appeal or otherwise. *Ex parte Peru*, 318 U.S. 578, 87 L.Ed. 1014, 63 S.Ct. 793; 63 Am.Jur. *Prohibition*, § 7, 232.

A reading of the authorities submitted by petitioners shows them to be clearly distinguishable from the case before the Court.

LAUBON, Defendant-Appellant

v.

MONNA X., Plaintiff-Appellee

Civil Appeal No. 48

Appellate Division of the High Court

Marshall Islands District

November 9, 1976

Dispute over *dri jerbal* rights to certain *watos* in Marshall Islands District. The Appellate Division of the High Court, per curiam, affirmed judgment of trial court that plaintiff and his brother and sisters were entitled to *dri jerbal* rights.

1. **Appeal and Error—Evidence—Weight**

   It is not the function of the appellate division to weigh evidence anew when trial court's findings are supported by substantial credible evidence.

2. **Marshalls Land Law—"Dri Jerbal"—Establishment**

   Finding of trial court that plaintiff and his brothers and sisters possessed *dri jerbal* rights to certain *watos* in Marshall Islands District was supported by more than sufficient credible evidence where record on appeal revealed that mother of plaintiff and his brothers and sisters not only lived and worked on land in question but that her position as *dri jerbal* was recognized by former *alab* and by *iroij lablab*.

HEFNER, *Acting Chief Justice*; BROWN, *Associate Justice*, and WILLIAMS, *Associate Justice*

PER CURIAM:

The judgment entered in this matter determined that the plaintiff and his brothers and sisters possess the *dri jerbal*

rights to Luken and Monber *watos* on Wotje, Wotje and on Koron Island, Wotje, Marshall Islands District. The defendant Laubon is the *alab* for said *watos*.

The defendant appealed the judgment claiming that Nebwij is not the *dri jerbal*. Nebwij is the mother of the plaintiff and his brothers and sisters. Plaintiff derives his right from Nebwij.

The trial court found as a fact that the appellant's predecessors recognized Nebwij as a *dri jerbal* on the land in question and this was with the acquiescence of the *iroij lablab*. It was also found that no succeeding *iroij lablab* has taken any action to cut off Nebwij's *dri jerbal* rights. The Court further found that by Marshallese custom, Nebwij's *dri jerbal* rights passed to her children (the plaintiff and his brothers and sisters) and this is binding on the defendant as *alab*.

A reading of the transcript of the testimony reveals that Nebwij not only lived and worked on the land in question, but that her position as *dri jerbal* was recognized by the former *alab* and by the *iroij lablab*.

[1, 2] The only argument the appellant seems to advance is that Limojwa, the *iroij lablab*, didn't approve of the *dri jerbal* rights in Nebwij. However, there is more than sufficient evidence to support the findings of the trial court. It is not the function of the Appellate Court to weigh evidence anew when the trial court's findings are supported by substantial credible evidence. *Hemos v. Kaiko*, 5 T.T.R. 352 (App. Div. 1971).

The judgment is affirmed.