

**IN THE TRADITIONAL RIGHTS COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS**

CHARLES T. DOMNICK, Plaintiff, v. MERCY KRAMER, Defendant.	CIVIL ACTION NO. 2019-00202 OPINION OF THE TRADITIONAL RIGHTS COURT
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MEMBERS OF THE PANEL:

Grace L. Leban
Presiding Judge, TRC

Nixon David
Associate Judge, TRC

Claire T. Loeak
Associate Judge, TRC

PLACE OF HEARING:

Majuro Courthouse
Majuro, Marshall Islands

DATE OF HEARING:

March 25, 27, 31, 2025 & April 1, 2025

I. Introduction

This case involves a dispute between the parties with respect to the rights and titles on lands belonging to the Capelle families of Likiep Atoll. The dispute also involves the distribution of profits realized from the Likiep Corps Plantation that belongs to both Capelle and deBrum families of Likiep Atoll. Furthermore, it also involves the question of who is/are the proper person(s) to sit in the ‘Owner’ seat in the *House of Iroij* as a representative of the Capelle family.

II. Parties’ Contentions

According to plaintiff Charles Domnick (“Charles”), the name of defendant Mercy Kramer (“Mercy”) is not listed in the genealogy chart of the Capelle family, and is not listed

alongside Wilhelm's children whose names are depicted in the Capelle family's genealogy chart. For this reason, it is improper for her to inherit the rights and title to lands belonging to Wilhelm on Likiep Atoll, or any beneficiary interests derived from Wilhelm which he left to his children whom he adopted, as illustrated in his 1919 will marked as Plaintiff Exhibit P-E. According to Charles, Mercy has no share in the division of profits gained from the business, Likiep Copra Plantation, owned by both the Capelle and deBrum families. He also avers that the defendant cannot be a sitting member of the House of Iroij as an owner, as the descendants of Wilhelm are entitled to do today because they have no knowledge of her as Wilhelm did not acknowledge her as he did his adopted children, Orlando Capelle, Carl Domnick, Emma Capelle and Salome Harris.

Defendant Mercy contends that she is a descendant of the Capelle family from her father's side Hermon Nelson ("Hermon"), the offspring of Hannah Capelle ("Hannah"), who was the daughter of Wilhelm, the son of Adolph Capelle. Mercy asserts her grandmother's mother, Lydia Milne ("Lydia") bore a child by Wilhelm, a daughter who was her grandmother, Hannah. As such, according to Mercy, it is proper for her to also benefit from the rights and interests from the properties of Wilhelm because her grandmother, Hannah, was a descendant or natural child of Wilhelm, and not an adopted child like his other children. She further contends that she also has the right to represent the descendants of Wilhelm, or Capelle family, in the *House of Iroij*.

III. QUESTIONS REFERRED TO THE TRC PANEL

1. What type of land under Marshallese Tradition are the Capelle and De Brum family lands on Likiep Atoll?
2. Are the Capelle and De Brum family lands subject to the customary pattern of inheritance when the original owner of the lands is not a Marshallese citizen?

3. Does the evidence in the case file, or testimonial evidence available before the Traditional Rights Court, establish that Hannah Capelle is the illegitimate daughter of Wilhelm Capelle and Lydia Milne?
4. Does Marshallese Custom and Tradition apply to the Last Will and Testament of Georg Eduard Adolph Capelle (also referred to as “Adolph Capelle”) dated December 2, 1904 or the Last Will and Testament of Christian Wilhelm Capelle (also referred to as “Wilhelm Capelle”) dated June 12, 1919, or both?
5. If the answer to question 3 is “yes”, and if the answer to any part of questions 4 is “yes”, what is or was the Marshallese Custom and Tradition with respect to a will where the natural illegitimate and unacknowledged child of the maker of a will (testator) is omitted from that will?
6. If the answer to question 3 is “yes”, and if the answer to any part of question 4 is “yes”, under Marshallese Custom and Tradition at the time of the making of the will of Adolph Capelle or Wilhelm Capelle, do the rights of a natural illegitimate and unacknowledged child omitted from the will differ if the child was intentionally omitted from the will, or if the omission was due to the maker of the will being unaware of the existence of the child?
7. With respect to the answer to question number 6, under Marshallese Custom and Tradition, what are the rights, if any, of an unacknowledged illegitimate child if the omission from the will is intentional, or if the will is unintentional?
8. If the answer to question 3 is “yes”, with respect to the answers to questions 5, 6 and 7, is there evidence in the record or available to the Traditional Rights Court which determines the reason Hannah Capelle is excluded from the Last Will and Testament of Wilhelm Capelle?

9. Does the evidence available on record or available to the Traditional Rights Court to establish whether Carl Domnick, Emma Capelle Jordan, Orlando Capelle or Salome Harris, each, or any of them, was adopted by Wilhelm Capelle pursuant to Marshallese Custom and Tradition?
10. If the answer to question 9 is “yes”, then, by Marshallese Custom and Tradition, if a child is adopted by a male person, is that adopted child required to take the surname of the adoptive father, or is that adopted child required to be registered in the surname of the adoptive father?
11. If the answer to question 9 above is “yes”, by Marshallese Custom and Tradition, under what circumstances and to what extent does the adoptive child have same or different rights than a natural born child?
12. Is there a Marshallese Custom or Tradition which defines the term “**true children**” as that term appears in the Last Will and Testament of Georg Eduard Adolph Capelle in the item marked “Second”?
13. Having regard to the customary law and traditional practice of the Marshall Islands, is an adopted child eligible to sit as a Member of the Council of Iroij from that District and to serve as if they were an **Iroijlaplap**?
14. As between Charles T. Domnick and Mercy Kramer, and those claiming through them, who is eligible to serve as a Member of the Council of Iroij consistent with the Agreement Concerning the Joint Ownership of Likiep Atoll entered into by the families of Capelle and De Brum?

IV. FACTUAL BASIS TO ANSWERS

1. What type of land under Marshallese Tradition are the Capelle and De Brum family lands on Likiep Atoll?

- The lands belonging to the families of Capelle and deBrum on Likiep Atoll are considered purchased lands, or *Imon Wia*. These lands were given away as purchased lands after being sold.

Under Marshallese custom, there are a number of ways the *Iroij* or *Alap* can alienate or dispose of a land parcel; one of which is selling it to another. This type of alienation of land through selling initially began when migrants arrived on the islands and started purchasing lands for the purpose of establishing their churches and their businesses. (Tobin, 1956). As purported to in this case through the claims of the parties, both Capelle and deBrum purchased Likiep Atoll to establish a coconut plantation and start a business together.

2. Are the Capelle and De Brum family lands subject to the customary pattern of inheritance when the original owner of the lands is not a Marshallese citizen?

- In the lands belonging to Capelle and deBrum, the pattern of inheritance is distinct from the customs and traditional practice of the Marshall Islands. In defendant's exhibit, Defendant Exhibit A, the will made by Adolph Capelle ("Adolph"), instead of a list revealing successors through the matrilineal line (*bwij*) or patrilineal line (*botoktok*), Adolph's will appears to grant rights and interests to each of his children, including his wife, the mother of his children, Sophia Limenua.

The evidence obtained from Exhibit D-A, the will made by Adolph, indicates that he followed the inheritance pattern of his country of origin as a foreigner. He willed to his wife, Sophia Limenua, and their children, and their descendants, his

rights and interests concerning his property, such as his houses on Likiep Atoll, his share from the businesses he had with deBrum, and his lands rights and titles on Likiep Atoll. In this regard, this Court finds that Adolph structured his will so that his rights and interests would be distributed in equal shares. This is in contrast to Marshallese custom where the inheritance pattern is based on two primary lineages. First, the rights and titles are passed on matrilineally or through the *bwij* line. Then, if and when the *bwij* becomes extinct and there are no more female progenitors, the inheritance pattern will automatically divert and continue with the patrilineal descendants or *botoktok* until such time as a female is born, and, at which time the inheritance pattern will then again revert back to the matrilineal line or *bwij*. (Kabua, 1993).

3. Does the evidence in the case file, or testimonial evidence available before the Traditional Rights Court, establish that Hannah Capelle is the illegitimate daughter of Wilhelm Capelle and Lydia Milne?

- Yes, in a way, the testimonial evidence by the defendant offered to the Traditional Rights Court seems to indicate that Hannah Capelle is the illegitimate child of Wilhelm and Lydia Milne. However, no documentary evidence clearly shows that she was the natural child of Wilhelm Capelle and Lydia Milne.

As indicated in the testimony by Francis Teruo Reimers (“Francis”), a witness for the defendant, he stated that, they, himself and Mercy, are cousins. Francis also testified that his mother, Adele Lupe Reimers, daughter of Godfrey and Neitaka Capelle, said that Hermon, Mercy’s father, was a grandson of Bilhelm or the other name, Wilhelm. This Court also heard testimony from witness Francis Jonni Capelle (“Francis”), a descendant of Adolph, and son of Eduard (Edward), who testified as a

second witness for the defendant. According to Jonni, he usually attends the meetings for the Capelle family that are regularly held four times a year and has seen Mercy's children at these meetings in Likiep. Jonni said in his testimony that when he was around ten-years of age, he would periodically see Hermon, Mercy's father, sail in to Likiep, disembark from his ship and approach his father, Weimer, also known as Laturtur. He also said that when he asked his father what his relationship was with Hermon, Laturtur answered and told him (Jonni) that they were of one family, or in other words, he was related to Hermon. Jonni also testified and said he heard it also from his grandmother, Emilia Capelle, and from Eduard, the younger brother of his father or Laturtur.

4. Does Marshallese Custom and Tradition apply to the Last Will and Testament of George Eduard Adolph Capelle (also referred to as "Adolph Capelle") dated December 2, 1904 or the Last Will and Testament of Christian Wilhelm Capelle (also referred to as "Wilhelm Capelle") dated June 12, 1919, or both?

- With respect to the *Last Will and Testament of Adolph Capelle*, defendant's exhibit marked as, Defendant Exhibit D-A, this Court finds that Exhibit D-A is distinct and illustrates a different inheritance pattern than the Marshallese custom of succession on land, as it appears to lack the required three classes of land interests, yet uses the words, "owner" or "his" land or the premises "under this will".
- With respect to the *Last Will and Testament of Wilhelm Capelle*, or Plaintiff's Exhibit E, this Court finds that it is aligned with Marshallese custom. The reason for this is because the testator, Wilhelm Capelle, expressly stated that he acknowledged his four adopted children as his own *kanin lujen* or as his own natural children. In this regard, he was able to

name them as successors to his personal property, as well as his land rights and titles.

This Court finds that the Marshallese custom took place by the way in which Wilhelm acknowledged his adopted children when he named them as beneficiaries of his personal property and of his land interests as his adoptive children in whom he regarded as his own or *kanin lujen*. As such, this Court finds that the adopted children of Wilhelm have standing to inherit because he acknowledged them as his own or *kanin lujen*, as in *Jacob v. Hermios & Kendall*, CA 2008-221. In that case, this Court held that Wilfred Kendall was able to succeed and hold the rights and titles on lands belonging to his adoptive father, Kendall. The decision was based exclusively on the testimonial evidence offered from witnesses who testified of Kendall's recognition and acknowledgment of Wilfred as *kanin lujen* or as if he was his own natural child.

5. If the answer to question 3 is "yes", and if the answer to any part of questions 4 is "yes", what is or was the Marshallese Custom and Traditional with respect to a will where the natural illegitimate and unacknowledged child of the maker of a will (testator) is omitted from that will?

- In accordance with Marshallese custom, when the person making a will omits the name of a child alleged to be his own, it is a clear indication to the clan/families that he has no knowledge of the child, or that he may know of the child but to protect his reputation or his marriage, he has chosen to purposely omit the child's name from the will.

According to the custom, the father is responsible for notifying the clan and the family that he has fathered a child outside of his marriage to ensure there is peace among the clan members, the family, and the child.

6. If the answer to question 3 is “yes”, and if the answer to any part of question 4 is “yes”, under Marshallese Custom and Tradition at the time of the making of the will of Adolph Capelle or Wilhelm Capelle, do the rights of a natural illegitimate and unacknowledged child omitted from the will differ if the child was intentionally omitted from the will, or if the omission was due to the maker of the will being unaware of the existence of the child?

- There is no difference if the testators of these wills, Adolph Capelle and Wilhelm Capelle, did or did not know about the child while drafting their wills. Therefore, in light of the omission of the child’s name, it follows that the child’s rights and titles would follow suit given the omission from the wills. It is necessary to have an agreement in place between and amongst the family members who currently hold and exercise the rights and titles as clan heads regarding the child’s place in the line of succession.

7. With respect to the answer to question number 6, under Marshallese Custom and Tradition, what are the rights, if any, of an unacknowledged illegitimate child if the omission from the will is intentional, or if the will is unintentional?

- With the omission of the child’s name from both of the wills by deliberate intentions, or by reason that both testators had no knowledge of the child, this Court acknowledges those from the Capelle family who recognizes the child as a member of their family from their understanding that her ancestress, Hannah, is the daughter of Wilhelm outside of marriage. This Court acknowledges the applicability of the custom of “*botoktok ej kur botoktok*” and by this, the Court finds it has neither the capacity, nor the authority, to say that the child is not Wilhelm’s or a member of the Capelle

family. However, this Court also acknowledges the validity of both wills and the testators' decisions that resulted in the absence of the child's name. As such, this Court opines that the child, given those from the Capelle family who acknowledged her as part of their family, may partake as one of the descendants of Wilhelm. However, as it is explicitly stated in the wills, the child cannot inherit the rights and titles of the testators as the wills clearly depict a list of successors to their rights and titles on land, and the proper persons to share in the interests derived from the copra proceeds of the Capelle family of Likiep Atoll.

8. If the answer to question 3 is "yes", with respect to the answers to questions 5, 6 and 7, is there evidence in the record or available to the Traditional Rights Court which determines the reason Hannah Capelle is excluded from the Last Will and Testament of Wilhelm Capelle?

- When the case came before this Court, there was no clear reason for this Court to understand why Hannah Capelle's name was excluded from the *Last Will and Testament* of Wilhelm. There was insufficient evidence presented to assist this Court in determining the reason Hannah Capelle was excluded from the *Last Will and Testament* of Wilhelm Capelle. The people who could have provided the reason(s) have already passed on.

9. Does the evidence available on record or available to the Traditional Rights Court to establish whether Carl Domnick, Emma Capelle Jordan, Orlando Capelle or Salome Harris, each, or any of them, was adopted by Wilhelm Capelle pursuant to Marshallese Custom and Tradition?

- Yes, testimonial and documentary evidence from the plaintiff's witnesses indicate that Wilhelm Capelle adopted Carl Domnick, Emma Capelle

Jordan, Orlando Capelle, and Salome Harris. This Court finds that Wilhelm and his wife, Miriam, adopted from within their respective families, and from their close friends. Wilhelm and his wife, Miriam, considered their adoptive children as their own. It is clear that Wilhelm loved and cared for his adopted children as he wrote their names in his will depicted in Plaintiff's Exhibit E. The way in which they adopted their children, we find is valid and in accordance with Marshallese custom.

10. If the answer to question 9 is "yes", then, by Marshallese Custom and Tradition, if a child is adopted by a male person, is that adopted child required to take the surname of the adoptive father, or is that adopted child required to be registered in the surname of the adoptive father?

- In Marshallese custom, the child is not required to take the surname of the adoptive father. In today's society and the influx of new lifestyles from foreign nations, it is normal that a father's surname is taken by the adopted child following a petition by the adoptive parent to the Court asking to affirm him as the parent of the adopted child in whom he acknowledges as his own. This is not part of the custom but was established after foreigners arrived and citizens began recording births which required the full name of a person, or provide the person's full name including the father's or the family name to be used to confirm the father.

11. If the answer to question 9 above is "yes", by Marshallese Custom and Tradition, under what circumstances and to what extent does the adoptive child have same or different rights than a natural born child?

- According to Marshallese custom, the natural born child will inherit before the child who was adopted. Unless there was a will to the adopted

child and where there is an agreement with the *bwij* or family. *Rilometo and Rilometo v. Kabua v. Botla and Moore*, CA 2018-006. In the case of *Rilometo v. Kabua v. Botla and Moore*, this Court also agreed that an adopted child may inherit land rights if and when the *bwij* becomes extinct, and when a will exists that allows him to succeed to land rights and titles. An agreement in which clan members have approved.

12. Is there a Marshallese Custom or Tradition which defines the term “**true children**” as that term appears in the Last Will and Testament of Georg Eduard Adolph Capelle in the item marked “*Second*”?

- The foreign word, “true children”, may be considered in the Marshallese language and custom as *kanin lujen*, or as one’s own. According to the Marshallese translation, as it appears in the *Last Will and Testament of George Eduard Adolph Capelle*, or Defendant’s Exhibit A, it shows that the translation of “true children” is “*ajri ro nejier*”. This Court finds that the meaning of “*ajri ro nejier*” in customary law to mean *kanin lujen* or natural born.

13. Having regard to the customary law and traditional practice of the Marshall Islands, is an adopted child eligible to sit as a Member of the Council of Iroij from that District and to serve as if they were an *Iroijlaplap*?

- According to the custom, only a person with royal blood and the recognition as *Iroijlaplap* by the Domain (Mojen), or Mona, as provided in their line of succession, may sit as a member of the *Council of Iroij*. With the exception of Likiep today, in which the person recognized to sit in the *Council of Iroij* is considered an “Owner”, not necessarily one who has royal blood of an Iroij.

14. As between Charles T. Domnick and Mercy Kramer, and those claiming through them, who is eligible to serve as a Member of the Council of Iroij consistent with the Agreement Concerning the Joint Ownership of Likiep Atoll entered into by the families of Capelle and De Brum?

- This Court recognizes the facts presented by witnesses who provided testimonial evidence for the defendant asserting that Mercy Kramer is the granddaughter of Hannah who is alleged as the child of Wilhelm outside of marriage. This Court also recognizes the facts presented by witnesses who provided testimonial evidence for the plaintiff claiming they know nothing of a child born of Wilhelm outside of his marriage named Hannah. However, this Court cannot state that Hannah was not a child of Wilhelm based on the custom known as *botoktok ej kur botoktok*. The witnesses who testified that Hannah was a child of Wilhelm, in their own words, attested to the accounts of prior generations and their statements referring to Hannah as a child of Wilhelm outside of marriage with a woman named Lydia. One of the witnesses is Francis Reimers, who attested to his mother, Lupe Reimers, his mother from the Capelle family that told him that Hannah was a child of Wilhelm. For this reason, this Court finds that in a situation where the *botoktok ej kur botoktok*, irrespective of omission of Wilhelm to state in words or on paper that Hannah was his natural born child, the relatives of Wilhelm who attested to Hannah as being a child of Wilhelm, are able to with their understanding that a *botoktok ej kur botoktok*.

However, for this Court to confirm who the proper person is to be seated at the Council of Iroij, this Court acknowledges and recognizes the two

wills of Adolph Capelle and his son, Wilhelm Capelle, illustrated in Exhibit D-A and Exhibit P-E, and the absence Hannah from both of their wills. On the basis of this recognition, this Court finds that the wills are valid and proper to adhere to, as having been long-established and not contravene the custom of “**kwojab komakut dreka in jenme eo**”, or do not change what those before have established in the two wills.

Plaintiff’s Witnesses

1. Philomina Capelle deBrum
2. Karina deBrum Aliven
3. Lorna Betongtong
4. Vinci Clodumar
5. Charles T. Domnick

Defendant’s Witnesses

1. Francis Teruo Reimers
2. Jonni Capelle
3. Gabriel Capelle
4. David Kramer
5. Deborah Kramer

Plaintiff’s Exhibits

1. Plaintiff’s Exhibit B – Genealogy Chart of Capelle Family
2. Plaintiff’s Exhibit E – Will & Testament of Wilhelm Capelle
3. Plaintiff’s Exhibit G – Letter to Iroj Kotak Loeak, Chairman of Council of Iroj (12/24/07)
4. Plaintiff’s Exhibit G-1 – Letter to Iroj Kotak Loeak, Chairman of Council of Iroj (12/24/2007)
5. Plaintiff’s Exhibit H – Letter to COI Chairman, Iroj Kotak Loeak (1/3/2008)
6. Plaintiff’s Exhibit H1 – Letter to COI Chairman, Iroj Kotak Loeak/English Translation (1/3/09)
7. Plaintiff’s Exhibit I – Letter to COI Chairman Loeak (01/11/08)
8. Plaintiff’s Exhibit I1 – English translation of PI (01/11/08)
9. Plaintiff’s Exhibit J – Letter to COI Chairman Loeak – re: Nomination of Melba (01/14/08)
10. Plaintiff’s Exhibit K – Letter to COI Chairman Loeak – re: Jea eo an Capelle ilo COI (12/28/05)
11. Plaintiff’s Exhibit L – Deposition of Theresa Capelle deBrum

12. Plaintiff's Exhibit M – Delayed Registration Birth Certificate of Hermon Nelson

Defendant's Exhibits

1. Defendant's Exhibit A – Marshallese Translation of Last Will & Testament of George Eduard Adolph Capelle (December 1904)
2. Defendant's Exhibit B – English Translation of Exhibit D-A
3. Defendant's Exhibit C – Descendants and Heirs Report for Adolph Eduard Capelle Up to the 5th Generation
4. Defendant's Exhibit D – Outline Descendant Report for Christian Wilhelm "Billiam" Capelle
5. Defendant's Exhibit E – Ancestors and Descendants of Mercy Nelson Kramer
6. Defendant's Exhibit F – Certificate of Death for Hermon Capelle Nelson
7. Defendant's Exhibit H – An Article from the MIJ
8. Defendant's Exhibit K – Letter to COI Chairman Loeak (12/28/05)
9. Defendant's Exhibit K (1) – English Translation of Exhibit D-K

RELEVANT CUSTOMARY LAW & TRADITIONAL PRACTICE

1. *Kajiriri* – A child taken from within the *bwij* or from outside of the *bwij* to care for from birth, or as a grown child, as if one's own.
2. *Kanin lujen* – one considered as one's own or a natural born child.
3. *Kalimur* – Ways that express inheritance or disposition of rights and interests. This can be made orally or in written form.
4. *Wia kake* – One way to alienate or dispose of land, which began in the islands after the arrival of foreigners who sought land to procure and establish businesses.
5. *Ajri ro likin worwor* – a child who was **not** born and raised within the family or inner sanctum.
6. *Botoktok ej kur botoktok* – One customary way of identifying whether one is a family member.
7. *Jab komakut dreka in jenme* – Do not disregard or change the long-established arrangement set by preceding generations.

APPLYING THE CUSTOM TO THE FACTS

It is clear from the testimonies of the witnesses for both the plaintiff and defendant that Wilhelm had adopted children, whose names are depicted in the plaintiff's genealogy, Plaintiff Exhibit B and in other documentary evidence. This is also illustrated in the will of Wilhelm, or Plaintiff Exhibit E.

As there was no child born to Wilhelm and Miriam, this Court finds that they adopted from within their respective families and from their close friends. Wilhelm doted on and considered his adopted children as if they were his own *kanin lujen*, or his natural born children.

There are two wills in this case. One is Adolph's, Defendant Exhibit A, which was made in 1904, and the other is Wilhelm's, Plaintiff Exhibit E, which was made in 1919, according to the plaintiff's closing statement. The two wills, this Court finds, do not contain the name Hannah who the defendant claims to be her grandmother's, as she was the mother of her father, Hermon. And that Hannah is the child of Wilhelm and Lydia, according to the defendant's assertions.

According to the facts in this case, Adolph Capelle and Anton deBrum purchased Likiep Atoll from the *Iroij* who owned Likiep during their time. In this regard, the *Iroij* gave away Likiep by selling it, which then enabled the establishment of the businesses of the Capelle and deBrum in copra production on Likiep Atoll.

The absence of Hannah's name from the plaintiff's genealogy in Plaintiff Exhibit B, as well as the absence of Hannah's name from the wills of both Adolph and Wilhelm, this Court finds indicative of the fact that Hannah was a child born and raised outside the family and the inner sanctum, or Wilhelm's family.

This Court acknowledges the testimonial evidence offered by the plaintiff's witnesses as they asserted and said they have no knowledge that Hannah is a child of Wilhelm. This Court also considers the documentary evidence, such as the genealogy chart and the wills by Adolph and Wilhelm as not having Hannah's name as a beneficiary of their personal property and their land rights. However, this Court is not in a position to state that Hannah was not the child of Wilhelm, as there were those who offered testimonial evidence, as witnesses for the defendant, who heard from prior generations that Hannah was a child of Wilhelm, as akin to

botoktok ej kur botoktok, the custom used to describe a situation where a child is drawn to and frequently interacts with members of a family alleged to be a member of also, and as also stated in Francis Reimers' testimony, there were frequent interactions between Hermon and his older brother, Julian Reimers.

Finally, the most relevant applicable custom this Court considered is *jab komakut dreka in jenme eo*, or do not disturb the long-established arrangement. This Court acknowledges the validity of the two wills executed by those whose land rights and personal property are involved in this case. The absence of Hannah's name or her descendants from the two wills of Adolph and Wilhelm, this Court finds the relevant persons who could have answered why it was omitted have passed on, and this Court must give due regard to their validity and the importance of maintaining their integrity as the last wills and testaments of Adolph and Wilhelm.

CONCLUSION

Based on all the evidence submitted to this Court, both oral and written, this Court finds it cannot state that Hannah is not a child of Wilhelm. This Court also finds given the absence of Hannah's name from the wills of both Adolph and Wilhelm, it risks *komakut dreka in jenme eo* should it say that it is proper for Mercy to exercise the rights of the Capelle family and hold their seat in the *Council of Iroij*, as it plain and clear that no will was made for her grandmother, Hannah.

Still, this Court finds the value in maintaining the integrity of the custom of reciprocity in our relationships toward one another, and the value of respecting and caring for one another, which is the we hope have for the parties in this case to respect and take care of each other because they are one family.

Date: 12 September 2025

/s/
Grace L. Leban
Presiding Judge, TRC

/s/
Nixon David
Associate Judge, TRC

/s/
Claire T. Loeak
Associate Judge, TRC