

RIKRIK BASILIO, Plaintiff
v.
KIOSI METSIFISTA, Defendant
Civil Action No. 401
Trial Division of the High Court
Palau District

August 5, 1969

See, also, 4 T.T.R. 404

Action to determine boundaries of certain parcels of land in Tobi Municipality, Palau District. The Trial Division of the High Court, iD. Kelly Turner, Associate Justice, approved Master's division of land and held that local custom recognized separate ownership of bearing coconut trees from ownership of land.

Palau Custom-Coconut Trees

Traditional custom recognizes separate ownership of bearing coconut trees from ownership of the land.

Reporter:
Counsel for Plaintiff:
Counsel for Defendant:

SINGICHI IKESAKES
JONAS W. OLKERIIL
WILLIAM O. WALLY

TURNER, *Associate Justice*

RECORD OF HEARING

Presiding Judge Pablo Ringang, of the Palau District Court, was appointed Master to hear this case. Hearing was held June 11, 1968, in Tobi Municipality, Palau District. Present were the parties and counsel.

The hearing before the Master developed two distinct controversies. The Master prepared reports on each dispute.

OPINION

Hearing on the Master's two reports was held this day and counsel for the parties informed the court they were in agreement and accepted the boundary line designated by the Master as separating the parcels owned by the plaintiff and defendant in the land known as Tawar. Review of the report and examination of District Land Management Drawing No. SK-307-68B, Page 2 of 3, shows that the Master proposed to equally divide the area of the two overlapping boundary claims. This impresses the court as being equitable and it is approved.

As to the second dispute, it involves land and coconut tree ownership on the lands known as Meneteh, Rahutawamotsu, Fatouo, Fatsumeh, Fano (A), Fano (B), and Faribuhou. These are coconut plantations and the plaintiff claims ownership in behalf of his lineage.

The defendant does not dispute the land ownership but claims that certain coconut trees growing on the land are owned by his natural daughter Fuana who was adopted by Aporto, who gave certain trees to him to administer for the benefit of Fuana.

The Master recognized the traditional custom recognizing separate ownership of bearing coconut trees from ownership of the land.

Here the trees owned separately from the land have been marked or blazed with the letters "P.K.". Counsel for the parties accepted the Master's findings and conclusion and added the stipulation that the trees marked "P.K." did not exceed fifty (50) in number.

Ordered, adjudged, and decreed:-

1. That the boundary line between plaintiff's and defendant's lands shall commence at the mid-point between points K-3 and R-3 and shall run in a straight line in a northwesterly direction to the seashore at the mid-point between points K-6 and R-1, all as depicted on District Land Management Map No. SK-307-68B.

2. That the lands known as Meneteh, Rahutawamotsu, Fatouo, Fatsumeh, Fano (A), Fano (B), and Faribuhou are owned by the lineage of which the plaintiff Rikrik is the representative.

3. That the not to exceed fifty (50) bearing coconut trees marked "P.K." are the property of Fuana and are to be administered by the defendant Kiosi.

4. That the defendant Kiosi and persons designated by him shall have the right to gather coconuts from the "P.K." trees as long as they live, but no coconuts are to be planted as replacements for them.

5. Plaintiff Rikrik and his lineage are permitted to use all of the seven lands listed in paragraph (2) above and to gather coconuts from these lands from all trees not marked with the letters "P.K."

6. No costs are assessed.