

RDIALUL TORUAL, Plaintiff
v.
LTELATK FRITZ, Defendant
Civil Action No. 554
Trial Division of the High Court
Palau District
January 28, 1974

Dispute over ownership of two valuable pieces of Palauan money. The Trial Division of the High Court, D. Kelly Turner, Associate Justice, held that plaintiff lost any claim to ownership where he had misused other valuable Palauan money.

Palauan Custom—Palauan Money—Ownership

In dispute over ownership of valuable pieces of Palauan money, whatever claim plaintiff, who, as maternal uncle of defendant, was a very authoritative person within the lineage, may have had over the money, was lost by reason of fact that in the past he had misused other valuable Palauan money.

Counsel for Plaintiff: KAZUMOTO RENGULBEI
Counsel for Defendant: ITELBANG LUII

TURNER, *Associate Justice*

This action involved a dispute over ownership of two valuable pieces of Palauan money. Plaintiff, as a strong member of Eluil Clan of Arakabesang Island, Palau District, demanded the two pieces from the defendant who is his niece. When defendant refused to give up the Palauan money plaintiff brought this suit.

The case was referred to the Acting Presiding Judge of the District Court, Francisco Morei, to hear it and report as a Master for this Court. Plaintiff failed to appear at four scheduled hearings, although his counsel did appear. It would have been permissible for the master to recommend dismissal of the complaint because of the failure of the plaintiff to appear and prosecute his action.

The Master deemed it desirable to consider the plaintiff's complaint and the response of the defendant and her witness so that the case could be decided on its own merits. Accordingly, the Master proposed this Court deny plaintiff relief and confirm ownership of the Palauan money in the defendant. At the time of hearing on the Master's report the plaintiff and his counsel were present. No objection was made by plaintiff's counsel on the Master's proposed judgment.

Prior to the transfer of the money to the defendant it was owned by defendant's mother, Ucheliei Gibbons, who was the senior female title bearer of the Eluil Clan. Three weeks before Ucheliei died May 23, 1971, she transferred the Palauan money known as *Omekuel Blat*, which is a classification of *bachel*, yellow in color. This piece was owned by Elengoi Mirair, sister of Ucheliei. She gave it to Ucheliei before her death, who in turn gave it to defendant.

The other piece of Palauan money, known as *Uchelaol*, is a classification of *Esbad* and is orange in color. It was owned by Ucheliei who gave it to the defendant four or five years before Ucheliei's death.

The plaintiff was the brother of Ucheliei and upon her death claimed the pieces under Palauan custom, according to his complaint. The Master said that the plaintiff, as maternal uncle of defendant, is a "very authoritative person within the lineage. . . ." However, the Master found that plaintiff has "lost his authority" over the Palauan

money in question by "misusing" two valuable pieces of Palauan money called *Yodes-Bachel* and *Mechur-Bachel*.

These two pieces were owned by the lineage of the plaintiff and defendant but plaintiff during the Japanese Administration sold them for his own benefit without the consent or knowledge of the other family members. On another occasion the plaintiff pawned one of the pieces in question, the *Uchelaol*, as security for a loan to himself. This also was without family consent.

This piece was redeemed by defendant's mother and Emamelei Bismark, her sister, who paid two small pieces of Palauan money and 300 *Yen* to redeem it. It is apparent whatever claim plaintiff may have had under the custom to the *Uchelaol*, he forfeited it to defendant's mother, who eventually gave it to her daughter the defendant.

Ordered, adjudged and decreed:—

1. That the plaintiff take nothing by his complaint.
2. That the ownership of the Palauan money known as *Omekuel Blat* and as *Uchelaol* is confirmed in the defendant, Ltlatk Fritz.
3. Defendant is awarded costs she may claim in accordance with the law.