not again bring the dispute to Court. Since the plaintiff is attempting to claim this land against the government, contrary to the Judgment holding the land belonged to the government he may not now ask the Court for a ruling in his favor because of the application of the doctrine of *res judicata*.

The Master applied the doctrine and recommended the case be dismissed. It is clear on the law and the evidence the Master has made the proper ruling.

Ordered, adjudged and decreed, that the plaintiff be denied the relief claimed in his complaint and that the ownership by the government of Lot 40578 and Lot 40579, within Parcel A of the land known as Itechetti of Iebukl

RIVERA v. UMANG

Village, Koror Municipality, be and the same is confirmed.

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-