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GREGORIO LADORE, Plaintiff

v.

KADALINO CANTERO, a minor represented  
by his father, LORENZO CANTERO, in this action, Defendant

Civil Action No. 123

Trial Division of the High Court

Ponape District

December 18, 1957

Action to determine ownership of land in Uh Municipality, in which oldest adopted son of German title holder claims right to inherit land. The Trial Division of the High Court, Chief Justice E. P. Furber, held that rights of heir were cut off by prior inter vivos transfer with required consent.

**Ponape Land Law—German Land Title—Succession**

Oldest adopted son of land owner who would have inherited under German land title has no right to revoke gift of land by his father to third party which was consented to by *Nanmarki* and Ponape Branch Office.

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FURBER, *Chief Justice*

FINDINGS OF FACT

1. While Gregorio had plans for the adoption of Kadalino, he never completed these plans and never effected the adoption.

2. Pidelis adopted Kadalino.

3. Pidelis gave the land in question to Kadalino, subject to a life estate reserved by Pidelis. This transfer was consented to by the official Japanese Government surveyors on behalf of the *Nanmarki* and the Governor.

4. The transfer described above was confirmed after Pidelis' death by his surviving close relatives, including the plaintiff Gregorio, and this confirmation was expressly consented to in writing by the *Nanmarki* personally. Gregorio had nothing to do with the transfer of this land to Kadalino, except for joining in the confirmation referred to above.

#### CONCLUSIONS OF LAW

1. This action involves land on Ponape Island held by Pidelis under the standard form of title document issued by the German Administration on Ponape beginning in 1912. The plaintiff Gregorio admits having consented to the defendant Kadalino succeeding to the rights of Pidelis after Pidelis' death, but claims that, as Pidelis' oldest adopted son, he now has a right to revoke his agreement and reclaim the land.

2. In view of the findings of fact set out above, the court holds that the plaintiff has no such right of revocation, and that his rights of inheritance were cut off by the action of Pidelis, the former title holder, with the consent of the *Nanmarki* and the Head of the Ponape Branch Office. See first conclusion of law in the case of *Welenten Fernando v. Paulus and Liwi Siliver*, 1 T.T.R. 32.

#### JUDGMENT

It is ordered, adjudged, and decreed as follows:—

1. As between the parties and all persons claiming under them, the land known as Perenta Pahnwaeliyeu No. 83 (or as sometimes spelled Parenta Pahnweliu No. 83), located in the Awak Powe Section of Uh on Ponape Island, is owned by the defendant Kadalino Cantero, who lives in the Awak Pa Section of Uh, with the benefit of and subject to all the rights and obligations imposed by the system of private land ownership set forth in the standard form of title document issued by the German Administra-

tion on Ponape in 1912, as heretofore or hereafter modified by law.

2. This judgment shall not affect any rights of way there may be over the land in question.

3. The defendant Kadalino Cantero is granted judgment for Five Dollars (\$5.00) costs against the plaintiff Gregorio Ladore, who lives in the Dolekei Section of Net on Ponape Island.

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