

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 jermal* 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 jermal* 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 Jermal"—Establishment

Finding of trial court that plaintiff and his brothers and sisters possessed *dri jermal* 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 jermal* was recognized by former *alab* and by *iroij lablab*.

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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 jermal*

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 jermal*. 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 jermal* 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 jermal* rights. The Court further found that by Marshallese custom, Nebwij's *dri jermal* 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 jermal* 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 jermal* 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.