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## Hawaiian & Pacific Collections

### Redaction Sheet

Collection number: MANUSCRIPT P00071

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Reason for redaction:

Personnel action

#pages: 1

Original location:

TTPIAlid: 00729

Folder Title: 178.14.05 part 1. Land Commission. Yap.

Box / Folder: TTPIA box 017 Folder 10 / Reel 0053 Section 003

Reel / Section: TTPIA box 017 Folder 10 / Reel 0053 Section 003

Redacted by: Eleanor Kleiber

Date: 2025 - December - 12  
YYYY Month DD

MICRONESIAN LEGAL SERVICES PROGRAM

OFFICE MEMORANDUM

September 13, 1973

TO : Land Management Officer  
FROM : Al Snyder  
SUBJECT: The Enclosed, Y-0068

Mike, the enclosed is courtesy of your friendly local Legal Services office.

*Albert Snyder*  
AS/gt  
Enclosure

THIS IS A "FRIENDLY" EMINENT  
(ACTION)?  
DOMAIN.  
/LIKE ALLEN



178.14.5

TRUST TERRITORY OF THE PACIFIC ISLANDS  
TRIAL DIVISION OF THE HIGH COURT

YAP DISTRICT

CIVIL ACTION NO. 66

TRUST TERRITORY OF THE  
PACIFIC ISLANDS,

Plaintiff,

vs.

LUKAN, et al,

Defendants

ANSWER AND COUNTERCLAIM

All persons designated by true name as defendants in the complaint as amended, represented through their recognized local officials by Albert Snyder and the Micronesian Legal Services Corporation, answer the complaint jointly and each for himself as follows:

1. In answer to Paragraph 1 of the complaint defendants deny that Title 10 of the Trust Territory Code contains any statement intended to vest the power of eminent domain in plaintiff and say that it is assumed therein that such power is inherent in plaintiff.
2. In answer to Paragraph II of the complaint defendants say that they are without any knowledge of the basis of the allegations thereof, and that plaintiff is required to demonstrate a basis for the allegations.
3. In answer to Paragraphs III and IV of the complaint defendants admit that they have an interest in the parcels of land which plaintiff seeks to acquire in the proceedings, but say that they are without sufficient knowledge to verify the designated square footage of the parcels and that plaintiff is required to demonstrate the basis therefor.

Defendants further deny that the interests in land which plaintiff seeks to acquire in the proceedings pursuant to Paragraph III and IV of the complaint is an easement and right of way, and say that it is in effect a fee simple absolute interest for which defendants should accordingly be compensated by plaintiff.

Defendants further deny that in every instance plaintiff has designated the owner of the parcel as required by 10 T.T.C. §51 (a) and that plaintiff has failed to make a reasonably diligent effort to determine the owners, claimants and various interest holders relative to the parcels of land which plaintiff seeks to acquire in the proceedings.

4. In answer to Paragraph V of the complaint defendants deny that the plaintiff has any interest in the land designated as Parcels SW 187-A through SW 227 in Exhibit "A" of the complaint on the grounds that:

(a) the South Seas Colonization Company was not "the Japanese Government" as that term is meant in 67 T.T.C. §1;

(b) the South Seas Colonization Company forcibly took possession of the land without payment of just compensation to the owners thereof and against their free will at a time when the owners had no recourse to an impartial judicial forum for a redress of their grievance;

(c) at the time of its taking of the land the South Seas Colonization Company intended to hold only indefinite use rights in the land, which rights terminated prior to the creation of the Trust Territory Government;

(d) the land has a legal status equivalent to former South Seas Colonization Company held land in the area of the Yap Islands airfield, in which land agents of plaintiff have determined plaintiff has no interest; and

(e) plaintiff impliedly acknowledged the nullity of its claim to the land by actively negotiating with defendants for its acquisition.

5. In answer to Paragraph VI of the complaint defendants deny that, under the controlling customary law or by virtue of any other applicable law, the parcels of land described therein are subject to a common law prescriptive use which would permit plaintiff to exercise rights in the land without full compensation to defendants.

6. In answer to Paragraph VII of the complaint defendants deny that plaintiff has acquired jurisdiction over defendants by fictitious reference and its attempt to meet the posting requirements of 10 T.T.C. §53, and say that such statutory posting procedures, even if they had been strictly followed by plaintiff in the proceedings, would not in the context of the uniqueness of the proceedings in the Yap Islands meet due process standards of notification.

#### First Defense

Pursuant to 1 T.T.C. §§102 and 103 the customary law of the Yap Islands is determinative of the legal issues presented in the proceedings, to the exclusion of the common law, with the sole exception of whatever written law and judicial construction thereof may be applicable to the proceeding pursuant to 1 T.T.C. §101.

#### Second Defense

In the proceedings plaintiff seeks to acquire parcels of land which are already subject under customary law to a public use for specifically designated community functions, which may not be altered except by the chiefs and people of the villages involved. Plaintiff has no interest in the land as a result of the public use and plaintiff's possession and exercise of rights in the land without the approval of the appropriate customary authorities are under the controlling customary law ultra vires and without legal right, as would be acquisition of the land. The parcels of land presently subject to

a public use are, to wit:

- a. Parcels SW 116 through 119, Wunebey (meeting area) and Malal (dance area);
- b. Parcels SW 111 and SW 112, Wunebey (meeting area);
- c. Parcel SW 122, Wunebey (meeting area);
- d. Parcel SW 174, Wunebey (meeting area);
- e. Parcels SW 185 and 186, Teliwan e yam' (public cemetery);
- f. Parcel SW 16, Pebai (men's house);
- g. Parcel SW 14, official residence of the Pebai guardian;
- h. Parcel SW 36, Faluw (men's house) and Malal (dance area); and
- i. Parcel SW 52-A, Dapal (menstrual area).

#### Third Defense

The sums of money alleged in plaintiff's declaration of taking to be the fair value of the parcels of land which plaintiff seeks to acquire in the proceedings are arbitrary, are not reasonably predicated upon the uses and characteristics of the land, and are even below what plaintiff has offered to the defendants for the land in negotiations prior to commencement of the proceedings, with the result that the acquisition of the land in consideration of such sums would be unreasonable, unjust and confiscatory.

The uses and characteristics of the land which affect its value include the following:

- a. the crops and trees growing thereon and the labor devoted to their cultivation, including swamp and land taroes, yams, sweet potatoes, coconut trees, betel palms, pepper vines,

nipa palms and banana trees;

- b. the general and special agricultural potential of the land, including its fertility, and its particular suitability for taro, upland garden, hill garden, or coconut palm cultivation;
- c. the reservation of the land for a hallowed communal purpose, including: (i) burial and commemoration of the dead; (ii) political assemblies of villages, regional networks, and the Yap Islands-wide political hierarchy; (iii) celebrations and exchanges for the creation and preservation of familial, intra-village, and inter-village solidarity; (iv) the teaching of traditional wisdom and practices; (v) and the organization and equipping of young men's activities such as fishing expeditions;
- d. tolngin e binaw (the rank level of the village in which the land is situated);
- e. liw (the ranking of particular tabinaw (associations of land and people for the improvement and perpetuation of both) within each village);
- f. tagiligan (rank level and purity of agricultural land and food taken therefrom according to yogum (the system of separate eating grades for persons of different age, sex and land-holding)); and
- g. the particularly great labor invested in this century and in antiquity by defendants and their ancestors in the land, including filled land, and large taro patches built and maintained by the cooperative effort of several tabinaw.

#### Fourth Defense

The parcels of land which plaintiff seeks to acquire in the proceedings cannot be evaluated by American methods of market value because no market exists as to the parcels in the American legal sense and certain of the parcels are unique and incomparable.

#### Fifth Defense

The proceedings work to extinguish certain customary interests without compensation, including mafen interests (rights to ultimate possession or responsibility for land without immediate use rights), and gililungun (rights of village officials to call on the users and holders of land for participation in cooperative activities).

#### Sixth Defense

The proceedings have been instituted in violation of 42 U.S.C.A., Chapter 61.

#### Seventh Defense

The location of a sewage treatment plant on Nungoch Island pursuant to the project for which the proceedings have been instituted is unlawful because it is in direct contravention of the applicable master plan and Yap District Code §5030, and plaintiff has no interest in the parcel of land upon which the facility is to be situated.

#### Eighth Defense

The use for which plaintiff seeks to acquire the land exceeds the scope of public use stated in plaintiff's declaration of taking.

#### Ninth Defense

Plaintiff has no interest in the parcels of land which plaintiff seeks to acquire in the proceedings, across which roadways presently run. Such parcels, by virtue of the controlling customary law, are the property of defendants with a right of passage vested in the chiefs of the village on behalf of the general public. Plaintiff cannot exceed such limited right without the approval of the chiefs and people of the villages, including defendants.

#### Tenth Defense

Plaintiff does not seek in the proceedings to acquire the flowage rights to Dalibeech stream which runs through the parcels designated in Sheet 24 of EXHIBIT A of the complaint and yet such rights are essential to the purpose of the reservoir facility for which the proceedings have in part been instituted.

#### Eleventh Defense

Plaintiff does not have a sufficient interest in the land described as Tracts 50045 and 50046 in Sheet 22 of EXHIBIT A of the complaint to install therein the pipelines for the project for which the proceedings have been instituted.

#### COUNTERCLAIM

##### First Cause of Action

Defendants complain of plaintiff and for a first cause of action allege that:

1. Plaintiff has removed, or in the future shall remove, trees, crops, rock, soil, and other property from the parcels of land which plaintiff seeks to acquire in the proceedings, and shall exercise flowage and marine rights in such parcels;
2. Plaintiff has no interest in such property and rights and there appears in the complaint no basis for plaintiff's acquisition thereof in the proceedings;
3. Plaintiff accordingly should compensate defendants for such property removed prior to the determination of the proceedings at just rates which account for the full potential and sales value of the property and rights.

##### Second Cause of Action

Defendants complain of plaintiff and for a second cause of action allege that:

1. By institution of the proceedings plaintiff has created a situation whereby prui (formal discussion) among joint interest holders of the parcels of land which the plaintiff seeks to acquire in the proceedings must now occur as enjoined by custom in order to consider the confirmation of all interest rights, the allotment of consideration to be paid by plaintiff for the land, and the restoration of harmony among joint interest holders for the administration of tabinaw lands not acquired by plaintiff.

2. The expenses of prui include food and gifts which show recognition of and respect for the rights of various interest holders as well as the intention of landholders to manage remnant tabinaw lands in accord with the will of conditional interest holders.

#### Third Cause of Action

Defendants complain of plaintiff and for a third cause of action allege that:

1. The landholder of a parcel of land in the Yap Islands is expected to be a careful guardian of the land and any landholder who surrenders any interest in land, other than from renguy (compassion) or in voluntary recognition of service to the tabinaw and community, is put to shame in the eyes of the community, his heirs and the zagith spirits of previous workers and landholders of the tabinaw.

2. In the Yap Islands zagiz are jealous guardians of the tabinaw and are known to punish with injury, illness or death those who fail to preserve the tabinaw.

3. By the institution of the proceedings plaintiff has created a situation which is the proximate cause of mental suffering by defendants in the form of severe shame, loss of face, and fear of impending physical harm.

#### Fourth Cause of Action

Defendants complain of plaintiff and for a fourth cause of action allege that:

1. In conjunction with the proceedings plaintiff will cause the construction of a sewage pipeline in defendants' traditional fishing grounds to the detriment of defendants' interests therein in violation of 67 T.T.C. §2 (1) (b).

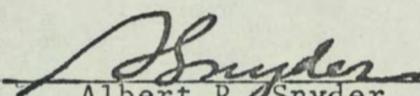
PRAYER FOR RELIEF

Wherefore, defendants pray the court:

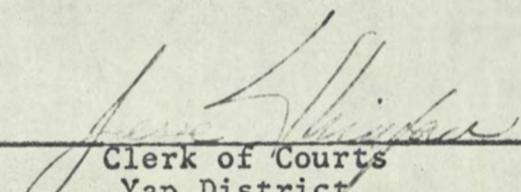
1. For an order enjoining the project for the purpose of which the proceedings have been instituted, on the ground that the proceedings are in deprivation of defendants' rights as a violation of 42 U.S.C.A., Chapter 61;
2. For an order enjoining plaintiff from exercising any rights in land already subject under customary law to a public use for specifically designated community functions;
3. For an order enjoining the construction of a sewage treatment facility at Nungoch Island on the grounds that its location is a violation of the applicable master plan and Yap District Code §5030 and plaintiff has no interest in the parcel of land upon which the treatment facility is to be situated, and enjoining the installation of pipelines in the land described in Tracts 50045 and 50046 on Sheet 22. of EXHIBIT A of the complaint;
4. For special damages of prui in the sum of One Hundred 00/100 Dollars (\$100.00) for each parcel of land plaintiff seeks to acquire in the proceedings;
5. For special damages for defendants' mental suffering in the sum of One Thousand 00/100 Dollars (\$1000.00) for each parcel of land which plaintiff seeks to acquire in the proceedings;
6. For an order setting the rate of just compensation which plaintiff must make to defendants for each parcel that plaintiff seeks to acquire in the proceedings, which truly reflects the value of the land, including payment for the temporary taking of public lands

restored to the defendants by an order pursuant to Paragraphs 2 and 3 of the prayer for relief, and for the trees, crops, rock, soil and other property which plaintiff has removed from the parcels of land which plaintiff seeks to acquire in the proceedings or rights in such land; and

7. For costs, and for such other relief as to the court seems just and proper.

  
\_\_\_\_\_  
Albert R. Snyder  
Counsel for Defendants  
Micronesian Legal Services Corporation  
Box 206  
Yap, Western Caroline Islands 96943

Received and filed this 14<sup>th</sup> day of September, 1973.

  
\_\_\_\_\_  
Clerk of Courts  
Yap District

TRUST TERRITORY OF THE PACIFIC ISLANDS  
TRIAL DIVISION OF THE HIGH COURT

YAP DISTRICT

TRUST TERRITORY OF THE  
PACIFIC ISLANDS,

Plaintiff,

vs.

LUKAN, et al,

Defendants

CIVIL ACTION NO. 66

MOTION FOR APPOINTMENT OF ASSESSORS

To: Plaintiff and Russell Walker, Esq., its attorney.

Notice is hereby given that all persons designated by true name as defendants in the complaint as amended, represented through their recognized local officials by Albert Snyder and the Micronesian Legal Services Corporation, will move the court on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m., or as soon thereafter as counsel may be heard, for an order appointing three persons knowledgeable in Yap Islands custom, land-holding practices and local land value as assessors in the proceedings pursuant to 10 T.T.C. §54 to perform such duties as the court may direct, including the classification as to use and characteristics, and an evaluation of, the parcels of land which plaintiff seeks to acquire in the proceedings.

The motion will be made on the grounds of the uniquely complex nature of land tenure in the Yap Islands, the peculiar characteristics of land transactions in the Yap Islands, and the scarcity and value of the land which plaintiff seeks to acquire in the proceedings.

The motion will be based on this notice, on the pleadings and papers in the action and on defendants' memorandum of points and authorities and other papers to be submitted.

*Snyder*

---

Albert R. Snyder  
Counsel for the Defendants  
Micronesian Legal Services Corporation  
Box 206  
Yap, Western Caroline Islands 96943

Received and filed this 14<sup>th</sup> day of September, 1973.

*James Shink*

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Clerks of Courts  
Yap District

TRUST TERRITORY OF THE PACIFIC ISLANDS  
TRIAL DIVISION OF THE HIGH COURT

YAP DISTRICT

CIVIL ACTION NO. 66

TRUST TERRITORY OF THE  
PACIFIC ISLANDS,

Plaintiff,

vs.

LUKAN, et al,

Defendants

MOTION FOR SEPARATE TRIALS

To: Plaintiff and Russell Walker, Esq., its attorney.

Notice is hereby given that all persons designated by true name as defendants in the complaint as amended, represented through their recognized local officials by Albert Snyder and the Micronesian Legal Services Corporation, will move the court on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m., or as soon thereafter as counsel may be heard, for an order separating the proceedings into a limited number of trials based upon the uses and characteristics of the parcels of land which plaintiff seeks to acquire in the proceedings.

The motion will be made on the ground that the proceedings in their present unitary form are unmanageable in a single trial in which each of more than two hundred separate parcels of land must be considered as to jurisdiction, ownership, uses, characteristics, value, and the nature and interrelationship of the various interests therein.

The motion will be based on this notice, on the pleadings and papers in the action and on defendants' memorandum of points and authorities and other papers to be submitted.

*Snyder*

---

Albert R. Snyder  
Counsel for the Defendants  
Micronesian Legal Services Corporation  
Box 206  
Yap, Western Caroline Islands 96943

Received and filed this 14<sup>th</sup> day of September, 1973.

*Jose V. V. V.*

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Clerk of Courts  
Yap District

TRUST TERRITORY OF THE PACIFIC ISLANDS  
TRIAL DIVISION OF THE HIGH COURT

YAP DISTRICT

TRUST TERRITORY OF THE  
PACIFIC ISLANDS,

Plaintiff,

vs.

LUKAN, et al,

Defendants

CIVIL ACTION NO. 66

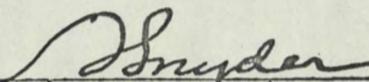
MOTION FOR AN ORDER REQUIRING PLAINTIFF  
TO PAY COSTS AND FEES OF DEFENDANTS'  
WITNESSES APPEARING IN THE PROCEEDINGS

To: Plaintiff and Russell Walker, Esq., its attorney.

Notice is hereby given that all person designated by true name as defendants in the complaint as amended, represented through their recognized local officials by Albert Snyder and the Micronesia Legal Services Corporation, will move the court on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m., or as soon thereafter as counsel may be heard, for an order pursuant to 10 T.T.C. §59 and 6 T.T.C., Subchapter I requiring plaintiff to pay the full costs and fees of defendants' witnesses who will appear in the proceedings, including one witness expert in the appraisal of land and one witness expert in the anthropological study of land tenure and value in the Yap Islands.

The motion will be made on the grounds that (1) the proceedings are the first of their kind in the Yap Islands and will establish important precedent for the future of land value; (2) without expert witnesses of their own defendants will be at a serious disadvantage as against the plaintiff who has the monetary resources to employ expert witnesses while defendants are without the funds to employ expert witnesses; and (3) plaintiff has the statutory duty to pay the full costs and fees of defendants' expert witnesses.

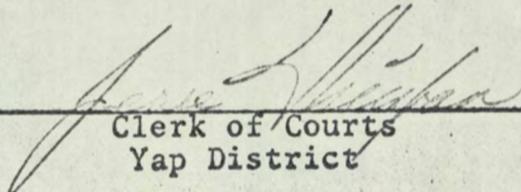
The motion will be based on this notice, on the pleadings and papers in the action and on defendants' memorandum of points and authorities and other papers to be submitted.



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Albert R. Snyder  
Counsel for the Defendants  
Micronesian Legal Services Corporation  
Box 206  
Yap, Western Caroline Islands 96943

Received and filed this 14~~th~~ day of September, 1973.



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Clerk of Courts  
Yap District

TRUST TERRITORY OF THE PACIFIC ISLANDS  
TRIAL DIVISION OF THE HIGH COURT

YAP DISTRICT

CIVIL ACTION NO. 66

TRUST TERRITORY OF THE  
PACIFIC ISLANDS,

Plaintiff,

vs.

LUKAN, et al,

Defendants

MOTION TO DISMISS

To: Plaintiff and Russell Walker, Esq., its attorney.

Notice is hereby given that defendants DOE TWELVE THROUGH DOE TWO THOUSAND, represented through their recognized local officials by Albert Snyder and the Micronesian Legal Services Corporation, will appear specially to move the court on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m., or as soon thereafter as counsel may be heard, for an order dismissing the action as to them and ordering plaintiff to relinquish possession of those parcels of land which plaintiff seeks to acquire in the proceedings and in which defendants have an interest.

The motion will be made on the ground that the court does not have jurisdiction of defendants or the land because (1) plaintiff has failed to exercise reasonable diligence to determine defendants' identities and interests in the land and to properly issue upon them service of process either personally or by posting, thereby denying defendants' rights of due process, and (2) even if the posting provisions of 10 T.T.C. §53 had been strictly followed by plaintiff in the proceedings, due process standards of notification would not have been met in the context of the uniqueness of the proceedings in the Yap Islands.

The motion will be based on this notice, on the pleadings and papers in the action and on defendants' memorandum of points and authorities and other papers to be submitted.

*Albert R. Snyder*

---

Albert R. Snyder  
Counsel for the Defendants  
Micronesian Legal Services Corporation  
Box 206  
Yap, Western Caroline Islands 96943

Received and filed this 14<sup>th</sup> day of September, 1973.

*Anna Whitten*

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Clerk of Courts  
Yap District

TRUST TERRITORY OF THE PACIFIC ISLANDS  
TRIAL DIVISION OF THE HIGH COURT

YAP DISTRICT

TRUST TERRITORY OF THE  
PACIFIC ISLANDS,

Plaintiff,

vs.

LUKAN, et al,

Defendants

CIVIL ACTION NO. 66

MOTION FOR MORE DEFINITE STATEMENT

To: Plaintiff and Russell Walker, Esq., its attorney.

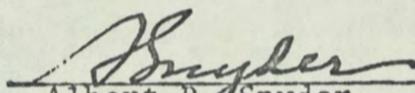
Notice is hereby given that all persons designated by true name as defendants in the complaint as amended, represented through their recognized local officials by Albert Snyder and the Micronesian Legal Services Corporation, will move the court on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m., or as soon thereafter as counsel may be heard, for an order requiring plaintiff to make the complaint more definite and certain in the following respects and particulars: by stating with greater certainty the nature of the interest in land, crops, trees, soil, rocks and any other property or flowage or marine rights which plaintiff seeks to acquire in the proceedings pursuant to paragraphs III and IV of the complaint.

The motion will be made on the ground that (1) it does not appear from the complaint what is the precise interest which plaintiff seeks to acquire and for which plaintiff accordingly would be required to compensate defendants, particularly as to (a) property in which plaintiff seeks to acquire a right of removal, (b) land which is adjacent to a marine area, and (c) the waters of the stream Dalibeech, (2) without such greater particularity plaintiff's agents are, and will continue to be, without guidance as to the matter of compensation for such property which has been removed or will be removed prior to the outcome of the proceedings or thereafter to the detriment of

defendants, and

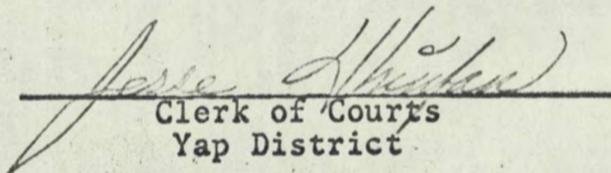
(3) without such greater particularity the court cannot proceed or state in the final judgment of the proceedings the interest in land acquired by plaintiff pursuant to 10 T.T.C. §56, and (4) without such greater particularity it cannot be known to defendants and the court whether the acquisition of an interest in land adjacent to a marine area forecloses the rights of defendants as present fee holders of such land.

The motion will be based on this notice, on the pleadings and papers in the action and on defendants' memorandum of points and authorities and other papers to be submitted.



Albert R. Snyder  
Counsel for the Defendants  
Micronesian Legal Services Corporation  
Box 206  
Yap, Western Caroline Islands 96943

Received and filed this 14th day of September, 1973.



Clerk of Courts  
Yap District

LAW OFFICES OF  
MICRONESIAN LEGAL SERVICES CORPORATION  
ATTORNEYS AND MICRONESIAN COUNSELORS  
CABLE ADDRESS: MICROLEX

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MICHAEL UNGER  
TONY VILLANUEVA  
HANS WILLIANDER  
SAMUEL WITHERS, III

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SAIPAN, MARIANA ISLANDS 96950  
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POST OFFICE BOX 57  
KOROR, PALAU  
WESTERN CAROLINE ISLANDS 96940

MARSHALLS OFFICE  
POST OFFICE BOX 376  
MAJUHO  
MARSHALL ISLANDS 96960

TRUK OFFICE  
POST OFFICE BOX D  
MOEN, TRUK  
EASTERN CAROLINE ISLANDS 96042

PONAPE OFFICE  
POST OFFICE BOX 129  
KOLONIA, PONAPE  
EASTERN CAROLINE ISLANDS 96941

MARIANAS OFFICE  
POST OFFICE BOX 826  
SAIPAN, MARIANA ISLANDS 96950  
TELEPHONE 6243

YAP OFFICE  
POST OFFICE BOX 206  
COLONIA, YAP  
WESTERN CAROLINE ISLANDS 96943

REPLY VIA AIR MAIL TO Yap Office

September 5, 1973

The Honorable Petrus Tun  
Senate  
Congress of Micronesia  
Colonia, Yap  
Western Caroline Islands 96943

Reference: Y-0062, Keng Village, Government Taking of  
Marine Material

Dear Senator Tun:

As we have recently discussed, I have been informed by the Trust Territory Government in conjunction with the referenced case that there is apparently a Government Trust Territory-wide policy that any payment to the Government by a private party for the purchase of sand, coral, stone and like material taken from public land, including a marine area below the ordinary high water line, is in turn transferred by the executive branch of the Government into the General Fund for appropriation by the Congress of Micronesia.

I was notified in a letter from the District Land Management Officer dated August 14, 1973 that in the referenced case a payment of \$18.50 by the Hanil Development Co. Ltd. for 185 cubic yards of rock and loam material, taken from a marine area below the ordinary high water line adjacent to Keng Village, was transferred to the General Fund. There is no indication of the method whereby the cubic yard rate was determined.

I request on behalf of my group client that you verify the existence of the described Government policy and its general implementation throughout the Trust Territory as well as its application to the described instance. Your findings could affect the legal posture of the client in addition to whatever other purpose the findings may serve.

Sincerely yours,

*Albert Snyder*  
Albert Snyder  
Attorney



AS/gt  
cc: Chief of Keng  
Land Management Officer

178.14.5

TRUST TERRITORY OF THE PACIFIC ISLANDS  
Department of Resources and Development  
DIVISION OF LANDS AND SURVEYS

SENIOR LAND COMMISSIONER  
PL-26

I. INTRODUCTION

This is the position of Senior Land Commissioner in each of the respective districts, located within the Division of Lands and Surveys, Department of Resources and Development, Government of the Trust Territory of the Pacific Islands.

The purpose of the position is to carry out the provisions of the Land Commission Act, PL 2-1 of the Congress of Micronesia, to proceed on a systematic and geographical basis to accomplish the registration of as much of the land within the District as practical within such registration areas as the Commission may designate.

The Senior Land Commissioner is responsible for implementing a Land Registration system as outlined in Public Law 2-1 and broad policy and procedural guidelines from the Chief, Division of Lands and Surveys, who is responsible for the Trust Territory wide implementation of the Act. The Senior Land Commissioner is empowered to make determinations of land ownership which are final, unless appealed to the Trial Division of the High Court of the Trust Territory.

II. DUTIES

1. Studies and evaluates the status of land records extant from Spanish, German, Japanese and American administrations of the district; evaluates secondary sources of the past land tracts and titles, and actions regarding ownership taken by the Government of the Trust Territory throughout the period of the United States Administration. Prepares background papers on the problems involved in resolving land ownership for the benefit of the District and Trust Territory Administrations and the District Legislature.
2. Develops methods, procedures, and documents for land registration.
3. Designates areas for registration and appoints land registration teams. If time permits, attends and presides over public preliminary inquiries and formal hearings conducted by Land Registration Teams. Requests necessary surveys of specific parcels of land as needed from the District Surveyor and from surveying personnel assigned to the Commission. The team takes testimony, reviews documents, attempts to resolve points in controversy and recommends registration of ownership.

4. Reviews findings of land registration teams, determines ownership, and registers or directs registration of land and issues certificates of title.
5. Insures registration of all liens and other incumbrances affecting private lands. Insures that all title transfers or alienation of any rights in land are also registered.
6. Maintains an official inventory of the quantity, use, value and ownership of real property.
7. Is responsible for training prospective Senior Land Commissioners, Commissioners, Land Tenure Assistants and other Land Commission personnel.
8. Is responsible for the supervision and training of a large office staff consisting of Land Commissioners, Land Tenure Assistants, Secretaries, typists, cartographic technicians, and up to four registration teams consisting of twenty-seven members, and the direction of up to five or more survey teams.
9. Is responsible for drafting proposed legislation to the Congress of Micronesia and the District Legislature, as the case may be, affecting Land Commissions and Land Registration.
10. Is responsible for drafting initial Land Commission Regulations and amendments thereto for the approval of the Chief, Division of Lands and Surveys, and the High Commissioner.

III. KNOWLEDGE, ABILITIES, AND OTHER QUALIFICATIONS

This position requires a broad knowledge of law governing real estate ownership and registration; the rules of evidence, and legal procedures in establishing a workable and equitable system of determining land ownership and registering such ownership. A general knowledge of surveying and cartographic work is required in the planning and operation of the Commission. Tact, diplomacy, persuasiveness and clarity is required in dealing with Trust Territory officials, Micronesian Congressional and District Legislative leaders and the general public. Initiative, imagination and organizational ability is needed in developing and effectively interpreting and administering an entirely new land system from the broad outline of the essential elements of the Land Commission Act. Ability to prepare clear and simple informational material for administrative and clerical personnel is essential.

**ACTION**

473

ZCZC SHAO25 YSA018/10/IK SHA  
P 100405Z SEP 73  
FM DISTAD YAP  
TO HICOMTERPACIS SAIPAN  
BT

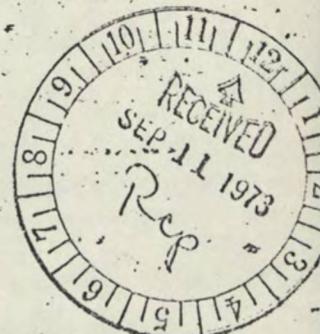
ACTION.....L&S  
INFO.....D/RD

SEP 10 04 35 13  
LANDS & SURVEY DIV. CHIEF KOZO YAMADA. REOUR TELECONF 10 SEPT 73.  
RE SENIOR LAND COMMISSIONER FOR YAP DIST. PROCEED WITH RECRUIT-  
MENT APARTMENT HOUSING AVAIL. BEST REGARD. ACTING DEPUTY DISTAD SENDS.  
BT

NNNN

SEP 10 04 34

DIVISION OF LANDS AND SURVEYS	
INCOMING	DISPATCH NO. 4093



Action: Mr. Rice

CASE NO:  
ISSUED :  
CLOSED :

VACANCY ANNOUNCEMENT

It is the policy of the Government that qualified Micronesian citizens be given first priority for employment consideration, with United States citizens utilized only in positions for which qualified Micronesians are not available.

Position and Salary: Senior Land Commissioner

Location: Yap Land Commission

Duties: Organizes, plans and supervises the Land Commission and Land Registration Team's work. Designates registration areas and issues notices of inquiries and hearings. Issues determinations of ownership and Certificates of Title. Interviews land owners who have land problems. Reviews all adjudications made by the Land Registration Teams. As District Registrar, reviews all land documents for acceptance or rejection. Formulates all legal documents concerning preliminary inquiries and formal hearings. Directs and observes field work (negotiating teams and survey crews). Reviews and researches all disputed land cases and formulates legal documents.

Minimum Qualification Requirements: A Bachelor's degree in law, real estate, business administration, surveying, or related field including a substantial number of courses relative to real estate, plus three (3) years of progressively responsible experience in real estate work, at least of which one has been in an administrative or supervisory capacity. Qualifying experience may be in real estate management, surveying, title abstracting, real estate appraisal work, work as a real estate broker, tax assessor, in real estate management, in the mortgage loan field or as an attorney or any other employment which involves emphasis on real estate.

\*Note: PL-26 is the full performance target level. Candidates with less than the required education and/or experience qualifications may be considered for placement at lower developmental levels, depending on same.

How to Apply: Applications can be obtained from both Headquarters and District Personnel Offices. All applications must be submitted to:

Director of Personnel  
Trust Territory of the Pacific Islands  
Saipan, Mariana Islands 96950

AUG 13 1973

District Administrator, Yap

Deputy High Commissioner

Resolution No. 3-31, "Requesting the High Commissioner to appoint a Land Commission for Yap District so that the land registration program in the district may proceed in those municipalities which desire it", adopted by the Third Yap District Legislature, First Regular Session on July 10, 1973

This is in response to the subject resolution.

We are pleased to note the Yap District Legislature is anxious to reactivate the Yap District Land Commission. The Chief of Lands and Surveys and the Director/Personnel are actively recruiting a Senior Land Commissioner to reopen the work in Yap District.

*Peter T. Coleman*  
Peter T. Coleman

cc: Director, Public Affairs  
Director, Personnel ✓  
Director, Resources & Development  
SA/LA  
SA/DA



178.14-5



TRUST TERRITORY OF THE PACIFIC ISLANDS  
Office of the District Administrator  
Yap District

In reply refer to:

Land Management  
Serial: LMY0635  
August 10, 1973

Al Snyder  
Attorney At Law  
Micronesia Legal Services Corporation  
Yap Office

Dear Al,

At this time the District Administrator has authorized me to make the following offer of compensation for a perpetual easement, conditions yet to be negotiated, for the below listed parcels of land shown on Division of Lands and Surveys Drawing No. 5003/73, Access Road, Magchgil Village.

<u>Tract</u>	<u>Sq. Meters</u>	<u>Sq. Ft.</u>	<u>Rate</u>	<u>Total Compensation</u>
50679	264	2,841.43	\$0.01/ft <sup>2</sup>	\$28.41
50678	171	1,840.47	"	18.40
50677	71	764.17	"	7.64
50676	51	548.91	"	5.49
50675	377	4,057.65	"	40.58
50674	99	1,065.53	"	10.66
50673	342	3,680.94	"	36.81

We realize that there is a probable further subdivision of parcel 50673 but this will not affect the total offer, and can be determined before any final agreement.

If we have your clients favorable responses to this offer, I am looking forward to quickly finalizing a Perpetual Easement which could provide continued Public enjoyment of the Gilman beach area.

*Michael H. Allen*

Michael H. Allen

cc: District Administrator



178-14.5

LAW OFFICES OF  
MICRONESIAN LEGAL SERVICES CORPORATION  
ATTORNEYS AND MICRONESIAN COUNSELORS  
CABLE ADDRESS: MICROLEX

THEODORE R. MITCHELL  
EXECUTIVE DIRECTOR  
EDWARD C. KING  
DEPUTY DIRECTOR  
LORENZO L.G. CABRERA  
DEPUTY DIRECTOR  
FOR ADMINISTRATION  
GIDEON DOONE  
ASSISTANT DIRECTOR  
ROMAN T. TUDELA  
COMPTROLLER

DANIEL AQUINO  
HAMLET J. BARRY, III  
ALAN B. BURDICK

DELSON EHME  
ANDREW FIGIRMAD  
FELIX FITIAL  
HEMOS A. JACK  
IOANES KANICHY  
JAMES LICKE  
ALAN S. LIEBERMAN  
DANIEL MACMEEKIN  
SIONAG MACMEEKIN  
DENNIS F. OLSEN  
OLIVER G. RICKETSON  
BELHAIM SAKUMA  
NAHOY G. SELIFIS  
ALBERT R. SNYDER  
MICHAEL UNGER  
TONY VILLANUEVA  
HANS WILIANDER  
SAMUEL WITHERS, III

CENTRAL OFFICE  
POST OFFICE BOX 826  
SAIPAN, MARIANA ISLANDS 96950  
TELEPHONE 6228

PALAU OFFICE  
POST OFFICE BOX 57  
KOROR, PALAU  
WESTERN CAROLINE ISLANDS 96940

MARSHALLS OFFICE  
POST OFFICE BOX 376  
MAJURO  
MARSHALL ISLANDS 96960

TRUK OFFICE  
POST OFFICE BOX D  
MOEN, TRUK  
EASTERN CAROLINE ISLANDS 96942

PONAPE OFFICE  
POST OFFICE BOX 129  
KOLONIA, PONAPE  
EASTERN CAROLINE ISLANDS 96941

MARIANAS OFFICE  
POST OFFICE BOX 826  
SAIPAN, MARIANA ISLANDS 96950  
TELEPHONE 6243

YAP OFFICE  
POST OFFICE BOX 206  
COLONIA, YAP  
WESTERN CAROLINE ISLANDS 96943

REPLY VIA AIR MAIL TO Yap Office

August 2, 1973

The Honorable Leonard Q. Aguigui  
District Administrator  
Colonia, Yap  
Western Caroline Islands 96943

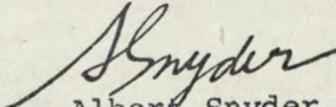
Reference: Y-0159, Gilman Commission of Inquiry

Dear Mr. District Administrator:

At its most recent session the Gilman Commission of Inquiry directed Micronesia Legal Services and Secretary Martin Yinug to discuss with the District Administration two important aspects of Government coral removal operations in Gilman Municipality, viz. (1) possible future Government proposals to remove coral from the Municipality subsequent to the present operation which is presently drawing to a close, and (2) the Government's participation in the construction of a seawall to prevent further erosion of the Magachgil Village shoreline, which is due at least partially to the Government's dredging operations in the waters of the Village. It is the Commission's hope that an understanding concerning both matters can be reached at this time between the Commission and the Government.

Accordingly we would like to meet with you concerning the two matters at a time and place of your convenience, preferably within the next several days, and would suggest the presence of the District Planner, Public Works Director and Land Management Officer at the meeting, if such an arrangement is agreeable to you.

Sincerely yours,

  
Albert Snyder  
Attorney

gt

xc: Commission of Inquiry



TRUST TERRITORY OF THE PACIFIC ISLANDS  
Office of the District Administrator  
Yap District

In reply refer to:

Land Management  
Serial: LMY0633  
August 6, 1973

Al Snyder  
Attorney At Law  
Micronesian Legal Services Corporation  
Yap Office

Dear Al,

Enclosed please find the below listed Trust Territory Payroll Checks for your clients from the Yap District Land Commission.

<u>Check No.</u>	<u>Payee</u>	<u>Amount</u>
1507329	John C. Gidibma	\$440.98
1507331	Peter Fanagchel	\$598.12
1507334	Albert Googdow	\$357.35
1507340	Steven Forzey	\$405.50
1507341	Thotico Tamag	\$405.50
1507342	Lirad	\$405.50
1507344	Frank Falarog	\$440.98

No check was received for employee Michael Libyan presumably as this employee was not working during the time covered by these payments.

*Michael H. Allen*

Michael H. Allen

cc: Chief, Lands & Surveys

Receipt of the above listed checks is acknowledged, and responsibility for the distribution of same is accepted.

*Albert Snyder*  
\_\_\_\_\_  
Albert Snyder, Attorney

*8/9/73*  
\_\_\_\_\_  
Date



128.14.5

LAW OFFICES OF  
MICRONESIAN LEGAL SERVICES CORPORATION  
ATTORNEYS AND MICRONESIAN COUNSELORS

CABLE ADDRESS: MICROLEX

THEODORE R. MITCHELL  
EXECUTIVE DIRECTOR

EDWARD C. KING  
DEPUTY DIRECTOR

LORENZO L.G. CABRERA  
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FOR ADMINISTRATION

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ASSISTANT DIRECTOR

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ANDREW FIGIRMAD  
FELIX FITIAL  
HEMOS A. JACK  
IOANES KANICHY  
JAMES LICK  
ALAN S. LIEBERMAN  
DANIEL MACMEEKIN  
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MICHAEL UNGER  
TONY VILLANUEVA  
HANS WILIANDER  
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CENTRAL OFFICE  
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PALAU OFFICE  
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EASTERN CAROLINE ISLANDS 96941

MARIANAS OFFICE  
POST OFFICE BOX 826  
SAIPAN, MARIANA ISLANDS 96950  
TELEPHONE 6243

YAP OFFICE  
POST OFFICE BOX 206  
COLONIA, YAP  
WESTERN CAROLINE ISLANDS 96943

REPLY VIA AIR MAIL TO Yap Office

July 11, 1973

Mr. Mike Allen  
Land Management Officer  
Colonia, Yap 96943  
Western Caroline Islands

As soon as the Hanil Company has rendered payment for its taking of marine materials from Keng Village waters in August 1972 please inform us of the amount and nature of the payment and the payee so that we can follow up the transaction as it relates to our client's interests.

Sincerely,



Albert Snyder  
Attorney

gt

cc: Falan

*Yap 0058*





TRUST TERRITORY OF THE PACIFIC ISLANDS  
Office of the District Administrator  
Yap District

In reply refer to:

Land Management  
Serial: LMY0637

August 14, 1973

Mr. Al Snyder  
Attorney At Law  
Micronesia Legal Services Corporation  
Yap Office

Re: Hanil Payment for Keng Dredging

Dear Al,

In response to your letter of July 11 on the question of payment by Hanil for materials dredged from the reef flat off of Keng village, I can advise you at this time the the Trust Territory has accepted payment by check from Hanil in the amount of \$18.50 for an estimated 185 yards of dredged material at the rate of \$0.10 per cubic yard.

Payment was made by check to the Congress of Micronesia.

Sincerely,

*Michael H. Allen*

Michael H. Allen

D.F.O. credited to account 990  
check for \$33.50 included payment for sand  
from old Lay village

Yap 0058

TRUST TERRITORY OF THE PACIFIC ISLANDS

Office of the District Administrator, Yap

TO : District Administrator

DATE: August 3, 1973  
Serial: LMY0632

FROM : District Land Management Officer

SUBJECT: Public Land Listing Prepared for Visiting Office of Micronesian  
Status Negotians Members

Attached hereto please find two copies of our drawing entitled "Public Lands, Yap Island, Yap District", and a similarly titled 5 page listing of Public Lands in the Yap District.

This listing has been specially prepared for the information of the visiting commission and is not to be regarded as an in depth study of public lands but rather a complete but brief listing of same.

The second copy is for the Yap COM delegation as per their request to you.

*Michael H. Allen*

Michael H. Allen

cc: Chief, Lands & Surveys ✓



178.14.5

PUBLIC LANDS

YAP DISTRICT

TRUST TERRITORY OF THE PACIFIC ISLANDS

The attached listing indicates all lands in the Yap District presently known to be Public Lands either in use by agreement with Private landowners, owned by the Trust Territory Government or its Alien Property Custodian, or as probable Public Land by virtue of previous alien ownership, title as yet undetermined.

Map numbers refer to a general drawing entitled "Public Lands, Yap Islands, Yap District", as prepared by the Yap District Land Management Office.

<u>Map No.</u>	<u>Common Site Identification</u>	<u>Present Use</u>	<u>Historical Basis of Present Public Claim or Present Use Rights (H),(P)</u>
1.	Gilman Dispensary	Dispensary	(P) Non-Documented Private Donation
2.	Gilman Ele. School	Elementary School	(P) Non-Documented Community Donation
3.	Guror Copra Mill	Private	(H) Japanese Use
4.	Kanifay Elementary School	Elementary School	(H) Japanese Use
5.	Nantuku Faraa Farm	Private	(H) Japanese Use
6.	Airfield	Airfield	(P) Indefinite Use Rights
7.	Nantuku Luwech Farm	Air Teriminal Area	(H) Japanese Use
8.	U.S. Weather Bureau	Meterological Station	(P) Indefinite Use Rights &(H) Japanese Use
9.	TT Communications Receiver	Communications Station	(P) Lease
10.	TT Communications Transmitter	Transmitter Station	(P) Use Rights & Fee Ownership
11.	New Yap High School	Future High School	(P) Reversionary Deed &(H) German Use
12.	German Cable Station "Tora"	Transmitter Antennas	(P) Fee Ownership
13.	Existing Yap High School	High School	(P) Indefinite Use Rights
14.	Reservoir	Future Reservoir	(P) Perpetual Easement & Lease (H) Japanese Use
15.	Dalipebinau Ele. School	Elementary School	(P) Non-Documented Private Donation
16.	Public Works Relocation	Future P.W. location	(P) Lease
17.	Agricultural Station	Agricultural Station	(P) Lease
18.	Sea Bee Camp	Sea Bee Station	(P) Lease

<u>Map No.</u>	<u>Common Site Identification</u>	<u>Present Use</u>	<u>Historical Basis of Present Public Claim or Present Use Rights (H), (P)</u>
19.	Ganelay Ele. School	Elementary School	(P) Reversionary Deed
20.	Staff Housing-WSZA	Staff Housing, Broadcast Sta.	(H) Japanese Use (P) Conditional Use Right
21.	Nantaku Housing Area, Worowor	Private	(P) Fee Ownership Subject to Court Order
22.	D'omigilip	Private	(H) Japanese Use
23.	Mobil Oil Bulk Plant	Mobil Oil Bulk Plant	(H) Japanese Use
24.	Public Works	Public Works	(P) Fee Ownership
25.	Nungoch Island	Future Sewage Treatment Plan	(H) German and Japanese Use
26.	Hospital and Administration Area	Various Public Buildings	(P) Fee Ownership
27.	U.S. Post Office	Post Office	(P) Fee Ownership
28.	Fitenguch, Keng Village	Private	(H) Japanese Use
29.	Colonia	Sewer and Water District	(P) Perpetual Easement
30.	O'Keefes Island (Tarang)	None	(H) O'keefes purchase, German, Japanese Use
31.	Pakel Island	None	(H) Japanese Use
32.	Unidentified		
33.	Rumu Ele. School	Elementary School	(P) Non-Documented Community Donation
34.	Unidentified		
35.	North Fanif Ele. School	Elementary School	(P) Non-Documented Private Donation
36.	North Fanif Dispensary	Future Dispensary	(P) Reversionary Deed

<u>Map No.</u>	<u>Common Site Identification</u>	<u>Present Use</u>	<u>Historical Basis of Present Public Claim or Present Use Rights (H), (P)</u>
37.	U.S. Coast Guard Fuel Pipeline	Above ground fuel pipeline	(P) Perpetual Easement
38.	Tomil Dispensary	Dispensary	(P) Non-Documented Community Donation
39.	Tomil Ele. School	Elementary School	(P) Non-Documented Community Donation
40.	Karasaki Farm, Thol Village	Private farming	(H) Japanese Use
41.	Japanese Lighthouse, Lebinaw Village	none	(H) Japanese Use
42.	Nantaku T'enifan Farm	Private	(H) Japanese Use
43.	Japanese Airstrip	Private or none	(H) Japanese Use
44.	U.S. Coast Guard Loran Station	U.S.C.G. Loran Transmitter	(P) Indefinite Use Rights
45.	Japanese Police Substation, Gachapar	Private	(H) Japanese Use
46.	Gagil Ele. School	Elementary School	(P) Non-Documented Community Donation
47.	Gagil Dispensary	Future Dispensary	(P) Reversionary Deed
48.	Japanese Ele. School Lay Village	None	(H) Japanese Use
49.	Map Ele. School	Elementary School	(P) Non-Documented Community Donation
50.	Japanese Police Substation Toruw	Private Residence	(H) Japanese Use
51.	Wenfara' Village	Private	(H) Private German Use
52.	Rumung Ele. School	Elementary School	(P) Non-Documented Community Donation

### Outer Islands-Yap District

The Trust Territory Government has numerous isolated small tracts located on the various outer islands of Yap district acquired in recent years for use as dispensary or elementary school sites. All sites are small, in use or with definite future use planned, and are held by the Government with reversionary deeds, the deed specifying that the premises will revert to the grantor if ever ceased to be used for the specified purposes by the Government.

Other sites believed or known to be Public Land in the outer islands are as follows.

<u>Island</u>	<u>Use</u>	<u>Basis of Public Claim</u>
Falalop, Ulithi Atoll	Outer Islands High School	Indefinite Use Agreement
Falalop, Ulithi Atoll	Airstrip	Indefinite Use Agreement
Falalop, Woleai Atoll	Private	Japanese Use (Airstrip)
Fais Island	Private	Japanese Use (Phosphate Mining)

In addition German records obtained from the Commonwealth Archives Office in Canberra give possible public claim to several entire small islands of outer island atolls and in some cases significant areas of the larger islands. No title determinations have been attempted and information available to date is incomplete.

OFFICE OF THE DISTRICT ADMINISTRATOR  
Yap District

MEMO SLIP

Date 7/24/73

TO: JL md  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FOR:

- |   |   |
|---|---|
| <input type="checkbox"/> Approval                       | <input type="checkbox"/> Comment/Recommendation |
| <input type="checkbox"/> File                           | <input checked="" type="checkbox"/> Information |
| <input type="checkbox"/> Necessary Action               | <input type="checkbox"/> Note and Return        |
| <input type="checkbox"/> Prepare reply for<br>signature | <input type="checkbox"/> See Note               |

- NOTE -

For your info + file - no  
action required. Road  
right of way described is  
that funded by COM under  
P.L. 5-10 subsection C.

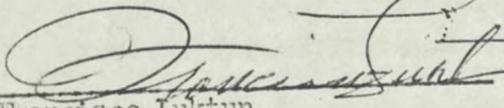
*JL*

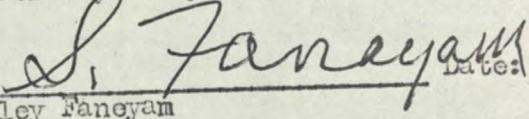
~~178.81.5~~ 178.14.5

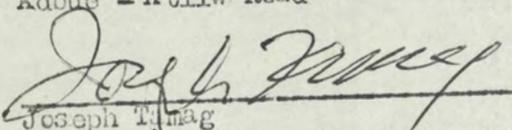
AGREEMENT FOR THE USE OF LAND AND DAMAGE OF PROPERTY

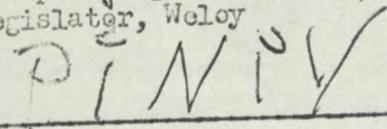
We the undersigned magistrates, legislators, chiefs and land owners of Okaw, Adbue and Numnung villages in Weloy municipality and Atliw village in Fanif municipality agreed that no claims or complains shall be made on any crops, property or land which may be damaged, destroyed or used near or for the construction of Adbue - Atliw road.

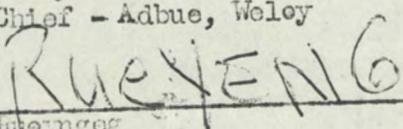
We signed hereunder to verify that we agreed for the above commitment.

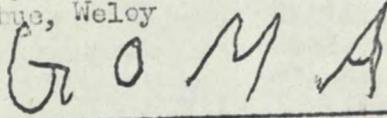
 Date: June 29, 1973  
Francisco Tuktun  
Magistrate, Weloy Municipality

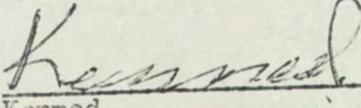
 Date: June 29, 1973  
Stanley Faneyam  
Contracting Officer  
Adbue - Atliw Road

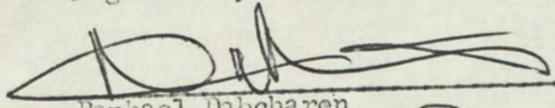
 Date: 29 June 1973  
Joseph Tinnag  
Legislator, Weloy

 Date: 29 June 1973  
Pindy  
Chief - Adbue, Weloy

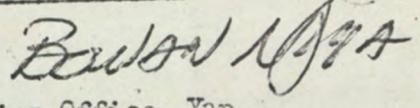
 Date: 29 June 1973  
Ruyeng  
Adbue, Weloy

 Date: 29 June 1973  
Goma  
Chief - Numnung, Weloy

 Date: June 29, 1973  
Kenmed  
Magistrate, Fanif Municipality

 Date: June 29, 1973  
Raphael Dabcharen  
Legislator, Fanif

cc: District Planning Office, Yap

 June 29, 1973

2  
1/5  
/

MEMORANDUM

July 13, 1973

TO: Director of Personnel  
FROM: Employment Officer  
SUBJECT: Application of Fred A. Kisabeth, Land Mgt.

Enclosed please find subject application for consideration for the Land Commission vacancy in Yap.

Mr. Kisabeth recently visited our office and renewed his interest in working in the Trust Territory. He appears to be a very capable individual and I recommend that he be considered for the Yap position or a comparable assignment.

*D*

C. Devall

CD:dlc

Encls: Kisabeth application

cc: Dir/R&D ✓

7/18/73

Have we received the attachment?

(a)

Action: Mr. News

178.14.5



TRUST TERRITORY OF THE PACIFIC ISLANDS  
Office of the District Administrator  
Yap District

In reply refer to:

Land Management  
Serial: LMY0623  
July 11, 1973

Al Snyder  
Attorney  
Micronesia Legal Services Corporation  
Yap Office

Dear Al,

Attached please find the employees copies of amended termination actions on former Yap Land Commission employees represented by your office. The amendment changes the effective date of termination to coincide with the actual time worked by the employee.

I assume payroll checks for these employees to cover this amendment will be forthcoming from Headquarters in the next regular payroll. We will forward the checks directly to you upon our receipt of them.

*Michael H. Allen*

Michael H. Allen

Attachments: 8 TT Personnel Action Forms

CC: Chief, Lands & Surveys



178.14.5

# ACTION

NNNNKTZCZC SHA060

ACTION.....C/L&S  
INFO....D/RD

ZCZC YSA024/05/RT SHA  
P 050655Z JUL 73  
FM COMMSTA YAP  
TO HICOMERPACIS SAIPAN  
INFO ZEN/DISTAD YAP  
BT

REFOUR YSA017/05 R 050419Z JUL 73 ORIGINATED DISTAD YAP ACTION  
ADDRESSEE HICOMTERACIS SAIPAN. PLS CORR IN TXT THIRD LINES WORD  
ALFONSO'S PARCEL NO. WILL BE TO READ 50681 RPT 50681 VICE 59681.  
SUBJ ERROR FIGURES WAS MADE BY DISTAD CENTER OPERATOR. PLS CORR IT  
AND CONVEY OUR APOLOGIES FOR INCONVENIENCE. SUPRV  
BT

NNNN

*Action: D. Paelt*

*178-145*

**DIVISION OF LANDS AND SURVEYS**  
**INCOMING**  
**DISPATCH No** *4036*

*JUL 06 1973*

*JUL 06 1973*  
*RS*

# ACTION

Jul 5 05 01'73

ACTION.....C/L&  
INFO.....D/RD

NNNNZCZC SHA049ZCZC DYA04/05/GK  
R 050419Z JUL 73  
FM DISTAD YAP  
TO HICOMTERPACIS SAIPAN

BT  
PASS TO ACTING CHIEF, LANDS & SURVEYS. REFERENCE YOUR ATTEMPTED  
VOICE CONFERENCE THIS PM. BELIEVE YOU WANTED INFORMATION REGARDING  
SYLVESTER ALFONSO LAND FILL. ALFONSO'S PARCEL NO. WILL BE 59681 ON  
DRAWING NO. 5005/73, AS FOLLOWS IN OUR SEQUENTIAL NUMBERING SYSTEM.  
FIELD WORK BEGINS JULY 6, ESTIMATE 3 WEEKS TO TRANSMIT DRAWING TO  
YOU. DLMO YAP  
BT

*Action: LO. Pacht*

~~178 31.5~~

178.14.5

**DIVISION OF LANDS AND SURVEYS**  
**INCOMING**  
**DISPATCH No** 4037

JUL 06 1973

*98*

TRUST TERRITORY OF THE PACIFIC ISLANDS

Office of the District Administrator, Yap

TO : District Finanee Officer

FROM : District Land Management Officer

SUBJECT: Payment for Dredged Materials, Hanil Development Co., Ltd.

DATE: July 5, 1973  
 Serial: LMY0620

Attached please find a check from the Hanil Development Co., Ltd., no. 178, dated June 28, 1973, in the amount of \$33.50.

This check was presented to this office by Hanil in payment of your invoice no. 5-1214-73 dated May 25, 1973. Hanil apparently did not receive your original billing and presented the check to me when I asked about the bill.

The check has been made payable to the General Fund of the Congress of Micronesia as per instructions to me from the Chief, Lands and Surveys regarding revenue from Public Lands.

Would you please insure that a standard receipt is forwarded to Hanil, with one copy to this office, and that the check is properly processed.

*Michael H. Allen*

Michael H. Allen

cc: Chief, Lands & Surveys



Land Management  
Serial: LMY0621

7/6/73

Al Snyder  
Attorney  
Micronesian Legal Services Corporation  
Yap Office

Dear Al,

Please find enclosed the following Trust Territory Payroll checks for  
For former Yap Land Commission employees presently represented by your  
office:

TT Check no.	1490806	\$ 98.84	John C. Gidibma
"	1490809	00.00	Michael M. Libyan (stub only)
"	1490810	60.82	Peter Fanaguchel
"	1490813	11.40	Albert Googdow
"	1490819	176.98	Steven Forzey
"	1490820	149.71	Thotico Tamag
"	1490821	197.68	Lirad
"	1490824	24.30	Frank Falarog.

In comparing information on the check stubs to our own records it is clear  
that these checks are payments for accumulated annual leave up to the original  
termination date . That termination date has since been revised to include  
the actual time worked by the employees. The employees should therefore  
be receiving one more check when this information is processed in Saipan.

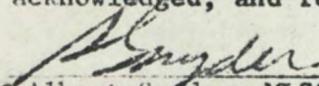
Deductions made on the checks for accounts receivable are the amounts  
known to be owed to the Department of Health Services.

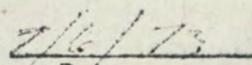
I would appreciate your signature below indicating receipt of the listed  
checks.

Sincerely,

Michael H. Allen

Receipt of the above listed Trust Territory Payroll checks is hereby  
acknowledged, and responsibility for distribution of same is accepted.

  
Albert Snyder, MLSC

  
Date



128.14.5

ROUTINE

FM HICOMTERPACIS SAIPAN

TO DISTAD YAP

FOR DLMO RE 160320Z ~~Sub~~ SUBJECT SEPARATION TEMPORARY ~~XXXXXX~~ LAND  
COMMISSION EMPLOYEES. PERMISSION GRANTED RETAIN ~~XXXXXX~~ TWO PERMANENT  
EMPLOYEES AS REQUESTED.

*MM*

*Koza: I sent dispatch reply  
while you were in Guam  
to separate the temporary  
employees pending recruitment  
of Sr Land Commissioner*

*MM  
5/17*

*178.14.5*

For : District Administrator, Yap  
 District Land Management Officer, Yap  
 Chief, Lands & Surveys

Yap Land Commission Employees, Claim for Compensation

Enclosed is copy of letter dated June 15, 1973, which indicates Micronesian Legal Service Corporation, Yap, is interested in compensation for employees of the Yap Land Commission.

It is noted the matter may have been discussed with you by Attorney Albert Snyder. Please give us a review of the case as you know it. Also, please check with Personnel as to what they know about the matter and what they recommend with respect to a solution of the problem.

Kozo Yamada

Enclosure: a/s

cc: District Personnel Officer, Yap

ORIGINATOR  
 MNEAS:ndi  
*[Signature]*

ROUTING

~~June 18, 1973~~  
~~Serial:LS12472~~  
~~File:178.14.5~~

HC	
DHC	
XO	
AG	
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FI	
HS	
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PERS	
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TC	
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AUD	
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MGT	
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PAD	
PID	
CDD	

SIGNATURE

HC	
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AG	
ED	
FI	
HS	
PA	
PERS	
PW	
RD	
TC	

**ACTION**

ACTION.....C/L&S  
INFO....D/RD

ZCZCSSHA013 YSA008/08 SHA ZCZC DYA004/08/GK  
P 080107Z JUN 73  
FM DISTAD YAP  
TO HICOMTERPACIS SAIPAN

BT  
PASS TO CHIEF, LAND & SURVEYS. PERMANENT YAP. LAND COMMISSION  
EMPLOYEES ON BOARD ARE AS FOLLOWS: JOSEPH GARBEE, REALTY AIDE,  
GRADE AND STEP PL5/2; JOSEPH FAIMAU, REALTY AIDE, QL5/2, DLMO YAP  
BT

*6/11/73  
Noted & action completed  
19/*

NNNN

JUN 8 01 22 73

**DIVISION OF LANDS AND SURVEYS**  
**INCOMING DISPATCH No 4012**

**JUN 11 1973**  
*fontes*

*Action Tozo Yamada .. 178.14.5*

*[Handwritten red scribble]*

NNNN

MAY 11 07 40 73

ACTION....C/L&S

INFO.....D/R&D

ZCZC SHA006ZCZC YSA008/11SHA ZCZC DYA019/10/GK  
R 102337Z MAY 73  
FM DISTAD YAP  
TO HICOMTERPACIS SAIPAN  
BT  
PASS TO CHIEF, LAND AND SURVEYS. VIRTUAWLY ALL YAP LAND COMMISSION  
TEMPORARY EMPLOYEES ARE NOW ON LEAE. WITHOUT PAY STATUS DUESTO  
EXPIRATION OF TEMPORARY HIRE STATUS. DLMO YAP  
BT

*action taken by dispatch  
on M  
5/14/73*

**DIVISION OF LANDS AND SURVEYS**  
**INCOMING**  
**DISPATCH No** 39101

**MAY 14 1973**  
*alv*

*action: K. Yamada Near 178.14.5*



TRUST TERRITORY OF THE PACIFIC ISLANDS

Office of the District Administrator, Yap

TO : Chief, Lands & Surveys  
Thru : District Administrator  
FROM : District Land Management Officer

DATE: April 27, 1973  
Serial: LMY0599

SUBJECT: Non Payment of Temporary Hire Yap Land Commission Employees

Attached please find a copy of the Micro Payroll computer printout for the pay period ending April 14, 1973.

This is the second pay period which has passed with non payment of these employees. Apparently these employees must either be terminated or permanently employed. Without knowledge of the future status of the Yap Land Commission we are unable to recommend either course of action.

Accordingly I am requesting that these employees be placed on leave without pay status until this matter can be resolved.

We would appreciate your earliest advice on this matter.

Michael H. Allen  
Michael H. Allen

attachment: as stated

5/1/73

Maynard -  
Let's discuss  
this matter at your  
convenience.  
Key



Dispatch reply  
5/15/73  
CMM

*[Handwritten scribble]*

178.14.5

MICRO PAYROLL - P.P. 7

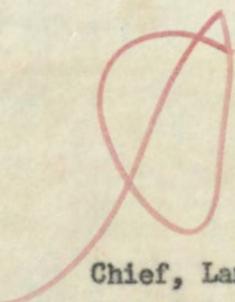
LISTING OF EMPLOYEES NOT BEING PAID FOR PAY PERIOD ENDING 4/14/73

PAGE 21

YAP LAND MANAGEMENT

NUMBER	FLOCK	NAME	REASON
07919	513	GIDISMA JOHN C	TERMINATION DATE PASSED
10562	513	LIBYAN MICHAEL M	TERMINATION DATE PASSED
10562	513	LIBYAN MICHAEL M	30 HOURS LWOP AND/OR AWOL
10597	513	PANAGUCHEL PETER	TERMINATION DATE PASSED
11934	513	GOOGSON ALBERT	TERMINATION DATE PASSED
18269	513	FURVEY	TERMINATION DATE PASSED
18870	513	TAMAG THOTICO	TERMINATION DATE PASSED
18871	513	LIRAD	TERMINATION DATE PASSED
18882	513	FALAROG FRANK	TERMINATION DATE PASSED

TOTAL EMPLOYEES 9



Chief, Lands & Surveys  
Thru : District Administrator  
District Land Management Officer

April 27, 1973  
Serial: LMY0590

Non Payment of Temporary Hire Yap Land Commission Employees

Attached please find a copy of the Micro Payroll computer printout for the pay period ending April 14, 1973.

This is the second pay period which has passed with non payment of these employees. Apparently these employees must either be terminated or permanently employed. Without knowledge of the future status of the Yap Land Commission we are unable to recommend either course of action.

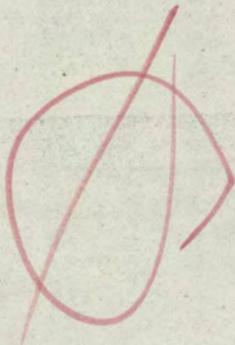
Accordingly I am requesting that these employees be placed on leave without pay status until this matter can be resolved.

We would appreciate your earliest advise on this matter.

Michael H. Allen

attachment: as stated

178. 14. 5



MAY 73 ORIG.....C/L&S  
INFO...D/RD

ZCZC HSA12/15/NL SYA  
R 150248Z MAY 73  
FM HICOMTERPACIS SAIPAN  
TO DISTAD YAP

BT

FOR DISTAD AND DLMO. DISPATCH 102337 AND DLMO MEMO APRIL 27 RE  
YAP LAND COMMISSION EMPLOYEES. SEPARATE LAND COMMISSION EMPLOYEES  
PENDING RECRUITMENT OF SENIOR LAND COMMISSIONER. THUS FAR WE HAVE  
RECEIVED NO APPLICATIONS FROM QUALIFIED PERSONS FOR POSITION  
OF SENIOR LAND COMMISSIONER YAP. HQLS SENDS

BT

NNNN

*Info*

MAY 16 1973

*ab*

178.14.5.



*[Red scribble]*

19

*[Handwritten signature]*

*M.H.A.*

LAND MANAGEMENT

DISTRICT ADMINISTRATOR

*R-1023372*

FM: DISTAD YAP

TO: HICOMTERPACIS

PASS TO CHIEF, LANDS AND SURVEYS. VIRTUALLY ALL YAP LAND COMMISSION  
TEMPORARY EMPLOYEES ARE NOW ON LEAVE WITHOUT PAY STATUS DUE TO  
EXPIRATION OF TEMPORARY HIRE STATUS. DLMO YAP

178.14.5



UNIVERSITY  
of HAWAII®  
MĀNOA

## Hawaiian & Pacific Collections

### Redaction Sheet

Collection number: MANUSCRIPT P00071

Collection name: Trust Territory of the Pacific Islands Archive

Reason for redaction:

Personnel action

#pages: 1

Original location:

TTPIAlid: 00729

Folder Title: 178.14.05 part 1. Land Commission. Yap.

Box / Folder: TTPIA box 017 Folder 10 / Reel 0053 Section 003

Reel / Section: TTPIA box 017 Folder 10 / Reel 0053 Section 003

Redacted by: Eleanor Kleiber

Date: 2025 - December - 12  
YYYY Month DD