

TRUST TERRITORY OF THE PACIFIC ISLANDS

Report on the Trust Territory of the Pacific
Islands for the Period July 1, 1950, to June 30, 1951

Transmitted by the United States to the
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Prepared by the
**DEPARTMENT OF THE NAVY
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FOREWORD

During the year July 1, 1950, to June 30, 1951, the peoples of Micronesia have demonstrated increasing ability to undertake responsibility for their political, economic, social, and educational advancement. Understanding and acceptance of democratic principles and procedures have contributed to greater indigenous participation in self-government and judicial affairs. Increased opportunities for interisland contact have stimulated social consciousness of the relations between the various cultures in the Territory. Sharing in the development of economic projects initiated by the Administration has given the people experience in business ventures. Appreciation of the worth of education has increased the numbers of students in the schools and made possible the expansion of the curricula.

Political achievements have been noteworthy both on the municipal and district level. Thirteen more municipalities have chosen to elect their magistrates, thus increasing the number of elected magistrates to 70 percent of those holding office. The Palau Congress has continued to function well. The Marshall Islands Congress met for the first time on July 4, 1950, and in its deliberations has shown a keen realization of problems of the area. A charter for the Ponape Congress has been prepared in accordance with previously expressed desires of the people and is now being studied by the Provisional Congress which met for the first time in the spring of this year. A charter for the Saipan Congress, giving the Congress advisory powers, is now being discussed by the Saipanese. Legislative studies have continued to be made at the staff level and recognition of local customs is reflected in the planning for extension of indigenous participation in government. The teaching of the functions of democracy in the schools as well as civil guidance by Administration officials have contributed greatly to the extension and implementation of democratic attitudes. The responsibility for direction of Administrative programs was clarified by the issuance of *Interim Regulation No. 3-50*, reorganizing the Staff of the High Commissioner.

The islanders are playing an increasing part in the judicial system of the Territory. They are members of several courts and thus are in positions where they can correlate modern law and local indigenous law. Criminal procedures, provisions for law enforcement, provisions for protecting the public health, safety, and morals of indigenes by orders restricting residence, and the Judicial Code have been formalized by the promulgation of *Interim Regulations No. 2-51, No. 4-51, No. 6-51, and No. 8-51*. A "Public Defender and Counselor" was appointed in the fall of 1950 to provide protection for the legal rights of the people and to advise and represent them in civil cases before the courts. The Pacific Islands Insular Constabulary has been reorganized and representative members trained in police and penal procedures at the Constabulary Training School at Truk.

The economic situation of the Territory has shown considerable improvement during the past year. This is due both to the further diversification of island economy by Administration-sponsored projects, and to increased production of copra and the high price which it brought on the world market during much of the year. The policy recently adopted by the Administration of making the Island Trading Company the sole exporter of copra and the operation of the previously established Copra Stabilization Fund, benefited copra growers when the price of this commodity collapsed in the spring of 1951. Money available from the Island Trading Company's Economic Development Fund has been invested in several new projects including poultry and duck breeding, and the planting of cacao. ITC has set aside an additional \$150,000 for the purchase of boats to be used in island passenger and cargo service and two have already been acquired and are in operation. Control of shipping for the benefit of the indigenes has been provided for by *Interim Regulation No. 7-51*. A survey has been made of the possibility of establishing cattle ranches in the Northern Marianas. Research and survey projects by the Pacific Science Board sponsored by the Office of Naval Research, the United

States Geological Survey, and the United States Department of Agriculture have contributed to initiation of further conservation, entomological, and ecological projects. The Administration has enacted measures for the control of fires and the weed pest lantana by the promulgation of *Interim Regulations No. 5-51* and *No. 3-51*. Extensive public works involving improvement of existing facilities, especially dispensaries, schools, and roads, have been constructed. The settlement of land problems has been undertaken in accordance with two *Land and Claims Regulations* issued during the year and some land has already been returned to the owners. Banking facilities have been established by the Island Trading Company and plans for the settlement of various types of claims against the Japanese are in preparation.

Various programs for social improvement have continued to further a sense of security among the people. More thorough study of conditions in all areas of the Territory has been made possible by the appointment of anthropologists at District Headquarters and in specific areas by the initiation of administrative-medical field trips. A nutrition survey of both high and low islands, conducted during the year, will provide better information in respect to the efficient utilization of existing food sources. The construction of the model village on Ebeye has been completed and is being utilized by the Marshallese workers employed on Kwajalein. The issuance of *Interim Regulation No. 1-51* has provided laws for divorces, annulments, and adoption. The medical program has continued to be of great worth to the people and each year sees a corresponding improvement in their health. The medical survey ship U.S.S. *Whidbey* completed its cruise of the Territory in the spring of 1951 and the data which its staff collected is now being evaluated for use in further improving the health conditions and combatting diseases not yet under control. A special study of the filariasis problem is being made in the Truk District. *Health Department Orders No. 1* and *No. 2* provide for the care of leprosy patients and the reorganization of the public health system.

The public schools of the Trust Territory are continuing to provide not only academic schooling, but also training in health, improving living conditions, and the responsibilities of citizenship. The number of students in the elementary and in-

termediate schools has increased and more indigenes are teaching in the intermediate schools. The Trust Territory Schools for Medical and Dental Assistants at Guam were closed in December 1950 and the students transferred to the Central Medical School at Suva, Fiji. In the fall of 1950 the Pacific Islands Teacher Training School opened a school of agriculture. A larger number of students are studying abroad in schools of higher education. Vocational training and adult education courses have been established as part of the intermediate school curriculum. Illiteracy has continued to decline and the appointment of a Supervisor of Languages will further assist in solving this problem. The library program has been expanded by the establishment of libraries at each District Headquarters, directed by indigenes trained at the School of Library Administration held at Truk in the spring of 1951. The fostering of indigenous culture remains an integral part of all educational programs.

The transfer of administrative responsibility for the Trust Territory of the Pacific Islands from the United States Department of the Navy to the United States Department of the Interior became effective July 1, 1951, pursuant to Executive Order 10265, issued by the President on June 29, 1951. The transfer was accomplished in accordance with the recommendation of the Secretaries of State, War, the Navy, and the Interior on July 18, 1947, that administrative responsibility for the Trust Territory be transferred to a civilian agency of the Government at the earliest practicable date.

Mechanical details of the transfer were worked out by representatives of the Navy and Interior Departments in the spring of 1951 with a view to making the Government of the Trust Territory independent of naval facilities as rapidly as possible. Title to all personal property and structures owned by the Navy and employed by the Naval Government of the Trust Territory in the administration of civil affairs of the Trust Territory, and all funds controlled by the Government of the Trust Territory were transferred to the Department of the Interior or the Trust Territory Government.

The United States Navy provided for civilian-manned sea transportation and air services in the Trust Territory to replace the logistic support hitherto given by Naval vessels and planes. Accordingly, a contract for sea transportation was

awarded to the Pacific Micronesian Lines, Inc., a subsidiary of the Pacific Far East Lines, Inc., to service the area. Seven Naval ships, one large cargo vessel and six smaller cargo vessels, with spare parts, were transferred to the Department of the Interior to form the fleet as soon as they could be provided with civilian crews. As of June 30, 1951, these ships had been overhauled and fitted with improved passenger accommodations. In addition, the Navy transferred eight service craft and thirty small craft. A contract for air transport was awarded to Transocean Airlines and four Naval PBY-5A aircraft, overhauled and fitted with spare parts, were transferred on June 30. All Navy communications stations in the Territory and their equipment were transferred, and the Department of the Interior assumed their operation and maintenance. The Island Trading Company took over the operation of commissary stores, hotels, and messes and will operate them on a self-supporting basis. Navy post offices were disestablished on July 1 and replaced with civil post offices established by the United States Post Office Department. The United States Weather Bureau took over the operation of the weather stations.

The timely substitution of civilian personnel for Naval personnel involved the greatest problem of the transfer. A civilian High Commissioner, appointed by the President on January 8, 1951, arrived at Staff Headquarters at Pearl Harbor on January 27. In order that the continuity of administration might be maintained insofar as possible, the Navy agreed to release from the service both regular and reserve personnel on active duty with the Trust Territory Naval Administration for employment with the Department of the Interior Administration. Seven officers and thirty-nine enlisted personnel transferred to the new ad-

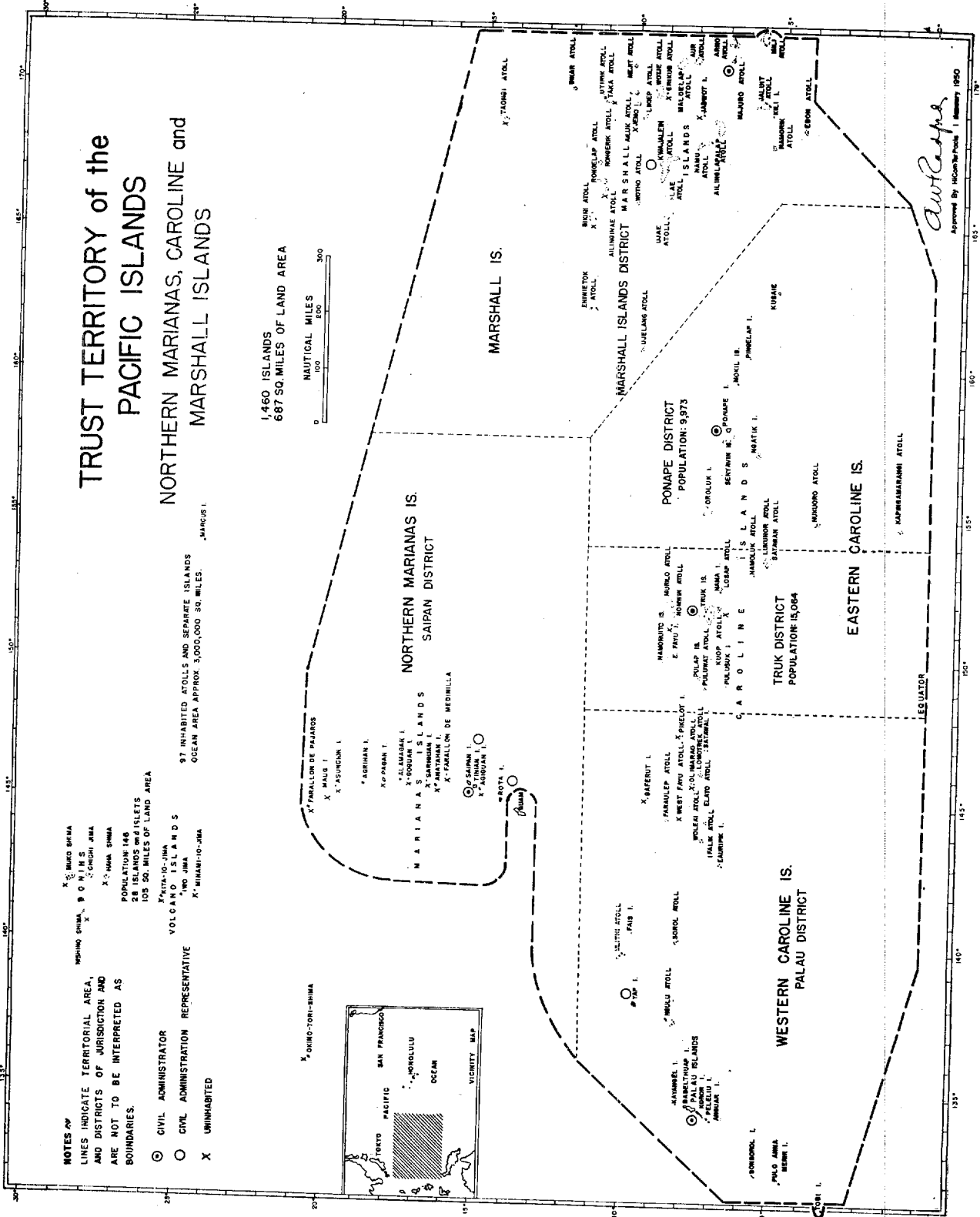
ministration. Between February 1 and June 30 the majority of the members of the Naval Staff both at headquarters and in the field were gradually replaced by civilians. Naval personnel remained after the arrival of their successors for as long as was necessary to train the new employees in their duties. Five Naval officers and thirty-five enlisted personnel were retained beyond June 30 for the convenience of the Department of the Interior. In addition, personnel of Naval Construction Battalions employed on public works projects in the Territory were to remain until their tasks were completed. The Naval Staff at Pearl Harbor prepared a booklet of "Basic Facts" and conducted a brief indoctrination course for the new employees prior to their departure for the field.

The transfer of administration was accomplished with no disruption of administrative services to the people of the Trust Territory. Civil Administrators and field trip officers in each District discussed the transfer with indigenous leaders who in turn explained it to their people. The inhabitants of the Territory cooperated fully in all aspects of this operation.

The Micronesians are fast coming of age in a modern world. They are adopting democratic attitudes and applying them to their government; they are becoming more proficient in economic affairs; they are accepting education designed primarily to assist them in improving their own environment; they are showing an increased understanding of their position as inhabitants of a Trust Territory. The progress of the people in all fields is a tribute to the indigenous culture which the Administering Authority continues to respect in accordance with the requirements and desires of a free people.

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Chapter I

DESCRIPTION OF AREA

The Trust Territory of the Pacific Islands occupies a vast oceanic zone of the Western Pacific north of the equator. The area contains 96 distinct island units composed of 2,141 individual islands and has a combined land area of approximately 687 square miles. The islands form three Micronesian groups: the Marshalls, the Carolines, and the Marianas less Guam. The territory, stretching from latitude 1° to 20° north and from longitude 130° to 170° east, covers some 3,000,000 square miles. The distance from Tobi Island in the extreme west of the Carolines to Mili Island in the extreme east of the Marshalls is approximately 2,400 nautical miles or 2,727 statute miles. At its greatest width the area extends 1,300 nautical miles or 1,477 statute miles north and south. Extent (1a).

The islands can be classified broadly as "high" volcanic or "low" coral islands. Most of the volcanic islands lie in the western part of the Trust Territory and are the exposed peaks of a submerged volcanic ridge which stretches from Japan southward through the Bonin Islands, the Marianas, Yap, and the Palaus in the Western Carolines to New Guinea. On many of these islands the igneous rock of which they are composed is overlaid with limestone. Eastward of this ridge lies a series of submarine elevations which form the rest of the Carolines and the Marshalls. With the exception of the volcanic outcroppings at Truk, Ponape, and Kusaie in the Caroline group, the islands to the east are of coral formation, mostly in the form of atolls. Physical characteristics (1a).

The climate of the Trust Territory is tropical with small seasonal changes. Temperature and barometric pressure are relatively uniform. Throughout most of the area the mean annual temperature averages about 75° to 85° F. with a diurnal range of less than 10° F. Humidity is generally high and ranges from an average of 77 percent in the Palaus to 86 percent at Ponape. Visibility is good; fog, haze, and mist are rare. Clouds are mostly of the cumulus type and are regularly present in great numbers. Climate and Weather (1a).

Weather conditions are subject to great local variation and to rapid change, especially on the high islands. Rainfall is heaviest in the belt between 1°30' and 8°30' north latitude, where the average annual precipitation is over 120 inches. On the high islands within this zone the precipitation is considerably greater, being augmented by orographic rain. On the northern islands and atolls of the Marshall group there is a pronounced dry season during which water scarcity becomes a problem.

The wind systems are influenced by three major factors; the interplay of the trade wind systems of the Northern and Southern Hemispheres, the equatorial low pressure belt, and the monsoon system of the Asia-Australia area. Although local squalls and thunderstorms are frequent during the summer months, the most serious storms to which the area is subject are of the typhoon or tropical cyclone type. These moving storms, with intense cyclonic circulation and winds of hurricane force, are particularly destructive on the low islands which may at the same time be vulnerable to high waves. Typhoons

may develop in any month but they occur with greatest frequency between July and November. The islands in the southern and western portions of the Territory are most subject to destructive typhoons; Truk and the islands to the eastward are relatively free of these disturbances.

Flora (4).

The islands in all areas are well covered with plants and some of the islands have forests. Soil conditions are generally not favorable but the fairly high rainfall makes tropical vegetation possible. Except on islands which at one time were extensively cleared for cultivation, as in the Marianas, or were cleared for wartime airstrips, as at Kwajalein and Peleliu, the indigenous flora is reasonably intact. The volcanic islands have mangrove association on the tidal flats, coconut association on the coastal slopes, and mixed forest association on the uplands. On the larger inhabited islands, in prewar days, cultivated fields lay between the coconut trees and the forests. During the war most of these fields were abandoned and today rapid revegetation is taking place. On some of the islands which have both limestone formation and volcanic soil areas there are two distinct types of plant formations: forests on the limestone area and grassland or scrub grasslands on the volcanic soil areas. The coral atolls are predominantly a coconut association. The other plant life on the low islands consists of breadfruit and pandanus trees and halophytic plants of a strand character, junglelike in their growth. The lagoons and other shallows of the islands have a marine plant life characteristic of tropical Pacific waters.

Fauna (4).

The animals found in the Trust Territory can be classed in three groups: types indigenous to the area, types introduced by migrating islanders in the pre-European period, and types introduced subsequent to the arrival of Europeans. The only land mammal indigenous to the islands is the bat and even this is not found on some of the low islands, including the Marshalls. It is questionable whether species of dog, pig, and rat were brought by other islanders or whether they were carried by winds and currents across the ocean on natural rafts of trees or masses of vegetation. Howsoever they arrived, they were rare and have now become cross-bred or replaced by species brought in by outsiders. Since the arrival of Europeans, water buffalo, deer, horses, cattle, goats, and cats have been introduced. Harmful reptiles are scarce. There are a few crocodiles in the Palaus and some poisonous sea snakes. Three species of land snakes which have been found are harmless. Lizards, geckos, skinks, sea turtles, and large toads are plentiful. Marine and shore birds, typical of the tropical Pacific, are numerous, but land birds are relatively few, especially on the low islands. Insects are exceptionally numerous. It has been estimated that there are 7,000 species of which perhaps 15 percent have been introduced by human beings. About 45 percent of the total types of insects are distributed throughout the islands; the rest are endemic to specific areas. The tropical waters of the sea, reefs, lagoons, and shore abound in marine fauna. There are bonito, tuna, barracuda, sea bass, sharks, eels, flying fish, porcupine and scorpion fish, octopi, sea slugs, many kinds of crustacea and mollusks, porpoises, and seacows.

**Natural Resources (4)
Agriculture.**

Natural resources of the Trust Territory are meager and only a subsistence economy has been possible. Agriculture is a constant struggle against nature. Much of the soil is of low fertility, thin and susceptible to erosion. Rainfall in certain areas is not well-distributed. Insect pests, diseases, and weeds are a constant menace to crops; with grain or pod crops there are difficulties in pollination and curing the seed. These natural limitations have restricted

agriculture of the area to localized subsistence gardening, which produces a fair range of root and fruit crops. The range is larger on the high islands than on the low. On the low islands the people grow tree crops of breadfruit, pandanus, coconut, papaya, and banana, and root crops of arrowroot and taro; they gather fish and shell fish and raise their own pigs, chickens, and ducks. On the high islands less emphasis is given to marine products and additional food crops are grown: yams, sweet potatoes, manioc, sugarcane, squash, melons, beans, citrus fruits, corn, and pineapples. On certain high islands, a tropical version of commercial agriculture appears feasible, but such a program must be pursued with agricultural methods suitable to the area.

Indigenous livestock is nonexistent and the numbers of imported livestock are limited. Cattle, pigs, goats, chickens, and ducks were introduced to many of the islands by early explorers and traders, but they never became plentiful and were seriously depleted in numbers during the course of World War II military operations. Since then cattle and hogs and poultry have been imported from the United States. Livestock.

Forest resources are almost nonexistent on the low coral islands. Substantial stands of timber still exist on some of the higher islands and, with care in utilization, it is believed that the Territory can supply most of its own needs for lumber with a possible export surplus of certain types of wood as proper tools, hauling facilities, and trained labor become available. Copra, or dried coconut, has been the traditional export from the area. During the war, however, the number of coconut trees decreased on many islands because of military activities and since that time the inroads of coconut beetles have caused additional destruction. Forests.

The mineral resources of the Trust Territory are few and generally of inferior quality. Phosphate, bauxite, and manganese are the only minerals which were extracted in commercial quantities in the pre-World War II era and of these phosphate and bauxite were economically exploited. Iron, copper, nickel, and limonite have been found on some of the high islands but are not of economic importance. Minerals.

The marine resources are adequate for subsistence fishing. It is possible that in some areas profitable commercial fishing may be developed from the resources of bonito, tuna, mackerel, sardine, shark, turtle, trepang, sponges, trochus shell, and pearls. Fish.

The Trust Territory is divided for administrative purposes into four sub-areas: the Western Caroline Islands, the Eastern Caroline Islands, the Marshall Islands, and the Northern Mariana Islands; and the five Districts of Palau in the Western Carolines, Truk and Ponape in the Eastern Carolines, the Marshalls, and Saipan in the Marianas. The headquarters of the above Districts are located respectively at Koror, Truk (Moen Island), Ponape, Majuro, and Saipan. The Office of the High Commissioner of the Trust Territory of the Pacific Islands is located at Pearl Harbor, Oahu, Territory of Hawaii. The Field Headquarters is located on Truk and a Liaison Office is maintained on Guam. Administrative Divisions (1b).

The indigenous population of the Trust Territory on June 30, 1951, was 55,730. Three-fifths of the population live on the six principal island units: Saipan, the Palaus, Yap, Truk, Ponape, and Majuro; the other two-fifths are widely scattered. Many of the isolated islands and atolls are inhabited by only a few dozen people and many more are entirely uninhabited. Population density is greatest on the low islands. There are no incorporated cities or towns. Population (16).

in the Territory. With the exception of several well-defined communities on Saipan, most of the people live in small settlements and farmsteads scattered over the individual islands and island groups.

Race (2).

The inhabitants of the Trust Territory are broadly classed as Micronesians; that is, people of the tiny islands. They are divided into a number of regional and local groupings and differ more or less widely in physical characteristics, language, and customs. Together with other Pacific peoples they have complicated ethnic lines in which are interwoven genetic elements associated, in the adjacent South and East Asian countries, with Mongoloid and Caucasoid racial types and, to a smaller extent, with Negritoid and Australoid types. The Micronesian stock is characterized by medium stature, brown skin, straight to wavy hair, little face and body hair, and rather high cheekbones. Certain Mongoloid features are more pronounced in the people of the west and central areas; Australoid characteristics are encountered in the southwest islands; Polynesian types occur in the Marshalls. The inhabitants of the islands of Nukuoro and Kapingamarangi in the southernmost Eastern Carolines are Polynesians who arrived there at the time of some migratory movement. The Chamorros in the Marianas are a racial blend akin to peoples of Malaya and the Philippines and represent a distinct ethnic group in contrast to the other Micronesians.

Social Structure (3).

Within the framework of the communal life which exists in the Territory and which gives the outward appearance of extreme simplicity, complex patterns of individual and group relationships exist which are fully as intricate as those found in metropolitan society. These social patterns vary with the locality. In small hamlets the people are linked by kinship and by neighborhood relationships. A scattered group of such hamlets may have traditional ties which approximate those of a village community. Larger, more diversified settlements are joined in subdistrict and district organizations. The most pervasive type of kinship ties in the island societies, apart from local family organization, is that associated with clans of the matrilineal type. There is a strong tradition of hereditary class structure with the rule of hereditary chiefs or nobles tempered by councils of family heads or elders. Social distinctions based on family, clan, age, seniority, or achieved position are strictly observed.

Culture (3).

The native cultures of Micronesia vary markedly among island groups and even among islands and atolls in the same geographic area. This cultural variation is further complicated by differing degrees of acculturation acquired from contacts with Spaniards, Germans, Japanese, and Americans. Certain similar characteristics exist such as those resulting from proximity to the sea, specialized skills in the use of common local materials, cults of ancestors, and complex class distinctions under hereditary chiefs. Cultural differences far outweigh these similarities, however.

Language (3).

The greatest disparity among the Micronesians exists in language. Although all the island languages are Malayo-Polynesian, nine individual languages are spoken within the Territory and most of these are subdivided into distinctive local dialects.

Religion (3).

Originally religion was an added source of difference and although, today, most of the islanders have accepted Christianity, the remnants of endemic religious beliefs persist in many areas and condition the extent and manner of the adoption of Christianity. When the geographical factor of the great distances between the islands is considered in conjunction with the cultural and linguistic differences of the area, the ethnocentricity of the people appears as

the chief problem in the political, social, and economic adjustment of the Territory to the modern world.

The prehistory of Micronesia is largely a matter of conjecture. It is probable that these islands were settled by canoe-voyaging immigrants who came from the marginal islands of Malaysia before the Christian era or at least several hundred years before the coming of Europeans. The regional differences in racial and cultural characteristics suggest a number of migrations. The islanders themselves have no clear records of such migrations in their legends which generally picture them as originating in the areas they occupy. There is concrete evidence available for partial reconstruction of the past in prehistoric remains which still survive, notably on Ponape, Kusaie, and Tinian. Prehistory (5).

The first voyage of exploration in the Pacific missed the islands of the present Trust Territory. Magellan, in 1519-20, passed through the Straits which bear his name, sailed northwestward for 98 days through hundreds of Pacific islands and encountered none of them until he sighted Guam. Magellan's men named the place "Las Islas de Las Ladrones." Later explorers became familiar with other islands near Guam and in 1564 the group was renamed "Las Islas de las Velas Latinas," after the triangular "lateen" sails used in the region. Many years later the islands were again renamed, this time for the queen of Philip IV, Maria Anna. Exploration (5).

Meanwhile the Portuguese, searching for the Spice Islands, had established themselves at key points in the Malaysian area. From there they fanned out and touched at various Micronesian islands. In 1526 they discovered Yap and Ulithi; later Spanish voyagers sighting these and many others of the islands in the central and southwestern area, named the archipelago "Carolina" for Charles II of Spain.

Islands in the group now known as the Marshalls were discovered by the Spanish in 1529 and subsequent Spanish explorations during the century discovered many others in the group. They were later named for the English Captain Marshall who in 1788 made a voyage of exploration in the area.

No serious efforts were made in these early times by Spain or other European powers to assume effective control of the Pacific Islands. Spain, in 1565, did make the port of Agana on Guam a regular food and water stop for vessels plying between Mexico and the Philippines and continued to claim sovereignty over the Marianas, the Carolines, and the Marshalls. However, for nearly two centuries after the early explorations, the islands were lost to history. Not until the late eighteenth and early nineteenth centuries did explorers, traders, whalers, pirates, and missionaries rediscover the islands and gradually open up the area. Spanish Period (5).

By the middle of the nineteenth century the islands had become involved in European colonial rivalries. German traders especially were active and when Spain attempted to control their trade, the Germans moved toward seizure of political control. The least substantial claim of Spanish sovereignty existed in the Marshalls and in 1885 the Germans assumed a protectorate over those islands. This precipitated disputes with both Spain and Great Britain, but by 1886 both nations had formally conceded the Marshalls to Germany.

Spain was able to keep control of the Carolines however. In 1885, the same year in which the Marshalls were seized, Germany sent a gunboat to various spots in the Carolines and claimed formal possession of the islands.

Spanish reaction was violent and serious international complications were avoided only when the issue was referred to Pope Leo XIII for adjudication. The Pope confirmed the claim of Spain to sovereignty over the Carolines on condition that she maintain an orderly government there, but he awarded Germany the right to trade, to fish, and to establish settlements and coaling stations in the islands.

No further change in the political administration of Micronesia occurred until 1898 when the United States, during the course of its war with Spain, seized Guam. The next year Spain decided to withdraw from the Pacific and sold the Marianas, except Guam, and the Carolines to Germany for 25,000,000 pesetas.

German Period (5).

Spanish colonial policy in the Pacific had been autocratic and limited to the pacification and Christianization of the Marianas and maintenance of control over them. At no time did the Spanish make more than half-hearted attempts to exploit the islands in an economic sense. German administration, although autocratic, was moderate and efficient. Every encouragement was given to the development of trade and the expansion of production. Emphasis was placed on economic exploitation for the benefit of Germany but it was tempered by a policy of enlightened self-interest.

Japanese Period (5).

German control of Micronesia was abruptly terminated by the outbreak of World War I. In October 1914, Japanese naval squadrons took military possession of the undefended Marshalls, Carolines, and Northern Marianas. At the conclusion of the war, Japan became the mandatory power for these islands under the Mandates System of the League of Nations. The mandate was confirmed by the Council of the League of Nations on December 17, 1920. The United States gave its consent to this arrangement in a treaty with Japan signed on February 11, 1922.

In 1922, Japan substituted civil rule by the South Seas Government (Nanyo-Cho) for the previous military rule of the area and began at once to develop the islands economically, to prepare them for Japanese emigration and to indoctrinate the indigenous inhabitants through education, propaganda, and cultural change. In 1932 the League of Nations questioned Japan concerning reports that she was building military bases and other fortifications in the mandate, but the Japanese denied any strategic exploitation. The announcement by Japan in 1933 of her two-year notice of withdrawal from the League of Nations raised the question of whether or not she could keep the mandate when no longer a member of the League. Japan declared that under no circumstances would any other nation be allowed to control the islands. From 1935 on, the civil government of the islands was dominated by the military and the expansionist policies of Japan became the dominant factor in island affairs. Japan kept the islands, continuing to send in her annual report to the League through the year 1938. From then on they were treated as a closed military area and eventually developed for military purposes.

Japanese rule of the Pacific Islands was complete and direct, and little use was made of the inhabitants in government. The basic laws of Japan were extended to the mandate and only the necessary modifications were made to meet local conditions. Formal educational facilities for the indigenes were limited and emphasis was placed upon teaching of the Japanese language and customs. Some vocational training was given, notably at Koror. Considerable attention was paid to the health of the people. Economic exploitation moved the inhabitants so far from a subsistence economy that, when the war

began, many were dependent upon imported consumer goods. Japan took over practically all aspects of the economic life and in an unprecedented fashion made the area more productive than is possible in a free economy.

When Japan became a belligerent in World War II, the Japanese used the Pacific Islands, which by then were fortified, as bases for Japanese aggression to the south and the east. In turn they served as a great barrier to the liberation of the Philippines and Wake and Guam. Not until November 1943, when the Gilberts were invaded, did United States forces begin to break through the barrier. In January and February of 1944 the Marshalls were seized; in June and July the Marianas were invaded; by August the Eastern and Central Carolines were neutralized; in September Angaur and Peleliu in the Western Carolines were captured. Many of the individual islands were bypassed and not until the war was over were most of these contacted. World War II (5).

The condition of the people of the few islands where landings had been made indicated the magnitude of the problem awaiting military administration. The natives were in a state of mental shock. Most of them had been in the midst of the fighting or had experienced its repercussions. Their industry and trade was gone and they were forced to return to a subsistence economy. They had been displaced from their homes and gardens and fishing grounds. Their food had been confiscated. They had had little medical care for years. Schools had been nonexistent since the war began. Everywhere there were dislocations and deprivations. In 1946 a survey group which investigated the economic situation judged that the living conditions of the islanders had been set back possibly a quarter of a century.

These were some of the problems of the people which United States Naval Military Government had to solve in addition to the strictly strategic and logistic problems of a war area. Military government policies and activities were based on the assumption that the indigenous inhabitants should be treated as liberated people. The immediate problem was to furnish the people with food, water, clothing, shelter, and medical attention. U. S. Naval Military Government (5).

The early administration was, of necessity, largely direct although, from the first, contacts were established with local leaders on each occupied island who were associated with administrative activities. Each Military Government Unit developed an appropriate system of indirect rule for community and district administration.

After the basic needs of the people had been met, it was possible to direct attention to other problems, including the restoration of displaced islanders to their homes, removal of natives from islands still held by the Japanese, housing, employment, encouragement of fishing and farming, establishment of schools, and construction of public works.

In the year following the cessation of hostilities, repatriation of the Japanese nationals, both military and civilian, and of the Koreans and Okinawans whom Japan had brought into the islands as laborers, was carried out. By the summer of 1946 the need for a government for the islanders, other than military government, became apparent. Because rapid demobilization of the armed forces had reduced the number of available military government officers, the United States Navy arranged with Stanford University to establish a school for the training of Naval officers for the longer term tasks of civil administration. The first class was graduated on August 28, 1946, and these officers and those of succeeding classes took over the administration of the islands.

U. S. Trusteeship (5).

On November 6, 1946, President Truman announced that the United States was prepared to place under trusteeship, with the United States as Administering Authority, the Japanese Mandated Islands. On the same date copies of a draft trusteeship agreement were transmitted for information to other members of the Security Council and to New Zealand and the Republic of the Philippines.

The draft trusteeship agreement was formally submitted to the Security Council on February 17, 1947, and, after slight modification, was unanimously approved on April 2, 1947 (Documentary Supplement No. I).

This agreement came into being on July 18, 1947, when, pursuant to authorization by the Congress, the President approved it on behalf of the United States. On the same day the President, by Executive Order 9875, delegated responsibility for the civil administration of these islands, on an interim basis, to the Secretary of the Navy and commissioned the Commander in Chief, Pacific, and United States Pacific Fleet, as High Commissioner of the Trust Territory of the Pacific Islands. By Proclamation No. 1 of July 18, 1947, the High Commissioner assumed his duties (Documentary Supplement No. II).

The Secretary of the Navy ordered the United States Naval Military Government of the ex-mandated islands disestablished as of July 18, 1947, and directed the High Commissioner to institute civilian administration of the Trust Territory, effective July 18, 1947, in accordance with the terms of the *Trusteeship Agreement*.

The Commander in Chief, Pacific, and United States Pacific Fleet, continued to hold the office of High Commissioner of the Trust Territory until January 8, 1951, when he was succeeded in that office by the first civilian High Commissioner. The latter's appointment by the President was an initial step in the transfer of the administration of the Trust Territory to a civilian agency of the government.

The interim administration of the Pacific Islands by the Secretary of the Navy ended on June 30, 1951, when, by Executive Order 10265 of June 29, 1951, the President transferred administrative responsibility for the Trust Territory from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951 (Documentary Supplement No. III).

Chapter II

STATUS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The Trust Territory of the Pacific Islands is administered by the United States of America under the International Trusteeship System.

Basis for
Administration (6).

The basis in international law for this administration is the *Trusteeship Agreement for the Former Japanese Mandated Islands* (Documentary Supplement No. I) which became effective on July 18, 1947. By this agreement the Administering Authority has full powers of administration, legislation, and jurisdiction over the Territory subject to the provisions of the *Trusteeship Agreement*, and may apply to the Territory, with any modifications considered desirable, laws of the United States which are deemed appropriate to local conditions and requirements (*Trusteeship Agreement*, Article III).

There is no organic legislation for the Territory. Draft organic legislation was introduced into the Eightieth Congress but no action was taken upon it. The Executive Departments of the Federal Government have reviewed the proposed organic act and recently re-submitted it to the Eighty-First Congress. As yet no action has been taken upon it.

Organic
Legislation (6).

The people of the Trust Territory are, at present, unofficially described as "Citizens of the Trust Territory." Their national status will be legally defined in the organic act. All inhabitants have the same type of citizenship and enjoy the same human rights and freedoms pursuant to Article 76c of the *Charter of the United Nations*, Article 7 of the *Trusteeship Agreement*, and the Bill of Rights which is Chapter 5 of *Interim Regulation No. 4-48*. The Bill of Rights guarantees (1) freedom of conscience, speech, press, assembly, worship, religious teaching, and petition; (2) no slavery or involuntary servitude; (3) protection against unreasonable search and seizure; (4) no deprivation of life, liberty, or property without due process of law; (5) no ex post facto law; (6) no excessive bail, excessive fines, or unusual punishments; (7) no discrimination on account of race, sex, language, or religion; (8) freedom of migration and movement; (9) the maintenance of a general system of education. The same protection of their persons and property is guaranteed the people of the Trust Territory when in the United States or any of its possessions. In turn, the indigenous inhabitants have certain responsibilities in respect to local administration, health and sanitation, and education. The problem of the status of immigrant communities is nonexistent for no such groups are present in the Trust Territory.

Status of People (8).

Rights, Privileges, and
Responsibilities (9)
(136) (145).

(10) (11).

A flag for the Trust Territory has recently been chosen. During the past year the High Commissioner conducted a contest among the indigenes for the selection of the design to be chosen. With the exception of the Marshall Islands, all Districts and the Pacific Islands Teacher Training School submitted entries. From these, common suggestions as to colors and figures were selected and a flag design representative of the Trust Territory government and people was assembled. When this flag has been approved, it will be flown in the Trust Territory together with those of the Administering Authority and the United Nations (T/Pet. 10/1).

Trust Territory Flag.

Records (12) (1961)
(245).

A system of careful maintenance of vital statistics of the population has been instituted and designed to produce uniform records in conformance with local customs insofar as feasible. A population census is taken under the direction of the Political Affairs Department as of the first of July in each year and is supplemented by interim (quarterly) totals of vital statistics. A Civilian Registrar is required to be designated in each island community, with responsibility for maintaining birth and death registration within his community. Each Civil Administration Unit is also required to designate an officer as Central Registrar whose duties include (1) the collection of certificates of birth and death from all civilian registrars; (2) the preparation of a permanent central register of births and deaths; and (3) issuance of certificates, transcripts, and other records. No exceptions to these rules are made. It is the legal responsibility of parents and of the registrar in each community to see that each live-birth and stillbirth is registered. In case of death, it is made a responsibility of the physician or of any other person having knowledge of it to submit all pertinent information to the registrar. Official birth and death certificates have been provided for such registrations; information for the latter must include cause of death when known.

The census-taking procedures and the recording of vital statistics have been developed to the point where such records are now considered to be reasonably accurate; however, further improvement is expected. (See Statistical Appendix No. I.)

Development of
Regional and Inter-
national Relations (16).

The inhabitants of the Trust Territory are being educated to increasing consciousness of the interdependence of all peoples. Eventually, as cultural contacts among the various peoples of Micronesia increase through centralized educational bodies and through better communications, they will become more regional-minded. One of the strongest influences for promotion of regional understanding and cooperation within the Trust Territory itself is the intermediate and higher educational systems instituted by the Administering Authority. Intermediate schools, located at each Civil Administration headquarters, gather young people from all areas of a district. On a higher educational level, students from all parts of the Trust Territory study and work together at the Pacific Islands Teacher Training School. During the past year special courses in library administration and constabulary training were held at Truk, thus bringing together representatives in these fields from throughout the Territory. A conference of Administration personnel and indigenous officials of the Mortlock Islands was held in March in connection with the Administrative-Medical Field Trip to that area, thus affording an opportunity for discussion of common problems.

(15) (16).

Growing recognition by the islanders of their status as inhabitants of a territory under international supervision assists them in developing a still broader outlook. Further assistance comes from their daily contacts with representatives of the Administering Authority and from their occasional meetings with United Nations representatives. An example of the latter was the Mission of the Trusteeship Council of the United Nations which visited the Trust Territory of the Pacific Islands in the spring of 1950. The people have numerous contacts with the neighboring territory of Guam where many of their imports and exports are transhipped, where an increasing number of their children attend school, and where they themselves visit. The Territory of Hawaii is the headquarters of the High Commissioner; there, at times, certain of their officials go for conferences and a few of their children for advanced

training. The transfer during the past year of Trust Territory medical and dental trainees to the Central Medical School at Suva, Fiji, will assist in broadening the contacts of Micronesian students with Polynesian and Melanesian students from other territories and thus enlarge the scope of their cultural and political knowledge of the Pacific area.

The Administering Authority, under the *Charter of the United Nations* and the *Trusteeship Agreement* for the Territory, cooperates with the organs of the United Nations in discharging the obligations of trusteeship in the Territory as set forth in those documents. There are at present no programs under way in the Trust Territory organized by the Specialized Agencies. The territory, however, has cooperated through the provision of information to those Specialized Agencies seeking data with regard to the Trust Territory.

International Cooperation (14) (172).

At present the Administering Authority is reviewing the international treaties, conventions, and agreements to which it is a party in order to determine which of these may be considered applicable to the Trust Territory. Although none has been put into effect, many of those which can be applied are being followed in practice. The International Sanitary Conventions and other agreements in the field of Public Health are followed although, again, no organized activities in this field are carried on with other governments or with international organizations. The international narcotic agreements entered into at the Hague International Convention of 1912, the Geneva Convention for the Limitation of the Manufacture of Narcotic Drugs of 1931, and the Protocol signed at Lake Success on December 11, 1946, are being followed. The preliminary study of International Labor Organization conventions and recommendations undertaken by the Administering Authority has indicated that the Administration is complying with the basic intent of these conventions and recommendations. Further study of the question of their application to the Trust Territory is continuing.

International Treaties (13).

(172).

(193).

(150) (197).

Cooperation with neighboring territories and with the metropolitan country and its dependencies is mainly in the fields of scientific investigation, of trade, and of plant and animal quarantine. The agencies of the Pacific Science Board are providing studies in archaeology, anthropology, botany, entomology, geology, sociology, and zoology. The United States Geological Survey is making a geological and geographic survey of portions of the Territory. The Administering Authority has made no arrangements to associate the Trust Territory with other territories administratively or financially. There is no political association between the Trust Territory and the country or possessions of the Administering Authority (T/Pet. 10/5). There is no customs union with the United States nor its dependencies, nor are there any trade or customs agreements with neighboring territories. Diseases of plants and animals are controlled by quarantine measures and regulations approved by the United States Department of Agriculture and included in *Interim Regulation No. 4-48*, Chapter 14. During the past year control of the weed pest lantana has been provided for by *Interim Regulation No. 3-51*. At the present time the Administration is revising the entire quarantine regulatory system.

Cooperation with Neighboring Territories (242).

(245).

(17).

(6) (67) (102).

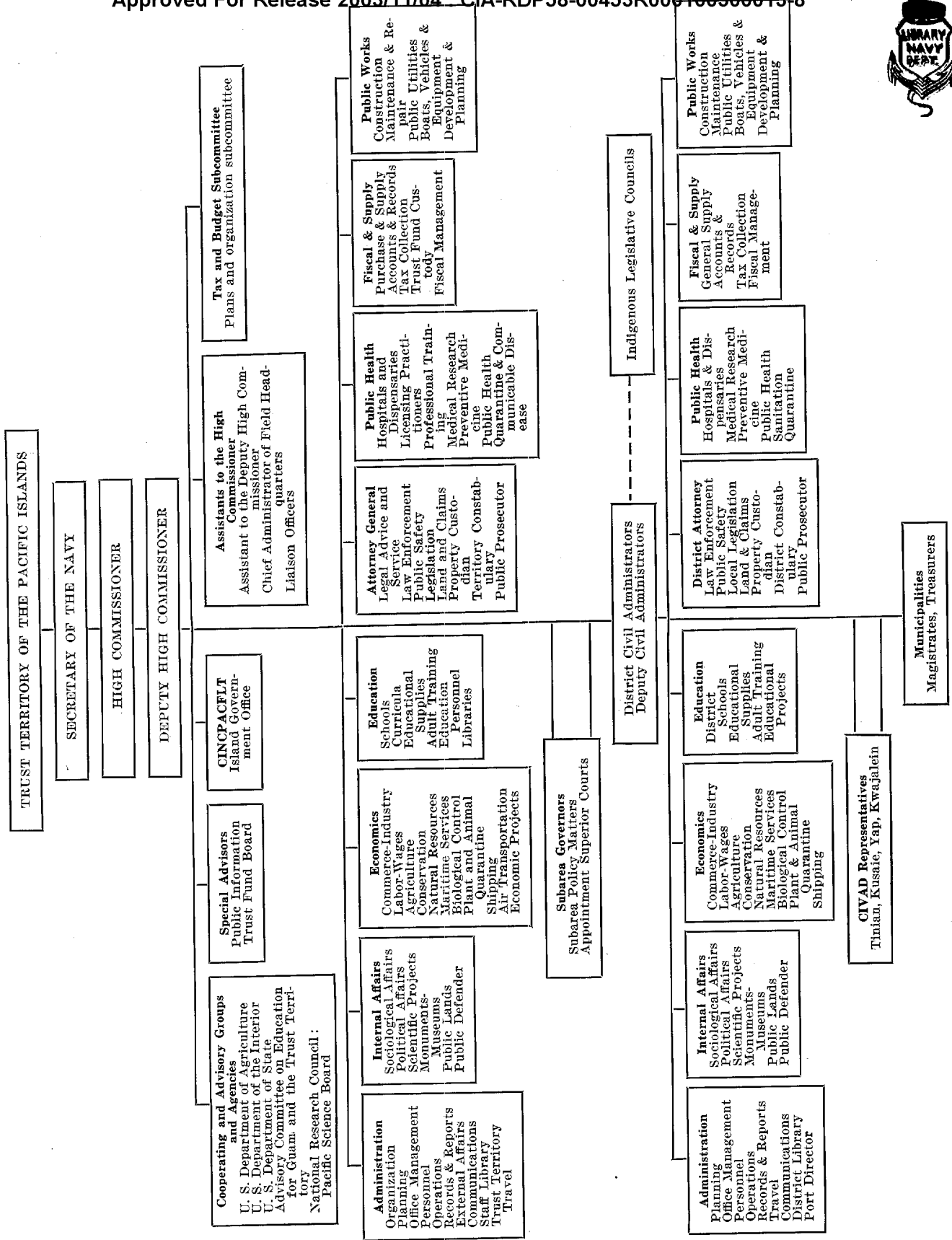
The Administering Authority has a strong interest in the South Pacific Commission, a regional organization sponsored by the various governments having dependent territories in the Pacific south of the equator, and recognizes that many of the problems faced by the non-self-governing territories of the members of this Commission are similar to those of the Trust Territory. Entomological information, especially with respect to the control of the coconut

South Pacific Commission (16).

International Peace
and Security (18).

beetle, has been exchanged between the Trust Territory Administration and the Commission. During the past year a study of possible future Trust Territory participation in the Commission was undertaken, and a representative of the High Commissioner attended the meeting of the Research Council of the South Pacific Commission at Noumea in June.

The *Trusteeship Agreement* provides that the Administering Authority in discharging its obligations under Article 76 (a) and Article 84 of the Charter, shall insure that the Trust Territory play its part in the maintenance of international peace and security. To this end the Administering Authority is entitled to (1) establish naval, military, and air bases and to erect fortifications in the Trust Territory; (2) station and employ armed forces in the Territory; and (3) make use of volunteer forces, facilities, and assistance from the Trust Territory in carrying out its obligations toward the Security Council. Such forces may also be used for local defense and the maintenance of law and order within the Territory itself (*Trusteeship Agreement*, Article 5). Apart from this, the Administering Authority has undertaken no obligations toward the Security Council of the United Nations.



Chapter III

POLITICAL ADVANCEMENT

A. General Administration

All powers of government and jurisdiction in the Trust Territory of the Pacific Islands and over its inhabitants, and final administrative responsibility are vested in the High Commissioner, subject to the direction of the Secretary of the Navy. These powers are exercised by direction of the High Commissioner through subordinate administrators appointed by him. The chief executive officer is the Deputy High Commissioner whose orders are carried out via the Chief of Staff by the heads of the Staff Departments: Administration, Internal Affairs, Economics, Education, Attorney General, Public Health, Fiscal and Supply, and Public Works. The Chief Justice of the Trust Territory, who has cognizance of all judicial matters, is appointed by and is directly responsible to the Secretary of the Navy. (See *Interim Regulation No. 4-48*, Chapter 1, and Chapter 2 as revised by *Interim Regulation No. 3-50*.)

High Commissioner
(7a) (22) (27).

Staff (23).

The headquarters of the Trust Territory Government was originally established at Guam, Mariana Islands, but in October 1949 the Deputy High Commissioner and the majority of the Staff moved to Pearl Harbor, Territory of Hawaii, where the then High Commissioner, in his capacity as Commander in Chief, Pacific, and United States Pacific Fleet, was located. Following the appointment of a civilian High Commissioner, members of his Staff made a survey of possible sites for a headquarters within the Territory. Many factors, however, will determine the choice and until a decision is reached the temporary headquarters will continue to remain at Honolulu. The Chief Justice and the heads of the divisions of Field Social and Scientific Affairs and of Public Health, together with certain technical specialists, remained at Guam until July 1, 1950, when they moved to Truk where the new office of Chief Administrator of Field Headquarters of the Trust Territory of the Pacific Islands was established.

Headquarters.

For administrative purposes, the Trust Territory is divided into four subareas: the Northern Mariana Islands, the Western Caroline Islands, the Eastern Caroline Islands, and the Marshall Islands. Each of the subareas is headed by a governor appointed by the High Commissioner and responsible to him for the administration of the islands of the subarea and their territorial waters (T/Pet. 10/4). The governors function chiefly in the fields of policy control, inspection, logistic support, and coordination between the Civil Administration Unit and other activities of the area. Headquarters of the subareas are at Saipan in the Northern Marianas, Koror in the Western Carolines, Ponape in the Eastern Carolines, and Kwajalein in the Marshalls. (See *Interim Regulation No. 4-48*, Chapter 3.)

Sub-Areas (7a)
(22) (27).

The Territory is also divided into five Civil Administrative Districts: Saipan in the Northern Marianas, Palau in the Western Carolines, Truk and Ponape in the Eastern Carolines, and the Marshall Islands. Each District is headed by a Civil Administrator who is appointed by the High Commissioner and is responsible to him for the proper administration of the District. The

Civil Administrative
Districts (7a) (22) (27).

Civil Administrators of the Palau and Ponape Districts are also the Governors of the Western and Eastern Carolines subareas, respectively. The District headquarters are located at Saipan, Koror, Truk, Ponape, and Majuro. In four of the Districts representatives of the Civil Administrators are located on islands at some distance from the headquarters: Tinian in the Northern Marianas, Yap in the Western Carolines, Kusaie in the Eastern Carolines, and Kwajalein in the Marshalls.

Staff.

The Civil Administrator and his Staff constitute a Civil Administration Unit which is divided into seven departments: Operations, Political Affairs, Economics, Public Works, Public Health, Finance and Supply, and Education. The Civil Administrator publishes the regulations of the High Commissioner and implements them by orders on local affairs. All matters relating to native affairs are a distinct responsibility of the Civil Administrator. (See *Interim Regulation No. 4-48*, Chapter 4.)

Personnel (27).

The initial assumption of responsibility for the administration of the Trust Territory involved assignments for which the United States Navy at that time had few officers specifically qualified. Since most of the military government officers had been released shortly after the surrender, a School of Naval Administration (SONA) was established at Stanford University early in 1946 and officers were sent there for five months' intensive preparation for island civil administration. In September 1948, SONA was moved to the Naval General Line School at Monterey, California.

Training (27).

The school's curriculum was based on a careful compilation of information submitted by existing military government units in the field and of historical and anthropological studies which had been made of similar peoples. This material was meager at the outset but reports, correspondence, and the results of investigations and surveys were gradually made available to the school and each of these was studied thoroughly in order to develop proper background and philosophies of administration. Instruction was given each officer in the following subjects:

- The Islands as a Setting for Administration.
- Island Populations.
- History and Government.
- Comparative Colonial Administration.
- Naval Administration.
- International Law and Organization.
- Role of the Islands in Basic and World Politics.
- Social Conditions and Problems.
- Economic Conditions and Problems.
- Political Conditions and Problems.
- Health Conditions and Problems.
- Education and Public Opinion.
- Language Learning.
- Technique of Investigation and Administration.

(27).

Approximately 300 officers were trained at the school before its discontinuance in August 1949. The results of this training have been apparent throughout the period of the Navy's administration of the Trust Territory. The officers went into the field better equipped, in general, to understand the social and economic implications of native cultures and to cope with the problems inherent in the administration of a people who had but few contacts

with the modern world. (See Statistical Appendix No. II for data concerning administrative positions.)

The Administering Authority has consistently fostered the political advancement of the inhabitants. There are two endemic institutions, widespread throughout the Territory, which influence the development of self-government: first, the strong tradition of hereditary class structure in native societies, based upon rule by hereditary chiefs; second, the council, instituted within the native cultures and consisting usually of family heads or elders. These councils often function as sounding boards of public opinion and by their deliberations limit the executive powers of the chiefs.

Indigenous Political
Institutions (7) (26).

At the present time, self-government has reached its greatest development in the municipalities; there the local administration is based upon the indigenous governmental system of the inhabitants. Through education and civil guidance by administration officials based at this local level, the people are being taught the rights and obligations of democratic government. No pressure has been used to force the people to discard their customs in favor of modern western institutions since it is believed that only confusion and social disintegration will result if the indigenes are required to adopt foreign practices without proper preparation. Rather, certain functions have been assigned to the local governments and, through instruction in the rights and obligations of citizens of a democracy, a gradual evolution toward a more democratic form of indigenous government is taking place (T/Pet. 10/7). During the past three years an increasing number of municipalities have begun to choose their local officials through electoral processes.

Municipalities (7) (21)
(26) (27).

The plan for self-government on the municipal level is based upon the concept that a minimal number of officials should be required and that the authority and duties of the municipalities should be simply but precisely defined. Accordingly, each municipality designates a minimum of two officers: an executive head, usually called the Magistrate, and a Treasurer. A Community Court judge may be appointed by the Civil Administrator or elected, or the Magistrate may function in the capacity of judge. Frequently a council of elders serves as an advisory body to the Magistrate. The Magistrate and the Treasurer may be paid by the municipality, but whether or not they receive salaries, and the amounts of such salaries paid, depend upon the wishes of the community. The municipalities have the responsibility for local enforcement of territorial and district laws, particularly with regard to sanitation and education; they are empowered to make local rules, to set up a budget, and levy, collect, and expend local taxes; and they are required to keep records on matters of municipal finance and vital statistics.

(7) (26) (27).

At the present time there are a total of 116 municipalities in the Trust Territory. A certain number of communities in isolated island groups which are designated as municipalities are very loosely organized; there the inhabitants have designated their hereditary chiefs as Magistrates and community life proceeds according to old, established patterns, except that the Magistrate collects certain authorized taxes to pay the municipal officials. This is particularly true of the eleven islands and atolls south and east of Yap, in the Palau District.

(26).

Municipal officers are designated in one of three ways: where the people prefer to acknowledge the hereditary rights of a chief they do so and the chief is recognized as Magistrate by the Administration; in some few instances officers are appointed by the Administration after consultation with community

(76) (24) 26).

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chiefs and elders; in a continually increasing number of instances, municipal officials are elected by popular vote with a secret ballot. During the past year 13 additional municipalities chose to elect their magistrates. The following tabulation shows the number of incumbent magistrates and the means by which they are selected:

District	Elected	Appointed	Hereditary	Total
Saipan.....	3	2	0	5
Palau.....	25	1	11	37
Truk.....	24	7	8	39
Ponape.....	5	5	1	11
Marshall Islands.....	24	0	0	24
Total.....	81	15	20	116

Regional Government
(7) (21) (24) (26) (27).

On the regional or district level, advances in the field of self-government are being made, although they are proceeding more slowly than on the municipal level. Factors which have to be overcome to develop regional or district government by the native inhabitants stem from the ethnocentricity of the people themselves, a situation which is derived from their linguistic and cultural differences and their lack of communication. The greatest progress in regional self-government has been made in the Palaus where the Palau Congress has functioned as an advisory body on island affairs since July 4, 1947. This Congress is composed of the 16 district magistrates and Congressmen elected for a 2-year term from each municipality on a representative basis (1 from a municipality of less than 200 people, 2 where the population ranges from 200 to 499, and 3 from municipalities counting more than 500 persons). The inclusion of both hereditary and elective members has met with the approval of all sectors of the population and has liberalized the former hereditary authority of the chiefs. It is noteworthy that the Palau Congress contains two elected Congresswomen (T/Pet. 10/3). This Congress meets once a year and remains in session until the business at hand is completed. It has discussed taxes, the prohibition of intoxicating liquors, qualifications for legal residence, preventive measures for control of the coconut beetle, and the formation of a wholesale cooperative trading company.

Palau.

Yap (21) (26) (140).

In Yap, a more conservative community, the Chief's Council has been supplemented and liberalized by the formation of a "Young Men's Council," consisting of representatives elected by the young men's groups, which sits either separately or with the Council of Chiefs to discuss the problems of the island. The governmental experience thus gained by these young men is preparing them for future assumption of political leadership and is broadening their knowledge of democratic principles.

(140).

In the Western Carolines the "Seinen-dan" (young people's groups originally organized under Japanese administration) have been revived by the indigenes. These organizations, while organized for the purpose of promoting public works projects, social and sports events, have in a few instances indicated an interest in political affairs.

Marshalls (7) (21) (26).

The first organized session of the Marshallese Congress convened July 4, 1950, at Majuro and remained in session for 10 days. The Congress has been established as an advisory body to the Civil Administrator of the Marshall

Islands District in order that the Marshallese people may express their desires on matters affecting the laws and government of their islands. It is composed of two houses, the House of Iroij and the House of Assembly. The House of Iroij consists of all persons holding the position of Iroij laplap (paramount chief) in accordance with the traditions, usages, and customs of the Marshallese people. Three women are members of the House of Iroij. Members of the House of Assembly are representatives of each municipality who have been elected by the people. Representation in the House of Assembly is in proportion to population on the basis of 1 representative for populations less than 600, 2 representatives for populations of over 600 but less than 1,000, and 3 representatives for municipalities whose population is in excess of 1,000. A second session of the Congress has been called for August 1951.

During its first session the Congress discussed and formulated its views on such matters as the formation of an indigenous trading association, greater support of the schools, replanting of war damaged areas, taxation, improvements in sanitation, prohibition of intoxicating liquors, settlement of land claims, and encouragement of interest in the proceedings of the Congress.

The people of the Northern Marianas have indicated their desire to form a governmental body for the Saipan District, and early in 1950 they submitted a proposed charter for the consideration of the Administration. This charter provided for a Congress which would be the full organ of government for the area. Since it is the policy of the Administration to encourage a gradual development of democratic processes, the abrupt assumption of such broad powers of government for the indigenous inhabitants would overtax their present political capacity. At the present time the Saipanese are considering a revised charter which provides initially for a Congress with advisory powers.

Saipan (7) (21) (26).

In the Truk District, a premature attempt to establish a unified political structure for the Truk Atoll, initiated during military government days, proved unsuccessful because the Trukeese were not prepared to cope with the complexities of centralized government. It was found necessary to discard this artificial atoll organization and to restore to the communities their individual responsibilities and rights. In June 1951 the 39 Truk municipalities were working efficiently and well, but the prospects of a District-wide political organization will have to be held in abeyance until such time as the community leaders have a broader understanding of democratic governmental responsibilities.

Truk (7) (21) (26).

The Provisional Ponape Congress met for the first time at Kolonia, Ponape, from March 12 to 14, 1951. The delegates to the Congress adopted several resolutions expressing their desires concerning the organization of the permanent form of the Congress and requested the High Commissioner to prepare a charter which would incorporate these resolutions. The charter was drawn up in accordance with the resolutions of the delegates and the suggestions of the District Anthropologist who had conducted studies specifically for this purpose. At present, the Provisional Congress is discussing the suggested charter.

Ponape (7) (21) (26).

These regional organizations are affording an opportunity for the inhabitants of each District to become acquainted with the problems of their immediate area. Thus far, they have been given only advisory powers, but as the people master the techniques and procedures of legislation the Congresses will be accorded more authority.

Powers (7) (21).

Territorial
Government (21).

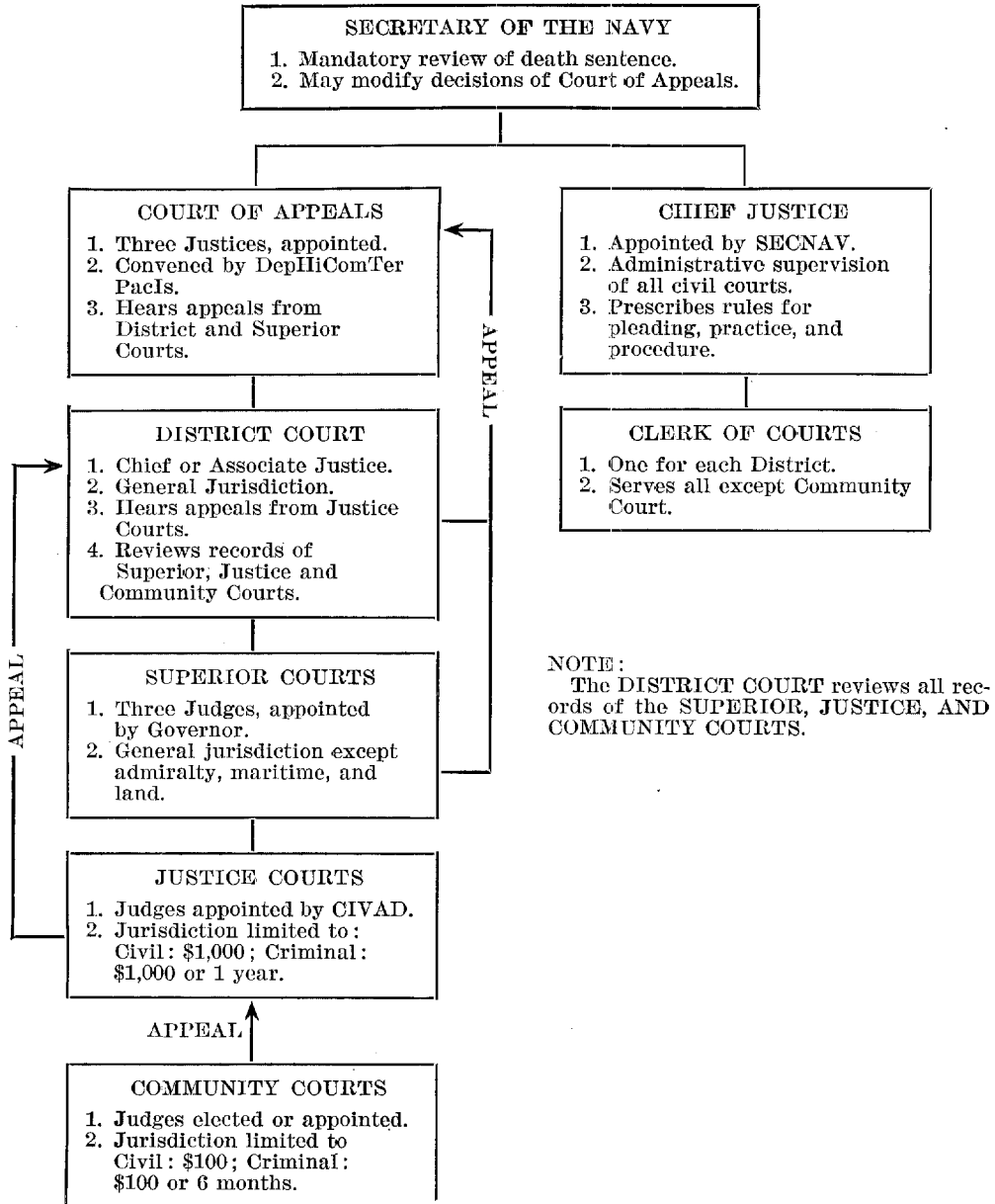
Legislative Advisory
Committee (7) (21) (26).

Contact with
Outlying Areas.

A Territory-wide legislative body is included in the long-range plans of the Administration but problems of transportation, communication, and, even more important, the problem of ethnocentricity, must be solved before the plan can be carried out effectively. A preliminary step in the establishment of such a legislative body has been the formation of the Legislative Advisory Committee. This group consists of five members appointed by the High Commissioner from among the heads of the Staff Departments. Their duties consist of drafting regulations, processing laws, and studying legislation. As soon as practicable the Committee will be augmented by the addition of indigenous members who, it is hoped, will in time entirely replace the Staff Members and develop and carry out legislative proposals for the Trust Territory as a whole.

Contact with the areas of the Territory which are at a distance from the District Headquarters is maintained by regularly scheduled field trips. Each inhabited island is visited at least once every three months by Administration personnel. In addition to the regularly scheduled field trips to the outlying islands, the Administration during the past year initiated administrative-medical field team trips. The first was organized at Truk in November 1950 and spent 30 days visiting Woleai and Lamotrek; the second trip was organized at Truk in January 1951 and spent 65 days investigating conditions in the Mortlock Islands. Field trip personnel consisted of members of the Staffs of the Field Administrator of the Trust Territory and of the Civil Administrator, Truk: the educational administrator, the medical officer, the dental officer, an anthropologist, an entomologist, an agriculturist, a handicraft expert representing the Island Trading Company, a chief hospitalman, an indigenous medical assistant, and a radio man. The length of time allotted the trips enabled the personnel to make a more thorough study of several aspects of island life than has been possible on the usual field trips. At the end of the Mortlock trip, a two-day conference of the administration personnel and the chiefs, secretaries, and teachers from seven of the islands was held at Lukunor to discuss the problems of the people and to advise in their solution. The information gathered and the on-the-spot assistance rendered was of great value to both the Administration and the indigenes. It is planned to conduct such field surveys throughout the entire area of the Trust Territory.

COURT STRUCTURE OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS



B. Judicial Organization

Under the terms of the *Trusteeship Agreement*, the Administering Authority is given full powers of jurisdiction over the Territory subject to the provisions of the *Agreement*.

Judicial Administration
(7) (28).

The Chief Justice of the Trust Territory of the Pacific Islands is appointed by and is responsible to the Secretary of the Navy. He has administrative supervision over all Civil Administration Courts and may make rules for their procedure. A Clerk of Courts for each District and other necessary court officers are appointed by him. The Associate Justice for the Trust Territory is appointed by the High Commissioner. Both the Chief Justice and Associate Justice are nonindigenous personnel.

Officials.

The judicial organization of the Trust Territory is set forth in *Interim Regulation No. 1-49*; the criminal code in *Interim Regulations No. 5-48* and *No. 2-50*; criminal procedures in *Interim Regulation No. 2-51*; the judicial code and law enforcement in *Interim Regulation No. 8-51*. These have been drawn up in accordance with the *Charter of the United Nations* which provides for the just treatment of the people, their protection against abuses (Article 73), and the encouragement of respect for human rights and for fundamental freedoms for all (Article 76).

Judicial Organization
(7) (28).

The Civil Administration Courts are (1) The Court of Appeals, (2) the District Court, (3) the Superior Court, (4) the Justice Court, and (5) the Community Court. All people in the Trust Territory, regardless of race, sex, or nationality, are subject to the same laws and are guaranteed equal treatment through the courts, in the administration of justice.

Courts (28) (29) (34)
(146).

The Court of Appeals is convened by the Deputy High Commissioner and consists of at least three persons including the Chief Justice unless he is disqualified or not available. Its jurisdiction extends to the whole or any part of the Trust Territory and it is competent to try all civil or criminal cases on appeal from the District Court or Superior Court. Its members may be indigenous or nonindigenous.

Court of Appeals.

The District Court has jurisdiction over the whole of the Trust Territory. It holds sessions in each Civil Administration District and is presided over by the Chief Justice, Associate Justice, or any other member of the Court of Appeals who is employed primarily for judicial duties. The District Court is competent (1) to try originally all proceedings, civil or criminal, at law or in equity; (2) to try all civil or criminal cases on appeal from justice courts.

District Court.

Superior Courts have jurisdiction over the whole of the Civil Administration Sub-Area in which they are located. A Superior Court is convened by the Governor of the Sub-Area and consists of one or more persons, at least one of whom shall be an officer or employee of Civil Administration. This Court can try (1) all civil cases beyond the limitations of Justice or Community courts; (2) all criminal offenses against civil administration or generally recognized native customs beyond the limitations of the lower courts and for which any lawful punishment may be given.

Superior Courts.

Justice Courts have jurisdiction over the whole or any part of the Civil Administration District in which they are located. A Justice Court is convened by the Civil Administrator of the District and consists of one or more persons. The Justice Court has power to try (1) all civil cases beyond the limitations of Community Courts where the amount at issue does not exceed \$1,000; (2) all criminal offenses against Civil Administration or generally recognized

Justice Courts.

native customs beyond the limitations of Community Courts, the lawful punishment for which does not exceed a fine of \$1,000 or 1 year imprisonment or both; (3) all civil or criminal cases on appeal from Community Courts.

Community Courts.

Community Courts have jurisdiction over the indigenous inhabitants of the community in which they are located. A Community Court consists of one or more judges appointed or elected. Community Courts are competent to try (1) all civil cases where the amount at issue does not exceed \$100; (2) all criminal offenses against Civil Administration or generally recognized native customs, the lawful punishment for which does not exceed a fine of \$100 or 6 months' imprisonment or both.

**Indigenous Participation
(29) (32) (33).**

The indigenous inhabitants of the Trust Territory have taken an increasing part in the judicial system since its inception. The Administering Authority has constantly emphasized that the islanders should be utilized in the Civil Administration court system to the maximum degree consistent with proper administration (*Interim Regulation No. 1-49*, Article IV, Section 6). All elements of the population are entitled to participate and officiate in the courts. At the present time indigenous personnel are members of all types of courts but the District Court and the Court of Appeals. Community Courts are composed exclusively of indigenes and the Civil Administrators can and do constitute Justice Courts of qualified indigenous personnel who are willing to serve as members. As of June 30, 1951, there were: 105 Community Courts with 127 indigenous judges; 6 Justice Courts with 7 indigenous and 5 nonindigenous judges; 4 Superior Courts with a total of 8 indigenous and 1 nonindigenous judges. Indigenous personnel also serve as clerks and assessors in all courts. The District Court and Community Courts can inflict punishment for violations of unwritten but generally recognized local customary law. Such sentences are carried out in the same manner as those given for violation of written law.

Judges (29).

The Civil Administrator appoints the Community Court judges who are not elected and the Justice Court judges. The Governor appoints the Superior Court judges. Judges hold office at the pleasure of the Civil Administration official by whom they are appointed. In some localities, especially on the smaller islands, the local head men or chiefs serve as both Magistrates and Community Court judges. It is the policy of the Administering Authority, however, to separate judicial from administrative and legislative functions as soon as a sufficient number of capable indigenous personnel is available to fill all positions.

Law and Order (20).

The maintenance of law and order is one of the minor problems in the Trust Territory. There has never been an instance of collective violence or disorder involving indigenous inhabitants. Serious crime is rare and offenses mostly of a minor nature. (See Statistical Appendix No. III A.) If a crime or offense is committed, the Bill of Rights governs the power to arrest and guarantees the protection of arrested persons. The recently promulgated *Interim Regulation No. 2-51* on criminal procedures sets forth the regulations concerning arrest and the disposition of arrested persons. The Criminal Code declares false arrest a crime and provides penalties therefor.

Arrest (144).

Criminal Code.

The Criminal Code for the Trust Territory of the Pacific Islands is set forth in *Interim Regulations No. 5-48* and *No. 2-50* and in District orders and ordinances. In conformance with the general policy of the Administering Authority stated in the *Trusteeship Agreement*, native customs are recognized by the Criminal Code and by the courts in all instances except where such

**Recognition of Local
Law (31).**

customs might lead to a serious miscarriage of justice, to a violation of the basic rights of the individual or of the *Trusteeship Agreement* or of Civil Administration enactments, or to a situation endangering public health or morals. During the past year new rules of criminal procedures were promulgated as *Interim Regulation No. 2-51* and have replaced the procedures established by military government directives and modified by earlier *Interim Regulations*.

Two *Interim Regulations* promulgated during this reporting period have added to the clarification of Trust Territory law. *Interim Regulation No. 1-51* sets forth the law regarding divorces, annulments, and adoption in addition to authorized custom in any part of the Territory. *Interim Regulation No. 4-51* states the regulations for equipment and operation of motor vehicles and the penalties provided for nonconformance with the law.

Court procedure is provided for in *Interim Regulation No. 1-49*. All court proceedings are public unless otherwise ordered by the court. The defendant is entitled to have a copy of the charges upon which he is to be tried; to consult counsel before the trial and to be represented at the trial by counsel of his own choosing; to have witnesses; to give evidence in his own behalf; and to have the proceedings translated for his benefit if he is unable to understand them. The official language of the lower courts which are presided over by indigenous personnel is the language of the area; the language of the higher courts is English. Interpreters are always used when necessary. Rules of pleading, practice, and procedure are issued by the Chief Justice; local courts may make their own rules where not covered by the general rules. Trial is by judge or judges. There is no trial by jury in the Trust Territory.

Court Procedure (30).

Language (28).

(30).

The position of Public Defender and Counselor was established in September 1950 under the administrative supervision of the Director of Internal Affairs. An experienced lawyer was appointed to the post and his headquarters was established at Truk. As Public Defender, he protects the legal rights of all inhabitants of the Trust Territory and defends the accused in criminal actions involving serious punishments by preparing their defenses and representing their interests at trials. As Counselor, he advises the inhabitants in civil matters of a legal nature, rendering the necessary legal aid and representing them in civil actions. The islanders have eagerly accepted and utilized these services.

Public Defender and Counselor (21) (30).

Penalties for crime are provided for in the Criminal Code (*Interim Regulation No. 5-48*). Penalties imposed are usually restricted to fines or imprisonment. However, the Court of Appeals, the District Court, or the Superior Court may issue orders as to residence in lieu of or in addition to any other lawful punishment (*Interim Regulation No. 1-49*, Article IX, Section 3). By *Interim Regulation No. 6-51*, issued in the spring of 1951, the Civil Administrators and Civil Administration Representatives are authorized and empowered to order any person not a permanent resident of a municipality or island of the District and whose presence there is prejudicial to the public health, safety, or morals of the residents, to leave that municipality or island and not return for a stated period not exceeding one year. All such orders restricting residence are reviewed by the High Commissioner. In the case of murder in the first degree, the death penalty may be imposed. A maximum penalty is specified for each type of offense and the matter of imposing a lesser sentence is discretionary with the court. There is no corporal punishment nor deportation nor any confinement at a long distance or outside of the Territory. All penalties are applicable equally to indigenous and nonindigenous personnel.

Penalties (213).

(212).

(213).

Juvenile Delinquency
(209).

Major juvenile delinquency problems do not exist in the Trust Territory and the question of imprisonment of juveniles seldom arises. Although the law provides that an offender 16 years of age or over may be treated as an adult if the court decides that such treatment is justified, most cases involving offenders under 18 years of age are handled in a flexible manner. Procedure is based upon the accepted practice of juvenile courts of the United States and includes, insofar as possible, a report by a welfare or probation officer in advance of trial; an informal hearing in closed session; interrogations of parents or guardians and release in their custody if appropriate; detention, when necessary, apart from adult offenders (*Interim Regulation No. 2-51*, Chapter VII, Article 52).

Constabulary (19).

Responsibility for law enforcement and public safety in the Trust Territory is a District or local affair. The only active law enforcement agency in the area is the Central Pacific Insular Constabulary, a unit of which is located at each of the Civil Administration Headquarters. Members are selected from volunteers, indigenous to the District where they are employed. The Insular Constabulary was organized in 1946 to maintain law and order in the occupied mandated islands and has been continued under the Trust Territory administration. The Constabulary also carries out the public safety program and does the fire fighting. Additional provisions for public safety were promulgated during the past year in *Interim Regulation No. 4-51*, "Motor Vehicle Act," and *Interim Regulation No. 5-51*, "Control of Fires."

Law Enforcement.

Public Safety.

The general supervision of the Constabulary is a responsibility of the Attorney General of the Trust Territory. Each District Constabulary Unit operates under the direct supervision of the Civil Administrator of the District through the Public Safety Officer and a United States Marine Corps noncommissioned officer who acts as Chief of Police and Police Training Officer. The Marine noncommissioned officer is the only nonindigenous person in a District engaged in police work.

(207).

The sizes of the units vary according to the population of the District and to the duties involved. No difficulty is experienced in keeping the forces up to strength because members of the constabulary invariably enjoy high prestige in their community.

(207).

Each unit headquarters consists of a police station, a jail, a fire station, and barracks for the Constabulary. The members whose homes are at some distance live in the area and when not performing actual police duties are trained in English, law, police methods, fire fighting, military drill, and military courtesies. A typical organization is that of the Palau District where on June 30, 1951, the Constabulary force consisted of two technical sergeants, four staff sergeants, six sergeants, six corporals, and seven privates first class. Twenty-four of the members were stationed at the Civil Administration Headquarters at Koror; one was on duty at Peleliu. As of June 30, 1951, the other District Constabulary Units had the following membership: Saipan 25, Truk 46, Ponape 33, Marshall Islands 21.

Constabulary School
(207).

During the past year plans for extension of training of indigenous leaders included a reorganization of the Insular Constabulary along civil police lines. To accomplish this the High Commissioner established the Central Pacific Insular Constabulary Training School at Truk for outstanding Constabulary members. Three classes, each of six weeks duration, were held in the spring of 1951 and each District Constabulary Unit was represented by three of its members.

The course was conducted by a United States Marine Corps warrant officer and two sergeants, all of whom had civil police experience. During the first week, general indoctrination acquainted the student with the mission of the school and the scope of the subjects to be studied. The next four weeks' study covered all phases of police work applicable to the type of constabulary needed for the Trust Territory, including crime prevention, detection, and prosecution; prison administration; motor vehicle and identification procedure; juvenile delinquency; and civic problems. During the final week the students worked out police problems applicable to their own locality by applying lessons taught in the preceding weeks. Throughout the training period emphasis was laid on the teaching of English and the maintenance of a high degree of physical fitness and self-reliance. At the close of the course each student received a certificate of accomplishment.

During the existence of the school, the officer in charge conducted a study of the present organization of the Constabulary and of the penal system of the Trust Territory. On the basis of that study and contact with local problems as presented by individual Constabulary members, he recommended a standard organization and table of arms and equipment for the Constabulary and suggested certain changes in the penal system.

The withdrawal of the United States Marine Corps personnel from the Trust Territory, in connection with the transfer of administration to a civilian agency at the close of the year, necessitated provision for continuing law enforcement. *Interim Regulation No. 8-51*, "Judicial Code and Law Enforcement," promulgated on May 28, 1951, established the offices of Sheriff and Deputy Sheriffs for each District of the Territory and stated their responsibilities for implementing the Judicial Code. Sheriffs are appointed by and are responsible to the High Commissioner through the Civil Administrators. Their duties and responsibilities involve law enforcement, acting as head of the police force and of the territorial prisons and jails, service and execution of processes, and attendance upon courts. Deputy Sheriffs are appointed by the Civil Administrators and, acting under the direction of the Sheriff of the District, assist him in the execution of his duties. (207).

The completion of the new prisons at Saipan and Koror, as reported last year, and the continuing improvement of jails throughout the Territory, provide suitable facilities for prisoners. The jails are clean, light, and airy with sufficient area to allow for comfortable movement. The sleeping space per prisoner averages approximately 600 cubic feet. Adequate provision is made for the separation of women prisoners. (See Statistical Appendix No. III B.) Sanitary facilities, typical to the area, are available. Medical facilities of the Civil Administration Unit are available to the prisoners and periodic medical inspections of the jails are made and their condition reported to the Civil Administrator. Basic foods provided are the same as those served in indigenous messes. Additional foods are made available from prison or Civil Administration farms or are brought by visiting relatives. Facilities are provided for their preparation. (See Statistical Appendix No. III C.) Jails (208).

Vicious criminal types are almost nonexistent and classification of prisoners is not considered necessary. Very few women have been imprisoned, and then usually for short periods. When imprisoned, women are housed in separate rooms or buildings. (208).

No prison legislation has been passed during this year. (214).

Prison Discipline (216)
(210) (211).

Prison discipline is not severe; no extreme or unusual punishments are imposed. Prisoners are expected to perform work in keeping with their physical condition and ability, regardless of length of sentence or type of crime for which imprisoned. Prison labor is usually utilized beyond the confines of the jail and in such tasks as road construction and repair, maintenance of Civil Administration Units, janitorial duties, and gardening. The prisoners work eight hours a day except Sunday and although treated with consideration, receive no direct remuneration. After working hours, if conditions permit, they may do outside work for pay.

(217).

Rehabilitation of Prisoners (208) (217).

Rehabilitation of prisoners is receiving increasing attention from the Civil Administration. At present, educational facilities in the form of handicraft, woodworking, and native crafts are provided and any income derived from this activity is used for the benefit of the prisoners. At Koror, the Education Department conducts an evening school for the prisoners.

Pardon and Parole (217).

In certain instances prisoners may be pardoned or released by the High Commissioner prior to the expiration of their sentence. Pardon or parole may be granted also by the Governor of a Sub-Area in cases of misdemeanor and by the Civil Administrator of a District in cases where the offense is punishable by not more than 6 months' imprisonment or \$100 fine. The only procedure required for consideration of a request for pardon or parole is the presentation of an informal petition. Each case is considered on its merits. In the past, several cases of parole have been handled and in each case the Civil Administrator concerned took an active interest in procuring the requested consideration. (See *Report on Trust Territory of the Pacific Islands For Year Ending June 30, 1950*, Documentary Supplement No. III.)

Probation (218).

No system of probation is prescribed by law. However, the Civil Administrator, the District Attorney, and the Municipal Magistrates of the area in which the prisoner is granted freedom exercise constant supervision to insure his good conduct and compliance with any conditions that may have been attached to his release.

Chapter IV

ECONOMIC ADVANCEMENT

A. Industry, Trade, and Commerce

The economic situation of the Trust Territory has improved considerably during the past year but as yet the primary aim of the Administering Authority to create a self-sustaining economy is far from fulfillment. The economic betterment evident during the year has been due mainly to the increased production of copra, the main export of the Territory, and the high price which this commodity brought in the 1950 and early 1951 world market. However, under the most favorable circumstances the islands can never be rich because the meagerness of their natural resources precludes anything but a subsistence economy. **General Economic Situation (35).**

The people themselves lack the training and capital to develop, spontaneously, additional sources of revenue and methods of diversifying their economy. The area is still suffering from the dislocations and destruction of World War II and rehabilitation continues to be a necessary objective of the economic policy. The cost of modern administrative and social services, the introduction of which the Administering Authority considers at this time to be an important responsibility of its trusteeship, will further retard the realization of financial self-sufficiency for many years to come. The continued efforts of the Administering Authority to diversify the agricultural, industrial, and commercial life of the area have been assisted by the enthusiastic cooperation of the inhabitants. **(40).**

Economic affairs for the Trust Territory are under the general direction of the Director of Economics on the staff of the High Commissioner (*Interim Regulation No. 4-48*, chs. 2 and 13). Assistance in economic planning is given also by the Economist employed by the Island Trading Company and by the Director of Internal Affairs. One officer on the Staff of each Civil Administrator is assigned to the immediate responsibility for the economic welfare of each District (*Interim Regulation No. 4-48*, ch. 4). To date the Administering Authority has not sought assistance from international economic agencies but has employed many scientific and technical experts. The recommendations resulting from their investigations have proved of practical value in formulating policies. **Administration (39).**

The amount of private indigenous capital available to foster economic advancement in the Trust Territory is negligible. A few nonindigenous businesses established prior to the present Administration and registered locally have investments in the Territory totaling \$48,700. This is an increase of \$22,893 over their previous year's investments. Considerable Administration funds are spent yearly in research, survey, and experimental projects. During the past year these amounted to approximately \$93,000. The largest amount of capital for investment, however, is furnished by the Island Trading Company of Micronesia which to date has set aside \$250,000 for subsidies, loans, and credit to local enterprises. By the close of the fiscal year 1951, more than four-fifths of this money had been obligated for specific programs. **Capital for Investment (36) (39) (57) (111) (112).**

Nonindigenous Economic Activity (41).

(79) (80).

(44) (45).

(41) (42) (112).

(37).

Natural Resources (88).

Land Distribution.

Nonindigenous private enterprise is permitted in the Territory only to perform desirable economic functions beyond the present ability of the people, and then only under such conditions as will result in maximum benefit to the inhabitants. Long-term leases and monopolies have been discouraged and any proposition which might lead to permanent economic activity in the area by a nonindigenous group has been disapproved. The Island Trading Company of Micronesia cannot be considered a nonindigenous enterprise inasmuch as it is an Administration-sponsored project and acts as the principal economic arm of the Trust Territory Government itself.

Nationals of members of the United Nations other than the Administering Authority are allowed to engage in business in the Trust Territory under the same conditions which regulate nationals of the Administering Authority. At the present time four such licenses have been granted: one to a Russian restaurant operator on Yap; one to a Czechoslovakian retailer on Ponape; and two to Belgian wholesalers on Ponape. These foreign nationals have been in the Trust Territory for many years.

One alien syndicate is engaged in business in the Territory. A Japanese company is working the phosphate deposits on the island of Angaur under the direction of the Supreme Commander for the Allied Powers and by agreement between SCAP, the High Commissioner of the Trust Territory, and the indigenous population concerned. Operations are carried on under controlled conditions which insure the greatest benefits to the Angaurese.

The basic obstacle to immediate development of a self-sufficient economy in the Trust Territory is the paucity of its natural resources. Years of neglect and destruction occasioned by war debilitated the resources which did exist so that even a subsistence economy had ceased to be possible in the islands at the time of their occupation by the Administering Authority. The dry-land area itself is minute in relation to the extensive ocean area in which the Territory is situated. The following table shows the distribution of types of land:

Islands	Number of Islands	Lagoon Area	Dry-land Area	Distribution Percentages				
				Arable ¹	Forest	Pasture	Mineral	Waste ²
	<i>Square miles</i>	<i>Square miles</i>	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>	<i>Percent</i>
Marshall Islands	1, 156	4, 506	70	70	5	5	Nil	20
Caroline Islands	963	3, 291	463					
Western				28	10	20	2	40
Eastern				40	20	30	Nil	10
Mariana Islands	22	Nil	154	45	15	20	Nil	20

¹ Arable land is that which can be cultivated by local methods.

² Waste land includes low lands and mangrove swamps, high mountains, and inaccessible areas.

Conservation Programs (37) (38) (39) (81) (82) (245).

The Administration has consistently sought ways to conserve and develop the economic potential of the area. Conservation programs are aimed at continuing productivity of renewable resources and judicious use of nonrenewable ones, and are in conformance with the recommendations of the Conservation Committee for Micronesia, an advisory group of scientists organized by the Pacific Science Board to render technical advice to the High Commissioner. Development programs are in accordance with the general policy of the Administration to create a self-sustaining economy and have been aided both technically and financially by the United States Commercial Company, the United States Geological Survey, the United States Department of Agriculture, the

Pacific Science Board, the Office of Naval Research, and the Island Trading Company of Micronesia.

An extensive economic survey of the Trust Territory of the Pacific Islands was undertaken by the United States Commercial Company immediately after the close of World War II. More recent surveys by the United States Geological Survey have contributed additional essential data on the Northern Marianas and the Western Carolines for a comprehensive estimate of the situation. Specific conservation studies have included the findings of a geological and hydrological survey of Angaur; an ecological survey of Arno Atoll; studies of soils, erosion, and agricultural pests, and of forest, mineral, and marine resources. The results of these surveys and of a Territory-wide conservation study made in 1950 by an expert loaned by the Department of Agriculture have been implemented by soil management and land reclamation projects; plans for preservation of native fauna and flora in parks, preserves, and sanctuaries; control of insect pests; protection of ground water in the mining operations at Angaur (*Angaur Phosphate Agreement*); and promulgation of *Interim Regulations* for the conservation of trochus (No. 2-48) and of fish and shell fish (No. 3-49), for the control of the weed pest lantana (*Lantana Camara*) (No. 3-51), and for the control of fires (No. 5-51). (243).

The conservation program is partly financed by the proceeds of the processing tax on Angaur phosphate paid into the Trust Territory Treasury and designated the "Conservation Fund of the Trust Territory of the Pacific Islands." As of June 30, 1951, this fund amounted to \$59,150.81. (82).

The Pacific Science Board was established in 1946 as an agency of the National Research Council to aid and coordinate scientific investigations in the Pacific area and to advise governmental agencies on scientific matters pertaining to the Pacific. It has cooperated with the Administration of the Trust Territory through the Conservation Committee for Micronesia, the Scientific Investigation of Micronesia program (SIM), and the Invertebrate Consultants Committee for the Pacific (ICCP). These programs have involved not only research but applied aspects of science which are of direct benefit to the island peoples and their economy. The Board's field program in the Trust Territory is dependent for its principal financial support on the Office of Naval Research and for its logistic support on United States Naval facilities. Additional funds have been contributed by the Viking Fund, the New York Zoological Society, and private sources. (38).

Since 1947, the Trust Territory research program has involved 107 scientists drawn from 30 universities and institutions, principally in the fields of anthropology, entomology, and ecology. These specialists have prepared reports on their investigations and, to date, many of the 50 reports in anthropology, 15 in entomology and conchology, and 12 in other fields, particularly biology, have been published by museums or in scientific journals.

During the past year the SIM program consisted of an ecological study of Arno Island in the Marshalls by 10 scientists including a marine ecologist, vertebrate ecologist, anthropologist, geologist, hydrologist, geographer, botanist, and soils specialist; the bringing of a Yapese to the United States to assist a linguist in the completion of an orthography of Yap; a forestry survey of selected high islands in the Territory; a parasitological and an anthropological survey of Kapingamarangi; and a nutrition survey of selected high and low islands of Micronesia. The Arno Atoll study is related to a project of the South Pacific Commission, the purpose of which is to benefit the economy of low island inhabitants. Evaluation of the Arno project included symposia (161).

held in Washington and Honolulu to determine future plans in atoll research and the preparation of a bibliography on atoll literature.

ICCP (38).

The ICCP program during the same period included procurement of *Scolia* wasps and carnivorous snails from East Africa, the former to be used in an effort to control the Mariana beetle (*Brontispa Mariana Spaeth*), and the latter to be released on Aguigan Island as potential destroyers of the Giant African Snail; sending of an entomologist to Tinian to conduct a population study of the Giant African Snail; continuation of the insect survey of Micronesia by entomologists collecting on Arno, Yap, Ponape, and islands of the Northern Marianas; recruitment of an entomologist for ecological study of the rhinoceros beetle (*Oryctes rhinoceros*) in the Palaus; sending of a specialist on insect pathology to the Palaus to ascertain the possible susceptibility of the larva of the rhinoceros beetle to *Bacillus Papilliae Dutky*; and conducting of a sanitation program in the Palaus to clean up the areas where the beetles breed (T/Pet. 10/2).

Advisory duties of the Pacific Science Board have consisted of screening candidates for anthropological advisors in each District of the Trust Territory and of reviewing and evaluating recommendations and conclusions in the report of the conservation survey.

Island Trading Company
(39) (73) (70).

The Island Trading Company of Micronesia (ITC), incorporated in 1947 under the laws of Guam, is the Trust Territory Government-controlled trading agency in the area. Its objectives are to provide essential imports to the people of the Trust Territory and markets for their exports; to foster the establishment of local business enterprises; and to assist in the development of industries and new sources of income for the people. All capital stock in the company is held by the Deputy High Commissioner of the Trust Territory by virtue of his office and all officers of the company are appointed by him. All reports are reviewed by the fiscal director of the Navy and the books are audited by certified public accountants.

(36) (70).

The Island Trading Company was originally financed by the Government of the United States. The original investment had been liquidated and the company has no outstanding indebtedness beyond normal commercial credit. The net profit for the fiscal year 1951 was \$300,017.73. Company earnings are used for the furtherance of economic development in the area. In July 1948, a dividend of \$100,000 was paid into the Trust Territory Treasury and expended for economic projects. In March 1950, ITC established an Economic Development Fund of \$100,000 for projects organized either as grants or loans to qualified native entrepreneurs or as direct investments in Government-operated pilot industries. This fund is administered by the Economic Development Board appointed by the High Commissioner from members of his Staff. During the past year an additional \$150,000 was transferred by ITC to the Economic Development Fund to be used for the purchase of boats for the Trust Territory.

Economic Development
Fund.

(39).

As of June 30, 1951, \$240,950 of the total \$250,000 ITC Economic Development Fund was obligated for specific established projects. These were: purchase of two boats for the Territory; purchase of a fishing sampan for Tinian; building of a marine railway at Truk; typhoon damage loans to Utirik, Maloelap, and Aur; purchase of a copra drier for the Metalanim plantation; a poultry project at Truk; coffee and ramie projects on Saipan; a coir fiber project at Ponape; duck and bee projects at Majuro; and a cacao project for the Territory as a whole. In addition to financial help, the Island Trading

Company gives technical assistance with the economic projects, extends credit for the purchase of trade goods to native-owned and operated wholesale and retail stores, and handles exports, including copra, for the indigenes.

The fullest possible development of land resources in the Trust Territory is dependent upon the settlement of land ownership problems. These problems, which existed in pre-World War II days as a result of the impact of alien contacts upon the aboriginal land ownership system, have been further complicated by the destruction of land records and survey markers during the war years. In general, the policy is to permit the Micronesians to assert their own wishes concerning their land and, insofar as is consonant with group welfare, to attempt to implement these wishes.

The traditional types of land tenure and inheritance laws do not appreciably impede the development of improved methods of agriculture possible for use in subsistence farming. The land areas suitable for large scale farming methods are few.

Indigenous inhabitants hold about 250 square miles of the Trust Territory land. Most of this is held under the collective system of clan or lineage ownership, varying in detail in different parts of the Territory, in which individuals have certain rights of possession and use. In turn, these rights are subject to other successive underlying rights vested in the head of the family lineage or clan or, in some instances, in a High Chief. Ownership of trees and buildings is often separate from that of the land. Individual private ownership in fee exists only in certain localities.

The Administering Authority has custody of about 434 square miles, including public domain and land which had been controlled or owned by the Japanese Government or its agencies, or by Japanese corporations or private individuals, and now under cognizance of the Alien Property Custodian. The public lands taken over from the former administrations are now held for the benefit of the inhabitants. No additional public land has been acquired during the past year. Some public lands have been returned to former owners pending adjudication of titles. During the past year, the Administration issued two *Land and Claims Regulations* (Documentary Supplement No. VII) which expedite the procedure for effecting the prompt return to the owners of public and private lands controlled by the Administering Authority but no longer needed for government purposes. The return of the lands is being carried out by "Title Officers" appointed by the High Commissioner for each District, who are assisted by the Staff and District Anthropologists. The Title Officers hold public hearings, determine ownership, and execute the release of the land. Releases of land have already been accomplished in the Saipan District. Land title cases are being adjudicated by the District Court which acknowledges customary usage. Several such cases have been tried using the modern method of pre-trial conferences (T/Pet. 10/2; T/Pet. 10/6; T/Pet. 10/7).

Land owners who do not regain their previously held land will be allocated appropriate land in other areas. If this arrangement is unsatisfactory they will be reimbursed and given the opportunity to purchase other lands. Where privately or publicly owned lands are required for military purposes the owners will be compensated for the use of the land. No land for military purposes was acquired during the past year and some lands formerly used for military purposes have been returned to the owners. Exchange of private land for public domain will be made where feasible. Some of the public lands

Land Problems (84).

(83).

Indigenous-held Land (87).

Public Domain (87).

(86).

not required by the indigenes nor for military purposes will be used to homestead landless persons under a plan that will provide, insofar as practicable, for future population expansion. A homesteading program has been established on Tinian. Remaining public lands will be developed by Government-Sponsored Projects or under lease arrangements.

Nonindigenous-held
Land (84) (87).

Present policy does not permit the acquisition of land by nonindigenous persons or organizations. This has been made a basic policy in accordance with the obligation of the Administering Authority to "protect the inhabitants against the loss of their lands" (*Trusteeship Agreement*, Article 6, 2). Non-Japanese nonindigenous titles established prior to the trusteeship are recognized. The major claim involving such a title by Belgian nationals, involves about three square miles on Ponape which was acquired by the claimants over a period of years prior to World War II. Another land claim, by an American citizen, involves a small amount of land on Kusaie. This land also was taken by the Japanese and no payment made for it.

Population
Pressure (85).

Despite a high density of population on some of the low islands (see Statistical Appendix No. I D), population at present levels creates few critical economic problems. In any analysis of the subsistence economy of the Pacific Islands, population densities should be considered in relationship to lagoon areas as well as land areas since the inhabitants derive an important part of their subsistence from lagoon fishing. As population growth creates economic stress in the future, especially in places where continuing subdivision of family land will result in too small individual plots, the problem will have to be met by resettlement on territorial lands. However, the long range plan of the Administering Authority to accommodate population growth is the extension of local production potentials rather than the compulsory relocation of the inhabitants.

Agriculture (97) (98).

Agriculture offers the greatest economic possibilities for the people of the Trust Territory at the present time. Much of the economic assistance given by the Administration and cooperating agencies is directed toward diversification of crops as well as the improvement of those which form the bulk of the islanders' food supply. The Staff Agriculturist and the Agricultural Agents travel throughout the area, giving advice and studying local problems. 4-H Clubs have been established in each district. All intermediate schools have gardens worked by the students, and The School of Agriculture at the Pacific Islands Teacher Training School operates a model farm where students learn improved farming practices, soil conservation, and selective planting.

(96) (37) (39).

The Administration maintains the Trust Territory Agricultural Demonstration Station (TTADS) at Ponape for crop testing and propagation and distribution of basic food plants adapted to the dietary habits of the Micronesians. At the present time emphasis is being placed upon improvement in low island crops such as taro, yams, bananas, sweet potatoes, and breadfruit. Saipan has a local agricultural station and has several projects underway to aid the economic development of the District. During the past year the Saipan District has converted considerable acreage to farm produce, thus broadening the economic base (T/Pet. 10/6).

(101).

No coercion is used in the promotion of agriculture. Wherever it is necessary to facilitate and improve agriculture, specialists are made available. Entomologists and malacologists seek to control the insects and the snails. Plant diseases are controlled by quarantine regulations approved by the United States Department of Agriculture.

(102).

Modern methods of land cultivation are practically nonexistent in the Territory as limited space and topographic conditions provide few areas suitable for plowing. Conservationists urge that hand methods be retained because farm machinery would damage the thin, light soil. Land is worked with hand tools, usually the traditional digging stick, the Okinawan hoe, or the large metal bush knife. Limited irrigation is practiced.

Methods of Land
Cultivation (99).

Productive land that is not producing copra is given over to the growing of nonexport crops. Foods for a complete and balanced diet can be raised on most of the high islands. Coffee, sugar, rice, and tobacco also can be grown in many areas but are now largely imported. During the past year a coffee project has been started on Saipan where the former Japanese coffee plantations are being cleared and fertilized. Experimental plantings of Solo papaya and potatoes have been made in various areas and a bee-keeping project has been established at Majuro. (See Statistical Appendix No. IX A (1).)

Nonexport Crops
(98) (100).

(39).

Search for export crops is continuing. Ramie is being cultivated on Saipan and, if successful, cuttings will be distributed. An intensive study of the possibility of growing cacao was undertaken early in 1951. Specialists, on loan from the Inter-American Institute of Agricultural Sciences, conducted an on-site survey and inspection of existing cacao trees and potential planting areas and found that the soil and climate of the Trust Territory are well adapted to cacao production. A small experimental plot of trees has already been planted at Saipan and other plantings are to be made at Babelthuap and Ponape (T/Pet. 10/2).

Export Crops.

The chief agricultural product of the Territory continues to be copra and as war and pest damage to coconut groves is gradually repaired, production is increasing. Research on copra production is carried on at Metalanim in the Ponape District where the prewar coconut plantation is being cleared and returned to operation.

Copra (38).

Copra is the basis of the economy in the major part of the Trust Territory because it is the main source of funds with which the indigenes can buy imported merchandise. It is also the economic enterprise which offers the greatest business experience for the inhabitants. The policy of the Administration, therefore, is to maintain a reasonably stable buying price for copra in the field, in spite of extreme fluctuations in the world market, so that there can be orderly economic development. This policy has been implemented by stabilizing the price of copra and by making ITC the sole exporter of copra. Since the beginning of 1950 the Island Trading Company has set aside funds to use in maintaining the price when markets are low. On July 1, 1950, these funds were put into a special Copra Stabilization Fund in the treasury of the Trust Territory and the High Commissioner formally established the amount of future contributions in the form of taxes. Effective that date, ITC began paying a 25 percent processing tax to the Trust Territory on all copra exported, of which 10 percent was deposited in the Copra Stabilization Fund. On October 1, 1950, this tax was increased to 35 percent of which 15 percent was deposited in the fund. In addition, ITC, on March 31, 1951, transferred \$100,000 of its surplus funds to the Copra Stabilization Fund. The price paid to the indigenes for copra was increased \$40 per ton during the fiscal year.

Copra Stabilization
Policy (78).

Since August 1950, ITC has been, by administrative regulation, the sole legal exporter of copra from the Territory. Because the increase of the price of copra on the world market in the summer of that year had attracted private buyers to the larger, more accessible islands, this decision was deemed desirable

in order to maintain a stable price for the commodity and to insure that profits from copra sales benefited the Territory. This procedure does not, however, exclude indigenous participation in copra marketing up to the time of export from the Territory, and ITC has fostered such participation by appointing numerous buying agents who procure copra in the field at the established price scale and concentrate it for shipment.

The copra stabilization policy of the administration proved sound in the spring of 1951 when the world market collapsed. Although the price that ITC received for copra declined \$140 per ton, the price paid to producers has been reduced only \$15 per ton. It has been necessary to cease payments to the Copra Stabilization Fund and to reduce the processing tax for deposit in the general fund to 15 percent.

Marine Products (103)
(104).

Fish from the seas surrounding the islands provide a potentially important industry but as yet little more than subsistence fishing is conducted. Reef and lagoon fish can, in most localities, supply all local requirements and provide limited amounts for export. The Administration has provided vessels and equipment where needed for subsistence fishing and, also, wherever the inhabitants have indicated a desire to fish commercially. During the past year power boats were supplied to the people of Kili and Tinian so that they can do supplemental fishing beyond the reefs. A revived interest in small-scale commercial fishing in the Palaus has been encouraged, and the Administration has assisted the venture by providing a boat and transportation of the catch to markets in Guam (T/Pet. 10/2). A small fishing company in Saipan sells its catch in both Saipan and Guam.

(96).

(104).

The gathering of trochus or Nilotic top shell, which is the only commercial shellfish in the Territory, provides additional seasonal income to the inhabitants. Several hundred tons of this shell are exported annually for the manufacture of buttons and similar items.

(103).

A long-term objective of the Administering Authority is to develop a commercial fishing industry, based primarily on the tuna resources of the waters of the area. During the Japanese regime, commercial deep-sea fishing and processing of tuna were important in the Palaus, Truk, and the Northern Marianas. Unfortunately, fishing was conducted entirely by Japanese and Okinawans so that few if any of the islanders acquired knowledge of the necessary skills and techniques. Reestablishment of the industry will require large investments of capital, extensive research, and thorough training of operators. In addition, material support of operations will be difficult in such relatively remote areas. However, the Administration has recently undertaken initial steps in the restoration of the industry.

(38).

A representative of the School of Tropical and Preventive Medicine of the University of California has begun an ecological survey of poisonous fishes in the Territorial Waters. Also, during this year, the Trust Territory Administration, in cooperation with the United States Fish and Wildlife Service and the military government authorities in Japan, has been conducting surveys into the possibilities of long-line fishing in Pacific waters. Any development of commercial fishing will be conducted so that it will result in the maximum ultimate benefit to the inhabitants.

Livestock (105).

Since livestock in the Pacific Islands was seriously depleted and in certain areas virtually eliminated during the war years, one of the greater economic problems has been that of restoring flocks and herds in the whole area. Considerable progress in the distribution of livestock has been made in the last

year. Poultry projects, supplied with hatching eggs flown in by Navy planes, (96). were established at Saipan, Truk, and Ponape. A breeding farm for pure-bred poultry was set up at Truk and breeding stock from there is now available at moderate cost to indigenes throughout the Trust Territory. A successful duck-breeding project at Majuro is supplying flocks at cost to various atoll councils in the Marshall Islands. Saipan has procured ducks, geese, chickens, and turkeys. The School of Agriculture at Truk is training future poultry and cattle raisers in modern methods of selective breeding.

Since the quantity and quality of cattle in the islands has always been (105). limited, efforts are continually being expended to improve this condition. Superior strains of breeding stock, particularly Brahma, have been imported to build up the quality of existing herds. Animal diseases are controlled by spraying cattle with DDT, vaccinating hogs against cholera, and exercising (102). constant vigilance against the outbreak of epidemics. In the Saipan District, which offers the best conditions for the establishment of a cattle industry, many pastures have been fenced and the number of cattle has increased from 300 to 800 in the last four years. The Administration recently conducted an investigation there to determine the possibility of establishing large scale cattle (38). ranches in the Northern Marianas. Experimental raising of cattle and hogs is carried on at the Metalanim Plantation at Ponape, thus providing a central distribution point for the eastern area of the Territory. (See Statistical Appendix No. IX A (2).)

Continued importation and redistribution of cattle throughout the islands (100). will have a beneficial effect on the diet of the inhabitants. At the present time cattle are seldom slaughtered except to provide food for special feasts. There is no need for methods of preservation because all the meat is consumed (106). immediately.

Forest resources are limited both actually and potentially. The small (91). coral islands have no forest resources and offer no prospect for development; the high islands have some limited hardwood stands but only a few species furnish woods of commercial importance. Certain trees such as the breadfruit and pandanus are sources of both food and building material. The value of the coconut tree to the Pacific peoples is inestimable, and the results of its destruction by both the devastation of war and insect pests continue to be a serious problem in many areas. Replanting of hardwood forests, particularly in Saipan, of mangrove trees in Truk, and of coconut trees everywhere is part of the economic and conservation program for the Territory and it is being carried out as thoroughly as possible. As yet no forest laws have been promulgated (90). because depletion of the timber stands negates any cutting for exports at the present time. During the fall of 1950, information on the economic potentialities of the forest resources as a whole was gathered during a survey of the Trust (38). Territory by a member of the British Colonial Forestry Service.

Minerals are few in number; only phosphate, bauxite, iron, and manganese (92). are known to exist in quantity. The mineral deposits of known commercial value are phosphate on Angaur and bauxite on Babelthuap. The phosphate is being worked by Japanese and indigenous labor under an agreement with the Supreme Commander for the Allied Powers and is exported to Japan for use in fertilizers.

No laws in respect to minerals have been evolved. However, specific agree- (94). ments have been made with the Angaurese to protect the people and the phos- (93). phate resources against exploitation. A severance fee of \$2 a ton is paid to

(95). the High Commissioner as trustee for the Angaur people and a processing tax of 15 percent is paid to the Trust Territory Treasury. The severance fees are held in a trust fund and managed by the trustee in accordance with a trust agreement subscribed to by the Angaurese. This Trust Agreement provides for the payment of income during the lifetime of all present residents and final disbursement of residual funds. As of June 30, 1951, the Angaur Mining Trust amounted to \$370,678.17. To date, \$30,000, representing two annual payments, has been paid the people. Two special funds, one of \$50,000 for the development of economic projects desired by the Angaurese, and one of \$25,000 for relief of the people in case of catastrophe, have been provided by the Trust. The processing tax is placed with other Trust Territory funds and used for conservation projects of benefits to any part of the Trust Territory. At the present time a hydrologic engineer is employed for the primary task of observing the effects of phosphate mining on the ground water resources of Angaur. He is also available, however, for other hydrologic investigations in the Trust Territory. Restrictions have been established regarding the areas to be mined and provision made for continuous supervision by competent hydrologists to assure that excavation will not damage the underlying fresh water lens. Certain excavated areas will be back-filled to reestablish planting areas and to prevent encroachment by salt water.

Industry (107) (109).

(108). No large-scale industrial developments are planned for the Trust Territory. There exist neither the raw materials, the machinery, the technical skills, nor the skilled labor on which to base such development at this time. However, light industries are encouraged and assisted by the Administration. (See Statistical Appendix No. IX C.) The making of handicraft based upon traditional local crafts is the most important of these industries. The Administration is sponsoring a program of standardization of design under the direction of a handicraft expert and continuing material improvement in the products is evident. Handicraft is marketed in Guam, Hawaii, and to some extent, in the United States. Capital for development of the handicraft program is a negligible problem since the work is performed by individuals in their homes.

(107).

Other industries producing for local consumption consist of small soap factories on Truk and Ponape, a coffee-processing plant on Saipan, and several small sawmills. Saipan is more nearly industrialized than any other area in the Trust Territory. Saipanese shoemakers, blacksmiths, silversmiths, tailors, seamstresses, machinists, and electricians provide a fairly active home industry for the island.

Boat building has assumed an important position in the Marshall Islands. Many individuals and groups of Marshallese have purchased United States Navy surplus 26-foot whaleboats and 40- and 50-foot motor launches and, at an indigenous operated boatyard, have converted them into trim sailing vessels, some of which have auxiliary power. These vessels are rapidly becoming the merchantmen of the Marshalls, transporting a substantial percentage of passengers and cargo between the small islands and the central transshipment points. During the past year more than 100 ex-Navy hulls have been distributed throughout the Trust Territory and inhabitants of all Districts are becoming proficient in converting these craft into fishing and cargo vessels.

Commerce (36) (69)
(130).

The commercial activity of the Trust Territory is built around the Island Trading Company of Micronesia, the indigenous wholesale trading companies at the Civil Administration Centers, and the small indigenous trade stores scattered throughout the area. (See Statistical Appendix No. VI.) During the immediate postwar years there was a great demand for most kinds of consumer

goods lost or expended during the war. Today the local markets demand constant replacement and supply of the basic types of consumer goods: hand tools, textiles, minor luxury items, and certain foods such as rice, sugar, canned meat, and fish. A limited demand for such capital goods as boats and simple machinery has developed.

ITC purchases trade goods for Trust Territory consumption, freighting them via Guam or Kwajalein on ships or planes servicing the area. District warehouses supply local wholesale and retail traders and station vessels make distribution to outer islands not served by private wholesalers. On islands where there are no stores, representatives of ITC may sell directly to the consumers. ITC encourages the export of locally produced goods by purchasing handicraft, copra, and other products for resale in outside markets; by providing centers for collecting, warehousing, and shipping; and by supplying instruction for improvement in quality of products. All purchasing of trade goods and selling of island products is done in markets where the best return to the inhabitants results (T/Pet. 10/6).

The Island Trading Company is stimulating local transportation by the policy of paying an allowance of \$2.50 to \$7.50 per ton, depending upon the distance hauled, for copra delivered to ITC warehouses by locally operated vessels. This is over and above the existing differential of \$5 per ton paid for delivery to ITC warehouses. An added incentive to indigenous shipping this past year has been the purchase by ITC of two vessels used for inter-island transportation. \$150,000 of company profits was placed in the Economic Development Fund for this specific purpose. To date, the auxiliary ketch *Culver* of 30 tons and the auxiliary schooner *Frela* of 100 tons have been acquired. ITC is now operating these vessels but as soon as indigenous entrepreneurs can be found to purchase them and masters and crews can be trained to sail them they will be turned over to local interests.

During the fiscal year 1951 a net profit of \$300,017.73 was earned by ITC. In the same period, trade goods sold in the several branches amounted to \$1,706,515.10; the cost value of island products purchased amounted to \$1,409,142.09. Of this latter amount, copra represented \$1,269,462.59; handicraft, \$33,584.23; trochus, \$82,531.78; other products (fruits, vegetables, fish, coir fiber, boats, trepang, etc.), \$23,563.49. Copra purchases totaled 11,606 short tons at an average cost to ITC of \$95.09 per ton for the first half of the year and \$121.87 per ton for the last half of the year. The price of copra increased greatly during the first three quarters of the fiscal year and the price paid by ITC to producers was increased \$10 effective on July 29, 1950, \$10 on January 1, 1951, and \$20 on February 10, 1951. Collapse of the market caused the price paid to producers to be reduced \$15 per ton effective July 18, 1951 (T/Pet. 10/7).

At the present time the Island Trading Company handles the major part of the import and export trade of the Trust Territory. This situation exists because it was necessary to create an organization to fill the commercial vacuum which existed in the Pacific islands at the end of the war. However, private trading companies, which eventually will replace ITC, are being established and their development aided. These companies, now in operation at all the Civil Administration centers and at Yap and Kwajalein, are assuming an increasing proportion of economic activities in the Trust Territory. In the interim it has been necessary for ITC to expand its services. On June 1, 1951, ITC opened a branch on Saipan, the only District Headquarters where it did not previously operate, in order that greater assistance might be given to the

Importing (75).

Exporting (70) (71).

Indigenous Shipping
(36) (39) (71).

(43).

Trade Goods (71).

Indigenous Trading
Companies (70).

increasing development of indigenous industry on Saipan. At the close of this year when Naval logistic services were withdrawn in the Trust Territory incident to the transfer of administration, the Island Trading Company undertook the supplying and operation of nonindigenous commissaries, hotels, and messes.

Indigenous Trading Companies.

Indigenous trading companies operate both wholesale and retail establishments. Most of their trade goods are purchased from the Island Trading Company stock of more than 700 items although they are free to purchase where they desire. Most of the retail business of the Territory is carried on by the small trade stores scattered throughout the area which are owned either by individuals or communities. Continual effort is being directed to improving the services offered by these small stores and, as their capital increases and more transportation is provided by indigenous shipping, the distribution of domestic and imported products will become more effective.

Trade Stores (43).

(72).

Monopolies (80).

Some of the local stores are community controlled. To some degree they may be considered as private monopolies in that the Administration tacitly approves restriction of all trade to these establishments by not allowing other stores to be opened. This action has been taken to enable small communities to develop and maintain their own cooperative trade stores without harmful competition during the formative period of their operation.

Corporations (168) (76).

It has been found that since few islanders possess sufficient capital to launch individual businesses, joint-stock companies are the most effective means for establishing private enterprise. Although these companies are often referred to as "cooperatives" or "cooperatively owned," these terms are actually used to describe a form of joint-stock company in which shares are widely held throughout the area in which they operate. None of these is a true cooperative in the generally accepted sense. One of the wholesale firms, known as the Ponape Cooperative Company, is organized as a normal business corporation except for limitations on ownership and transfer of stock and for a provision that each stockholder shall have but one vote regardless of the amount of his stockholding. A few small cooperatives for the marketing of produce have been set up in the Northern Marianas.

(74).

Private corporations operating in the Trust Territory are as follows:

Firm	Operating Capital	Type of Business	Incorporated under laws of—
Northern Marianas Development Co.	\$13, 303	Copra production and general trading.	Trust Territory.
Saipan Fishing Co.-----	5, 000	Fishing and trading-----	Do.
Saipan Importers, Inc.-----	48, 042	General trading-----	Do.
Western Carolines Trading Co.-----	42, 746	do-----	Do.
Yap Trading Co.* ¹ -----		do-----	Do.
Truk Trading Co.-----	138, 431	do-----	Do.
Ponape Cooperative Co.-----	40, 370	do-----	Do.
Marshall Islands Importing & Exporting Co.* ¹ -----		do-----	Do.
Majuro Trading Association, Inc.*-----	44, 000	do-----	Do.
Kwajalein Importing & Trading Co.*-----	20, 000	do-----	Do.
Bordallo, Inc.-----	(²)	Shipping-----	Guam.
Flores Bros., Inc.-----	(²)	do-----	Do.
Mid-Pacific, Inc.-----	(²)	do-----	Do.

*Established during the past year.

¹ Current figures not available.

² Not available.

No income or property taxes are presently being levied by the Trust Territory Government. Indirect taxes are paid as applicable to merchandise handled. The Island Trading Company, for example, pays taxes on copra, trochus, and luxury items as required.

The following firms have done business of a temporary nature in the Territory during the past year:

Firm	Type of Business	Incorporated under laws of--
Japanese Phosphate Co. of Angaur.....	Mining.....	Japan.
Byrne Organization.....	Construction.....	U. S. Navy NoY 13950.
Brown Pacific Maxon.....	do.....	U. S. Navy NoY 13931.
Car-Mar Trading Co., Ltd.....	Scrap removal.....	Territory of Hawaii.
Massey Supply Co.....	do.....	U. S. Navy NoY 13931.
Nippon Suisan Kaisha.....	Ship salvage.....	Japan.

The Trust Territory does not form a part of a customs union with the United States nor have any formal customs or trade agreements been negotiated with other countries. Products of the territory are presently subject to the same customs duties by the United States as products of other foreign countries; exports from all countries to the Territory are free of import controls. United States export controls were lifted as of June 28, 1948. (See *Interim Regulation No. 8-48*.) No formal international agreements with respect to trade have been entered into during the past year.

Customs and Tariffs (66)
(67) (68) (77).

No import or export licenses are required in the Trust Territory except in the case of establishments reexporting items from the United States or its possessions which are subject to United States export controls, and in the case of articles subject to quarantine regulations. Persons lawfully engaged in retail trade are authorized to import for their own use or for sale in their own businesses without further licenses. Substantial amounts of goods for private use are imported from mail-order houses in the United States without license.

The Navy has provided transportation of commercial freight in Naval vessels between Guam and each Civil Administration Unit, and between Civil Administration Centers and outlying islands, at \$0.0075 per short ton per sea mile. This rate includes stevedoring, except at Guam and Saipan. Since it does not represent the actual shipping cost, it may be considered a partial subsidy. In addition, the differential in the purchase price of copra maintained by the Island Trading Company acts as a promotional subsidy to indigenous shipping.

Subsidies (77).

B. Transport, Communication, and Public Works

Transportation and communication services in the immense area of the Pacific in which the Trust Territory is located necessarily constitute a basic problem in the administration of the area. The United States Navy controls such facilities, except native small boat shipping, and has made them available to the inhabitants wherever feasible. There is no tourist traffic at present and none is expected to develop in the foreseeable future.

General Situation (113)
(114) (110).

Air transportation is essential to effective administration of the Territory. The bulk of passenger and mail traffic, as well as a considerable portion of cargo, is carried by Naval planes between the main centers of the area. The planes fly on weekly schedules out of Guam and Kwajalein to the various District Administrative Headquarters. Seaplanes are especially suitable for use at

Air Transport (113g, h)
(114).

atolls where lagoons provide adequate landing areas. Water landings are made at Yap, Koror, and Ponape; airfields provide landing areas at Guam, Saipan, Tinian, Truk, Majuro, and Kwajalein. There are no civil airfields in the Territory; those fields which are in use are either of prewar Japanese construction or were built by American forces after their occupation of the area. However, the operation of aircraft and airfields in the Trust Territory generally conforms to civil aeronautic regulations.

Sea Transport (113j)
(115).

The Navy provides ship transportation between the Trust Territory and external points through Guam on a regular schedule. Commercial shipping is available between the United States, the Hawaiian Islands, and Guam. The only ships which make regular calls within the Territory are Naval vessels. At least once every three months these vessels call at the Civil Administration Centers and the outlying islands, delivering mail, parcel post, and freight, and collecting copra, handicraft, trochus shell, and agricultural products. These ships provide transportation to Civil Administration personnel on their regular inspection tours to the outer islands and also maintain passenger service for the islanders. Port facilities are almost entirely lacking except at Administration Centers. At other ports of call, ships must frequently anchor within the lagoon or lie outside the reefs and small boats must be used for lightering ashore. There are no inland waterways in the area other than navigable lagoons.

Control of Shipping
(114).

A limited amount of shipping is operated by indigenes on locally granted permits. A number of sailing craft work among the islands and atolls of the Marshalls and this service is gradually being established in other areas. Permission for aliens to operate shipping facilities must be obtained from the High Commissioner. At the present time nonindigenes operate a few small shipping lines servicing Guam and the Northern Marianas. Regulations for the control of shipping are set forth in *Interim Regulation No. 7-51*, promulgated during the past year.

Roads (113e, f).

The roads throughout the Trust Territory vary as to type and state of repair. Those at Saipan, Tinian, Peleliu, Angaur, and Kwajalein were constructed of asphalt by the military during World War II and have remained in good condition; those at Koror, Truk, Ponape, and Majuro are built of crushed coral and require constant maintenance. At the present time the roads at Koror are undergoing extensive reconstruction. The islanders use an extensive network of foot trails which connect adjacent settlements. There are no railroad facilities.

Communications (113a,
b, c, d) (114).

United States Navy post offices are operated at all Administration centers. Air and sea postal service is provided by the Administration. Air-mail service is available to Civil Administration Centers weekly and mail for remote islands is carried by the field trip vessels on their periodic visits. Telephonic service is available without cost at each District Headquarters to Administration personnel and to native officials except at Saipan where the system is operated by the municipality and the Administration pays for the use of the service. The Administration uses the world-wide facilities of the Naval Communications system for the transmission of messages. Each District Center operates a radio station and maintains regular schedules with Guam and Kwajalein. This facility is available for the transmission of personal messages by all inhabitants of the Trust Territory.

Meteorological Services
(113i).

Meteorological services are provided locally at Saipan, Yap, Koror, Truk, Ponape, and Majuro, and by the Naval facilities at Guam and Kwajalein.

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During the fiscal year 1951 a total of \$486,504 was appropriated for the maintenance and upkeep of Civil Administration units, including public buildings and the land transportation system. In addition to the maintenance appropriation, a total of \$266,725 was granted for the construction of special public works projects. Public Works (113)
(116).

Special projects completed during this reporting period were consolidation of Civil Administration facilities at Saipan; construction of a deep water pier at Majuro; construction of a native village at Ebeye.

The following special projects have been undertaken and financed since 1 July 1950 and will be completed by the fall of 1951:

Consolidation of facilities, Koror-----	\$47,000.00
Rehabilitation of roads, Koror-----	10,000.00
Reconstruction of dam, Koror-----	20,000.00
Overhaul of power plant, Koror-----	5,200.00
Repair of dispensary, Koror-----	6,050.00
Rehabilitation of reservoir, Koror-----	3,000.00
Installation of new telephone system, Koror-----	10,000.00
Renewal of fire-fighting equipment, Majuro-----	2,000.00
Rewiring of 55 administration buildings, Majuro-----	17,500.00
Repair of roads, Majuro-----	5,330.00
Construction and equipment of radio buildings, Majuro-----	32,700.00
Repair of draining system, Majuro-----	7,500.00
Construction of dispensary, Majuro-----	23,000.00
Construction of tuberculosis ward, Ponape-----	4,800.00
Rehabilitation of electrical system, Ponape-----	65,000.00
Repair and alteration of water system, Truk-----	7,645.00
Total cost of special projects-----	266,725.00

All these projects contribute to the general welfare of the people.

C. Public Finance, Money, and Banking

The ordinary and extraordinary expenses of administering the Trust Territory are met by appropriation of funds by the Administering Authority through the Department of the Navy and by funds derived from local revenues. Appropriation of Funds
(48) (50).

The amount of the funds appropriated is ascertained by making a thorough study of expenditures for previous years, of estimates submitted by the individual Civil Administration Units, and of future programs proposed by the various Staff Administrative Divisions. Based on past experience and current trends, an estimate of local revenue is made and included in the over-all budget. Budget (49).

The funds necessary to supplement the local revenue are requested by the High Commissioner and included by the Department of the Navy as a part of the request for appropriations under United States budgetary procedures and are ultimately appropriated by the United States Congress. There have been funds advanced by the High Commissioner for two projects which might be considered grants-in-aid. Grants (51).

The first of these involved the construction of a model native village on the island of Ebeye in Kwajalein Atoll, for which more than \$15,000 was granted during fiscal 1950 and an additional \$22,300 during the past year. The \$15,000 previously granted to the Civil Administration Representative at Kwajalein to finance the local Marshallese boat-building company was increased by a grant of \$2,600 to move the boat yard from Kwajalein to Majuro. The amounts of local revenue, funds available for expenditure, and actual expenditures for the fiscal years 1948, 1949, 1950, and 1951 are shown in Statistical Appendix No. IV.

Sources of Local Revenue (48).

The principal sources of local government revenue are taxes, license fees, and court fines and fees. The following specific items accrue to the local municipal treasuries:

- (1) Head tax (\$2 per annum).
- (2) Business licenses fees.
- (3) Sales taxes on luxury items.
- (4) Property taxes.
- (5) Utility fees and service charges on municipally owned property.

Local Expenses

The principal items of local municipal expenses are the salaries of municipal officials and the maintenance of municipal buildings, roads, walks, bridges, and wharves. Often local revenue is insufficient to meet these expenses and the Civil Administrator may, at his discretion, grant financial assistance to meet the deficit. Much of the assistance needed is for the support of elementary schools. Two districts, Truk and Ponape, have solved this problem by the imposition of a local tax on cigarettes.

The principal items of government expenditure and the amount of both revenue and expenditure are detailed in the budget for the past year and are included in Statistical Appendix No. IV. There is no public nor rural indebtedness in the Trust Territory.

(89).

Capital Position of Territory (52).

As of June 30, 1951, the funds in the Treasury of the Trust Territory amounted to \$204,054.24 in cash and \$337,550.30 in securities (cost). In addition to these moneys, the Angaur Mining Trust amounted to \$76,326.75 in cash and \$294,351.42 in securities (cost). This is a considerable increase in the capital position of the Trust Territory since the close of the last fiscal year when corresponding figures were \$121,411.84 for cash on hand and \$176,465.57 for trust funds. As yet no national income estimates are available.

(46).

Currency (53).

(54) (58).

The Trust Territory has no separate currency system. Financial dealings among the indigenes themselves may be carried on according to their customs, but United States currency is the only official medium of exchange. Therefore, no laws and regulations governing currency and exchange are necessary. The amount of United States currency in circulation amounted to \$1,120,000 on June 30, 1951.

(55).

Banks (53) (56) (79).

Prior to June 1950 the only banking establishment in the Trust Territory was the Saipan branch of the Bank of Guam, which was owned and controlled by the Government of Guam. Coincidental with the transfer of administrative responsibility for the government of Guam from the Department of the Navy to the Department of the Interior, the Bank of Guam was liquidated and a Guam branch of the Bank of America National Trust & Savings Association of San Francisco was opened. This organization also took over the Bank of Guam's Saipan branch. Since January 1, 1951, banking facilities for the inhabitants in areas other than Saipan have been made available by the Island Trading Company in order to promote thrift and provide for the safeguarding of funds. ITC's banks accept deposits of money from all inhabitants including businesses and organized groups in the Territory. Interest is paid at the rate of one percent per annum computed semiannually. As of June 30, 1951, \$54,416.66 had been deposited at the various ITC branches. ITC also has been given permission to issue bank drafts in lieu of postal money orders at Yap where no postal money service is available.

(55).

Credit (53) (57) (89).

The present credit needs of the Trust Territory are minimal. The Island Trading Company through its normal operations provides merchandise credit to meet the needs of wholesale and retail merchants. The ITC Economic

Development Fund provides capital loans for approved new commercial and industrial ventures.

Plans for the reimbursement of the people of the Trust Territory for yen which were held prior to the occupation of the islands have been under study during the past year and a survey made by the High Commissioner of all claims for yen. Arrangements for the settlement of the postal savings claims and other types of claims are under active consideration (T/Pet. 10/2; T/Pet. 10/6; T/Pet. 10/7).

Currency Claims.

D. Taxation

There are two tax systems applied in the Trust Territory: Trust Territory taxes and municipal taxes. **Tax Systems (59).**

Trust Territory taxes are levied and expended by the High Commissioner of the Trust Territory of the Pacific Islands, and except for the phosphate processing tax and the head tax, are collected by the Civil Administrators for transfer to the Treasurer of the Trust Territory. These taxes are:

Trust Territory Taxes.

(1) Internal Revenue Taxes:

Internal Revenue Taxes.

(a) Twenty-five (25) percent *ad valorem* on cosmetics, face powders, and perfume.

(b) Twenty (20) cents per carton on cigarettes.

(c) Twenty (20) percent *ad valorem* on cigars and other tobaccos.

No article on which a United States, Guamanian, Bonin Island, or Trust Territory internal revenue tax has been paid is subject to further internal revenue tax. It should be noted that no internal revenue taxes are levied on alcoholic beverages because the importation of such beverages is not allowed except to Saipan where beer may be imported.

Import Duties (195).

(2) Processing tax of fifteen (15) percent *ad valorem* on all copra sold in or exported from the Trust Territory. **Indirect Taxes (65).**

(3) Processing tax of fifteen (15) percent *ad valorem* on all phosphate processed. This is paid to the High Commissioner by the Department of the Army (SCAP).

(4) Head tax of two (2) dollars from each male resident between the ages of 18 and 60 inclusive. This tax, although imposed by the Administration, is collected and expended by the municipalities.

Municipal taxes are levied and expended by each municipality under the supervision of the Civil Administration. They are: **Municipal Taxes.**

(1) License fees for businesses carried on wholly within the municipality.

(2) Sales taxes on luxuries sold at retail within the municipality.

(3) Property taxes on property within the municipality. Movable property may be subject to property tax only in the municipality where it is normally kept.

(4) Fees for private use of municipal property, services, and facilities.

Each municipality determines, subject to the approval of the Civil Administration: **(59).**

(1) What items, if any, are subject to the sales taxes on luxuries and the rate of such taxes. No tax may be imposed on the necessities of life.

(2) What fees, if any, are charged for private use of municipal property, services, or facilities.

(3) The classes of property, if any, subject to property taxes and the rate of such tax. For example, power boats, canoes, bicycles, trucks, livestock, and dogs are some of the classes taxed by municipalities.

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(63).

No portion of the municipal taxes is handed over to tribal authorities or communities in the nature of tribute. Municipal officials, including school teachers, are paid, in most instances, from tax income derived within their own municipalities. Some persons who are chiefs are employed by the administration but no one receives payment simply because he is a chief.

Tribal Obligations (59).

(64).

The municipal taxes are in addition and entirely separate from any tribal or clan property obligations which, paid under established native custom, may bear some similarity to a tax. Customary exaction of tribute by chiefs or headmen is permitted, but it is handled by the inhabitants themselves and is separate and distinct from government taxes. This tribute, representing, for example, a share of copra production, the first fruits of harvest or the the first catch of fish, is in recognition of the Chief's or headman's hereditary claim to the land.

Direct Taxes (60).

(61).

Direct taxes consist of the head tax and the four categories of municipal taxes. They are paid individually in money and are applicable to all indigenous inhabitants of any given municipality without distinction. Only the head tax is the same in all areas; other direct taxes vary with the economic status of the municipalities. (See Statistical Appendix No. V.) Taxes remaining unpaid for 30 days or more after they fall due bear interest at 6 percent per annum until paid.

Application of Tax Laws (60).

(61).

(62).

Tax laws are applied indiscriminately to all permanent residents of the Trust Territory and all persons engaged in business therein. Foreign individuals or companies are not subject to special tax measures other than those applicable to nationals of the Administering Authority. Administrative appeal is by petition through administrative channels; judicial rights of appeal are in accordance with general court procedures.

If it is determined by the proper authorities that payment in money of the tax levied would cause undue hardship to an individual, he may work off his tax by labor at rates currently established by the Civil Administration. There are no data available regarding the number of individuals who work off their taxes.

Chapter V

SOCIAL ADVANCEMENT

A. Social Welfare and Social Security

The Administering Authority is carrying out continually expanding programs for the development of self-government, economic self-sufficiency, medical care and education, all aimed at the improvement of social conditions. These, together with the customs of the local social systems, provide the necessary guaranties for social welfare and social security. **General Program (118).**

Primarily the social welfare of the people is assured by the system of relationships which exist within their society. Ties of family, clan, neighborhood, and tradition link the people in complex relationships in which every individual is assured of assistance when needed. The care of widows, orphans, and abandoned children, the poor, the ill, and all unfortunate people is the accepted responsibility of the indigenous society. Such a social system has removed fear of individual want or incapacity. To this indigenous pattern of security and always within the bounds of native custom, the Administration has added the knowledge and facilities of modern science (T/Pet. 10/7). **Indigenous Social System (121) (198) (202) (200).**

The basic social customs and conditions are under continuous review. Working most closely with the problem is the Staff Anthropologist, who is stationed at Field Headquarters, and four additional anthropologists, one of whom is attached to each Civil Administration Unit except Saipan. The Civil Administrator and the Internal Affairs Officer in each District have the immediate responsibility for the social welfare of the people. They are advised by the anthropologist whose duties consist of fact finding on specific current problems, translations, interpretation, and codification of indigenous laws and customs, studies of land use, investigation of claims, and recommendations for education programs. **(197). Administration (117) (245). (200).**

During the past year new social legislation has been promulgated, directed toward settlement of the land problem (*Land and Claims Regulations No. 1 and No. 2*; Documentary Supplement No. VII), regulation of the care and disposition of those suffering from leprosy (*Health Department Order No. 1-51*), scheduling pay and allowances for Public Health Department employees (*Health Department Order No. 2-51*; Documentary Supplement No. VI), regulation of divorce, annulment, and adoption (*Interim Regulation No. 1-51*). New *Interim Regulations* on criminal procedure and the judicial code and law enforcement established the specific rights of the people when in conflict with the law (*No. 2-51 and No. 8-51*). **New Legislation (199).**

Funds for social welfare are provided by the Administering Authority and amount to a high percentage of the appropriation. The total revenue collected by the municipalities is barely sufficient to pay the salaries of indigenous administrators. Local funds over and above administrative expenses are administered by the municipal governments for their own welfare. The Administration has not asked the people of any locality for voluntary contributions on behalf of their welfare program. Assistance in social work is given the **Funds (117). (119).**

- Assistance (142) (118) (201).** Administration by the American Board of Commissioners for Foreign Missions and the National Catholic Welfare Conference through their missionaries. The American Red Cross and the Junior Red Cross have contributed educational material for the schools and Christmas gifts for the children.
- (136). The benefits of the Administration social welfare program are available to all. The provision in the Bill of Rights which states that there shall be no discrimination on account of sex, race, or religion in the Trust Territory is as scrupulously observed in welfare measures as it is in political and judicial affairs.
- Position of Women (133) (134).**
- (132). The Administering Authority recognizes the equality of women in all matters but makes no attempt to impose this arbitrarily. There is no written law regarding the legal capacity of women other than the Bill of Rights, but in practice no occasion has arisen which would make a ruling on this necessary. The Administration recognizes no occupational barriers or legal restrictions against the employment of women because of their sex and they receive equal pay for equal work. By local custom women do not usually engage in certain activities in the community life such as fishing and boatbuilding which are considered men's jobs. Women are not discriminated against educationally and they have eagerly sought the chance for selection and training for government service in nursing and teaching. (See pp. 64, 68, and 70.) Women have equal voting rights and are demonstrating an increasing desire to participate in the management of local affairs. The Administering Authority encourages such participation (T/Pet. 10/3).
- (26). (135).
- Freedom of Religion (141).**
- (121).
- (143). Full freedom of thought and conscience and free exercise of religious worship and instruction are guaranteed to all people. The majority of the inhabitants of the Trust Territory are adherents of some form of Christian religion, and there are many indigenous pastors. Catholic and Protestant churches and schools are located throughout the area and are free of any regulations by the Administration except in regard to curriculum standards. Indigenous religions, which for the most part are primitive island faiths, are extant in certain areas, mainly Yap and the Palaus. Few of the aboriginal beliefs which could be detrimental to the social objectives of the Administration remain, and no measures have been taken either to curb or to promote ancient religious practices. There are approximately 63 nonindigenous missionaries distributed throughout the Trust Territory. The American Board of Commissioners for Foreign Missions and the Society of Jesus represent the predominant mission groups. The majority of these missionaries have been assigned from the United States; a small group of German missionaries in the Caroline Islands and a few Spanish missionaries in the Carolines and Marianas remain from an earlier era.
- Missionaries (142).**
- Freedom of the Press (137) (139) (238).**
- (138). Freedom of the press is guaranteed by the Bill of Rights. News bulletins, mimeographed and distributed at some of the Civil Administration Units, have a limited circulation in the native communities adjacent to the District Headquarters. The Micronesian Educational Association, the Pacific Islands Teacher Training School, and the intermediate schools issue publications of interest both to educators and the local inhabitants. One newspaper, edited and published by a resident of Saipan, with a moderate circulation in the Marianas, does not exert any great influence on public opinion. The Administration places no restrictions on the rights of nonindigenes who may be authorized to visit or work in the area to write and publish material for dissemination abroad.
- (148).

No slavery nor any practices akin to slavery exist in the Trust Territory. Restrictions on the personal freedom of the inhabitants have been made only in the case of medical quarantines or in proper criminal proceedings against individuals.

Slavery (122).
Personal Freedom (123)
(147).

The inhabitants of the Trust Territory are guaranteed freedom of migration and movement within the Territory subject only to the requirements of public order and security (*Trusteeship Agreement*, Article 7, and *Interim Regulation No. 6-51*) and to the availability of transportation. Because of the interrelationships of these people there is no vagrancy problem and therefore vagrancy is not a penal offense. Emigration to Guam is permitted if the individual is financially able to undertake the journey and if definite employment awaits him there (T/Pet. 10/2). Emigration to any country is allowed under existing immigration regulations of that country.

Freedom of Migration
and Movement (124)
(128).

The slight displacement of population within the Territory is not sufficient to create lasting social and economic consequences. The voluntary movement of a limited number of Saipanese to the islands of Agrihan and Alamagan has aided the economic advancement of the Saipan District, and the adjustment of these people to an agricultural mode of life has, with the assistance of the Administration, progressed satisfactorily.

Displacement of
Population (125).

The ex-Bikini people, who were settled on Kili in 1948, are gradually adjusting themselves, both psychologically and economically, to their new home. During the past year the Administration has given them a deed in perpetuity to Kili, has provided them with a new boat to replace the one destroyed by a storm, and has transferred to their ownership two islands within the nearby lagoon of Jaluit where they may establish warehouses for their copra and trade goods. The Administration watches the situation at Kili carefully and assists the people with their economic and cultural problems.

No difficulties have arisen in the adjustment of the Eniwetok people to life on Ujelang. This island, like Kili, had been used by both the Germans and the Japanese as a copra plantation and therefore was public domain. The economic possibilities of Ujelang are similar to those of Eniwetok and the people are well content with the island.

Problems such as arise from the return of ex-service men and women or from immigration do not exist in the Trust Territory. There are no ex-service personnel and, in the interest of the indigenous inhabitants, immigration to the Territory is by special permission of the High Commissioner. The vastness of the area and the very limited transportation facilities minimizes the possibility of illegal entry into the area. Control of immigration into the Territory applies equally to all members of the United Nations including the United States. At the present time, the possibility of the return of former Japanese residents to the Trust Territory is being considered by the Administration. Complete figures of the number desiring to return are not available as yet (T/Pet. 10/2).

Immigration (120)
(240).

(126) (127).

At the present time a plan to allow 87 citizens of the Trust Territory of Nauru to visit relatives in the Marshall and Caroline Islands is pending. The request for the visit was presented as a petition by the Nauruans to the United Nations Visiting Mission to the Trust Territories in the Pacific in the spring of 1950. Eighty of the petitioners wish to remain for one year; seven have asked to stay in the Marshall Islands permanently. The Administering Authority of the Trust Territory of the Pacific Islands has already signified its willingness to facilitate the visit provided that certain stipulations are met.

These include proof of good health, financial independence, and acceptance by their relatives as guests or permanent residents. The Administration is contacting the relatives of the Nauruans in the Marshalls and Carolines and as soon as their acquiescence is obtained, the Administering Authority of Nauru will be so informed.

Housing (204).

(203).

Living conditions are continually being improved although no legislation affecting housing or town planning has been enacted during the year. Housing in the more populous areas is undergoing a change with homes of thatch construction gradually being superseded by those of frame and corrugated iron, patterned after small Western-style dwellings. Progress in the building of this type of home has been hampered, however, by lack of material. In the one mining area in the Territory, on Angaur, the Japanese workers are housed in barracks. At the Metalanim coconut plantation in the Ponape District, which is the only plantation operated as an indigenous commercial unit in the area, housing in barracks or Western-style dwellings is provided for the workers.

(205).

The Civil Administration has assisted in improvement of housing by making available surplus materials and war-generated building scrap, and by reestablishing sawmills at Koror, Truk, and Ponape for the production of lumber from local timber. The Island Trading Company stocks basic hand tools, nails, screening, paint, and other building accessories for sale to local inhabitants at reasonable prices. All types of houses are being made more healthful through native concurrence with the advice of Civil Administration Public Works Officers that they be elevated above the ground and screened, that drainage facilities be constructed, and that land around homesites be cleared. (See Statistical Appendix No. VIII.)

(203).

Town Planning (206).

Town planning projects include the establishment of a model village near the Civil Administration Headquarters on Moen Island in the Truk District. A complete community of dwellings, public buildings, water catchments, taro pit, and sewage and drainage facilities has been constructed beside the sheltered lagoon on Ebeye Island of Kwajalein Atoll to house the Marshallese workers employed on Kwajalein Island. Transportation to and from Kwajalein is provided the workers.

Considerable improvement of public utilities has been accomplished during the past year as part of the public works projects. No charge is made for these utilities except at Saipan where the Administration makes a nominal charge to the municipality for water and electricity. The Saipanese economic situation is such that the people are financially able to pay for these services. Cement has been made available to the Saipanese for cistern construction and repairs at individual home sites (T/Pet. 10/6).

Cost of Living (129).

Since a money economy is not the prevailing condition of life in the Territory at the present time, it has not been deemed practicable to conduct cost-of-living surveys or family living studies, or to prepare and publish cost of living indices. (See Statistical Appendix No. XI.) However, the newly appointed Island Trading Company Economist recently made a survey of the Territory and the results of his study, when available in the near future, will give some indication of the correlation of the economic situation with wages and the cost and standard of living.

Standard of Living (47)
(131).

The standard of living varies from one part of the Territory to another. The over-all picture is one of continuing improvement in proportion to development in fields of economy, health, and education. The principal eco-

economic achievement of the Territory has been an increase in the amount of income which the inhabitants can realize from their own efforts. There are no longer large numbers of nonindigenous persons using the major portion of the local resources. This fact, together with better education and improved health, has materially improved their way of life so that, at the present time, the islanders are enjoying better living conditions than they have ever known before.

B. Labor

Problems of labor and of working conditions as they exist in the modern industrial society are unknown in the Trust Territory of the Pacific Islands. In a subsistence economy such as the islands have, all but a few of the people are engaged in farming and fishing. Approximately 5,000 persons are gainfully employed for wages. Of this number about one-third work for the Civil Administration Units; the balance engage in light business enterprises, copra gathering, handicraft making, or in public works construction or salvage operations for the military or civilian contractors. Working conditions are uniformly good, and, as in all aspects of social welfare, the benefits of the indigenous social system and of the Civil Administration program are available to all. (See Statistical Appendices No. II B and No. X A.)

General situation.

(149).

The Director of Economics on the Staff of the High Commissioner has cognizance of labor, wages, and associated functions. In the Civil Administration Units the Economics Officer is responsible for labor affairs. In addition to handling the general details of labor administration, all requests and applications for work with the Administration are screened in his office. On the basis of recommendations, interviews, and demonstrations of qualifications, indigenous laborers are classified according to the type of work they prefer and which they are qualified to perform. Vocational training is given by the schools and supplemented by in-service training.

Administration (152).

(156).

(151m).

It is the practice of the Administration to employ nonindigenous personnel, other than Naval personnel, only when the necessary professional or technical knowledge and experience cannot be found among the indigenes. The expenses in connection with labor functions are met by general administration funds.

(152).

Fundamental legislation controlling labor in the Trust Territory is stated in *Interim Regulation No. 4-48*, Chapter 5 (Bill of Rights) and Chapter 13 (Economic Controls). These laws, while not extensive and of a general nature, have to date proved adequate because of the small amount of industrial employment within the Trust Territory and the lack of any large industry controlled by indigenes or a government agency. The Administration itself is by far the largest employer of labor on regular salaries; consequently, it has been possible to regulate labor relations satisfactorily by administrative action alone. This would be totally inadequate in a more complex society or in one more highly organized industrially. The policy of equal remuneration for work of equal value in a District applies to all indigenes regardless of sex, race, nationality, religion, or tribal association. Indebtedness among wage earners does not represent a serious problem. (See Statistical Appendix No. X A (3).)

Labor Legislation (151).

Equal Pay (165) (166) (167).

Work hours, rest periods, and holidays are generally controlled by established native customs; government employment is based on a 40-hour week, work hours being adjusted where necessary to conform with native customs.

Working Conditions (151d, e, f, g).

Health and sanitary conditions of employment are an integral part of the Administration's health program. No medical inspection is required in connection with employment other than the inspection of food handlers as part of the health program. In general, employees of the Administration enjoy better living and health conditions than they experience in their home environment.

**Workers' Compensation
(151h).**

Employees of the United States Government, including those indigenous to the Trust Territory, are entitled to the benefits of the United States Employees' Compensation Act of September 7, 1916, as amended.

**Contracts and Sanctions
(151a).**

Contracts for employment of nonindigenes are of one-year duration with the option of retention and carry only a civil obligation. No sanctions are applied. If nonindigenous personnel are brought from the United States they are paid according to the standards of compensation in that country plus any overseas differential customary and prevailing.

Labor Problems (154).

Labor problems which are not covered by legislation are solved by certain policies which the Civil Administration has adopted. To reduce absenteeism and raise the efficiency standard of island employees, the Administration directs the workers' attention to the responsibilities they assume upon accepting employment; has established a system of rotation for workers to allow time for the harvesting of food supplies; has adopted a wage scale which rewards punctuality and the progressive development of skills; presents opportunities to develop skills through on-the-job training; and provides opportunities to progress to higher job classifications on the basis of a merit system. Studies of labor problems and standards are constantly in progress at the various Civil Administration Units.

**Industrial Relations
(151b).**

Industrial relations have never been a problem. Freedom of association and of petition to the government are guaranteed by the Bill of Rights and the need for further formalization of these procedures or for formulating conciliation or arbitration laws has not yet arisen. Trade-unions, although not prohibited, are nonexistent. Because of the predominately nonindustrial character of the area, the need for trade-unions, collective-bargaining processes, and the right to strike has not become evident. No employers or employees were charged with or convicted of any offense against existing legislation during the past year.

(155).

(153).

Employment (163).

The problem of finding employment for the indigenous people is practically nonexistent except on Saipan and at Koror. Since most of the inhabitants can support themselves with a minimum of labor and without depending upon a daily wage, the difficulty lies in procuring sufficient labor to satisfy the local demands of the Civil Administration Units or of the military establishments. Often the procurement of additional laborers has to be arranged through the local village or island chiefs. The procurement of labor has been stimulated by several upward revisions of the wage scale, designed to make employment more attractive, and by making available for purchase greater quantities of the consumer goods which are most in demand.

(156).

(157).

(161).

Opportunities exist in the Territory for the employment of both skilled and nonskilled laborers. The former especially are in demand. The number of positions open to electricians, carpenters, machine operators, office workers, and cabinetmakers far exceeds the number of trained personnel available to fill them. Only the Saipan and Palau Districts have an excess of skilled labor. This problem has been partially solved by the migration of Saipanese and Palauans to Guam where wage scales are advantageous (T/Pet. 10/2). The

(156).

problem of finding employment for manual workers is practically nonexistent. Those not employed by nonindigenous establishments are absorbed by the many activities of the indigenous economy. (161).

As of June 30, 1951, the following numbers of indigenes were employed for wages by the Civil Administration Units, the Central Pacific Insular Constabulary, and private nonindigenous employers: (25).

District	Civil Administration unit	Central Pacific Insular Constabulary	Private Non-indigenous Employers
Saipan.....	228	25	401
Palau.....	393	25	55
Truk.....	285	46	47
Ponape.....	265	20	86
Marshall Islands.....	231	21	48
Total.....	1,402	137	637

Civil Administration indigenous employees work in the various departments of the Civil Administration Units: Administration, Operations, Public Affairs, Economics, Public Works, Public Health, Finance and Supply, and Education. Indigenous employees of private nonindigenous employers include domestics and workers employed by the Missions, the Island Trading Company, and the military other than Civil Administration. No figures are compiled for indigenes employed by other indigenes. (See also Statistical Appendix No. IC.)

This total of 2,176 indigenous employees for wages is increased by approximately 3,000 other wage earners engaged in small businesses and occupations such as handicraft making, copra gathering, and fishing. There is no industrial homework in the Territory, the nearest approach to it being home manufacture of handicraft which is on a private enterprise basis. (151n).

Where large numbers of laborers are employed, as in Saipan, living quarters have been provided and messing facilities set up. All are under the direct supervision of a representative of the Civil Administration Unit concerned. Housing (151e) (157).

Where necessary, explicit regulations have been enacted to insure that the local inhabitants who are on the Administration payroll, suffer no indignities and are given an equal share of the desirable and undesirable jobs. For example, islanders hired as seamen aboard ships engaged in interisland traffic are protected by a directive which states that not more than 50 percent of the personnel assigned to tasks generally considered as undesirable shall be islanders. (166).

The Administration does not hire persons under 14 years of age. Government employment is open to both sexes on an equal basis but local customs so closely regulate the occupations entered into by men and women that discrimination on the basis of sex is rarely a problem for the employer or the Administration. Child Labor (151i) Employment of Women.

All labor is voluntary except penal labor. This type of labor is utilized by the Administration for municipal and Civil Administration projects. Compulsory Labor (159).

Freedom of movement within the Territory is guaranteed by the Bill of Rights subject only to the requirements of public order and security. There have been no instances of indigenous inhabitants leaving the Territory in search Labor Migration (124). (151k, 1). (164).

(158).

of employment apart from the movement of a few individuals and small groups to Guam. No serious problems have been created by this instance of labor migration. The Administration realizes that because of the constant need in local communities for workers to engage in fishing and subsistence farming, the prolonged absence of a high percentage of able-bodied men from any village would be detrimental economically as well as socially. All laborers who volunteer for work away from their homes are carefully screened to eliminate men whose absence would work a hardship on the community. The contract labor system does not exist in the Trust Territory.

Recruitment of Labor
(160).

(151j).

Workers recruited from outside the Trust Territory consist of civilian employees of the Civil Administration, employees of civilian contractors performing services for the Administering Authority, and laborers in the Angaur phosphate mine. Civilian employees of the Civil Administration are teachers, dentists, and specialists in problems of the area. They are hired under contract according to United States Government employment regulations. Housing is furnished them by the Civil Administration.

(160).

Employees of civilian contractors are recruited in the country in which the employer is registered and under the employment regulations of that country. The majority of such workers employed on June 30, 1951, were American. The nonindigenous laborers in the Angaur phosphate mine consist of 370 Japanese, recruited in Japan according to an agreement made between the Angaur clans, the High Commissioner, and the Supreme Commander for the Allied Powers in Japan. All nonindigenous workers are returned to their homeland upon the expiration of their contract and are not permitted to settle in the Trust Territory. There were no deaths among the workers during the past year.

(160).

Separate camps are maintained for the nonindigenous labor crews, and housing and messing arrangements are provided by the organization or company employing them. Because housing is of the barracks type, wives are not allowed to accompany the laborers. No instances of trouble between nonindigenous workers and the inhabitants have arisen.

C. Public Health

Objectives of Program.

The objectives of the public health program for the Trust Territory of the Pacific Islands continue to be the control of preventable disease, the elevation of public health standards, and the provision of the highest attainable quality of medical service for the inhabitants. Administration health personnel have continued to work for these long-term goals throughout the past year.

Legislation (171).

The public health policy and program for the Trust Territory are stated in: *Health Service Policy for the Trust Territory of the Pacific Islands*, issued on August 5, 1947; *Interim Health Service Program for the Trust Territory of the Pacific Islands*, *Public Health Rules and Regulations for the Trust Territory of the Pacific Islands*, and *Medical Practice in the Trust Territory*, all promulgated on November 28, 1947; and *Interim Regulation 4-48*, Chapters 2 and 7. Regulations issued in the course of the last year were: *Trust Territory Health Department Order No. 1-51*, entitled "Hansen's Disease; Regulations Regarding Care and Disposition of Patients," and *Trust Territory Health Department Order No. 2-51*, entitled "Public Health Department Employees, Pay and Allowances for." The first of these provides that bacteriologically positive lepers are to be cared for at the Tinian Leprosarium, while bacteriologically negative and arrested cases are to be studied and treated locally. The

second directive establishes a scale of pay and allowances for all professionally trained indigenes employed by the Trust Territory Public Health Department. (See Documentary Supplements No. V and No. VI.)

The Administration presently has no organized health activities in cooperation with other governments or international organizations, including the World Health Organization. However, international sanitary conventions are observed in practice.

Sanitary Conventions (172).

The Director of Public Health, a member of the Staff of the High Commissioner of the Trust Territory, has cognizance of and maintains control over all public health matters within the Trust Territory. All professional and administrative personnel of the Department of Public Health are responsible to the Director. All activities of the Department, including the administration of dispensaries and hospitals, the medical training of indigenous personnel, and the conduct of medical surveys and research projects, are subject to his supervision. Civil Administrators are responsible for the enforcement of health and sanitation regulations within their respective Districts.

Administration (169).

All but a very small fraction of the expenses of the Public Health Department are met through appropriated funds. Nominal fees collected for medical services contribute insignificantly to the total cost of the medical care program. Appropriated funds for the public health program for the fiscal year 1951 approximated \$300,000.

Finance (169).

Vital statistics are gathered by Civil Administration health personnel visiting the outlying islands on regularly scheduled field trips. While the scattering of the population throughout many isolated islands makes the collection of accurate data very difficult, every effort is put forth to gather correct vital statistics. Valuable epidemiological data are available in the reports of the medical survey ship *U. S. S. Whidbey*.

Vital Statistics (173).

The Public Health Department of the Trust Territory continues to supply nonindigenous professional and administrative personnel until sufficient numbers of well-trained indigenes are available to render medical, dental, and nursing service. Nonindigenous personnel include United States Navy Medical, Dental, and Medical Service Corps Officers, hospital corpsmen, and civilian dentists. There are no medical missionaries in the Trust Territory. (See Statistical Appendix No. XII A.)

Personnel (174).

Classification of indigenous professional employees of the Department of Health has been standardized for the entire Territory by the promulgation during the past year of *Trust Territory Health Department Order No. 2-51* (Documentary Supplement No. VI). This established the positions of medical and dental practitioners, medical and dental assistants, nurses, health aids, dental aids, and nurse aids.

(181) (186).

Indigenous Personnel (174).

Indigenous trainees who have recently graduated from the School for Medical Assistants at the United States Naval Medical Center, Guam, are now serving two-year periods of internship at various Civil Administration Unit dispensaries throughout the Trust Territory prior to assuming duties as medical practitioners. Several graduates of the School of Nursing at Guam Memorial Hospital are currently employed at Civil Administration Unit dispensaries. Students enrolled in the former schools for medical and dental assistants have been transferred to the Central Medical School at Suva, Fiji, where they will complete their training. On graduation, they will be available to render medical and dental service in the Trust Territory as medical and dental practitioners. Guam Memorial Hospital continues to train nurses for the

Professional Training (175).

- Trust Territory. Professional training in medicine, dentistry, and nursing is available to the indigenes without discrimination.
- Training (175).** Other indigenes continue to be trained and employed at the Civil Administration Unit dispensaries and dental clinics as medical and dental assistants, health aids, dental aids, and nurse aids. These trainees learn the techniques of first-aid, simple laboratory work, dispensary medicine, and sanitation. After training, they return to their home islands to serve as resident health personnel in the outlying island subdispensaries. These subdispensaries are visited regularly by Administration medical, dental, and hospital corps personnel touring the islands in field trip parties to deliver medical supplies, inspect sanitary conditions, and effect transfer of the seriously ill to the Civil Administration Unit dispensaries. (See Statistical Appendix XII B, C.)
- Subdispensaries (186).**
- Dental Service.** Dental assistants and dental aids are trained and employed at the Civil Administration dental clinics and subdispensaries. Periodically, dentists and dental assistants accompany field trips to the outlying islands to provide necessary care to the indigenes who are unable to visit the administration unit clinics.
- Hospitalization (185).** Hospitalization for the majority of seriously ill patients is undertaken by the Civil Administration Unit dispensaries. Patients requiring highly specialized medical care are referred to the United States Naval Hospital, Guam. Active leprosy cases are treated at the Trust Territory Leprosarium on Tinian.
- Maternal and Child Care (182).** Maternal and child health care are available through the Civil Administration Unit dispensaries and the outlying subdispensaries. On the outlying islands, trained health aids and nurse aids are responsible for maternal and child health as a part of their duties to the community as a whole. The incidence of diseases peculiar to pregnancy and childhood is not great. In some Districts, the majority of women living in the vicinity of the Civil Administration Unit dispensary come in for prenatal examination, delivery, postpartum, and neonatal care. In other Districts, many women still prefer the attendance of midwives during parturition. Recognizing that midwifery is deeply entrenched in the tradition of many island communities, Administration health officers have endeavored to train the more competent midwives in the simple fundamentals of good obstetrical technique. The regulations governing the practice of midwifery are contained in *Medical Practice in the Trust Territory*, Section 14.
- Midwives (182) (175).**
- Immunization (181).** Through the civil administration unit dispensaries, vaccinations for smallpox and inoculations for typhoid and tetanus have been provided to as many of the indigenes as possible. Immunization of school children has been given first priority.
- Unqualified Indigenous Practitioners (176).** A limited number of unqualified practitioners, relying on continued popular acceptance of traditional island concepts of disease, continue to carry on their unsanctioned work. As Administration public health officers have continued to win the confidence of the indigenes in modern medicine, the influence of these unqualified individuals has declined progressively over the years. Rarely have their practices involved procedures endangering the welfare of persons requesting their services. When instances of dangerous practice have occurred, Administration health officers have usually been able to resolve the problem through consultation with the community officials.
- (180 c, d).
- Diseases (177).** The principal endemic diseases still existing in the Trust Territory are tuberculosis, enteric parasitism, filariasis, and leprosy. Over the entire Territory, the incidence of tuberculosis varies from one to three persons per

hundred. It is most serious in the Caroline and Mariana Islands. Common intestinal parasites include ascaris, hookworm, whipworm, and pinworm. Amebic and bacillary dysentery are still serious health menaces in some areas. Filariasis is widespread in the Caroline Islands. Fewer new cases of leprosy are reported as time goes on. At present, there are 112 patients under treatment at the Tinian Leprosarium where facilities for isolation, housing, and treatment have been set up in accordance with modern therapeutic standards. The declining incidence of active yaws in the Territory can be ascribed to the effectiveness of antibiotics available at all dispensaries and subdispensaries. Endemic and epidemic respiratory infections, while common, are usually of a minor nature. Occasionally, however, pneumonia and laryngo-tracheo-bronchitis occur. Gonorrhea continues to be the most common venereal disease. The general availability of antibiotics, however, has controlled the incidence of venereal infections very successfully. Cases of venereal infection are hospitalized until treatment is completed. Prostitution is a punishable offense but is not a major problem in the Trust Territory. (See Statistical Appendix No. XII E.)

Leprosarium (178).

Venereal Disease (185).

Prostitution (179).

Research and Survey (171).

The Administration continues to sponsor surveys and research studies bearing on the medical problems of the Trust Territory. During the last four years, the *U. S. S. Whidbey*, a fully equipped floating clinic and laboratory, has conducted a medical and dental survey of the indigenous peoples of the Trust Territory. In addition to collecting data to determine the incidence of endemic and epidemic diseases in the Territory, the professional staff has opened a health record for each person examined. These records have been made available to the Civil Administration health officers within each District to help them locate and treat the seriously ill. In May of 1951 the *U. S. S. Whidbey* terminated its survey of the Trust Territory islands, having worked in all Districts of the Territory and completed examination of about 75 percent of the total number of inhabitants.

Upon completion of its survey, the *U. S. S. Whidbey* was withdrawn from the Trust Territory. In order to continue adequate follow-up studies on the more remote islands and to contribute to diagnostic aids and better care of the indigenes, plans for the modification of four field trip ships by the installation of X-ray equipment on each have been approved and work on this project will start in the near future.

During the past year, two administrative-medical field team trips in the Truk District were organized. Part of the purpose of these trips was to give follow-up medical and dental care in relation to the conditions as reported by the *Whidbey* survey. These teams were sent into the field with sufficient allotted time to examine and treat all indigenes. Also, they gave opportunity for on-the-island observation and training of health aids as well as enabling the medical personnel to institute and correct any deficiencies in hygiene and sanitation. Educational programs regarding oral hygiene, midwifery, and infant care were started. Almost 100 percent of the indigenes on the various islands visited were seen. The first team was sent to Woleai and Lamotrek in November 1950 for a period of 5 weeks. The second team was sent into the Mortlock Islands for a period of 59 days. A review of their report justifies the use of this type of medical support for the more remote islands and is considered to be the best way by which adequate follow-up and treatment can be given to the indigenes.

Medical Field Trips.

Filariasis Research
(170) (171).

In recent months, the Administration has initiated an extensive investigation of the filariasis problem in the Trust Territory. The objectives of the project are (1) to determine the geographical limits of the disease; (2) to identify the species of etiologic agent and vector present in various areas; (3) to develop effective measures for controlling the insect vector; and (4) to explore methods of treating existing filarial infections.

Nutrition (183) (184).

Nutrition among the people of the Trust Territory continues to be satisfactory. The island diet consists mainly of locally produced foodstuffs: fish, taro, breadfruit, pandanus, arrowroot, coconuts, yams, manioc, sweet potatoes, papaya, limes, and fresh chicken, duck, and pork. The indigenes supplement these foods with rice, flour, sugar, lard, and canned milk, meat, and fish which are imported by the Island Trading Company. Special supplementary feedings for school children are not generally considered to be necessary. Experienced agriculturalists, entomologists, and husbandmen retained by the Administration work constantly to protect and develop local food resources. During the last year, a nutritional survey of the Marshall Islands (low islands) and Truk (high islands) Districts has been made to discover any deficiencies or imbalances that may exist in the island diet.

(170).

Sanitation Program
(180b) (187).

The program for improvement of sanitation in the Trust Territory depends upon (1) enforcement of public health regulations by local health aids and civil officials; (2) inspection of living areas by Civil Administration health officers; and (3) education of indigenes in the fundamentals of preventive medicine. Infraction of a public health regulation is a punishable offense. Areas in the vicinity of Civil Administration Units are inspected frequently by health officers and outlying islands are inspected regularly by visiting field trip parties. During such inspections, medical personnel point out conditions that represent health hazards, explain to the community officials the need for corrective measures, and remind them of their responsibility for community health and enforcement of regulations.

Water Supply.

Water supply varies with the type of island. On the low coral atolls, fresh water is usually derived from small rain catchment arrangements, using concrete cisterns for storage. Wells are often of poor quality. On the high islands, spring water, well water, and rain draining off uninhabited watersheds provide more than adequate supplies. The importance of maintaining clean water storage facilities, screened over to avoid contamination and mosquito breeding, is emphasized in sanitation inspections and teaching programs. Rigid standards are observed in the inspection of the water distribution system and this has been effective in preventing water-borne diseases.

Food Dispensing Establishments (189) (175).

Establishments preparing and dispensing food must be licensed and inspected periodically. Food handlers are given physical examinations as often as practicable.

Waste Disposal (187).

Medical personnel carrying out sanitation inspections and health education programs continue to encourage the construction and regular use of facilities for the sanitary disposal of human waste. Inland and over-the-water type toilets are both recommended. The use of night soil is forbidden by law. Garbage and other refuse is disposed of by burying or burning.

Pest Control (188).

Programs for the control of rodent and insect pests have relied most heavily on efforts to eliminate food sources and breeding grounds. Deep burying of garbage and refuse, draining and filling of stagnant water reservoirs near living areas, and community clean-up programs have accomplished some reduction in fly, mosquito, and rat population. Rat poison and DDT have been of value on severely infested islands.

The people of the Trust Territory are not addicted to the use of narcotic drugs. The only narcotics used in the area are administered by United States Naval medical officers under military control for medical purposes. Regulations relative to the importation, sale, manufacture, and distribution of drugs and pharmaceuticals are contained in *Interim Regulation No. 4-48*, Chapter 7. International regulations relating to narcotics are followed in practice although they have not been formally extended to the Trust Territory.

Drugs (191).
(192).
(190).
(172) (193).

Alcoholic beverages are not manufactured on a commercial scale in the Trust Territory. Manufacture by individuals for personal use in accordance with indigenous tradition is permitted subject to community control. The importation of spirituous beverages for the use of the indigenes is illegal except in the Saipan District where beer, without limitation as to alcohol content, is allowed to be imported (T/Pet. 10/3).

Alcohol (194) (195).

Health education promises to be the most effective means of improving public health conditions in the Trust Territory. The fundamentals of hygiene, sanitation, and preventive medicine are taught by Administration personnel in elementary, intermediate, and teacher training schools. Island chiefs are instructed in the need for solution of the health problems of their islands and their assistance is enlisted in convincing the people of the worth of the program. Well-trained practitioners, health aids, and school teachers serve effectively as spokesmen for modern concepts of disease. The administration is taking every opportunity to extend the advantages of modern medicine to the people of the Trust Territory through education rather than through coercion. It is gratifying to report that the islanders are interested and cooperative in the implementation of the public health program.

Public Health Education
(180a, b) (170) (175).

Chapter VI

EDUCATIONAL ADVANCEMENT

The success of the political, judicial, economic, and social programs for the Trust Territory of the Pacific Islands is dependent upon the educational advancement of the people. The basic educational policy of the Administering Authority is designed to promote the fulfillment of the obligations of the *Charter of the United Nations* and the provisions of the *Trusteeship Agreement*. The objective of this policy is to promote the educational advancement of the inhabitants by establishing a system of elementary and intermediate education; by facilitating vocational and cultural advancement of the people; and by encouraging students to pursue professional training. (See also *Interim Regulation No. 4-48*, Chapters 2 and 8, and Statistical Appendix No. XIII.)

Policy and Aims (219).

A free public school system has been established in the Trust Territory to accomplish this end. The Education Department, located at the Headquarters of the High Commissioner at Pearl Harbor, is responsible for the administration of the schools. The Education Staff is composed of the Director of Education, the Assistant Director of Education who is also the Field Educational Administrator, the Supervisor of Publications, the Supervisor of Libraries, and the Supervisor of Linguistics. A Supervisor of Agricultural Education has been provided for in the budget but not yet employed.

Education Department (221).

In the field there is an Educational Administrator for each District and for the island of Yap who is directly responsible to the Civil Administrator. The District Educational Administrator directs the conduct of educational affairs, implements the educational policies of the Administering Authority, and is responsible for expanding and supervising the educational programs within his respective District. Each District also has an indigenous Superintendent of Elementary Schools who works closely with the Educational Administrator and who has taken over many of the educational tasks of his District.

Field Administration.

The Education Department is advised in educational affairs by the Advisory Committee on Education for Guam and the Trust Territory. This Committee, established in November 1947, is composed of distinguished educators from Hawaii who meet from time to time at the University of Hawaii or in the field. Its members make recommendations concerning the professional and technical phases of public education and educational administration, review the progress of the program, and screen candidates for teaching positions.

Advisory Committee (220) (221).

The school year consists of 180 school days. The school day for first-year pupils consists of at least five 40-minute periods of classroom instruction and recreational activity. All other students attend at least six 40-minute periods of classroom instruction and supervision each day.

School Day.

Elementary schools, primarily a municipal responsibility and staffed wholly by indigenous teachers, are in operation throughout all Districts of the Trust Territory. Students 8 to 14 years of age attend the elementary schools. In certain areas these schools have attained a six-year course of study. Because the supply of trained and experienced teachers is still insufficient for the number of students, a system of grouping grades 1 and 2, 3 and 4, and 5 and 6

Elementary Schools (220).

has been established. English is taught in proportion to the linguistic ability of the teachers. (See Tables, pp. 67 and 68 and Statistical Appendix XIII A, B.)

Elementary School Curriculum (226).

The curriculum and the objectives of the elementary schools are as follows:

Group I

(Approximate ages: 8 and 9 years)

A. Subjects:

- Vernacular..... 2 periods daily.
- Oral English..... 1 period daily.
- Recreational Activities, including Music and Physical Exercise... 1 period daily.
- Drawing and Creative Art..... 1 period daily.

B. Aims:

1. To teach correct oral speech, reading, and writing in the vernacular.
2. To teach Series A and B conversational English words (pronunciation and comprehension; no reading or writing).
3. To provide recreational activity including music, art, and physical exercise.
4. To teach drawing and provide creative activity in art.
5. To provide constant training in healthful, ethical, and democratic attitudes and habits.

Group II

(Approximate ages: 10 and 11 years)

A. Subjects:

- Vernacular..... 1 period daily.
- Oral English..... 1 period daily.
- Reading and Writing of English..... 1 period daily.
- Social Studies, including Geography, Science, Health, and Nature Study..... 1 period daily.
- Arithmetic..... 1 period daily.
- Drawing, Arts and Crafts, and Creative Activity..... 1 period daily.
- Recreational Activities, including Music and Physical Exercise... To be offered as an extra program function.

B. Aims:

1. To teach reading, spelling, grammar, composition, and writing in the vernacular.
2. To teach Series C Conversational English words and words from English language textbooks of standard Grade II level (pronunciation and comprehension; no reading or writing).
3. To teach reading and writing of Series A conversational English words from Series A and B flash cards and locally published textual materials.
4. To teach local island geography, history, citizenship, and health.
5. To teach science, using standard science and nature study texts, Books I and II.
6. To teach arithmetic, including addition, subtraction, and multiplication, in English.
7. To teach drawing, arts and crafts, and to provide for creative activity.
8. To provide recreational activity, including music and physical exercise.
9. To provide constant training in healthful, ethical, and democratic attitudes and habits.

Group III

(Approximate ages: 12 and 13 years)

A. Subjects:

- Reading and Conversational English..... 1 period daily.
- English Spelling, Writing, and Composition..... 1 period daily.
- Arithmetic..... 1 period daily.
- Social Studies, including History, Geography, Science, Health, and Nature Study..... 1 period daily.
- Drawing, Arts and Crafts, and Creative Activity..... 1 period daily.
- Gardening..... 1 period daily.
- Recreational Activities, including Music and Physical Exercise... To be offered as an extra program function.

B. Aims :

1. To teach conversational English through the use of standard English texts, Grades III and IV.
2. To teach reading, writing spelling, and composition of Series C conversational English words, using standard Grade IV text materials.
3. To teach arithmetic, including addition, subtraction, multiplication, division, decimals, and simple fractions in English.
4. To teach geography, history, citizenship, and health in the vernacular.
5. To teach science by reading and writing on subjects included in the standard texts for Grades II, III, and IV.
6. To teach drawing, arts, and crafts, and to provide opportunity for creative art.
7. To teach gardening.
8. To provide recreational activity, including music and physical exercise.
9. To provide constant training in healthful, ethical, and democratic attitudes and habits.

Intermediate schools have been established at the headquarters of each Civil Administration District and at Yap. Entering students must have satisfactorily completed an elementary school course and be at least 14 years of age. The intermediate school offers three years of instruction corresponding to grades seven through nine in one of the following: (1) terminal education in subjects especially adapted to the needs of the District, including teacher training; (2) preprofessional and technical education for students desiring higher education. (See Tables, pp. 67 and 68, Statistical Appendix No. XIII A, B.)

Intermediate Schools
(220).

The basic curriculum for the intermediate school is as follows :

Intermediate School
Curriculum (226).

Terminal Education

English, including Conversation, Reading, Writing, Spelling, Grammar, and Composition.
Arithmetic.
Social Studies, including Geography, History, Local Civics, Health, Hygiene, and Sanitation.
Teacher Training, on an in-service and interim basis.
Commercial Subjects.
Industrial Arts and Homemaking, including Indigenous Arts and Crafts.
Agriculture.
Vocational Training, including Carpentry, Masonry, Seamanship, Boat Building, and Fishing.
Recreational Activities, including Music, Art, Sports, Games, and Hobbies.

Preprofessional Education

English, including Conversation, Reading, Writing, Spelling, Grammar, and Composition.
Arithmetic.
Social Studies, including Geography, History, Local Civics, Health, Hygiene, and Sanitation.
General Science.
Agriculture.
Industrial Arts and Homemaking, including Indigenous Arts and Crafts.
Recreational Activities, including Music, Art, Sports, Games, and Hobbies.

Approximately 511 scholarships providing free subsistence and stipends to cover costs of incidentals have been provided for intermediate school students during the past year. One hundred twelve of the intermediate schoolgirls are scholarship recipients (T/Pet. 10/2). About 300 students have been able to attend the intermediate schools at their own expense. Student selections are made by a scholarship committee which has been established in each District. This committee is composed of three members including the Superintendent of Elementary Schools, the District Educational Administrator, and one person designated by the District Civil Administrator. Selection factors and tests are being improved each year so that the most promising students may benefit from the educational opportunities afforded by these scholarships.

Scholarships (230).

Advanced Education
(220).

Advanced education within the Trust Territory is available at the Pacific Islands Teacher Training School (PITTS) at Truk. At the present time PITTS includes three schools: The School of Teacher Training, established in November 1947 to prepare teachers for the Territory schools; the School of Communications, established in September 1949 to train indigenous radio operators; and the School of General Education, established in September 1950 to provide secondary education. Teacher Training, including practice teaching, is a two and one-half-year course; Communications and General Education are three-year courses. A School of Agriculture will be opened in the fall of 1951. The study of English is emphasized to as great a degree as is that of professional and technical subjects. The students attending these schools are carefully selected from ranking intermediate school students or from candidates having equivalent background or experience. Currently there are 106 students at PITTS. The majority of these students, including the nine girls, are scholarship students (T/Pet. 10/2). (See Tables, pp. 67 and 68 and Statistical Appendix No. XIII B.)

Teacher Training
Curriculum (226).

The curriculum of the School of Teacher Training is as follows:

FIRST YEAR			
<i>First Semester</i>		<i>Second Semester</i>	
<i>Subject</i>	<i>Credits</i>	<i>Subject</i>	<i>Credits</i>
English I.....	5	English II.....	3
Reading.....	2	English Composition I.....	2
Spelling.....	2	Mathematics II.....	3
Mathematics I.....	3	General Science II.....	2
Occupational Study.....	1	Industrial Arts II.....	2
General Science I.....	2	Introduction to Education.....	3
Industrial Arts I.....	2	Child Psychology.....	2
Physical Training.....	1	Physical Education.....	1
Total.....	18	Total.....	18
SECOND YEAR			
<i>First Semester</i>		<i>Second Semester</i>	
<i>Subject</i>	<i>Credits</i>	<i>Subject</i>	<i>Credits</i>
English III.....	3	English IV.....	3
Oral Expression I.....	3	Oral Expression II.....	3
Mathematics III.....	2	Mathematics IV.....	2
Social Studies I.....	2	Social Studies II.....	2
School and Classroom Operation I.....	1	School and Classroom Operation II.....	1
Teaching Methods I.....	2	Teaching Methods II.....	2
Practice Teaching I.....	2	Practice Teaching II.....	2
Agriculture.....	2	Agriculture.....	2
Art I.....	2	Art II.....	2
Physical Education.....	1	Physical Education.....	1
Total.....	20	Total.....	20

Summer School.

In addition to the regular teacher training course, students attend summer school at the close of their second year of study. Graduation exercises for teacher training students are held at the close of the summer session. Teachers from all Districts of the Territory also attend the summer sessions for further training and refresher courses. Each summer course offered is the equivalent of one credit hour. Students may take not more than six credit hours during the 6-week term.

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These courses are being offered for credit in the 1951 summer school.

- Teaching of English Reading.
- Teaching of English Composition and Grammar.
- Teaching of Oral Expression.
- Teaching of Health and Hygiene.
- Teaching of the Vernacular.
- Teaching of English.
- Teaching of Arithmetic.
- Teaching of Art.
- Teaching of Science.
- Teaching of Physical Education.
- Teaching of Social Studies.
- Teaching of Music.
- Teaching Methods in the Elementary Schools.
- Government and Citizenship.
- Educational Methods.
- School Administration.
- Algebra.
- Agriculture.
- Industrial Arts Workshop.
- Planning Workshop.

The curriculum of the School of Communications is as follows:

**Communications
Curriculum (226).**

FIRST YEAR

<i>First Semester</i>		<i>Second Semester</i>	
<i>Subject</i>	<i>Credits</i>	<i>Subject</i>	<i>Credits</i>
English I.....	5	English II.....	3
Reading	2	English Composition.....	2
Spelling	2	Mathematics II.....	3
Mathematics I.....	3	Electricity I.....	3
Occupational Study.....	1	Radio Telegraphy I.....	2
General Science.....	2	Drafting	2
Industrial Arts I.....	2	Industrial Arts II.....	2
Physical Education.....	1	Physical Education.....	1
Total	18	Total	18

SECOND YEAR

<i>First Semester</i>		<i>Second Semester</i>	
<i>Subject</i>	<i>Credits</i>	<i>Subject</i>	<i>Credits</i>
English III.....	3	English IV.....	3
Oral Expression.....	3	Communications Procedures I.....	2
Meteorology I.....	3	Meteorology II.....	3
Mathematics III.....	2	Mathematics IV.....	2
Electricity II.....	3	Electricity III.....	3
Radio I.....	2	Radio II.....	2
Radio Telegraphy II.....	2	Radio Telegraphy III.....	2
Physical Education.....	1	Physical Education.....	1
Total	19	Total	18

THIRD YEAR

<i>First Semester</i>		<i>Second Semester</i>	
<i>Subject</i>	<i>Credits</i>	<i>Subject</i>	<i>Credits</i>
Communications Procedures II	2	Meteorology IV	3
Meteorology III	3	Radio IV	3
Radio III	3	Electricity V	3
Electricity IV	3	International Procedure	2
Radio Telegraphy IV	2	Radio Telegraphy V	2
Radio Telephony I	2	Radio Telephony II	2
Social Studies I	2	Public Speaking	2
Physical Education I	1	Physical Education	1
Total	18	Total	18

General Education Curriculum (226).

The curriculum of the School of General Education is as follows:

FIRST YEAR

<i>First Semester</i>		<i>Second Semester</i>	
<i>Subject</i>	<i>Credits</i>	<i>Subject</i>	<i>Credits</i>
English I	5	English II	3
Reading	2	English Composition	2
Spelling	2	Mathematics II	3
Mathematics I	3	Health	2
Occupational Study	1	General Science II	2
General Science I	2	Elective	2
Industrial Arts	2	Art I	2
Physical Education	1	Physical Education	1
Total	18	Total	17

SECOND YEAR

<i>First Semester</i>		<i>Second Semester</i>	
<i>Subject</i>	<i>Credits</i>	<i>Subject</i>	<i>Credits</i>
English III	3	English IV	3
Oral Expression I	3	Oral Expression II	3
General Business I	3	General Business II	3
Economics I	2	Economics II	2
Agricultural Methods I	2	Agricultural Methods II	2
Social Studies I	2	Social Studies II	2
Physical Education	1	Physical Education	1
Electives	0-4	Electives	0-4
Total	16-20	Total	16-20

THIRD YEAR

<i>First Semester</i>		<i>Second Semester</i>	
<i>Subject</i>	<i>Credits</i>	<i>Subject</i>	<i>Credits</i>
Bookkeeping I	3	Bookkeeping II	3
Typewriting I	3	Typewriting II	3
Community Sanitation	2	World Geography	3
Drafting	2	World History	2
Trust Territory Law I	2	Trust Territory Law II	2
Physical Education	1	Public Speaking	2
Electives	5-7	Physical Education	1
Total	18-20	Total	18-20

The curricula of the schools is directed at all times toward the development of democratic attitudes. Courses in social studies and structure of the Trust Territory Government and the legal code deal directly with the working of democracy. Experience in democratic functions and leadership is afforded by participation in student government organizations in the class rooms and schools and by dramatic presentations of elections, conduct of municipal government, and model sessions of a District congress.

Education for Democracy

The study of the United Nations and its organization is included in all curricula under Social Studies and its presentation is being fully implemented. An extensive coverage of the subject is given at PITTS to all teacher candidates to equip them with the basic information for proper presentation in the elementary and intermediate schools. During the past year United Nations Volunteer Information Centers have been established at each intermediate school and at PITTS and the school principals designated as Directors of the Information Centers. Material concerning the United Nations is available at the Centers and from them is distributed to all schools and libraries.

Study of the United Nations.

The health of the school students is carefully watched. Physical examinations are given without charge to all students and training in good health habits and physical education are important parts of the curricula. Insofar as is practicable, food served is the type of food to which the students have always been accustomed.

Health of Students (230).

Schools are easily accessible to the students. Elementary schools are located in all major population centers or villages. Transportation to the intermediate schools and to the schools on Truk, Guam, and Suva is furnished by the Administering Authority at the beginning and close of each school year.

School Locations (230).

The number of students enrolled in the schools represents more than 90 percent of the children of school age. Attendance is about 95 percent of those enrolled.

School Attendance and Population.

The following tables indicate the extent to which the public school system has developed in each district:

School, Teacher, and Student Distribution (229).

PUBLIC SCHOOL STUDENTS AS OF JUNE 30, 1951¹

District	Total Indigenous Population	Elementary Schools		Intermediate Schools		PITTS		Total Students	
		Male	Female	Male	Female	Male	Female	Male	Female
Saipan (Northern Marianas).	6,506	537	441	71	48	16	2	624	491
Palau (Western Carolines).	11,740	949	688	130	44	28	2	1,107	734
Truk.....	15,788	1,143	817	186	13	24	5	1,353	835
Ponape.....	10,397	600	386	101	8	14	0	715	394
Marshall Islands.....	11,299	588	460	89	17	15	0	692	477
Total.....	55,730	3,817	2,792	577	130	97	9	4,491	2,931

¹ For statistics of nonpublic schools, see p. 73.

PUBLIC SCHOOLS AND TEACHERS AS OF JUNE 30, 1951

District	Elementary Schools	Elementary Teachers ¹		Intermediate Schools	Intermediate Teachers ²		PITTS	PITTS Teachers ³		Total Teachers	
		Male	Female		Male	Female		Male	Female	Male	Female
Saipan (Northern Marianas)-----	6	10	14	1	5	4	0	0	0	15	18
Palau (Western Carolines)-----	35	77	7	2	11	4	0	0	0	88	11
Truk-----	45	55	8	1	4	5	1	5	3	64	16
Ponape-----	16	31	3	1	6	2	0	0	0	37	5
Marshall Islands--	36	32	9	1	7	1	0	0	0	39	10
Total-----	138	205	41	6	33	16	1	5	3	243	60

¹ All elementary teachers are indigenes.

² 23 intermediate teachers (21 male, 2 female) are indigenes.

³ PITTS male teachers are indigenes.

Advanced Education Outside the Territory (220) (228).

Advanced education outside the Trust Territory is provided at Guam and at Suva, Fiji. (See Table, p. 69, and Statistical Appendix No. XIII A, B.) During the past year the United States Naval Medical Center on Guam was disestablished and the facilities for medical, dental, and nurses' training which had been offered there to Trust Territory students were no longer available. Students at the Medical and Dental Assistants Schools were transferred to the Central Medical School at Suva which is under the direction of the British South Pacific Health Service; students at the School of Nursing were transferred to Guam Memorial Hospital.

Medical, Dental and Nurses' Schools (228).

The medical and dental trainees at Suva receive a four-year course in their profession which prepares them to serve the health needs of their people. The School of Nursing at Guam provides a three-year course in nursing similar to that received by graduate nurses in the United States. In addition to the professional training which these schools offer, emphasis is placed upon the study of English. Students for these schools are selected without discrimination from the various island groups and, when graduated, return to their native localities to practice their professions under the supervision of Civil Administration medical and dental officers. At the present time there are 31 students in the School of Medical Practitioners, 20 in the School of Dental Practitioners, and 13 in the School of Nursing, all of whom are scholarship students.

Other than for the advanced schools at Truk, Guam, and Suva, there are no facilities in the immediate area for higher education for the people of the Territory. However, students who meet the qualifications for American universities are eligible for scholarships from the Administering Authority, various universities, and private sources. Equal educational opportunities are extended to both sexes. At the present time 40 students, other than medical and nursing trainees, are attending schools and universities outside the Territory: 7 are at universities and high schools in the United States and Hawaii; 11 are at seminaries in the Philippine Islands; and 22 are attending high school at their own expense on Guam (T/Pet. 10/2).

STUDENTS ABROAD AS OF JUNE 30, 1951

District	Medical and Dental, Suva		Nursing, Guam		High School, Guam		Others		Total	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Saipan.....	3	0	0	0	11	5	3	0	17	5
Palau.....	16	0	0	4	6	0	10	0	32	4
Truk.....	12	0	0	0	0	0	0	0	12	0
Ponape.....	13	0	0	4	0	0	5	0	18	4
Marshall Islands.....	7	0	0	5	0	0	0	0	7	5
Total.....	51	0	0	13	17	5	18	0	86	18

Training for skilled and professional work other than teaching, communications, and medicine has taken the form of apprentice training. This type of training has been conducted throughout the Territory since the inception of the United States Naval Military Government and continued through the present administration. From groups originally trained by Military Government, the Civil Administration has obtained truck drivers, mechanics, electricians, plumbers, carpenters, refrigerator repairmen, rodent and insect control squads, warehousemen, and painters. Other young islanders, selected on the basis of natural aptitude, have received in-service training in agriculture, library training, safety services, clerical work, maritime service, and basic business procedures. Cooperative working arrangements between the District Education and Public Works Departments have resulted in the promotion of in-service training programs. A new intermediate school built this past year at Majuro, has afforded an opportunity for on-the-job training in carpentry, painting, and masonry. Only a portion of the total trained population is employed by the Civil Administration Units; the greater proportion of the workers participate in private activities which contribute directly toward the economic and social advancement of the Territory (T/Pet. 10/6).

Vocational Training
(162).

Adult education is actively promoted on the District level throughout the Trust Territory. During the past year 253 adults attended classes in English, health and sanitation, office practice, carpentry, mechanics, communications, public safety, library science, and navigation.

Adult Education
(26) (234).

A great number of the adult population can be reached through other educational media such as visual aids, radio, films and newspapers, but as yet these facilities are limited. Health charts, both in English and the vernacular, have been published and distributed to the field. Radio broadcasting has been developed at Saipan, Truk, and Kwajalein, and programs for the indigenous population have been broadcast over these stations. The major problem in the use of radio is the lack of available electric power and the extremely short life and high cost of dry-cell batteries in wet climates. Until some simple, consistent source of power is developed, the use of radio communication can be available only to a very small percentage of the people of the Trust Territory.

There are no theaters in the Trust Territory. Dramatic programs often produced by students at the various schools, are presented in the school auditoria. Indigenous owned and operated cinemas are located on Saipan,

Theaters and
Cinemas (241).

**Newspapers and
Periodicals (238).**

Rota, and Ponape. In other areas the inhabitants attend motion pictures shown by the Civil Administration at the various District Headquarters.

In most of the indigenous communities adjacent to the centers of Civil Administration activities, American newspapers and periodicals are available and read to some extent. At present a number of mimeographed newspapers are being published in the various Districts, in both English and the vernacular, either as school papers or as local affairs publications.

Libraries (239).

Libraries are still few in number but specialized library work during the past year has resulted in their improvement. Libraries are now in existence at the intermediate schools and at PITTS and are for the use of the public as well as for the students. A central law library is deposited in the court house at Truk. These libraries are being augmented and expanded as funds become available and as the educational advancement of the people enables them to use such facilities. The position of Supervisor of Libraries, provided for in the organization of the Education Department, was filled in the fall of 1950 by the appointment of a trained librarian. Early in 1951, after establishing a research library for the use of the Staff at the Trust Territory Headquarters, he conducted a six-weeks course in the fundamentals of library science at Truk. Eleven indigenous library trainees, representing Saipan, Palau, Yap, Truk, and Ponape, attended the course. Later, the staff librarian visited PITTS and all intermediate schools in the Trust Territory and supervised the reorganization of their libraries. In the Marshall Islands the course in library training was repeated for the benefit of the Marshallese librarians who were unable to attend the classes at Truk.

**Indigenous Teachers
(231).**

Acquiring teachers for the public schools of the Trust Territory is often a difficult problem. The elementary schools are staffed entirely by indigenes whose preparation for teaching varies from no formal education to study at an American university. Approximately fifty percent of the intermediate school teachers are indigenous. (See Table, p. 68, and Statistical Appendix No. XIII C.) The average indigenous teacher is a graduate of an intermediate school and has received teacher training at that level. Efforts are constantly being made to implement this training and eventually all elementary teachers will be PITTS-trained. The source of supply of suitable indigenous teachers for the elementary schools is expected to remain adequate to meet present and future needs.

**Qualifications and
Training.**

Summer sessions at PITTS emphasize methodology and procedures beyond the presently prescribed course required for teacher training. Each District provides teacher training courses at its intermediate school for elementary teachers during the regular school year and provides refresher training during the summer months. As of June 30, 1951, the indigenous teachers totaled 246 in the elementary and 23 in the intermediate public schools. This is an increase of 26 indigenous teachers during the past year. Sixteen percent of the teachers are women.

(135).

**Non-Indigenous
Teachers (231).**

Nonindigenous teachers are either Naval or civilian personnel and their dependents, or contract employees. Three United States Navy enlisted men and sixteen wives of Naval and civilian administration personnel taught in the intermediate schools and at PITTS during the past year. All are high-school graduates and most have college degrees and previous teaching experience. Three Naval officers were employed in supervisory capacities. Twenty-two contract employees are attached to the school program. The latter hold the positions of Educational Administrators for the five school districts, principal of

PITTS, specialized teachers, and staff members. Professional qualifications are approximately the same as those for similar positions in the United States. Applicants are screened by the Director of Education and by the Advisory Committee on Education for Guam and the Trust Territory. They are licensed in that they must have credentials from a recognized school in the United States. During the past year an average of 27 nonindigenes taught in the intermediate schools of the Trust Territory.

Salary scales per annum for American and indigenous educators are listed below:

SALARY SCALE FOR NON-CIVIL-SERVICE CONTRACT EMPLOYEES

Classification	Civil-service Equivalent	Salary
Educational Administrator.....	GS-11	\$6,750
Educational Administrator.....	GS-9	5,750
Principal.....	GS-7	4,781
Teacher.....	GS-5	3,875

SALARY SCALE FOR DEPENDENTS OF AMERICAN PERSONNEL

Rating	Classification	Salary
IA.....	Instructor.....	\$4,150
IB.....	do.....	3,775
IC.....	do.....	3,400
IIA.....	do.....	3,150
IIB.....	do.....	2,900
IIC.....	do.....	2,650
IIIA.....	Instructor's aide.....	2,400
IIIB.....	do.....	2,175
IIIC.....	do.....	1,950
IIID.....	do.....	1,825

SALARY SCALE FOR INDIGENES

Classification	Salary Range
Superintendent of Schools.....	\$900 to \$1,850
Principals.....	240 to 1,254
Teachers.....	180 to 1,254

The variation in the salaries paid dependents of American personnel is due to difference in their training and experience. The wide range in the scale of indigenous teachers' salaries is due to the extreme differences in the monetary economy among the five Districts in the Territory.

District teachers' associations have been formed in the Marshall Islands, Ponape, Truk and Palau Districts. The Micronesian Education Association, composed of teachers from all Districts, was organized at PITTS in July 1949 "in order to produce a more effective educational program in the Trust Territory of the Pacific Islands, and for the professional and physical betterment of the indigenous educator." The Micronesian Education Association publishes the *MEA Journal*. Working closely with the educators in four Districts

Teachers' Associations
(140) (233).

School Boards and PTA's. are local school boards, with both indigenous and nonindigenous members. The Ponape, Palau, and Saipan Districts have Parent-Teacher Associations.

School Construction (223). Marked strides have been made in the school construction program. During the past year 12 new schools have been built: 3 in the Truk District, 1 in the Marshall Islands District, 2 in the Ponape District, 3 in the Saipan District, and 3 in the Palau District. Major projects were: the Student Center at the Truk District Intermediate School, containing offices, a galley, cafeteria, auditorium, museum, student and faculty lounge, store, barbershop, and shower rooms; a four room consolidated school on Dublon Island, Truk Atoll; and the Youth Center on Saipan, providing facilities for indoor and outdoor sports activities.

School Equipment (223). Average elementary schools in the Trust Territory still have limited equipment and supplies but their condition is improving each year. The Civil Administrators provide necessities to the elementary schools if the municipalities are unable to do so. Permanent fixtures, such as desks, chairs, blackboards, and electrical equipment, are now supplied to all intermediate schools and PITTS. Each year additional teaching aids and elementary textbooks oriented to the Territory are distributed (T/Pet. 10/6.)

Cost of Education (221). The expenditures for public education in the Trust Territory for the fiscal year 1951 amounted to \$385,509 or 29 percent of the total expenditures from United States appropriated funds and the local Trust Territory funds. In addition to this sum there were considerable cost not shown in the Territorial budget, such as salaries of Naval personnel engaged in educational work and free materials distributed by the Administration, amounting to an additional \$48,000. (See Statistical Appendix No. XIII D.)

(230). All facilities and materials of the public schools are free to the people of the Trust Territory. Expenses in connection with the instruction and subsistence of students attending schools above the elementary level are met from the funds available for education. During the past year a total of \$82,245 was spent on scholarships for the students attending the six intermediate schools and PITTS, and for one student attending the University of Hawaii (T/Pet. 10/2).

(222). Each municipality is responsible for the payment of the salaries of its elementary school teachers. In the Ponape and Truk Districts a luxury tax of 20 cents per carton is placed upon cigarettes to defray the cost of public education on the municipal level. Out of the collected revenue, teachers' salaries and other local educational needs are met.

Mission Schools (220). In addition to the public schools of the Trust Territory, a total of 20 non-public schools are located in all Districts except Saipan. Ten of the schools are Catholic and ten Protestant. These are the only private schools in the Territory. On Saipan, with a population predominantly Catholic, the Catholic Church has not evinced a desire to establish a mission school but does provide religious instruction for the school children. There are 60 missionaries and 26 indigenes engaged in mission education. (See Table, p. 73, and Statistical Appendix No. XIII C, D.)

(224). The establishment of private schools is not prohibited nor is their operation curtailed. The only regulation applied to private schools offering secular education is that they meet the minimum attendance requirements and educational standards established by the Administration. The curricula of these schools are similar to those of the public schools.

(226).

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No government subsidies nor grants-in-aid are given the non-public schools. (225) (142). Supplies for these schools may be purchased at cost through the Educational Administrator of the District. A small portion of the financial support of the private schools is donated by the indigenes; the larger portion is obtained from outside the Territory. The proportions of these amounts of support are unknown.

The following table gives statistics concerning the non-public schools :

School, Student, and Teacher Distribution (229).

NON-PUBLIC SCHOOL STATISTICS AS OF JUNE 30, 1951

District	Number of Schools	Number of Teachers		Number of Students	
		Male	Female	Male	Female
Saipan (Northern Marianas)	0	0	0	0	0
Palau (Western Carolines)	2	5	5	126	134
Truk	5	5	8	296	161
Ponape	6	15	14	324	283
Marshall Islands	7	14	17	244	192
Total	20	39	44	990	770

The educational program is reducing illiteracy at an accelerated rate. Recent statistical reports on illiteracy are being compiled and studied but as yet the results of the study are incomplete. The highest percentage of illiteracy is in isolated areas, especially in the outer islands of the Western Carolines, and special educational programs are being prepared for these areas. Elsewhere illiteracy is not too great a problem and the present educational program is capable of solving it. No assistance in dealing with illiteracy has been requested from any international agency.

Illiteracy (235).

The problem of language is the most difficult obstacle to be overcome in education. Languages spoken in the Territory may be classified generally into nine distinct groupings, some of which may be in turn subdivided into local dialects. None is Territory-wide in usage. Language studies and attempts at standardization made by various foreign groups since the time of early Western exploration and settlement in the area have not proven satisfactory. During World War II the United States made a systematic attempt to survey the field from a practical standpoint and published a Civil Affairs Study entitled *The Languages of the Japanese Mandated Islands*. The present Administration has encouraged and sponsored research in all major language groups of the Territory, and dictionaries, orthographies, and grammars have been prepared. The position of Supervisor of Languages on the Education Department Staff was filled at the beginning of this fiscal year. Already each of the island languages is being reduced to writing by standardizing the orthographies, and school textbooks in each of these languages are being published.

Language (237).

The local island language is taught and used as the medium of instruction during the first two years of elementary school. English is taught only conversationally until the third year when its study is increasingly emphasized. English is the language of instruction at the intermediate school level but lack of proficiency in its use does not disqualify a student from attending an intermediate school. English is becoming a *lingua franca* of the Trust Territory but the promotion of literacy in island language remains an important object of the educational program.

Teaching of Language (227).

Supply of Literature
(236).

The Administering Authority has prepared and is distributing textbooks and other reading material especially adapted in vocabulary and content for use in the Territory. The material is written in English and some of it is being translated and printed or mimeographed in the vernacular. To date, original manuscripts have been prepared in Yapese, Marshallese, Palauan, and Kusaian, and printed and distributed for use in the schools. The American Red Cross and other organizations and private persons outside the Territory have made substantial donations of general literature. Mission groups have translated the Bible and the Catechism into several of the island languages.

Fostering of Indigenous
Culture (238) (241).

In the entire educational program the Administering Authority emphasizes the preservation and fostering of indigenous art and culture. Immediately after United States forces occupied the islands which now constitute the Trust Territory, it was proclaimed that the existing customs of the local people would be respected. The policy was reaffirmed by the High Commissioner's first proclamation for the Trust Territory and again by the Bill of Rights and it has been adhered to consistently. Moreover, *Interim Regulation No. 4-48*, Chapter 8, provides that the educational program shall respect local cultural patterns, foster and encourage the study of local languages, history, arts and crafts, and establish vocational training in the arts and crafts and in the trades.

(242).

Active encouragement has been given to the promotion of knowledge of indigenous culture. Archaeological investigations, part of the program of the Scientific Investigation of Micronesia, are being conducted throughout the area. All major sites of archaeological interest are established and maintained as permanent monuments. The Administration has rendered assistance in the reconstruction on Palau and Yap of men's houses, the traditional centers of community life. The production of articles of handicraft is being stimulated by instruction in standardization of design and the development of markets abroad. The ancient Micronesian art of boat-building, now simplified by the use of modern tools, has become profitable because of the demand for transportation of the products of an expanding economy. In the spring of 1951 the Koror Intermediate School conducted a Fair to sponsor and popularize the production of articles indigenous to the Palau Islands. In May 1951, on the occasion of the dedication of the Truk Student Center, the Truk Intermediate School and PITTS staged the Truk Atoll Music Festival. Interest in the folklore of the area has been fostered by the publication during the past year of the first volume of *Legends of Micronesia*, prepared by the Education Department with the assistance of a number of indigenes.

(241).

(236).

Popular knowledge of Micronesian culture is spreading beyond the Trust Territory. In the spring of 1951, the Honolulu Academy of Arts, under the sponsorship of the High Commissioner, produced a graphic exhibition depicting life in Micronesia. The Administration has supervised the production of a film, *The Navy and Micronesia*, covering the period of Naval administration, and it will be released this coming year. Also, during the past year, PITTS and intermediate school students prepared 125 sketches and paintings of Trust Territory scenes which the American Junior Red Cross is now exhibiting in schools throughout the United States. In the summer of 1950, an exhibition of art work by the students at the Yapese Intermediate School was held in San Francisco. Numerous paintings were sold and the proceeds therefrom were used to purchase special equipment for the school.

The encouragement of such common intellectual and cultural activities is ⁽²³⁸⁾ the most important single influence in the development of a feeling of interdependence among the people of the Trust Territory. The mingling of young people from all areas at educational centers within and without the Territory, teachers' associations, increasing facility in a common language, contact by radio, and distribution of films, news, and literature, all will better acquaint the Micronesians with one another and contribute to a recognition and solution of their similar problems.

PETITIONS TO THE TRUSTEESHIP COUNCIL

The following table contains page references to the material in the report indicating the action taken by the Administering Authority on the recommendations of the trusteeship council at its

Eighth Session on March 13, 1951, in respect to the petitions submitted by the inhabitants of the Trust Territory of the Pacific Islands (T/865, T/866, T/867, T/868, T/869, T/870, T/871).

	Page		Page
Petition from the Commissioner and the Elected Village Council of Luta (T/Pet. 10/1) -----	9	Petition from the Peoples' Representative and People of the Village of Tanapag (T/Pet. 10/4) --	15
Petition from the Palau Congress and the Palau Council on Behalf of the Palau Islands (T/Pet. 10/2) -----	32, 33, 35, 36, 45, 49, 52, 63, 64, 68, 72	Petition from the House of Council and the House of Commissioners, Saipan (T/Pet. 10/5) -----	11
Petition from the Women of Palau (T/Pet. 10/3) -----	18, 48, 59	Petition from the Chairman of the High Council of Saipan (T/Pet. 10/6) -----	33, 39, 45, 50, 69, 72
		Petition from the Iroijs of the Marshall Islands (T/Pet. 10/7) -----	17, 33, 39, 45, 47

CONCLUSIONS AND RECOMMENDATIONS OF THE TRUSTEESHIP COUNCIL

The following table contains page references to the material in the report indicating the action taken by the Administering Authority with regard to the conclusions and recommendations approved

by the Trusteeship Council at its Eighth Session on March 12, 1951, with respect to the Trust Territory of the Pacific Islands (S/2069).

	Page		Page
Democratization of Local Government.....	17, 18	Diversification and Development of Economy.....	29-32
Passage of Organic Act.....	9	Encouragement of Fishing Industry.....	36
Establishment of Seat of Government.....	15	Encouragement of Copra Industry.....	35, 36
Transfer of Administration.....	IV, V, 8	Redemption of Japanese Currency.....	45
Retention of Naval Personnel in New Administration.....	V	Settlement of Land Claims.....	33-34
Training of Personnel for New Administration.....	V	Increase in Numbers of Teachers.....	70
		Establishment of Libraries.....	70

STATISTICAL APPENDICES

I. Population

These Statistics Cover Permanent Residents Only

A. Past Population Growth and Present Numbers.

(1) Trust Territory Over-all Population:

Nationality	1947 ¹			1948 ²			1949 ³			1950 ³			1951 ³		
	Males	Females	Total	Males	Females	Total	Males	Females	Total	Males	Females	Total	Males	Females	Total
American ⁴	16	15	31	14	14	28	25	11	36	33	15	48	23	18	41
Native.....	24,308	23,015	47,323	26,050	25,189	51,239	26,894	25,762	52,656	27,734	26,565	54,299	28,422	27,308	55,730
Other.....	55	25	80	121	87	208	⁵ 402	33	435	⁵ 459	37	496	⁵ 378	29	407
Grand total.....	24,379	23,055	47,434	26,185	25,290	51,475	27,321	25,806	53,127	28,226	26,617	54,843	28,823	27,355	56,178

¹ Figures for 1947 are based on incomplete field reports and on best estimates where required.

² Figures for 1948 are based on fairly accurate field reports.

³ Figures for 1949, 1950, and 1951 are based on census reports believed to be accurate.

⁴ "Americans," exclusive of Administration or Military Personnel.

⁵ Figures include Japanese workers on Angaur.

(2) Trust Territory Indigenous Population:

Race	1947 ¹			1948 ²			1949 ³			1950 ⁴			1951 ⁴		
	Males	Fe-males	Total	Males	Fe-males	Total	Males	Fe-males	Total	Males	Fe-males	Total	Males	Fe-males	Total
Chamorro.....	2,026	1,937	3,963	2,400	2,350	4,750	2,526	2,446	4,972	2,607	2,524	5,131	2,661	2,582	5,243
Carolinian.....	18,182	17,335	35,517	18,266	17,728	35,994	18,492	17,594	36,086	19,202	18,271	37,473	19,698	18,788	38,486
Marshallese.....	4,100	3,743	7,843	5,384	5,111	10,495	5,473	5,329	10,802	5,590	5,443	11,033	5,723	5,576	11,299
Polynesian.....							403	393	796	326	336	662	340	362	702
Grand total.....	24,308	23,015	47,323	26,050	25,189	51,239	26,894	25,762	52,656	27,725	26,574	54,299	28,422	27,308	55,730

¹ Figures for 1947 are based on incomplete field reports and on best estimates where required.

² Figures for 1948 are based on fairly accurate field reports.

³ Figures for 1949 have been adjusted to show later corrections.

⁴ Figures for 1950 and 1951 are based on reports believed to be accurate.

B. Birth and Mortality Rates:

- (1) Births: 31.3 per thousand of population.
- (2) Deaths: 9.3 per thousand of population.
- (3) Infant Mortality: 42.5 per thousand live births (of children 1 year of age or less).
- (4) Mean expectation of life (estimated):
 - a. Males: 50-55 years.
 - b. Females: 53-55 years.
- (5) Prospects of population growth: Excellent, since the birth rate is more than three times the death rate.

C. Population Distribution by Occupation and Educational Levels:

Statistics are not available.

During the past 5 years, approximately 20 percent of the population has received formal education. Production of copra, trochus, and handicraft and subsistence agriculture and fishing are the main occupational pursuits. Less than 5 percent of the population is engaged in other activities such as administrative and professional work or employment by the Administering Authority.

D. Population Density and Distribution:

The most accurate picture of distribution of population, from the demographic point of view, is to be found in a breakdown by islands and atolls. It will be noted that there is a significant over-all difference in density between the "high" and the "low" islands. The following table gives populations both by Districts and by islands or atolls:

District	Population	Area (square miles of dry land)	Density per square mile
SAIPAN DISTRICT			
Saipan.....	5,059	47.46	106.6
Tinian.....	405	39.29	10.3
Rota.....	753	32.90	22.9
Alamagan.....	145	4.35	33.3
Agrihan.....	144	18.29	7.9
District total.....	6,506	142.29	45.7
PALAU DISTRICT			
Palau Islands (group).....	6,578	189.00	34.8
Yap Islands (group).....	2,773	38.67	71.7
Ulithi Atoll.....	473	1.80	262.8
Ngulu Atoll.....	49	.17	288.2
Fais Island.....	237	1.08	219.4
Sorol Atoll.....	10	.36	27.8
Eauripik Atoll.....	147	.09	1,633.3
Ifalik Atoll.....	253	.57	443.9
Faraulep Atoll.....	120	.16	750.0
Lamotrek Atoll.....	147	.38	386.8
Satawal Island.....	234	.51	458.8
Elato Atoll.....	38	.20	190.0
Woleai Atoll.....	403	1.75	230.3
Merir Island.....	8	.35	22.9
Pulo Anna Island.....	9	.31	29.0
Sonsorol Island.....	123	.74	166.2
Tobi Island.....	138	.23	600.0
District total.....	11,740	236.37	49.7
TRUK DISTRICT			
Truk Atoll.....	10,277	37.00	277.7
Etal Atoll.....	227	.73	311.0
Lukunor Atoll.....	838	1.09	768.8
Losap Atoll.....	728	.39	1,866.7
Namoluk Atoll.....	235	.32	734.4
Satawan Atoll.....	1,377	1.76	782.4

District	Population	Area (square miles of dry land)	Density per square mile
Nama Island.....	607	.29	2,093.1
Murilo Atoll.....	358	.50	716.0
Nomwin Atoll.....	174	.72	241.7
Namonuito Atoll.....	328	1.71	191.8
Pulap Atoll.....	191	.38	502.6
Pulawat Atoll.....	250	1.31	190.8
Pulusuk Island.....	198	1.08	183.3
District total.....	15,788	47.28	333.9
PONAPE DISTRICT			
Ponape Island.....	6,517	129.04	50.5
Kusaie Island.....	1,952	42.32	46.1
Mokil Atoll.....	307	.48	639.6
Pingelap Atoll.....	623	.68	916.2
Ngatik Atoll.....	296	.67	441.8
Nukuoro Atoll.....	218	.64	340.6
Kapingamarangi Atoll.....	484	.52	930.8
District total.....	10,397	174.35	59.6
MARSHALL ISLANDS DISTRICT			
Ailinglapalap Atoll.....	788	5.67	139.0
Ailuk Atoll.....	401	2.07	193.7
Arno Atoll.....	1,184	5.00	236.8
Aur Atoll.....	517	2.17	238.2
Ebon Atoll.....	799	2.22	366.0
Jaluit Atoll.....	1,177	4.38	268.7
Kili Island.....	174	.36	483.3
Kwajalein Atoll.....	1,095	6.33	173.0
Lae Atoll.....	144	.56	257.1
Lib Island.....	47	.36	130.6
Likiep Atoll.....	724	3.96	182.8
Maloelap Atoll.....	484	3.79	127.7
Majuro Atoll.....	1,292	3.54	365.0
Mejit Island.....	331	.72	459.7
Mille Atoll.....	295	6.15	48.0
Namorik Atoll.....	444	1.07	414.9
Namu Atoll.....	400	2.42	165.3
Rongelap Atoll.....	112	3.07	36.5
Ujae Atoll.....	265	.72	368.1
Ujelang Atoll.....	158	.67	235.8
Utirik Atoll.....	178	.94	189.4
Wotho Atoll.....	30	1.67	18.0
Wotje Atoll.....	260	3.16	82.3
District total.....	11,299	61.00	185.2
Grand total.....	55,730	661.29	84.3

II. Administrative Structure of Government

A. Nonindigenous Employees as of June 30, 1951 :

Position	Civilian Rate	Naval Officer	Enlisted man	Race	Sex
High Commissioner	GS-18			W	M
Administrative Assistant	GS-9			W	F
Chief of Staff		CAPT		W	M
Deputy High Commissioner	GS-15			W	M
Secretary	GS-6			W	F
Administrative Officer	GS-11				
Clerk-Steno	GS-4				
Historian		LT		W	F
Personnel Officer	GS-13			W	M
Do	GS-11			W	M
Personnel Assistant	GS-9			W	F
Personnel Clerk	GS-6			W	F
Do	GS-4			W	F
Do	GS-4			W	F
Clerk-Steno	GS-4			W	F
Clerk-Typist	GS-3			W	F
Do	GS-3			W	F
Do	GS-3			W	F
Finance and Supply Administrative Officer		LCDR		W	M
Clerk-Steno	GS-4			W	F
Budget Specialist	GS-12			W	M
Fiscal Accountant	GS-9			W	M
Cash Accounting Assistant	GS-7			W	F
Fiscal Accounting Clerk	GS-6			W	F
Do	GS-4			W	F
Do	GS-4			W	F
General Supply Officer	GS-12			W	M
Purchasing Agent	GS-9			W	M
Property and Supply Assistant	GS-9			W	M
General Supply Assistant			×	W	M
Storekeeper			×	W	M
Supply, Requisition, and Distribution Clerk	GS-5			W	F
Administrative Officer (Administration Department)	GS-14			W	M
Operations Officer	GS-13			W	M
Administrative Officer	GS-11			W	F
Communications Officer		CDR		W	M
Organization and Methods Examiner	GS-9			W	M
Administrative Assistant, Guam		CDR		W	M
Mail and File Supervisor	GS-5			W	F
Clerk-Steno	GS-4			W	F
Clerk-Typist	GS-3			W	F
Do	GS-3			W	F
Mail and File Clerk	GS-3			W	F
Messenger	CPC-3			W	M
Do			×	W	M
General Engineer	GS-13			W	M
Do	GS-12			W	M
Architect	GS-12			W	M
Engineering Draftsman	GS-6			W	F
Clerk-Steno	GS-4			W	F
Construction Engineer	GS-12			W	M
Construction Superintendent	GS-10			W	M
Operator Automotive Equipment, Snapper	Wage Board			W	M
Snapper Carpenter	W. B.			W	M
Snapper Electrician	W. B.			W	M

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Position	Civilian Rate	Naval Officer	Enlisted Man	Race	Sex
Snapper Plumber	W. B.			W	M
Clerk-Steno	GS-4			W	F
Clerk-Typist	GS-3			W	F
Education and Training Specialist	GS-13			W	M
Do		LCDR		W	M
Do	GS-11			W	F
Do	GS-11			W	M
Do	GS-9			W	M
Editorial Clerk	GS-4			W	F
Clerk-Steno	GS-4			W	F
Clerk-Typist	GS-3			W	F
Education and Training Specialist (PITTS)	GS-10			W	F
Do	GS-9			W	M
Do	GS-7			W	F
Do	GS-7			W	F
Do	GS-7			W	F
Political Affairs Officer		LCDR		W	M
Economist	GS-13			W	M
Anthropologist	GS-12			W	M
Agriculturist	GS-12			W	M
Do	GS-11			W	M
Entomologist	GS-12			W	M
Animal Husbandman	GS-11		Guamanian	W	M
Clerk-Steno	GS-4			W	F
Do	GS-4			W	F
Medical Officer	GS-14			W	M
Administrative Officer	GS-12			W	M
Administrative Assistant	GS-8			W	M
Clerk-Steno	GS-4			W	F
Medical X-ray Technician	GS-9			W	M
Plantation Manager	GS-11			W	M
Chief Justice		CDR		W	M
Judge	GS-13			W	M
Trial Attorney	GS-11			W	M
Shorthand Reporter	GS-7			W	F
Do	GS-7			W	F
Attorney Advisor	GS-13			W	M
Legal Advisor, Land and Claims	GS-9				
Attorney Advisor	GS-11			W	F
Protective Services Supervisor		WO, USMC		W	M
Clerk-Steno	GS-4			W	F
SAIPAN					
Administrative Officer	GS-13			W	M
Administrative Assistant	GS-9			W	M
Secretary	GS-5			W	F
Communications Specialist	GS-9			W	M
Do			×	W	M
Radio Mechanic			×	W	M
Education and Training Specialist	GS-11			W	M
Teacher (General)	GS-7			W	F
Principal	GS-9			W	M
Education and Training Specialist	GS-9			W	F
Teacher (General)	GS-5			W	M
Do	GS-5			W	M
Civil Affairs Officer	GS-11			W	M
Anthropologist	GS-9			W	M
Clerk-Steno	GS-4			W	F
Medical Officer	GS-12			W	M

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Position	Civilian Rate	Naval Officer	Enlisted Man	Race	Sex
Dental Officer (Alien).....	GS-11.....		Oriental		M
Administrative Assistant.....	GS-8.....			W	M
Sanitation Inspector.....	GS-7.....			W	M
Finance and Supply Administrative Officer.....	GS-10.....			W	M
Fiscal Accounting Clerk.....	GS-6.....			W	F
General Supply Clerk.....	GS-6.....			W	M
Clerk-Typist.....	GS-4.....			W	M
General Engineer.....	GS-11.....			W	M
Leadingman Public Works.....	W. B.....			W	M
Snapper Carpenter.....	W. B.....			W	M
Leadingman Public Works.....	W. B.....			W	M
Snapper Plumber.....	W. B.....			W	M
Snapper Electrician.....	W. B.....			W	M
Snapper Refrigerator Mechanic.....	W. B.....			W	M
Snapper Auto Mechanic.....	W. B.....			W	M
Snapper Diesel Mechanic.....	W. B.....			W	M
Clerk-Typist.....	GS-3.....			W	F
TINIAN					
Medical Officer.....		LTJG.....		W	M
Administrative Assistant.....	GS-8.....			W	M
Clerk (Typing).....	GS-4.....			W	F
Leadingman Public Works.....	W. B.....			W	M
Snapper Public Works.....	W. B.....			W	M
Agriculturist.....	GS-9.....			W	M
KOROR					
Administrative Officer.....	GS-13.....			W	M
Administrative Assistant.....		LCDR.....		W	M
Secretary.....	GS-5.....			W	F
Communications Specialist.....			×	W	M
Do.....			×	W	M
Radio Mechanic.....			×	W	M
Education and Training Specialist.....	GS-11.....			W	M
Principal.....	GS-9.....			W	M
Education and Training Specialist.....	GS-9.....			W	M
Teacher (General).....	GS-7.....			W	F
Do.....	GS-5.....			W	M
Civil Affairs Officer.....		LTJG.....		W	M
Anthropologist.....	GS-9.....			W	M
Medical Officer.....		LT.....		W	M
Medical Officer (D. P.).....	GS-12.....			W	M
Dental Officer.....	GS-11.....			W	M
Administrative Assistant.....	GS-8.....			W	M
Sanitation Inspector.....	GS-7.....			W	M
Clerk-Typist.....			×	W	M
Finance and Supply Officer.....		LT.....		W	M
General Supply Clerk.....	GS-6.....			W	M
Fiscal Accounting Clerk.....	GS-6.....			W	M
Clerk (Typing).....			×	W	M
General Engineer.....	GS-11.....			W	M
Leadingman Public Works.....			×	W	M
Snapper Carpenter.....	W. B.....			W	M
Snapper Plumber.....			×	W	M
Snapper Electrician.....	W. B.....			W	M
Snapper Refrigerator Mechanic.....			×	W	M
Snapper Auto Mechanic.....			×	W	M
Snapper Diesel Mechanic.....			×	W	M
Clerk-Typist.....	GS-3.....			W	F

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Position	Civilian Rate	Naval Officer	Enlisted Man	Race	Sex
YAP					
Administrative Officer		LT		W	M
Anthropologist	GS-9			W	M
Administrative Assistant	GS-7			W	M
Secretary	GS-5			W	M
Communications Specialist			×	W	M
Do			×	W	M
Radio Mechanic			×	W	M
Leadingman Public Works			×	W	M
Snapper Public Works	W. B.			W	M
Medical Officer	GS-12			W	M
Medical Officer (D. P.)	GS-12			W	M
Administrative Assistant	GS-8			W	M
Clerk-Typist	GS-3			W	F
Education and Training Specialist	GS-10			W	M
Teacher (General)	GS-7			W	F
Do	GS-5			W	M
TRUK					
Administrative Officer		LCDR		W	M
Administrative Assistant	GS-9			W	M
Secretary	GS-5			W	F
Communications Specialist	GS-9			W	M
Do			×	W	M
Radio Mechanic			×	W	M
Legal Advisor	GS-7			W	M
Education and Training Specialist		LT		W	M
Principal	GS-9			W	M
Education and Training Specialist	GS-9			W	M
Teacher (General)	GS-7			W	F
Do	GS-5			W	M
Do	GS-5			W	F
Do	GS-5				
Civil Affairs Officer	GS-11			W	M
Anthropologist	GS-9			W	M
Clerk-Steno	GS-4			W	F
Medical Officer	GS-12			W	M
Medical Officer (D. P.)	GS-12			W	M
Dentist	GS-11			O	M
Administrative Assistant	GS-8			W	M
Sanitation Inspector	GS-7			W	M
Medical Technician	GS-7			W	M
Medical Records Librarian	GS-5			W	F
Clerk-Typist	GS-3			W	F
Finance and Supply Officer	GS-10			W	M
Fiscal Accounting Clerk	GS-6			W	M
General Supply Clerk	GS-6			W	M
Clerk (Typing)	GS-4			W	F
General Engineer	GS-11			W	M
Leadingman Public Works			×	W	M
Snapper Carpenter	W. B.			W	M
Snapper Plumber	W. B.			W	M
Snapper Electrician	W. B.			W	M
Snapper Refrigerator Mechanic	W. B.			W	M
Clerk-Typist	GS-3			W	F
Snapper Auto Mechanic			×	W	M
Snapper Diesel Mechanic	W. B.			W	M

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Position	Civilian Rate	Naval Officer	Enlisted Man	Race	Sex
PONAPE					
District Administrator	GS-13			W	M
Administrative Assistant	GS-9			W	M
Secretary	GS-5			W	F
Communications Specialist	GS-9			W	M
Do			×	W	M
Radio Mechanic			×	W	M
Education and Training Specialist	GS-11			W	M
Principal	GS-9			W	M
Education and Training Specialist	GS-9			W	M
Teacher (General)	GS-7			W	M
Do	GS-5			W	M
Civil Affairs Officer	GS-11			W	M
Agriculturist	GS-10			W	M
Anthropologist	GS-9			W	M
Medical Officer	GS-12			W	M
Do		LTJG		W	M
Do		LTJG		W	M
Dental Officer	GS-11			W	M
Administrative Assistant			×	W	M
Sanitation Inspector	GS-7			W	M
Clerk-Typist			×	W	M
Finance and Supply Officer	GS-10			W	M
General Supply Clerk	GS-6			W	M
Fiscal Accounting Clerk			×	W	M
Clerk (Typing)	GS-4			W	F
General Engineer	GS-11			W	M
Loadingman Public Works	W. B.			W	M
Snapper Carpenter	W. B.				
Snapper Plumber			×	W	M
Snapper Electrician	W. B.				
Snapper Refrigerator Mechanic	W. B.				
Snapper Auto Mechanic			×	W	M
Snapper Diesel Mechanic			×	W	M
Clerk-Typist	GS-3			W	F
MAJURO					
Administrative Officer	GS-13			W	M
Secretary	GS-5			W	F
Administrative Assistant	GS-9			W	M
Communications Specialist	GS-9			W	M
Do	GS-7			W	M
Radio Mechanic			×	W	M
Legal Advisor	GS-7			W	M
Education and Training Specialist	GS-11			W	M
Principal	GS-9			W	M
Teacher (General)	GS-5			W	F
Do	GS-5			W	F
Civil Affairs Officer	GS-11			W	M
Anthropologist	GS-9			W	M
Clerk-Steno	GS-4			W	M
Medical Officer		LTJG		W	M
Do	GS-12			W	M
Dental Officer	GS-11			W	M
Administrative Assistant	GS-8			W	M
Sanitation Inspector	GS-7			W	M
Clerk-Typist	GS-3			W	F
Finance and Supply Officer	GS-10			W	M
General Supply Clerk	GS-6			W	M

Position	Civilian Rate	Naval Officer	Enlisted Man	Race	Sex
Clerk-Typist	GS-4			W	F
General Engineer	GS-11			W	M
Leadingman Public Works	W. B.			W	M
Snapper Carpenter	W. B.			W	M
Snapper Plumber	W. B.			W	M
Snapper Electrician			×	W	M
Snapper Refrigerator Mechanic	W. B.			W	M
Snapper Auto Mechanic	W. B.			W	M
Snapper Diesel Mechanic	W. B.			W	M
Clerk-Typist	GS-3			W	F

B. Indigenous (Micronesian) Employees of the Administration as of June 30, 1951:

(See also p. 53 of text and Statistical Appendix X)

NOTE.—The various numbered groups used below refer in general to the following classifications of workers in their respective fields:

Group I: Apprentices.

Group II: Unskilled laborers.

Group III: Semiskilled laborers.

Group IV: Skilled laborers.

Group V: Supervisors, clerks, technicians.

Group VI: Administrative assistants, accountants, interpreters, medical practitioners, school principal, etc.

SAIPAN

Group	Admin.	Oper.	Int. Aff.	Econ.	Educ.	Dist. Atty.	P. H.	F. & S.	P. W.	Con-stab.	Total		Total
											Male	Female	
I	3			2	1		2	1	4		11	2	13
II	3				2	1	2	2	6		14	2	16
III	1			2	2		2	2	15	19	39	4	43
IV	5			5	2		24	13	57	4	89	21	110
V	1	3					13		31	1	44	5	49
VI					5		16			1	12	10	22
Total											209	44	253

PALAU

I	1				15						15	1	16
II	1		7	1	5		14		6	7	36	5	41
III			1	3		1	4		78	6	90	3	93
IV		6	3		4	2	7		119	6	144	3	147
V		6	9	2			4		38	5	62	2	64
VI		4	3	2	8	8	18		13	1	43	14	57
Total											390	28	418

TRUK

I													
II	14		1		25		2	3	49	23	108	9	117
III	3				4		67	7	27	13	106	15	121
IV	7		1		13		8	6	13	8	51	5	56
V	2				7	1		5	3	1	19	0	19
VI					4	1	11		1	1	18	0	18
Total											302	29	331

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 PONAPE

Group	Admin.	Oper.	Int. Aff.	Econ.	Educ.	Dist. Atty.	P. H.	F. & S.	P. W.	Constab.	Total		Total
											Male	Female	
I													
II		3		55	1		3	8	88		150	8	158
III	1	15		9	6	2	7	2	15	12	64	5	69
IV		3		5	3		6		10	4	29	2	31
V	4		3	2			12			3	18	6	24
VI					1	1				1	2	1	3
Total											263	22	285

MARSHALL ISLANDS

I							1				1	0	1
II	1			1		1	17	5	23	14	61	1	62
III	2				1	6	16	1	21	3	50	0	50
IV	1	17		3		5	6	8	28	1	68	1	69
V	4	3		1	2	7	11	3	10	2	38	5	43
VI	4	2	3	1	4	3	1	2	6	1	27	0	27
Total											245	7	252

III. Justice and Penal Administration

A. Tabulation of Convictions for Major Offenses During Year Ending June 30, 1951:

Major Offenses	Number of Convictions	Sex of Offenders	Sentence Imposed
Murder, first degree	2	1 M 1 F	Life imprisonment.
Murder, second degree	1	M	15 years.
Mayhem	1	M	2 years.
Voluntary manslaughter	1	M	18 months.
Involuntary manslaughter	3	M	1 offender, 1 year. 1 offender, 18 months and \$100 fine. 1 offender, \$100 fine.
Carnal knowledge	1	M	4 years (last 2 years suspended).
Attempted carnal knowledge	1	M	1 year.
Aggravated assault	1	M	3 years.
Larceny from a dwelling	2	M	1 offender, 3 years. 1 offender, 1 year (suspended).
Grand larceny	2	M	1 offender, 6 months and \$100 fine. 1 offender, 2 years.
Violation of shipping control regulation	2	M	1 offender, 6 months and \$100 fine. 1 offender, 5 months and \$85 fine.
Escape	6	4 M 2 F	2 offenders, 6 months (suspended). 2 offenders, 3 months (suspended). Warning.

B. Prison Information for Period July 1, 1950 to June 30, 1951:

	Saipan	Palau		Truk	Ponape	Marshalls
		Koror	Yap			
Total number persons committed.....	19	42	11	30	17	12
Average number inmates.....	9	20	14	12	8	4
Females committed ¹	0	3	0	0	0	0
Number of cells and wards:						
Cells.....	20	2	2	1	9	2
Wards.....	3	1	1	3	0	0
Number of cubic feet sleeping space per prisoner.....	413	377	168	1,703	615	324
Breakdown into Chamorros, Carolinians, others not indigenous to particular area committed:						
Chamorros.....	9					
Carolinians.....	10	42	11	30	17	
Marshallese.....						11
Filipinos.....						1

¹ Figures for females committed are for final quarter only.

C. Dietary Scale for Prisoners:

Dietary scale for all Civil Administration jail prisoners is 2,500-3,000 calories or more per day. Prisoners in the Saipan jail receive the diet served in the Civil Administration Dispensary mess. Prisoners in the Marshall Islands jail receive the same diet as native Civil Administration Unit

employees. At other Civil Administration jails prisoners are allowed to have native food contributed by their families and friends to supplement that provided by Civil Administration. Local foods are used as far as practicable, imported foods to the extent necessary to maintain the above minimum.

IV. Public Finance

A. Local Revenues:

Local Revenues	1948	1949	1950	1951
Internal Revenue tax.....	\$26,698.32	\$44,525.27	\$28,593.76	\$46,486.93
Processing tax.....	120,042.97	109,956.34	131,962.58	186,389.90
Import tax.....	12,524.18	3,340.76		
Rent of land and facilities.....	1,538.89	530.88	575.95	3,671.94
Alien property fund.....	767.22	76,396.78		
Fines and court fees.....	965.00	17,192.00	10,531.76	4,245.05
Fees and service charges.....		9,442.32	15,565.31	25,351.78
Miscellaneous sales.....		1,592.55	116.00	73,420.23
Dividends (ITC).....		100,000.00		
Miscellaneous collections.....	37.00	4,974.74	149,382.33	6,760.89
Total.....	162,573.58	367,951.64	336,727.69	346,326.72

¹ This item was almost entirely the previous revenue developed under Military Government but not turned over to Trust Territory until fiscal year 1950.

B. Amounts Available for Expenditures:

The amounts available for expenditure each fiscal year depend upon the sum appropriated by the United States Congress for the Trust Territory and that portion of the current and past local revenue which is approved for spending during the fiscal year involved. Thus, in essence, a limi-

tation is placed upon the use of locally derived revenue regardless of the amount available or developed during the year. In addition to the appropriated funds available directly for expenditures during this fiscal year, \$386,400 was made available for hiring and getting to job site the replacement personnel for Naval officers and men

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and certain construction projects therefor, and \$625,000 was made available for converting of planes and ships to civilian use, rehabilitation of certain facilities and operation of these planes and ships.

An additional \$75,000 from local funds was approved for general use and \$45,978 from the processing tax paid under the Angaur Mining Agreement was made available for Trust Territory conservation projects.

Source of Revenue	1948	1949	1950	1951
Appropriated funds	\$1,021,656	\$1,125,000	\$795,000	\$1,014,000
Local funds used in meeting costs of administration		275,000	605,000	421,326
Special appropriations for projects in connection with administrative transfer				1,011,400
Angaur Mining Trust Agreement processing tax				45,978
Total	1,021,656	1,400,000	1,400,000	2,492,704

C. Expenditures:

Although figures are available covering the expenditure from local funds as opposed to those from appropriated funds, it is more practical to treat the funds coming from the two sources as one fund. Expenditures from local funds are of

the same general type as those from appropriated funds; thus there is no reason to differentiate between them. Therefore, the expenditures are added together and indicate how the moneys available have been apportioned among the six programs.

Program	1948	1949	1950	1951
General Administration	\$164,524.27	\$168,115.28	\$151,267.81	\$211,000
Legal and Public Safety	85,837.92	110,473.07	125,298.64	159,000
Public Education	168,177.00	338,048.49	376,520.00	385,509
Commerce, Industry, and Agriculture	83,664.41	140,001.73	112,237.97	65,000
Medical Care, Public Health, and Sanitation	294,862.02	385,417.90	295,811.46	299,000
Public Works	198,071.46	242,398.77	180,946.93	227,000
Total	950,137.08	1,384,455.24	1,242,082.81	1,346,509

The 1951 figures include only the original appropriation plus the local fund. The \$386,400 made available for the living and travel of new employees and \$391,900 of the ship and plane conversion and operation fund were partly utilized. The balance has been obligated but not expended. In addition, \$38,883 of the Conservation Fund moneys were spent for projects such as beetle and pest control, fresh water sources, and the Trust Territory Agricultural Station.

The following costs not included in the Territorial budget have been reported in the above programs for 1951:

	Actual	Estimated	Total
General Administration	\$852,000	\$4,104,000	\$4,956,000
Legal and Public Safety	18,200	0	18,200
Public Education	22,000	0	22,000
Commerce, Industry, and Agriculture	23,400	0	23,400
Medical Care, Public Health, and Sanitation	191,000	0	191,000
Public Works	1,000,000	0	1,000,000
Total	2,106,000	4,104,000	6,210,000

The actual figures cover detailed reports from Civil Administrators for moneys and material made available through other Navy appropriations. The estimated figure is an estimate of the cost of supply, communications, plane and ship service to the Civil Administrators. No attempt has been made to estimate cost of "free" material shipped to Civil Administrators without charge in many instances.

V. Taxation

For information concerning taxes, see pages 45 and 46.

VI. Trade

A. Total Volume of Trade:

(1) Bullion and specie, fiscal 1951: ¹

Imports and Exports of Bullion	Currency Imports	Currency Exports
0	\$150,000	\$275,000

¹ Estimated. These figures represent the operations of the Island Trading Company only. Most currency imports are made through military agents and the Bank of America and are not reported here.

(2) Imports:

IPC	Other Imports	Mail Order (estimated)	Total Value
\$1,529,026.13	\$594,148	\$100,000	\$2,223,174.13

(3) Exports:

Domestic	Re-exports	Total Value
\$2,213,621.64	0	\$2,213,621.64

B. Imports of Principal Commodities:

Same as A (2) above. Imports originated in the United States except for \$190,493.51 of purchases from Japan (year); \$53,739 from Thailand (last quarter only); \$5,500 from Australia (last quarter only).

C. Exports of Principal Commodities:

Commodity	Value	Percent to--	
		Japan	United States and Guam
Copra ¹ -----	\$1,296,081.59	98	2
Handicraft-----	34,090.42		100
Trochus-----	82,531.78	100	
Phosphate ² -----	741,935.00	100	
Fruits and vegetables--	35,742.53		100
Miscellaneous ³ -----	23,240.32		100
Total-----	\$2,213,621.64		

¹ Valued at price realized by original producers.

² Valued at price of Florida phosphate f. o. b. mines.

³ Trempang, canocs, fish, coir fiber, charcoal, sponges, coconut oil, tortoise shell.

D. Re-export and Transit Trade: None.

E. Tariff Schedules Covering Imports and Exports: There are no tariffs effective on imports and exports in the Trust Territory.

F. Island Trading Company Balance Sheet and Profit and Loss Statement:

Island Trading Company of Micronesia, Balance Sheet, June 30, 1951

ASSETS

Current assets:

Cash on hand-----	\$110,864.71	
Cash in banks-----	134,064.97	\$244,929.68
Investment in obligations of the United States at cost plus accrued interest--	1,071,192.19	
Accounts and notes receivable, trade-----	\$148,829.41	
Less: Allowance for doubtful accounts-----	9,000.00	
		139,829.41
Inventories, at cost or market, whichever lower:		
On hand-----	1,241,716.38	
In transit between branches-----	224,536.48	
		1,466,252.86
Deposits in Naval Working Fund-----	17,321.82	
Deposits on letters of credit-----	55,694.41	
		73,016.23
Total current assets-----	\$2,995,220.37	

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Investment in handi-craft shops, hotels, and commissaries, at net book value.....	\$3,708.84
Property and equipment at nominal value.....	1.00
	<u>\$2,998,930.21</u>

COST AND EXPENSES

Cost of commodities sold:	
Trade goods.....	\$1,133,396.94
Copra.....	876,395.27
Handicraft.....	47,400.40
Trochus.....	48,964.44
Other native products.....	5,665.89
	<u>\$2,111,822.94</u>

LIABILITIES AND CAPITAL

Current liabilities:	
Accounts payable.....	\$207,506.14
U. S. Navy.....	1,016.98
Accrued expenses.....	43,641.93
Customers deposits.....	3,630.64
Taxes payable, Trust Territory.....	89,533.35
Accrued and withheld payroll taxes.....	2,197.15
	<u>347,526.19</u>
Provision for subsidies.....	1,801,713.58
Liability for loan of Navy-owned equipment.....	1.00
	<u>\$2,149,240.77</u>

Capital:	
Capital Stock:	
Authorized and issued, 10 shares no par value.....	\$1.00

Earned surplus:	
Reserved for self insurance.....	\$176,208.21
Reserved for fostering new enterprise.....	153,809.89
Unreserved.....	519,670.34
	<u>849,688.44</u>
Total capital.....	849,689.44
	<u>\$2,998,930.21</u>

Expenses:	
Administrative salaries.....	\$92,822.80
Branch management salaries.....	57,155.29
Native payrolls.....	72,042.26
Stevedoring.....	105,963.86
Freight (other than Navy subsidized).....	168,784.76
Insurance.....	13,880.22
Brokers commissions.....	40,625.91
Audit.....	3,000.00
Processing tax—copra.....	239,480.98
Royalties—trochus.....	6,547.66
Internal revenue taxes.....	29,640.85
District sales taxes.....	16,340.30
Employees FICA taxes.....	890.20
Inventory markdowns and losses.....	22,394.82
Samples and advertising.....	1,072.70
Copra bags.....	21,881.11
Construction.....	7,019.27
Supplies, materials, and equipment.....	51,248.04
General and miscellaneous.....	6,856.40
Travel and per diem.....	13,401.50
Communications.....	3,127.43
Bank charges.....	3,626.52
Provision for uncollectible accounts.....	7,569.57
Provision for self-insurance.....	54,149.28
Provision for copra price stabilization.....	173,915.77
Provision for Navy subsidies.....	426,497.63
	<u>\$1,629,935.13</u>
Total costs and expenses.....	<u>\$3,741,758.07</u>
Net operating profit.....	<u>\$284,594.14</u>

Island Trading Company of Micronesia, Statement of Profit and Loss for the Fiscal Year Ending June 30, 1951

INCOME

Sale of commodities:	
Trade goods.....	\$1,706,515.10
Copra.....	2,177,029.07
Handicraft.....	51,459.53
Trochus.....	83,086.44
Other native products.....	8,262.07
	<u>\$4,026,352.21</u>

Add: Other income (expense):	
Investment income.....	\$14,907.86
Transshipment income (net).....	2,665.65
Loss from operation of handicraft shops.....	(1,440.13)
Loss from operation of commissaries.....	(754.41)
Loss from operation of hotels.....	(988.62)
Miscellaneous.....	3,788.09
Cash over and (short).....	(315.98)
Final collection on prior year copra sales.....	(1,638.87)
	<u>\$15,423.59</u>
Net profit (loss) fiscal year.....	\$300,017.73

¹ Previously charged to inventory.
² Previously charged to supplies and materials.

VII. Enterprises and Business Organizations

(2) Livestock:

- A. Incorporated Industrial and Trading Establishments and Enterprises in Urban and Rural Areas: Ten (10). (See also p. 40.)
- B. Cooperative Societies, Credit Unions, and Membership: None.

Category	Number
Horses.....	5
Cattle.....	1, 536
Carabao.....	140
Swine.....	7, 800
Goats.....	3, 400
Chickens.....	22, 300
Ducks.....	700
Bechives.....	20

VIII. Housing

- A. Number of Dwellings and Number of Persons per Room in Urban Areas: There are no urban areas.
- B. Dwellings Commenced and Completed During the Year:

District:	Number
Saipan.....	89
Palau.....	85
Truk.....	58
Ponape.....	123
Marshall Islands.....	94
Total.....	449

C. Public Structures Built During the Year:

District:	Number
Saipan.....	4
Palau.....	19
Truk.....	2
Ponape.....	13
Marshall Islands.....	31
Total.....	69

IX. Production

A. Agriculture:

(1) Principal crops:

Crop	Estimated Acreage	Harvest (short tons)
Maize.....	125	98
Sorghum.....	10	6
Taro, yautia, arrowroot.....	1, 200	4, 800
Sweetpotatoes.....	950	3, 800
Cassava.....	1, 375	5, 700
Sugarcane.....	35	80
Copra.....	38, 500	15, 420
Breadfruit.....	9, 400	7, 500
Oranges.....	45	25
Mangoes.....	1, 200	2, 500
Limes.....	150	100
Bananas.....	800	1, 550
Plantains.....	40	120
Coffee.....	400	10
Papaya.....	12	20

B. Mines:

MINERALS AND MINES

Number of Mines	Mineral	Amount (long tons)	Value	Number of Workers	Tons per Worker (per Year)
1	Phosphate	143, 738	\$741, 935	410	350

C. Industries:

There are no industries in the factory sense in the Trust Territory. Economic activity centers around the production of copra, trochus shell, boats, and articles of handicraft. The majority of the indigenes participate in all these activities, except boat building. No surveys of workers by sex or race have been made because the work is usually performed on an individual basis.

D. Fisheries:

Commercial fishing is not conducted to any appreciable extent in the Territory. The largest commercial fishing company is the Saipan Fishing Company which has three small vessels. Other persons are licensed to fish but the operations are sporadic and seasonal and the sales are local. Trochus is the only economically important shell in the Territory.

X. Labor

A. Employment:

(1) Number of workers (as of June 30, 1951):¹

(a) Civil Administration employees (including Constabulary):

¹ See also p. 53, and Statistical Appendix No. II B.

District	Wage Workers	Salaried		Total
		Workers	Constabulary	
Saipan	159	69	25	253
Palau	276	117	25	418
Truk	209	76	46	331
Ponape	237	28	20	285
Marshall Islands	147	84	21	252
Total	1,028	374	137	1,539

(b) Rates applying to Saipan:

Group	Classification	Hour	Week	Month
I	Helper trainees	\$0.185-\$0.30	\$7.40-\$12.00	\$29.60-\$48.00
II	Laborers	.37	14.80	59.20
III	Laborers, semi-skilled	.44-.48	17.60-19.20	70.40-76.80
IV	Laborers, skilled	.52	20.80	83.20
	Storekeepers	.6206	27.25	109.00
V	Snappers	.58		
	Foremen	.72		
	Senior clerk	.793	31.75	127.00
VI	Technicians	.59	23.625	94.50
	Head administrative assistant	1.119	44.75	179.00
	Head agriculturist	1.00	40.00	160.00
	School principal	.938	37.50	150.00
	Junior administrative assistant	.91	36.50	146.00

(b) Professional Employees:¹

District	Medical	Educational	Total
Saipan	59	12	71
Palau	47	32	79
Truk	88	53	141
Ponape	28	11	39
Marshall Islands	52	7	59
Total	274	115	389

¹ Also included in A (1) above.

(c) Employees of Angaur phosphate mine: 370 Japanese nationals and 40 indigenes.

(2) It is estimated that approximately 300 indigenous workers are employed at a distance from their homes (i. e., Guam).

(3) Average rates of wages:

(a) Rates of wages applying to Trust Territory except Saipan:

Group	Classification	Hour	Week	Month
I	Apprentices	\$0.05	\$2.000	\$8.00
II	Laborers	\$0.09-.12	\$3.60-4.80	\$14.40-19.20
III	Laborers, semiskilled	.13-.16	5.20-6.40	20.80-25.60
IV	Laborers, skilled	.165-.175	6.60-7.00	26.40-28.00
V	Supervisors, clerks			37.50-50.00
VI	Administrative assistants, accountants, interpreters.			50.00-105.00

(4) Average hours of work per day and per week: The normal actual hours of work are 8 hours per day and 40 hours per week. Overtime is not a general practice.

(5) Average earnings per week: See above, A (3).

(6) Ration scales in force: No rations are paid in lieu of money except that domestics receive subsistence in addition to wages. This subsistence consists of a daily diet including 2,500 to 3,500 calories.

(7) Number of industrial accidents: None.

(8) Number of cases of illness or death due to occupational diseases: None.

(9) Number and duration of industrial disputes, etc.: None.

B. Unemployment: None. See pages 52 and 53.

XI. Cost of Living

The following is a list of representative items from the records of the Island Trading Company of Micronesia. The prices of the commodities listed are those in effect as of June 30, 1951. This is in no sense an index of prices and cannot be used to determine a cost of living index. The major portion of the population is dependent upon subsistence agriculture. For this reason no representative price list of foods used by the indigenes is available. Only a small portion of the food which makes up the native diet is purchased for cash.

Island Trading Company Price List as of June 30, 1951:

Item	Unit	Price to Wholesalers	Price to Retailers	Price to Consumers
Rice	Pound	\$0. 11	\$0. 12	\$0. 13
Sugar	do	. 13	. 14	. 15
Flour	do	. 09	. 10	. 11
Cigarettes, popular brands	Package	. 14	. 15	. 16
Cigarettes, All Jacks	do	. 08	. 09	. 10
Copra bags	Each	. 20	. 21	. 22
Gray shirts	do	1. 15	1. 25	1. 46
Kerosene	Gallon	. 26	. 28	. 30
Laundry soap	Bar	. 06	. 07	. 08
Toilet soap	do	. 11	. 12	. 13
Sardines	Pound	. 16	. 17	. 18
Copra knife	Each	. 98	1. 04	1. 10
Shortening	Pound	. 36	. 38	. 40
Biscuit	do	. 26	. 28	. 20
Corned beef	12-ounce	. 41	. 43	. 46
Evaporated milk	Can	. 18	. 19	. 20
Coffee	Pound	1. 09	1. 16	1. 23
Cotton cloth, average	Yard	. 40	. 42	. 44

XII. Public Health

A. Medical Personnel:

(1) United States medical personnel:

Classification	Sai-pan	Palau	Truk	Pon-ape	Mar-shall Islands	Total
Medical officer (official registered physicians)	3	2	1	2	1	8
Dental officer (official registered dentist)	0	1	0	1	1	3
Medical Service Corps officer	1	0	1	1	0	3
Hospital Corps (enlisted man) sanitation personnel	4	0	1	1	0	6
Laboratory assistant	2	0	1	1	0	4
X-ray technicians and assistant	1	0	2	1	0	4
Operating room assistant	0	0	2	1	0	3
Ward corpsman	1	0	2	1	0	4
Clinic assistant	0	2	1	3	0	6
Other	3	0	0	0	1	4
Total	14	4	12	12	3	45

(2) Indigenous medical personnel:

Classification	Sai-pan	Palau	Truk	Pon-ape	Mar-shall Islands	Total
Medical practitioner trained in Trust Territory schools	2	1	1	1	2	7
Medical practitioner trained in Suva	0	0	0	1	0	1
Medical practitioner trained by Japanese	1	0	0	0	3	4
Nonofficial registered physician or surgeon	0	0	0	0	0	0
Dental practitioner trained by Japanese	1	0	1	0	0	2
Nurse, graduate of School of Nursing, Guam	1	11	3	4	4	23
Midwife, authorized to practice but not licensed to date	8	0	110	18	0	136

Classification	Sai-pan	Palau	Truk	Pon-ape	Mar-shall Islands	Total
Health aid, trained male	3	2	69	23	41	138
Health aid, untrained, male	0	11	4	2	2	19
Health aid, dental, trained, male	0	1	2	2	4	9
Nurse aid trained, female	18	7	3	6	0	34
Nurse aid, untrained, female	5	3	1	0	0	9
Total	39	36	194	57	56	382

B. Hospitals, Dispensaries, and Clinics:

- Civil Administration Unit Dispensaries: 25-113 bed general dispensary at Civil Administration Headquarters Staff: 2 or 3 medical officers 5
- Civil Administration Unit Subdispensary: 10-25 bed general dispensary at Yap. Staff: 1 medical officer 1
- Civil Administration Unit Subdispensaries: 8-bed, in-patient care, Ebeye. Staff: 1 medical practitioner, 2 health aids 1
- Civil Administration Unit Subdispensaries: Out-patient care only. Staff: health aids, nurse aids 94
- Logistic ships transporting medical supplies and personnel from Civil Administration Units on regular trips to outlying subdispensaries 7
- Medical survey ship: Mobile clinic complete with X-ray and laboratory equipment. Staff: 2 medical officers, 1 dental officer, 1 Medical Service Corps officer, and 12 Hospital Corps enlisted technicians 1
- Tinian Leprosarium: Facilities for 100 lepers. Staff: 1 medical officer, 1 Medical Service Corps officer, 4 hospital corpsmen, 1 trained and 1 untrained indigenous nurse aids 1

C. and D. Hospitals and Clinics:

STAFFS AND FACILITIES

	Sai-pan	Palau	Truk	Pon-ape	Mar-shall Islands	Total
Wards	12	4	6	2	4	28
Beds	239	107	66	25	28	465
Medical officers	2	4	2	3	2	13
Medical Service Corps officers	1	0	1	1	0	3
Hospital Corps, enlisted	11	2	9	8	1	31
Medical practitioners	3	1	1	2	5	12
Dental practitioners	1	0	1	0	0	2
Nurses, indigenous, female	1	11	3	4	4	23
Health aids, male	3	13	73	25	43	157
Dental aids, male	0	0	2	2	2	6
Dental assistant, prosthetic	0	1	0	0	2	3
Nurse aids, female	23	10	4	6	0	43
In-patient treatments, patient days (indigenes)	41,200	25,950	18,916	5,758	4,032	95,856
Out-patient treatments, patient visits (indigenes)	6,091	10,598	52,524	13,825	8,492	91,530
In-patient treatments, patient days (nonindigenes)	112	94	13	29	45	293
Out-patient treatments, patient visits (nonindigenes)	786	393	717	521	224	2,641
Administrative inspections	7	7	8	6	7	35

E. Disease statistics:

(1) Prevalence of diseases:

Disease	Saipan				Palau				Truk				Ponape				Marshall Islands ²			
	Treated	Cured or Ar- rested	Unimproved	Fatalities	Treated	Cured or Ar- rested	Unimproved	Fatalities	Treated	Cured or Ar- rested ¹	Unimproved ¹	Fatalities ¹	Treated	Cured or Ar- rested	Unimproved	Fatalities	Treated	Cured or Ar- rested	Unimproved	Fatalities
Tuberculosis.....	72	14	42	16	89	5	84	0	196	136	34	43	30	21	5	4	10	0	6	4
Upper respiratory infec- tions.....	25	22	0	3	189	189	0	0	9,958	7,468	431	78	1,720	1,714	6	0	2,941	2,941	0	0
Intestinal parasitism.....	23	18	0	5	38	38	0	0	8,691	6,333	0	0	1,248	1,248	0	0	132	132	0	0
Amoebiasis.....	1	0	0	1	7	7	0	0	7	5	0	0	0	0	0	0	0	0	0	0
Leprosy.....	112	0	112	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0	0	0
Fungus infection of skin.....	0	0	0	0	7	7	0	0	4,846	4,078	0	0	144	144	0	0	309	309	0	0
Yaws.....	4	4	0	0	24	24	0	0	1,571	604	476	0	145	145	0	0	648	648	0	0
Gonococcus infection.....	0	0	0	0	134	134	0	0	19	19	0	0	24	24	0	0	274	274	0	0

¹ Statistics for Truk are for period July 1, 1950, through Mar. 31, 1951.

² Statistics for the Marshall Islands are for period Apr. 1 through June 30, 1951.

(2) Treatment rendered to indigenous inhabitants:

District	In-patients						Out-patients ¹					
	0-8 years		8-16 years		Over 16 years		0-8 years		8-16 years		Over 16 years	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Saipan.....	52	74	13	22	91	363	1,370	1,447	426	586	749	1,513
Palau.....	329	259	98	107	390	535	1,755	1,391	1,421	1,307	2,210	2,514
Truk.....	109	101	146	172	149	244	15,447	15,684	11,412	12,083	14,492	13,564
Ponape.....	77	83	36	36	207	256	2,302	1,967	686	914	3,468	4,488
Marshall Islands.....	88	72	72	8	144	180	1,828	744	864	516	2,276	2,264

¹ The reported number of out-patient treatments represents total out-patient visits and not the number of individuals treated.

XIII. Educational Statistics

A. Schools:

Location	Public Ele- mentary	Public Inter- mediate	Missionary Nonassisted	Higher Profes- sional	Total
Saipan.....	6	1	0	0	7
Palau.....	35	2	2	0	39
Truk.....	45	1	5	1	52
Ponape.....	16	1	6	0	23
Marshall Islands.....	36	1	7	0	44
Guam.....	0	0	0	1	1
Suva.....	0	0	0	2	2
Total.....	138	6	20	4	168

B. Number of Pupils:

District	Public Elementary		Mission Elementary		Public Intermediate		PITTS Public, Higher Technical and Professional		Advanced Schools (Medical, Dental, and Nursing)		High School on Guam		Schools Abroad	Total Students
	Male	Female	Male	Female	Male	Female	Male	Female	Suva	Guam	Male	Female		
Saipan.....	537	441	0	0	71	48	16	2	3	0	11	5	3	1,137
Palau.....	949	688	126	134	130	44	28	2	16	4	6	0	10	2,137
Truk.....	1,143	817	296	161	186	13	24	5	12	0	0	0	0	2,657
Ponape.....	600	386	324	283	101	8	14	0	13	4	0	0	5	1,738
Marshall Islands.....	588	460	244	192	89	17	15	0	7	5	0	0	0	1,617
Total.....	3,817	2,792	990	770	577	130	97	9	51	13	17	5	18	9,286

C. Number of Teachers:

District	Elementary				Intermediate				PITTS				Total Indig-enous	Total Non-indig-enous
	Public Indig-enous		Mission		Indigenous		Nonindig-enous		Indigenous		Nonindig-enous			
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		
Saipan.....	10	14	0	0	3	0	2	4	0	0	0	0	27	6
Palau.....	77	7	5	5	9	1	2	3	0	0	0	0	95	14
Truk.....	55	8	5	8	1	0	3	5	2	0	3	3	68	25
Ponape.....	31	3	15	14	3	0	3	2	0	0	0	0	39	32
Marshall Islands.....	32	9	14	17	5	1	2	0	0	0	0	0	68	12
Total.....	205	41	39	44	21	2	12	14	2	0	3	3	297	89

1 Includes indigenous and nonindigenous teachers. The natives are all of the Micronesian race. All teachers in elementary schools teach elementary English, arithmetic, social studies, health, science, industrial arts, vocational subjects, etc. American teachers offer advanced work in these subjects and special subjects.

D. Education Expenditures and Budget:

Educational Expenditures for Fiscal Year 1951:

(a) Types of schools and functions (excluding elementary school teachers' salaries paid from local municipal funds):

Public elementary and intermediate schools.....	\$189,489
Public advanced (schools on Guam and Suva).....	100,000
Public advanced (PITTS at Truk).....	48,759
Missionary and private.....	0
Administration HICOMTERPACIS (including publications).....	46,181
Other expenses.....	1,080

Total..... \$385,509

(b) Object items (excluding public advanced schools at Guam and Suva, and elementary school

teachers' salaries paid from local municipal funds):

Personnel, including indigenous.....	\$163,386
Publications.....	15,800
Supplies and equipment.....	15,243
Scholarships and student subsistence.....	80,910
Subsidies to municipalities to aid in the payment of elementary teachers.....	9,090
Other expenses.....	1,080
Total.....	\$285,509

(c) The expenditures for the educational program this past year equalled 29 percent of the total expenditures for the Trust Territory made from United States appropriated funds and local funds.

E. Missionaries Engaged in Educational Work:

District	Total Number	Nationality and Number of Each	Number of Each Denomination
Saipan	0	0 American 0 Spanish	0 Protestant. 0 Catholic.
Palau	9	6 American 1 Spanish 2 German	2 Protestant. 7 Catholic.
Truk	11	1 American 7 Spanish 3 German	3 Protestant. 8 Catholic.
Ponape	27	7 American 8 Spanish 12 Ponapean	8 Protestant. 19 Catholic.
Marshall Islands	13	10 American 3 Marshallese	6 Protestant. 7 Catholic.

F. Missionary Societies Engaged in Educational Work:

District	Number of church schools	Total number of students
Saipan	None	0
Palau	1 (Maryknoll Sisters, Society of Jesus) Catholic. 1 (American Board of Foreign Missions) Protestant.	260
Truk	3 (Sisters of Mercy, Society of Jesus) Catholic. 2 (American Board of Foreign Missions) Protestant.	
Ponape	4 (Sisters of Mercy, Society of Jesus) Catholic. 2 (American Board of Foreign Missions) Protestant.	607
Marshall Islands	2 (Sisters of Mercy, Society of Jesus) Catholic. 5 (American Board of Foreign Missions) Protestant.	
	Total	1,760

There are no cash subsidies or grants-in-aid allowed missionaries.

Documentary Supplement No. 1
TRUSTEESHIP AGREEMENT FOR THE FORMER
JAPANESE MANDATED ISLANDS

PREAMBLE

Whereas Article 75 of the Charter of the United Nations provides for the establishment of an in-

ternational trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent agreement; and

Whereas under Article 77 of the said Charter the trusteeship system may be applied to territories now held under mandate; and

Whereas on 17 December 1920 the Council of the League of Nations confirmed a mandate for the former German islands north of the equator to Japan, to be administered in accordance with Article 22 of the Covenant of the League of Nations; and

Whereas Japan, as a result of the Second World War, has ceased to exercise any authority in these islands;

Now, therefore, the Security Council of the United Nations, having satisfied itself that the relevant articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific Islands formerly under mandate to Japan.

ARTICLE 1

The Territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The Territory of the Pacific Islands is hereinafter referred to as the trust territory.

ARTICLE 2

The United States of America is designated as the administering authority of the trust territory.

ARTICLE 3

The administering authority shall have full powers of administration, legislation, and jurisdiction over the territory subject to the provisions of this agreement, and may apply to the trust territory, subject to any modifications which the administering authority may consider desirable such of the laws of the United States as it may deem appropriate to local conditions and requirements.

ARTICLE 4

The administering authority, in discharging the obligations of trusteeship in the trust territory,

shall act in accordance with the Charter of the United Nations, and provisions of this agreement, and shall, as specified in Article 83 (2) of the Charter, apply the objectives of the international trusteeship system, as set forth in Article 76 of the Charter, to the people of the trust territory.

ARTICLE 5

In discharging its obligations under Article 76 (a) and Article 84, of the Charter, the administering authority shall ensure that the trust territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:

1. to establish naval, military and air bases and to erect fortifications in the trust territory;
2. to station and employ armed forces in the territory; and
3. to make use of volunteer forces, facilities and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and order within the trust territory.

ARTICLE 6

In discharging its obligations under Article 76 (b) of the Charter, the administering authority shall:

1. foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory toward self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned; and to this end shall give to the inhabitants of the trust territory a progressively increasing share in the administrative services in the territory; shall develop their participation in government; shall give due recognition to the customs of the inhabitants in providing a system of law for the territory; and shall take other appropriate measures toward these ends;
2. promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, and industries; protect the inhabitants against the loss

of their lands and resources; and improve the means of transportation and communication;

3. promote the social advancement of the inhabitants and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, and alcoholic and other spiritous beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and

4. promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

ARTICLE 7

In discharging its obligations under Article 76 (c), of the Charter, the administering authority shall guarantee to the inhabitants of the trust territory freedom of conscience, and, subject only to the requirements of public order and security, freedom of speech, of the press, and of assembly; freedom of worship, and of religious teaching; and freedom of migration and movement.

ARTICLE 8

1. In discharging its obligations under Article 76 (d) of the Charter, as defined by Article 83 (2) of the Charter, the administering authority, subject to the requirements of security, and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the trust territory no less favourable than that accorded therein to nationals, companies and associations of any other United Nation except the administering authority.

2. The administering authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

3. Nothing in this Article shall be so construed as to accord traffic rights to aircraft flying into

and out of the trust territory. Such rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possesses.

4. The administering authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and states, designed to attain for the inhabitants of the trust territory treatment by the Members of the United Nations and other states no less favourable than that granted by them to the nationals of other states. The Security Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory.

ARTICLE 9

The administering authority shall be entitled to constitute the trust territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories; and the trust territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement.

ARTICLE 10

The administering authority, acting under the provisions of Article 3 of this agreement, may accept membership in any regional advisory commission, regional authority, or technical organization, or other voluntary association of states, may co-operate with specialized international bodies, public or private, and may engage in other forms of international cooperation.

ARTICLE 11

1. The administering authority shall take the necessary steps to provide the status of citizenship of the trust territory for the inhabitants of the trust territory.

2. The administering authority shall afford diplomatic and consular protection to inhabitants of the trust territory when outside the territorial limits of the trust territory or of the territory of the administering authority.

ARTICLE 12

The administering authority shall enact such legislation as may be necessary to place the provisions of this agreement in effect in the trust territory.

ARTICLE 13

The provisions of Articles 87 and 88 of the Charter shall be applicable to the trust territory, provided that the administering authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

ARTICLE 14

The administering authority undertakes to apply in the trust territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the trust territory and which would be conducive to the achievement of the basic objectives of Article 6 of this agreement.

ARTICLE 15

The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.

ARTICLE 16

The present agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process.

Documentary Supplement No. II

GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

PROCLAMATION No. 1

To the People of the Trust Territory of the Pacific Islands:

Whereas the Trust Territory of the Pacific Islands has been placed under trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement, approved by the Security Council of the United Nations on April 2, 1947, and by the United States Govern-

ment on July 18, 1947, after due constitutional process; and

Whereas the United States of America, under the terms of the Trusteeship Agreement, has been designated as the administering authority of the trust territory and has assumed obligations for the government thereof; and

Whereas it has been necessary to establish an interim administration of the Trust Territory of the Pacific Islands, pending the enactment of appropriate legislation by the Congress of the United States providing for the future government; and

Whereas the President of the United States, by Executive Order of July 18, 1947, has terminated the military government in the former Japanese Mandated Islands, now the Trust Territory of the Pacific Islands, and has delegated the authority and responsibility for the civil administration thereof, on an interim basis, to the Secretary of the Navy; and

Whereas the President of the United States has appointed me to the office of High Commissioner of the Trust Territory of the Pacific Islands;

Now, therefore, I, Louis Denfeld, Admiral, United States Navy, Commander in Chief, Pacific, and United States Pacific Fleet, and High Commissioner of the Trust Territory of the Pacific Islands, do hereby proclaim as follows:

I

All powers of government and jurisdiction in the Trust Territory of the Pacific Islands, and over the inhabitants thereof, and final administrative responsibility are vested in me as High Commissioner of the Trust Territory of the Pacific Islands, and will be exercised through subordinate administrators by my direction.

II

Your existing customs, religious beliefs and property rights will be respected and existing local laws and all proclamations, regulations, ordinances and orders of the former military government shall remain in force and effect, except insofar as they are not in consonance with the terms of the trusteeship agreement and the executive order, and insofar as it may be necessary for me in the exercise of my powers and duties to change them.

Given under my hand at Pearl Harbor, T. H. this 18th day of July, 1947.

L. E. DENFELD,

Admiral, United States Navy, Commander in Chief, Pacific, and United States Pacific Fleet, HIGH COMMISSIONER OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

Documentary Supplement No. III

Executive Order, Number 10265

TRANSFER OF THE ADMINISTRATION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS FROM THE SECRETARY OF THE NAVY TO THE SECRETARY OF THE INTERIOR

Whereas the Trust Territory of the Pacific Islands (hereinafter referred to as the "Trust Territory") was placed under the Trusteeship system established by the Charter of the United Nations by means of a Trusteeship Agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, after due constitutional process;

Whereas the United States, under the terms of the Trusteeship Agreement, was designated as the Administering Authority of the Trust Territory, and has assumed obligations for the Government thereof;

Whereas Executive Order Number 9875 of July 18, 1947, delegated authority and responsibility for the Civil Administration of the Trust Territory to the Secretary of the Navy on an interim basis;

Whereas a committee of the Secretaries of State, War, the Navy, and the Interior recommended on June 18, 1947, that administrative responsibility for the Trust Territory be transferred to a civilian agency of the Government at the earliest practicable date;

Whereas plans for the orderly transfer of administrative responsibility for the Trust Territory from the Secretary of the Navy to the Secretary of the Interior are embodied in a memorandum of understanding between the Department of the Navy and the Department of the Interior, approved by me on September 23, 1949, and it is the view of the two departments, as expressed in that

memorandum, that such transfer should take effect on July 1, 1951;

Whereas the transfer of administration of the Trust Territory from the Secretary of the Navy to the Secretary of the Interior, effective July 1, 1951, appears to be in the public interest;

Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The administration of the Trust Territory is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951.

2. The Department of the Navy and the Department of the Interior shall proceed with the plans for the transfer of Administration of the Trust Territory as embodied in the above-mentioned memorandum of understanding between the two departments.

3. When the transfer of administration made by this order becomes effective, the Secretary of the Interior shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of Civil Government in the Trust Territory and shall, subject to such policies as the President may from time to time prescribe and, when appropriate, in collaboration with other departments or agencies of the Government, carry out the obligations assumed by the United States as the Administering Authority of the Trust Territory under the terms of the Trusteeship Agreement approved by the United States on July 18, 1947, and under the Charter of the United Nations: provided, however, that the authority to specify parts or all of the Trust Territory as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the Trusteeship Agreement, shall be exercised by the President: and provided, further, that the Secretary of the Interior shall keep the Secretary of State currently informed of activities in the Trust Territory affecting the foreign policy of the United States and shall consult the Secretary of State on questions of policy concerning the Trust Territory which relate to the foreign policy of the United States and that all relation between departments or agencies of the Government and appropriate organs of the United Nations with respect to the Trust Terri-

tory shall be conducted through the Secretary of State.

4. The Executive Departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

5. The said Executive Order Number 9875 of July 18, 1947, is revoked, effective July 1, 1951.

(S) HARRY S. TRUMAN.

THE WHITE HOUSE,
June 29, 1951.

Documentary Supplement No. IV

Interim Regulation No. 1-48

CIVIL ADMINISTRATION COURTS

(Repealed and Superseded by Interim Regulation No. 1-49)

Interim Regulation No. 2-48

CONSERVATION OF TROCHUS

ARTICLE I

HARVESTING RESTRICTED

Trochus having been introduced and planted in the waters of the Trust Territory by the former government and being considered a valuable asset which should be conserved, the harvesting or in any way intentionally interfering with the growth of trochus in the waters of the Trust Territory is hereby prohibited except as provided herein.

ARTICLE II

TROCHUS SEASON

Each Civil Administrator may designate by District Order and vary from year to year an open season or seasons during May and June for the harvesting of trochus in his district, provided that such open season or seasons shall not total more than fourteen (14) days in any year. During such an open season, any permanent resident of the Trust Territory may dive for and harvest trochus, in the district to which the season applies, within those areas in which he has the right to fish

under established local custom, provided that no trochus shall be taken whose shell is less than three (3) inches in diameter at the base. (Amended by Interim Regulation No. 3-49, April 5, 1949.)

ARTICLE III

ROYALTY

A royalty of one (1) cent per pound shall be paid to the Treasurer of the Trust Territory for all trochus shell, less than 10 percent wormy, removed from the waters of the Trust Territory. This royalty shall be due and payable by the person harvesting the trochus shell and shall be remitted, within ninety (90) days after the removal of the shell from the water, to the Commerce and Industry Officer of the Civil Administration Unit of the district within which the shell is harvested, except that if the shell is sold to an authorized exporter within ninety (90) days after the removal of the shell from the water, the tax shall be paid by the exporter direct to the Treasurer of the Trust Territory within sixty (60) days after the sale, and the seller shall have no responsibility therefor. All royalties due hereunder remaining unpaid at the expiration of the period provided above for payment shall bear interest from that date at the rate of six (6) percent per year. Commerce and Industry Officers shall remit monthly to the Treasurer of the Trust Territory, all royalties collected hereunder.

ARTICLE IV

REPLANTING OF BEDS

If a Civil Administrator determines that underwater operations which will interfere with an existing trochus bed are in the public interest, he may issue a written permit for the removal and replanting of such bed at the expense of the person or persons desiring to conduct the underwater operations. Removal and replanting of trochus covered by such permit is hereby authorized.

ARTICLE V

PENALTIES

Any person violating this regulation shall, upon conviction thereof, be imprisoned for a period not exceeding six (6) months or fined not more than one hundred dollars (\$100) or both.

Interim Regulation No. 3-48

CRIMINAL CODE

(Repealed and Superseded by Interim Regulation No. 5-48)

Interim Regulation No. 4-48

BASIC PROVISIONS

CHAPTER 1¹

INTERIM GOVERNMENT OF THE

TRUST TERRITORY OF THE PACIFIC ISLANDS

The Trust Territory of the Pacific Islands was placed under the Trusteeship system established in the Charter of the United Nations by means of a trusteeship agreement, approved by the Security Council of the United Nations on 2 April 1947, and by the United States Government on 18 July 1947, after due constitutional process. The United States of America, under the terms of the trusteeship agreement, was designated as the administering authority of the Trust Territory and has assumed obligations for the government thereof.

It has been necessary to establish an interim administration of the Trust Territory of the Pacific Islands, pending the enactment of appropriate legislation by the Congress of the United States providing for the future government. The President of the United States, by Executive Order of 18 July 1947, terminated the military government in the former Japanese Mandated Islands, now the Trust Territory of the Pacific Islands, and delegated the authority and responsibility for the civil administration thereof, on an interim basis, to the Secretary of the Navy.

The President of the United States has appointed a High Commissioner of the Trust Territory of the Pacific Islands. Subject to the direction of the Secretary of the Navy, all powers of government and jurisdiction in the Trust Territory of the Pacific Islands, and over the inhabitants thereof, and final administrative responsibility are vested in the High Commissioner of the Trust Territory of the Pacific Islands, and will be exercised through subordinate administrators by his direction.

¹ Former "SECTIONS" redesignated as "CHAPTERS" by Interim Regulation No. 3-50, Sec. 1, Para. a.

STAFF OF THE HIGH COMMISSIONER

(As Amended by Interim Regulation No. 3-50)

Section	Title
1.	General Provisions.
2.	The Deputy High Commissioner.
3.	Assistants to the Deputy High Commissioner.
4.	The Executive Departments. The Administration Department:
5.	Establishment of the Department.
6.	Assistant Secretary of the Trust Territory.
7.	Duties of the Secretary. The Internal Affairs Department:
8.	Establishment of the Department.
9.	Duties of the Director of Internal Affairs. The Economics Department:
10.	Establishment of the Department.
11.	Duties of the Director of Economics. The Education Department:
12.	Establishment of the Department.
13.	Duties of the Director of Education. The Attorney General:
14.	Establishment of the Department.
15.	Duties of the Attorney General. The Public Health Department:
16.	Establishment of the Department.
17.	Duties of the Director of Public Health. The Fiscal and Supply Department:
18.	Establishment of the Department.
19.	Duties of the Director of Fiscal and Supply. The Public Works Department:
20.	Establishment of the Department.
21.	Duties of the Director of Public Works. The Legislative Advisory Committee:
22.	Establishment of the Committee.
23.	Duties of the Committee.
24.	Liaison with District Departments.

1. *General Provisions.* The High Commissioner will have such administrative assistants as he shall see fit to appoint.

2. *The Deputy High Commissioner.* The High Commissioner shall appoint a Deputy High Commissioner who shall have all the powers of the High Commissioner in the case of a vacancy in the office of High Commissioner or the disability or temporary absence of the High Commissioner and until the vacancy is filled or the disability or temporary absence ends. He shall have all such executive powers and perform such other duties as may be prescribed by law or assigned to him by the High Commissioner.

3. *Assistants to the Deputy High Commissioner.*
a. The Deputy High Commissioner shall have such assistants as are necessary to coordinate and supervise the work of the departments. They

shall have such powers, duties and responsibilities as are provided by law or assigned to them by the Deputy High Commissioner.

b. *Chief Administrator of Field Headquarters.* The Chief Administrator of Field Headquarters is the direct representative of the High Commissioner and as such shall maintain the field headquarters within the Trust Territory; shall act for the High Commissioner in implementation and coordination of established laws, directives and regulations; shall supervise the activities of field staff officers and their subordinates and accord them such support as may be necessary for the execution of their assigned duties; shall make periodic inspections of civil administration activities, reporting thereon; it shall be his direct responsibility to make recommendations to the High Commissioner upon all matters relating to civil administration.

c. *Liaison Officers.* The High Commissioner may appoint such liaison officers as he deems necessary to represent him in the coordination of missions and functions of agencies and activities charged with support or representation of civil administration within or without the Trust Territory. A liaison officer shall represent the interest of the High Commissioner in matters arising in the area under his jurisdiction, as set forth in his appointment, and, in those portions of his jurisdiction located without the Trust Territory, shall act as his agent for the purpose of promoting and protecting the economic interests and protecting the private rights of the people of the Trust Territory.

4. *The Executive Departments: a. General Provisions.* The Territorial Departments herein established are so established to carry out the routine administrative matters in connection with the government of the Trust Territory of the Pacific Islands. Each Department will have the powers, duties, and responsibilities enumerated and, in addition, such powers, duties, and responsibilities as may be assigned to them by the High Commissioner. The heads of departments shall be as set forth in each of the sections. All heads of departments shall be primarily responsible for the performance of all of the duties of their respective departments, and for the proper assignment, utilization, and supervision of personnel assigned to, and the management of funds allocated to, the said departments.

ADMINISTRATION DEPARTMENT

5. *Establishment of the Department.* There shall be a territorial department to be known as the Administration Department and a Secretary of the Trust Territory who shall be the head thereof.

6. *Assistant Secretary of the Trust Territory.* The Secretary of the Trust Territory shall have an assistant designated by the High Commissioner, and such other clerical, stenographic or professional employees as may be deemed necessary. The Assistant Secretary and other employees of the Administration Department shall have the duties, powers, and responsibilities as assigned by the Secretary.

7. *Duties of the Secretary.* The duties of the Secretary of the Trust Territory shall include the following:

a. *Administration.* (1) Organization and Planning. The Secretary shall, and with the cooperation of the other heads of departments, coordinate and integrate the various functions of the territorial departments, and utilize records, reports and other information in assisting the High Commissioner in forming policy and planning. (2) Office Management. The Secretary shall be the office manager for the offices of the High Commissioner. In this capacity he shall supervise personnel, files, correspondence, supplies, and office procedures; provide adequate mail and messenger service, and arrange for equitable distribution and utilization of available clerical and stenographic assistance among the departments; be responsible for the proper safeguarding and stowage of classified correspondence, publications, and dispatches, and be in charge of the house-keeping functions and responsible for the proper maintenance and security of the office spaces assigned to the Deputy High Commissioner and his executive departments.

b. *Personnel.* The Secretary shall coordinate the employment, assignment, and utilization of all personnel, military or civilian, assigned to or employed by the Government of the Trust Territory of the Pacific Islands, at the seat of government and in the field. He shall be responsible for the maintenance of personnel records and making the required reports; approve employment contracts, and be consulted prior to recruitment, assignment, or reassignment of personnel; prepare necessary

orders; and act as liaison with appropriate civil service officials and representatives.

c. *Operations.* The Secretary shall be responsible for planning and supervision of public passenger transportation in the Trust Territory. He shall coordinate schedules, surface, land, or air; act as liaison with operating and maintenance units; issue travel orders, permits, or passports; assign priorities; and arrange facilities for paying for transportation authorized; he shall also be responsible for assignment, operation, and supervision of all motor vehicles assigned to, or operated by, the officers or executive departments of the government of the Trust Territory.

d. *Records and Reports.* The Secretary shall be the Territorial Registrar and as such shall arrange for adequate indexing and storage of reports, records, and other documents received by or originating in the office of the High Commissioner; coordinate the work of the department heads in the preparation of reports required by the United Nations or other responsible authority; supervise the issuance of any gazettes, newspapers, bulletins, or other publications—including those issued by the territorial departments—for public information; cooperate with the Director of Internal Affairs in procuring material and information for, and in the operation of, libraries and museums.

e. *External Affairs.* In cooperation with the other department heads, the Secretary shall handle communications with other departments of the United States Government, with State governments through established channels; assist in forming immigration and emigration policy; promulgate immigration and emigration regulations as authorized by law; and provide for the issuance of passports, identification papers, and entry permits.

THE INTERNAL AFFAIRS DEPARTMENT

8. *Establishment of the Department.* There shall be a territorial department to be known as the Internal Affairs Department, and a Director of Internal Affairs who shall be the head thereof.

9. *Duties of the Director of Internal Affairs.* The duties of the Director of Internal Affairs shall include the following:

a. *Political Affairs.* The Director of Internal Affairs shall develop programs to encourage the indigenous inhabitants of the Trust Territory in the conduct of appropriate forms of local, district, and territorial self-government; review govern-

mental policies and programs territorial and district, to ascertain whether the maximum possible benefit is obtained with a minimum interference with local cultures; study tax programs, budget and accounting systems, municipal laws, and other matters concerned with local government to assist all officers and department heads to utilize the simplest and most easily understood methods in presenting an educational program designed to assist territorial and district officers to better understand the local views on all governmental subjects and to develop native participation in government.

b. *Sociological Affairs.* The Director of Internal Affairs shall cooperate with and advise the Educational Department in determining the aims and purposes of education in the Trust Territory; make regular surveys utilizing field officers and the District Director of Internal Affairs, to keep all heads of departments advised of the effect on the indigenous inhabitants and their cultures, of economic, educational, legal, health, and other programs, and to make recommendations as necessary; advise the High Commissioner and territorial and district department heads on matters involving the cultures of the indigenes, and encourage and assist independent scientific surveys on the cultural aspects of the area.

c. *Public Lands.* The Director of Internal Affairs shall be responsible for the most efficient possible utilization of the public lands of the Trust Territory not required for governmental use so that the greatest possible benefit may accrue from these lands to the people of the Trust Territory. He shall develop progress for resettlement, reforestation, and restoration of these lands, giving full consideration to the over-all effect on the economic, social, and political structures of the individual district involved and the Trust Territory as a whole.

d. *Scientific Projects.* The Director of Internal Affairs shall encourage the research and scientific studies in the Trust Territory where they appear to be of value to the government or the people. He will maintain liaison with all authorized scientific expeditions, research parties, and study groups in the area, governmental and civilian, and will assist them as directed by the High Commissioner. He shall endeavor to secure reports, documents, and records of a scientific nature and of value for study by territorial and district officers.

e. *Monuments and Museums.* The Director of Internal Affairs will be in charge of and responsible for the maintenance and operation of monuments, museums, and similar projects in the Trust Territory which are under the control of the government. He shall, with the cooperation of the Secretary, and other department heads, create and maintain such libraries as are found to be necessary or desirable by the High Commissioner, at the seat of government or in the field, and shall consult regularly with territorial and district officers regarding publications, periodicals, reports, and other materials to be maintained therein.

f. *Public Defenders.* The Director of Internal Affairs shall exercise general superintendence and direction over the office of Public Defender as established by the High Commissioner in order that the civil rights of the people may be adequately represented in legal actions.

ECONOMICS DEPARTMENT

10. *Establishment of the Department.* There shall be a territorial department to be known as the Economics Department, and a Director of Economics, who shall be the head thereof.

11. *Duties of the Director of Economics.* The duties of the Director of Economics shall include the following:

a. *Commerce and Industry.* The Director of Economics shall foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishing industries, and the transportation facilities of the Trust Territory for the benefit and use of the indigenous inhabitants thereof, and cooperate with and advise the heads of other departments in achieving, insofar as possible, for the people of the territory, economic self-sufficiency and independence while protecting them against the loss of their lands and resources.

b. *Labor.* The Director of Economics shall foster, promote, and develop the welfare of the workers of the Trust Territory, improve working conditions, and institute programs to advance the opportunities for profitable employment. To this end he shall investigate, make reports, and keep records of and recommend legislation concerning the employment of indigenous labor, conditions of work, wages, contract labor, workman's compensation, and labor relations.

c. *Agriculture and Animal Husbandry.* The Director of Economics shall procure and preserve information concerning agriculture and animal husbandry, encourage scientific and practical experiments, collect statistics, and supervise the operation of scientific and demonstration stations, plots, gardens, and farms. He shall collect new and valuable seeds and plants and breeding stock; shall provide for testing the value of such as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among the people as desirable.

d. *Plant and Animal Quarantine; Biological Controls.* The Director of Economics shall be responsible for making recommendations on and the enforcement of plant and animal quarantine laws and regulations and for recommending and carrying out programs for the control of insect pests and plant and animal diseases, including the introduction of properly supervised biological controls.

e. *Development of Natural Resources.* The Director of Economics shall conduct such research, investigation, and projects as may be necessary to discover, evaluate, and make the most economic use of the animal, vegetable, marine, and mineral resources of the Trust Territory for the benefit of the indigenous population.

f. *Conservation.* The Director of Economics shall be responsible for the development of programs for conservation of the animal, vegetable, marine, and mineral resources of the Trust Territory, and, in cooperation with the Director of Internal Affairs, shall propose such regulations, legislation, and expenditures as he finds necessary to preserve the resources of the area for the maximum benefit of the people.

g. *Trust Territory Maritime Service.* The Director of Economics shall be in charge of and exercise general jurisdiction over the Trust Territory Maritime Services; shall provide regulations controlling their duties and employment, shall, in cooperation with the other heads of departments, make provision for and regulations on quarters, uniforms, equipment, and subsistence of members of the maritime service; shall provide for training and recruitment programs; and shall make periodic inspections of the personnel and places and conditions of employment.

12. *Establishment of the Department.* There shall be a territorial department to be known as the Education Department, and a Director of Education who shall be the head thereof.

13. *Duties of the Director of Education.* The duties of the Director of Education shall include the following:

a. *Schools.* The Director of Education shall be responsible for the establishment of and shall supervise, through the District Directors of Education, the operation of all public schools, of whatever educational level, operated or principally financed by the government of the Trust Territory; shall institute a program for the establishment and operation of a sufficient number of schools to guarantee, insofar as practicable, an adequate elementary education for all children; and shall establish and supervise the operation of such schools of advanced learning or specialized learning as are considered desirable by the High Commissioner on recommendation of the Director of Education or the Legislative Advisory Committee. He shall set standards of teacher qualifications for all schools; recruit teachers, locally or in the United States or its possessions, and shall make recommendations on the location, erection, and specifications of school buildings and on their maintenance, which erection and maintenance shall be the immediate responsibility of the appropriate public works officer.

b. *Curricula.* The Director of Education shall, in cooperation with other departments, and with such advisory groups as may be deemed appropriate, provide curricula for all levels of education, and shall set the minimum standards to which all public and private schools shall conform. In addition, he shall supervise the curricula of public, mission, and private schools insofar as they are to conform to the curricula and course of study established by the High Commissioner.

c. *Educational Supplies.* The Director of Education shall, with the cooperation of the Director of Fiscal and Supply, determine what supplies of an educational nature will be required by all public schools and shall institute procedures for procuring such supplies; shall institute a program for the distribution of these supplies, directly or through regular supply channels, to the schools as needed; and, if necessary, arrange for the maintenance of a central warehouse for use in storage

and as a point of distribution of educational supplies. Whenever possible, the established governmental supply channels shall be used for purchase and distribution of educational supplies.

d. *Training.* The Director of Education shall sponsor such special training programs as may be considered desirable to meet special problems or to fill special needs not met by the regular institutions. Where such programs are closely connected with the work, or are originated by another executive department, the Director of Education shall cooperate with and consult with the department so concerned, and any training program instituted shall be approved by the department concerned and the Education Department jointly.

THE ATTORNEY GENERAL

14. *Establishment of the Department.* There shall be a territorial officer to be known as the Attorney General.

15. *Duties of the Attorney General.* The duties of the Attorney General of the Trust Territory shall include the following:

a. *Legal Advice and Service.* The Attorney General shall give all opinions and render all services requiring the skill of persons learned in the law to enable the High Commissioner, heads of departments, and other persons in the government of the Trust Territory to discharge their respective duties; and shall on behalf of the government of the Trust Territory of the Pacific Islands, procure the proper evidence for, and conduct, prosecute, and defend suits and proceedings in any court in which the Trust Territory, or any officer thereof, as such officer, is a party or may be interested, and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Attorney General's department. The Attorney General or any officer in his department, or any attorney, counselor, or Civil Administration Officer appointed by the Attorney General, may, when thereunto specifically directed by the Attorney General, conduct any kind of legal proceedings civil or criminal, which District Attorneys may be by law authorized to conduct.

b. *Law Enforcement.* The Attorney General shall exercise general superintendence and direction over the District Attorneys, members of the Trust Territory Constabulary, and other law enforcement officers and officials employed by the

Trust Territory, in all the districts of the Trust Territory, as to the manner of discharging their respective duties; shall direct the enforcement of laws of the Trust Territory; and shall supervise and direct the conduct of criminal investigations and prosecutions. The several District Attorneys and other police and law enforcement officers and officials are required to report to the Attorney General an account of their official proceedings, and of the state and condition of their respective offices, in such time and manner as the Attorney General may direct.

c. *Public Safety.* The Attorney General shall undertake programs for the improvement of public safety throughout the Trust Territory.

d. *Legislation.* The Attorney General shall assist the High Commissioner and the Legislative Advisory Committee in drafting and presenting legislation; assist the district officers in drafting orders, regulations and other legislative instruments; encourage uniformity of district legislation; and constantly review all laws and regulations having the force and effect of law with a view toward clarification, simplification and uniformity.

e. *Claims.* The Attorney General shall set up procedures by which claims against the Trust Territory and the United States may be processed and brought to a just conclusion with a minimum of expense and delay.

f. *Area Property Custodian.* The Attorney General shall act as Area Property Custodian and shall carry out the duties of this office as required by law.

g. *Trust Territory Constabulary.* The Attorney General shall be in charge of and exercise general supervision over the Trust Territory Constabulary; provide general regulations for controlling their duties and employment; in cooperation with the other heads of departments, make provision for and regulations on quarters, uniforms, equipment and subsistence for the members of the constabulary; provide for training and recruitment programs; and make periodic inspections of the physical equipment and personnel.

THE PUBLIC HEALTH DEPARTMENT

16. *Establishment of the Department.* There shall be an executive department to be known as the Public Health Department, and a Director of Public Health who shall be the head thereof.

17. *Duties of the Director of Public Health.* The duties of the Director of Public Health shall include the following:

a. *Preparation and Enforcement of Regulations.* The Director of Public Health shall draw up health and sanitation laws and regulations for presentation to the Legislative Advisory Committee or the High Commissioner for approval; and shall supervise generally the enforcement of health laws and regulations throughout the Trust Territory.

b. *Research and Preventive Medicine.* The Director of Public Health shall conduct, and shall encourage, cooperate with, and render assistance to other appropriate authorities, scientific institutions, and scientists, in the conduct of, research, investigation, experiments, demonstration, and studies, relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases, including water purification, sewage treatment, and water pollution, with special emphasis on those diseases peculiar to tropical areas, their prevention, and cure; and shall take such action and make such recommendations as to legislation or other measures to be undertaken for the improvement of the general health conditions in the area, and to prevent the introduction, or spread of diseases.

c. *Hospitals and Medical Treatment.* The Director of Public Health shall control, manage, and operate all institutions, hospitals, and dispensaries established by the Civil Administration in the Trust Territory, and provide for the care, treatment, and hospitalization of patients, including the furnishing of prosthetic or orthopedic devices; fix reasonable fees and charges to be paid for such services, supplies, medicines, foods, or devices furnished; provide regulations on the transfer of patients under the care of Civil Administration medical or dental personnel, where necessary, between hospitals and dispensaries, and the payment of the expense of such transfer; provide regulations concerning the employment of medical and dental personnel on field trips and in out-patient treatment, and shall fix the fees therefor; and, from time to time, with the approval of the High Commissioner, advise suitable sites for and establish such institutions, hospitals, and dispensaries as may be found to be necessary to enable the Public Health Department to discharge its functions and duties.

d. *Vital Statistics.* To secure uniformity in the registration of mortality, morbidity, and vital statistics, the Director of Public Health shall prepare and distribute suitable forms for the collection and compilation of such statistics which shall be maintained in the record department of the Administration Department in such form as to be readily available for reference by heads of departments, for the preparation of reports and for other purposes.

e. *Licensing of Medical and Dental Practitioners.* The Director of Public Health shall prepare for the approval of the High Commissioner through the Legislative Advisory Committee, regulations, laws, and orders providing for the licensing of persons for the practice of medicine, surgery, dentistry, dental surgery, midwifery, and nursing in the Trust Territory of the Pacific Islands; shall set the standards and qualifications, personal and professional, for such practice; and shall prepare and conduct any professional examinations or personal interviews considered by him to be necessary or advisable. The Director of Public Health shall be charged with the policing of the medical profession and with the institution of proceedings for prosecution, license revocation, or other necessary action to insure the proper protection of the people of the territory.

f. *Professional Training.* The Director of Public Health, in cooperation with the Education Department, shall fix curricula and standards of medical, dental, and nursing schools, or other training centers for the training of persons to enter the practice of these professions in the Trust Territory; shall set the standards for and assist in the procurement of instructors for such schools and training centers; and shall set up programs of training, retraining, or advance training to insure, insofar as practicable, an adequate number of qualified personnel to provide medical, dental, and nursing care in the Trust Territory.

g. *Quarantine and Communicable Diseases.* The Director of Public Health shall prepare for the approval of the High Commissioner of the Trust Territory through the Legislative Advisory Committee, such regulations, laws, orders, or directives as in his judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases from any place without the Trust Territory or between and within the Districts of the Trust Territory.

18. *Establishment of the Department.* There shall be a territorial department to be known as the Fiscal and Supply Department, and a Director of Fiscal and Supply who shall be the head thereof, and a Treasurer who shall be the assistant to the Director.

19. *Duties of the Director of Fiscal and Supply.* The duties of the Director of Fiscal and Supply shall include the following:

a. *General Supply.* The Director of Fiscal and Supply shall have general cognizance over the general supply system and shall be responsible for supervising the activities and duties connected with the disbursement of appropriated funds; shall receive and process requisitions from the staff and field activities; initiate follow-up action when required; make purchases as required and authorized; require regular reports from other Trust Territory activities; and shall render advice and reports as requested by proper authority or as deemed desirable by the Director.

b. *Accounts and Records.* The Director of Fiscal and Supply and the Treasurer shall maintain accounts and records in connection with the receipt and disbursement of appropriated funds and locally derived funds, and such plant account or other records as shall be directed by proper authority to be maintained; shall prepare reports required by the United States Government or by other proper authority; shall be responsible for the proper handling of appropriated funds and all required accounts, records and other matters connected therewith; and shall issue directives and regulations in connection with these funds as may be required.

c. *Budgets.* The Director of Fiscal and Supply and the Treasurer shall prepare budget estimates in connection with appropriated funds and locally derived funds as required by proper authority; shall maintain records as necessary to insure budget controls; shall suballot funds in accordance with budget estimates; shall keep the heads of departments advised on the current status of suballotments; and shall make special reports as required or deemed by the Director to be desirable. In addition, the Treasurer shall review and make recommendations on district and municipal budgets or locally derived revenue and shall cooperate with the Director of Internal Affairs in the de-

velopment of sound governmental fiscal practice in local communities.

d. *Taxes and Tax Collections.* The Director of Fiscal and Supply and the Treasurer of the Trust Territory shall superintend the collection of taxes and other forms of revenue by the government of the Trust Territory and any subdivision thereof; shall periodically review with Internal Affairs the tax structures, and make recommendations to the High Commissioner, the Civil Administrators, and Municipalities, on new forms of taxation advisable, or revisions in existing tax structures; shall make reports on tax receipts and delinquencies; and shall provide procedures for levying and collecting taxes.

e. *Custody and Disbursement of Funds.* The Treasurer of the Trust Territory, personally, or through his agents, shall be the custodian of all funds of the government of the Trust Territory, except the funds of municipalities, from whatever source derived; shall maintain complete and proper records and accounts; and shall provide for the disbursement of funds in accordance with law and on authorization by the High Commissioner or other proper authority.

THE PUBLIC WORKS DEPARTMENT

20. *Establishment of the Department.* There shall be a territorial department to be known as the Public Works Department and a Director of Public Works who shall be the head thereof.

21. *Duties of the Director of Public Works.* The duties of the Director of Public Works shall include the following:

a. *Construction, Maintenance, and Repairs.* The Director of Public Works shall be responsible for supervising the construction, maintenance, and repair of all public buildings, roads, piers, and other structures and installations erected and maintained or repaired by Trust Territory funds or United States appropriated funds; shall, at the request of the High Commissioner or other proper authority, prepare plans and specifications for the construction or alteration of such structures or installations; and shall supervise all construction, alteration, repair, or maintenance work to assure that approved plans and specifications are complied with.

b. *Public Utilities.* The Director of Public Works shall be responsible for supervising the construction, operation, and maintenance of all

public telephone, electric, and water plants, public transportation, and other public utilities operated by the Government of the Trust Territory or any of its subdivisions except those operated by local municipal governments; at the request of any Civil Administrator approved by the High Commissioner, shall prepare plans, specifications, and schedules of operation and rates for such public utilities; and shall supervise the carrying out of such plans, specifications and schedules and the application of such rates when approved by the High Commissioner or his properly designated representative.

c. *Boats, Vehicles, and Other Equipment.* The Director of Public Works shall be responsible for the supervision of the purchase, maintenance, repair, and operation of all boats, trailers, barges, motor vehicles, aircraft, and other equipment owned and in the custody of the Trust Territory; shall make surveys from time to time to determine what changes in allotments, specifications, maintenance programs, supervision, or other matters connected with boats, vehicles and equipment, should be made, and make recommendations to the proper authority; and shall allocate, reallocate, substitute, transfer, and otherwise supervise the use and allocation of equipment, vehicles and boats for their most efficient employment.

d. *Development and Planning.* The Director of Public Works shall conduct such additional surveys and make such additional reports as may be required by the High Commissioner in connection with base, housing, building, harbor, airport, or other development programs, and shall develop plans and specifications for the same as required.

e. *Public Health Projects.* The Director of Public Works shall, upon recommendation of the Health Department, and approval of the High Commissioner, be responsible for and supervise the carrying out of those phases of the public health program requiring construction of buildings, water catchments, drainage ditches or other public health or sanitation facilities, or the use of nonprofessional labor in insect, rodent control, or similar projects.

THE LEGISLATIVE ADVISORY COMMITTEE

22. *Establishment of the Committee.* There shall be a Legislative Advisory Committee to consist originally of five members appointed by the

High Commissioner from among the heads of territorial departments. As soon as practicable the Legislative Advisory Committee shall be expanded by the addition of indigenous representatives, the number to be determined by the committee from time to time, but to consist of an equal number from each district, selected by the permanent residents of the district by secret ballot, a council of chiefs, community representatives, or by any other method, direct or indirect, suggested by the Civil Administrator and approved by the Legislative Advisory Committee and the High Commissioner.

23. *Duties of the Committee.* a. The Legislative Advisory Committee shall consider legislation presented to it by the High Commissioner, by any head of department, by any member of the committee, or by any sub committee, and shall, after full discussion and consideration, recommend to the High Commissioner such legislation as it deems desirable for the Trust Territory. Legislation recommended by the committee shall become law on signature by the High Commissioner.

b. The committee shall discuss and advise the High Commissioner on policy matters presented for consideration.

c. The committee shall conduct studies, prepare plans, and recommend legislation from time to time to expand its functions to permit the steady evolution of this committee from an executive advisory group to be a true legislature representing the inhabitants of the Trust Territory, at which time the executive department representation will be discontinued.

24. *Liaison with District Departments.* Department heads shall be responsible for maintaining liaison with corresponding district department heads for the purpose of exchange of information, coordination of work between districts, and routine assistance in handling of district problems. For these purposes, department heads and district department heads may correspond directly by means of interoffice memoranda in official form and addressed by title. Such memoranda shall not be used by department heads to issue orders to district departments, or to establish or interpret policy. All criticisms, directives, orders, policy matters, and correspondence which clearly involves more than one department shall be in the name of HICOMTERPACIS, FIELD-TERPACIS or CIVAD as indicated by subject matter involved. All correspondence will be in

official forms and complete central territorial and district files will be maintained; departmental files may be kept as desired to expedite departmental business. Complete departmental files of interoffice memoranda shall be maintained. Interoffice memoranda shall not be referred to in official correspondence.

c. Chapter 4 of Interim Regulation No. 4-48 is repealed. The organization of civil administration units will be as directed by the High Commissioner.

CHAPTER 3

ADMINISTRATIVE JURISDICTION

A. The Northern Mariana Islands

The Governor of the Northern Mariana Islands, through the Civil Administrator of the Saipan District, shall be responsible for the administration of those islands of the Trust Territory of the Pacific Islands, and the territorial waters thereof, which lie north of 14 degrees North Latitude, and west of 150 degrees East Longitude, which jurisdiction shall be known as the Northern Mariana Islands.

B. The Western Caroline Islands

The Governor of the Western Caroline Islands, through the Civil Administrator of the Palau District, shall be responsible for the administration of those islands of the Trust Territory of the Pacific Islands, and the territorial waters thereof, which lie west of 148 degrees East Longitude and south of 11 degrees North Latitude, which jurisdiction shall be known as the Western Caroline Islands. (Amended by Interim Regulation No. 6-48, 7 August 1948.)

C. The Eastern Caroline Islands

The Governor of the Eastern Caroline Islands, through the Civil Administrators of the Truk and Ponape Districts, shall be responsible for the administration of those islands of the Trust Territory of the Pacific Islands, and the territorial waters thereof, the jurisdictional boundary of which shall be particularly described as follows:

Beginning at a point at 0 degree latitude 148 degrees east longitude, north to a point at 11 degrees north latitude 148 degrees east longitude, thence east to a point 11 degrees north latitude 158 degrees east longitude, thence southeast to a point at 5 degrees north latitude 166 degrees east longi-

tude, thence south to a point at 0 degree latitude 166 degrees east longitude.

This jurisdiction shall be known as the Eastern Caroline Islands, and within this area, the jurisdictional boundary between the Truk and Ponape Districts shall be along the line of the 154th Meridian, East Longitude.

D. The Marshall Islands

The Governor of the Marshall Islands, through the Civil Administrator of the Marshall Islands District, shall be responsible for the administration of those islands of the Trust Territory of the Pacific Islands, and the Territorial waters thereof, which lie east of jurisdictional boundary, which shall be described as follows:

Beginning at a point 11 degrees north latitude 158 degrees east longitude, thence southeast to a point at 5 degrees north latitude 166 degrees east longitude, thence south along the 166 degree east longitude meridian. This jurisdiction shall be known as the Marshall Islands. (Amended by Interim Regulation No. 4-49, 7 June 1949.)

CHAPTER 4

THE CIVIL ADMINISTRATION UNIT

1. The Civil Administration Unit is headed by the Civil Administrator who is appointed by the High Commissioner and who is responsible to him, through the Governor of the Area and the Deputy High Commissioner, for the proper administration of the District. All matters relating to native affairs are a distinct responsibility of the Civil Administrator.

2. The Deputy Civil Administrator will assist the Civil Administrator in the discharge of all of his duties, and in addition will coordinate the functions of the seven departments of the District Administration, which shall function as follows:

a. The Department of Operations:

- (1) Aircraft Operations.
- (2) Port Director.
- (3) Communications.
- (4) Inter-Island Transportation.
- (5) Public Safety.
- (6) Central Pacific Insular Establishment.
- (7) Fish and Game Warden.
- (8) Post Office.
- (9) Passports and Identification.
- (10) Scientific Projects.

- b. The Department of Political Affairs:
- (1) Legal Affairs.
 - (2) Courts.
 - (3) Property Custodian.
 - (4) Land Tenure.
 - (5) Land Transfer.
 - (6) Chairman, Land and Claims Commission.
 - (7) Supervisor of Municipalities.
 - (8) Central Registrar.

- c. The Department of Economics:
- (1) Commerce.
 - (2) Industry.
 - (3) Labor.
 - (4) Price Controls.
 - (5) Import-Export.
 - (6) Agriculture.
 - (7) Fishing.
 - (8) Mining.
 - (9) Private Business.
 - (10) Natural Resources.
 - (11) Market Development.
 - (12) Licenses and Inspections.
 - (13) Tax Collection.
 - (14) Plant and Animal Quarantine.

- d. The Department of Public Works:
- (1) Public Works.
 - (2) Utilities.
 - (3) Maintenance.
 - (4) Construction.
 - (5) Salvage.
 - (6) Land Surveys.
 - (7) Land Transportation.
 - (8) Development Planning.
 - (9) Member Land and Claims Commission.

- e. The Department of Public Health:
- (1) Medical and Dental Care.
 - (2) Sanitation.
 - (3) Leprosaria.
 - (4) Asylums.
 - (5) Dispensaries.
 - (6) Hospitals.
 - (7) Health and Nurse Aids Training.
 - (8) Health Quarantine.
 - (9) Preventive Medicine.
 - (10) Insect and Rodent Control.
 - (11) Cemeteries.
 - (12) Vital Statistics.

- f. The Department of Finance and Supply:
- (1) Civilian Supply.
 - (2) Navy Supply.

- (3) Accounting.
- (4) Disbursing.
- (5) Receipts.
- (6) Supervisory Auditory.
- (7) Expenditure Planning and Budgets.
- (8) Banks.

- g. The Department of Education:
- (1) Schools—Maintenance and Supervision.
 - (2) Teacher Training.
 - (3) Curricula—Establishment and Supervision.
 - (4) Preservation of Native Arts, Crafts, Cultures and Languages.
 - (5) Adult Education.
 - (6) Vocational Training.
 - (7) Parent-Teacher Associations.
 - (8) Native Holidays, Festivals and Recreation.
 - (9) Liaison with Religious and Educational Institutions and Individuals.

CHAPTER 5

FUNDAMENTAL RIGHTS

1. The High Commissioner reaffirms the guarantees made in Proclamation No. 1 to the people of the Trust Territory concerning all basic individual rights and freedom as follows:

Your existing customs, religious beliefs and property rights will be respected and existing local laws and all proclamations, regulations, ordinances and orders of the former military government shall remain in force and effect, except insofar as they are not in consonance with the terms of the Trusteeship Agreement and the Executive Order, and insofar as it may be necessary for me in the exercise of my powers and duties to change them.

2. Pursuant to the obligations incurred under Article 76 (c), of the United Nations Charter and Article 7 of the Trusteeship Agreement, the High Commissioner guarantees to the inhabitants of the Trust Territory freedom of conscience, and subject only to the requirements of public order and security, freedom of speech, of the press, and of assembly; freedom of worship, and of religious teaching; and freedom of migration and movement and in accordance with Article 13 of the Trusteeship Agreement he further guarantees the right of petition.

3. Basic humanitarian rights are guaranteed and protected by the following Articles of Government which will hereinafter be known as the

Bill of Rights for the people of the Trust Territory of the Pacific Islands.

obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

I

Freedom of Conscience, Speech, Press, Assembly, Worship, Religious Teaching and Petition. No law shall be enacted in the Trust Territory respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of conscience, or of speech, or of the press, or the right of the people to form associations and peaceably to assemble and to petition the government for a redress of grievances. No public money shall be appropriated or used for the support in any way, direct or indirect, of any religious establishment or of any school in which secular instruction is not subject to control by the Government of the Trust Territory.

II

Slavery and Involuntary Servitude. Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist in the Trust Territory.

III

Protection Against Unreasonable Search and Seizure. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches or seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized.

IV

Ne Deprivation of Life, Liberty, or Property Without Due Process. No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall any person be compelled in any criminal case to be a witness against himself. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial; to be informed of the nature and cause of accusation; to be confronted with the witnesses against him; to have a compulsory process for

V

No Ex Post Facto Law. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall be enacted.

VI

Excessive Bail, Excessive Fines, Cruel and Unusual Punishments Prohibited. Excessive bail shall not be required, nor excessive fines be imposed, nor cruel and unusual punishments inflicted.

VII

No Discrimination on Account of Race, Sex, Language, or Religion. No discrimination shall be made in the Trust Territory against any person on account of race, sex, language, or religion; nor shall the equal protection of the laws be denied to any inhabitant of the Trust Territory.

VIII

Freedom of Migration and of Movement. Subject only to the requirements of public order and security, the inhabitants of the Trust Territory shall be accorded freedom of migration and of movement.

IX

Education. A general system of elementary education shall be maintained for the benefit of the inhabitants of the Trust Territory who shall be encouraged also to pursue higher education including training on the professional level.

CHAPTER 6

SELF-GOVERNMENT

1. Subject to the obligations of the HICOM-TERPACIS to higher authority, the inhabitants of the Trust Territory will be encouraged to participate in self-government to the maximum extent of their capabilities. To this end, they will be given a progressively increasing share in the administrative services of the Trust Territory in accordance with the development of their capabilities to exercise this prerogative effectively.

2. In accordance with this principle they will be encouraged to participate in, and will be ex-

pected to accept an increasing amount of responsibility in, all phases of local government.

3. The local native governmental systems will be recognized and respected unless it is necessary for the High Commissioner in the exercise of his powers and duties, to change them.

4. The right to express opinions regarding the selection or appointment of local governmental officials or regarding the conduct of all phases of local governmental affairs will not be denied the inhabitants of the Trust Territory.

5. The inhabitants of the Trust Territory are required to comply with the rules and regulations established for their community by their local municipal government.

6. The local municipal governments are authorized to enforce the orders from higher authority, particularly with regard to police sanitation and education.

7. The local municipal governments are authorized to levy, collect and expend local taxes and make local rules, and will be required to keep accurate records which will be subject to inspection and audit by higher authority.

8. Each local municipal government will have an official who will perform the functions of "Magistrate," and another who will perform the functions of "Treasurer," and these officials will be identified by public notice.

9. The officials of local municipal governments may be removed for just cause at any time by the cognizant Civil Administrator.

10. Local municipalities may, with prior approval of the cognizant Civil Administrator, arrange to have certain details of their functions carried out by a tribe or clan within its limits, but the over-all responsibility of those functions will remain with the local municipalities.

CHAPTER 7

PUBLIC HEALTH

Objectives: (a) To Control Preventable Diseases.

(b) To Elevate Public Health Standards.

1. It shall be the responsibility of the Civil Administrator, to promulgate and enforce the regulations set forth herein and to formulate such additional rules and regulations as may be deemed necessary for the furtherance of the Public Health

objectives. In cases where there is an obvious conflict between these regulations and local habits and customs, the judicious use of education and local leadership to overcome existing local prejudices to modern methods is authorized in lieu of direct compulsion, provided that full compliance with these regulations can thus be assured.

2. It shall be unlawful for any person or persons to practice medicine or other of the healing arts for a fee unless duly licensed and/or authorized by the High Commissioner of the Trust Territory of the Pacific Islands, or his duly appointed representative.

3. It shall be unlawful for any person other than those properly accredited to import, sell, give or dispense medicines, drugs, or other substances of a deleterious nature, which in the opinion of proper medical authority should only be administered by authorized practitioners, physicians or other medical personnel.

4. It shall be unlawful to import, sell, traffic in, purchase, give or prescribe narcotics or medicine containing narcotics or other so-called habit-forming drugs except by specific authority of the Civil Administrator.

5. It shall be unlawful to knowingly and willfully conceal or fail to report to proper authorities, cases of communicable diseases. Persons suffering from contagious or communicable diseases or known contacts thereto, shall be isolated, treated, and if necessary, be confined by the civil authorities in accordance with standard preventive medicine procedures as outlined by the medical staff of Civil Government.

6. Persons desiring to travel between administrative districts shall be required to obtain a certificate of health from a Medical Practitioner, physician, or medical representative of the Civil Administration. This certificate shall certify that the individual has been examined and is apparently free of communicable diseases, that he has been vaccinated for Small Pox and Typhoid Fever within the prescribed interval and shall include the findings of X-Ray examination of chest, if available. The provisions of this paragraph do not apply to travel between islands within an administrative district.

7. Vaccination and inoculations as prescribed by proper authority shall be compulsory.

8. Regulations and directives relative to control of rodents and other pests shall be promulgated by the Civil Administrator.

9. It shall be unlawful for any person or persons to prepare and dispense foods for public consumption unless specifically authorized by the Civil Administration. Establishments engaged in the preparing or dispensing of foods for public consumption shall be subject to periodic inspections by the Civil Administrator or his medical advisor. Failure to conform to standards of sanitation prescribed shall be cause for revocation of license.

10. Persons engaged in handling food for public consumption shall be examined at prescribed intervals or at other times by a duly authorized physician, practitioner or medical representative of the Civil Administrator.

11. It shall be unlawful for any person to sell or dispense for human consumption food which is known to be contaminated, decomposed or adulterated, thereby rendering such food unfit for human consumption.

12. Participation in established Public Health Programs for school children is compulsory.

13. Disposal of waste sewage and garbage by methods and in areas other than those prescribed by health authorities shall be unlawful.

14. The use of night soil (human excreta) as a fertilizer is prohibited.

15. Sanitary privies (Benjos) shall be of a type and in areas designed by local authorities. Defecation in the immediate vicinity of any village other than in those privies is prohibited.

16. Barber shops and beauty parlors shall be duly licensed and inspected periodically by a medical representative of the Civil Administrator.

17. A record of births and deaths will be maintained by the registrar of the Civil Administration Unit. All births will be reported to the registrar within seventy-two (72) hours after occurrence. In case of death when the deceased has not been attended by a practitioner, physician or health aid during his terminal illness, burial will not take place until remains have been viewed by a representative of the Civil Administration. Death occurring under suspicious circumstances shall be reported to the Chief of the Village or magistrate for further investigation. All deaths will be reported within twenty-four (24) hours and burial will take place within thirty-six (36) hours after death has occurred. Forms VS-1 and VS-2 shall be completed and filed in each CAU.

18. Burial will take place only in specified areas and in a manner designated by the Civil Administration.

19. Persons violating any of the above regulations are subject to trial by such authorized courts of justice as now exist or may be established in the future, and shall, upon conviction thereof, be imprisoned for a period not exceeding six (6) months or fined not more than one hundred dollars (\$100.00), or both.

CHAPTER 8

EDUCATION

In accordance with Chapter XII, Article 76 of the United Nations Charter, which provides that, "The basic objectives of the trusteeship system, in accordance with the purposes of the United Nations laid down in Article 1 of the present Charter, shall be: * * * to promote the * * * educational advancement of the inhabitants of the trust territories, * * *" the following specific regulations are promulgated:

1. The educational program shall be maintained to benefit the many and to assure a progressive development of each community within the local cultural pattern by improving food production, diet, health, conduct of their own government, management of their trade and industry, and to take their rightful position in the world. In the promotion and development of educational programs the High Commissioner intends to avail himself of the services of the Advisory Committee on Education for Guam and the Trust Territory of the Pacific Islands. This Committee, with headquarters at Honolulu, Territory of Hawaii, operates upon the invitation of the High Commissioner and the Governor of Guam. Civil Administrators and other officers concerned with educational programs in the Trust Territory shall advise the High Commissioner of such problems as may arise and which may appropriately be referred to the Committee.

2. Schools shall foster and encourage:

a. The native language, history, arts and crafts.
b. Instruction in the English language to inhabitants of all ages.

c. Preprofessional training in medicine, nursing, and teaching as well as vocational training in trades, arts and crafts, agriculture, homemaking and business.

d. Experimental and demonstrational projects in agriculture.

3. School attendance shall, whenever possible, be compulsory from ages six to fourteen. Exceptions may only be made under special circumstances and with the approval of the Civil Administrator.

4. Each Civil Administration Unit shall maintain an elementary school program predicated upon at least eight years of normal attendance.

5. The school term shall commence each year on the first Tuesday after the first Monday of September and will consist of one hundred eighty class days. Vacation periods applicable through the entire Trust Territory will be designated by the Educational Administrator, Staff, DEPHI-COMTERPACIS, while those applicable only within districts will be designated by the Civil Administrator concerned. He will take into consideration such determinants as local seasons and customs, local holidays, seasonal economic pursuits, etc.

6. The school week shall consist of five class days.

7. The school day shall consist of a minimum of three hours of instruction for all first-year pupils and a minimum of five hours of instruction for all other elementary school pupils.

8. Elementary schools shall provide instruction in:

- a. English.
 - b. Industrial Arts and Vocational Training.
 - c. Arithmetic.
 - d. Social Studies including History, Geography, Civics, Hygiene and Sanitation.
 - e. Native Language, History, Arts and Crafts.
9. Adult education shall be established in areas where and when facilities and conditions permit.

This program will offer, when possible, educational opportunities in courses such as English and native language, arithmetic, geography, history, hygiene and sanitation, economics, home-making, arts and crafts, trades, and public safety.

10. Public money shall not be appropriated by any municipal government for the support or benefit of any sectarian, denominational, or private school or to any school not under the jurisdiction of the Department of Education, except that schools which conform to the regulations and standards prescribed for public schools, and qualify to teach secular education may be furnished standard prescribed text materials in the same proportion per capita pupil as supplied the public

schools. All schools teaching secular education shall operate within the policies set forth by higher authority.

CHAPTER 9

FINANCE AND TAXATION

1. The legal tender of the Trust Territory shall be United States currency and fractional coins.

2. The budgetary requirements for the government of the Trust Territory of the Pacific Islands will be met insofar as possible by the inhabitants through the means of taxes, licenses, fines, fees and duties, charges for concessions and surcharges upon the natural resources of the area.

3. Taxes and revenue-producing measures for the support of the government of the Trust Territory will be derived from:

a. Area-wide taxes and revenue measures imposed by the authority of the High Commissioner; and

b. Taxes and revenue measures imposed by municipal authorities.

4. Internal revenue taxes, import and export duties, processing and head taxes are imposed by authority of the High Commissioner. All funds (less cost of collection) obtained from such taxes will be used for the benefit of the Trust Territory.

5. Between areas, districts and islands of the Trust Territory no import or export tax shall be imposed on any merchandise or other products originating in any other island within the territory.

6. Each municipality shall have an official who will be responsible to the municipality for all funds collected as municipal funds.

7. Municipal authorities shall be responsible for the following items of expenses for local government and shall submit to the Civil Administration Unit for approval and annual budget providing for:

a. Salaries of municipal officials including all present local officials whose duties are performed entirely within the municipality, except members of the Central Pacific Insular Establishment.

b. Repair and maintenance of all municipal public buildings.

c. Repair and maintenance of all public roads, walks, paths, bridges and wharves within the municipality, except such main roads, bridges, or wharves, if any, as may be specifically designated by Civil Administration as its own responsibility.

8. A supplemental budget shall be similarly presented if need therefor arises. These budgets may be revised by Civil Administration but only in emergencies shall this be done without consultation with the officials of the municipality concerned. The decision of the municipality shall be overridden only for urgent cause. Approval of the budget shall authorize the municipality to proceed with the expenditures therein provided. Individual payments within the approved budgets shall be made by the municipal treasurer upon the order of the municipal magistrate. No payments shall be made from municipal funds except in accordance with an approved annual or supplemental budget.

9. Funds collected by municipal authorities from any of the following sources will be paid into the respective municipal treasuries for the purpose of meeting budget requirements. All local tax measures shall be approved by the Civil Administration prior to becoming effective.

- a. Head taxes from residents.
- b. License fees for businesses carried on entirely within the municipality.
- c. Sales taxes on luxuries sold at retail within the municipality.
- d. Property taxes on property within the municipality.
- e. Fees for private use of municipal property services and facilities.

10. The head tax throughout the Trust Territory shall apply to all males between the ages of 18 and 60 years inclusive. It shall be \$2 per man per year, and may be paid in two equal installments at the option of the taxpayer.

11. License fees as a prerequisite to engaging in business and for other purposes, not to exceed \$10 per annum, may be levied by each Civil Administration Unit in the area under its jurisdiction. Schedules of license fees exceeding \$10 per annum shall be submitted to the Deputy High Commissioner for approval.

12. Facilities for the safekeeping of funds for the extension of credits to promote trade and industry will be provided by means of banks or other institutions under the control of the United States Government.

13. The head tax specified in this Section and any levy or assessment for projects essential for the welfare of the community may be paid either in the legal tender of the Trust Territory or in

labor in lieu of money, in conformity with local customs. (Amended by Interim Regulation No. 7-48, 24 August 1948.)

CHAPTER 10

CRIME

Interim Regulation No. 5-48

AMENDED CRIMINAL CODE

The following amended criminal code is hereby promulgated with the force and effect of law throughout the Trust Territory of the Pacific Islands effective immediately. Interim Regulation No. 3-48 is hereby cancelled, except that it shall remain in full force and effect as to crimes committed prior to the promulgation hereof.

ARTICLE I

CLASSIFICATION OF CRIMES

Crimes are divided into two classifications: felonies and misdemeanors. Felonies are hereby defined as being those crimes which are punishable by death or by imprisonment for a period of more than one year. Misdemeanors are hereby defined as all other crimes.

ARTICLE II

CRIMES AGAINST THE PERSON

SECTION 1. *Murder in the First Degree.* Whoever shall unlawfully take the life of another with malice aforethought, by poison, lying in wait, torture, or any other kind of willful, deliberate, malicious, and premeditated killing, or while in the perpetration of, or attempt to perpetrate, any arson, rape, mayhem, burglary, or robbery, shall be guilty of murder in the first degree, and upon conviction thereof, shall be sentenced to death or life imprisonment.

SECTION 2. *Murder in the Second Degree.* Whoever shall unlawfully take the life of another with malice aforethought, or while in the perpetration of, or attempt to perpetrate, any felony, but not as described in Section 1 of this Article, shall be guilty of murder in the second degree, and upon conviction thereof, shall be imprisoned for a period of not less than five years or for life.

SECTION 3. *Voluntary Manslaughter.* Whosoever shall unlawfully take the life of another without malice aforethought, upon a sudden quarrel or heat of passion, shall be guilty of voluntary manslaughter, and upon conviction thereof, shall be imprisoned for a term of not more than ten years.

SECTION 4. *Involuntary Manslaughter.* Whosoever shall unlawfully take the life of another without malice, in the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection, shall be guilty of involuntary manslaughter, and upon conviction thereof, shall be sentenced to imprisonment for a term of not more than three years, or fined not exceeding one thousand dollars (\$1,000), or both.

SECTION 5. *Mayhem.* Whosoever shall unlawfully and maliciously assault, strike, beat, wound, or maim another so that he shall lose a part of his body or be permanently disfigured, shall be guilty of mayhem, and upon conviction thereof shall be imprisoned for a period of not more than ten years.

SECTION 6. *Rape.* Whosoever shall unlawfully have sexual intercourse with a female, not his wife, by force and against her will, shall be guilty of rape, and upon conviction thereof, shall be imprisoned for a period of not more than fifty years.

SECTION 7. *Carnal Knowledge.* Whosoever shall unlawfully have carnal knowledge of the person of a female, not his wife, of less than fourteen years of age, shall, upon conviction thereof, be imprisoned for a period of not more than twenty years.

SECTION 8. *Aggravated Assault.* Whosoever shall unlawfully assault, strike, beat, or wound another, with a dangerous weapon, with intent to kill, rape, rob, or to commit any other felony against the person of another, shall be guilty of aggravated assault, and upon conviction thereof, shall be imprisoned for a period of not more than 10 years.

SECTION 9. *Assault.* Whosoever shall unlawfully offer or attempt, with force or violence, to strike, beat, wound, or to do bodily harm to another, shall be guilty of assault, and upon conviction thereof, shall be imprisoned for a period of not more than 6 months; or shall be fined not more than one hundred dollars (\$100), or both.

SECTION 10. *Assault and Battery.* Whosoever shall unlawfully strike, beat, wound, or otherwise do bodily harm to another, shall be guilty of assault and battery, and upon conviction thereof, shall be punished in accordance with section 9 of this Article.

SECTION 11. *False Arrest.* Whosoever shall unlawfully detain another by force and against his will, then and there not being in possession of authority to do so, shall be guilty of false arrest, and upon conviction thereof, shall be imprisoned for a period of not more than 6 months, or shall be fined not more than one hundred dollars (\$100), or both.

SECTION 12. *Abduction of a Female.* Whosoever shall unlawfully detain a female, or take her against her will, with intent to compel marriage either with himself or any other person; or to be defiled; or for prostitution or sexual intercourse; or for concubinage; shall be guilty of abduction of a female, and upon conviction thereof, shall be imprisoned for a period of not more than 1 year; or shall be fined not more than one thousand dollars (\$1,000), or both.

SECTION 13. *Kidnapping.* Whosoever forcibly or fraudulently and deceitfully, and without authority by law, imprisons, seizes, detains, or inveigles away any person (other than his minor child), with intent to cause such person to be secreted within the Trust Territory of the Pacific Islands against his will, or sent out of the Trust Territory of the Pacific Islands against his will, or sold or held as a slave or for ransoms, shall be guilty of kidnapping, and upon conviction thereof, shall be imprisoned for a period of not more than 20 years.

ARTICLE III

CRIMES AGAINST PROPERTY

SECTION 1. *Arson.* Whosoever shall unlawfully, willfully, and maliciously set fire to and burn the dwelling, office, warehouse, store, barn, shed, cookhouse, boat, canoe, lumber, copra, or any other building or shelter, or other property the product of his own or another's land, shall be guilty of arson, and upon conviction thereof, shall be imprisoned for a period of not more than 20 years.

SECTION 2. *Burglary.* Whosoever shall unlawfully and by force enter the dwelling house or other building of another, with intent to steal or

commit any other felony therein, shall be guilty of burglary, and upon conviction thereof, shall be imprisoned for a period of not more than 20 years.

SECTION 3. *Grand Larceny.* Whosoever shall unlawfully steal, take and carry away personal property of another, of the value of fifty dollars (\$50) or more, without the owner's knowledge or consent, and with the intent to permanently convert it to his own use, shall be guilty of grand larceny, and upon conviction thereof, shall be imprisoned for a period of not more than 5 years, or fined not more than one thousand dollars (\$1000), or both.

SECTION 4. *Petit Larceny.* Whosoever shall unlawfully steal, take and carry away personal property of another, of the value of less than fifty dollars (\$50) without the owner's knowledge or consent, and with the intent to permanently convert it to his own use, shall be guilty of petit larceny, and upon conviction thereof, shall be imprisoned for a period of not more than 6 months, or fined not more than one hundred dollars (\$100), or both.

SECTION 5. *Larceny, From a Dwelling House.* Whosoever shall unlawfully steal, take and carry away the personal property of another, of any value whatsoever, from his or another's dwelling house, without the owner's knowledge or consent, and with the intent to permanently convert it to his own use, but without the force necessary to constitute a burglary, shall be guilty of larceny from a dwelling house, and upon conviction thereof, shall be imprisoned for a period of not more than 10 years.

SECTION 6. *Embezzlement.* Whosoever, after having lawfully obtained possession of the personal property of another, shall take and carry away said property without the owner's knowledge and consent, and with the intent to permanently convert it to his own use, shall be guilty of embezzlement, and upon conviction thereof, shall be punished in accordance with the terms of Section 3 of this Article if the value of said property be fifty dollars (\$50) or more, and in accordance with the terms of Section 4 of this Article if the value of said property be less than fifty dollars (\$50).

SECTION 7. *Robbery.* Whosoever shall unlawfully steal, take and carry away the personal property of another, of whatever value, from his person or in his presence and against his will, by use of

force or intimidation, with the intent to permanently convert said property to his own use, shall be guilty of robbery, and upon conviction thereof, shall be imprisoned for not more than 20 years.

SECTION 8. *Receiving Stolen Goods.* Whosoever shall unlawfully take into his possession, with the consent of the donor, stolen or embezzled property, then and there knowing said property to have been stolen or embezzled, with fraudulent intent thereby or to aid in the theft, shall be guilty of receiving stolen goods, and upon conviction thereof, shall be imprisoned for a period of not more than 1 year, or fined not more than one hundred dollars (\$100), or both.

SECTION 9. *Forgery.* Whosoever shall unlawfully and falsely make or materially alter a writing or document of apparent legal weight and authenticity, with intent thereby to defraud, shall be guilty of forgery, and upon conviction thereof, shall be imprisoned for a period of not more than 10 years.

SECTION 10. *Cheating.* Whosoever shall unlawfully obtain the property or money of another by false pretenses, knowing the pretenses to be false, and with the intent thereby to permanently defraud the owner thereof, shall be guilty of cheating, and, if the value of the property thus obtained be fifty dollars (\$50) or more, shall be imprisoned for a period of not more than 5 years; or if the value of the property thus obtained be less than fifty dollars (\$50) shall be imprisoned for a period of not more than 6 months, or fined not more than one hundred dollars (\$100) or both.

SECTION 11. *Malicious Mischief.* Whosoever shall unlawfully, wilfully, and maliciously destroy, damage, or otherwise injure property belonging to another, shall be guilty of malicious mischief, and upon conviction thereof, shall be imprisoned for a period of not more than 6 months, or shall be fined not more than one hundred dollars (\$100), or both.

SECTION 12. *Trespass.* Whosoever shall unlawfully violate or interfere with the peaceful use and possession of the dwelling house, premises, or property of another, whether by force or by stealth, but without committing or attempting to commit any of the beforementioned crimes, shall be guilty of trespass, and upon conviction thereof, shall be punished in accordance with the terms of the foregoing paragraph.

ARTICLE IV

CRIMES AGAINST THE PUBLIC HEALTH, SAFETY,
COMFORT, AND MORALS

SECTION 1. *Maintaining a Nuisance.* Whosoever shall unlawfully maintain or allow to be maintained a condition of things which is prejudicial to the health, comfort, safety, property, sense of decency, or morals of the people of the Trust Territory of the Pacific Islands by an illegal act, or by neglect of legal duty, shall be guilty of maintaining a nuisance, and upon conviction thereof, shall be imprisoned for a period of not more than 6 months, or shall be fined not more than one hundred dollars (\$100), or both.

SECTION 2. *Bigamy.* Whosoever being legally married, shall unlawfully and wilfully marry another during the tenure of the marriage contract with his or her wife or husband, shall be guilty of bigamy, and upon conviction thereof, shall be punished in accordance with Section 6 of this Article: provided, however, that no person shall be found guilty of bigamy whose wife or husband has been absent for a period of 5 years, without being known by such person to be alive during that time.

SECTION 3. *Adultery.* Whosoever, being a married person, shall unlawfully and voluntarily engage in sexual intercourse with another who is not his or her wife or husband, or whosoever, being an unmarried person, shall unlawfully and voluntarily engage in sexual intercourse with a married person, shall be guilty of adultery, and upon conviction thereof, shall be punished in accordance with Section 1 of this Article.

SECTION 4. *Incest.* Whosoever shall unlawfully engage in sexual intercourse with another of such a close blood relationship or affinity that marriage between the two who so engage is prohibited by law or custom, shall be guilty of incest, and upon conviction thereof, shall be imprisoned for a period of not more than 5 years; provided, that the burden of proof of such relationship or affinity shall rest with the prosecution.

SECTION 5. *Sodomy.* Whosoever shall unlawfully and voluntarily have any sexual relations with a member of the same or the other sex, that are of an unnatural manner, or who shall have any carnal connection in any manner with a beast, shall be guilty of sodomy, and upon conviction thereof, shall be imprisoned for a period of not

more than 10 years; provided, that the term "sodomy" shall embrace any and all parts of the sometimes written "*Abominable and detestable crime against nature.*"

SECTION 6. *Abortion.* Whosoever shall unlawfully cause the miscarriage or premature delivery of a woman, with the intent to do so, shall be guilty of abortion and upon conviction thereof, shall be imprisoned for a period of not more than 5 years.

ARTICLE V

CRIMES AGAINST PUBLIC JUSTICE AND AUTHORITY

SECTION 1. *Perjury.* Whoever, having taken an oath or any legal substitute therefor before a competent tribunal, officer, or person, in any case in which a law of the Trust Territory of the Pacific Islands authorizes an oath or any legal substitute therefor to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, deposition, or certificate by him subscribed is true, shall wilfully and contrary to such oath or legal substitute therefor state or subscribe any material matter which he does not believe to be true, shall be guilty of perjury, and upon conviction thereof, shall be imprisoned for a period of not more than 5 years.

SECTION 2. *Bribery.* Whosoever shall unlawfully and voluntarily give or receive anything of value in wrongful and corrupt payment for an official act done or not done, to be done or not to be done, shall be guilty of bribery, and upon conviction thereof, shall be imprisoned for a period or not more than 5 years, and shall be fined three times the value of the payment received; or, if the value of the payment cannot be determined in dollars, shall be imprisoned for a period of not more than 5 years, and fined not more than one thousand dollars (\$1,000).

SECTION 3. *Misconduct in Public Office.* Whosoever, being a public official shall do any illegal acts under the color of office, or wilfully neglect to perform the duties of his office as provided by law, shall be guilty of misconduct in Public Office, and upon conviction thereof, shall be imprisoned for a period of not more than 1 year, or fined not more than one thousand dollars (\$1,000), or both.

SECTION 4. *Obstructing Justice.* Whosoever shall unlawfully resist or interfere with any law enforcement officer in the lawful pursuit of his

duties, or shall unlawfully tamper with witnesses or prevent or attempt to prevent their attendance at trials, shall be guilty of obstructing justice, and upon conviction thereof, shall be imprisoned for a period of not more than 1 year; or shall be fined not more than one thousand dollars (\$1000), or both.

SECTION 5. *Escape.* Whosoever, being a law enforcement officer, or other person having lawful custody of a prisoner, shall unlawfully, wilfully, or negligently allow said prisoner to depart from such custody, except by due process of law; or, whosoever, being a prisoner, shall unlawfully and wilfully depart from such custody, shall be guilty of escape, and upon conviction thereof, shall be imprisoned for not more than 3 years.

SECTION 6. *Rescue.* Whosoever, shall unlawfully, knowingly, forcibly, and wilfully rescue any prisoner from the custody of any person lawfully having custody thereof, shall be guilty of rescue, and upon conviction thereof, shall be punished in accordance with the provisions of Section 5 of this Article.

SECTION 7. *Criminal Contempt.* Whosoever shall unlawfully, knowingly, and wilfully interfere directly with the operation and function of a court, by open defiance of an order, in or near the courtroom; or by disturbing the peace in or near the courtroom; or by speaking or writing in such a manner as to intimate that the court is unfair or corrupt; or when a witness, by refusing to answer lawful questions; or shall resist or refuse, or fail to comply with a lawful order of the court; or shall interfere with an officer of the court in the pursuit of his official duties; shall be guilty of criminal contempt and upon conviction thereof, shall be imprisoned for a period of not more than 6 months, or shall be fined not more than one hundred dollars (\$100), or both.

SECTION 8. *Compounding a Crime.* Whosoever shall unlawfully, knowingly, and wilfully, having knowledge that a crime has been, is being, or is about to be committed, agree for a reward not to prosecute it, shall be guilty of compounding a crime, and upon conviction thereof, shall be imprisoned for a period of not more than 1 year, or fined not more than one hundred dollars (\$100), or both.

SECTION 9. *Conspiracy.* If two or more persons conspire either to commit any crime against the Trust Territory of the Pacific Islands, or to de-

fraud the Trust Territory of the Pacific Islands or the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be guilty of conspiracy, and upon conviction thereof, shall be imprisoned for a period of not more than 2 years, or fined not more than two thousand dollars (\$2,000), or both.

ARTICLE VI

CRIMES AGAINST THE PUBLIC PEACE

SECTION 1. *Disturbing the Peace.* Whosoever shall unlawfully and wilfully commit any acts which annoy or disturb other persons so that they are deprived of their right to peace and quiet, or to provoke a breach of the peace, shall be guilty of disturbing the peace, and upon conviction thereof, shall be imprisoned for a period of not more than 6 months, or shall be fined not more than fifty dollars (\$50), or both.

SECTION 2. *Drunken and Disorderly Conduct.* Whosoever is drunk and disorderly on any street, road, or other public place from the voluntary use of intoxicating liquor, shall be guilty of drunken and disorderly conduct and upon conviction thereof, shall be punished according to the provisions of Section 1 of this Article.

SECTION 3. *Affray.* Whosoever shall unlawfully and wilfully engage in altercation or fight with one or more persons in a public place, so that others are put in fear or danger, shall be guilty of affray, and upon conviction thereof, shall be punished according to the provisions of Section 1 of this Article.

SECTION 4. *Riot.* Whenever three or more persons shall assemble, and by force and violence, or by loud noise and shouting, shall unlawfully place others in fear or danger, they shall be guilty of riot, and upon conviction thereof, shall be punished according to the provisions of Section 1 of this Article.

SECTION 5. *Criminal Libel (Calumny).* Whosoever shall unlawfully, wilfully, and maliciously, speak, write, print, or in any other manner publish material which exposes another person to hatred, contempt, or ridicule, shall be guilty of criminal libel, and upon conviction thereof, shall be punished in accordance with Section 1 of this Article.

ARTICLE VII

GENERAL PROVISIONS

SECTION 1. *Attempts.* Whosoever shall unlawfully attempt to commit any of the crimes named in this code, which attempt shall fall short of actual commission of the crime itself, shall be guilty as though he actually committed the crime, and may be prosecuted for the attempt, and upon conviction thereof, shall receive the same punishment as if convicted of the crime itself; except that the death sentence cannot be invoked for attempted murder.

SECTION 2. *Accessories.* Whosoever shall unlawfully aid, assist, advise, or order the person or persons who commit a crime, before the crime is committed and who is not present when the crime is committed, shall be named an accessory before the fact. Whosoever, knowing a crime to have been committed shall unlawfully receive, comfort, harbor, aid, advise, or assist the person he knows committed the crime, shall be named an accessory after the fact. Whosoever shall be named accessory shall be equally guilty with the person who committed the crime, and shall receive the same punishment; no distinction is made between principals in the first and second degrees.

SECTION 3. *Disability.* Children under the age of ten are conclusively presumed to be incapable of committing any crime. Children between the ages of ten and fourteen are also conclusively presumed to be incapable of committing any crime, except the crimes of murder and rape, in which cases the presumption is rebuttable. No persons judged by competent medical authority to be insane can be convicted of any crime because of the presumption that such person cannot have criminal intent.

SECTION 4. *Threats as Excuse.* Whosoever shall commit any crime, except murder, because he was forced to do so by threat of death or serious bodily harm, shall be excused upon proof thereof; provided, that the force remains present and continuous until the crime has been committed.

SECTION 5. *Pardons and Paroles.* (a) Any person convicted of any crime in the Trust Territory may be pardoned or paroled by the Deputy High Commissioner upon such terms and conditions, if any, as he shall deem best.

(b) Any person convicted of a misdemeanor in any sub-area of the Trust Territory may be par-

doned or paroled by the Governor of the sub-area upon such terms and conditions, if any, as he shall deem best.

(c) Any person sentenced in any Civil Administration Unit District to imprisonment for not more than 6 months or to pay a fine of not more than one hundred dollars (\$100) may be pardoned or paroled by the Civil Administrator of the District upon such terms and conditions, if any, as he deems best.

SECTION 6. *Limitation on Punishment for Violation of Native Customs.* The penalty for any act which is made a crime solely by generally respected native custom, shall not exceed a fine of one hundred dollars (\$100) or 6 months imprisonment, or both.

SECTION 7. *Recognition of Native Customs.* In awarding sentences in accordance with this code, due recognition shall be given to the customs of the inhabitants in accordance with the Trusteeship Agreement, Article 6, paragraph 1, last two clauses.

SECTION 8. *Limitation of Prosecutions.* No person shall be prosecuted, tried, or punished for any crime, except murder in the first or second degree, unless the prosecution is commenced within three years next after such crime shall have been committed; provided, however, that nothing in this section shall bar any prosecution against any person who shall flee from justice, or absent himself from the Trust Territory of the Pacific Islands, or so secrete himself that he cannot be found by the officers of the law, so that process cannot be served upon him.

CHAPTER 11

Interim Regulation No. 1-49

CIVIL ADMINISTRATION COURTS

Interim Regulation No. 1-48 is hereby repealed and superseded by this Interim Regulation.

ARTICLE I

CREATION OF CIVIL ADMINISTRATION COURTS

Civil Administration Courts for the Trust Territory of the Pacific Islands including territory waters are hereby established. There shall be Courts of Appeals, a District Court, Superior Courts, Justice Courts, and Community Courts, as hereinafter described.

ARTICLE II

SECTION 1. *Over Territory.* Jurisdiction of a Court of Appeals shall extend to the whole of the Trust Territory of the Pacific Islands, or to any part thereof. Jurisdiction of the District Court shall extend to the whole of the Trust Territory of the Pacific Islands. Jurisdiction of a Superior Court shall extend to the whole of the Civil Administration Sub-Area in which the Court is located, or to any part thereof. Jurisdiction of a Justice Court shall extend to the whole of the civil administration district in which the Court is located, or to any part thereof. Jurisdiction of a Community Court shall extend to the whole of the Community in which the Court is located, or to any part thereof.

SECTION 2. *Over Persons.* Jurisdiction of a Civil Administration Court shall extend to all persons within the area of its territorial jurisdiction, except: (a) jurisdiction shall not extend to persons having diplomatic immunity; (b) jurisdiction of a Community Court shall extend only to native inhabitants of the Trust Territory of the Pacific Islands within that community.

SECTION 3. *Over Offenses and Civil Cases.* Civil Administration Courts shall have jurisdiction over all offenses committed within the jurisdiction of the Trust Territory of the Pacific Islands and all types of civil claims except that the District Court shall have exclusive original jurisdiction as to admiralty and maritime matters and adjudication of title to land or any interest therein (other than the right to immediate possession).

ARTICLE III

CHIEF JUSTICE

There shall be a Chief Justice of the Trust Territory of the Pacific Islands who shall be appointed by the Secretary of the Navy and shall serve during the pleasure of the latter. The Chief Justice shall have administrative supervision over all Civil Administration Courts and may make rules of pleading, practice, and procedure, not inconsistent with any other provisions of law, for the government of any Civil Administration Courts and any proceedings therein. He is hereby authorized to appoint a Clerk of Courts for each District, who shall act as Clerk for all Courts of Appeals, District, Superior, and Justice Courts held in that district, and such other officers as he

deems necessary for the Courts, at salaries fixed by him within the limit of funds authorized for this purpose.

ARTICLE IV

CONSTITUTION OF CIVIL ADMINISTRATION COURTS

SECTION 1. *Courts of Appeals.* A Court of Appeals shall consist of not less than three persons, including the Chief Justice of the Trust Territory of the Pacific Islands except when he is disqualified or not available. The Chief Justice shall preside at any session of a Court of Appeals which he attends. The Court shall be convened by the Deputy High Commissioner of the Trust Territory of the Pacific Islands or his delegated representative.

SECTION 2. *District Court.* The District Court of the Trust Territory shall hold sessions in each civil administration district. The Chief Justice of the Trust Territory of the Pacific Islands and any other member of a Court of Appeals who is assigned or employed for judicial duties as his primary duty shall sit as District Judges and individually hold sessions of the District Court, according to assignments made by the Chief Justice. A District Judge may select an assessor, at such compensation as the Chief Justice may approve (within the limit of funds authorized for this purpose), to advise the Court in regard to the local law and custom. Such assessor shall sit with the Judge, but shall have no vote in any decision.

SECTION 3. *Superior Court.* A Superior Court shall consist of one or more persons at least one of whom shall be an officer or employee of civil administration. The Court shall be convened by the Governor in whose Sub-Area the Court shall sit.

SECTION 4. *Justice Court.* A Justice Court shall consist of one or more persons. The Court shall be convened by the Civil Administrator of the district in which the Court shall sit.

SECTION 5. *Community Court.* A Community Court shall consist of one or more judges either appointed or elected, as deemed appropriate by the Civil Administrator in whose district the community is located. In determining the method of selecting a Community Court Judge, the Civil Administrator will adhere to local custom to the maximum degree consistent with proper civil administration.

SECTION 6. *Utilization of Native Inhabitants.* Native inhabitants of the Trust Territory shall be

utilized in the civil administration court system to the maximum degree consistent with proper administration.

ARTICLE VI

EXERCISE OF CONCURRENT JURISDICTION

ARTICLE V

COMPETENCY OF CIVIL ADMINISTRATION COURTS

SECTION 1. *Court of Appeals.* A Court of Appeals shall be competent to try all civil or criminal cases on appeal from the District Court or Superior Courts.

SECTION 2. *District Court.* The District Court shall be competent: (a) to try originally all proceedings, civil or criminal, at law or in equity, including probate, admiralty, and maritime matters and adjudication of title to land or any interest therein, and (b) to try all civil or criminal cases on appeal from Justice Courts. The District Court shall be a court of record and shall have an impression seal, an original of which shall be kept in the custody of the Clerk of Courts for each district.

SECTION 3. *Superior Court.* A Superior Court shall be competent to try: (a) all civil cases beyond the limitations of Justice Courts or Community Courts, and (b) all criminal offenses against civil administration or generally recognized native customs, beyond the limitations of Justice Courts or Community Courts, for which any lawful punishment may be given.

SECTION 4. *Justice Court.* A Justice Court shall be competent to try: (a) all civil cases beyond the limitations of Community Courts, where the amount at issue does not exceed one thousand (\$1,000), (b) all criminal offenses against civil administration or generally recognized native customs, beyond the limitations of Community Courts, the lawful punishment for which does not exceed a fine of one thousand (\$1,000) dollars, or one (1) year imprisonment or both, and (c) all civil or criminal cases on appeal from Community Courts.

SECTION 5. *Community Court.* A Community Court shall be competent to try: (a) all civil cases where the amount at issue does not exceed one hundred dollars (\$100), and (b) all criminal offenses against civil administration or generally recognized native customs, the lawful punishment for which does not exceed a fine of one hundred (\$100), or six (6) months imprisonment, or both.

SECTION 1. *Concurrent Jurisdiction of District Court.* In all matters other than those within the exclusive original jurisdiction of the District Court under Section 3 of Article II hereof, the original jurisdiction of the District Court shall be concurrent with the Superior, Justice, and Community Courts within their respective competencies for original action.

SECTION 2. *With Justice and Community Courts.* The District Court shall not act as a court of first instance in any cases as to which it determines that reasonably prompt justice is available in a Justice or Community Court.

SECTION 3. *With Superior Courts.* The District Court shall act as a court of first instance as to all matters within the competency of the Superior Courts for original jurisdiction except in cases involving charges of murder in the first or second degree and cases which the District Court cannot try without undue delay. Cases involving charges of murder in the first or second degree shall be tried by a Superior Court of not less than three members if such a court is available or can be made available.

SECTION 4. *Transfer of Cases.* Any case brought in the District Court may be transferred by that Court to any Superior, Justice, or Community Court which is competent to try it. Any case brought in a Superior, Justice, or Community Court may be transferred by the Court in which it is brought to the District Court with the consent of the latter.

ARTICLE VII

DISQUALIFICATIONS

SECTION 1. No judge shall hear or determine an appeal from the decision of a case or issue tried by him.

SECTION 2. Any judge shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper in his opinion, for him to sit on the trial, appeal, or other proceeding therein.

ARTICLE VIII

PROCEDURE

SECTION 1. *Public Sessions.* The proceedings of every civil administration court shall be public except when otherwise ordered by the court.

SECTION 2. *Rights of the Defendants.* Every defendant before a civil administration court is entitled:

(a) To have in advance of trial a copy of the charges upon which he is to be tried;

(b) To consult an attorney before the trial and have an attorney or other representative of his own choosing defend him at the trial. The Court may, at the request of the defendant or of its own motion, assign to him an attorney, officer or other person to assist in the defense of the case;

(c) To apply to the Court for further time to prepare his defense, which application the Court may grant or deny at its own discretion;

(d) To bring with him such material witnesses as he may desire or have them summoned by the Court at his request;

(e) To give evidence on his own behalf at his own request at the trial, though he may not be compelled to do so;

(f) To have the proceedings translated for his benefit when he is unable to understand them otherwise.

ARTICLE IX

IMPRISONMENT, FINES, OTHER PUNISHMENTS

SECTION 1. *Previous Convictions.* Before imposing sentence upon any person found guilty by a civil administration court, evidence of good or bad character including any prior criminal record of the defendant before either military tribunals or civil courts may be received and considered by the Court determining the sentence to be imposed.

SECTION 2. *Fines.* Where under any proclamation, order or regulation, an offense is made punishable by fine, the Court imposing the fine may give such directions as appear to be just with respect to the payment of the fine and in default of payment of whole or part thereof may order the defendant to be committed to prison for such period as the Court may direct.

SECTION 3. *Orders as to Residence.* A Court of Appeals, the District Court, or the Superior Court

may direct that the defendant establish his place of residence within a specified area in lieu of or in addition to any other lawful punishment.

SECTION 4. *Confiscation.* If a defendant shall be convicted of wrongful or unlawful sale, purchase, use or possession of any article, a civil administration court may, in lieu of or in addition to any other lawful punishment, order restitution or compensation to the owner, or the forfeiture of such article of civil administration.

SECTION 5. *Padlocking.* If a defendant shall be convicted of an offense involving the sale of a harmful article or the operation of an improper place of business, a civil administration court may order that, in lieu of or in addition to any other lawful punishment, such place be vacated or closed for a fixed time.

SECTION 6. *Suspension of Sentence.* A civil administration court may direct that the whole or any part of a sentence of imprisonment imposed by it shall be suspended, on such terms as good behavior together with such conditions (if any) as the court may impose. A subsequent conviction for any offense by a civil administration court shall have the effect of revoking the suspension of the previous sentence unless the Court otherwise directs.

ARTICLE X

GENERAL PROVISIONS

SECTION 1. A Civil Administration Court may make such orders and do all such acts as may be requisite for the due administration of justice and, without prejudice to the generality of the foregoing provision, may grant bail, accept and forfeit security therefore, make orders for the attendance of witnesses with or without documents, make orders for the disposal of exhibits, punish contempt of court, and may, for due cause, prohibit any attorney or other person from appearing in Court.

SECTION 2. Any action taken by a Civil Administration Court or any member thereof outside the Trust Territory or outside the territorial jurisdiction of the Court shall be valid and effective within the Trust Territory to the same extent as if taken within the Trust Territory or within the territorial jurisdiction of the Court.

SECTION 3. Each member of a Civil Administration Court and each Clerk of Courts for a district shall have authority to administer oaths and

affirmations, take acknowledgments, and exercise the general powers of a notary public.

SECTION 4. The terms "Civil Administration Sub-Area" and "Sub-Area" herein refer to the respective areas for which a Governor is responsible under Section 3 of Interim Regulation No. 4-48. The terms "Civil Administration District" and "District" herein refer to the districts named in Section 3 of Interim Regulation No. 4-48 as amended by Interim Regulation No. 6-48 and any future amendments to said section.

ARTICLE XI

REVIEWS AND APPEALS

SECTION 1. *Review.* Every record of trial by a Superior Court, Justice Court, or Community Court shall be submitted to the District Court for review and file with the Clerk of Courts for the district in which the trial was held.

SECTION 2. *Powers on Review.* The District Court, as reviewing authority, shall have power to modify or set aside any judgment or order, to set aside any conviction, to suspend, reduce or commute the sentence, or to order a new trial subject to the right of an accused not to be twice put in jeopardy for the same offense.

SECTION 3. *Decisions of Courts of Appeals.* Decisions of a Court of Appeals in all cases except those involving the death penalty, shall be final without any further review or appeal as of right, but may as a purely discretionary matter be modified by the Secretary of the Navy if he deems best.

SECTION 4. *Decisions of the District Court.* Decisions of the District Court shall not be subject to any automatic review, except in cases involving the death penalty, but a Court of Appeals shall be competent to try all civil or criminal cases on appeal from the District Court in accordance with Section 1 of Article V hereof.

SECTION 5. *Matters Open on Appeal from Superior Courts or the District Court.* Findings of fact by Superior Courts and the District Court shall be final and only questions of law shall be considered on appeal from these courts.

SECTION 6. *Action of District Court on Appeal.* In hearing cases on appeal from Justice Courts, the District Court may, in its discretion, act solely upon the record after giving the parties or their counsel opportunity to be heard, act upon the rec-

ord supplemented by additional evidence, or try the case *de novo*.

SECTION 7. *Appeals.* Any appeal provided for by law may be taken by filing a notice of appeal in the court from which the appeal is taken or with the Clerk of Courts from the district in which the court was held, within thirty (30) days after imposition of sentence or entry of the judgment, order, or decree appealed from, or within such longer time as may be permitted by rules made pursuant to Article III hereof or order of court thereunder.

SECTION 8. *Review or Appeal as Stay.* Pending the review or any appeal, execution of the sentence will not be stayed, but shall be effected forthwith unless a sentence of death is involved or either a Court of Appeals, the District Court, or the trial court orders a stay for cause shown.

ARTICLE XII

CONFIRMATION OF DEATH SENTENCE

No sentence of death shall be executed unless and until confirmed by the Secretary of the Navy of the United States of America.

CHAPTER 12

Interim Regulation No. 6-48 (Amended)

ALIEN PROPERTY

ARTICLE I

GENERAL PRINCIPLES

(a) By virtue of the approval of the Trusteeship Agreement between the United States and the United Nations, all rights which Japan exercised as Mandatory under the League of Nations mandate system developed upon the United States.

(b) The Trusteeship Agreement confers upon the United States, as Administering Authority, full powers of administration, legislation and jurisdiction over the Trust Territory.

(c) The Administering Authority is obligated under the Trusteeship Agreement to promote the economic advancement and self-sufficiency of the inhabitants of the Territory and, to this end, is empowered to regulate the use of natural resources, to encourage the development of fisheries, agriculture, and industries and to protect the inhabitants against the loss of their lands and resources.

(d) The powers granted to the Administering Authority under the Trusteeship Agreement are very broad. The Administering Authority must, of necessity, assume many of the powers and obligations inherent to a common law trustee. These powers include, with reference to the assets of the trust, the power to incur expenses, power to lease, power of sale, and the power to compromise, arbitrate and abandon claims.

(e) The Administering Authority, as trustee for the benefit of the indigenous inhabitants of the Trust Territory, has succeeded to the Japanese Government's rights in its former properties in the Territory.

ARTICLE II

DEFINITIONS

"Alien Property," as used in this directive and for all purposes relating thereto, includes, property situated in the Trust Territory, formerly owned by private Japanese nationals, private Japanese organizations, or by the Japanese Government, Japanese Government organizations, agencies, Japanese Government quasi-corporations or government subsidized corporations. Such property shall be deemed to include tangible and intangible assets, as well as any right, title, or interest therein.

"Area Property Custodian" shall be an appointed official having cognizance over matters affecting property throughout the entire Trust Territory in the categories herein referred to.

"District Property Custodian" shall be an appointed official for each Civil Administration Unit who shall assist the Area Property Custodian in accordance with directives that may be issued from time to time.

ARTICLE III

AREA PROPERTY CUSTODIAN

(a) Upon receipt of this interim directive, the Area Property Custodian shall be empowered to issue a Vesting Order, in authorized form, the effect of which shall be to vest title in the Area Property Custodian of all alien property as hereinafter defined.

(b) Under such Vesting Order, the Area Property Custodian shall be authorized to take immediate possession of all alien property in the Trust Territory.

(c) Under such Vesting Order, the Area Property Custodian is immediately empowered to hold, use, administer, liquidate, sell or otherwise deal with alien property in the interest and for the benefit of the indigenous inhabitants of the Trust Territory, in accordance with terms of the Trusteeship Agreement and existing directives. Moreover, by virtue of the Vesting Order, the Area Property Custodian shall immediately undertake the direction, management, supervision and control of any business enterprises connected with such property.

(d) Upon receipt of this directive, the Area Property Custodian shall be empowered to assume "custody" (as distinguished from "title") of all property in the Trust Territory owned by Allied Governments and Allied nationals sequestered by the enemy and of all other property owned by non-Japanese persons who are absent from the Trust Territory, who are making no attempt to assert possession thereover and who have no agent present in the area.

(e) With reference to the property mentioned in (d) above, the Area Property Custodian shall—

(1) provide protection and security for the property;

(2) assume full authority for the direction, management and operation of the property;

(3) utilize the property to the best interests of the Government of the Trust Territory and of the indigenous people of the area; and

(4) in the management of such property act in accordance with the principle of usufruct for the benefit of the indigenous inhabitants of the Trust Territory.

ARTICLE IV

DELEGATION OF POWERS

The Area Property Custodian, through his several assistants in the Civil Administration Districts, is authorized and empowered to take such action as he deems necessary in the interests of all persons concerned to direct, manage, supervise and control all properties which come under the meaning of this directive. He shall be empowered to issue all such orders, rules, regulations or other instructions as may be requisite for executing and carrying out the provisions of this directive, subject to the approval of the Deputy High Commissioner. In accordance with the terms of the Trusteeship Agreement and consistent with the

directives promulgated by the Deputy High Commissioner and under the supervision of the Area Property Custodian, heretofore designated, the District Property Custodians, heretofore designated for the several districts, shall be responsible for the administration of alien property in their respective districts.

ARTICLE V

RECORDS : REPORTING OF PROPERTY BY AREA PROPERTY CUSTODIAN

The Area Property Custodian shall keep adequate records of all alien property and other property coming under his cognizance. All information pertinent to the boundaries, owners, uses, conditions and an accounting of moneys accruing from these properties shall be reported to the Deputy High Commissioner of the Trust Territory by the Area Property Custodian.

CHAPTER 13

Interim Regulation No. 7-48

ECONOMIC CONTROLS

1. It will be the policy of the Trust Territory government to encourage the indigenous inhabitants to develop the highest possible standard of living that can be afforded by intelligent and provident development of the natural resources of the area. To this end it will encourage their participation in all suitable forms of agriculture, industry, and commerce under a system of free enterprise.

2. Permission to engage in private business enterprise will be accorded indigenous and permanent inhabitants in all cases where the public interest is not jeopardized, and upon the payment of a license fee in accordance with schedules as set by the Civil Administrator with the prior approval of the Deputy High Commissioner. Competition is to be encouraged in all ordinary lawful types of business enterprise.

3. The Deputy High Commissioner may, upon the prior approval of the Chief of Naval Operations, license nonindigenous or nonresident individuals or companies to engage in economic activity within the Trust Territory, but only when the activity to be performed will contribute to the economic life of the Trust Territory, and when

such activity will in no way restrict the opportunities for individual economic advancement of the indigenous inhabitants.

4. The traditions of the several established native cultures within the Trust Territory with respect to methods of performing economic functions will be respected so far as these are consistent with judicious interpretations of the Trusteeship Agreement, applicable proclamations, and Interim Regulations.

5. Any and all price regulations now in effect are hereby canceled, except on goods originating from without the Trust Territory. On goods originating from without the Trust Territory price controls shall apply only to goods sold at wholesale and at the time of the first retail sale. In unusual circumstances, when the public welfare demands, the Civic Administrator may temporarily suspend the application of this section upon the prior approval of the Deputy High Commissioner.

6. Any and all provisions now in effect with respect to wages, salaries, and other compensation for personal services performed by indigenous inhabitants are hereby canceled, except for services performed for departments or agencies of the United States government, the government of the Trust Territory and its instrumentalities, and nonindigenous persons or organizations, in which cases compensation for personal services shall continue to be paid at rates established by the Deputy High Commissioner.

7. Consistent with the remaining sections of these Interim Regulations, labor will be employed only on a voluntary basis.

8. Public utility services such as water, electricity and telephone may be provided by either publicly or privately owned facilities. However, if such utilities are privately owned and controlled they are to be subject to public supervision to insure that the public interest is adequately served and at rates in keeping with the cost of providing the service, which cost shall include a reasonable return on capital investment.

9. Free movement of indigenous inhabitants within the Trust Territory is desirable and is not to be restricted except by such regulations as may be necessary to protect the health and well-being of the inhabitants. There shall be no restrictions placed on emigration from any island to any other island within the Trust Territory except to insure

compliance with immigration restrictions, including quarantine restrictions, in force at the point or points to which immigration is sought.

10. Any person serving a lawful sentence of imprisonment may be required to work in accordance with his physical ability upon any public project.

CHAPTER 14

PLANT AND ANIMAL QUARANTINE CONTROLS AND REGULATIONS

A. GENERAL

1. *Authority.* These regulations are promulgated by authority of the Deputy High Commissioner of the Trust Territory based on known distribution of certain insects, pests and diseases.

2. *Purpose.* The following regulations are promulgated in order to prevent the introduction of, and further dissemination of injurious insects, pests and plant diseases whose control is necessary for the further continuance and improvement of agriculture in the Trust Territory.

3. *Scope.* These regulations shall extend and apply to all the islands of the Trust Territory.

4. *Administered by.* These regulations shall be administered by the Plant Quarantine Officer and all those people charged with the enforcement of Agricultural Regulations. They shall make all inspections required by these regulations at the port of entry or the port of shipment as the case may be; and shall permit entry, refuse entry, condemn, seize or destroy any plant or animals or products thereof as authorized in these regulations.

5. *Emergency Quarantine Restrictions.* Certain emergency measures, subject to the later approval of the Deputy High Commissioner of the Trust Territory may be made at any time by those charged with the enforcement of these regulations in their commands upon discovery of a situation not covered by the regulations and warranting such emergency measures.

B. REGULATIONS

1. *Fruits and Vegetables:*

(a) All fruit and vegetables, plants or portions of plants intended for edible consumption, are subject to inspection. All products of this nature known to be, or suspected of being infested or infected with injurious pests or diseases will not be allowed to enter or be transshipped within the Trust Territory. The shipments so prohibited

will be subject to seizure and be either returned to the point of origin at the shippers' expense or destroyed whichever is deemed advisable by the Inspector. Shipments found to be free of injurious pests and not otherwise restricted by other regulations will be stamped "Inspected and Passed" and may then be allowed entry or shipment as the case may be.

(b) Fruit, vegetables, plants or parts thereof from countries other than the United States or Territory of Hawaii intended for edible consumption are prohibited entry with the following exceptions:

<i>Country</i>	<i>Enterable Products</i>
Admiralty Islands	All prohibited.
China-----	<i>Allium spp.</i> , arrowroot, <i>Brassica oleracea</i> , including (kala, cow-cabbage, cauliflower, broccoli, cabbage, sprouts, asparagus, Portuguese cabbage), cassava, dasheen, ginger root, horseradish, kudzu, <i>Lilium spp.</i> , turnip, udo, waterchestnut, watercress, waterlily root and yam bean root.
Dutch New Guinea	<i>Allium spp.</i> , including (chives, garlic, leek, onion, cacao bean pod, durian).
Japan Bonins, Volcanos, Ryukyus, Korea).	<i>Allium spp.</i> , arrowhead, asparagus, <i>Brassica oleracea</i> , burdock, cassava, dasheen, ginger root, horseradish, kudzu, lily bulb, radish, strawberry, udo, <i>vaccium spp.</i> , waterchestnut, waterlily root, yam bean root.
Netherlands-----	<i>Allium spp.</i> , apple.
New Zealand-----	<i>Allium spp.</i> , apple, apricot, chayote, grape, melon, pear, plum.
Philippines-----	<i>Allium spp.</i> , wild ginger root, durian, sarsaparilla root.
Siam-----	<i>Allium spp.</i>

(c) Hawaiian Fruit and Vegetables. All Hawaiian grown fruit is prohibited. Hawaiian grown vegetables may enter if certified or upon inspection except certain hosts of the Mediterranean Fruit Fly (*Ceratitidis capitata* Wied.), including tomato, cucumber, egg plant, litchi nut

(fresh), squash, bell pepper and green coffee berries.

(d) United States Fruit and Vegetables. Produced of this nature as a part of the official supplies of the U. S. Army, Navy, or of any other U. S. agency shipped from the U. S. as supplies, may enter, unless found to be infected or infested with insects or diseases that warrant rejection. Products carried in baggage or as stores may upon inspection be released if found free of injurious pests.

(e) Processed Fruit and Vegetables. All processed fruit and vegetables including dried or frozen or treated in any way which would preclude a pest risk may enter without restriction.

(f) Guam fruit and vegetables may not enter any District of the Trust Territory except the Saipan District. (Amended by Interim Regulation No. 4-49, 7 June 1949.)

2. Fruit, Saipan District. All fruit from the District of Saipan is prohibited for shipment into any other portion of the Trust Territory because of the Formosan or Mango Fly (*Dacus dorsalis* Hendl.).

3. *Citrus Fruit*. All citrus fruit (lemons, limes, oranges, etc.) is prohibited shipment from the Districts of Palau and Yap into any other portion of the Trust Territory because of the Citrus Rind Borer (*Prays endocarpa* Mayr.).

4. *Cucurbits*. All cucurbits (cucumbers, squash, melons, pumpkins, etc.) and other hosts of the Melon Fly (*Dacus cucurbitae* Coq) including string bean, cow pea, and tomato are prohibited shipment from the District of Saipan to other portions of the Trust Territory because of the above insect.

5. *Plant Propagative Material*. (a) All plants, including cuttings, scions, tubers, seeds, bulbs, or any portion of a plant intended for propagation will be required to have a special permit before it may be allowed entry or transshipment into the Trust Territory with the following exceptions:

(1) Field, vegetable, and flower seed may be inspected but no permit is required.

(2) Material of a propagative nature which is in the opinion of the inspector intended for consumption or medicinal uses may be inspected and passed without a special permit.

(3) Plant material originating in the

United States or Territory of Hawaii properly certified as a fumigation may enter without a permit unless otherwise restricted.

(b) All persons contemplating importation or transshipment of propagative material will apply for a special permit through the Plant Quarantine Officer of the Trust Territory.

6. *Citrus Nursery Stock*. All citrus plants or portions thereof are prohibited from the Districts of Saipan and Palau into any other portion of the Trust Territory because of the Citrus Leafminer (*Phyllocnistis citrella* stain) and citrus Bark Borer (*Agrilus occipitalis* Esch.). Also prohibited are willow, murraya, jasminium, and loranthus which are also hosts of the Citrus Leafminer.

7. *Breadfruit Nursery Stock*. All Breadfruit plants or portions thereof (except fruit) are prohibited shipment from the Districts of Palau and Yap into any other portions of the Trust Territory because of the Weevil (*Aclees porosus* Pascoe).

8. *Coconuts, Coconut Plants*. All coconuts, coconut plants, and the fronds are prohibited shipment from all portions of the Trust Territory into the sub-area of the Marshalls (Districts of Kwajalein and Majuro) because of certain injurious beetles of the genus *Brontispa*. This does not prohibit the movement of husked nuts or copra.

9. *Soil*. All soil including the soil about the roots of plants is prohibited shipment or being transported because of the danger of carrying certain injurious soil-inhabiting pests including the Banana Beetle (*Holotrichia mindanaoana* Bren), the Root Grub (*Anomala sulcatual* Burm.), the Coconut Beetle (*Oryctes rhinoceros* (L)) and also the eggs of the Giant African Snail (*Achatina fulica* Fer.). Soil that is sterilized or clean ocean sand is excepted.

10. *Packing Material*. The use of coconut fronds, raw cotton, forest litter, sugarcane bagasse, may not be used as packing material within the Trust Territory nor may it enter from foreign countries. Intra-District use of certain plant products including coconut fronds as packing, is permitted.

11. *Flowers*. All cut flowers are subject to inspection. If they are known to be, or are suspected of being, infested or infected with injurious pests or diseases, they will not be allowed to enter or be transshipped within the Trust Territory.

Orchids of the genus *Vanda* will be permitted entry only if certified as having been treated as recommended by the Bureau of Entomology and Plant Quarantine of the U. S. Department of Agriculture. (Amended by Interim Regulation No. 4-49, 7 June 1949.)

C. IMPORTATION OF LIVESTOCK REGULATIONS

1. In order to prevent the introduction of contagious, infectious or communicable animal diseases the importation of livestock is prohibited into the Trust Territory except by special permit.

2. Any person contemplating the importation of any animal must first file an application for special permit with the Quarantine Officer of the Trust Territory.

3. All animals being so imported under permit shall be inspected and certified as to their freedom from any diseases or parasites prior to shipment into the Trust Territory. Upon arriving at the port of entry they are subject to inspection by the Quarantine Officer and if found to be free of disease shall be admitted or subject to such quarantine restrictions as considered necessary.

4. Whenever an animal upon inspection is found to be affected with a contagious disease or has been exposed to such a disease he may be placed in quarantine or such steps taken as the gravity of the situation warrants.

5. Cargo, gear or other material that has been exposed to an infected animal shall be subject to such treatment as is deemed advisable by the inspector.

6. Shipment of animals within the Trust Territory is unrestricted except that the shipment of any diseased animal shall be considered a violation of this regulation and will be subject to such penalties as the law provides.

D. DIRECTIVES PERTAINING TO AIR AND SURFACE TRANSPORTATION

1. In order to minimize the hazards of introducing or disseminating insects of agricultural or medical importance, all aircraft shall be sprayed in accordance with Public Health Regulations prescribed by the Surgeon General of the Public Health Service which says in part, "planes shall be disinfected in all compartments not later than thirty minutes before landing * * * if the quarantine officer, after inspection, determines that the aircraft has not been adequately disinfected, the aircraft shall be tightly closed and disinfected

ized completely before the discharge of passengers, crew, mail, baggage, cargo, or other material. No person other than quarantine officials shall be allowed to board until disinfection is complete."

2. A copy of the cargo manifest shall be submitted by the cargo officer or the commanding officer of the ship or plane on demand to the Plant Quarantine Officer or his representatives.

3. Notification of arrival of ships and aircraft shall be given upon request to the Plant Quarantine Officer.

4. All through cargo shall be safeguarded in a manner to preclude any escape of dangerous insects or the dissemination of any dangerous diseases.

5. All cargo transported in violation of these regulations or directives as stated will be impounded.

E. CHANGES

In the light of new evidence, the Deputy High Commissioner of the Trust Territory may rescind such regulations as may be in effect or conversely promulgate new regulations in accordance with changing requirements.

F. PENALTIES

Any person violating any of the regulations, directives, and rules so set forth shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not to exceed \$500.00 or three months in jail, unless otherwise provided by law or regulation.

Interim Regulation No. 5-48

AMENDED CRIMINAL CODE

(See Interim Regulation No. 4-48, Chapter 10)

Interim Regulation No. 6-48

ADMINISTRATIVE JURISDICTION

(See Interim Regulation No. 4-48, Chapter 3, Paragraph B)

ALIEN PROPERTY

(See Interim Regulation No. 4-48, Chapter 12)

Interim Regulation No. 7-48

FINANCE AND TAXATION

(See Interim Regulation No. 4-48, Chapter 9)

(See Interim Regulation No. 4-48, Chapter 13)

Interim Regulation No. 8-48

EXPORT CONTROLS

ARTICLE I

EXPORTS RESTRICTED

1. No commodity which has been or may hereafter be imported into the Trust Territory of the Pacific Islands from the United States or its Territories or possessions, shall be transshipped or exported from the Trust Territory of the Pacific Islands to any place other than the United States, its territories or possessions, except as provided herein.

ARTICLE II

LICENSES

1. The exportation of any commodity described in Article I to a country for which no export license would be required if the exportation were from the United States or its territories or possessions, may be made in accordance with written permit granted by the Deputy High Commissioner, or on his behalf by such official or officials as he may designate.

2. The exportation of any commodity described in Article I to the Bonin Islands so long as they are occupied by or under the jurisdiction of the United States, may be made in accordance with written permit granted by the Deputy High Commissioner, or on his behalf by such official or officials as he may designate.

3. Exportation of any commodity described in Article I other than as authorized in Sections 1 and 2 of this article, may be made only with the written consent of the Office of International Trade of the United States Department of Commerce, or in accordance with an export license duly issued under the export control laws and regulations of the United States.

ARTICLE III

PENALTIES

1. Any person violating this regulation shall, upon conviction thereof be imprisoned for a period not exceeding two (2) years, or fined not more than two thousand dollars (\$2,000.00), or both.

Interim Regulation No. 1-49

CIVIL ADMINISTRATION COURTS

(See Interim Regulation No. 4-48, Chapter 11)

Interim Regulation No. 2-49

RECORDING OF TRANSFERS OF LAND

ARTICLE I

**CLERK OF COURTS TO RECORD DOCUMENTS CONCERNING
REAL ESTATE**

SECTION 1. The Clerk of Courts in each District, upon payment of such fees, if any, as the Deputy High Commissioner of the Trust Territory of the Pacific Islands may fix, shall make and keep in a permanent record, a copy of all documents submitted to him for recording which relate to title to real estate in his District and comply with regulations issued by the District Court for that District, and any law applicable thereto. He shall also keep an index or indexes of such records in such manner as the District Court may direct.

SECTION 2. No transfer of or encumbrance upon title to real estate or any interest therein, other than a lease for a term not exceeding 1 year, shall be valid against any subsequent purchaser or mortgagee of the same real estate or interest, or any part thereof, in good faith for a valuable consideration without notice of such transfer or encumbrance, or against any person claiming under them, if the transfer to the subsequent purchaser or mortgagee is first duly recorded. Nor shall any transfer of or encumbrance upon title to real estate or any interest therein, other than a lease for a term not exceeding 1 year, be valid as against any judgment affecting the title unless such transfer or encumbrance is duly recorded prior to the record of the notice of action in which the judgment is rendered.

Interim Regulation No. 3-49

CONSERVATION OF FISH AND SHELLFISH

ARTICLE I

USE OF EXPLOSIVES AND POISONS PROHIBITED

Fishing with dynamite, hand grenades, or any other form of explosive, or any form of poison, is prohibited, except for scientific purposes when

specifically authorized by the Deputy High Commissioner. The stupefying of fish by the use of local roots, nuts, or plants, however, is permitted.

ARTICLE II

LIMITATIONS ON TAKING OF TURTLES

No hawk's-bill turtles or sea turtles shall be taken or intentionally killed while on shore, nor shall their eggs be taken. No hawk's-bill turtles or sea turtles shall be taken or intentionally killed in the water, except those whose shells are twenty-four (24) inches or more in length. No hawk's-bill turtles of any size shall be taken or intentionally killed from 1 June to 31 August inclusive nor from 1 December to 31 January inclusive.

ARTICLE III

TROCHUS SEASON

Interim Regulation No. 2-48 is hereby amended by striking out Article II thereof and substituting the following:

Each Civil Administrator may designate by District Order and vary from year to year an open season or seasons during May and June for the harvesting of trochus in his district, provided that such open season or seasons shall not total more than fourteen (14) days in any year. During such an open season, any permanent resident of the Trust Territory may dive for and harvest trochus, in the district to which the season applies within those areas in which he has the right to fish under established local custom, provided that no trochus shall be taken whose shell is less than three (3) inches in diameter at the base.

ARTICLE IV

CONTROL OF SPONGES

No sponges artificially planted or cultivated shall be taken or molested, except by permission of the Deputy High Commissioner.

ARTICLE V

CONTROL OF PEARL OYSTER SHELLS

No living pearl oyster shells shall be taken or molested from 1 August to 31 December inclusive. No such shell shall be taken at any time, which is less than six (6) inches in minimum diameter.

ARTICLE VI

PENALTIES

Any person violating this regulation shall, upon conviction thereof, be imprisoned for a period not exceeding six (6) months or fined not more than one hundred dollars (\$100) or both.

Interim Regulation No. 4-49

ADMINISTRATIVE JURISDICTION

(See Interim Regulation No. 4-48, Chapter 3, Paragraph D)

PLANT AND ANIMAL QUARANTINE CONTROLS AND REGULATIONS

(See Interim Regulation No. 4-48, Chapter 14, Paragraphs B1 (f) and B11)

Interim Regulation No. 1-50

NOTARIES PUBLIC

Section	Title
1.	Appointment; Tenure.
2.	Qualifications; Oath.
3.	Seal.
4.	Filing Copy of Commission; Authentication of Acts.
5.	Official Bond and Designation of Person To Accept Service.
6.	Liabilities on Official Bond.
7.	Acts Prohibited; Penalty.
8.	Rules.
9.	Fees; Clerk of Courts.
10.	Powers and Duties.
11.	Record; Copies as Evidence.
12.	Disposition of Records; Penalty.
13.	Fees.

SECTION 1. *Appointment; Tenure.* The High Commissioner may in his discretion appoint and commission such numbers of Notaries Public for the Trust Territory as he shall deem necessary for the public good and convenience. The term of office of a Notary Public shall be 2 years from the date of his commission, unless sooner removed by the High Commissioner on recommendation of the Attorney General made on findings of cause after due hearing; *Provided further*, That after due hearing the commission of a Notary Public may be revoked by the High Commissioner in any case where any change shall occur in such Notary's office, occupation or employment which in his judgment renders the holding of such commission no longer necessary for the public good and convenience. Each Notary shall, upon any change in his office, occupation or employment, forthwith report the same to the Attorney General.

SECTION 2. *Qualifications; Oath.* Every person appointed a Notary Public must, at the time of his appointment, be of good character; at least twenty-five years of age; and a permanent resident of the Trust Territory, who has resided in it for

at least three years, or a United States citizen, resident in the Trust Territory and employed by the United States Government or by a contractor engaged in work for the United States Government in the Trust Territory. Every person appointed a Notary Public shall, before acting in this capacity, take and subscribe an oath for the faithful discharge of his duties, which oath may be taken before a Governor, Civil Administrator, Clerk of Courts or, when specifically authorized in writing by a Governor, a Civil Administration Representative. This oath shall be executed in duplicate. The original shall be filed in the office of the Attorney General and the duplicate original filed in the office of the Clerk of Courts for the district or districts in which acting.

SECTION 3. *Seal.* Every Notary Public shall constantly keep a seal of office, which may be a rubber stamp or impression seal, whereon shall be engraved his name, and the words "Notary Public" and "Trust Territory of the Pacific Islands." He shall authenticate all of his official acts, attestations, certificates and instruments therewith. Upon resignation, death, expiration of term of office without reappointment, removal from or abandonment of office, or change in residence from the Trust Territory, he shall immediately deliver his seal to the Attorney General, who shall deface or destroy the same. By a neglect of 60 days to comply with the above requisition, the Notary Public, his executor or administrator, shall forfeit to the Territory not more than \$200, in the discretion of the court, to be recovered in an action to be brought by the Attorney General on behalf of the Territory.

SECTION 4. *Filing Copy of Commission; Authentication of Acts.* It shall be the duty of each person appointed and commissioned a Notary Public under the provisions of this interim regulation to forthwith file a literal or photostatic copy of his commission, an impression of his seal and a specimen of his official signature with the Clerk of Courts of each district for and in which he desires to act. Thereafter, such Clerk, when thereunto requested, shall certify to the official character and acts of any such Notary Public whose commission, impression of seal and specimen of official signature is so filed in his office.

SECTION 5. *Official Bond and Designation of Person To Accept Service.* Each Notary Public forthwith and before entering upon the duties of

his office may, at the discretion of the High Commissioner, be required to execute, at his own expense, an official surety bond in a sum not exceeding one thousand dollars. The obligee of each bond shall be the Trust Territory of the Pacific Islands and the condition contained therein shall be that the Notary Public will well, truly and faithfully perform all the duties of his office which are then and may thereafter be required, prescribed or defined by law or by any rule or regulation made under the express or implied authority of any law of the Trust Territory, and all duties and acts undertaken, assumed or performed by the Notary Public by virtue or color of his office. The surety on any such bond shall be a surety company approved by the High Commissioner. The Notary Public by accepting his commission and the surety company by issuing the bond thereby agree to the appointment of and do thereby appoint the Civil Administrator of any district in which the Notary Public performs any official act as his or their agent to accept service of process on his or their behalf for any purpose. After approval, the bond shall be deposited and kept in the office of the Attorney General, who will certify to the Clerk of Courts in the district in which the Notary Public is commissioned that the bond has been accepted and filed in proper form.

SECTION 6. *Liabilities on Official Bond.* For the official misconduct or neglect of a Notary Public or breach of any of the conditions of his official bond, he and the surety on his official bond shall be liable to the party injured thereby for all the damages sustained. Such party shall have a right of action in his own name upon such bond and may prosecute the same to final judgment and execution.

SECTION 7. *Acts Prohibited; Penalty.* No person shall be qualified to act as a Notary Public or shall enter upon any of the duties of such office or offer or assume to perform any such duties until he shall have fully complied with each of the requirements in each of the foregoing sections of this regulation. Any person wilfully violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500, or by imprisonment for not more than 1 year, or both. Nothing in this section contained shall be construed to restrict or to do away with any liability for civil damages.

SECTION 8. *Rules.* The Attorney General, with the approval of the High Commissioner, shall have power to prescribe such rules and regulations as he may deem advisable concerning the administration of this regulation, the appointment and duties of Notaries Public and the duties of other officers thereunder. Such rules and regulations shall have the force and effect of law.

SECTION 9. *Fees; Clerk of Courts.* The Clerk of each district shall charge and receive the following fees:

For filing a copy of a commission, \$1.

For each certificate of authentication, 25 cents.

SECTION 10. *Powers and Duties.* A Notary Public has the power and is authorized to administer oaths and affirmations, receive proof and acknowledgment of writings, and present and protest commercial paper. A Notary Public may act officially anywhere in the Trust Territory but shall before so acting in any district comply with the provisions of Section 4.

SECTION 11. *Record; Copies as Evidence.* Every Notary Public shall record at length in a book of records all acts, protests, depositions, and other things by him noted or done in his official capacity. All copies or certificates by him granted shall be under his hand and notarial seal, and shall be received as evidence of such transactions.

SECTION 12. *Disposition of Records; Penalty.* The records of each Notary Public shall each year on June 30th, beginning with June 30, 1951, and upon the resignation, death, expiration of term of office, removal from or abandonment of office, or change of residence from the Trust Territory be deposited with the Clerk of Courts for the Truk District. By a neglect of 60 days to comply with the above requisition, the Notary, his executor or administrator, shall forfeit to the Territory not less than \$10 nor more than \$100, in the discretion of the court, in an action brought therefor by the Attorney General on behalf of the Territory.

SECTION 13. *Fees.* Every Notary Public shall be entitled to demand and receive the following fees:

For noting the protest of mercantile paper, \$1.

For each notice and certified copy of protest, \$1.

For noting any other protest, \$2.

For every notice thereof, and certified copy of protest, \$2.

For every deposition, or official certificate, \$2. Administration of oath, including the certificate of such oath, 25 cents.

For affixing the certificate of such oath to every duplicate original instrument beyond four, 15 cents.

For taking any acknowledgment, 50 cents for each party signing.

For affixing to every duplicate original beyond one of any instrument acknowledged before him, his certificate of such acknowledgment, 25 cents for each person making such acknowledgment.

FORM OF COMMISSION AS NOTARY PUBLIC (Approved 5/5/50)

No. —

TRUST TERRITORY OF THE PACIFIC ISLANDS

OFFICE OF THE HIGH COMMISSIONER

Be it known, That I have constituted and appointed and by virtue of the authority in me vested, I do hereby constitute and appoint _____ to be a Notary Public for the _____ Trust Territory of the Pacific Islands, and to authorize and empower h_____ to execute and fulfill the duties of that office according to law, and to have and to hold the said office, with all the rights and privileges thereunto legally appertaining, unto h_____ the said _____ for a term of 2 years from the date hereof, subject to removal as by law prescribed.

In witness whereof, I have hereunto set my hand and affixed the seal of my office this _____ day of _____, 195___.

High Commissioner of the Trust Territory of the Pacific Islands.

[SEAL]

Approved as to form:

FORM OF OATH FOR NOTARY PUBLIC (Approved 5/5/50)

OATH FOR NOTARY PUBLIC

_____ being duly sworn, deposes and says that he will faithfully discharge his duties as Notary Public in accordance with the laws and regulations of the Trust Territory and to the best of his ability.

Sworn to and subscribed before me this _____ day of _____, 195___.

Governor, Civil Administrator, Clerk of Courts or Civil Administration Representative.

Approved as to form:

FORM OF APPLICATION FOR COMMISSION AS NOTARY PUBLIC
(Approved 5/5/50)

GOVERNMENT OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

APPLICATION FOR NOTARY PUBLIC COMMISSION FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

I, _____, hereby apply to the High Commissioner of the Trust Territory of the Pacific Islands to be appointed and commissioned a Notary Public for the Trust Territory of the Pacific Islands, and, in support of my application, I state and say:

- 1. Name _____ Residence _____ (Give name in full) (District)
2. Occupation _____ Address _____ (District)
3. Employer _____ Address _____ (Name) (Business address)
4. Employer's Business _____ (Describe fully)
5. Date of Birth _____ Place of Birth _____ (Month Day Year) (Town District State)
6. Age _____
7. Length of Residence in Trust Territory _____ (Give dates and places)
8. Education _____
9. State the reasons and necessity for your appointment as a Notary Public _____
10. Other information:
(a) Are you a citizen of the United States? _____; by birth? _____; by naturalization? _____;
(b) Are you a permanent resident of the Trust Territory? _____; Have you been a resident of the Trust Territory for three years immediately preceding the date of this application? _____;
(c) Are you under guardianship? _____; Is your estate under guardianship? _____; Are you restrained in any way from dealing with any of your property? _____;
(d) Have you ever been adjudged insane or been a patient in an asylum? _____; When? _____;
(e) Are you blind? _____; Have you sufficient vision to read typewritten matter? _____; Are you deaf? _____; Are you unable to speak? _____;
(f) Have you ever been convicted of any criminal offense punishable by imprisonment for a term exceeding one year? _____; Where? _____; When? _____; For what crime? _____; Were you sentenced and imprisoned? _____; Where? _____; When? _____; Have you been pardoned? _____; By whom? _____; When? _____;

- (g) Have you ever been convicted of perjury? _____; When? _____; Where? _____; Have you ever been convicted of subornation of perjury? _____; When? _____; Where? _____;
(h) Can you understandingly read, speak and write the English language? _____; Any other languages? _____;
(i) Have you been heretofore appointed and commissioned a Notary Public? _____; When? _____; Where? _____; By whom? _____; Did you resign? _____; When? _____; Were you removed from office? _____;
(j) Are you licensed to practice law? _____; In what Court? _____; Where? _____; Have you ever been disbarred by any Court? _____; When? _____; Where? _____;
(k) If an employee, is any other employee of your employer a Notary Public? _____; Who? _____;
(l) If an employer, are any of your partners, officers, or employees a Notary Public? _____; Who? _____;
(m) Is any person in the same business establishment a Notary Public? _____; Who? _____;
(n) Does any Notary Public have an office or place of business in the same building? _____; Who? _____;
(o) Do you hold any public office under the United States, the Trust Territory or any District or Municipality in the Trust Territory? _____; What? _____;
(p) Are you an employee of the United States? _____; What position? _____;
(q) Are you an employee of the Trust Territory? _____; What position? _____;
(r) Are you an employee of any District or Municipality? _____; What Department? _____;

Dated at _____, Trust Territory, this _____ day of _____, 19_____.

Applicant.

TRUST TERRITORY OF THE PACIFIC ISLANDS }
District } ss

_____, being first duly sworn, on oath deposes and says: That _____he is the applicant named in the foregoing application for a Notary Public Commission; that _____he signed the said application; that _____he has read the said application and knows the contents thereof and that all the matters and things therein stated and all the answers given to the questions therein set forth are true of his own knowledge.

Applicant.

Subscribed and sworn to before me this _____ day of _____, 19____.

(DO NOT USE THESE SPACES)

Action taken: _____

Remarks: _____

NOTE: This application must be accompanied by two letters of recommendation.

Interim Regulation No. 2-50

CRIMINAL OFFENSES COMMITTED OUTSIDE THE TRUST TERRITORY

- | <i>Section</i> | <i>Title</i> |
|----------------|--|
| 1. | Extraterritorial Jurisdiction of Courts. |
| 2. | Effect of Previous Trial. |
| 3. | Place of Trial. |
| 4. | Application of Trust Territory Law. |
| 5. | Application of Other Law. |
| 6. | Definitions. |

SECTION 1. *Extraterritorial Jurisdiction of Courts.* The jurisdiction of the courts of the Trust Territory of the Pacific Islands shall extend to all criminal offenses committed outside the territorial limits of the Trust Territory of the Pacific Islands by:

- a. Any person on board a Trust Territory vessel in any navigable waters; and
- b. Any permanent resident of the Trust Territory of the Pacific Islands anywhere.

SECTION 2. *Effect of Previous Trial.* No person shall be tried by a court of the Trust Territory of the Pacific Islands for an offense committed outside the territorial limits of the Trust Territory of the Pacific Islands who has already been lawfully tried on the merits for substantially the same offense by a court of another jurisdiction.

SECTION 3. *Place of Trial.* Trial for offenses committed outside the territorial limits of the Trust Territory of the Pacific Islands may be held in any court of the Trust Territory of the Pacific Islands competent to try the offender for the offense charged within which court's territorial jurisdiction the offender is found or into which he is first brought or in which he resides.

SECTION 4. *Application of Trust Territory Law.* The criminal laws of the Trust Territory of the Pacific Islands shall, except where a contrary intent is clearly indicated in the law, apply outside the territorial limits of the Trust Territory of the Pacific Islands to:

- a. All persons on board a Trust Territory vessel in any navigable waters; and

b. All permanent residents of the Trust Territory anywhere.

SECTION 5. *Application of Other Law.* The criminal law of any other jurisdiction which is applicable under international law may also be enforced by courts of the Trust Territory of the Pacific Islands in trial of offenses committed outside the territorial limits of the Trust Territory of the Pacific Islands, whenever, in the opinion of the court, justice and comity will be aided thereby.

SECTION 6. *Definition.* The term "Trust Territory vessel" used herein means a vessel belonging in whole or in part to the Government of the Trust Territory of the Pacific Islands, or to the Island Trading Company of Micronesia, or to any permanent resident of the Trust Territory, or to any association, partnership, company, or other entity organized under the laws of the Trust Territory of the Pacific Islands, or to any corporation created by the High Commissioner of the Trust Territory of the Pacific Islands or by any subordinate of his or by any successor in responsibility.

Interim Regulation No. 3-50

STAFF OF THE HIGH COMMISSIONER

(See Interim Regulation No. 4-48, Chapter 2, and footnote, p. 102)

Interim Regulation No. 1-51

DIVORCE, ANNULMENT, AND ADOPTION

- | <i>Section</i> | <i>Title</i> |
|----------------|--|
| 1. | Scope of This Regulation. |
| 2. | Grounds for Divorce. |
| 3. | Forgiveness as a Defense to Divorce Action. |
| 4. | Procurement or Connivance as a Defense to Divorce Action. |
| 5. | Annulments. |
| 6. | Legitimacy of Issue of Annulled Marriage. |
| 7. | Adoption. |
| 8. | Persons To Be Notified or Consent Obtained for Adoption. |
| 9. | Residence Requirements for Divorce. |
| 10. | Residence Requirements for Annulment. |
| 11. | Competency of Community and Justice Courts in Divorce and Annulment. |
| 12. | Competency of Community and Justice Courts in Adoption. |
| 13. | Concurrent Jurisdiction of District Court. |
| 14. | Complaints for Divorce, Annulment, or Adoption. |
| 15. | Proof Required for Divorce or Annulment. |
| 16. | Best Interests of Child To Control Adoption; Appearance of Child. |
| 17. | Appeal and Review. |
| 18. | Custody, Support, and Alimony. |

Section

Title

19. Effect of Decree of Divorce or Annulment.

20. Effect of Decree of Adoption.

21. Confirmation of Divorce, Annulment, or Adoption Effected in Accordance with Recognized Custom.

SECTION 1. *Scope of this Regulation.* This regulation provides for divorces, annulments, and adoptions, in addition to any authorized by recognized custom in any part of the Trust Territory. Nothing herein contained, except the provisions of Section 21, shall apply to any divorce, annulment, or adoption effected in accordance with recognized custom, nor shall this regulation impose any restrictions or limitations upon the granting of divorces, annulments, or adoptions in accordance with recognized custom.

SECTION 2. *Grounds for Divorce.* Divorces from marriage may be granted under this regulation for the following causes and no other:

a. Adultery.

b. When either party is guilty toward the other of such cruel treatment, neglect, or personal indignities, whether or not amounting to physical cruelty, as to render the life of the other burdensome and intolerable and their further living together unsupportable.

c. Willful desertion continued for a period of not less than 1 year.

d. Habitual intemperance in the use of intoxicating liquor or drugs continued for a period of not less than 1 year.

e. When either party is sentenced to imprisonment for life or for 3 years or more; and after divorce for such cause, no pardon granted to the party so sentenced shall affect such divorce.

f. For insanity of either party where the same has existed for 3 years or more.

g. When either party has contracted leprosy.

h. When the parties have lived apart for two consecutive years without cohabitation, whether or not by mutual consent.

i. Willful neglect by the husband to provide suitable maintenance for his wife when able to do so, when failure to do so is because of his idleness, profligacy, or dissipation.

SECTION 3. *Forgiveness as a Defense to Divorce Action.* No divorce shall be granted where the ground for the divorce has been forgiven by the injured party. Such forgiveness may be shown by express proof or by the voluntary cohabitation of the parties with knowledge of the fact and restoration of the forgiving party to all marital rights. Such forgiveness implies a condition that

the forgiving party must be treated with conjugal kindness. This forgiveness is revoked and the original ground for divorce is revived if the party forgiven commits an act constituting a like or other ground for divorce or is guilty of conjugal unkindness sufficiently habitual and gross to show that the conditions of forgiveness had not been accepted in good faith or had not been fulfilled.

SECTION 4. *Procurement or Connivance as a Defense to Divorce Action.* No divorce for the cause of adultery shall be granted where the offense has been committed by the procurement or with the connivance of the plaintiff.

SECTION 5. *Annulments.* A decree annulling a marriage may be rendered hereunder on any ground existing at the time of the marriage which makes the marriage illegal and void or voidable. A court may, however, refuse to annul a marriage which has been ratified and confirmed by voluntary cohabitation after the obstacle to the validity of the marriage has ceased, unless the public interest requires that the marriage be annulled.

SECTION 6. *Legitimacy of Issue of Annulled Marriage.* Upon the annulment hereunder of a marriage, the issue of the marriage shall be legitimate.

SECTION 7. *Adoption.* Any suitable person who is not married, or is married to the father or mother of a minor child, or a husband and wife jointly may by decree of court hereunder adopt a minor child, not theirs by birth, and the decree may provide for change of the name of the child. If the child is adopted by a person married to the father or mother of the child, the same rights and duties which previously existed between such natural parent and child shall be and remain the same, subject, however, to the rights acquired by and the duties imposed upon the adoptive parent by reason of the adoption.

SECTION 8. *Persons to be Notified or Consents Obtained for Adoption.* No adoption shall be granted without either the written consent of, or notice to, each of the known living legal parents who is not insane or has not abandoned the child for a period of 6 months, nor shall any adoption of a child of over the age of 12 years be granted without the consent of the child.

SECTION 9. *Residence Requirements for Divorce.* No divorce shall be granted hereunder unless one of the parties shall have been a permanent resident of the Trust Territory for 2 years next preceding the filing of the complaint.

SECTION 10. *Residence Requirements for Annulment.* No annulment shall be granted hereunder unless one of the parties shall have been a permanent resident of the Trust Territory for 3 months next preceding the filing of the complaint.

SECTION 11. *Competency of Community and Justice Courts in Divorce and Annulment.* A divorce or annulment authorized by this regulation may be granted by any Community Court within whose territorial jurisdiction either of the parties has been a permanent resident for 3 months next prior to the filing of the complaint, provided both parties are indigenous inhabitants of the Trust Territory. If either of the parties is not an indigenous inhabitant of the Trust Territory, a divorce or annulment authorized hereunder may be granted by any Justice Court within whose territorial jurisdiction either of the parties has been a permanent resident for 3 months next prior to the filing of the complaint.

SECTION 12. *Competency of Community and Justice Courts in Adoption.* An adoption authorized hereunder may be granted by any Community Court within whose territorial jurisdiction the person or persons requesting the adoption are permanent residents or within whose territorial jurisdiction the child resides, provided all parties, including the known natural legal parents of the child, are indigenous inhabitants of the Trust Territory. If any of the parties is not an indigenous inhabitant of the Trust Territory, an adoption authorized hereunder may be granted by any Justice Court within whose territorial jurisdiction the person or persons requesting the adoption are permanent residents, or within whose territorial jurisdiction the child resides.

SECTION 13. *Concurrent Jurisdiction of District Court.* The District Court shall have concurrent jurisdiction to grant any divorce, annulment, or adoption authorized hereunder and may, for cause shown, order any complaint for divorce, annulment, or adoption pending before a Community Court or a Justice Court transferred to the District Court for disposition. Complaint for divorce, annulment, or adoption in the District Court may be filed in any administrative district within which the matter might have been handled hereunder by a Community Court or a Justice Court.

SECTION 14. *Complaints for Divorce, Annulment, or Adoption.* All proceedings for divorce,

annulment, or adoption hereunder shall be commenced by complaint signed and sworn to by the plaintiff or plaintiffs personally, except that a Community Court may accept an oral complaint under oath if it deems best. The complaint shall set forth sufficient facts as to the residence of the parties to show jurisdiction hereunder. A complaint for divorce or annulment shall, so far as practicable, include the date and place of marriage of the parties, the cause for the divorce or annulment, and the approximate date and place or dates and places where it occurred if the cause consists of an individual act or acts, otherwise sufficient details as to the cause to identify with reasonable certainty the facts relied upon, and a statement as to any prior application which is known to have been made by either party for divorce or annulment of the marriage in question or for separation under it, in this or any other jurisdiction, and the result of such application, if known.

SECTION 15. *Proof Required for Divorce or Annulment.* No divorce or annulment shall be granted hereunder on default without proof, nor shall any admission contained in any pleading filed by the defendant be taken as proof of the facts charged, but all essential facts shall, in all cases be proven by legally competent evidence in open court.

SECTION 16. *Best Interest of Child To Control Adoption; Appearance of Child.* No adoption shall be granted hereunder without the child proposed for adoption appearing before the court and the adoption shall be granted only if the court is satisfied that the interests of the child will be promoted by the adoption.

SECTION 17. *Appeal and Review.* All decrees for divorce, annulment, or adoption hereunder shall be subject to appeal, and in the case of Community Courts and Justice Courts, to review, as in other civil cases, and no such decree shall become absolute or affect the legal status of the parties until the case has been reviewed, if subject to review by the District Court, and until the period for appeal has expired without any claim of appeal having been filed or until any appeal taken shall have been finally disposed of. Except as otherwise expressly provided by this regulation, divorce, annulment, and adoption proceedings shall be governed by the provisions of law and rules of civil procedure applicable to civil actions.

SECTION 18. *Custody, Support, and Alimony.* In granting or denying a divorce or an annulment, the court may make such orders for custody of minor children for their support, for support of either party, and for the disposition of either or both parties' interest in any property in which both have interests, as it deems justice and the best interests of all concerned may require. While an action for divorce or annulment is pending, the court may make temporary orders covering any of these matters pending final decree. Any decree as to custody or support of minor children or of the parties shall be subject to revision by the court at any time upon motion of either party and such notice, if any, as the court deems justice requires.

SECTION 19. *Effect of Decree of Divorce or Annulment.* The effect of a decree of divorce or annulment when it has become absolute hereunder shall be to restore the parties to the state of unmarried persons so far as the marriage in question is concerned.

SECTION 20. *Effect of Decree of Adoption.* After a decree of adoption has become absolute hereunder the child adopted and the adopting parent or parents shall hold towards each other the legal relation of parent and child and have all the rights and be subject to all the duties of that relation. The natural legal parents of the adopted child are, from the time of adoption, relieved of all parental duties towards, and all responsibility for the child so adopted, and have no right over it. A child adopted hereunder shall have the same rights of inheritance as a person adopted in accordance with recognized custom at the place where the land is situated in the case of real estate, and at the place where the decedent was a permanent resident at the time of his death in the case of personal property. Where there is no recognized custom as to rights of inheritance of adopted children, a child adopted hereunder shall inherit from his adoptive parent or parents the same as if he were the natural child of the adopting parent or parents, and he shall also inherit from his natural parents and kindred the same as if no adoption had taken place.

SECTION 21. *Confirmation of Divorce, Annulment, or Adoption Effected in Accordance with Recognized Custom.* When a divorce, annulment, or adoption has been effected in the Trust Territory in accordance with recognized custom and the validity thereof is questioned or disputed by any

one in such a manner as to cause serious embarrassment to or affect the property rights of any of the parties or their children, any party thereto or any of his or her children may bring a complaint in the District Court for a decree confirming the divorce, annulment, or adoption effected in accordance with recognized custom. Such a complaint shall be signed and sworn to by the plaintiff or plaintiffs personally and shall be filed in the administrative district where the divorce, annulment, or adoption was effected. If, after notice to all parties still living, and hearing, the court is satisfied that the divorce, annulment, or adoption alleged is valid in accordance with recognized custom in the part of the Trust Territory where it was effected, the District Court shall enter a decree confirming the divorce, annulment, or adoption and may include in this decree the date it finds the divorce, annulment, or adoption was effective under recognized custom. Such a decree shall not become absolute until the period for appealing has expired without any claim of appeal having been filed or until any appeal taken shall have been finally disposed of.

Interim Regulation No. 2-51

CRIMINAL PROCEDURES

Chapter I.—DEFINITIONS AND POWERS

Section	Titles
1.	Definitions.
2.	Authority to Issue a Warrant.
3.	Extension of Jurisdiction.
4.	Authority to Administer Oaths.

Chapter II.—WARRANTS OF ARREST AND PENAL SUMMONS

5.	Warrants or Penal Summons Upon Complaint.
6.	Investigation in Doubtful Cases.
7.	Use of Penal Summons in Place of Warrant of Arrest.
8.	Execution of Warrants and Service of Penal Summons.
9.	Return of Service.
10.	Oral Order by a Community Court or Judge Thereof, in Place of Warrant or Penal Summons.
11.	Issuance of Warrant or Penal Summons Upon a Charge Sheet.
12.	Use of Citations.

Chapter III.—ARRESTS

13.	Limitation of Arrests Without a Warrant.
14.	Arrests Without a Warrant.
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20.	Disposition of Arrested Persons by Policemen.
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51.	Insanity at Time of Trial.
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53.	Designation of Place of Confinement.
54.	Effect of Irregularities.
55.	Effect of Violation of This Regulation.
56.	Release of Persons Detained in Violation of This Regulation.

CHAPTER I

DEFINITIONS AND POWERS

SECTION 1. *Definitions.* The following terms as used in this regulation shall have the meanings set forth below:

a. A "complaint" is a statement of the essential facts constituting a criminal offense by one or more persons named or described therein. It shall be made under oath before a court or an official authorized to issue a warrant. It may be either written or oral, but whenever the court or official hearing it deems practicable it shall be reduced to writing, signed by the complainant, and bear a record of the oath signed by the person who administered it. The complaint shall refer to the Interim Regulation, Ordinance, District Order, native custom, or other provision of law which the accused is alleged to have violated, but any error in this reference or its omission may be corrected by leave of court at any time prior to sentence and shall not be ground for reversal of a conviction if the error or omission did not mislead the accused to his prejudice. The complaint may be accepted by the court in place of a charge sheet in any case tried in the first instance in a Community Court or a Justice Court.

b. A "warrant of arrest" is a written order commanding that a person or persons be arrested and brought as soon as practicable before a court named therein, or otherwise dealt with according to law. It shall be signed by the clerk of the court or by the official issuing it and shall contain the name of the accused, or if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall describe the criminal offense charged and may do so by referring to either the original or a copy of the complaint or charge sheet attached to or on the same sheet as the warrant. Except where otherwise indicated, the word "warrant" in this regulation refers to a "warrant of arrest."

c. A "search warrant" is a written order directed to a policeman, commanding him to search for, and if found, to seize and bring before a particular court or official, certain articles supposed to be in the possession of a person or at a place named or described in the search warrant. It shall be signed by the clerk of the court or by the official issuing it, and shall state the grounds or probable cause for its issuance and the name of the person or persons whose statements, under oath, have been taken in support thereof. It shall designate the court or official to whom it shall be returned.

d. A "penal summons" is a written order summoning a person or persons to appear before a court at a time and place named therein, instead of commanding an arrest. Otherwise it shall meet

all the requirements of a warrant. It shall contain a warning that failure to obey it will render the accused liable to arrest upon a warrant.

e. A "citation" is a written notice to appear before a court at a time and place named therein to answer a criminal charge briefly described in the citation. It shall contain a warning that failure to obey it will render the accused liable to have a complaint filed against him upon which a warrant of arrest may be issued. The statement of the charge or charges in a citation or a copy thereof may be accepted by the court in place of a charge sheet in any case tried in the first instance in a Community Court or a Justice Court.

f. A "judge" is any member of a Court of Appeals, a Superior Court, the District Court, a Justice Court, or a Community Court.

g. A "policeman" is any member of the Insular Constabulary, any municipal policeman, or any person authorized by the High Commissioner or any Civil Administrator to act as a policeman.

h. The "attorney general" is the Legal Officer on the Staff of the High Commissioner or any person appointed by the High Commissioner to supervise prosecutions throughout the Trust Territory.

i. A "district attorney" is any person appointed by the High Commissioner or by a Civil Administrator to prosecute criminal cases in a Court of Appeals, a Superior Court or the District Court, or to supervise prosecutions in a Justice Court or a Community Court within a Civil Administration District.

j. "Oath" shall include a solemn affirmation.

k. A "personal recognizance" is a promise made before an official authorized to accept bail that in consideration of the release of the person he will appear in accordance with all orders of the court and that if he fails to do so he will pay a stated sum of money.

SECTION 2. *Authority To Issue a Warrant.* The following officials are authorized to issue a warrant:

- a. Any Civil Administration Court.
- b. Any judge.
- c. The Clerk of Courts for a district, subject to such limitations, if any, as the District Court may impose.
- d. Any civil administration officer, except medical officers, dental officers, or chaplains.
- e. Any other person authorized in writing by the High Commissioner or by any Civil Admin-

istrator and a certified copy of those whose authorization is filed with the Clerk of Courts for the district in which he acts.

SECTION 3. *Extension of Jurisdiction.* The jurisdiction of Civil Administration Courts under Section 2 of Article II of Interim Regulation No. 1-49 and all judges thereof is hereby extended to include the exercise of the powers herein granted over all persons (except those having diplomatic immunity) within the jurisdiction of the Trust Territory of the Pacific Islands. A Community Court or a judge thereof, however, shall not issue a warrant of arrest or a search warrant or penal summons or an oral order in place of a warrant or penal summons for the arrest or appearance or search of any person not subject to that court for trial, unless the court or judge deems that the public interest requires action be taken before the matter can reasonably be presented to any other type of court or of official authorized to issue a warrant.

SECTION 4. *Authority to Administer Oaths.* Any official named in Section 2 hereof is authorized to administer oaths.

CHAPTER II

WARRANTS OF ARREST AND PENAL SUMMONSES

SECTION 5. *Warrant or Penal Summons Upon Complaint.* Anyone (other than the Attorney General or a District Attorney) desiring the issuance of a warrant of arrest for a criminal offense shall personally appear and make a complaint, within the district where the offense or some part thereof is alleged to have been committed, before an official authorized to issue a warrant. If the complaint states the essential facts constituting a criminal offense by one or more persons named or described therein, and, if in the opinion of the official, there is probable cause to believe or strongly suspect that the offense complained of has been committed by such person or persons, the official may issue his warrant for the arrest of such person or persons, or issue a penal summons instead thereof as hereinafter provided. Any official other than a judge of a Justice Court may refuse to act, if he deems that the public interest does not require action before the matter can reasonably be presented to a judge of a Justice Court.

SECTION 6. *Investigation in Doubtful Cases.* If a judge of a Justice Court before whom a complaint is made is doubtful whether sufficient ground in fact exists for the issuance of a warrant or penal summons, he may, if the complainant consents, refer the complaint to the Insular Constabulary for investigation and report and withhold action for a reasonable time pending such report. If the complainant does not consent to such reference or if the report of investigation is not received within a reasonable time, the judge shall proceed to examine under oath the complainant, any witnesses offered by the complainant, and such other witnesses as the judge deems best and may in his discretion give the accused an opportunity to be present and to be heard. If the judge is satisfied from the investigation made by the Insular Constabulary or that made by him as above directed that there is probable cause to believe or strongly suspect that the offense complained of has been committed and that the accused committed it, he shall issue a warrant or a penal summons instead thereof as hereinafter provided.

SECTION 7. *Use of Penal Summons in Place of Warrant of Arrest.* In the case of all criminal offenses the lawful punishment for which does not exceed a fine of one hundred dollars (\$100) or 6 months imprisonment, or both, a penal summons to appear before a court at a time and place fixed in the penal summons shall be issued instead of a warrant of arrest, unless it shall appear to the court or official issuing the process that the public interest requires the arrest of accused. Upon request of the complainant a penal summons instead of a warrant may be issued in any case. If the accused, after a penal summons has been served upon him, fails to appear in response to the penal summons without an excuse known to and deemed adequate by the court named in the penal summons, a warrant shall be issued.

SECTION 8. *Execution of Warrants and Service of Penal Summons.* The warrant shall be executed or the penal summons served by a policeman or by a person specifically authorized in the warrant or summons to execute or serve it. The warrant may be executed or the summons served at any place within the jurisdiction of the Trust Territory of the Pacific Islands. The penal summons shall be served upon the accused by delivering a copy to him personally and orally explaining the substance thereof to him in a language generally

understood in the locality and if practicable in one understood by the accused, or by leaving it at his dwelling house or usual place of abode or of business with some person of suitable age and discretion then residing or employed therein and orally explaining the substance thereof as above provided.

SECTION 9. *Return of Service.* The person executing a warrant shall endorse thereon and sign a statement of the arrest showing the date and place of arrest and shall have it delivered to the court or official before whom the accused is brought pursuant to Section 20 hereof, or to the court named in the warrant if the accused is released on bail or personal recognizance before being brought before a court or official. At or before the time stated in a penal summons for appearance of the accused, the person to whom a penal summons is delivered for service shall endorse thereon and sign a report of his action thereon and have it delivered to the court named therein. If he has served the summons, his report shall show the date, place, and method of service.

SECTION 10. *Oral Order by a Community Court or Judge Thereof, in Place of Warrant or Penal Summons.* A Community Court or any judge thereof may, if the court or judge deems the public interest so requires, issue an oral order in place of either a warrant or a penal summons, which shall have the same force and effect within the territorial jurisdiction of that court as a warrant or penal summons as the case may be. Such oral order in place of a penal summons may be served by orally communicating the substance thereof to the accused. Report of execution or service of such an order may be made orally. Any person by going to trial before a Community Court without requesting a copy of the charges against him, thereby waives his right to have a copy in advance of trial in that court, but he does not thereby waive his right to such a copy before trial in a Justice Court in the event of an appeal. Any person making an arrest on such an oral order or serving such an order in place of a penal summons shall report all the essential facts to the court or official before whom the accused is brought or ordered to appear as the case may be.

SECTION 11. *Issuance of Warrant or Penal Summons Upon a Charge Sheet.* The Attorney General or a District Attorney may file a charge sheet signed by him in any court competent to try the

accused for a criminal offense or offenses charged therein. If the charge sheet states the essential facts constituting a criminal offense or offenses by one or more persons named or described therein and is supported by one or more written statements under oath showing to the satisfaction of the court that there is probably cause to believe or strongly suspect that the offense complained of has been committed by such person or persons, the court shall, upon request of the Attorney General or District Attorney, issue its warrant or penal summons as upon a complaint.

SECTION 12. *Use of Citations.* A policeman in any case in which he may lawfully arrest a person without a warrant, may, subject to such limitations as his superiors may impose, issue and serve a citation upon the person instead of making an arrest, if he deems that the public interest does not require an arrest.

CHAPTER III

ARRESTS

SECTION 13. *Limitation of Arrests Without a Warrant.* No arrest of any person shall be made without first obtaining a warrant therefor, except in the cases authorized in this regulation or otherwise provided by law.

SECTION 14. *Arrests Without a Warrant.* Arrest without a warrant is authorized in the following situations:

a. Where a breach of the peace or other criminal offense has been committed, and the offender shall endeavor to escape, he may be arrested by virtue of an oral order of any official authorized to issue a warrant, or without such order if no such official be present.

b. Anyone in the act of committing a criminal offense may be arrested by any person present, without a warrant.

c. When a criminal offense has been committed, and a policeman has reasonable ground to believe that the person to be arrested has committed it, such policeman may arrest the person without a warrant.

d. Policemen, even in cases where it is not certain that a criminal offense has been committed, may, without a warrant, arrest and detain for examination persons who may be found under such circumstances as justify a reasonable suspicion that they have committed or intend to commit a criminal offense.

SECTION 15. *Arrested Person To Be Informed of Cause and Authority for Arrest.* Any person making an arrest shall, at or before the time of arrest, make every reasonable effort to give the person arrested clearly to understand for what cause and by what authority the arrest is being made. If the person making the arrest does not succeed in giving the person arrested so to understand, either because of the conditions of the person arrested or because of language difficulties or otherwise, the arrested person shall, as soon as practicable after the arrest, be given clearly to understand for what cause and by what authority the arrest was made. A policeman making an arrest by virtue of a warrant need not have the warrant in his possession at the time of the arrest, but after the arrest, if the person arrested so requests, the warrant shall be shown to him as soon as possible.

SECTION 16. *Use of Force in Making Arrest.* In all cases where the person arrested refuses to submit or attempts to escape, such degree of force may be used as is necessary to compel him to such submission.

SECTION 17. *Searches and Seizures in Connection with Arrests.* He who makes an arrest may take from the person arrested all offensive weapons which he may have about his person. He who makes an arrest may also search the person arrested and the premises where the arrest is made, so far as controlled by the person arrested, for the instruments, fruits, and evidences of the criminal offense for which the arrest is made and, if found, seize them. Any property taken or seized shall be promptly delivered to a policeman or an official authorized to issue a warrant to be disposed of according to law. No search warrant shall be required for the actions authorized by this section.

SECTION 18. *Forcing Entrance To Make Arrest.* Whenever it is necessary to enter a building or ship to make an arrest and entrance is refused, any person making an arrest for a felony committed in his presence or a policeman making any arrest may force an entrance by breaking doors or other barriers. But before breaking any door or other barrier, he shall first demand entrance in a loud voice, and state that he desires to execute a warrant of arrest, or an oral order in place of a warrant, or if it is a case in which arrest is lawful without a warrant, he must substantially state that

information in a loud voice. Whenever practicable this demand and statement shall be made in a language generally understood in the locality.

CHAPTER IV

IMMEDIATE DISPOSITION OF ARRESTED PERSONS

SECTION 19. *Disposition of Those Arrested by Private Persons.* Any private person making an arrest shall deliver the arrested person to a policeman or an official authorized to issue a warrant, without unnecessary delay, and explain the cause of the arrest. Except where transportation difficulties are involved, or neither a policeman nor an official authorized to issue a warrant can be located promptly, such delay should not extend beyond a few hours during the daytime or early evening nor beyond ten o'clock on the following morning in the case of persons arrested during the nighttime.

SECTION 20. *Disposition of Arrested Persons by Policemen.* Persons arrested by any policeman (except under Section 14d hereof) or delivered to him after arrest by a private person shall be brought as soon as practicable before a court competent to try the offender for the criminal offense charged, subject to the following provisions:

a. If bail has been fixed, such bail shall be accepted and the arrested person released to appear in accordance with all orders of the court named in the warrant or any court to which the case may be transferred. Reasonable opportunity to raise such bail shall be afforded such a person by permitting him to send a message or messages through a policeman or person other than the arrested, by telephone, cable, wireless, messenger, or other expeditious means, to any person likely to assist in securing bail, provided such message can be sent without expense to the government or the arrested person prepays any expense there may be to the government.

b. If it appears it will not be practicable, within 7 days after his arrest, to bring a person arrested before a court competent to try him for the offense charged, and he has not been released on bail or personal recognizance, he shall, as soon as practicable and before the expiration of said 7 days, be brought before an official authorized to issue a warrant. This official shall commit the arrested person, discharge him, or release him on bail or personal recognizance as hereinafter provided.

Whenever a judge of a Justice Court is available, the arrested person shall be brought before such a judge in preference to any other official authorized to issue a warrant.

SECTION 21. *Rights of Persons Arrested for Examination.* In any case of arrest for examination (as provided in Section 14d hereof) it shall be unlawful:

a. To deny to the person so arrested the right of seeing at reasonable intervals and for a reasonable time at the place of his detention, counsel, or a member of such arrested person's family, or his employer or a representative of his employer; or

b. To refuse or fail to make a reasonable effort to send a message by telephone, cable, wireless, messenger or other expeditious means, to any person mentioned in clause a. above provided the arrested person so requests and such message can be sent without expense to the government, or the arrested person prepays any expense there may be to the government; or

c. To fail either to release or charge such arrested person with a criminal offense within forty-eight (48) hours after his arrest. Any person arrested for examination who is not released within forty-eight (48) hours shall, as soon as practicable and before the expiration of 7 days, be brought before a court competent to try him for the offense charged or an official authorized to issue a warrant.

SECTION 22. *Complaints in Cases of Arrest Without a Warrant.* When a person arrested without a warrant is brought before a court or official authorized to issue a warrant, a complaint shall be made against him forthwith, if that has not already been done.

SECTION 23. *Preliminary Hearings.*

a. *Duties of Officials.* When an arrested person is brought before an official authorized to issue a warrant who is not a court competent to try the arrested person for the offense charged, the official shall:

1. Inform the arrested person of the charge or charges;

2. Inform the arrested person of his right to retain counsel and of his right to be released on bail as provided by law, and allow him reasonable time and opportunity to consult counsel, if desired;

3. Inform the arrested person of his right to have a preliminary examination, and of his right

to waive the examination and the consequences of such waiver; and

4. Inform the arrested person that he is not required to make a statement and that any statement that he does make may be used against him.

5. Fix the amount of bail as provided by law if the arrested person so requests or alter the bail previously set if the official deems best.

b. *Plea Not To Be Taken.* The arrested person shall not be called upon to plead at the preliminary hearing.

c. *Procedure.* 1. If the arrested person does not waive preliminary examination, the official shall hear the evidence within a reasonable time.

2. A reasonable continuance shall be granted at the request of the arrested person or the prosecution to permit preparation of evidence. The arrested person has the right to be released on bail as provided by law during the period of a continuance.

3. The arrested person may cross-examine witnesses against him and may introduce evidence in his own behalf.

4. If the arrested person waives preliminary examination, or if from the evidence it appears to the official that there is probable cause to believe that a criminal offense has been committed and that the arrested person committed it, the official shall;

(a) Forthwith hold the arrested person to answer in a court competent to try him for the offense charged, and

(b) Fix, continue, or alter the bail as provided by law, and

(c) If bail is not provided, or a personal recognizance accepted, commit him to jail to await trial.

5. If during the preliminary examination it appears to the official that the warrant of arrest, complaint or other statement of the charge or charges does not properly name or describe the person arrested or does not properly set forth the nature of the offense for which he was arrested or that although not guilty of the offense specified there is probable cause to believe he has committed some other offense, the official shall not discharge such person but shall forthwith hold him to answer for the offense shown by the evidence.

6. If the arrested person does not waive preliminary examination and from the evidence it

does not appear to the official that there is probable cause to believe that a criminal offense has been committed and that the arrested person committed it, the official shall discharge him.

d. *Disposition of the Record.* After concluding the proceeding, the official shall transmit forthwith to the Clerk of Courts for the district all papers in the proceedings and any bail taken by him, except when a person has been held to answer in a Community Court. In the latter case the papers and any bail taken shall be transmitted to the Clerk of the Community Court.

SECTION 24. *Preliminary Examination Upon Request of Person Released on Bail or Personal Recognizance.* If it appears it will not be practicable to bring an arrested person within 7 days after his arrest before a court as indicated in Section 20b hereof, and he has been released on bail or personal recognizance, he may apply to a judge of a Justice Court, if one is available, otherwise to any official authorized to issue a warrant, and request a preliminary examination. Thereupon the judge or official shall set a time and place for preliminary examination, give the complainant and accused reasonable notice thereof, and proceed as outlined in the preceding section.

CHAPTER V

BAIL AND PERSONAL RECOGNIZANCE

SECTION 25. *Right to Bail.* Any person arrested for a criminal offense not punishable by death shall be entitled to be released on bail before conviction as a matter of right, provided, however, that no person shall be so released while he is so under the influence of intoxicating liquor or drugs that there is reasonable ground to believe he will be offensive to the general public. A person arrested for a criminal offense punishable by death may be released on bail by a Court of Appeals, a Superior Court, or the District Court, or by a judge of one of these three courts, in the exercise of discretion unless the evidence of guilt is strong. In the case of a criminal offense punishable by death, the District Attorney shall be given reasonable opportunity to be heard before any application for bail is granted.

SECTION 26. *Who May Fix Bail.* In the case of any person arrested for a criminal offense not punishable by death, any court or any official authorized to issue a warrant may fix the bail,

prior to conviction. This may be done at the time of issuing the warrant and endorsed on the warrant or may be done at any later time prior to conviction. After conviction bail may be allowed only if a stay of execution of the sentence has been granted and only in the exercise of discretion by a court authorized to order a stay or by a judge thereof.

SECTION 27. *Notice by Police of Requests To Have Bail Fixed.* When any arrested person for whom bail has not been fixed, or once denied in the case of a criminal offense punishable by death, notifies any policeman or jail attendant that he desires to give bail, an official authorized to fix bail shall be promptly notified by the police authorities. The arrested person shall be brought before the official for this purpose if the official so requests.

SECTION 28. *Amount of Bail.* The amount of the bail shall be such as in the judgment of the court or official fixing it will insure the presence of the accused, having regard to the nature and circumstances of the offense charged, the weight of the evidence against him, the financial ability of the accused to give bail and the character of the accused.

SECTION 29. *Form and Disposition of Bail; Sufficiency of Sureties.* One or more sureties may be required on a bail bond, or cash or bonds or notes of the United States may be accepted as bail. A person of good standing in the community who is in a position of moral or customary authority over the accused, such as his father, the head of his extended family group, or the chief of his lineage or clan, may be accepted as surety without the disclosure of property by way of justification, if the official taking the bail or determining the sufficiency of the surety considers that such surety will reasonably guarantee the appearance of the accused. Otherwise, no surety or sureties are to be accepted unless their combined net worth over and above all just debts and obligations is not less than the amount of the bond. Any surety may be required to furnish proof of his sufficiency, either by his own oath or otherwise. If the official to whom the bail is tendered refuses to accept the surety or sureties offered, the question of their sufficiency shall, at the request of the accused, be referred promptly to a judge for determination. The determination of the judge shall be final. Any bail accepted shall be promptly transmitted to the Clerk of Courts for the district, except when

a person has been released to appear in accordance with the orders of a Community Court. In the latter case, the bail shall be transmitted to the Clerk of the Community Court.

SECTION 30. *Modification of Bail.* The court before which a criminal case is pending may for cause shown either increase or decrease the bail or require an additional surety or sureties or allow substitution of sureties. If increased bail or an additional surety or sureties are required, the accused may be committed to custody unless he gives bail in the increased amount or furnishes additional surety or sureties as required.

SECTION 31. *Exoneration and Release of Bail.* When the condition for which the bail was given has been satisfied, the court shall exonerate the obligors and release any bail. A surety may be exonerated by a deposit of cash in the amount of the bail bond or by a timely surrender of the accused into custody.

SECTION 32. *Personal Recognizance.* In the case of an arrest for any criminal offense the lawful punishment for which does not exceed a fine of one hundred dollars (\$100) or 6 months imprisonment, or both, any court or official authorized to fix bail may in the exercise of discretion order that the arrested person be released on his personal recognizance in such sum as the court or official may fix, without security, into the custody of a responsible member of the community, provided arrested person has a usual place of abode or of business or employment in the Trust Territory.

CHAPTER VI

SEARCH AND SEIZURE

SECTION 33. *Authority to Issue Search Warrant.* A search warrant may be issued by any official authorized to issue a warrant.

SECTION 34. *Property for Which Search Warrant May Be Issued.* Except in cases where they are otherwise expressly authorized by law, search warrants shall be issued only to search for and seize the following:

a. Property the possession of which is prohibited by law; or

b. Property stolen or taken under false pretenses or embezzled or found and fraudulently appropriated; or

c. Forged instruments in writing, or counterfeit coin intended to be passed, or instruments or materials prepared for making them; or

d. Arms or munitions prepared for the purpose of insurrection or riot; or

e. Property necessary to be produced as evidence or otherwise on the trial of anyone accused of a criminal offense; or

f. Property designed or intended for use as, or which is, or has been used as the means of committing a criminal offense.

The term "property" is used in this Article to include documents, books, papers, and any other tangible objects.

SECTION 35. *Issuance of Search Warrants.* Any one desiring the issuance of a search warrant shall personally appear and make application therefor under oath, within the district where the property sought is alleged to be, before an official authorized to issue a warrant. The application shall set forth the grounds for issuing the warrant and may be supported by statements under oath of others made before the official. The application and statements may be either written or oral, but, whenever the official hearing the application deems practicable, they shall be reduced to writing, signed by the person or persons making them, and bear a record of the oath signed by the person who administered it. If the official hearing the application is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, he shall issue a search warrant identifying the property and naming or describing the person or place to be searched, except that any official other than a judge of a Justice Court may refuse to act if he deems that the public interest does not require action before the matter can reasonably be presented to a judge of a Justice Court.

SECTION 36. *Contents of Search Warrant.* A search warrant shall command a policeman to search forthwith the person or place named, for the property specified. The warrant shall direct that it be served in the daytime, except that, if the statements under oath in support of the application are positive that the property is on the person or in the place to be searched, the warrant may, at the discretion of the official issuing it, direct that it be served at any time. It shall designate some official authorized to issue a warrant, to whom it shall be returned, and whenever con-

sistent with the reasonably expeditious handling of the matter, the official so designated shall be a judge of a Justice Court. It shall designate the time within which it may be executed and returned. This time shall not exceed ten days, plus whatever time the official issuing the warrant determines will be reasonably required for the policeman to travel to the point where the search is to be made, and return to the official before whom the search warrant is returnable.

SECTION 37. *Execution of Search Warrant and Return With Inventory.* The policeman taking property under a search warrant shall give to the person from whom or from whose premises the property was taken, a copy of the warrant and a receipt for the property taken, or shall leave the copy and receipt at the place from which the property was taken. The policeman executing a search warrant shall promptly, upon completion of his search, endorse upon the warrant and sign a brief statement of the action he has taken pursuant to the warrant, showing the date on which the search was made, the person or place searched, the person to whom he gave a copy of the warrant and a receipt for the property taken, or the place where he left the copy and receipt as above provided. He shall then deliver the warrant, accompanied by a written inventory of any property taken, and bring the property, to the official before whom the warrant is returnable. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant, or the person from whose possession or premises the property was taken, and shall be verified by a statement signed and sworn to by the policeman to the effect that the inventory is a true account of all property taken by him under the warrant. The official before whom a search warrant is returned shall, upon request, deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

SECTION 38. *Hearing Upon Return of Search Warrant.* If the grounds on which the warrant was issued are controverted, the official to whom a search warrant is returned shall proceed to take testimony in relation thereto, and the testimony of each witness shall be reduced to writing

and subscribed by the witness. If it appears that the property taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the official must cause the property to be restored to the person from whom it was taken; but if it appears that the property taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued, then the official shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law.

SECTION 39. *Filing of Search Warrant and Accompanying Papers.* The official to whom a search warrant is returned shall attach to the warrant the inventory and all other papers in connection therewith, including any order made as to the disposition of the property seized, and shall file them with the Clerk of Courts for the district in which the property was seized.

SECTION 40. *Oral Order by a Community Court, or Judge Thereof, in Place of Search Warrant.* A Community Court or any judge thereof may, if the court or judge deems the public interest so requires, issue an oral order in place of a search warrant, which shall have the same force and effect within the territorial jurisdiction of that court as a search warrant and shall be returnable before the court or judge issuing it. Such oral order in place of a search warrant may be orally communicated to the person from whom or from whose premises the property was taken instead of leaving a copy with him. No inventory shall be required in such case, but the property seized shall be brought promptly before the court or judge issuing the order, and the policeman executing it may orally report his doings thereon. The court or judge shall, upon request, allow the person from whom or from whose premises the property was taken, and the applicant for the order, to view the property taken, and shall report all doings in the matter to the Clerk of Courts for the district as soon as possible. If the grounds on which the order was issued are controverted, the court or judge shall proceed to take testimony orally and it need not be reduced to writing.

SECTION 41. *Entering Building or Ship To Execute Search Warrant.* If a building or ship or any part thereof is designated as the place to be

searched, the policeman executing the warrant or oral order in place of a warrant may enter without demanding permission if he finds the building or ship open. If the building or ship be closed, he shall first demand entrance in a loud voice and state that he desires to execute a search warrant or an oral order in place thereof as the case may be. If the doors, gates, or other bars to the entrance be not immediately opened, he may force an entrance, by breaking them if necessary. When entered, he may demand that any other part of the building or ship, or any closet, or other closed space within the place designated in the search warrant in which he has reason to believe the property is concealed, be opened for his inspection, and, if refused, he may break them. Whenever practicable, these demands and statements shall be made in a language generally understood in the locality.

SECTION 42. *Motion for Return of Property and To Suppress Evidence.* A person aggrieved by an unlawful search and seizure may move the District Court or a Justice Court, in the district in which the property was seized, for the return of the property and to suppress for use as evidence anything so obtained. The motion to suppress evidence may also be made in the court where the trial is to be held in which the evidence is sought to be used. The motion shall be made before trial or hearing unless opportunity therefor did not exist or the accused was not aware of the grounds for the motion, but the court in its discretion may entertain the motion at the trial or hearing. Upon such motion the court shall review any order previously made by the official before whom any search warrant, or oral order in place thereof, was returned, and shall receive evidence on any issue of fact necessary to the decision of the motion. If the motion is granted the property shall be restored unless otherwise subject to lawful detention and it shall not be admissible in evidence at any hearing or trial.

CHAPTER VII

MISCELLANEOUS PROVISIONS

SECTION 43. *Name in Which Prosecution Shall Be Conducted.* All criminal prosecutions shall be conducted in the name of the "Trust Territory of the Pacific Islands."

SECTION 44. *Summoning of Witnesses Before Official Authorized To Issue a Warrant.* A witness

summons in a proceeding before an official authorized to issue a warrant, who is not a court, may be issued by such an official. Failure by any person without adequate excuse to obey such a witness summons may be deemed a contempt of the Justice Court within whose territorial jurisdiction it was issued.

SECTION 45. *Detention and Release of Witness.* Whenever the court has reason to believe that a witness may be intimidated or become unavailable at the trial, he may be detained as a material witness, provided no such person shall be detained for a period of more than 21 days without a further order being made. A report of such detention shall be made forthwith in the manner provided for the transmission of the record. A person detained as a material witness shall be entitled to be released as a matter of right upon giving bail for his appearance as a witness in an amount fixed by the court ordering the detention or any higher court. The court ordering the detention, or any higher court, may order the witness' release without bail if he has been detained for an unreasonable length of time and may modify at any time the requirement as to bail.

SECTION 46. *Process Obligatory Upon Police.* All process (that is, warrants of arrest, search warrants, penal summons, witness summons, commitments, and other orders, including an oral order in place of any of the foregoing) in any criminal proceedings and in all contempt proceedings, issued in accordance with law and the Rules of Criminal Procedure prescribed in accordance with law, shall be obligatory upon all policemen having knowledge thereof, and any policeman to whom such process is given shall promptly make diligent effort to execute or serve the same either personally or through another policeman.

SECTION 47. *Sale of Seized Property.* Seized property which is perishable may be sold before trial under the order of a court. The proceeds of the sale must be brought into court.

SECTION 48. *Dismissal by Attorney General or District Attorney.* The Attorney General or the District Attorney may by leave of court file a dismissal sheet or complaint or citation and the prosecution shall thereupon terminate. Such a dismissal may not, however, be filed during the trial without the consent of the accused.

SECTION 49. *Dismissed by Court.* If there is unnecessary delay in bringing an accused to trial,

the court may dismiss a charge sheet, or complaint, or citation.

SECTION 50. *Insanity at Time of Offense.* If it is ascertained by the court upon competent medical or other evidence that the accused at the time of committing the offense with which he is charged was so insane as not to know the nature and quality of his act, the court shall record a finding of such fact and may make an order providing for temporary custody, pending direction by the High Commissioner or a person authorized by him for permanent custody or other disposition.

SECTION 51. *Insanity at Time of Trial.* If the court ascertains that the accused is insane at the time of trial, the court shall adjourn the trial and order the accused to be detained as in Section 50 of this Regulation.

SECTION 52. *Juvenile Offenders.* In cases involving offenders under the age of 18 years, courts shall adopt a flexible procedure based on the accepted practices of juvenile courts of the United States, including insofar as possible the following measures:

- a. Report by a welfare or probation officer in advance of trial;
- b. Detention, where necessary, apart from adult offenders;
- c. Hearing informally in closed session;
- d. Interrogation of parents or guardians and release in their custody if appropriate.

An offender 16 years of age or over may, however, be treated in all respects as an adult if in the opinion of the court his physical and mental maturity so justifies.

SECTION 53. *Designation of Place of Confinement.* Any Civil Administration court upon sentencing a person to imprisonment may designate in the commitment order a place of confinement within the Civil Administration district where the trial is held. The place of confinement may be changed or otherwise designated as follows at any time while the sentence is still in force:

- a. The Civil Administrator, subject to instruction, if any, from higher authority, may transfer the person to or designate any place of confinement within his district.
- b. The Governor, subject to instructions, if any, from the High Commissioner, may transfer the person to or designate any place of confinement within his sub-area.

c. The High Commissioner may transfer the person to or designate any place of confinement.

SECTION 54. *Effect of Irregularities.* The proceedings before a court or an official authorized to issue a warrant shall not be invalidated, nor any finding, order, or sentence set aside for any error or omission, technical, or otherwise, occurring in such proceedings, unless in the opinion of the reviewing authority or a court hearing the case on appeal or otherwise, after examination of the entire record, it shall appear that the error or omission has resulted in injustice to the accused.

SECTION 55. *Effect of Violation of This Regulation.* No violation of this regulation shall in and of itself entitle an accused to an acquittal, but no evidence obtained as a result of such violation shall be admissible against the accused.

SECTION 56. *Release of Persons Detained in Violation of This Regulation.* Any person detained in custody in violation of any provision of this regulation may, upon motion by any person in his behalf, and after such notice if any, as the court may order, be released from custody by the court named in the warrant, if any, or before which he has been held to answer. The release shall be upon such terms, if any, as the court deems law and justice require. The relief authorized by this section shall be in addition to all other means of relief to which the arrested person may be entitled by law and shall not bar the use of any of such other means of relief.

Interim Regulation No. 3-51

CONTROL AND ERADICATION OF LANTANA

<i>Section</i>	<i>Title</i>
1.	Importation, Transportation, and Planting Prohibited.
2.	Responsibility of Private Land Holders.
3.	Public Lands.
4.	Penalties.

SECTION 1. *Importation, Transportation, and Planting Prohibited.* It shall be unlawful to import, transport, or plant any seed or stock of the weed pest lantana (*Lantana Camara*) throughout the Trust Territory.

SECTION 2. *Responsibility of Private Landholders.* All persons in possession or with right of possession to land shall uproot and burn all lantana plants found on such land and take all necessary measures to prevent any new growth. The chief or other designated leader of any clan or family shall be deemed in possession or with

right of possession to land belonging to such clan or family.

SECTION 3. *Public Lands.* The Civil Administrator shall be responsible for the eradication and control of all lantana plants found on all Trust Territory lands within his district. The municipal authorities shall be responsible for the eradication and control of lantana on all lands under the control of the municipality.

SECTION 4. *Penalties.* a. Any person who knowingly imports, transports, or plants any seed or stock of the weed pest lantana shall, upon conviction thereof, be imprisoned for a period not exceeding 6 months or fined not more than one hundred dollars (\$100) or both.

b. Any person who wilfully refuses to comply with the provisions of Sections 2 and 3 of this Regulation shall, upon conviction thereof, be imprisoned for a period not exceeding 1 month or fined not more than twenty-five dollars (\$25) or both.

Interim Regulation No. 4-51

MOTOR VEHICLE ACT

<i>Section</i>	<i>Title</i>
1.	Definitions.
2.	Obedience to Police Officers.
3.	Public Employees To Obey Traffic Regulations.
4.	Persons Riding Bicycles or Animals.
5.	Powers of Civil Administrators.
6.	Local Traffic Signs and Markings.
7.	Obedience to Traffic Signs.
8.	Interference With Signs Prohibited.
9.	Duty To Stop in Event of Accident.
10.	Duty To Report Accidents.
11.	Garage Keeper To Report Damaged Vehicle.
12.	Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs.
13.	Reckless Driving.
14.	Restrictions as to Speed.
15.	When Civil Administrators May Indicate Higher Speeds.
16.	When Speed Limit not Applicable.
17.	Drive on Right Side of Highway.
18.	Overtaking a Vehicle.
19.	Signals on Stopping or Turning.
20.	Right of Way Between Vehicles.
21.	Exceptions to Right of Way.
22.	Pedestrians' Right of Way.
23.	Vehicles Must Stop at Certain Through Highways.
24.	Parking.
25.	Stopping or Parking Prohibited in Specified Places.
26.	Motor Vehicle Left Unattended.
27.	Obstruction to Driver's View or Driving Mechanism.
28.	Metal Tires.
29.	Following Too Closely.

Section

30. Required Lighting Equipment.
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 36. What Persons Shall Not Be Licensed.
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 38. Instruction Permits and Fees.
 39. Application for Operator's License.
 40. Examination of Applicants.
 41. Register of Operators.
 42. License To Be Carried.
 43. Expiration of License.
 44. Mandatory Revocation of License.
 45. Discretionary Suspension or Revocation of License.
 46. Unlawful To Drive While License Suspended or Revoked.
 47. Duties of the Civil Administrator.
 48. Records.
 49. Accident Reports.
 50. Owner To Secure Registration.
 51. Application for Registration.
 52. Register of Applicants To Be Kept by District Secretary.
 53. Registration Cards.
 54. Registration Card To Be Carried.
 55. Number Plate.
 56. Renewal of Registration.
 57. Registration of Transfer of Vehicle.
 58. When Registration Shall Be Cancelled.
 59. Violations of License and Registration Provisions.
 60. Registration Fees.
 61. Driving Vehicle Without Owner's Consent or Proper Authorization.
 62. Injuring Vehicle.
 63. Procedure Upon Arrest.
 64. Penalties.

ARTICLE I

DEFINITIONS OF TERMS

SECTION 1. *Definitions.* The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section.

a. *Vehicle.* Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

b. *Motor Vehicle.* Every vehicle, as herein defined, which is self-propelled.

c. *Person.* Every natural person, firm, copartnership, association or corporation.

d. *Owner.* A person who holds the legal title

of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

e. *Street or Highway.* Every way or place of whatever nature open to the use of the public, as a matter of right, for purposes of vehicular travel.

f. *Crosswalk.* That portion of a roadway ordinarily included within the prolongation or connection of curb lines or lateral boundary lines of highways and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

g. *Intersection.* The area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other.

h. *Right-of-way.* The privilege of the immediate use of the highway.

i. *Official Traffic Signs.* All signs and markings not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

j. *Operator.* Every person who is in actual physical control of a motor vehicle upon a highway.

k. *Foreign Vehicle.* Every motor vehicle or trailer which shall be brought into the Trust Territory and which has not been registered therein.

l. *Trailer.* Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

m. *Metal Tires.* All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

n. *Police Officer.* Any member of the Insular Constabulary, any municipal policeman, or any person authorized by the High Commissioner or any Civil Administrator to act as a police officer.

o. *Official Authorized To Issue a Warrant.* Any person authorized by law to issue a warrant.

OBEEDIENCE TO TRAFFIC REGULATIONS

SECTION 2. *Obedience to Police Officers.* It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any police officer with authority to direct, control or regulate traffic.

SECTION 3. *Public Employees To Obey Traffic Regulations.* The provisions of this act shall apply to the drivers of all vehicles owned or operated by the United States or the Trust Territory.

SECTION 4. *Persons Riding Bicycles or Animals.* Every person riding a bicycle or an animal upon a roadway and every person driving an animal shall be subject to the provisions of this act applicable to the driver of a vehicle.

SECTION 5. *Powers of Civil Administrators.* Civil Administrators, except as expressly authorized in this act, shall have no power or authority to enact or enforce any rule or regulation contrary to the provisions of this act, except that they shall have power to prohibit other than one-way traffic upon certain highways, regulate the use of the highways by processions or assemblages, and close highways and bridges to traffic whenever deemed necessary.

ARTICLE III

TRAFFIC SIGNS AND MARKINGS

SECTION 6. *Local Traffic Signs and Markings.* Civil Administrators in their respective Districts may cause appropriate signs to be erected and maintained designating business, school and residence districts and such other signs and markings as may be deemed necessary to direct and regulate traffic and to carry out the provisions of this act, and such additional signs as may be appropriate to give notice of local parking and other special regulations.

SECTION 7. *Obedience to Traffic Signs.* It shall be unlawful for the driver of any vehicle to disobey the instructions of any official traffic sign placed in accordance with the provisions of this act, unless otherwise directed by a police officer.

SECTION 8. *Interference With Signs Prohibited.* It shall be unlawful for any person to deface, injure, knock down or remove any official traffic sign placed or erected as provided in this act.

ARTICLE IV

ACCIDENTS

SECTION 9. *Duty To Stop in Event of Accident.* The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle and shall give his name, address, and the registration number of his vehicle and exhibit his operator's license to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance.

SECTION 10. *Duty To Report Accidents.* The driver of any vehicle involved in an accident resulting in injury or death to any person or property damage to an apparent extent of \$50 or more shall, within 24 hours, forward a written report of such accident to the Civil Administrator of the District in which such accident occurs. All accident reports shall be without prejudice and shall not be open to public inspection.

SECTION 11. *Garage Keeper To Report Damaged Vehicle.* The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest Insular Constabulary station within 24 hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of such vehicle.

ARTICLE V

DRIVING WHILE INTOXICATED AND RECKLESS DRIVING

SECTION 12. *Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs.* It shall be unlawful for any person who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle upon any highway within the Trust Territory. Any person violating this provision shall be guilty of a felony.

SECTION 13. *Reckless Driving.* It shall be unlawful for any person to drive any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

ARTICLE VI

SPEED RESTRICTIONS

SECTION 14. *Restrictions as to Speed.* No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface, and width of the highway and the hazard at intersections and any other conditions then existing.

a. Any person who drives a vehicle upon a highway at a speed in excess of that indicated as follows for the particular location shall be guilty of a misdemeanor. Said indicated speeds are as follows:

(1) *Fifteen Miles Per Hour:* When passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours; when passing a church on Sunday morning; when passing public processions or assemblages on or near any highway.

(2) *Twenty Miles Per Hour:* In any business or residence district.

(3) *Twenty-five Miles Per Hour:* Outside of business or residence district.

SECTION 15. *When Civil Administrators May Indicate Higher Speeds.* Civil Administrators in their respective Districts are hereby authorized in their discretion to indicate by order higher speeds than those indicated in Section 14 upon highways or portions thereof where there are no intersections or between widely spaced intersections if signs are erected giving notice of the indicated speed, but Civil Administrators shall not have authority to indicate by order a speed in excess of 35 miles per hour.

SECTION 16. *When Speed Limit Is not Applicable.* The speed limits set forth in this act shall not apply to emergency vehicles when operated in emergencies and the drivers thereof sound audible signal by horn, bell, siren or exhaust whistle. This provision shall not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the street.

ARTICLE VII

DRIVING ON RIGHT SIDE OF HIGHWAY AND OVERTAKING AND PASSING

SECTION 17. *Drive on Right Side of Highway.* Upon all highways of sufficient width, other than

one-way highways, the driver of a vehicle shall drive the same upon the right half of the highway except when the right half is impassable or when overtaking and passing another vehicle.

SECTION 18. *Overtaking a Vehicle.* The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give audible warning with his horn, pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a distance of five hundred (500) feet.

ARTICLE VIII

SIGNALS ON STOPPING OR TURNING

SECTION 19. *Signals on Stopping or Turning.* The driver of any vehicle upon a highway intending to stop or turn from a direct line shall give the following hand and arm signals:

a. *Stopping.* Extend the left hand and arm downward from and beyond the left side of the vehicle at an angle of 45° from the horizontal.

b. *Left turn.* Extend the left hand and arm horizontally from and beyond the left side of the vehicle.

c. *Right Turn.* Extend the left hand and arm horizontally from and beyond the left side of the vehicle with forearm extending upward at an angle of 90° from the horizontal.

ARTICLE IX

RIGHT-OF-WAY

SECTION 20. *Right-of-Way Between Vehicles.*

a. *Vehicles Approaching an Intersection.* The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection. When two vehicles enter an intersection at the same time the driver of the vehicle on the left shall yield to the driver on the right.

b. *Vehicle Turning Left at an Intersection.* The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

SECTION 21. *Exceptions to Right-of-Way.* The driver of a vehicle entering a public highway from a private road or driveway or from any unpaved road to a paved road shall yield the right-of-way to all vehicles approaching on such public highway or paved road.

a. The driver of a vehicle upon a highway shall yield the right-of-way to emergency vehicles.

ARTICLE X

PEDESTRIANS' RIGHTS AND DUTIES

SECTION 22. *Pedestrians' Right-of-Way.* The driver of any vehicle shall yield the right-of-way to a pedestrian on any portion of an unpaved road or crossing within any marked or unmarked crosswalk of a paved road.

a. The provisions of this section shall not relieve the driver of a vehicle or the pedestrian from the duty to exercise due care.

ARTICLE XI

SPECIAL STOPS REQUIRED

SECTION 23. *Vehicles Must Stop at Certain Through Highways.* The Civil Administrators of the respective Districts are hereby authorized to designate main travel or through highways by erecting at the entrances thereto from intersecting highways signs notifying drivers of vehicles to stop before entering or crossing such designated highways, or may designate particular intersections and erect such stop signs at one or more entrances thereto.

ARTICLE XII

STOPPING, STANDING, AND PARKING

SECTION 24. *Parking.* Any person parking any vehicle, whether attended or unattended, upon any highway shall park such vehicle as far to the right thereof as is practicable.

SECTION 25. *Stopping or Parking Prohibited in Specified Places.* It shall be unlawful for the driver of a vehicle to stop, stand, or park such vehicle, whether attended or unattended, in any of the following places:

- a. Within an intersection.
- b. On a crosswalk.
- c. Within thirty (30) feet upon the approach to any official stop sign located at the side of the roadway.

d. Within fifteen (15) feet of the driveway entrance to any fire station.

e. Within fifteen (15) feet of a fire hydrant.

f. In front of a private driveway.

g. On a sidewalk.

h. Alongside or opposite any street or highway excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

i. On the roadway side of any vehicle stopped or parked at the edge of a highway.

j. At any place where official traffic signs have been erected prohibiting standing and parking.

ARTICLE XIII

MISCELLANEOUS RULES

SECTION 26. *Motor Vehicle Left Unattended.* No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the brakes thereon, stopping the motor and locking said vehicle.

SECTION 27. *Obstruction to Driver's View or Driving Mechanism.* It shall be unlawful for the driver of any vehicle to drive the same when such vehicle is so loaded as to obstruct the view of the driver to the front or sides or to interfere with the driver's control over the driving mechanism of the vehicle. To this end no more than two persons (including the driver) shall be seated in the front seat of any jeep and no more than three persons (including the driver) shall be seated in the front seat of all other type vehicles except that one child under 7 years of age may be seated in addition to the above.

SECTION 28. *Metal Tires.* No motor vehicle with metal tires shall operate on a paved highway without permission of the Civil Administrator.

SECTION 29. *Following Too Closely.* The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

ARTICLE XIV

EQUIPMENT

SECTION 30. *Required Lighting Equipment.* a. *When Vehicles Must Be Equipped.* Every vehicle upon a highway within the Trust Territory during the period from a half hour after sunset to a half

hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred (200) feet shall be equipped with the required lighting equipment.

b. *Head Lamps on Motor Vehicles.* Every motor vehicle, other than a motorcycle or farm tractor, shall be equipped with two head lamps at the front of and on opposite sides of the motor vehicle. Every motorcycle shall be equipped with at least one and not more than two headlamps. All headlamps shall produce a driving light sufficiently clear to render clearly discernible a person 200 feet ahead, but shall not project a glaring or dazzling light to persons in front of such headlamp.

c. *Rear Lamps and Reflectors.* Every motor vehicle and trailer shall carry at the rear a lamp which exhibits a red light plainly visible at a distance of two hundred (200) feet.

d. *Lamps on Bicycles.* Every bicycle used on the paved portion of a highway shall be equipped with a lamp on the front thereof and shall also be equipped with a reflex mirror on the rear.

e. *Carts and Wagons.* Every cart or wagon on a paved highway shall be equipped with a lighted lamp placed in such a position as to be plainly visible at a distance of two hundred (200) feet from both the front and rear thereof.

SECTION 31. *Brakes.* Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes.

a. Every motorcycle when operated upon a highway shall be provided with at least one brake, which may be operated by hand or foot.

b. All brakes shall be adequate to stop the motor vehicle within the distance specified for motor vehicles under regulations promulgated by the Civil Administrator and shall be maintained in good working order.

SECTION 32. *Horns and Windshield Wipers.* Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and a device for cleaning rain or other moisture from the windshield, which device shall be constructed as to be controlled or operated by the driver of the vehicle.

SECTION 33. *Inspection of Equipment.* The Civil Administrator and his duly authorized offi-

cers are hereby empowered at all reasonable times to inspect any motor vehicle to determine its compliance with the equipment provisions of this act.

ARTICLE XV

OPERATORS' LICENSES

SECTION 34. *Operators' Licenses and Fees.* No person except those expressly exempted shall drive any motor vehicle upon a highway in the Trust Territory unless such person has been licensed as an operator under this act. A fee of fifty cents (50 cents) shall be paid into the treasury of the Trust Territory for each such license issued.

SECTION 35. *Exemption from License.* Every person in the service of the Army, Navy, or Marine Corps of the United States or employee of the United States or the Trust Territory when furnished with an official driver's permit and when operating an official motor vehicle shall be exempt from license under this act.

a. A nonresident over the age of 16 years who has been duly licensed as an operator in his home State, Territory, or country and who has in his immediate possession a valid operator's license shall be permitted without examination or license under this act to drive a motor vehicle upon the highways of the Trust Territory.

SECTION 36. *What Persons Shall Not Be Licensed.* An operator's license shall not be issued to any person:

a. Under the age of 16 years;

b. Determined to be an habitual drunkard or addicted to the use of narcotic drugs;

c. Previously adjudged insane or an idiot, imbecile, epileptic, or feeble-minded;

d. Afflicted with or suffering from such physical or mental disability or disease as to prevent such person from exercising ordinary control over a motor vehicle while operating same.

SECTION 37. *Age Limits for Drivers of School Buses and Public Passenger-Carrying Motor Vehicles.* It shall be unlawful for any person who is under the age of 18 years to drive a motor vehicle while in use as a school bus, or for any person who is under the age of 21 years to drive a motor vehicle in use as a public passenger-carrying vehicle.

SECTION 38. *Instruction Permits and Fees.* Upon receiving from any person over the age of 16 years an application for a temporary instruc-

tion permit, the Civil Administrator may in his discretion issue such a permit entitling the applicant to drive a motor vehicle upon the highways for a period of 60 days when accompanied by a licensed operator occupying a seat beside the driver and there is no other person in the vehicle. A fee of twenty-five cents (25 cents) shall be paid into the Treasury of the Trust Territory for each permit issued.

SECTION 39. *Application for Operator's License.* Every application for an operator's license shall state the name, age, sex, and residence address of the applicant and whether or not applicant has heretofore been licensed and if so when and by what State, and whether or not such license has ever been suspended or revoked and if so the date of and reason for such suspension or revocation.

SECTION 40. *Examination of Applicants.* The duly authorized officers of the Civil Administrator shall examine every applicant for an operator's license before issuing any such license as to his physical and mental qualifications to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property.

SECTION 41. *Register of Operators.* The District Secretary shall file every application for an operator's license and index the same by name and number and maintain suitable records of all licenses issued and all applications for licenses denied, also a record of all licenses which have been suspended or revoked.

SECTION 42. *License To Be Carried.* Every person licensed as an operator shall have such license in his immediate possession at all times when driving a motor vehicle.

SECTION 43. *Expiration of License.* Every operator's license issued shall be valid for 1 year from the date of issue unless suspended or revoked as provided in this act.

SECTION 44. *Mandatory Revocation of License.* The court in which the case is prosecuted shall forthwith revoke the license of any person upon conviction of such person of any of the following crimes:

- a. Manslaughter resulting from the operation of a motor vehicle;
- b. Driving a vehicle while under the influence of intoxicating liquor or narcotic drug;
- c. Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding 12 months;

d. Conviction for failure to stop and disclose identity at the scene of an accident resulting in the death or injury of another person.

SECTION 45. *Discretionary Suspension or Revocation of License.* The Civil Administrator may, in his discretion, suspend or revoke the license of any person for good cause.

a. The Civil Administrator shall not suspend a license for a period of more than 1 year.

b. Any person whose license is revoked under this act shall not be entitled to apply for or receive any new license until the expiration of 1 year from the date such former license was revoked.

SECTION 46. *Unlawful to Drive While License Suspended or Revoked.* Any person whose operator's license has been suspended or revoked and who shall drive any motor vehicle upon the highways of the Trust Territory while such license is suspended or revoked shall be guilty of a misdemeanor.

ARTICLE XVI

REGISTRATION OF MOTOR VEHICLES AND TRAILERS

SECTION 47. *Duties of the Civil Administrator.* The Civil Administrator is hereby authorized to adopt and enforce such administrative rules and regulations and to designate such agencies as may be necessary to carry out the provisions of this act. He shall also provide suitable forms for applications, registration cards and all other forms requisite for the purposes of this act.

SECTION 48. *Records.* All registration and license records in the office of the District Secretary shall be public records and open to inspection by the public during business hours.

SECTION 49. *Accident Reports.* The Civil Administrator shall prepare and supply to the Insular Constabulary and other suitable agencies forms for accident reports calling for sufficiently detailed information to disclose with reference to a highway accident the cause, conditions then existing and the persons and vehicles involved.

SECTION 50. *Owner to Secure Registration.* Every owner of a motor vehicle intended to be operated upon any highway of the Trust Territory shall, before the same is so operated, apply to the Civil Administrator for and obtain registration thereof.

SECTION 51. *Application for Registration.* Application for the registration of a vehicle shall be

made by the owner thereof upon the appropriate form approved by the Civil Administrator and every application shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the engine and serial number, whether new or used.

a. The Civil Administrator shall provide for the registration of the vehicles located on any island other than that on which the Civil Administration Unit is located.

b. The owner of any foreign vehicle shall exhibit such evidence of former registration as will satisfy the Civil Administrator that the applicant is the lawful owner of the vehicle.

SECTION 52. *Register of Applicants To Be Kept by District Secretary.* The District Secretary shall file each application received, and shall register the vehicle therein described and the owner thereof on index cards as follows:

a. Under a distinctive registration number assigned to the vehicle and to the owner thereof;

b. Alphabetically under the name of the owner.

SECTION 53. *Registration Cards.* The District Secretary shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number, the name and address of the owner, also a description of the registered vehicle, including the engine number thereof.

SECTION 54. *Registration Card To Be Carried.* The registration card issued for a vehicle shall at all times while the vehicle is being operated upon a highway be carried in the vehicle.

SECTION 55. *Number Plate.* Every owner whose vehicle shall be registered shall display a number plate showing the registration number, year and District. Such plate shall be attached to the rear of said vehicle.

SECTION 56. *Renewal of Registration.* Every vehicle registration under this act shall expire on June 30 each year and shall be renewed annually upon application by the owner and by payment of the fees required.

SECTION 57. *Registration on Transfer of Vehicle.* a. An owner upon transferring a registered vehicle shall endorse the name and address of the transferee and the date of transfer upon the reverse side of the registration card issued for such vehicle and shall immediately forward such card to the District Secretary.

b. The transferee, before operating or permitting the operation of such vehicle upon a highway, shall apply and obtain the registration thereof as upon an original registration.

c. In the event of the transfer by inheritance, devise or bequest, execution sale, or repossession upon default in performing the terms of a lease or executory sales contract of the title or interest of an owner in a registered vehicle, the registration thereof shall expire and said vehicle shall not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain the registration thereof.

ARTICLE XVII

VIOLATIONS OF LICENSE AND REGISTRATION PROVISIONS

SECTION 58. *When Registration Shall be Cancelled.* The Civil Administrator shall cancel the registration of any vehicle he shall determine is unsafe or unfit to be operated or is not equipped as required under this act.

SECTION 59. *Violations of License and Registration Provisions.* It shall be unlawful and constitute a misdemeanor for any person to commit any of the following acts:

a. To operate upon a highway any motor vehicle which is not registered or which does not have attached thereto the number plate;

b. To display or to have in possession any registration card or number plate or operator's license knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered;

c. To lend to one not entitled thereto any registration card or number plate or operator's license;

d. To use a false or fictitious name or address in any application for an operator's license or for the registration of any vehicle or otherwise commit a fraud in any such application.

ARTICLE XVIII

REGISTRATION FEES

SECTION 60. *Registration Fees.* There shall be paid to the District Secretary for the registration of motor vehicles in the amount of ten dollars (\$10) for every truck and five dollars (\$5) for jeeps, motorcycles and all other motor vehicles except tractors.

ARTICLE XIX

UNLAWFUL TAKING OR INJURY TO VEHICLE

SECTION 61. *Driving Vehicle Without Owner's Consent or Proper Authorization.* Any person who shall drive a vehicle, not his own, without the consent of the owner thereof or a vehicle belonging to the United States or the Trust Territory without proper authorization, without intent to steal the same, shall be guilty of a felony.

SECTION 62. *Injuring Vehicle.* Any person who shall willfully break, injure, tamper with or remove any part or parts of any vehicle shall be guilty of a misdemeanor.

ARTICLE XX

PROCEDURE UPON ARREST AND PENALTIES

SECTION 63. *Procedure Upon Arrest.* Whenever any person is arrested for a misdemeanor under the provisions of this act, the arresting officer shall take the name and address of such person and issue a summons to appear at a time and place to be specified for a hearing before any official authorized to issue a warrant.

a. Where any person shall be arrested and charged with a felony under the provisions of this act or an offense causing or contributing to an accident resulting in injury or death to any person, or with reckless driving, or with driving while under the influence of intoxicating liquor or narcotic drugs, the arresting officer shall take such person forthwith before any official authorized to issue a warrant.

SECTION 64. *Penalties.* a. *Penalty for Misdemeanor.* It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act declared to be a felony. Every person convicted of a misdemeanor shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

b. *Penalty for Felony.* Every person convicted of a felony under this act shall be punished by imprisonment for not more than 1 year, or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

ARTICLE XXI

REPEALER

All regulations, ordinances, orders, or directives inconsistent with the provisions of this act are hereby repealed, cancelled and superseded.

Interim Regulation No. 5-51

CONTROL OF FIRES

<i>Section</i>	<i>Title</i>
1.	Fires to Clear Land.
2.	Issuance of Permits.
3.	Offenses; Penalties.

SECTION 1. *Fires to Clear Land.* No fires to clear land, including the burning of stumps, logs, brush, dry grass or fallen timber, shall be started without the prior written permission of the Civil Administrator or his designated agent. Whether authorized by permit or not, no fires shall be started during a heavy wind or without sufficient help present to control the same, and the fire shall be watched by the person setting it, or by competent agents of his, until put out.

SECTION 2. *Issuance of Permits.* No Civil Administrator or agent of a Civil Administrator shall issue a fire permit except when other methods of disposal of the material are clearly impracticable.

SECTION 3. *Offenses; Penalties.*

a. Every person who, without proper and valid authorization, sets any fire in violation of the provisions of this act, and every person who wilfully, maliciously, or negligently sets on fire or causes to be set on fire any woods, brush, prairies, grass, grain, or stubble on any lands not owned, leased, or controlled by him; and every person who wilfully, maliciously, or negligently allows a fire to escape from land owned, leased, or controlled by him whereby any property of another is injured or destroyed; and every person who accidentally sets or causes to be set any fire on land not owned, leased, or controlled by him, or sets or causes to be set any fire on land owned, leased, or controlled by him, which spreads to the land of another, and allows such fire to escape from his control without using every effort to extinguish it, shall be deemed guilty of a misdemeanor and liable to be fined not more than one hundred dollars (\$100) or imprisoned for a period of not more than 6 months, or both.

b. Setting such fires or causing or procuring them to be set or allowing them to escape shall be *prima facie* proof of wilfulness, malice, or negligence under this section: *Provided*, That nothing herein contained shall apply to a person who in good faith sets a back fire to check a fire already burning: *And provided further*, That nothing in this regulation shall be construed to prohibit the use of wood, brush, grass, or other vegetable fuels in properly set and controlled cooking, heating, or industrial fires.

Interim Regulation No. 6-51

ORDERS RESTRICTING RESIDENCE

Section	Title
1.	Purpose.
2.	Order Restricting Residence; Authority to Issue.
3.	Offenses; Penalties.
4.	Review.

SECTION 1. *Purpose.* The purpose of this regulation is to provide the Civil Administration officers with adequate authority to protect the public health, safety, morals, and general welfare of the inhabitants of the municipalities and islands of the Trust Territory by authorizing the removal from the municipalities and islands of those individuals who are visiting these municipalities or islands or otherwise residing there on a temporary basis and who do not have adequate means for their own support, or are engaging in activities which are prejudicial to the health, welfare, or morals of the community.

SECTION 2. *Order Restricting Residence; Authority to Issue.* Each Civil Administrator and Civil Administration Representative is hereby authorized and empowered to order any person who is not a permanent resident of a municipality or island and whose presence in the municipality or island is prejudicial to the public health, safety or morals of the municipality or island, to leave that municipality or island and not return for a stated period not to exceed one year, except upon prior written permission of the Civil Administrator.

SECTION 3. *Offenses; Penalties.* Any person who is ordered by the Civil Administrator to leave a municipality or island and who fails to do so within a reasonable time after the issuance of such order, or who being subject to such an order violates the provisions thereof, shall be guilty of a misdemeanor and, upon conviction, may be con-

fined for a period of not more than 6 months or fined not more than one hundred dollars (\$100). Trials for this offense may be heard only by a District Court.

SECTION 4. *Review.* Copies of each order issued under the provision of this regulation, together with a complete explanation and, where appropriate, affidavits of witnesses, shall be forwarded to the High Commissioner within 3 days of its issuance. The High Commissioner may confirm, modify, or revoke the order. Orders not supported by sufficient evidence to convince the High Commissioner that the Civil Administrator had reasonable grounds for issuing the order will be revoked. The person to whom an order is issued must be advised that he has the right to make a statement to be forwarded to the High Commissioner for consideration with the order on review, or to petition the High Commissioner for revocation of the order at any time, and must acknowledge in writing that he has been so advised.

Interim Regulation No. 7-51

CONTROL OF SHIPPING

Section	Title
1.	Definitions.
2.	Permission to Enter Territorial Waters.
3.	Innocent Passage.
4.	Inspection.
5.	Examination of Hovering Vessels.
6.	Ports Issuing Entry Permits.
7.	Report and Entry.
8.	Unlawful Acts.
9.	Penalty, Seizure, and Forfeiture: Procedure.
10.	Seizure and Forfeiture: Procedure.
	a. Prosecution.
	b. Custody.
	c. Notice.
	d. Claims.
	e. Forfeiture and Sale.
	f. Disposition of Proceeds.

SECTION 1. *Definitions.* As used in this regulation, the following terms shall have the meanings respectively ascribed to them in this section.

a. *Unlicensed Vessel.* Any vessel not operating under license, grant, or other express permission of the High Commissioner of the Trust Territory, except public vessels traveling under proper orders and not engaged in commercial activities, and small vessels belonging to one or more persons indigenous to the Trust Territory.

b. *Innocent Passage.* Navigation through ter-

territorial waters for the purpose either of traversing it *bona fide* enroute from one point to another on the usual course for such travel, wind and weather permitting, without entering inland waters, or of proceeding to inland waters at a port of entry, or of making for the high sea from inland waters, and includes stopping or anchoring only if incidental to ordinary navigation or in an emergency.

c. *Territorial Waters.* For the purpose of this regulation, the territorial waters of the Trust Territory shall include that part of the sea comprehended within the envelope of all arcs of circles having a radius of 3 marine miles drawn from all points of the barrier reef, fringing reef, or other reef system of the Trust Territory, measured from the low water line, or, in the absence of such reef system, the distance to be measured from the low water line of any island, islet, atoll, reef, or rocks within the jurisdiction of the Trust Territory.

d. *Hovering Vessel.* Any unlicensed vessel which if found or kept off any island, islet, atoll, or reef of the Trust Territory, within the territorial waters of the Trust Territory if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to violate any of the provisions of this regulation or any law or regulation of the Trust Territory.

SECTION 2. *Permission to Enter Territorial Waters.* Except for innocent passage, stress of weather or *force majeure*, it shall be unlawful for any unlicensed vessel to enter into the territorial waters of the Trust Territory without first receiving permission to enter from an officer or agent of the Government of the Trust Territory.

SECTION 3. *Innocent Passage.* Nothing in this regulation shall be construed as limiting the right of innocent passage through the territorial waters of the Trust Territory. Passage is not innocent when any vessel makes use of the territorial waters of the Trust Territory for the purpose of doing any act prejudicial to the security, public policy, or economic interests of the Trust Territory.

SECTION 4. *Inspection.* The Civil Administrators or their duly authorized representatives may at any time go on board any unlicensed vessel found within the territorial waters of the Trust Territory and, if there is reason to suspect that such vessel is violating any laws or regulations of the Trust Territory, to examine the manifest and other documents and papers, and examine, inspect,

and search the vessel and every part thereof and any person, trunk, package or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

SECTION 5. *Examination of Hovering Vessels.* Any hovering vessel found within the territorial waters of the Trust Territory may at any time be boarded and examined by any Civil Administrator or his duly authorized representative and in examining the same, such officer may also examine the master or other person having the command or charge of such vessel upon oath, respecting the cargo and voyage of the vessel and may also bring the vessel into the most convenient port of the Trust Territory to examine the cargo, and if the master or other person having the command or charge of such vessel refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage, he shall be liable under section 9 of this regulation. If upon examination of any such vessel or its cargo or the master, officers, crew members or passengers by any proper officer, sufficient evidence is found to satisfy the inspecting officer that the master or any passenger, officer, or crew member has been engaged in any unlawful act within the territorial waters of the Trust Territory or its actively planning to engage in such unlawful act, the vessel and the persons so engaged shall be subject to the penalties provided by section 9 of this regulation or other applicable laws of the Trust Territory.

SECTION 6. *Ports Issuing Entry Permits.* The Civil Administrators of the respective districts are hereby authorized to issue entry permits, as prescribed by the High Commissioner, at the following ports of entry:

Saipan District: Tanapag Harbor, Saipan.

Palau District:

Malakal Harbor, Koror.

Tomil Harbor, Yap.

Truk District: Moen Anchorage, Moen.

Ponape District: Ponape Harbor, Ponape.

Marshall Islands District:

Kwajalein Anchorage, Kwajalein.

Darrit Anchorage, Majuro.

SECTION 7. *Report and Entry.* The master or other person having the command or charge of any unlicensed vessel, shall, on entry of such vessel into any of the ports designated in Section

6, file a manifest in a form to be prescribed by the High Commissioner of the Trust Territory and signed by such master or other person having the command or charge of said vessel under oath as to the truth of the statements therein contained. Such manifest shall contain:

a. The name, description, and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs, and the name of the master of such vessel;

b. A detailed account of all merchandise, if any, on board such vessel;

c. An account of the sea stores and ship's stores on board the vessel;

d. The names of all crew members and passengers aboard such vessel;

e. A statement by the master or other person having the command or charge of said vessel as to the purpose of entry and approximate duration of stay in the territorial or inland waters of the Trust Territory.

SECTION 8. *Unlawful Acts.* It shall be unlawful for any vessel to engage within the territorial waters of the Trust Territory in fishing, the harvesting of trochus, the removal of scrap iron or other mineral resources, or other removal of the animal, vegetable, marine or mineral resources of the Trust Territory without authorization by an officer or agent of the Government of the Trust Territory.

SECTION 9. *Penalty, Seizure and Forfeiture.* If any master or other person having the command or charge of a vessel fails to comply with the provisions of this regulation, or obstructs or interferes with the exercise of any power conferred by this regulation, or engages in any unlawful act under this regulation, he shall be fined not more than ten thousand dollars (\$10,000) or imprisoned not more than 2 years, or both; such vessel, together with her tackle, apparel, furniture, and equipment shall be subject to seizure and forfeiture to the Trust Territory under the procedures of the next following section of this regulation.

SECTION 10. *Seizure and Forfeiture: Procedure.*
a. *Prosecution.* The District Attorney for the District in which any violation of this regulation occurs shall immediately inquire into the facts of the case reported to him by the Civil Administrator of such District or other proper officer

and if it appears probable that any penalty or seizure and forfeiture has been incurred by reason of such violation, shall forthwith cause the proper proceedings to be commenced and prosecuted, without delay, for the recovery of such penalty or seizure and forfeiture in the District Court of the Trust Territory.

b. *Custody.* Any foreign vessel, together with her tackle, apparel, furniture, and equipment seized shall be placed and remain in the custody of the Civil Administrator for the District in which the seizure was made to await disposition according to this regulation.

c. *Notice.* The owner of the foreign vessel shall be given due notice of the seizure and forfeiture proceedings.

d. *Claims.* Any person claiming such vessel may at any time within 45 days after seizure file with the Civil Administrator reporting the case a claim stating his interest therein. Upon the filing of such claim, the Civil Administrator shall transmit such claim to the District Attorney prosecuting the case who shall bring condemnation proceedings against the vessel, together with her tackle, apparel, furniture, and equipment in the District Court of the Trust Territory. Said claimant shall, upon satisfactory proof that the violation occurred without his knowledge or any wilful negligence on his part, be entitled to a return of said vessel, together with her tackle, apparel, furniture, and equipment.

e. *Forfeiture and Sale.* If, after due process of law, the Court, having dismissed the claims of any possible claimants under the immediately preceding subsection, finds in favor of the libellant, the Court shall declare the vessel, together with her tackle, apparel, furniture, and equipment forfeited and shall order the sale of same at public auction, or shall order the ship forfeited to the High Commissioner for the use of the Trust Territory.

f. *Disposition of Proceeds.* The proceeds of the sale shall be disposed of as follows:

(1) For the payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the vessel, advertising, and court costs;

(2) The residue, if any, shall be deposited with the Treasurer of the Trust Territory as a navigation fine.

JUDICIAL CODE AND LAW ENFORCEMENT

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| 2. Duties and Responsibilities: | |
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| 3. Deputy Sheriffs: | |
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10. Prepayment of Fees for Serving Process.
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 - a. Fees:
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59.	Proof of Official Record.
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CHAPTER I

SHERIFFS AND DEPUTY SHERIFFS

SECTION 1. *Sheriffs.* a. *Creation of Office.* There shall be a sheriff for each district of the Trust Territory who shall be responsible to the High Commissioner through the civil administrator of the district.

b. *Appointment.* Sheriffs shall be appointed by the High Commissioner from nominations submitted by the civil administrator of the district.

c. *Terms; Removal.* A sheriff shall serve at the pleasure of the High Commissioner but not longer than three years unless reappointed. Each civil administrator may appoint an acting sheriff to serve as sheriff in case of death, incapacity or prolonged absence of the sheriff. Such acting sheriff shall serve until removed or until formal appointment by the High Commissioner, or return of the sheriff.

SECTION 2. *Duties and Responsibilities.* a. *Law Enforcement.* It shall be the duty of each sheriff and deputy sheriff, acting within the district for which appointed, and under the supervision of the High Commissioner and the civil administrator, to preserve the peace; arrest and commit to jail all felons, traitors, and other misdoers; to attend upon the District Court and the Court of Appeals; to serve original process; to execute and return mesne and final process; and to enforce compliance with the laws and directives, regulations, and orders having the force and effect of law in the Trust Territory or any subdivision thereof.

b. *Head of Police Force in District.* The sheriff shall be the head of the territorial police force in the district for which appointed and as such shall carry the rank and receive the salary for that position. He shall be responsible for supervision of all members of such force and for carrying out all directives regarding the organization, opera-

tion, and duties of the force. Members of the territorial police force may be deputy sheriffs.

c. *Head of Territorial Prisons and Jails in District.* The sheriff shall be the head of prisons and jails for the district. As such he shall be responsible to the civil administrator and the High Commissioner for the proper operation of all territorial jails and prisons located in his district and for the receipt and proper treatment, housing, feeding, and clothing of all prisoners committed to his charge.

d. *Service and Execution of Process.* A sheriff shall promptly serve or execute every lawful process directed to him by a civil administration court or an official authorized to issue process. Delivery of a process directed to a sheriff or to a deputy sheriff shall be considered delivery to the sheriff and, subject to the directions of the sheriff, the deputy receiving such process shall proceed to execute the same without delay.

e. *Attendance upon Courts.* When commanded by the court, the sheriff shall personally attend any session of the Court of Appeals or the District Court held in his district and shall obey all lawful orders and directions issued by such courts.

SECTION 3. *Deputy Sheriffs.* a. *Creation of Office.* There shall be in each district a sufficient number of regularly appointed deputy sheriffs to enable the sheriff to carry out his duties promptly and efficiently.

b. *Appointment.* Deputy sheriffs shall be appointed by the civil administrator from nominations made by the sheriff. In an emergency, whenever required for the efficient performance of his duties, the sheriff may appoint special deputies as required.

c. *Term; Removal.* Deputy sheriffs shall serve for two years, unless sooner removed for cause or by reason of a reduction in force, and may be reappointed. Persons appointed special deputies in an emergency shall serve until released by the officer making the appointment or his superior.

d. *Duties, Authority, and Responsibility.* A deputy sheriff shall act under the direction of the sheriff and shall have all of the authority and responsibility of the sheriff when so acting. In the absence of specific directives and when the sheriff is not available, as in the case of a deputy on an outer island, a deputy sheriff shall act in all respects as though he is the sheriff and shall be liable for his acts or failure to act to the same extent that a sheriff would be in like circumstances.

CHAPTER II

ISSUANCE AND SERVICE OF PROCESS

SECTION 4. *Issuance of Process.* a. *Definition.* As used in this regulation, the term "process" shall include all forms of writs, warrants, summonses, citations, libels, and orders used in judicial proceedings.

b. *General.* Every process issued by a civil administration court shall be directed to a sheriff of a named district, a named private person, or, in the case of process issued in a criminal or contempt proceeding, any policeman. A policeman executing or serving a process in a criminal or contempt case shall neither charge nor collect any fees therefor.

c. *Designation of Private Persons.* The court issuing any process in any proceeding may specially appoint and name in the process any person it deems suitable to execute or serve the process, except that a witness summons may not be served by a party or by a person who is less than 18 years of age. A private person to whom a process is directed for service or execution shall, upon acceptance of the said process, be responsible for the proper execution or service of such process according to law. No private person shall be compelled by any court or official to accept a process directed to him for service or execution. The special appointments authorized by this section shall be used freely when this will effect a saving of time or expense.

SECTION 5. *Service and Execution of Process.* Every official who is made responsible by law for the service or execution of process and every private person who accepts the responsibility for the service or execution of process, shall serve or execute such process as prescribed by law within reasonable time after the receipt of same unless prevented from doing so by conditions beyond his control.

SECTION 6. *Return of Service or Execution.* A sheriff and deputy sheriff shall certify, and a private person shall report under oath, or affirm, by endorsement on or attached to every process delivered to him for execution or service, the manner and time of such execution or service or the reason for failure to make such execution or service. The process so endorsed, together with

a statement of all fees and expenses charged, shall be returned without delay to the court or official by which issued. In no event shall the process be returned later than the date specified by the issuing court or official.

SECTION 7. *Liability of Sheriffs.* Sheriffs shall not be liable for any damages resulting from the lawful execution of the duties imposed by this regulation or any other law of the Trust Territory but they shall act upon their own private accountability for all excesses of their official powers and for any departure from the lawful provisions of any process in their hands. A sheriff or deputy sheriff to whom any lawful process is delivered shall be personally liable for any damages caused by his failure to serve or otherwise execute the same with reasonable diligence.

CHAPTER III

OFFENSES, PENALTIES

SECTION 8. *Offenses; Penalties.*

a. *Interference with Service of Process.* Whoever knowingly and wilfully obstructs, resists, or opposes any sheriff or deputy sheriff, or other person duly authorized, in serving or executing, or attempting to serve or execute any process issued by any civil administration court or official authorized to issue the same, or whoever assaults, beats or wounds any sheriff, deputy sheriff, or other person duly authorized, knowing him to be such officer, or other person so duly authorized, in serving or executing any such process shall be guilty of obstructing justice and upon conviction thereof, shall be imprisoned for a period of not more than one (1) year or fined not more than one thousand dollars (\$1,000), or both.

b. *Concealment, Removal or Alteration of Record or Process.* Whoever wilfully and unlawfully conceals, removes, takes away, mutilates, obliterates, alters or destroys, or attempts to do so, or wilfully takes and carries away record or process in or from any civil administration court or official authorized to issue or serve the same, shall be guilty of tampering with judicial records or process, as the case may be, and upon conviction thereof shall be imprisoned for not more than five (5) years or fined not more than one thousand dollars (\$1,000), or both.

CHAPTER IV

FEES AND COSTS

SECTION 9. *Fees.* Each sheriff, or other person authorized to execute or serve process, shall, except as provided in Section 5 (a) hereof, be entitled to collect the following fees for duties performed by him :

a. *Service of Process.* For serving any form of process, \$1 plus 3 cents per mile for any travel actually performed and necessary in connection with the service. Any process delivered to the sheriff or any deputy sheriff shall be sent by him to a deputy sheriff who is located where he can serve it more quickly or with less travel.

b. *Execution and Sale.* For levying a writ of execution and making a sale thereunder, the fees provided above for serving of any process, plus \$5 for conducting the sale, and 5 cents for every dollar collected up to \$50, and 2 cents for every dollar collected over \$50.

c. *Caring for Seized Property.* In addition to the above, any sheriff shall be allowed for caring for any property seized under an attachment or levy of execution, his actual, reasonable and necessary expenses, providing however that no caretaker or watchman shall be allowed in excess of \$1 for each twelve (12) hours of service.

SECTION 10. *Prepayment of Fees for Serving Process.* Except when the process is issued on behalf of the Trust Territory of the Pacific Islands or an officer or agency thereof or under Chapter VIII hereof, any sheriff, or other person authorized to serve or execute process, may require the person requesting him to act to prepay his fees and estimated expenses or give reasonable security therefor before serving or executing any process.

SECTION 11. *Disposition of Fees for Serving Process.* Each sheriff, or other person authorized to serve or execute process, shall be entitled to retain for his own use the fees above authorized, providing he is not a salaried employee of the United States of America or the Trust Territory of the Pacific Islands or of any civil administration unit, as a member of the Insular Constabulary or otherwise, when the services are performed. If he is such a salaried employee, he shall remit monthly to the Treasurer of the Trust Territory all fees collected for services and travel in serving or executing process, less any reasonable expenses

actually paid by him personally for travel in connection with these duties. Being a salaried employee of a municipality, however, shall not prevent a sheriff, deputy sheriff, or other authorized person from retaining his fees for his own use.

SECTION 12. *Witness Fees for Travel.* Except as hereinafter provided, every person summoned as a witness in any judicial proceeding shall be entitled to receive 3 cents per mile for going from and returning to his place of residence or usual place of business or employment, whichever is nearer, to the place where he is summoned to appear as a witness, unless suitable transportation is provided without expense to him. Except as otherwise provided by section 44 hereof, this mileage shall be paid by the party on whose behalf the witness summons is issued, for each trip the witness is reasonably required to make. Except when the witness summons is issued on behalf of the Trust Territory of the Pacific Islands or an officer or agency thereof or under chapter VIII hereof, the mileage for one round trip shall be tendered to the witness at the time the witness summons is served, and the mileage for any further trips required shall be tendered in advance of each trip.

SECTION 13. *Witness Fees for Subsistence.* In any case in which a witness has been summoned to attend before any civil administration court and it is necessary for him to remain in attendance for more than one (1) day at a point so far removed from his residence or usual place of business or employment as to prohibit return thereto from day to day, the court before whom he has been summoned may determine the amount reasonably needed to cover the witness' subsistence per day while in attendance, and this sum shall be tendered to the witness in advance by the party on whose behalf the witness summons was issued, except when the summons is issued under chapter VIII hereof.

SECTION 14. *Effect of Failure To Tender Sufficient Witness Fees.* The failure to tender this mileage or sum for subsistence, or any part of either or both, however, shall not exempt the witness from complying with the summons if he has the means to comply. Any question as to the sufficiency of the amount tendered shall be brought promptly to the attention of the court or official before whom appearance is required, who is

hereby authorized to make such order as to payment of the witness fees herein provided as is just.

SECTION 15. *Clerk of Courts Fees.* a. *Fees.* Each Clerk of Courts shall charge and collect the following fees:

(1) *Notice of Appeal.* For filing of notice of appeal to a Court of Appeals, except in criminal proceedings, \$5. No fees shall be charged for filing of notice of appeal in any criminal proceeding.

(2) *Copy of Records.* For a copy of any record, entry, or other paper in his custody, comparison thereof, and certifying it to be a true copy, 25 cents plus 10 cents for each hundred words in excess of the first hundred. No charge, however, shall be made for any copies of its own records or papers filed with it, which are required by the court or by any other court upon review or appeal.

(3) *Transcript of Stenographer's Notes.* For a transcript of the whole or any part of stenographic notes of any trial or hearing which the court has not required to be transcribed, 25 cents per hundred words.

b. *Prepayment of Fees.* The Clerk shall require the prepayment of the above fees or a deposit to cover the estimated amount thereof, except in proceedings authorized under chapter VIII hereof.

SECTION 16. *Disposition of Clerk's Fees.* All fees collected hereunder by any Clerk of Court shall be remitted monthly to the Treasurer of the Trust Territory of the Pacific Islands.

SECTION 17. *Allocation of Costs.* All fees and expenses paid or incurred hereunder for the service of process, witness fees, or filing fees on appeal, by any party prevailing in any matter other than a criminal proceeding, shall be taxed as part of the costs against the losing party or parties unless the court shall otherwise order, except as hereinafter provided. The court may in addition allow and tax as part of the costs any other item of cost or actual disbursement, other than fees of counsel, which it deems just and finds has been necessarily incurred in the case for services which were actually and necessarily performed. No fees paid to a witness who is a party in interest and is called and examined on his own behalf or on behalf of others jointly interested with him shall be allowed or taxed as cost. Where there is more than one prevailing or losing party, the court may appor-

tion the costs as it deems just. No costs shall be taxed against the United States of America or the Trust Territory of the Pacific Islands.

CHAPTER V

ATTACHMENTS

SECTION 18. *Issuance of Writs of Attachment.* Writs of attachment may be issued only by the District Court for special cause shown, supported by statement under oath. Such writs when so issued shall authorize and require the Sheriff, Deputy Sheriff, or other person named therein, to attach and safely keep so much of the personal property of the person against whom the writ is issued, not exempt from attachment, as will be sufficient to satisfy the demand against him set forth in the action, including interest and costs, excepting any kinds or types of personal property which the court may specify in the writ. Debts due to the defendant may be similarly attached by special order issued by the District Court which shall exempt from the attachment so much of any salary or wages as the court deems necessary for the support of the person against whom the order is issued or his dependents.

SECTION 19. *Release and Modification.* The District Court may upon application of either party or of its own motion, make and from time to time modify, such orders as it deems just, for the release of property from attachments, or for the sale thereof, if perishable, or if the owner of the property shall so request and for the safekeeping of the proceeds of the sale.

CHAPTER VI

ENFORCEMENT OF JUDGMENTS

SECTION 20. *Money Judgments.* The process to enforce a judgment for the payment of money may be a writ of execution or an order in aid of judgment, as hereinafter provided.

SECTION 21. *Judgments Affecting Land.* A judgment adjudicating an interest in land shall, after the time for appeal therefrom has expired without notice of appeal being filed or after any appeal duly taken has been finally determined or after an order has been entered that an appeal shall not stay the judgment, operate to release or transfer any interest in land in accordance with the terms of the judgment, when a copy

thereof, certified by the Clerk of Courts, or any judge of the court, is recorded in the office of the Clerk of Courts for the district in which the land lies.

SECTION 22. *Other Judgments.* Judgment for any form of relief other than the payment of money or the adjudication of an interest in land may, after the time for appeal therefrom has expired without notice of appeal being filed or after any appeal duly taken has been finally determined or after an order has been entered that an appeal shall not stay the judgment, be enforced by contempt proceedings. Upon conviction in these proceedings, the person against whom the judgment has been rendered may be imprisoned until he or she complies with the judgment or is released by the court or has been imprisoned for six (6) months, whichever happens first.

SECTION 23. *Other Methods of Enforcement.* Enforcement of judgment may also be affected, if the District Court deems justice requires and so orders, by the appointment of a receiver, or receivers, to take possession of property and dispose of it in accordance with the orders of the court, or by a civil action on the judgment, or in any other manner known to American common law or common in courts in the United States.

CHAPTER VII

EXECUTIONS

SECTION 24. *Issuance of Writs of Execution.* Every civil administration court, at the request of the party recovering any civil judgment in that court for the payment of money shall, at any time after the time for appeal therefrom has expired without notice of appeal being filed, or after any appeal duly taken has been finally determined, or after an order has been entered that an appeal shall not stay the judgment, issue a writ of execution against the personal property of the party against whom the judgment has been rendered, except as hereinafter provided.

SECTION 25. *Levying Execution.* Every sheriff or other person duly authorized receiving a writ of execution issued by any civil administration court, shall levy or cause a sheriff to levy execution as follows:

a. *Demand of Payment; Seizure of Property.* He shall demand of the person against whom the execution is issued, if he may be found within the

municipality where the levy is being attempted, that the person pay the execution or exhibit sufficient property subject to execution to satisfy the execution. If the person has property of a kind exempt from execution but to an amount exceeding the exemption, he may select the portion of this property provided by law which he desires to retain under the exemption, providing he makes this selection known promptly to the person making the levy. Otherwise the person making the levy shall make the selection. If the person against whom the execution is issued does not pay the execution in full, including interest and costs and expenses thereof, the person making the levy shall take into his possession property of the person against whom the execution is issued, not exempt from execution, sufficient in his opinion to cover the amount of the execution. He shall take first any property under attachment in the action in which the execution was issued. Next, property, if any, indicated by the person against whom the execution was issued. He may, if he thinks best, remove the property to a safe place, or place a caretaker in charge of it. He shall make a list of the property levied upon.

b. *Notice of Sale.* The person making the levy shall, after levy, give public notice at least seven (7) days in advance of the time and place of sale, by notifying the magistrate of the municipality or municipalities in which the levy was made, by posting a written notice of the sale in a conspicuous place at or near the municipal office in the municipality in which the sale is to be held, and notifying the person against whom the execution is issued, if he can be found within the municipality or municipalities where the levy was made, or notifying any agent who had custody of the property levied upon at the time of levy.

c. *Sale; Procedure; Disposition of Proceeds.* The person making the levy on the day and at the place set for the sale, unless payment has been made of the amount of the judgment and interest and the costs and expenses in connection with the levy, shall sell the property levied upon at public auction, to the highest bidder. He shall deduct from the proceeds of the sale, first, sufficient money for the full payment of his fees and expenses, and then pay the person in whose favor the execution was issued, or his counsel, such balance as remains up to the amount due on the execution. If there are any proceeds of the sale left after the deduc-

tion and payment directed above, such remaining proceeds shall be paid over to the person against whom the execution was issued. The person making the levy shall then return the writ to the court with a report of his doing thereon, showing the amounts collected and paid out thereon.

d. *Postponement of Sale.* If at the time appointed for the sale the sheriff, deputy sheriff, or other person duly authorized, making the sale thinks best for the interest of all persons concerned, he may postpone the sale from time to time until the sale shall be completed, giving notice of every such postponement by public statement made at the time and place previously appointed for the sale.

e. *Completion of Sale by Person other than one making Levy.* If a sheriff, deputy sheriff, or other person duly authorized starts to levy execution as above provided and for any reason is prevented from or fails to complete the matter, any sheriff, deputy sheriff, or other person duly authorized may complete the levy, sale, and payment of proceeds as above provided.

SECTION 26. *Exemptions.* The following described property shall be exempt from the attachment and execution:

a. *Personal and Household Goods.* All necessary household furniture, cooking and eating utensils, and all necessary wearing apparel, bedding, and provisions for household use sufficient for four (4) months.

b. *Necessities for Trade or Occupation.* All tools, implements, utensils, two draft animals, and equipment necessary to enable the person against whom the attachment or execution is issued, to carry on his usual occupation.

c. *Land and Interests in Land.* All interests in land but any interest owned solely by a judgment debtor, in his own right, except a homestead acquired by patent from the government of the Trust Territory, may be ordered sold or transferred under an order in aid of judgment if the court making the order deems that his justice so requires and finds as a fact that after the sale or transfer, the debtor will have sufficient land remaining to support himself and those persons directly dependent on him according to recognized local custom and the law of the Trust Territory. No person not an indigenous inhabitant of the Trust Territory may acquire any interest in such land, by sale, transfer, or otherwise, except with the prior approval of the High Commissioner.

CHAPTER VIII

ORDERS IN AID OF JUDGMENT

SECTION 27. *Application for Order.* At any time after a finding for the payment of money by one party to another, and before any judgment based thereon has been satisfied in full, either of these parties may apply to the court for an order in aid of judgment. Thereupon the court, after notice to the opposite party, shall hold a hearing on the question of the debtor's ability to pay and determine the fastest manner in which the debtor can reasonably pay a judgment based on the finding. In making this determination the court shall allow the debtor to retain such property and such portion of his income as may be necessary to provide the reasonable living requirements of the debtor and his dependents, including fulfillment of any obligations he may have to any clan, lineage, or other similar group, in return for which he, or his dependents, receive any necessary part of the food, goods, shelter or services required for their living.

SECTION 28. *Hearing.* At the above-mentioned hearing the debtor may be examined orally before the court, or the court may refer the examination to a single judge of the court or to a master, to take evidence and report his findings. In either case any evidence properly bearing on the question may be introduced by either party or by the court, the single judge or master, in the same manner as at the trial of a civil action. Upon having heard the evidence or having received the report of the single judge or master, the court shall make such order in aid of judgment as is just for the payment of any judgment based on the finding, provided however that no payment shall be required until after the time for appeal from the judgment has expired without notice of appeal being filed or after any appeal duly taken has been finally determined or after an order has been entered that an appeal shall not stay the judgment. This order in aid of judgment may provide for the transfer of particular assets at a price determined by the court, or for the sale of particular assets and payment of the net proceeds to the creditor, or for payments, in specified instalments or particular dates or at specified intervals, or for any other method of payment which the court deems just.

SECTION 29. *Modification of Orders.* Any order in aid of judgment made under this chapter may be modified by the court as justice may require, at any time, upon application of either party and notice to the other, or on the court's own motion.

SECTION 30. *Punishment of Violations.* If any debtor fails without good cause to comply with any order in aid of judgment made under this chapter, he shall be guilty of contempt of court and upon conviction thereof shall be imprisoned until he complies with the order or is released by the court or serves a period of six (6) months imprisonment, whichever happens first.

SECTION 31. *Stay of Execution.* After an application for an order in aid of judgment has been filed in any action, no writ of execution shall be issued therein except under an order in aid of judgment made in accordance with this chapter or by special order of the court for cause shown. If a writ of execution is outstanding, a judgment creditor applying for an order in aid of judgment shall file the writ of execution with his application and a judgment debtor applying for an order in aid of judgment may request a stay of execution which may be granted by the court on such terms, if any, as it deems just.

SECTION 32. *Application to Community or Justice Court.* A judgment creditor who has obtained an execution may, instead of applying to the court in which the action was tried, apply for an order in aid of judgment to the Community Court within whose territorial jurisdiction the judgment debtor lives or has his usual place of business or employment, if the judgment debtor is subject to the jurisdiction of the Community Court; otherwise the judgment creditor may apply to a Justice Court within whose territorial jurisdiction the judgment debtor lives or has his place of business or employment. The court so applied to shall then proceed with notice to the opposite party, hearing, determination, and the issuance of such order in aid of judgment as it deems just, as above provided.

CHAPTER IX

HABEAS CORPUS

SECTION 33. *Power to Grant Writs of Habeas Corpus.* Writs of habeas corpus may be granted by a Court of Appeals, the District Court, or any judge of either court. Every person unlawfully imprisoned or restrained of his liberty under any

pretense whatsoever, or any person on behalf of an unlawfully imprisoned individual may apply for a writ of habeas corpus to inquire into the cause of such imprisonment or restraint.

SECTION 34. *Application.* Application for the writ of habeas corpus shall be made to a court or judge authorized to issue the same, or to a judge of the Justice Court or a Clerk of Courts, by a written statement under oath signed by the party for whose relief it is intended, or by some person in his behalf. It shall set forth the facts concerning the imprisonment or restraint of the person for whose relief it is intended, and, if known the name of the person who has custody over him, and by virtue of what claim or authority the restraint or imprisonment is being practiced.

SECTION 35. *Action by Clerk of Courts: Habeas Corpus.* If the application for a writ of habeas corpus is made to a Clerk of Courts, the Clerk shall, immediately, bring the application to the personal attention of a court or judge authorized to issue the writ, or a judge of a Justice Court.

SECTION 36. *Issuance of Order of Notice, Return, Hearing; Habeas Corpus.* A court or judge entertaining an application for a writ of habeas corpus shall issue an order directing the person against whom the writ is requested to show cause why the writ should not be granted, unless it appears from the application that the person detained is not entitled thereto. The order to show cause shall be directed to the person having custody of the person detained. The order shall set the time and place for hearing, which shall be as early as the court or judge issuing the order deems practicable, preferably within three (3) days. The person to whom the order is directed shall at or before the time set for hearing make a return certifying the true cause of the detention and unless the application for the writ and the return present only issues of law, the person to whom the order is directed shall produce at the hearing the person detained, unless the person is so sick or so weak that this cannot with safety be done. The applicant, or the person detained, may, under oath, deny any of the facts set forth in the return, or declare any other material facts. The application, the return, and any suggestions made against either of them may be amended by leave of the court or judge. If the person to whom the order is directed does not make a return as above required, or does not appear at the time and place

set for hearing, the court or judge may proceed without him.

SECTION 37. *Preliminary Examination and Recommendation by Judge of Justice Court; Habeas Corpus.* If the application for a writ of habeas corpus is heard by a judge of a Justice Court, he shall, without delay or formality, make preliminary findings of fact and recommendations as to the issuance or denial of the writ, and the disposition of the person detained, and submit these by dispatch or other speedy method, to the Chief Justice or to the most accessible court or judge authorized to issue the writ.

SECTION 38. *Issuance or Denial of Writ; Decision.* A court or judge hearing the application for a writ of habeas corpus, and authorized to issue the writ, shall, without delay or formality, determine the facts, grant the writ unconditionally, deny the writ, or grant the writ on terms fixed by the court and discharge the person for whose relief the application has been brought or make any order as to his disposition that law and justice may require. The court or judge authorized to issue the writ and receiving the report and recommendations of a judge of a Justice Court as above provided, may act upon the matter, by dispatch or other speedy method, on the basis of the Justice Court judge's report, or may order such further hearing or the submission of such further evidence, if any, as he deems law and justice require, and the Clerk of Courts of the district in which the matter is pending shall take such action in the matter as the judge or court may direct.

SECTION 39. *Evidence, Written Statements Under Oath.* On application for a writ of habeas corpus, evidence may be taken orally or by deposition, or in the discretion of the court or judge, by written statement under oath. If written statements under oath are admitted, any party shall have the right to propound written interrogatories to the person who made such statements or to file answering written statements under oath. On application for a writ of habeas corpus, documentary evidence, transcripts of proceedings upon arraignments, plea, sentence, and a transcript of the oral testimony introduced on any previous similar application by or on behalf of the same person shall be admissible in evidence. The declarations of a return to an order to show cause

in a habeas corpus proceeding, if not formally denied, shall be accepted as true, except to the extent that the court or judge finds from the evidence that they are not true.

SECTION 40. *Appeals.* In a habeas corpus proceedings in which the final order is made by the District Court or a judge thereof or a judge of the Court of Appeals, the final order shall be subject to appeal to the Court of Appeals, provided notice of appeal is filed within thirty (30) days after entry of the final order. The court or judge issuing the final order may in its or his discretion, stay execution of the order, admit the person imprisoned or restrained to bail pending action by the Court of Appeals, or direct that the final order take effect pending such action or without waiting for the time for filing notice of appeal to expire.

CHAPTER X

PROCEEDINGS BY PERSONS UNABLE TO PAY FEES

SECTION 41. *Authorization to Proceed Without Prepayment of Fees.* Any civil administration court may authorize the commencement, prosecution or defense of any case, action or proceeding, civil or criminal, or any appeal therein, without prepayment of fees for serving of process, witness fees or filing fees, or giving security therefor, by a permanent resident of the Trust Territory who makes a statement under oath that he is unable to pay such fees or give security therefor. This statement under oath shall state the nature of the case, action, or proceedings, defense, or appeal, and that the person making the statement believes that he is entitled to relief.

SECTION 42. *Officers To Perform Ordinary Functions and Witnesses Attend in Such Cases.* The officers of the court shall issue and serve all process, and perform all duties in such cases without prepayment of fees or the giving of security therefor. Witnesses shall attend as in other cases.

SECTION 43. *Dismissal.* The court may dismiss the case, action or proceeding if the statement that the person is unable to pay fees is untrue, or if the court is satisfied that the case, action or proceeding is malicious or has no substantial basis.

SECTION 44. *Witnesses for an Accused Unable To Pay Fees in Criminal Case.* The court before whom any criminal case is pending or a judge thereof may order at any time that a witness sum-

mons be issued and served without prepayment of fees upon request of an accused who cannot pay witness fees. The request shall be supported by a statement under oath in which the accused shall state the name and address of each witness and the testimony which he is expected by the accused to give if summoned, and shall show that the evidence of the witness is material to the defense, that the accused cannot safely go to trial without the witness, and that the accused is actually unable to pay the fees of the witness. If the court or judge orders the witness summons to be issued and served without prepayment of fees, the fees of the witness so summoned shall be paid in the same manner in which similar fees are paid in case of a witness summoned on behalf of the government.

CHAPTER XI

LIMITATION OF ACTIONS

SECTION 45. *Presumption of Satisfaction of Judgment.* A judgment of any civil administration court shall be presumed to be paid and satisfied at the expiration of twenty (20) years after it is rendered.

SECTION 46. *Limitation of Twenty (20) Years.* The following actions shall be commenced only within twenty (20) years after the cause of action accrues:

- a. Actions upon a judgment;
- b. Actions for the recovery of land or any interest therein.

If the cause of action first accrued to an ancestor or predecessor of the person who presents the action, or to any other person under whom he claims, the twenty (20) years shall be computed from the time when the cause of action first accrued.

SECTION 47. *Limitation of Two (2) Years.* The following actions shall be commenced only within two (2) years after the cause of action accrues:

- a. Actions for assault and battery, false imprisonment, or slander;
- b. Actions against a Sheriff, Deputy Sheriff, or other person duly authorized to serve process, for any act or omission in connection with the performance of their official duties;
- c. Actions for malpractice, error, or mistake against physicians, surgeons, dentists, medical or dental practitioners, and medical or dental assistants.

SECTION 48. *Actions by or Against the Estate of a Deceased Person.* Any action by or against the executor, administrator, or other representative of a deceased person for a cause of action in favor of, or against, the deceased shall be brought only within two (2) years after the executor, administrator, or other representative is appointed or first takes possession of the assets of the deceased.

SECTION 49. *Limitation of Six (6) Years.* All actions other than those covered in the three preceding sections, shall be commenced only within six (6) years after the cause of action accrues.

SECTION 50. *Disabilities.* If the person entitled to a cause of action is a minor or is insane or is imprisoned when the cause of action first accrues, the action may be commenced within the time above limited after the disability is removed.

SECTION 51. *Mutual Account.* In an action brought to recover the balance due upon a mutual and open account, or upon a cause of action upon which partial payments have been made, the cause of action shall be considered to have accrued at the time of the last item proved in the account.

SECTION 52. *Extension of Time by Absence From the Trust Territory.* If at the time when a cause of action shall accrue against any person, he shall be out of the Trust Territory, such action may be commenced within the time herein limited, after he comes into the Trust Territory. If after a cause of action shall have accrued against a person, he shall depart from and reside out of the Trust Territory, the time of his absence shall be excluded in determining the time limited for commencement of the action. No action, however, shall be brought by any person upon a cause of action which was barred by the laws of any state or country while he resided therein.

SECTION 53. *Extension of Time by Fraudulent Concealment.* If any person who is liable to any action shall fraudulently conceal the cause of action from the knowledge of the person entitled to bring it, the action may be commenced at any time within six (6) years after the person who is entitled to bring the same shall discover that he has such cause of action, and not afterwards.

SECTION 54. *Effect Upon Existing Causes of Action.* For the purposes of computing the limitations of time herein provided, any cause of action existing on the date of this Interim Regulation shall be considered to have accrued on the date of this regulation.

MISCELLANEOUS PROVISIONS

SECTION 55. *Oral Process and Returns in a Community Court.* Any other provisions of this regulation to the contrary notwithstanding, any or all process and reports of service of process on a Community Court may be oral if the court deems best, but such oral process shall only be effective within the territorial jurisdiction of the court issuing it.

SECTION 56. *Effect of Irregularities.* No error in either the admission or exclusion of evidence, and no error or defect in any ruling or order, or in anything done or omitted by the court, or by any of the parties, shall constitute ground for granting a new trial or for vacating, modifying, or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice.

SECTION 57. *Absent Defendants.* In an action in the District Court to enforce or remove any lien upon or claim to real or personal property within the Trust Territory of the Pacific Islands, or to adjudicate title to any interest in such property, where any defendant cannot be served within the Trust Territory of the Pacific Islands, or does not voluntarily appear, the court may order the absent defendant to appear or plead by a certain day. Such order may be served on the absent defendant personally, wherever found, or upon the person or persons in possession or charge of such property, if any, or by mailing, postage prepaid, a copy of the order to the absent defendant at his last known address. Where personal service is not practicable, the order shall be posted, in one or more conspicuous places as the court may direct, for a period of not less than two (2) weeks. If an absent defendant does not appear or plead within the time allowed, the court may proceed as if the absent defendant had been served with process within the Trust Territory of the Pacific Islands, but any adjudication shall, as regards the absent defendant without appearance, effect only the property which is the subject of the action. Any defendant not so personally notified may at any time within one year after final judgment enter his appearance and thereupon the court shall set aside the judgment and permit such defendant to plead, on payment of such costs as the court deems just.

SECTION 58. *Venue.* a. *General.* Except as otherwise provided, a civil action in which one of the defendants lives in the Trust Territory of the Pacific Islands shall be brought in a court within whose territorial jurisdiction the defendant or the largest number of the defendants live or have their usual places of business or employment. If an action is based on a wrong not connected with a contract, it may be brought in a court within whose territorial jurisdiction the cause of action arose. An action to collect a tax may be brought in a court within whose territorial jurisdiction defendant may be served. A civil action against a defendant who does not live in the Trust Territory of the Pacific Islands may be brought in a court within whose territorial jurisdiction the defendant can be served or his property can be attached. A civil action by or against the executor, administrator, or other representative of a deceased person for a cause of action in favor of or against the deceased may be brought in any court in which it might have been brought by or against the deceased.

b. *Admiralty and Maritime.* Suit in an admiralty and maritime matter shall be brought in the district within which the defendant can be served, or within which his property can be attached, or when the suit is against property itself, in the district within which the ship, goods or other thing involved can be seized.

c. *District Court.* An action in the District Court to enforce or remove any lien upon or claim to real or personal property within the Trust Territory of the Pacific Islands, or to adjudicate title to any interest in such property, or in any way affecting title to land within the Trust Territory of the Pacific Islands, or any interest therein, shall be brought in the district where the property or some part of it is located. Any other action in the District Court in which one of the parties lives in the Trust Territory of the Pacific Islands shall be brought in the district in which one of the parties lives or has his usual place of business or employment or, if the action is based upon a wrong not connected with a contract, it may be brought in the district in which the cause of action arose. Any action in the District Court not covered by any of the foregoing provisions may be brought in the district within which any defendant can be served or his property can be attached.

d. *Change of Venue.* Nothing in this section shall impair the jurisdiction of a civil administration court over any matter involving a party who does not make timely and sufficient objection to the venue. If a matter is brought in the wrong venue, the court in which it is brought may, on its own motion or otherwise, transfer it to any court in which the matter might properly have been brought. The District Court, if it deems the interests of justice will be served thereby, may hear any matter in a district other than that in which it is brought, or may hear it partly in one district and partly in another district or districts, or may transfer it from one district to another.

SECTION 59. *Proof of Official Record.* Books or records of account or minutes of proceedings of any department or agency of the United States of America or of the Trust Territory of the Pacific Islands, or of any predecessor thereof, shall be admissible to prove the act, transaction or occurrence as a memorandum of which the same were made or kept. Copies or transcripts (authenticated by official having custody thereof) of any books, records, papers or documents of any department or agency of the United States of America or of the Trust Territory of the Pacific Islands, or of any predecessor thereof, shall be admitted in evidence equally with the originals thereof.

SECTION 60. *Effect of Notice of Appeal.* The filing of a notice of appeal within the time allowed therefor, shall automatically stay any judgment and the execution of any proceedings to enforce the judgment, except in criminal proceedings, unless the trial court or the court appealed to otherwise directs, and except in habeas corpus proceedings as provided by Section 40 hereof.

Documentary Supplement No. V

THE HEALTH SERVICE POLICY FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

I. Mission

1. To raise public health standards in the Trust Territory of the Pacific Islands and to control preventable disease among the inhabitants thereof.
2. To provide the means of rendering medical and dental care to the inhabitants of the Trust Territory of the Pacific Islands.
3. To conduct medical and dental research into health problems peculiar to the Trust Territory of the Pacific Islands and their inhabitants.

4. To train native men and women in the arts of medical, dental and nursing practice.

II. Preventive Medicine Program

1. An annual health and sanitary survey shall be conducted on each inhabited island.
2. Provisions shall be made for the reporting of preventable diseases and the collection of appropriate vital statistics.
3. A program for the eradication of intestinal parasites and yaws shall be placed in operation.
4. An organization for the treatment of tuberculosis and leprosy shall be established.
5. A program to insure potable water and the sanitary disposal of sewage and garbage shall be established.
6. The immunization of natives against smallpox, typhoid fever and tetanus shall be routine.
7. An efficient program for the control of rodents and other pests shall be established.
8. Quarantine rules and regulations shall be promulgated to prevent the importation of preventable diseases into the islands and between the separate islands.
9. A practical food sanitation program shall be adopted.
10. A program to improve the nutritional status of the inhabitants shall be established.
11. A venereal disease program shall be maintained.

III. Medical and Dental Care Program

1. Hospital, dispensary and out-patient medical and dental care shall be provided for the inhabitants of the Trust Territory of the Pacific Islands. A progressively self sustaining status for these services shall be encouraged. A procedure for licensure of private practitioners in medicine, dentistry and nursing shall be promulgated.

IV. Research Program

1. A medical and dental research program shall be established. It shall embody the procedures for submission of requests and recommendations for research projects and for their consideration by a board of qualified officers appointed for this purpose.
2. Periodic and final reports of all medical and dental research projects shall be submitted, via official channels, to the Bureau of Medicine and Surgery.

V. Native Training Program

1. A training program for native men and women in the arts of medical, dental and nursing practice shall be maintained to provide sufficient number of trained individuals to meet the needs of the inhabited islands. Candidates for training shall be carefully chosen for intelligence, leadership, character, good health and such other qualities as may be prescribed, from time to time.

VI. This program shall be considered as the Health Service Policy of the United States Navy for the Trust Territory of the Pacific Islands. Its realization will be dependent upon personnel, funds and other facilities available. Every effort shall be made to reach the goals set at the earliest practicable time.

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**INTERIM HEALTH SERVICE PROGRAM FOR
THE TRUST TERRITORY OF THE PACIFIC
ISLANDS**

- Reference: (a) The Pacific Command and U. S. Pacific Fleet Health Service Policy for the Trust Territory of the Pacific Islands, dated 5 August 1947.
- (b) Public Health Rules and Regulations of the Trust Territory of the Pacific Islands.

I. Objective

1. To implement and advance the Health Service Policy as set forth in reference (a).
2. To provide interim medical and dental treatment for inhabitants of the islands of the Trust Territory of the Pacific Islands, until such time as the provisions of reference (a) can be fulfilled.

II. Preventive Medical Program

1. The rules and regulations as set forth in reference (b) shall be placed in effect at the earliest practicable date.
2. Until such time as a complete health survey has been accomplished, the Medical Department of the Civil Administration Unit shall conduct studies of medical and public health conditions to the greatest extent possible commensurate with personnel and facilities available. These studies shall include routine physical examinations of school children, spot checks of stools for intestinal parasitism and examination of general population during field trips to determine the incidence of yaws, venereal disease, leprosy, and other infectious diseases. X-ray examinations of the chest shall be performed to the extent of facilities available.
3. The current practice of treatment of yaws with initial massive doses of penicillin in oil, followed by a course of twelve (12) injections each of mapharson and bismuth shall be continued unless circumstances prevent this procedure or results obtained indicate that this treatment is not efficacious. In the later case the Staff Medical Officer of the Deputy High Commissioner of the Trust Territory of the Pacific Islands shall be notified.
4. The routine administration of anthelmintics to the population may be practiced if indicated by spot surveys.

5. Until such time as a central leprosarium is established, persons suffering from leprosy, known contacts thereto, and suspected cases shall be isolated until diagnosis has been confirmed or disproven. Such logistic support as may be necessary for these colonies shall be provided by the local Civil Administration Unit.

6. An educational program to teach voluntary isolation and essentials of control of spread of tuberculosis shall be established. Where medical facilities with adequate beds and Medical Department personnel are available, the Medical Officer shall hospitalize such cases of tuberculosis or suspected tuberculosis as would be most benefitted by hospitalization. The Medical Department personnel of the various Civil Government Units shall cooperate with the Health Survey Ship which it is contemplated will be operating throughout the area in the near future.

7. The Medical Department shall keep the Civil Administrator advised as to the potability of all water supplies and shall assist in every way possible toward maintaining potable water systems.

8. The Medical Department through its sanitation officer shall conduct regular sanitary inspections and shall report any deficiencies in general sanitation, preparation and serving of food and beverages in restaurants and in garbage and sewage disposal procedures.

9. An active immunization campaign against smallpox and typhoid shall be conducted in accordance with current public health practices.

10. Active baiting and trapping campaigns shall be conducted against rodents.

11. An educational campaign to teach the value of balanced diets and to encourage the practice of varying diets shall be conducted.

12. A venereal disease program shall be maintained.

13. The Medical Department shall cooperate with other Civil Government personnel in enforcement of quarantine regulations.

III. Interim Program for Training Natives

An interim training program shall be conducted to meet the needs for trained Health Aids and Nurse Aids until graduates of the School of Medical Practitioners become available. The courses shall be conducted in accordance with the provisions of CINCPACFLT letter, serial 1557, dated 10 March 1947, and Commander Marianas letter, serial 11116, dated 16 April 1947. The

training program shall be conducted at the Civil Administration Unit Dispensaries for a minimum of six (6) months, with an additional three (3) months' training in the field. The subjects to be taught shall include basic English, care of the sick and injured, preventive medicine, sanitation, and rodent control.

IV. Care of the Sick and Injured

Medical and dental care shall be provided the inhabitants of islands of the Trust Territory of the Pacific Islands, commensurate with medical and dental personnel and facilities available. Subsistence shall be provided for patients in the dispensaries making charges for such subsistence in accordance with current directives. (Commander Marianas letter, serial 12402, dated 14 May 1947.) However, every effort should be made to substitute native foods for Navy rations whenever practicable in order to reduce the cost of subsistence to the government and provide a diet more nearly in accord with native food habits and desires.

PUBLIC HEALTH RULES AND REGULATIONS FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Objectives: The objectives of these regulations are to control preventable diseases and to elevate public health standards in the Trust Territory of the Pacific Islands.

1. It shall be the responsibility of the Civil Administrator to promulgate and enforce the regulations set forth herein and to formulate such additional rules and regulations as may be deemed necessary for the furtherance of the public health objectives.

2. It shall be unlawful for any person or persons to practice medicine or other of the healing arts for a fee unless duly licensed and/or authorized by the High Commissioner of the Trust Territory of the Pacific Islands, or his duly appointed representative.

3. It shall be unlawful for any person other than those properly accredited to import, sell, give or dispense medicines, drugs, or other substances of a deleterious nature, which in the opinion of proper medical authority should only be administered by authorized practitioners, physicians or other medical personnel.

4. It shall be unlawful to import, sell, traffic in, purchase, give or prescribe narcotics or medicine containing narcotics or other so-called habit-forming drugs except by specific authority of the Civil Administrator.

5. It shall be unlawful to knowingly and willfully conceal or fail to report to proper authorities, cases of communicable diseases. Persons suffering from contagious or communicable diseases or known contacts thereto, shall be isolated, treated, and, if necessary, be confined by the civil authorities in accordance with standard preventive medicine procedures as outlined by the medical staff of Civil Government. Treatment for persons infected with venereal disease is compulsory.

6. Persons desiring to travel between administrative districts shall be required to obtain a certificate of health from a medical practitioner, physician, or medical representative of the Civil Administration. This certificate shall certify that the individual has been examined and is apparently free of communicable diseases, that he has been vaccinated for smallpox and typhoid fever within the prescribed interval and shall include the findings of X-ray examination of chest if available. The provisions of this paragraph do not apply to travel between islands within an administrative district.

7. Vaccination and inoculations as prescribed by proper authority shall be compulsory.

8. Regulations and directives relative to control of rodents and other pests shall be promulgated by the Civil Administrator.

9. It shall be unlawful for any person or persons to prepare and dispense foods for public consumption unless specifically authorized by the Civil Administration. Establishments engaged in the preparing or dispensing of foods for public consumption shall be subject to periodic inspections by the Civil Administrator or his medical advisor. Failure to conform to standards of sanitation prescribed shall be cause for revocation of license.

10. Persons engaged in handling food for public consumption shall be examined at prescribed intervals or at other times by a duly authorized physician, practitioner, or medical representative of the Civil Administrator.

11. It shall be unlawful for any person to sell or dispense for human consumption food which is

known to be contaminated, decomposed or adulterated, thereby rendering such food unfit for human consumption.

12. Participation in established public health programs for school children is compulsory.

13. Disposal of waste sewage and garbage by methods and in areas other than those prescribed by health authorities shall be unlawful.

14. The use of night soil (human excreta) as a fertilizer is prohibited.

14. Sanitary privies (Benjos) shall be of a type and in areas designated by local authorities. Defecation in the immediate vicinity of any village other than in those privies is prohibited.

16. Barber shops and beauty parlors shall be duly licensed and inspected periodically by a medical representative of the Civil Administrator.

17. A record of births and deaths will be maintained by the registrar of the Civil Administration Unit. All births will be reported to the registrar within seventy-two (72) hours after occurrence. In case of death when the deceased has not been attended by a practitioner, physician, or health aid during his terminal illness, burial will not take place until remains have been viewed by a representative of the Civil Administration. Death occurring under suspicious circumstances shall be reported to the Chief of the village or magistrate for further investigation. All deaths will be reported within twenty-four (24) hours and burial will take place within thirty-six (36) hours after death has occurred. Forms VS-1 and VS-2 shall be completed and filed in each CAU. Refer to COMMARIANAS directive, serial 12936 of 15 November 1946 for more detailed directions.

18. Burial will take place only in specified areas and in a manner designated by the Civil Administration.

19. Persons violating any of the above regulations are subject to trial by such authorized courts of justice as now exist or may be established in the future.

MEDICAL PRACTICE IN THE TRUST TERRITORY

SECTION 1. *The Healing Art; Definitions.* For the purpose of these regulations the following words and phrases have the meanings assigned to them, respectively, except where the context otherwise requires:

(a) "Disease" means any blemish, defect, deformity, infirmity, disorder, or injury of the hu-

man body or mind, and pregnancy and the effects of any of them.

(b) "The Healing Art" means the art of detecting or attempting to detect the presence of any disease; of determining or attempting to determine the nature and state of any disease, if present; of preventing, relieving, correcting or curing or of attempting to prevent, relieve, correct or cure any disease; of safeguarding or attempting to safeguard the life of any woman or infant through pregnancy and parturition; and of doing or attempting to do any of the acts enumerated above: provided, that for the purpose of these regulations the term "Healing Art" does not include (1) podiatry, nor (2) pharmacy, nor (3) optometry as defined in Section 33 of this title, nor (4) healing by prayer under the conditions set forth in Section 30 of this title.

(c) "To Practice" means to do or attempt to do, or to hold oneself out or to allow oneself to be held out as ready to do, any act enumerated in subsection (b) of this section as constituting a part of the healing art for a fee, gift, reward or in anticipation of any fee, gift or reward whether tangible or intangible.

(d) "The commission" means the commission on licensure to practice the healing art created by these regulations.

(e) "Board" means a board of examiners created by these regulations.

(f) "Drugless healing" means any system of healing that does not resort to the use of drugs, medicine, or operative surgery for the prevention, relief or cure of any disease.

(g) "School" means any school, college or university.

SECTION 2. *License Required; Terms of License to Be Observed.* No person shall practice the healing art in the Trust Territory who is not (a) licensed so to do, or (b) if exempted, under Sections 29 and 30, then duly registered.

No person shall practice the healing art in the Trust Territory otherwise than in accordance with the terms of his license or of his registration as the case may be.

SECTION 3. *Commission of Licensure; Creation; Establishment of Standards.* There is hereby created a commission on licensure to practice the healing art in the Trust Territory of the Pacific Islands consisting of members appointed by the Deputy High Commissioner, Trust Territory of

the Pacific Islands, as follows: the Educational Administrator, the Head of Department of Public Health, and other members, at least one of whom shall be a doctor of medicine or a doctor of dentistry or a person holding an equivalent learned degree. The commission shall elect a president. The Head of the Department of Public Health shall be the secretary and treasurer of the commission. The Commissioner shall make and from time to time may alter such rules as it deems necessary for the conduct of its business and for the execution and enforcement of the provisions of these regulations.

The commission shall establish minimum standards of preprofessional and professional education in the healing art and may establish minimum standards for hospitals for interne training. It may determine whether preprofessional schools and professional schools attain such standards. It shall keep a record of its investigations and determinations with respect to all schools and hospitals and every school and every hospital attaining the prescribed standards or which had attained such standards during its existence. The commission may redetermine from time to time the standing of any school or hospital and may revise its register accordingly. The commission shall give no credit for any certificate, diploma or degree emanating from any school, and it may refuse to give any credit for any certificate or diploma emanating from any hospital, not duly registered as provided by these regulations: *provided*, that this requirement as to registration shall not apply in the case of persons applying for license on years of practice under the provisions of section 20 of these regulations.

SECTION 4. *Same: To Receive and Record Applications for Licenses; Issuance of Licenses.* The commission shall receive, number consecutively, and record all applications presented in due form for licenses and for registration by the applicant to Deputy High Commissioner, Trust Territory of the Pacific Islands; but such applications may be classified according to their respective purposes and numbered consecutively and registered according to the several classes thus established. If commission finds that an applicant is entitled to a license by virtue of years of practice under Section 20 of these regulations, it shall certify him to the High Commissioner, Trust Territory of the Pacific Islands or his delegated representative, who

shall issue him a license to practice accordingly. If the commission finds that an applicant has submitted satisfactory proof of age, moral character, preprofessional education, professional education, but must be subjected to an examination to determine his professional fitness under Section 8 of these regulations, it shall certify him to the proper examining board or boards for that purpose and upon receipt of a report or reports from any such board or boards, satisfactory to the commission, showing that the applicant has passed such examination or examinations, the commission, being of the opinion that the applicant is in all other respects legally qualified, shall certify him to the High Commissioner, Trust Territory of the Pacific Islands or his delegated representative, who shall issue a license to practice the healing art in the manner described in his application and as authorized by law, in whatever class the commission shall find him qualified to so practice.

SECTION 5. *Same: Power to Appoint and Discharge Examiners, Clerks, etc.: Contract.* With the approval of the Deputy High Commissioner, Trust Territory of the Pacific Islands, the commission may appoint, suspend, and remove such examiners, counsel, clerks, inspectors, and other officers and employees as may be authorized by law. Deputy High Commissioner, Trust Territory of the Pacific Islands, shall provide such quarters, supplies, equipment, and assistants as may be necessary for the work of the commission and the execution and enforcement of the provisions of these regulations.

SECTION 6. *Boards of Examiners; Appointment and Tenure; Qualifications; Rules.* With the approval of the Deputy High Commissioner, Trust Territory of the Pacific Islands, the commission shall appoint boards of examiners as follows: (a) A board of examiners in basic sciences; (b) a board of examiners in medicine and osteopathy; (c) a board of examiners in chiropractic; (d) a board of examiners in dentistry; (e) a board of examiners in nursing; (f) a board of examiners in midwifery; and (g) such other boards of examiners in drugless healing as are necessary under the provisions of the title. The board of examiners shall consist of from three (3) to five (5) members. No examiner shall be appointed for a term longer than three (3) years. The commission shall appoint no person as a member of any such board who is not a citizen of the United States

or Trust Territory or Guam, and in the case of a citizen of Guam or the Trust Territory he shall have been a resident for at least three years immediately preceding his appointment. The commission may appoint as members of such boards persons employed in the services of the Federal Government and of the Governments of Guam and the Trust Territory; and persons so employed may accept such appointment and may receive such compensation for their services as examiners as may be provided by law. A member of any board is not debarred by such membership from employment under the Federal Government or the Governments of the Trust Territory not inconsistent with the discharge of his duties as a member of such board.

Each examining board shall elect a chairman and secretary and may make such rules regarding the discharge of its duties as the commission may approve. Each board shall conduct the examination and make reports as required by law and by the rules of the commission.

Persons desiring to engage in the practice of arts and sciences associated or subsidiary to the medical arts shall be examined by special boards appointed in the manner prescribed above.

SECTION 7. Board of Examiners in Basic Sciences; Qualifications. The three (3) to five (5) members of the board of basic sciences shall be learned respectively or severally in the sciences of anatomy, bacteriology, physiology, chemistry, pathology, and hygiene. When directed by the commission the board shall conduct examinations of applicants for licensure in the healing arts, except dentistry, in the afore-mentioned sciences to determine whether such applicants have or have not sufficient knowledge of those sciences to understand and to apply such sciences in the study and practice of the healing art.

SECTION 8. Applicants To Be Examined by Board of Examiners in Basic Sciences; Acceptance of Examination by State Board; Certification to Other Boards. The commission shall refer to the board of examiners in the basic sciences every applicant for a license to practice the healing art, except dentistry in the Trust Territory and except those entitled to practice the healing art in the Trust Territory by virtue of years of practice for determination of the applicant's ability to understand and to apply the sciences of anatomy, bacteriology, physiology, chemistry,

pathology, and hygiene to the study and practice of the healing art. The board of examiners in the basic sciences may examine any applicant referred to it, and it may accept in lieu of examination proof that the applicant has passed, before a board of examiners in the basic sciences, by whatsoever name it may be known, or before any examining or licensing board in the healing art as that art is hereinbefore defined, of any State, Territory, or other jurisdiction under the United States, or of any foreign country, and examination in anatomy, bacteriology, physiology, chemistry, pathology, and hygiene, as comprehensive and as exhaustive as that required in the Trust Territory under the authority of these regulations. The board of examiners in basic sciences shall report its findings to the commission. An applicant who is reported by the board as qualified in the sciences of anatomy, bacteriology, physiology, chemistry, pathology, and hygiene, but who is not entitled to a license to practice the healing art without examination, shall be certified by the commission to the board of examiners in medicine and osteopathy, or to the board of examiners in chiropractic, or to a board of examiners in drugless healing, as the case may be, for determination of his professional fitness. An applicant who is reported by the board as qualified in said sciences and who is entitled to a license by reciprocity without examination shall thereupon be certified by the commission to the High Commissioner, Trust Territory of the Pacific Islands, or his delegated representative, who shall issue such license. The High Commissioner, Trust Territory of the Pacific Islands, or his delegated representative, shall issue no license to practice the healing art, except dentistry, to any person who has not been reported by the board of examiners in basic sciences as qualified in the sciences of anatomy, bacteriology, physiology, chemistry, pathology, and hygiene except to such persons as are entitled to practice medicine and surgery by virtue of years of practice as set forth in Section 20 of these regulations.

SECTION 9. Board of Examiners in Medicine and Osteopathy to Be Appointed by the Commission With the Approval of the Deputy High Commissioner, Trust Territory of the Pacific Islands; Duties and Qualifications. With approval of the Deputy High Commissioner, Trust Territory of the Pacific Islands, the commission shall appoint

as members of the board of examiners in medicine and osteopathy persons who have been graduated with the degree of doctor of medicine, doctor of osteopathy, or doctor of osteopathy and surgery, or some equivalent degree, by a school registered under these regulations and who have taught or practiced medicine and surgery or osteopathy for not less than five consecutive years.

The board of examiners in medicine and osteopathy shall consist of three practitioners of medicine and surgery, one of whom may be an osteopath. The degrees of doctor of medicine and doctor of osteopathy and surgery shall be accorded the same rights and privileges under governmental regulations. They shall examine into the qualifications of all persons referred to them who desire to practice medicine and osteopathy. The questions propounded to such applicants shall be identical in every respect; with the exception of questions in the practice of medicine and practice of osteopathy which shall be propounded to applicants of these respective schools only, as the case may be, and the replies shall be examined and graded by the members of the board representing such schools of practice.

The board of examiners in medicine and osteopathy shall certify to the commission applicants whom they have found qualified to be licensed to practice medicine and surgery or osteopathy and surgery or as medical practitioners, as the case may be.

SECTION 10. *Applications to Be Referred to Examiners in Medicine and Osteopathy.* The commission shall refer to the board of examiners in medicine and osteopathy every applicant for a license to practice the healing art who does not intend and in his application agree to limit his practice to some named drugless method of healing and who is not entitled to a license without examination: provided, that no applicant shall be certified to the board of examiners in medicine and osteopathy for examination who has not been reported by the board of examiners in the basic sciences as qualified in the sciences of anatomy, bacteriology, physiology, chemistry, pathology, and hygiene.

SECTION 11. *Medical Practitioners; Examination.* The commission shall refer to the board of examiners in medicine and osteopathy every graduate of the United States Naval School of Medical Practitioners, Guam, Mariana Islands, who

agrees in his application for licensure to limit his practice to general medicine, minor surgery, and normal parturition except in emergency or under the direct supervision of a licensed doctor of medicine. No such applicant shall be certified to the board of examiners in medicine and osteopathy for examination who has not been reported by the board of examiners in the basic sciences as qualified in the sciences of anatomy, bacteriology, physiology, chemistry, pathology, and hygiene.

SECTION 12. *Applications of Drugless Healers and Chiropractics to Be Referred to Appropriate Board of Examiners.* The commission shall refer to an appropriate board of examiners in drugless healing every applicant for a license to practice the healing art according to any method of drugless healing and/or chiropractic defined by the commission, who intends and in his application agrees to limit his practice to the system so defined, for determination of the applicant's fitness so to practice, and who is not entitled to a license to practice without examination: provided, that no applicant shall be certified to any board of examiners in drugless healing and/or chiropractics who has not been reported by the board of examiners in the basic sciences as qualified in the sciences of anatomy, physiology, chemistry, bacteriology, pathology, and hygiene.

SECTION 13. *Dentistry Defined; Examining Board in Dentistry.* (a) A person practices dentistry within the meaning of these regulations who holds himself out as being able to diagnose, treat, operate, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaws, and who shall either offer to undertake by any means or method to diagnose, treat, operate, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the same; or who, except on the written prescription of a duly licensed and registered dentist and by the use of impressions of casts made by a duly licensed and registered dentist, shall directly or indirectly by mail, carrier, personal agent, or by any other method, furnish, supply, construct, reproduce, or repair prosthetic dentures, bridges, appliances, or other structures to be used and worn as substitutes for natural teeth; or who shall place such substitutes in the mouth and/or adjust the same; or who owns, maintains, or operates an office for the practice of dentistry;

or who in any way engages in the practice of dentistry as defined above.

(b) A board of dental examiners shall be appointed by the commission when necessary in accordance with the provisions of Section 6 of these regulations. When satisfied that an applicant is qualified under the provisions of Section 22 of these regulations, the commission shall refer each applicant for a license to practice dentistry in the Trust Territory to the board of dental examiners except those entitled to a license without examination or by reciprocity as provided under Sections 20 and 21 of these regulations. The board shall examine all persons referred by the commission. Examinations shall be both written and practical, covering all phases of dentistry as taught in dental colleges registered by the commission as provided in Section three (3) of these regulations. The board of examiners in dentistry shall certify to the commission applicants whom they have found qualified to be licensed to practice dentistry.

(c) No person or association of persons, other than duly licensed dentists, and no corporation may practice dentistry in the Trust Territory or furnish dentists or dental services or advertise or assume the title of dentists or dental surgeon for financial gain.

SECTION 14. Board of Examiners in Midwifery; Appointment; Reference of Applicants to Board. The commission may appoint, from time to time, as it deems expedient, a board of examiners in midwifery, consisting of not less than three and not more than five persons, who have practiced the healing art in the Trust Territory, or in a State or Territory of the United States for not less than 3 years immediately preceding their respective appointments under authority of licenses authorizing them so to practice or as a medical officer in the service of one of the branches of the Armed Forces of the United States. Appointments to such boards shall be made for such terms as the commission deems proper. With approval of the Deputy High Commissioner, Trust Territory of the Pacific Islands, the commission may abolish any such board at any time. The commission shall refer to a board of examiners in midwifery every applicant for a license to practice midwifery who intends and in her application agrees to limit her practice to the care of women during normal pregnancy and parturition, insofar as the licentiate is able to determine whether pregnancy and parturi-

tion are normal in any particular case, for determination of the applicant's fitness so to practice, and who is not entitled to a license without examination by virtue of an outstanding license to practice midwifery in the Trust Territory or on Guam, Marianna Islands, in force on 1 June 1946.

SECTION 15. Examinations; Time of Holding; Notice; Publication. Examinations shall be held by the respective boards of examiners in each branch of the healing art at such times as the commission may by rule or by special order determine. Examinations shall be held by the board of examiners in the basic sciences at such times as the commission may by rule or by special order determine, having due relation to the dates of the examinations held by the board of examiners in medicine and osteopathy, board of chiropractic, and the boards of examiners in drugless healing. The commission shall publish notice of the time and place of each examination and of other pertinent information concerning it, not less than 90 days before the first day of each examination.

SECTION 16. Examinations. All applicants examined by the board of examiners in the basic sciences shall be subject to the same examination and rated on the same scale as nearly as possible. As a guide for determining whether an applicant has or has not passed, the commission shall fix by rule a uniform standard for all applicants. All examinations shall conform as nearly as may be to a uniform standard, to the end that every licensed practitioner of the healing arts in the Trust Territory may conform so far as may be possible to a single uniform standard of professional fitness.

SECTION 17. Method of Conduct of Examinations; Reports of Boards. The Deputy High Commissioner, Trust Territory of the Pacific Islands, shall provide the place or places and all necessary facilities for examinations, including such supervisors or proctors as the commission deems necessary. Each examining board shall, as speedily as possible, examine all applicants referred to it and report its findings to the commission. Each board shall report to the commission the results of the clinical and laboratory tests and of the oral examination, if any, to which the examinee has been subjected. The written and the oral examination and the clinical and the laboratory tests shall each be rated on a basis of 100, and the reports of the several boards of examiners shall be made accordingly.

SECTION 18. *Commission to Certify for Licensure Based on Reports of Boards; Retention of Examination Papers; Papers Open to Inspection.* The Commission shall carefully consider the reports of the board of examiners in the basic sciences and of the examining board by which any applicant has been examined, purporting to show the qualifications of the applicant. If the commission is satisfied that the applicant is qualified to practice in accordance with law and within the limits fixed by this application, the commission shall certify him to the Deputy High Commissioner, Trust Territory of the Pacific Islands, who shall issue a license attesting that fact and authorizing him so to practice in whatever class of practice the commission has found him qualified, so long as that license is not suspended or revoked. All reports of examining boards and all questions to and answers by applicants in written examinations shall be open to inspection by any person who shows to the satisfaction of the commission that he has some proper interest in them. All examination papers shall be preserved by the commission for a period of not less than two years. The Deputy High Commissioner, Trust Territory of the Pacific Islands, shall record all licenses in a book kept for that purpose, which shall be numbered, except that licenses of different classes may be numbered and recorded in separate series. Licenses shall show on their faces the class of practice for which they are issued.

SECTION 19. *Application for Licenses to Be Filed with the Deputy High Commissioner, Trust Territory of the Pacific Islands; Contents by Applications; Fees, Refunds.* Any person desiring to practice the healing art in the Trust Territory shall apply to the Deputy High Commissioner, Trust Territory of the Pacific Islands, in writing for authority to do so. The application shall be in such form and accompanied by such evidence of the qualifications of the applicant as the commission requires. Each application shall show whether the applicant seeks a license (1) on the basis of a license to practice the healing art in the Trust Territory, under Sections 4 and 8 of these regulations, (2) on the basis of years of practice, under Section 20, (3) on the basis of reciprocity, under section 21, or (4) on the basis of examination under Section 22. Each application shall be accompanied by a fee designated by the Deputy High Commissioner, Trust

Territory of the Pacific Islands, who for adequate cause may refund to an applicant any or all of the fee paid by him, prior to the reference of his application to an examining board for consideration, or thereafter if the applicant is by reason of sickness or other adequate cause prevented from entering the examination. An applicant for a license by reciprocity who fails to establish his right to such a license, and an applicant for registration as a person exempted from examination who fails to establish his right to such registration shall forfeit his fee.

SECTION 20. *Licensure in Medicine, Surgery, Dentistry, Midwifery or Nursing on the Basis of Previous Practice.* Every person permitted to practice medicine, surgery, dentistry or midwifery in the Trust Territory prior to the enactment of these regulations, who desires to continue so to practice after 1 July 1948 shall apply for a license so to do. As soon as practicable after 1 January 1948 the commission shall by publication give notice of this requirement. Applications for such licensing shall be made within 90 days after the publication of such notice. A licentiate who within the time thus limited applies for licensing may continue to practice until the commission has acted on his application and granted to him a new license, if he be entitled thereto. A licentiate who fails to make application for licensing within the time thus limited, but who later makes such application, shall not practice until after a license, if the commission finds him entitled thereto, has been issued him. Every license issued under the provisions of this section shall show whether the licentiate was licensed in the first instance on the basis of a diploma and of registration without examination, or on the basis of examination, and shall show the date of such original registration, if they be any, and of such original license.

Any person who presents evidence satisfactory to the commission that he or she had satisfactory professional education and has in fact engaged in the practice of medicine, surgery, dentistry, or midwifery in the Trust Territory prior to 1 June 1946 shall be certified by the commission for licensure to practice as qualified and the Deputy High Commissioner, Trust Territory of the Pacific Islands, who may issue the appropriate license. A license issued in any such case shall show that it

was issued on the basis of years of practice and not on the basis of examination.

SECTION 21. *Reciprocity with Other States and Foreign Countries.* An applicant who desires to obtain a license without examination, by virtue of a license issued to him by a State, Territory, or other jurisdiction forming a part of the United States, or by a foreign country, shall submit proof, satisfactory to the commission, that he is not less than 21 years of age and is of good moral character; that he was licensed to practice the healing art in the jurisdiction whence he comes under conditions that would have enabled him to obtain a license to practice the healing art in the Trust Territory under the provisions of these regulations were they then in force; that he is qualified in the basic sciences as provided in Section 8 of these regulations; that he practiced the healing art under authority of said license for not less than two consecutive years immediately preceding the date of his application, and that he intends, if licensed by the commission, to practice in the Trust Territory. When the commission is satisfied as to the qualifications of the applicant as aforesaid, the commission shall certify the applicant to the Deputy High Commissioner, Trust Territory of the Pacific Islands, who may issue a license to practice corresponding in scope as nearly as may be to the license issued to him by the jurisdiction whence he comes, provided that an applicant who has been examined under authority of the commission and who has failed, shall not thereafter be licensed by virtue of reciprocity with another jurisdiction.

SECTION 22. *Evidence to Be Submitted with Application.* Each applicant for a license to practice the healing arts, to be issued after examination, shall submit with his application proof satisfactory to the commission that he is not less than 21 years of age; that he is of good moral character; that he has been graduated by a school registered under these regulations and/or acceptable to the commission with a degree or certification in that branch of the healing arts for which he is making application for licensure in the Trust Territory of the Pacific Islands: *provided further*, that those applicants for licensure as doctor of medicine, or doctor of osteopathy, must in addition to proof of their graduation from a school registered under these regulations and/or acceptable to the commission, submit further proof that

they have had not less than 1 year of training in a hospital registered and/or acceptable to the commission under these regulations.

An applicant for a license to practice midwifery shall submit proof satisfactory to the commission that she has had the requisite period of training in a school registered under these regulations and/or acceptable to the commission and in addition proof of attendance at not less than 25 cases of labor.

SECTION 23. *Suspension, Revocation, or Annulment of License.* The license or certificate of registration of any licensed or registered practitioner of the healing art in the Trust Territory of the Pacific Islands may be revoked, suspended, or annulled, or such practitioner may be reprimanded or otherwise disciplined after due notice and hearing, and on the recommendation of the examining board representing the branch of the healing arts practiced by such practitioner, for any of the cases listed in this section. Proceedings relative to revocation, suspension, or annulment of a license or certificate or registration or toward disciplinary action shall be begun by the filing of written charges verified by affidavit. The Deputy High Commissioner, Trust Territory of the Pacific Islands, may upon his own motion and shall upon the verified complaint in writing of any person, provided such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith shall make a *prima facie* case, investigate or cause to be investigated by the examining board representing the branch of the healing arts practiced by the practitioner, actions of any person holding or claiming to hold a certificate. Before suspending or revoking any license or certificate the Deputy High Commissioner, Trust Territory of the Pacific Islands, shall issue a citation notifying the registrant of the time and place when and where a hearing of the charges shall be had. Such citation shall contain a statement of the charges or shall be accompanied by a copy of the written complaint if such complaint shall have been filed. Such citation shall be served on the registrant at least 30 days prior to the date therein set for the hearing. At the time and place fixed in such citation, the examining board shall proceed to a hearing of the charges and both the registrant and the complainant shall be accorded ample opportunity to present, in person or by counsel, such statements, testimony, evidence, and argument as

may be pertinent to the charges or to any defense thereto. The practitioner against whom a charge is filed may appear in person or by counsel, or both, may produce witnesses and evidence in his behalf, and may question witnesses. The examining board may subpoena witnesses and papers in his behalf, may administer oaths, may compel the testimony of witnesses and may examine witnesses. It may issue commissions to take testimony, and testimony so taken and sworn to shall be admissible in evidence for and against the practitioner. The Deputy High Commissioner, Trust Territory of the Pacific Islands, shall, upon request, furnish legal assistance to the examining board. If the board, by a majority vote of its members, shall find the practitioner guilty of any of the charges preferred against him, it may, in its discretion, by written notice to the practitioner, reprimand or otherwise discipline him or it may recommend to the Deputy High Commissioner, Trust Territory of the Pacific Islands, in writing, that the license or certificate or registration of the practitioner be revoked or that it be suspended for a period of time to be set out in the recommendation. If the practitioner shall be found not guilty, the board shall order a dismissal of the charges. Upon receipt of a recommendation, as herein provided, that a license or certificate of registration be revoked or that it be suspended, the Deputy High Commissioner, Trust Territory of the Pacific Islands, may issue a revocation or suspending order, as the case may be, in compliance with such recommendations.

The causes for which a license or certificate of registration may be revoked, suspended, or annulled or for which a practitioner may be reprimanded or otherwise disciplined are as follows:

(a) Conviction in a court of competent jurisdiction, either within or without the Trust Territory, or any crime involving moral turpitude, of any infamous crime, or any crime in the practice of his profession.

(b) Immoral, fraudulent, dishonorable, or unprofessional conduct.

(c) Illegal, incompetent, or habitually negligent conduct in the practice of healing arts.

(d) Habitual intemperance in the use of spirituous stimulants or addiction to the use of morphine, cocaine, or other habit-forming drugs. Advertising in connection with the practice of healing arts which is found by the board represent-

ing the branch of the healing arts practiced by the practitioner to be deceptive, misleading, extravagant, improbable, or untrue.

(e) Aiding or abetting the unlawful practice of any branch of the healing arts.

(f) Failure to record a license or certificate or registration as required by law.

(g) Insanity of the practitioner.

(h) Fraud or deception in obtaining a license or certificate of registration.

The clerk of any court in the Trust Territory in which a person practicing any branch of the healing arts shall have been convicted of any crime as described in this section shall, immediately after such conviction, transmit a written report thereof, in duplicate, to the Deputy High Commissioner, Trust Territory of the Pacific Islands, containing the name and address of the practitioner, the crime of which he was convicted, the date of conviction, and the branch of the healing arts practiced by such practitioner, designating the examining board representing the branch of healing arts practiced by such person, the written charge being accompanied by a copy of the report of the clerk of court.

Appeal. Any person who shall consider himself aggrieved by the finding of such board may, within 30 days after written notice thereof from such board or from said department, appeal to the Deputy High Commissioner, Trust Territory of the Pacific Islands, who may grant such relief as may be deemed fit and proper. Such appeal shall not act as a supersedure of such finding or order unless so ordered either by such board or by the Deputy High Commissioner.

Restoration of License. If the judgment against any practitioner convicted in a court as specified in paragraph (1) shall be subsequently reversed upon appeal, the board which recommended revocation or suspension of the license or certificate of registration of such person shall, upon receipt of a certified copy of the judgment or order of reversal, re-certify such person in the right to practice, and the Deputy High Commissioner, Trust Territory of the Pacific Islands, upon written notice from such board that such right to practice has been restored, shall annul or vacate any order which revoked the license or certificate of registration of such practitioner because of such conviction and shall publish notice to the fact of such order or reversal and restoration of the right to practice

and shall reissue the proper license or certificate to practice as the case may be.

SECTION 24. *Premature Disclosure of Examination; False Impersonation of Licensee Prohibited.* No person shall disclose, directly or indirectly, to an applicant for a license, in advance of any examination or test to which the applicant is to be subjected, any question to be propounded to the applicant or any test to which he is to be subjected. No applicant for a certificate, license, or registration under these regulations, and no other person whosoever shall procure or undertake to procure any such disclosure. No person licensed or registered under these regulations shall allow any other person to impersonate him in connection with practice under any license or registration. No person shall impersonate a person licensed or registered under these regulations in connection with the practice of the healing art under such license or registration.

SECTION 25. *Altering or Forging Diploma or Seal of the Deputy High Commissioner, Trust Territory of the Pacific Islands.* No person shall alter or forge, or attempt to alter or forge, any diploma or other evidence of graduation in the healing art, or any certificate or evidence of any kind, with the intent that it shall be used to evade the provisions of these regulations.

No person shall alter or forge, or attempt to alter or forge, any license or evidence of registration, or counterfeit the seal of the Deputy High Commissioner, Trust Territory of the Pacific Islands, or make any counterfeit impressions of that seal.

SECTION 26. *Unfair Rating of Applicants Prohibited.* No person having any office or duty to perform with respect to the licensing or registration of applicants for licenses and for registration under the provisions of these regulations shall knowingly rate unfairly or give any unauthorized advantage to, or impose any unfair disadvantages on, any such applicant.

SECTION 27. *False Swearing to be Perjury.* Any person who swears or affirms to the trust of any matter or opinion that he knows to be false, for the purpose of evading, hindering, or impeding the purposes of these regulations is guilty of perjury. Any person who swears or affirms falsely, outside of the Trust Territory, if his oath or affirmation be delivered to the commission in said Trust Territory, shall be guilty of perjury,

in said Trust Territory and shall be tried and punished under the laws thereof.

SECTION 28. *License May Be Refused for Cause; Procedure; Attendance of Witnesses Before Commission; Review by Deputy High Commissioner, Trust Territory of the Pacific Islands.* The commission may refuse to certify any person for any cause that in the judgment of the commission would, under the provisions of Section 23, authorize suspension or revocation of a license or registration, if issued or granted. Before the commission refuses to certify any applicant for any cause under the provisions of the section, it shall give that applicant an opportunity to be heard in person or by attorney, and to produce witnesses on his behalf. Witnesses may be produced on behalf of the commission and on behalf of any interested person. The attendance and testimony of witnesses may be compelled by subpoenas issued by the Deputy High Commissioner, Trust Territory of the Pacific Islands and said court is hereby authorized to issue and to enforce such subpoenas, on petition of the commission. Any person failing or refusing, without just cause, to appear and testify in response to any such subpoena, or in any way obstructing the course of any hearing to which he has been subpoenaed, is guilty of contempt of court and may be punished as other persons guilty of contempt of court are punished. Any member of the commission may administer oaths at any such hearing. On the petition of any applicant to whom a license or registration has been denied by the commission by virtue of this section, the action of the commission may be reviewed by the Deputy High Commissioner, Trust Territory of the Pacific Islands, on a writ of certiorari.

SECTION 29. *Exemptions from Operation of Licenses Laws: Officers of Federal Government; Consultants; Treatment of Specified Patients.* The provisions of these regulations forbidding the practice of the healing art without a license shall not apply (a) to commissioned surgeons or dentists of the United States Army, Navy or Public Health Service, or to medical or dental officers in any other branch of the Federal Government whatsoever, in the discharge of their official duties; nor (b) to practitioners of the healing art duly licensed to practice their respective calling in States or Territories or in jurisdictions under the control of the Federal Government, or in foreign coun-

tries, and actually called from such States, Territories, jurisdictions or countries, in consultation, to visit specified patients in the Trust Territory or to give demonstrations or clinics under the auspices and for the members of an organization made up of licensed practitioners of the healing art in the Trust Territory, nor (c) to practitioners licensed to practice their respective callings in States and Territories, and in other jurisdictions forming a part of the United States, or in foreign countries, and called from such States, Territories, jurisdictions, or countries to visit, on their own behalf and not in consultation, specified patients in the Trust Territory nor (d) medical and dental employees of federal contractors in the discharge of their official duties: *provided*, that all practitioners, of Federal contractors shall register with the Deputy High Commissioner, Trust Territory of the Pacific Islands in such manner as the commission may prescribe. The Deputy High Commissioner, Trust Territory of the Pacific Islands shall enter the name of the applicant in a register kept for that purpose and shall issue to the applicant a certificate in evidence of such registration. No provision of the section shall be interpreted as allowing any practitioner of the healing art described in this section to practice in the Trust Territory other than in the discharge of his official duties unless he be duly licensed so to practice in accordance with the provisions of these regulations.

SECTION 30. *Same; Emergency Cases; Massage, Dietetics, or Hygienic Measures, X-Ray or Laboratory Technicians; Prayer or Spiritual Treatment; Sale, etc., of Drugs.* The provisions of these regulations shall not be construed to apply to (a) the treatment of any case of actual emergency if without charge or compensation; or (b) to the practice of massage, or dietetics, or the use of hygienic measures, for the relief of disease or to the practice of any other form of physiotherapy for the relief of disease or to the practice of X-Ray or laboratory technicians under the direction of a person licensed to practice the healing or dental art in the Trust Territory; or (c) to the use of ordinary hygienic, dietetic, or domestic remedies: *provided*, that such use is not in violation of the provisions of Sections 1 and 2; or (d) to persons treating human ailments by prayer or spiritual means, as an exercise of enjoyment of religious

freedom: *provided*, that the laws, rules, and regulations relating to communicable disease and sanitary matters are not violated; or (e) to the sale, manufacture, or advertising of drugs and medicines: *provided*, that the vendor, maker or advertiser, refrains from any attempt to diagnose: *provided*, that it shall not be necessary to negate any of the aforesaid exemptions in any prosecution brought under these regulations, but the burden of proof of any such exemption shall be on the defendant.

SECTION 31. *Funds to Be Paid to Collector of Taxes; Payment of Expenses.* All money payable under the provisions of these regulations shall be paid to the Deputy High Commissioner, Trust Territory of the Pacific Islands.

SECTION 32. *Enforcement; Practice Without a License; Penalty.* Criminal prosecution shall be conducted by the Deputy High Commissioner, Trust Territory of the Pacific Islands. Any person who shall practice the healing arts in any of its branches or shall treat human ailments by any system whatsoever or shall practice midwifery without a valid existing license under these regulations so to do shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or by confinement in jail or by both such fine and imprisonment in the discretion of the court.

SECTION 33. *Definitions.* (a) Podiatry in the meaning of these regulations is defined as the care of the human foot limited to massage, therapeutic baths, manicuring, removal of superficial keratin but excludes medical, surgical, or mechanical manipulations, electrical treatments of ailments of the human foot, amputations of the foot or toes and administration of anesthetics.

(b) Pharmacy in the meaning of these regulations is defined as the art of compounding prescriptions of licensed practitioners of the healing art and dispensing drugs, medicines, and poisons.

(c) The practice of nursing in the meaning of these regulations is defined as follows: a person practices nursing within the meaning of this article who for compensation or personal profit (1) performs any professional service requiring the application of principles of nursing based on biological, physical, and social sciences, such as responsible supervision of a patient requiring skill in observation of symptoms.

**TRUST TERRITORY HEALTH DEPARTMENT
ORDER NO. 1-51**

SUBJECT: HANSEN'S DISEASE; REGULATIONS REGARDING CARE AND DISPOSITION OF PATIENTS

1. Hansen's Disease is a chronic infectious and communicable disease, the etiologic agent of which is *Mycobacterium Leprae*. This disease is not hereditary but is acquired after birth. Children under fifteen (15) years of age are most susceptible to this disease.

2. The source of infection is the discharge of open lesions from infectious persons who are bacteriologically positive. The mode of transmission is by intimate and usually prolonged contact with infected individuals who are found to be bacteriologically positive. Patients with demonstrable organisms in skin or mucous membrane smears are potentially open cases even if definite ulceration is not present.

3. Methods of control consist in preventive measures, early recognition and isolation of the infectious cases, and treatment of bacteriologically positive individuals. To prevent the spread of this disease, provide adequate treatment for the infected and safeguard the uninfected individuals of a family, village or island, the following regulations shall be placed in effect and enforced by Civil Administrators and Public Health Medical Officers of the Trust Territory.

a. The Civil Administration Medical Officer shall be responsible for maintaining supervision over all individuals known to have leprosy residing within his district. Such individuals will be brought to his attention by the screening team on U. S. S. *Whidbey* and Medical Field Teams as well as by the screening program of each Civil Administration Medical Department.

b. Individuals found to be bacteriologically positive shall be isolated at the Trust Territory Leprosarium on Tinian Island, and treated by sustained use of appropriate chemotherapeutic or antibiotic agents under the personal direction of the medical officer.

c. Patients who are found to be bacteriologically negative on monthly examinations over a period of 6 months and after adequate treatment may be released from the Tinian Hospital and returned to their native village when certified as noninfectious by a board composed of three medical officers appointed by the Director of Public Health,

upon request to the Medical Officer in Charge, Tinian Leprosarium. They shall be examined every 6 months thereafter to insure that there has been no return of the arrested disease. For this purpose known paroled lepers shall be brought to their respective Civil Administration Dispensaries for a sufficient length of time to be given a thorough physical examination and repeated smear studies of any latent lesions, however inactive they may appear clinically. Medical Field Teams may perform this function when their services are available at the appropriate time on a given atoll. Reports of all such postparole screening shall be made to Director, Public Health, Trust Territory and Assistant Director, Public Health.

(1) Preparole examinations shall consist of monthly smears made by razor blade or scalpel technique from the edges of the macules or from nodules. Multiple smears will be made from different lesions at each examination.

(2) In the event skin smears are negative an aspiration of nodules shall be done and the aspirated material examined microscopically. Skin biopsy may be necessary when other diagnostic methods fail to establish the infectiousness of a given case.

(3) The above examinations shall be made monthly over at least a 6-month period and each examination must be negative in order for a patient to be considered as arrested. One positive finding by whatever technique shall nullify the study and shall result in a finding of "bacteriologically positive."

d. Infants born of bacteriologically positive parents shall be separated from the parents at birth. If only one parent is positive the infant may be retained by the other, but if both are positive then the infant must be placed in a foster home or with a healthy member of the family until such time as the parents have been certified arrested.

e. Bacteriologically negative tuberculoid cases, as confirmed in each case by repeated aspiration smears, shall be treated at Civil Administration dispensaries or on the home atoll if facilities are present.

f. Bacteriologically positive patients shall be treated as infectious and they shall not be allowed to travel at will, but shall be isolated from healthy members of the community except for infrequent and short visits by members of the family.

4. Civil Administrators and all Medical Officers of the Trust Territory shall familiarize themselves with the foregoing regulations.

**TRUST TERRITORY HEALTH DEPARTMENT
ORDER NO. 2-51**

SUBJECT: PUBLIC HEALTH DEPARTMENT EMPLOYEES; PAY AND ALLOWANCES FOR

Indigenous professional employees of the Trust Territory Public Health Department shall be employed in the following grades at not less than the minimum monthly salaries shown below:

Pay schedules

Grade	Title	Minimum monthly salary
1	Medical practitioner-----	\$100
2	Dental practitioner-----	100
3	Medical assistant, field-----	¹ 50
4	Dental assistant, field-----	¹ 50
5	Medical assistant, intern-----	¹ 35
6	Dental assistant, intern-----	¹ 35
7	Nurse, graduate-----	50
8	Dental assistant, prosthesis-----	40
9	Dental aid-----	40
10	Nurse aid or health aid-----	25
11	Nurse aid, field or health aid, field-----	15
12	Nurse aid, training or health aid, training-----	¹ 10
13	Dental aid, training-----	¹ 15

¹ Plus subsistence.

The foregoing pay schedules are minimums in each grade. Subsistence as indicated will include room and board and will be an integral part of the remuneration for the job. Board will be at least the equivalent of that provided patients or in established indigenous messes. Rates 3, 4, 5, and 6 are training rates and it is not expected that incumbents will be retained in them over 1 year, therefore, in grade pay advances should not be granted for these grades. In grade increases from all other minimum scales should be granted in recognition of efficiency or length of service.

Graduates of the Schools of Medical Assistants and Dental Assistants, Guam, or the Central Medical School, Fiji, will serve 2 years after graduation as medical assistants, or dental assistants in Trust Territory hospitals or dispensaries, or in other approved intern service, before being

licensed to practice as medical or dental practitioners in the Trust Territory. Normally the first year internship after graduation will be served in a Trust Territory hospital or dispensary as medical assistant, intern, or dental assistant, intern, and the second year served in the field grade.

Recognizing that living costs may vary widely from one District of the Trust Territory to another, District Administrators may, with the prior approval of the High Commissioner, grant an additional cost of living allowance to Public Health Department employees. The cost of living allowance recommended must apply equally to all such employees and must be established as a percentage increase of the minimum pay schedules established herein. In recommending cost of living allowances, differentiation must be made between those rates receiving subsistence as partial remuneration and those not receiving subsistence.

DEFINITION OF RATES

1. *Medical Practitioner.* A graduate of a school of medicine approved by the High Commissioner, or of at least equivalent training, who has satisfactorily completed 2 years postgraduate service in a Trust Territory hospital or dispensary or other approved hospital, and who has been licensed by the High Commissioner to practice medicine in the Trust Territory.

2. *Dental Practitioner.* A graduate of a school of dentistry approved by the High Commissioner, or of at least equivalent training, who has satisfactorily completed two (2) years postgraduate service in a Trust Territory dental clinic, or other approved dental clinic, and who has been licensed by the High Commissioner to practice dentistry in the Trust Territory.

3. *Medical Assistant, Field.* A graduate of a school of medicine, approved by the High Commissioner, and employed in a Trust Territory hospital or dispensary, who has satisfactorily completed 1 year's service in a Trust Territory hospital or dispensary as a medical assistant, intern.

4. *Dental Assistant, Field.* A graduate of a school of dentistry, approved by the High Commissioner, and employed in a Trust Territory hospital, dispensary, or dental clinic, who has satisfactorily completed 1 year's service in a Trust Territory dental clinic as a dental assistant, intern.

5. *Medical Assistant, Intern.* A graduate of a school of medicine, approved by the High Commissioner, who is serving his first year of post-graduate service in a Trust Territory hospital or dispensary.

6. *Dental Assistant, Intern.* A graduate of a school of dentistry, approved by the High Commissioner, who is serving his first year of post-graduate service in a Trust Territory hospital, dispensary or dental clinic.

7. *Nurse, Graduate.* A graduate of the School of Nursing, Guam, or of at least equivalent training, licensed by the High Commissioner to practice nursing, and employed in a Trust Territory hospital, dispensary, dental clinic, or otherwise by the Trust Territory Public Health Department.

8. *Dental Assistant, Prosthesis.* One who has satisfactorily completed a course of training in dental prosthetics and is employed in a Trust Territory dental clinic, hospital, dispensary, or otherwise by the Trust Territory Public Health Department.

9. *Dental Aid.* One who has satisfactorily completed a course of appropriate training and is employed in a Trust Territory dental clinic, hospital or dispensary as a dental aid, or otherwise by the Trust Territory Public Health Department.

10. *Nurse Aid (female) or Health Aid (male).* One who has satisfactorily completed a course of training at, and is employed in, a Trust Territory hospital, dispensary or dental clinic.

11. *Nurse Aid, Field or Health Aid, Field.* A qualified nurse aid or health aid, employed by the Public Health Department at a subdispensary or in the field.

12. *Nurse Aid, Training or Health Aid, Training.* One who is undergoing a course of training at a Trust Territory hospital or dispensary to qualify for the grade of nurse aid or health aid.

13. *Dental Aid, Training.* One who is undergoing a course of training at a Trust Territory hospital, dispensary, or dental clinic to qualify for the grade of dental aid.

WAIVER OF LICENSE REQUIREMENTS

Individuals employed by the Trust Territory Public Health Department at the time of promulgation of this order, who are satisfactorily performing duties described above, or equivalent, but who cannot meet the requirements herein pre-

scribed for such employment, may be certified as qualified for such employment upon written recommendation of the District Director of Public Health approved by the District Administrator, the Director of Public Health and the High Commissioner.

All ordinances, orders, or directives inconsistent with the provisions of this order are hereby repealed, canceled and superseded.

Land and Claims Regulation No. 1 (Amended)

RETURN OF LANDS TO OWNERS

SECTION 1. *Purpose.* The purpose of this regulation is to provide a procedure for effecting the prompt return of public and private lands formerly used, occupied, or controlled by the United States but now no longer required for government purposes. It is the intent of these regulations to return the lands to the owners in the shortest practicable time, consistent with the full protection of the interests of all parties.

SECTION 2. *Procedure, General.* The return of the lands will be carried out by "title officers" appointed by the High Commissioner for each district, which officers will be authorized and empowered to determine land ownership and execute releases of land to the owners.

SECTION 3. *Determination of Land Ownership.* Each title officer is hereby authorized and empowered, by virtue of his appointment, to determine, after due notice and hearing in accordance with this regulation, the ownership of any tract of land in the district for which he is appointed.

SECTION 4. *Release of Land to Owners.* Each title officer is hereby authorized and empowered, by virtue of his appointment, as agent of the High Commissioner, to release to the owner any tract of land determined by proper authority to be no longer required for governmental purposes, and to execute the necessary papers to formalize such release as provided by this regulation.

SECTION 5. *Hearings, Witnesses, Contempts.* Each title officer is authorized and empowered to hold hearings, take testimony under oath, administer oaths to witnesses, subpoena witnesses and order the production of papers and documents, and punish for contempts committed in his

presence. Punishment for contempt is limited to a maximum fine of ten dollars (\$10) and imprisonment for a period not to exceed 5 days or both.

SECTION 6. *Hearings, Notice.* Both public and private notice shall be given of all hearings. Each notice shall contain a statement of time and place of the hearing, a brief but clear description of the land or lands to be considered, the names of the owners of record (if any), the names of all claimants of record, and such other information as the title officer determines to be necessary to give full notice of matters to be considered.

a. *Public notice.* Public notice shall be given by posting in a public place at the Civil Administration headquarters, in the municipality in which the land is located, and, where practicable, on the land to be considered.

b. *Private notice.* Private notice shall be given to all parties of record by delivery of a copy of the notice to the party or to his last known place of residence.

All notices shall be served or posted not less than 10 days prior to the date of the hearing, except where practical considerations make this impossible in which case reasonable notice shall be given to all parties.

SECTION 7. *Hearings, Evidence, Parties.* In conducting the hearings, the title officers shall be guided by, but need not conform to the usual rules of evidence. Title officers shall consider evidence that they believe will be helpful in reaching a just decision. All hearings shall be public, and every person claiming an interest in the land under consideration shall be given an opportunity to be heard.

SECTION 8. *Minors and Incompetents, Representation.* When a title officer finds that any party in interest is a minor or incompetent, he shall immediately appoint a responsible person to represent such minor or incompetent, unless that person is already represented by a person appointed by a court or other proper authority. A representative appointed by a title officer is authorized and empowered to act for the minor or incompetent in all matters pertaining to land return and real property claims arising out of the use or occupation of the land.

SECTION 8.1. *Estates of Deceased Persons; Estates Owned Jointly or in Common; Other Group-owned Estates; Representation by Land Trustees.* a. Where an estate is owned jointly or

in common by the heirs of a deceased owner, or by any other group or association of individuals, the Title Officer may appoint one or more persons to act as trustee or trustees for the group, and such person or persons shall have full authority to act for all members of the group in all matters connected with land return and claims for the use, retention, or occupation of the land. Such trustees shall be known as "Land Trustees," and shall be appointed only where no administrator or executor has been appointed for an estate, or no other responsible person or reasonably small group of persons is authorized to act for a group or association. The Land Trustee, or Trustees, shall act as administrators of lands of deceased persons, and shall take immediate steps to determine the persons interested in the land as heirs or otherwise, and to have the lands distributed according to law or the desires of the true owners, subject to approval of the courts in the event of controversy. The District Court may at any time remove and replace a Land Trustee or, in the case of an estate, appoint an executor or administrator who shall automatically succeed the Land Trustee in all matters affecting the estate. A Land Trustee may not sell or otherwise dispose of the land or any interest therein, except a lease not exceeding one year, except with the approval of all parties having an interest in the land or of the District Court.

b. A Land Trustee may represent the interest of a minor or incompetent who is one of a group of heirs or is a member of a group or association, and such appointment shall not relieve the representative of the minor or incompetent of his responsibility for the protection of the interest of the minor or incompetent in matters involving the handling of the estate by the Land Trustee.

c. All questions of the propriety of the actions of the Land Trustee shall be referred to the appropriate Civil Administration Court. A Land Trustee shall be held accountable for all assets, land, receipts, and disbursements as is a Trustee under the laws of the United States.

d. The term "group" as used in this section includes a clan, family, tribe, or other group owning land or any interest in land.

SECTION 9. *Determination of Ownership, Form.* After hearing all of the evidence and making his findings, the title officer shall publish his determination of ownership in substantially the following form:

I, _____, Title Officer for the _____ District, Trust Territory of the Pacific Islands, after due public notice and private notice to all parties of record, and after public hearings at which all persons claiming an interest in the below described land were given full opportunity to be heard, have determined that the tract of land known as _____

(Name of tract, number) more fully described in Annex A to this determination, and containing the improvements set forth in Annex B to determination, is the property of _____

(List names and interests of each) _____ and I hereby release the said land to the aforesaid owners, giving them the right to immediate possession, and order this determination to be filed in the office of the Clerk of Courts of the _____ District.

Signed this _____ day of _____ 195__.

(Name)

Title Officer.

Filed this _____ day of _____ 195__.

Clerk of Courts for the _____ District.

Copies of the determinations shall be distributed as follows:

Original to owner; executed copies to Clerk of Courts, to title officers file and High Commissioner; certified copy posted in a public place at CIVAD Headquarters; copy to CIVAD file.

SECTION 10. *Determination, Annex A, Description of Land.* The description of land used in determinations of ownership must be the most complete possible with the information available, and must in all cases be sufficient to permit accurate identification of the land covered. It is the responsibility of the title officer to ascertain that the description is complete and accurate.

SECTION 11. *Determination, Annex B, Description of Improvements.* The purpose of the description of improvements is to provide official information for use in determining liability in claims against the United States arising out of the use and occupancy of the land. The descriptions should be clear and accurate and should state the type of improvement, by whom installed, its condition and appraised value to the owner at the time the owner took possession or at the time of the determination of ownership, whichever is earlier. The title officer is responsible for the completeness of this information.

SECTION 12. *Determination of Ownership, Effect.* Unless and until the decision of the title officer is reversed or modified by the District Court or the Court of Appeals, the legal interests of persons designated as owners shall be as shown on the determination of ownership, except that no person can convey better title than he has at the time of the conveyance.

SECTION 13. *Appeal.* Any person who has or claims an interest in the land concerned may appeal from a title officer's determination of ownership to the District Court at any time within one year from the date that the determination is recorded in the office of the Clerk of Courts. The District Court is authorized to set aside, modify, or amend the determination of the title officer. Hearings on appeal may be *de novo* or on the record at the discretion of the District Court. Appeal from the decision of the District Court is permitted as in all civil cases.

SECTION 14. *Claims, Filing, Indexing.* Every person claiming any right, title, or interest in any land that is now, or has in the past been, used or occupied by the United States may file at any time with the land and claims officer, or, in his absence, with the Civil Administrator, a statement of claim, in the form prescribed by the land and claims officer or Civil Administrator. Statements of claim should include the full name and address of the claimant, a summary of the basis of the claim and the amount of damages claimed, original or certified copies of available documentary evidence, affidavits of material witnesses, and all other information that may be of value in processing the claim. The land and claims officer will maintain complete files and indexes on all claims filed. Both land ownership claims and damage claims may be filed but shall be separately filed and indexed. All persons filing claims are entitled to individual notices of all hearings concerning their claims. Failure to give such notice shall be cause for rehearing if such failure is prejudicial to the interests of the claimant. Civil Administrators will provide for public notice of right to file claims and the desirability of filing at an early date.

SECTION 15. *Unlawful Acts, Penalties.* Any person who knowingly prepares, presents or attempts to present as evidence in a hearing before a title officer any deeds, records, or documents which

are false, misleading, or inaccurate, or who by use of false or misleading evidence of any nature obtains or attempts to obtain a determination in favor of himself or another or who conspires to present false, misleading, or inaccurate documents in evidence or to procure a determination of ownership in favor of himself or another shall be guilty of a felony and upon conviction thereof may be fined not more than one thousand dollars

(\$1,000) or imprisoned for a period of not more than 5 years or both.

Land and Claims Regulation No. 2

**PROCEDURE FOR HANDLING DECEDENTS'
ESTATES AND OTHER GROUP-OWNED
LANDS**

(See Land and Claims Regulation No. 1, Sec. 8.1)

PROVISIONAL QUESTIONNAIRE

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B. Status of the Territory and Its Inhabitants:			
STATUS OF THE TERRITORY			
6. What is the basis of the administration in international and domestic constitutional law? Is there any organic law in which the Administering Authority has laid down and defined the status of the Trust Territory? Indicate such changes as have been made in this organic law....	9, 11	16. What cooperation and general relations, if any, have been established with neighboring territories under the control of the Administering Authority and with other territories with regard to political, administrative, economic, scientific, technical, and cultural matters?.....	10, 31
7. What is the nature of the legislative, administrative and judicial systems with particular reference to:		17. What arrangements, if any, have been made to associate or federate the Territory with other territories for customs, fiscal or administrative purposes?.....	11
(a) The nature and composition of legislative organs (or other representative bodies), and executive and judicial organs, especially as far as the participation of the local inhabitants is concerned.....	13, 15, 18, 19	D. International Peace and Security: Maintenance of Law and Order:	
(b) The method of popular representation including electoral qualifications, size of electorate and its proportion of the total population.....	17, 18, 19	INTERNATIONAL PEACE AND SECURITY	
(c) The local government institutions, and the extent to which the Territory has legislative, administrative and budgetary autonomy?.....	17, 18	18. What obligations with respect to the Territory has the Administering Authority undertaken towards the Security Council?.....	12
Define the extent and character of powers of legislative and executive organs and the extent and character of control vested in and exercised by the chief administrative officer and other officers or official organs of the Territory.....	18, 19, 20	MAINTENANCE OF LAW AND ORDER	
STATUS OF THE INHABITANTS			
8. What special national status has been granted to the indigenous inhabitants? What is the legal or current term used to describe this special status and how is this term defined?.....	9	19. What forces are maintained for internal order and what is their organization, method of recruiting, conditions of service, nationality, equipment, and facilities? What is the annual expenditure on the maintenance of internal law and order?	
9. What types, rights and responsibilities of citizenship are conferred upon the inhabitants of both sexes?.....	9		

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What arms and ammunition were imported for local purposes during the year?-----	26	30. What are the methods of trial and of ascertainment of fact used in the disposition of cases?-----	25
20. Have there been any instances of collective violence or disorder which have required the use of police or military forces? What were the causes of such violence or disorders? What action has been taken to remove the causes as well as to deal with the manifestations?-----	24	31. Do courts and tribunals recognize local customary law and, if so, in what cases and under what conditions?-----	24
E. Political Advancement:		32. Are all elements of the population entitled to officiate in the courts and tribunals; for example, as judges, assessors, counsels, or members of the jury?-----	24
GENERAL ADMINISTRATION		33. Does the judicial organization include tribunals exclusively composed of indigenous inhabitants? What powers do they exercise? Can they inflict punishments for which the written law makes no provision? How are their sentences carried out?-----	24
21. What legislative and other steps have been taken during the year to further the political advancement of the Territory, especially towards self-government or independence, in accordance with Article 76 (b) of the Charter?-----	17, 18, 19, 20, 25	34. How has the Administering Authority ensured equal treatment for the nationals of all Members of the United Nations in the administration of justice?-----	23, 24
22. Indicate briefly, by diagram if possible, the structure of the Territorial administration, enumerating the personnel, responsibilities and functions of each branch.-----	15	F. Economic Advancement:	
23. What changes, if any, have taken place during the year in the composition of the staff?-----	15	GENERAL	
24. Explain briefly the suffrage laws and regulations and in detail their application to men and women and to racial groups.-----	17, 18	35. Present a brief statement on the general economic situation of the Territory during the year, with special emphasis on any unusual circumstance—favourable or adverse.-----	29
25. Show in statistical tables, if practicable, to what extent, in what capacities and under what conditions of service the indigenous inhabitants are employed in general administration.-----	53, 86, 87	36. What major economic development programs are in progress or have been inaugurated, completed, or planned during the year? Indicate the scope, method of organization, administration and finance, and the degree and methods of public control. What is the proportion of private and public capital available for investment in such programs? What is the extent and source of State purchases of capital goods for development?-----	29, 32, 38, 39
26. Explain briefly the various customs regulating behaviour and conditions throughout the indigenous groups and indicate to what extent such customs are recognized by the administration of the Territory. To what extent have they been implemented by the establishment of Native government representatives, councils, judicial organizations, and other measures introduced to assist the people progressively to advance materially and culturally towards self-government or independence as required by the Charter?-----	17, 18, 19, 20, 48, 69	What methods are employed or envisaged to direct or encourage investment in the Territory?-----	29
27. Describe briefly the administrative organization engaged in the various phases of this work and the requirements of knowledge and conditions of training of personnel. Report annually on activities and progress in this special work.-----	15, 16, 17, 18	37. To what extent has the development of natural resources been provided for with a view to promoting the economic progress of the inhabitants in the fields of agriculture, forestry, fisheries, mining, sources of energy, irrigation and in other fields either by the State, by private enterprises or jointly?-----	30, 34
JUDICIAL ORGANIZATION		38. What major surveys, special investigations or research programs relating to economic development, including investment, were in progress, completed, begun or planned during the year? Indicate the general and comparative results thereof.-----	30, 31, 32, 35, 36, 37
28. Describe the judicial organization, both civil and criminal, including the system of appeals. Is there any differentiation on the basis of race or sex? What is the official language of the courts and tribunals? Are other languages (i. e., native dialects) employed in these courts and tribunals?-----	23, 25	39. What, if any, planning or administrative machinery for economic development is in existence (within either the Government of the Territory or the Administering Authority)? What provisions are there for participation by the indigenous inhabitants? To what extent do the appropriate international agencies participate in these programs?-----	29, 30, 32, 34, 35, 39
29. How are the courts and tribunals of the various instances constituted? With respect to the several classes of courts and tribunals, who are eligible for membership and what is the tenure of members? With whom does the power of appointment and removal rest? Do administrative or legislative officials exercise judicial functions and, if so, what functions?-----	23, 24	40. What steps have been taken by the Administering Authority to give effect to the economic equality provisions of Article 76 (d) of the Charter?-----	29

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41. What economic activities are carried out in the Territory by nationals or by corporations and associations of nationals of Members of the United Nations other than the Administering Authority?.....	30	53. What is the general organization of the currency, banking and credit systems of the Territory?.....	44
42. Are there nonindigenous groups which enjoy a special position in any branch of the economy of the Territory? If so, give a description of their position including their legal status.....	30	54. What are the laws and regulations governing the issuance and circulation of currency? What is the backing of the currency? What bank or other agency is authorized to issue currency? Who receives the seigniorage?.....	44
43. What is the general economic policy and objectives of the Administering Authority with regard to the various ethnic groups? Specifically: (a) Are measures being taken or contemplated which are intended to protect economically weaker indigenous groups?.....	39, 40	55. What are the amounts of currency in circulation and of savings and bank deposits? Enumerate the number of banks and the countries of their registration, and give their capital, including agricultural, industrial, and credit banks and cooperative credit societies.....	44
(b) Are steps being taken or projected which are intended to effect a gradual taking over by the indigenous inhabitants of some of the functions of nonindigenous inhabitants in the economy of the Territory?.....	39, 40	56. What banking facilities are available for small depositors and borrowers? Specify interest rates..	44
44. What is the nature and extent of any concessions which may have been granted by the Administering Authority?.....	30	57. What credit facilities have been made available in order to improve production methods and broaden the basis of agricultural and industrial development of the Territory?.....	29, 44
45. What is the legal status of enterprises owned or operated in the Territory by the Administering Authority or its nationals?.....	30	58. What are the rules of exchange, the restrictions for the free transfer of currency, if any and fluctuations in exchange rates which have occurred during the fiscal year under review? Does there exist any official or compulsory rate of exchange between the local currency and the currency of the metropolitan country?.....	44
46. Are national income estimates available? If so, indicate available figures of recent years.....	44		
47. Give brief appraisal of the social consequences of recent economic developments.....	50	TAXATION	
PUBLIC FINANCE, MONEY AND BANKING			
48. Give the principal items of government revenue, distinguishing main sources and with particular reference to grants or loans from the Administering Authority. Give the principal items of government expenditure, with analysis of expenditure on administration (including legislative and judiciary services), social, educational, and economic services.....	43, 44	59. Describe the tax system, tax policy, tax administration and collection, including administrative and judicial rights of appeal. State whether foreign individuals or companies are subject to tax measures other than those applicable to nationals of the Administering Authority.....	45
49. Forward the detailed budget for the current fiscal year, and a similar statement for the last completed year of account. Explain how the public budget is prepared, approved and implemented. Attach a comparative table of the total revenue and expenditure, section by section, for each of the past 5 years.....	43	60. What direct taxes—such as capitation, income, land or house taxes—are imposed? Are the relevant laws applied indiscriminately to all groups of the population?.....	46
50. Has the ordinary and extraordinary expenditure been covered by budgetary revenue or in some other way—either by public loans, or by advances or free grants by the Administering Authority? What terms and conditions are attached to loans and free grants?.....	43	61. Are direct taxes paid individually or collectively? Are they applicable to all indigenous inhabitants, without distinction, or only to able-bodied male adults? Is the rate of taxation the same throughout the Territory or does it vary in different districts? Are taxes paid in kind, labour, or money, and in what proportion? What are the penalties for nonpayment of taxes?.....	46
51. What are the annual and total amounts of advances and grants-in-aid made for special purposes by the Administering Authority to the Territory? To what extent and in what ways have these grants-in-aid been used?.....	43	62. Is compulsory labour exacted in default of the payment of taxes in cash or kind? If so, on what basis is the equivalent calculated? How many individuals fulfilled their tax obligations in this manner during the year?.....	46
52. What is the capital position of the Territory, including loans, debts, and reserves? Attach figures for the last 5 years.....	44	63. Is any portion of this tax handed over to or retained by the tribal authorities or communities? Are any chiefs salaried by the Administration?..	46
		64. Are chiefs and headmen authorized or permitted to exact tribute or other levies in cash or in kind or in labour? If so, is this tribute in addition to the government taxes?.....	46
		65. Are there any indirect taxes in force other than import, export or transit duties? Are internal	

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taxes applicable only to domestically produced goods?-----	45	(b) Import and export licenses and quotas-----	45, 46
		(c) Subsidies—direct or indirect?-----	41
COMMERCE AND TRADE			
66. What international agreements with respect to trade have been entered into by the Administering Authority applying to the Territory during the year and how have these agreements been carried out?-----	41	78. What, if any, measures have been adopted or are considered necessary to protect producers of export commodities from fluctuations in world demand (e. g., establishment of buffer stock, diversification of the Territory's economy, etc.)?--	35
67. Does the Territory form part of a customs union with the metropolitan country or with neighbouring colonies and dependencies of the Administering Authority? If so, how are the customs receipts and expenses divided?-----	41	MONOPOLIES	
68. Are customs agreements with neighbouring territories in effect? If so, what are the principal provisions of such agreements? Are duty rebates or concessions granted?-----	41	79. What is the organization and operation of any fiscal or administrative monopolies which may have been established?-----	30, 44
69. What is the general structure of commercial life in the Territory? If possible, give comparative statistics for undertakings by indigenous and non-indigenous peoples-----	38	80. What private monopolies or private undertakings having in them an element of monopoly operate in the Territory?-----	30, 40
70. What methods have been used to promote external trade in the interest of the indigenous inhabitants?-----	32, 39	In the case of each such private monopoly or private undertaking having in it an element of monopoly:	
71. What are the salient features of the domestic trade of the Territory?-----	39	(a) To what extent is it essential to the initiation of a particular type of desirable economic enterprise in the interest of the inhabitants?-----	40
72. How is the internal distribution of domestic and imported products performed, what is its effectiveness and what improvements in it have been made recently or are contemplated?-----	40	(b) Over what proportion of the total resources, trade, etc., of the Territory was it granted?-----	40
73. What is the scope, organization and operation in foreign and domestic trade of government trading agencies or entities over which the Government exercises effective control? What proportion of total trade, foreign and domestic, of the Territory is controlled by these agencies and entities?-----	32	(c) When and for what period was it granted? On what basis was this period determined?-----	40
74. What corporations operate in the Territory, where are they registered and do they pay any taxes in the Territory? Are any corporations exempted from the payment of taxes or do they receive any special concession in this respect?-----	40	(d) To what individuals or firms was it granted and under what laws or regulations? Are indigenous peoples allowed to participate in monopolies and to what extent?-----	40
75. What are the marketing methods used by export and import industries?-----	39	(e) What is its organization and method of operation?-----	40
76. To what extent have co-operative methods for the marketing of exports been developed by the government?-----	17, 40	(f) What are the conditions of public control under which it operates?-----	30
77. What is the nature of tariff relationships with the metropolitan country and with other countries? In particular, is there preferential treatment accorded to the Territory's imports and exports in relation to the metropolitan area of the Administering Authority, its colonies or other dependencies?-----	41	(g) What measures were taken to ensure that there was no discrimination on grounds of nationality against Members of the United Nations or their nationals?-----	30
What policies have been pursued and what changes have been made during the year with respect to the following trade barriers including any of a discriminatory nature:		LAND AND NATURAL RESOURCES	
(a) Customs duties or other taxes imposed on imports and exports-----	41, 45, 46	81. Give particulars of any geological surveys of the Territory made by the Administering Authority and, if possible, those published by private bodies within recent years-----	30
		82. What measures have been taken for conservation of natural resources, including land and mineral resources, in accordance with sound principles and for the benefit of all the inhabitants of the Territory? Are there any schemes of land reclamation?-----	30, 31
		83. What are the laws and customs affecting land tenure among the indigenous inhabitants? Are they uniform throughout the Territory? To what extent have traditional types of land tenure or inheritance laws impeded the adoption of improved methods of cultivation or soil conservation?-----	33
		84. Explain the laws and conditions of land tenure as they affect the nonindigenous population, including measures for the protection of indigenous inhabitants, the registration and transfer of title and, generally, transactions affecting land-----	33, 34
		85. State whether there is population pressure on the land in any part of the Territory and specify	

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factors which have led to such conditions. What remedial measures are in effect or contemplated?_	34	102. How have diseases of plants and animals been controlled or prevented? Have measures been taken in cooperation with neighbouring territories in this respect?-----	11, 34, 37
86. Under what general conditions does the Administering Authority have powers to acquire land for public purposes? To what extent and for what purposes has such land been acquired during the year?-----	33	103. Do fisheries constitute an important source of supply? Are fish processed and/or exported from the Territory? What measures have been taken for the preservation of fish supplies and their distribution to areas of the Territory distant from the source of supply? Could fisheries be developed appreciably in the future?-----	36
87. What is the area of land held by:		104. What is done or is being contemplated to develop sea food and shell industries and other similar industries among the indigenous inhabitants for their own benefit?-----	36
(a) Indigenous inhabitants (state, if possible, whether held individually or communally)-----	33	105. What types of animal are raised, and for what purposes? Is the quantity and quality of stock a severe problem? If so, what measures have been taken to solve the problem?-----	36, 37
(b) The Government-----	33	106. Does meat processing exist in the Territory? What measures have been taken for the preservation of meat supplies and for their distribution?--	37
(c) Nonindigenous inhabitants by country of origin?-----	34		
What percentage of the land held by nonindigenous inhabitants is being put to productive use?-----	34	INDUSTRY	
What proportion of these lands is rented on a tenancy basis?-----	34	107. What are the principal manufacturing industries and establishments in the Territory? What are the chief raw materials used by these industries and what is their source? What are the major markets for the products of these industries?-----	38
88. What is the approximate distribution of land in the Territory by the following categories:		108. What possibilities exist for the development of local handicrafts and industries? Is sufficient capital available for the development of such industries?-----	38
(a) Arable; (b) forest; (c) pastures and meadows; (d) mineral areas under development; (e) wasteland, and others?-----	30	109. What developments in industrial enterprises generally are in existence or are planned for the indigenous inhabitants and to what extent is government assistance contemplated?-----	38
89. Is rural indebtedness a serious problem and, if so, what measures are taken to deal with it?-----	44	110. To what extent, if any, is tourist traffic capable of development?-----	41
		INVESTMENTS	
FORESTS AND MINES		111. What amount of outside private capital has been invested in the Territory up to the beginning of the year? What was the amount of such capital invested up to the end of the year?-----	29
90. State the main provisions, if any, of the forest law. Does it provide for the protection of forests and for afforestation of cleared or waste lands?---	37	112. What are the nature and extent of foreign investments in the Territory? In what enterprises? From what sources (Administering Authority, investment or credit agencies of other governments, private foreign investors, international lending institutions, etc.)? Indicate the national origin of these investments and whether the investors are registered locally or abroad-----	29, 30
91. Give a brief note on the importance of forest products in the economy of the Territory for export and for domestic use-----	37		
92. What mineral resources are known to exist, have been leased, or are actually exploited by the government of the Territory or privately?-----	37	TRANSPORT AND COMMUNICATIONS	
93. How are the rights in surface and subsoil resources determined? What measures have been taken to obtain for the inhabitants the benefits of such resources?-----	37	113. Describe the existing facilities and services relating to-----	41, 42
94. What are the main provisions of the legislation relating to mines?-----	37	(a) Posts.	
95. What steps are taken to resoil land damaged by mining operations?-----	38	(b) Telephone.	
		(c) Telegraph and cable.	
AGRICULTURE, FISHERIES, AND ANIMAL HUSBANDRY		(d) Radio.	
96. What is the organization and administration of public services in agriculture, fisheries and animal husbandry?-----	34, 36, 37		
97. What significant changes have taken place during the year in the acreage devoted to, or the volume of the principal agricultural products?-----	34		
98. What proportion of the arable land is devoted to nonexport crops?-----	34, 35		
99. To what extent have modern methods of cultivation been adopted and what are the possibilities for the future?-----	35		
100. To what extent is the Territory deficient in respect to its supply of food? What are the main sources of supply and the main deficiencies?-----	35, 37		
101. Are the indigenous people compelled by law to plant food or economic crops for their own benefit? If so, explain in detail-----	34		

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(e) Roads, bridle paths and tracks.			
(f) Railroads.			
(g) Air transport.			
(h) Civil air fields.			
(i) Meteorological services.			
(j) Shipping, ports and inland waterways.			
What projects or improvements have been undertaken or completed during the past year with respect to the construction, maintenance and operation of transport and communications?-----	43		
Give details about the ownership of the means of transport and communications-----	41		
114. Are any distinctions made between indigenous and nonindigenous inhabitants in the use, ownership and operation of existing transport or communications facilities?-----	41, 42		
115. What transport and communication connections have been established or are contemplated between the Territory and external points? What laws or regulations apply to such external transport and communication services?-----	42		
PUBLIC WORKS			
116. What public work projects other than those specifically described elsewhere have been undertaken, completed, or planned during the past year?-----	43		
G. <i>Social Advancement:</i>			
GENERAL			
117. What agencies, governmental and voluntary, or tribal and communal organizations participate in the administration and enforcement of social welfare measures? How are these agencies organized, and how are their various activities coordinated? What are the numbers and occupations of staffs employed in social welfare? What financial provisions are made from public funds?--	47		
118. What, generally speaking, are the principal targets, the basic measures, including research, and the main achievements in the interests of the social welfare of the inhabitants during the year? What social legislation other than that specifically discussed elsewhere has been enacted during the year?-----	47, 48		
119. Indicate where possible what percentage, approximately, of the total revenue is currently spent on the welfare of the indigenous inhabitants. Indicate where possible what amounts have been obtained for these purposes through voluntary contributions and other sources. Indicate the principal achievements in the major fields of economic activity which have affected the standard of living of the inhabitants, and state what steps have been taken to improve the standard of living-----	47		
120. What special problems have been created by the return of ex-service men and women? Describe the measures being taken or contemplated to meet these problems, if such exist-----	49		
		SOCIAL CONDITIONS	
		121. Briefly describe the general social and religious structure of the various indigenous groups and specify the privileges and restrictions which characterize the members of each of these groups. Does the law recognize these distinctions and the privileges and restrictions which may be attached thereto by tradition or custom?-----	47, 48
		122. Do slavery practices exist in the Territory? If so, give details of preventive and repressive measures. Is there any problem of freed slaves or their descendants? If so, describe the problem and give an account of what has been done to remedy it-----	49
		123. Is there any evidence of the existence of practices akin to slavery, such as purchase of children under the disguise of adoption, pledging for debt, child marriage, etc.? State the number of prosecutions and convictions for offenses of this kind during the year-----	49
		124. What conditions and regulations govern the free movement of the population within the Territory and outside the Territory?-----	48, 53
		125. Give any available information which may throw light on the social and economic consequences of changes and movements of population-----	49
		126. Is there any appreciable flow of foreign immigration (i. e., foreign to the existing population) to the Territory? If so, what is the regular extent of such immigration? Is there any illegal immigration? If so, to what extent? Are there any means by which the population of the Territory is being consulted as to the desirability of such immigration-----	49
		127. Are there any limitations on the immigration and emigration of nationals of Members of the United Nations? If so, why and to what extent?--	49
		128. Is vagrancy a penal offence? If so, how is it defined?-----	49
		STANDARDS OF LIVING	
		129. What family living studies or other surveys of cost of living have been made? Are cost of living indices regularly prepared and published? Give a brief account of the methods used-----	50
		130. Give a general account of any changes that have taken place during recent years in the consumption of the principal groups of the population-----	38
		131. What changes have taken place in nutrition, clothing, housing and living standards in general?--	50
		STATUS OF WOMEN	
		132. What, in general, is the status of women and what has been done during recent years to advance this status?-----	48
		133. What is the legal capacity of women married and unmarried in civil law? Is the wife responsible for the debts of her husband and vice versa?--	48

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134. Are there any occupations from which women are debarred or in which employment is restricted by reason of their sex, either by custom or law?	48	147. In what instances has it been considered necessary, in the interest of public order, to impose restrictions on the personal freedoms of the inhabitants?	49
135. To what extent do women avail themselves of any opportunities to enter and train for Government service?	48, 70	148. What restrictions, if any, has the Administering Authority imposed during the year on the rights of nationals, corporations and associations of Members of the United Nations to engage in writing, reporting, gathering, and transmission of information for dissemination abroad, and to publish materials on the same terms as nationals, corporations and associations of the Administering Authority?	48
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS			
136. Are all elements of the population secure in the enjoyment of human rights and fundamental freedoms without discrimination as to race, sex, language or religion, as envisaged in Article 76 (c) of the United Nations Charter? If not, what measures have been taken to protect them against discrimination?	9, 48	LABOR CONDITIONS AND REGULATIONS	
137. What official and unofficial agencies for expression of public opinion (press, political association, etc.) are active in the Territory?	48	149. What are the outstanding problems with respect to labor and working conditions in the Territory?	51
138. How is freedom of the press guaranteed? What newspapers in the Territory are owned or operated by indigenous, or non-indigenous inhabitants, or by the Government? What is the approximate circulation and influence of each? What regulations govern the freedom of the press?	48	150. To what extent have conventions and recommendations of the International Labor Organization been applied in the Territory?	11
139. What provision is made in the press, by broadcasting, films and other educational media and public services generally to promote the interest of the inhabitants of the Territory in current developments of local and international significance?	48	151. Describe briefly the labor legislation of the Territory under the following headings:	
140. What outstanding voluntary organizations of a cultural, educational, social, or political nature exist within the Territory?	48	(a) Contracts and sanctions	52
141. Is full freedom of thought and conscience and free exercise of religious worship and instruction ensured to all inhabitants?	48	(b) Industrial relations, including freedom of association, conciliation, and arbitration	52
142. Are there any restrictions on missionaries or on missionary activities? What financial assistance from public bodies has been given to missionary work, particularly in the medical welfare and educational fields? What is the number and local distribution of missionaries, their nationalities, the religious bodies they represent, and the number of converts claimed?	48, 73	(c) Remuneration, including payments in kind	51
143. What measures have been taken by the local administration to safeguard or to supervise indigenous religions? Have any indigenous religious movements arisen? If so, describe such movements and, if possible, state the factors responsible for their rise and the forms which they have taken. What measures has the local administration taken in relation to such movements?	48	(d) Hours of work, rest periods, holidays, and facilities for recreation available to workers	51, 53
144. What are the laws and regulations governing the power of arrest? What procedures are there for protecting the interests of arrested persons?	24	(e) Housing and sanitary conditions in the places of employment	51
145. What guarantees are provided for the exercise of the right of petition?	9	(f) Inspection of conditions affecting labor in places of employment	51
146. Are all elements of the population subject to the same laws with regard to the safety of their persons and their property?	23	(g) Medical inspection before, during, and on completion of employment, and medical assistance to workers	51
		(h) Workers' compensation and rehabilitation provisions	52
		(i) Employment of women, young persons, and children	53
		(j) Recruiting of workers for service within or outside the Territory, and measures for the protection of such workers	54
		(k) Any restrictions on the movement of workers within the Territory	53
		(l) Labor passes or workbooks, where such are required	53
		(m) Training of workers, including technical training and apprenticeship	51
		(n) Industrial homework	53
		152. Describe the organization of the labor department, giving an account of its functions, number and type of personnel, and the financial provisions made for it	51
		153. For what offenses against labor laws and regulations were employers charged or convicted during the year?	52

¹ Answers to this question may be given under the following questions and may take the form of copies of or appropriate extracts from reports made to the International Labor Organization.

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For what offenses against labor laws and regulations were employees charged or convicted during the year?	52	163. What assistance in finding suitable employment is provided for manual and nonmanual workers?	52
154. What methods other than legislation are utilized to deal with labor problems and to establish accepted standards (e. g., Government policy, encouragement of private practice, research into problems of labor and labor management, etc.)? ..	52	164. To what extent do workers leave the Territory in search of employment, and under what conditions and to what places do they go? Give a brief account of any problems created by such movements of workers and of any measures taken to deal with these problems.....	53
155. Give an account of industrial relations during the year, with particular reference to the development of trade unions, the encouragement of collective bargaining, and the frequency and methods of settlement of industrial disputes.....	52	165. Is the policy of equal remuneration for work of equal value as between men and women accepted in the Territory? If so, what measures have been taken to give effect to it?.....	51
Is the right to strike recognized in the Territory and, if so, under what conditions?.....	52	166. What measures have been taken to prevent discrimination in employment and in wage and salary payments according to race, nationality, religion, or tribal association?.....	51, 53
156. To what extent do laborers present themselves freely in sufficient numbers in the places where they are required to satisfy the local demand for labor? What measures, if any, have been taken to encourage the spontaneous offer of labor?.....	52	167. Is indebtedness prevalent to a serious extent among wage earners and salaried workers? If so, what measures are being taken to deal with it?.....	51
157. If recruiting of labor in the Territory is carried out by the administration or by private organizations, give particulars of the numbers of workers of each sex recruited, the nature of the work for which they have been recruited, and the conditions and safeguards under which recruiting takes place.....	52, 53	168. What cooperative organizations, including consumer, producer, credit, and marketing cooperatives exist, and what has been done to encourage their development?.....	40
158. In what way is village life affected by the absence of laborers? What measures are being taken to deal with any ill effects?.....	54	PUBLIC HEALTH	
159. Does the law provide for compulsory labor for essential public works and services? If so, in what circumstances, for what periods and on what terms?.....	53	169. Describe the organization of the health department, giving an account of its functions, number, and type of personnel and the financial provisions made for it, distinguishing between the curative and preventive services.....	55
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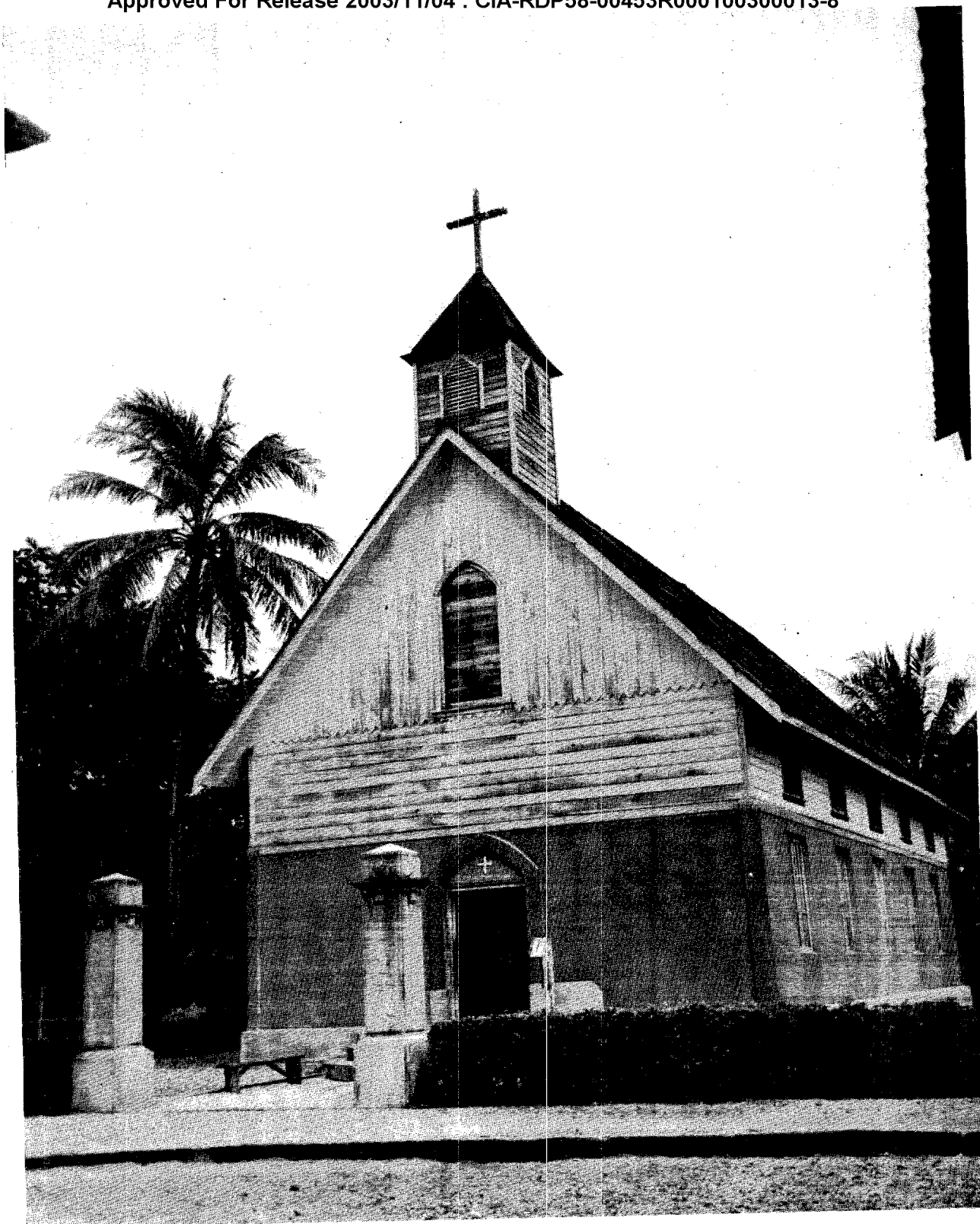
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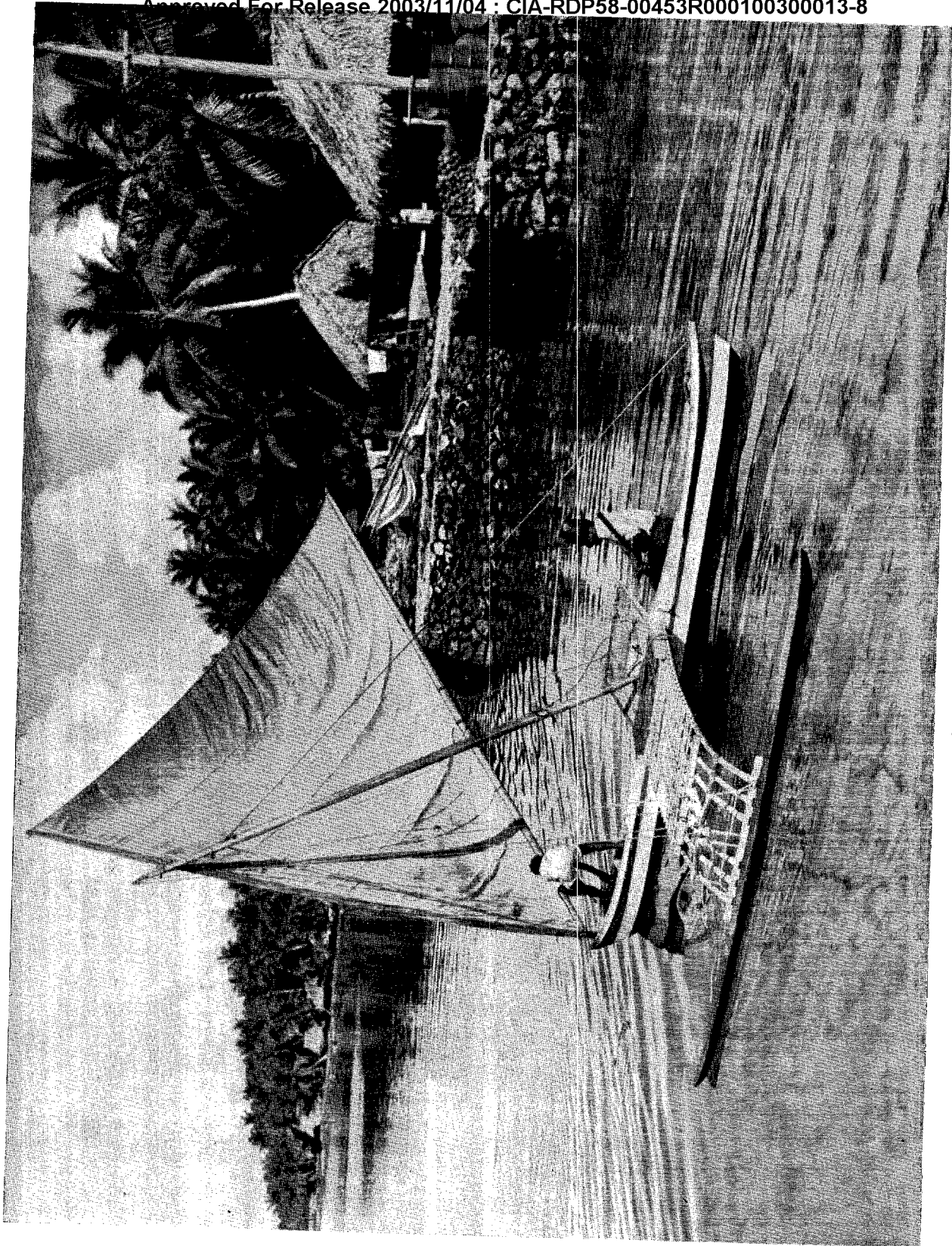
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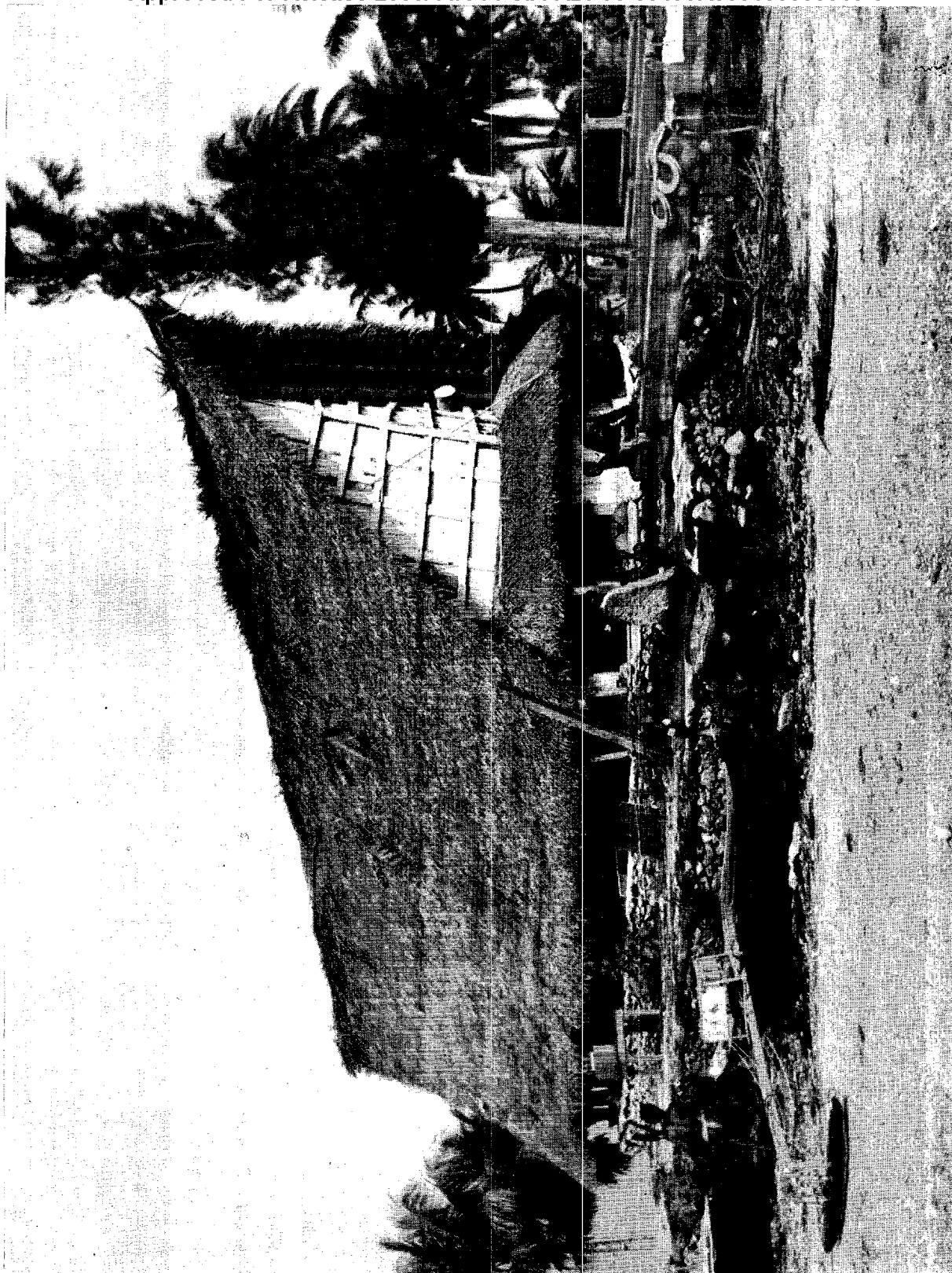
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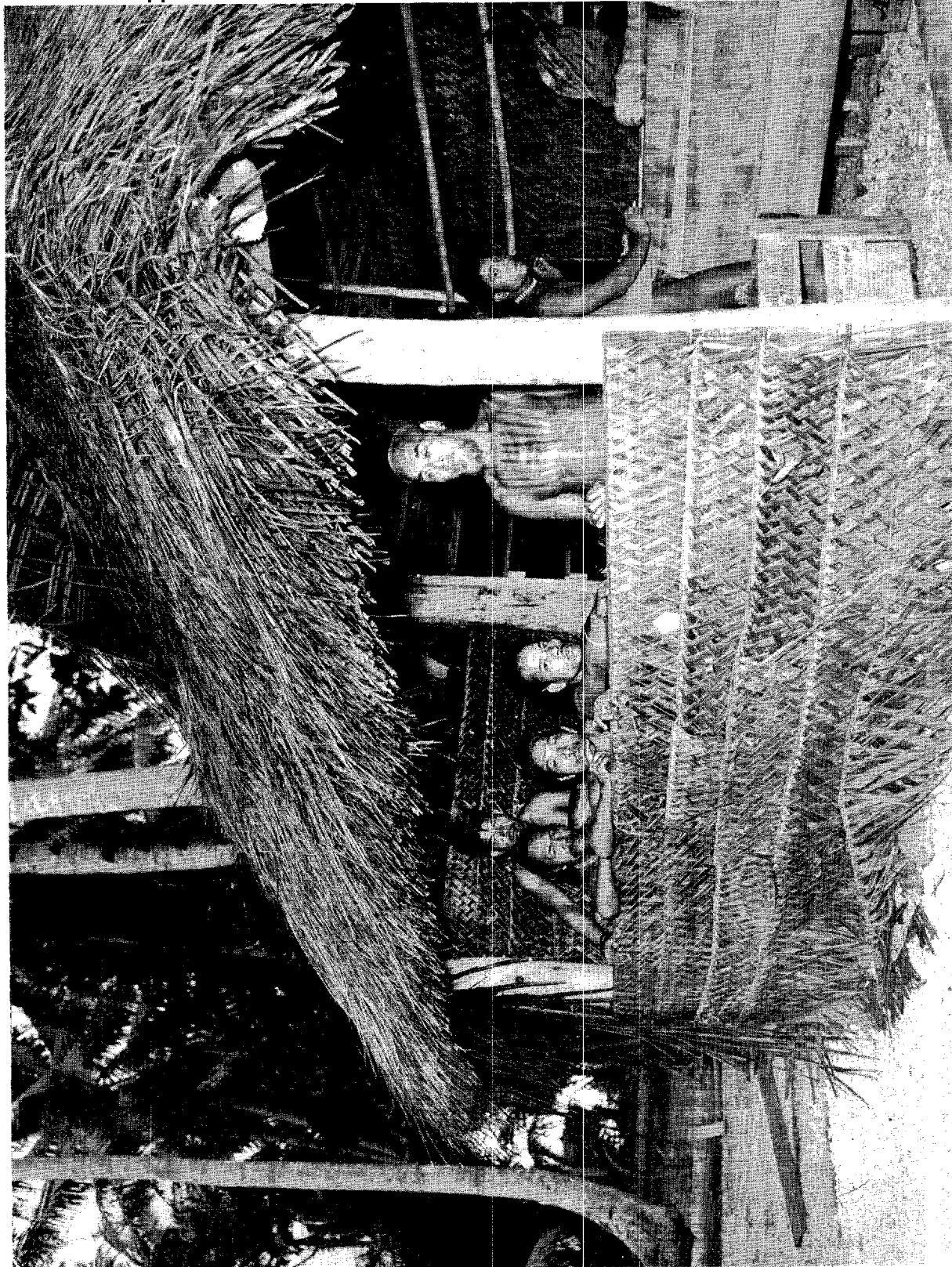
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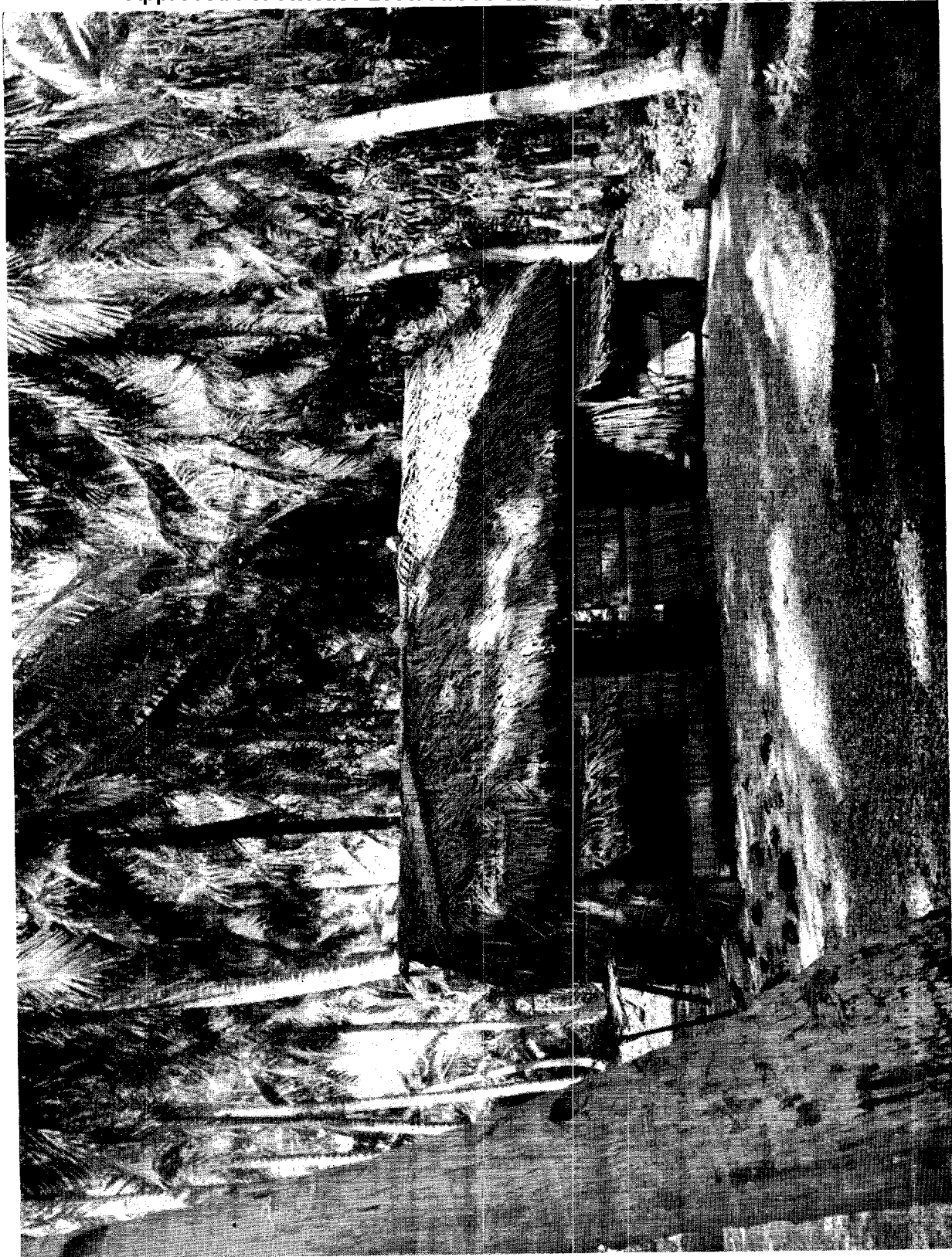
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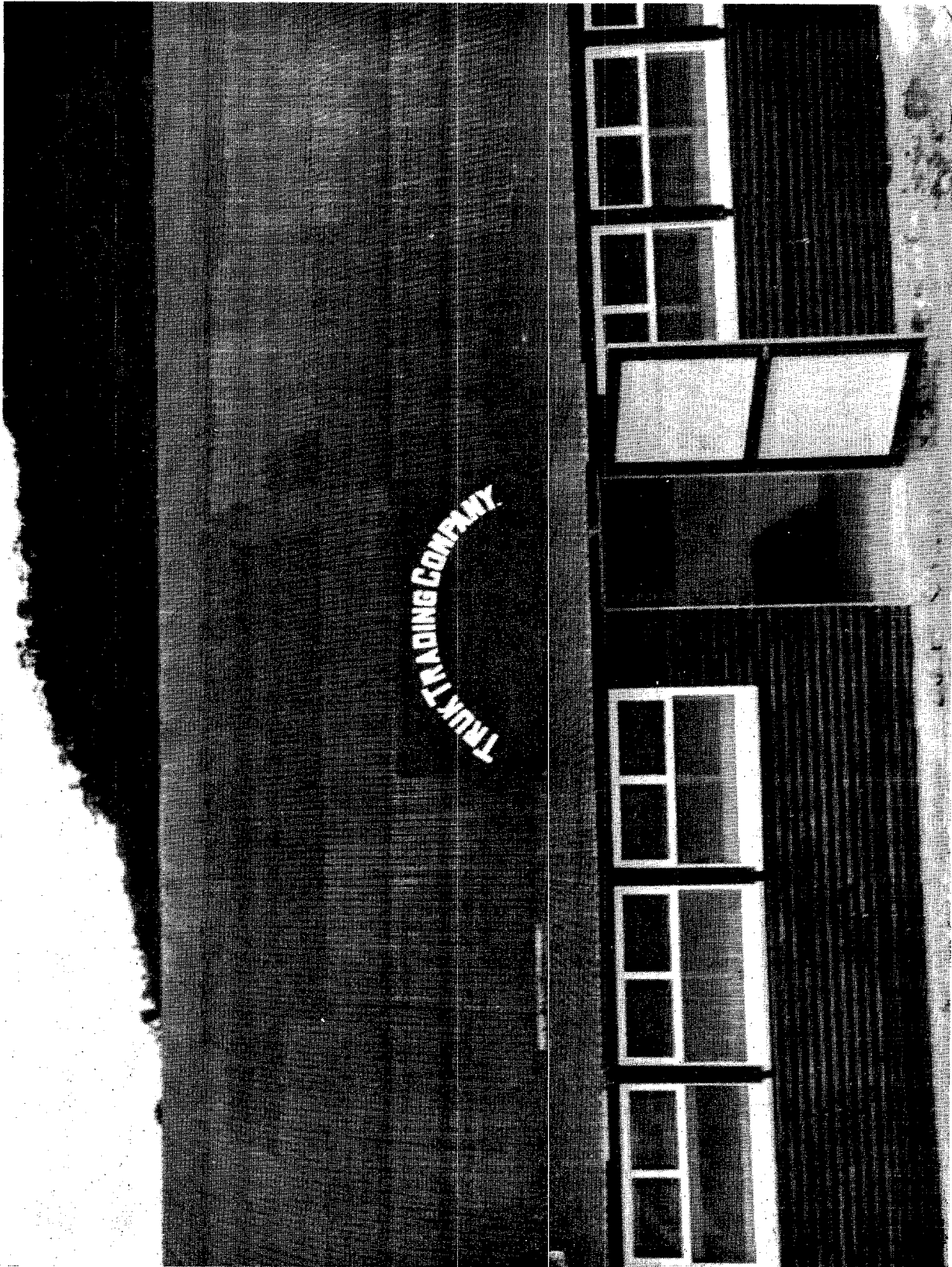
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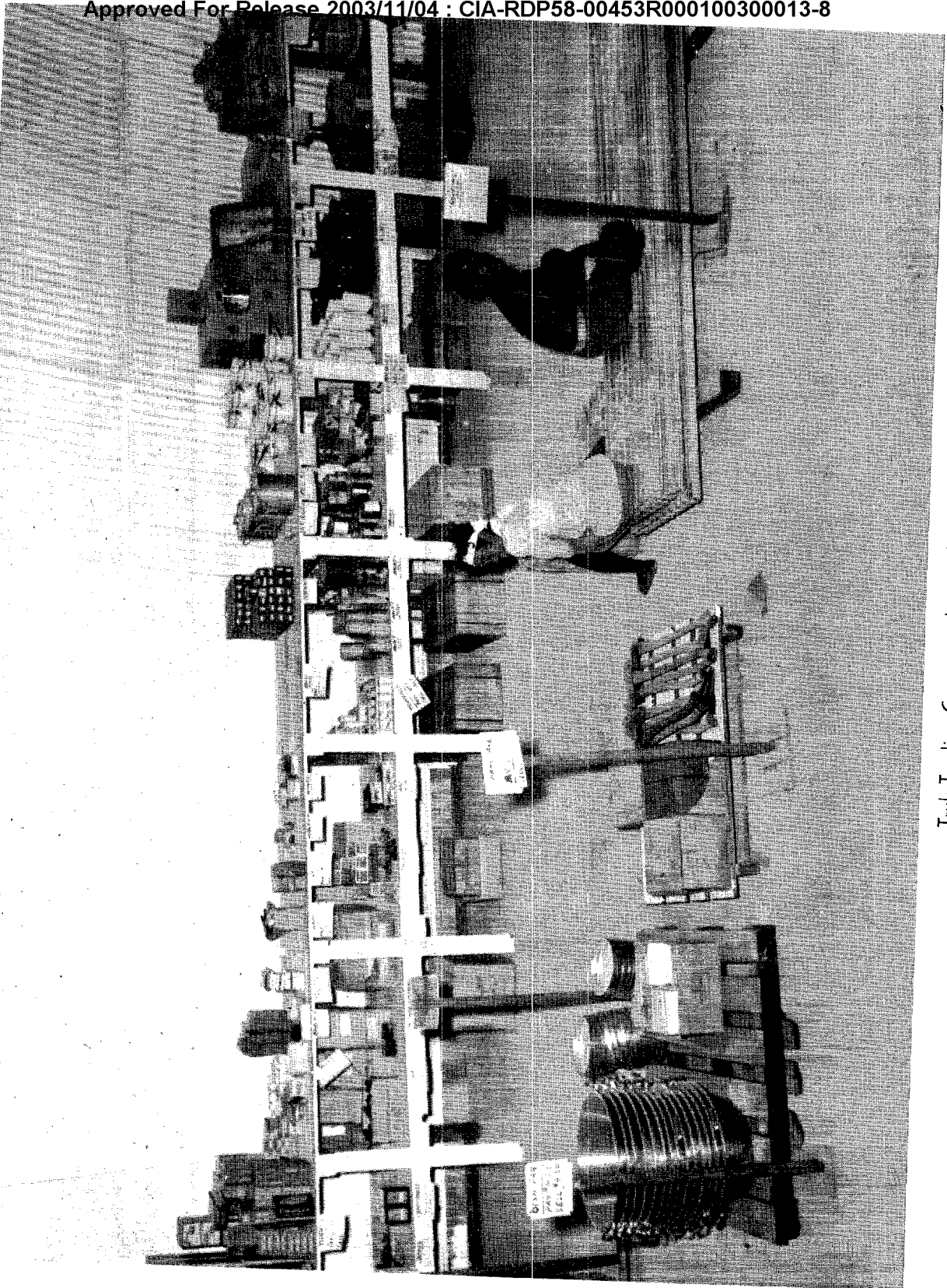
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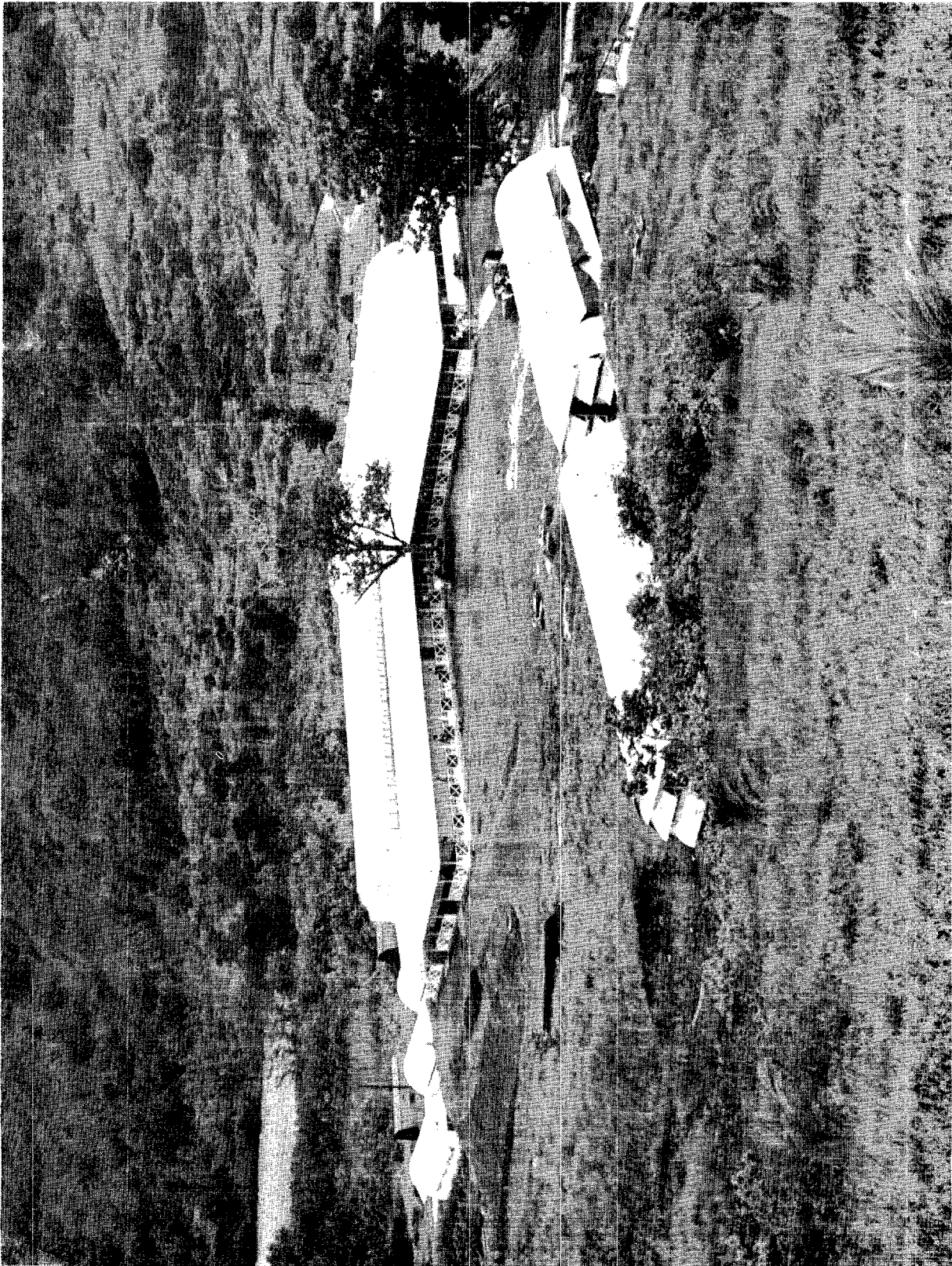
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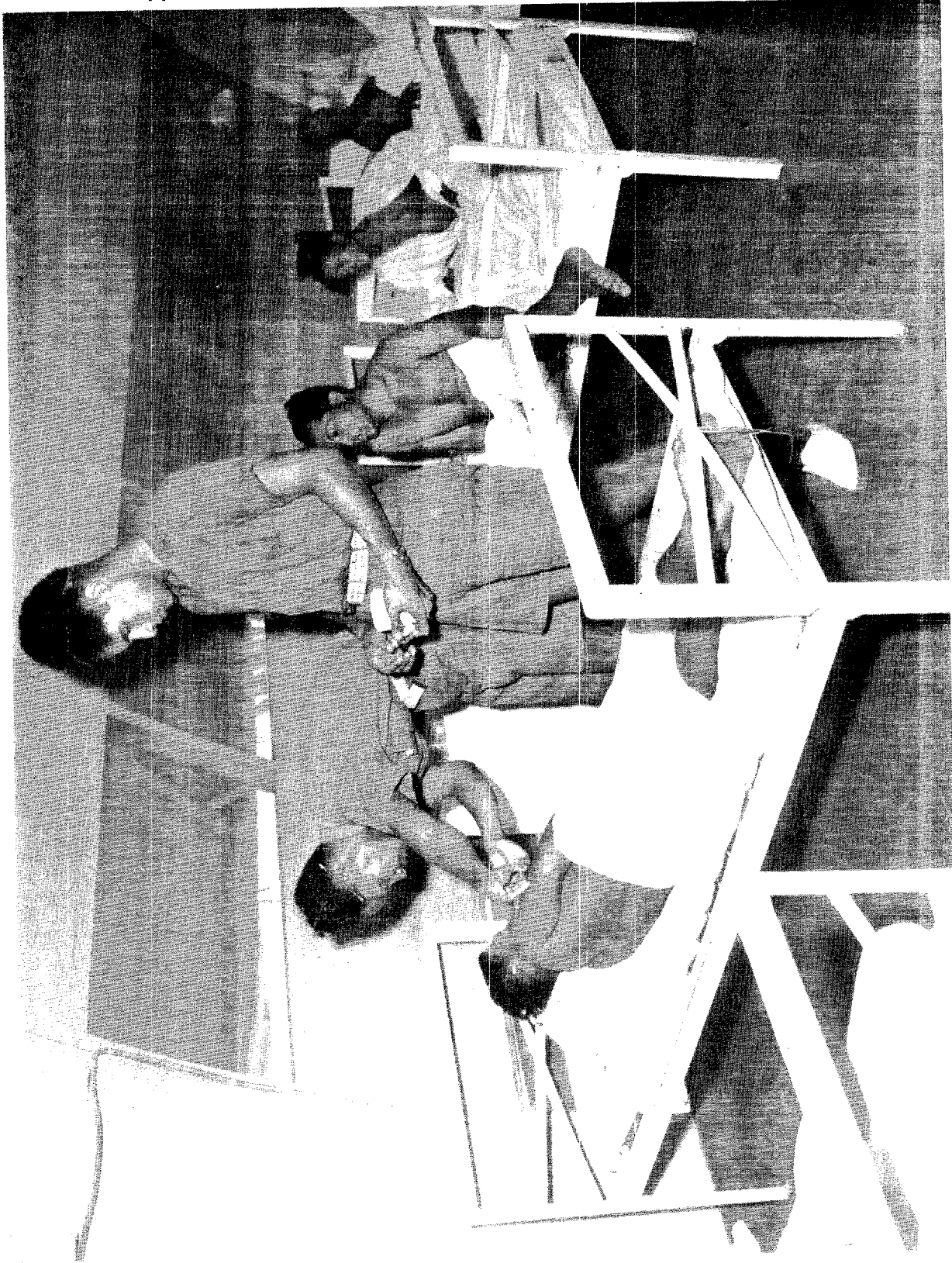
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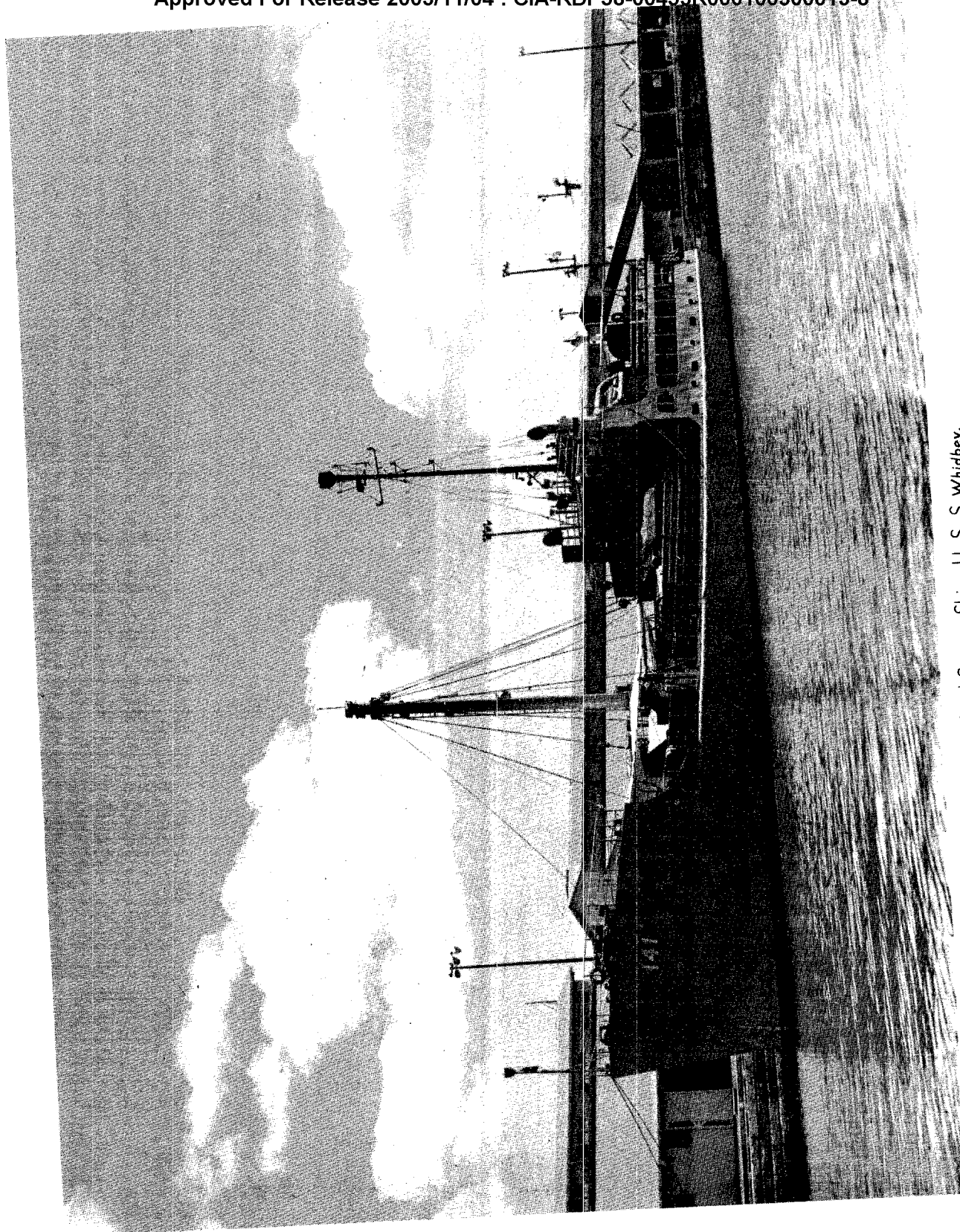
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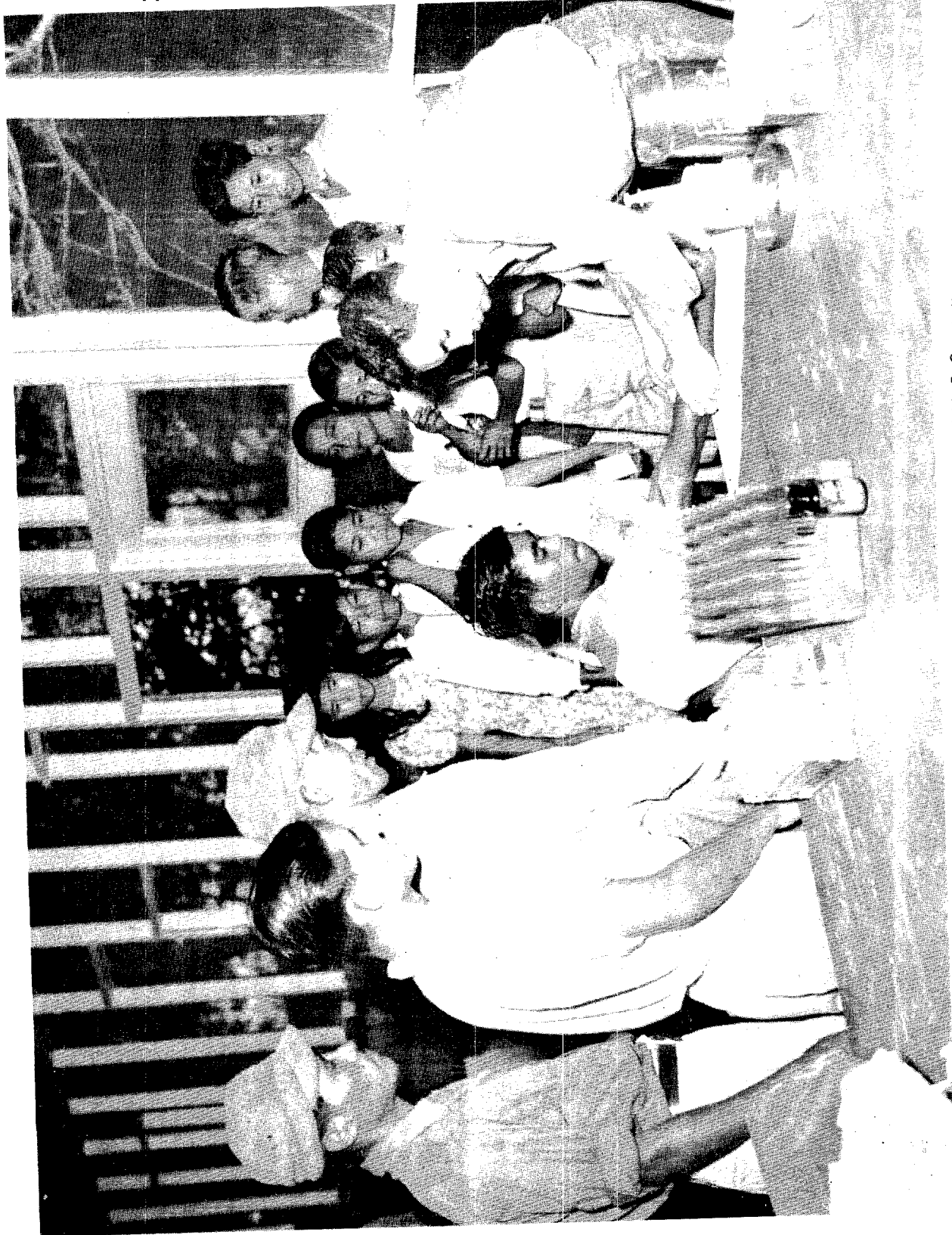
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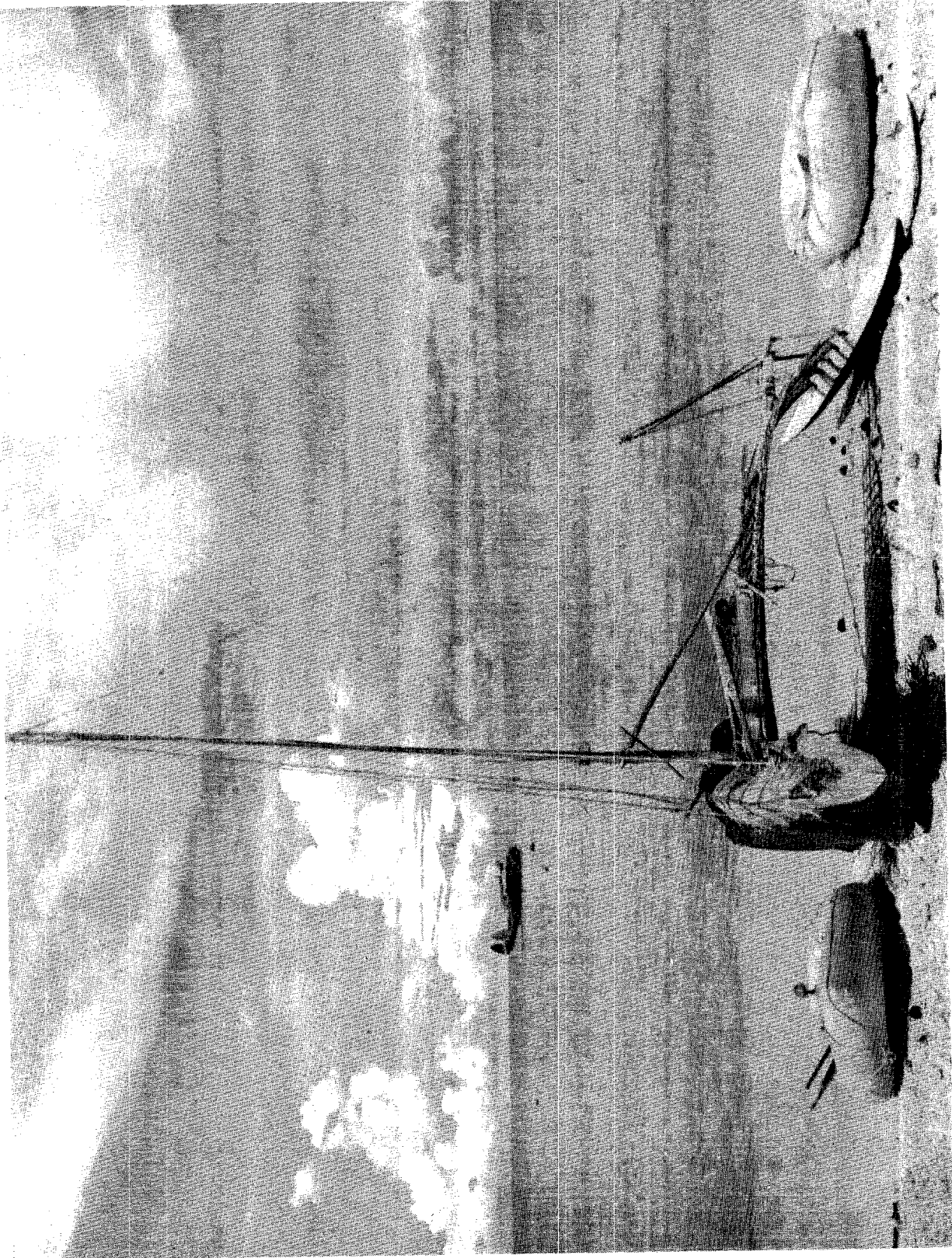
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Medical Survey Ship, U. S. S. Whidbey.



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