The prehistory of Micronesia cannot be rightly ascertained. So far the guess work goes, it seems probable that the case — voyaging men who migrated from the islands of Malaysia were the first settlers of these islands. These settlements might have been made before the coming of Europeans. That there had been a number of migrations can be guessed from the regional differences in racial and cultural characteristics. But no records of migrations are available in the islands.

The islands of the present trust territories were not visited by the first European Voyagers. Magellan during his course of voyage in the Pacific in 1519-20, did not encounter any of the islands until he sighted Guam. The islands were named, many years later, the Mariana Islands, for the queen of Philip IV, Maria Anna.

In the meantime, the Portuguese went out in search for the spice islands and established themselves at key points in the Malaysian area. The various Micronesian islands were visited by them and Yap was discovered by them. In 1526 the Spanish voyagers discovered many islands in the central and South-Western area. This archipelago was named "Caroline" for Charles II of Spain. The Spanish also discovered the Marshall Islands in the year 1529. The Marshall islands were named for the English Captain Marshall. In 1788, he made a voyage in this area.

Little was known of the islands for nearly two centuries. Until the late 19th century and 19th century did explorer rediscovered them.
The colonial rivalry began by the middle of the 19th century. This colonial rivalry took shape in the form of trade-rivalry between Germany and Spain. The German traders were active and Spain attempted to control trade. As a result Germany there threatened to have the political control of the Spanish possessions. In 1885, the protectorate was established over the Marshall Islands by Germany. This raised disputes between Germany on the one hand and Spain and Great Britain on the other. However, both Spain and Great Britain agreed to concede the territory to Germany.

The Spanish possessions of the Caroline was also threatened by Germany in the same year the Marshalls were seized. The Spanish resentment was bitter and the matter was finally brought to the Pope for adjudication. The Spanish sovereignty was recognised by Pope but it was decided that the territory would be open for trade transactions for Germany and Spain would maintain an orderly Govt. The colonial policy of Spain was autocratic and the territory was used as a source of economic exploitation. Another change came up during the Spanish American war in 1898. America seized Guam and Spain withdrew herself from the Pacific and all her Micronesian possessions except Guam were sold to Germany.

Next followed the German rule. The German administration was autocratic, but it was to some extent moderate and efficient. Under the German regime, the development of trade was encouraged. With the out break of world War I the German control of Micronesia came to an abrupt end.

In October 1914, the undefended islands were seized by the Japanese naval squadrons. With the conclusion of the
war, the islands were brought under the Mandate system of the League of Nations and Japan became a mandatory power. This arrangement was given approval by the U.S. Govt. in a treaty signed by it with Japan on February 11, 1922. Under the Japanese patronage a civil rule was established which functioned as the agency of the South Seas Govt. in 1922. Since 1935, the Govt. of islands was dominated by the Military and expansionist policies of Japan. Economic development was greatly encouraged by Japan, and the development that was made in the economic sphere was largely by and for the Japanese. Emphasis was also placed upon teaching the Japanese language and customs. But very little development was made in the sphere of political development. The Japanese rule was direct, and for all practical purposes, attempt was made to annex the whole territory as a dependency of Japan.

During the second world War, Japan used the islands as its bases for aggression to the South and East and as a threat to Australia and South Pacific islands. It was not until Nov. 1953 that the U.S. forces penetrated in these islands. These followed a series of conquests of the islands in 1944. The Marshalls were seized in January and February of 1944; the Marshalls were captured in June and July; in September, Amur Amsar and Palelines—the Western Caroline islands were annexed and in August the Eastern and Western Carolines were neutralized. Many of the islands were visited after the end of the war and they were brought under administrative supervision.

War brought about great misery in the life of the inhabitants. They had been in the midst of fighting and as a result they were in a state of mental shock. Their economy was completely destroyed, the standard fell below...
subsistence economy. Everywhere there were deprivations and dislocations. A survey group which went to the territory to investigate the situation revealed that war had set back the living conditions of the islanders a quarter of a century.

The U.S. military naval Govt. was established. Military policies and activities of the U.S. Govt. were prompted by a desire to treat the Micronesians as liberated people. The immediate problem that was confronted by the U.S. military Govt. was the problem of rehabilitation of the people, of providing them with the elementary needs of life, such as food, water, clothing, shelter and medical aid.

The U.S. administration was at the beginning direct. But attempt was also made to establish with the local leaders and where possible, each military Govt. unit instituted a system of indirect rule for community and district administration. The need for replacing the military Govt. was felt by the summer 1946.
Area, topography and climate

The territory is composed of islands and atolls which extend from latitude 1 to 30 north and from longitude 130 to 172 east. The total area is 3,000,000 square miles.

The classification of the Islands may be made as high volcanic or low coral Islands. Most of the Volcanic Islands lie in the western part of the 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 Palaua in the western Carolines to New Guinea.

The tropical climate prevails in the territory. Rainfall is heaviest in the belt between 1°30′ and 8°30′ north latitude. Dry seasons prevail in the northern islands and atolls of the Marshall group. The area is subject to the typhoon or tropical cyclone type.

Plants grow in most parts of the islands and small forests are found in some places. The favourable soil conditions for agricultural purposes are rare.
The figure of population estimated on 30 June 1952, was 57,037. The principal island units, Saipan the Palaus, Yap, Truk, Ponape and Majuro are inhabited by the three-fifths of the population and two-fifths are widely scattered. Few people live in many isolated islands and many are still uninhabited. There is density of population on low islands. There is no incorporated city or town. The majority of the people dwell in small settlements and farmsteads.

The principal race is Micronesians who are divided into a number of groupings. Differences in physical characteristics, language and customs exist among the different groups.

The patterns of social structure are complex and differ from locality to locality. In small hamlets, the kinship and neighbourhood relationships bind the people. A scattered group of such hamlets may have traditional ties which approximate those of the village community. Diversified settlements which are larger than the village community are linked up in sub district and district organisations. The most conspicuous type of kinship that prevails in the territory is that of the clan-system which resembles the matriarchal pattern. A strong tradition of heredity chiefs of notables with native councils of family heads or elders exists in the territory.

The patterns of native cultures are complex and differ widely. This complexity is further accentuated by the contacts with the Spaniards, Germans, Japanese and Americans. The majority of the
inhabitants have embraced Christianity and abandoned their primitive Micronesian religions.

Status of the territory and its people:

The basis of administration of the territory has been laid down by the trusteeship agreement. Under the trusteeship agreement, the territory is designated as strategic area which modifies the status of the territory as distinct from all other trust territories. Whatever may have been the modifications made in the status of the territory by making it a strategic area, this shall be governed in accordance with the fundamental principles of trusteeship.

Although the U.S. Congress has not yet formalised the status of the indigenous inhabitants, they are described as the citizens of the trust territory. The same type of citizenship is accorded to all the inhabitants. The rights and freedoms as laid down in Art. 76 C of the charter of U.N. and Art. 7 of the trusteeship agreement are extended to all the people.

In some islands there was a manifest desire that the territory should be annexed to the U.S. and that the people might become U.S. citizens or nationals. This desire arose because it was supposed that by accepting the U.S. citizenship and by making the territory an integral part of the U.S. the inhabitants might be assured of the advantage of a peaceful political progress under the U.S. protection.
The High Commissioner:

In July 1947 when the trusteeship agreement came into force, the existing military govt. was replaced by a civil govt. A secretary of the Navy was designated by the President of U.S. and he was made responsible to the civil administration of the territory on an interim basis until such time as a civilian department or agency should be designated to assume permanent responsibility for the govt. of the territory. The purpose of this dual assignment had been to assume the necessary logistic support by providing in the absence of any other means the necessary ships, planes and communications to administer and supply the widely scattered islands of the territory. On 8 January 1951 a civilian High Commissioner had been appointed and had assumed office from that date. The transfer of authority was in conformity with the spirit of the trusteeship agreement and the wishes of the Trusteeship Council.

The High Commissioner is the supreme head of the administration of the territory. All powers of govt. and jurisdiction in the territory and over its inhabitants and final administrative responsibility are vested in him. He is appointed by the U.S. govt. and is subject to the direction of the Secretary of the Interior. He exercises his powers through subordinate administrators who are appointed by him. He appoints the members of the Legislative Advisory Committee. All the senior executive posts of the territory, such as the posts of district administrators
are appointed by him.

He is vested with the powers of making rules and regulations for the territory. In making the rules and regulations, he is advised by the Legislative Advisory Committee. In matters of judiciary his authority is confined to appointing the district judges for the district courts.

Administrative Districts:

For administrative purposes, the territory is divided into six administrative districts, Saipan in the Northern Marianas, Palau and Yap in the Western Carolines, Truk and Ponape in the Eastern Carolines and the Marshall Islands.

The High commissioner appoints a district administrator for each district and he is responsible to the High commissioner for the administration of the district.

The district administration and his staff form an administrative unit which is organised into six departments; Internal affairs, legal, public works, public health, finance and supply and education.
Legislature:

The territory does not possess the territory-wide legislative body. But there are a number of indigenous legislative Councils whose functions are purely advisory in nature. The composition of the Councils vary among the different communities; some members are elected and some others are appointed and in some places, the Councils are of bicameral nature having two Houses - one House representing the privileged section of the community and the other representing the common people. Besides these indigenous legislative Councils, there is a Legislative Advisory Committee which is composed of five members appointed by the High Commissioner. These members are designated from the heads of the staff departments. This committee is responsible for studying legislation and drafting regulations for the approval of the High Commissioner. The actions of the committee in matters of legislation are controlled by the High Commissioner and as such the committee can hardly be called to have an independent character. Moreover, it does not contain any indigenous member, it is composed of U.S. officials heads. This organ can not be called a territory-wide legislative body.

1. Mr. Soldatov (U.S.S.R.) said "there were indigenous legislative Councils in existence - where those Councils were; how they were composed ....... what were their specific powers and their relations to the Administration".

    Mr. Thomas (Special Representative) answered that "there were six Councils and the functions were purely advisory. They were of various types: some of their members were elected, others were appointed, some were of bicameral character, one part representing a preferred group, the other the commoner group. The representations were as divers as those found in any legislative group. It was the educational aspect of the Councils that was the most important...." (TCOR 10th Session 4 Meeting 1950 page 144)

2. "The Mission was assured, however, that every effort will be made to include indigenous members as soon as persons with the necessary capabilities became available. It is hoped that ultimately these indigenous members will replace the staff appointed and provide the nucleus of a Territorial legislature." (UNVM, TCOR 12th Session 1953 p.7).
The creation of a territory-wide legislative body remains a fundamental necessity. The absence of the country-wide legislative organ is due to some internal factors such as the transportation difficulties, the communal, ethnological and linguistic differences and the lack of territorial consciousness. The administering authority has included the establishment of a territorial legislature in its long range plan as proposed in the organic act which was introduced in the U.S. Congress in 1948. Under the terms of the act, the legislature will be composed of the representative members of the whole territory and it will be granted legislative powers with some control by the U.S. Congress.

§. Fiske, the special representative said "in the opinion of the administering authority the establishment of such a body was a logical stage in the development of the Territory; such a step was in fact implicit in the Trusteeship agreement. However, the majority of the population only at the first stage of self Government, the district congress whose rule was purely advisory were particularly important in that respect since they gave the various representative of a district an opportunity to learn to make joint studies of the problems which concerned them. In general, the discussions resulted in recommendations and where appropriate the recommendation were put into effect. When they seemed to be in applicable from a practical point of view the administration undertook to explain to the indigenous inhabitants why it had decided not to adopt their suggestions."

"In addition, the staff Legislative Advisory Committee which consisted of various administrative officers would under the long-range plan be expanded in order to include an increasing number of indigenous inhabitants and might subsequently become the nucleus of a future legislative assembly for the territory." (TCOR 8th Session 1951, 325 meeting p. 73).

"Finally there is the question of a territorial legislature. A territory-wide legislative body is envisaged by the administration when transportation difficulties and those arising from the linguistic and cultural differences as well as a lack of common political consciousness among the people have been overcome. In the proposed organic act for the Territory introduced in the U.S. Congress in 1948, provision was made for the drawing up of a plan for a Territorial legislature when it was considered that the time had arisen for such a step. That plan was to provide for a election throughout the Trust Territory of representatives for the legislature. It was to have power to enact measure not inconsistent with the organic act concerning all matters relating to the Government of the territory including taxation and other fiscal matters. Measures passed by it would become law when signed by the Governor."
Municipality -

In order to describe the indigenous participation in the different fields of Government, it seems useful to give a brief historical account of the Government in the islands that existed ever since the time of European occupation. The Spaniards, the Germans and the Japanese had ruled over these islands. Under the German regime the Government was mainly concerned with setting up a relatively simple administrative system and establishing law and order." The Japanese followed the example of German system; the traditional authority was recognised but it had very little effective power the real authority was vested in the hands of the Japanese Rulers. A system of indirect rule was instituted by the Germans, the Spaniards and the Japanese. Under the system of indirect rule, the traditional leaders were recognised, but they were given very little power of effective control of administration. The final authority of administration was retained by the officials appointed by the Germans, the Spaniards and the Japanese. The indirect rule was introduced for administrative convenience, and this did not reflect a conscious desire on the part of the rulers to develop in due course the system of self Government.

During the early days of military Government in the second

Legislation opposed by the Governor but law when second time by a two-thirds vote would be referred to the President of the U.S. for final decision. Enactments of the territorial legislation would be subject to annulment by the Congress of the U.S." (UWM, TCOR 8th Session 1951 P.6).

The Japanese established a system which looked on paper like a considerable degree of indirect rule and appeared to follow the earlier German system. It is true that these officials posts were customarily given to traditionally recognised leaders: so-soncho position to paramount chiefs and soncho positions to lesser chiefs. But in actual practice such individuals were allowed very little effective authority. The Japanese rapidly increased the size of their administrative staff until all positions of real authority were held by Japanese nations."
The Spaniards, Germans, and Japanese each used in their own way, methods of what is called indirect rule while continuing to retain the final authority in the hands of their own officials. This, however, was a matter of administrative convenience rather than of a conscious attempt to develop increasing self-government. (UNVM 12th Session 1953 p.6)

(Mr. Henriquez Urena, representative of the Dominican Republic (TCOR - 10th Session 1952 405th meeting p.137).
The indigenous inhabitants "are being taught for self-Government in the municipalities. People are taught the rights and obligations of democratic Government." The plan for Self-Government includes the concept that there shall be a minimum number of officials and the authority and functions shall be clearly defined. Accordingly "one of few measures imposed by the administering authority regardless of the indigenous political system is the appointment in each municipality of magistrate and a treasurer chosen in the manner desired by the population...." The method of designating the officials is left to the people.

There are three modes of designating the municipal officers. In the first case where the people prefer to acknowledge the hereditary rights of a chief, they do so and

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6. TGOR 10th Session 325th meeting 1951 p.102
7. Mr. Fiske, the special representative for Pacific Islands. TGOR 8th Session - 325th meeting 1951.
8. Ibid p. 76.
9. "The administration permits the indigenous inhabitants to select local officials in their own way. The advantages of selection by election are explained to them but not forced upon them. They may request the administration to choose a leader for them. That is done after consultation with community chiefs and elders. In many cases elections by ballot are held and in others the people simply designate the customary chief of the village or island. Such officials are confirmed by the civil administrator."

"The mission feels that these patterns give the people immediate experience in self-Government and also provide a means whereby normal evolution to more democratic forms of Government is possible in areas where hereditary considerations still exist. By placing the practical tasks of Government in the hands of persons who must either be elected by ballot or receive directly or indirectly the less formal approval of the people before they are confirmed in office, certain inconveniences are avoided; leaders whether elected or appointed who are inefficient or who use their position for private gain may fail to receive public approval for second future of office or for
the administration recognises the chief as the magistrate; in the second case the administration "itself appoints the magistrate" in consultation with the community chiefs and elders and in the third case the indigenous people elect the municipal officers by a secret ballot. Since the very beginning of the municipal Government, "the administering authority continued to encourage the selection of municipal officers by popular election rather than on a hereditary basis." The advantages of selecting the officials by election are explained to the people and they have responded to it in a greater degree gradually. In 1951 there were 116 municipalities; in 68 municipalities the executive head or magistrate was elected by the people, in twenty municipalities he was appointed by the administration after consultation with community chiefs and elders and in 20, where the people preferred it, the hereditary chiefs have been recognised as magistrates. But in 1953 the number of municipalities has increased from 116 to 117 and in 97 municipalities the magistrate is elected, there being an increase of 29 over the year 1951, in 12 municipalities appointment of magistrate is made after consultation; and in the rest, the hereditary chiefs have been recognised as magistrates. This shows that the mode of selecting the municipal officers through hereditary basis is gradually waning. Mr. Midkiff has said "The acceptence of electoral machinery reflects a willingness to try out democratic progresses of Government and recognition of the need."  

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16. Mr. Fiske, the special representative for the Pacific Islands. TCOR 7th session 12th meeting 1950 p. 80).  
16. TCOR 12th Session - 467th meeting 1953 p. 92).
A question may arise why are there three different procedures for forming the municipal officers? Mr. Midkiff replied "in old context all such officers were hereditary. Now there is a wide variation in that respect among the different islands and ethnic groups. Some of the hereditary chiefs were nevertheless selected from amongst the members of the family by a process of election. That is the old way that generally obtained, the handing down of the positions of authority by inheritance. It has been shown in recent years there has been a shift so that instead all selecting by the hereditary process, eighty-six of the posts are now held through elections. This is just a normal evolutionary process in response to the opportunities that have been provided and the assistance that has been given." 12

The function of the municipal officials is "to prepare a budget" and to keep it balanced. "In some cases, the officials are paid, in others not. Municipal officials are authorised to provide in the municipal budget for the payment of teachers and other employees and agents including in some cases, the local police." 13 The expenditure incurred on the local revenue is made at the direction of the district officers. It includes the expenditure on education, health, and economic development.

13. Mr. Fiske, special representative, TCOR 8th Session - 325th meeting 1951 p. 76
The municipalities have limited powers over certain matters. The need to enlarge the power has a considerable importance. The granting of wider powers on the municipalities will depend on the slow and gradual evolution of the democratic system.

Mr. Liu (China) asked "What steps were taken to increase the powers of the municipalities?"

Mr. Thomas (Special representative) answered "this was a complex question; the population was divided into a number of groups whose physical characteristic language and customs differed considerably. The administering authority was faced with an established social structure, which could not be altered without infinite care. The administering authority wanted to move slowly and not for the people into new ways. It was emphasising these aspects of the people's life which would result in democratic control by the people. However, it should be noted that the indigenous population, moving quickly by itself and taking a growing interest in the regional organs..." (TCOR 10th session - 403rd meeting 1952 p.139).
Regional Organ:

On the regional level, the administering authority has introduced regional government organs. These organs are given only advisory powers and are established on a region where the people seem to have been able to handle the intricacies of the administrative mechanism and have advanced beyond the community life. These bodies have developed around existing groups having distinct cultural identities.

The regional bodies have afforded an opportunity for the inhabitants of the district to become acquainted with their immediate problems. The various congresses enable the indigenous population to assume local functions which, although consultative in nature, are nonetheless significant.

The administration does not interpose any policy on them without their approval. The administration provides the guidance to them. Mr. Midkiff, the special representative said, "The government of the Trust Territory in its programme of developing regional political organs, is attempting to enlist the widest possible support for these bodies throughout the areas they serve. In this process and in the operation of the regional bodies themselves, guidance by the Administrative Staff is necessary. This leadership, however, must be neither so persuasive nor so obvious that the members of the bodies themselves feel powerless and without independent voices. Every effort is being made to provide judicious administrative assistants in the form of advice to members and explanation of procedures for conducting meetings and of committee organisation, in preference to direct leadership by the administrations on the floor at congressional sessions!"

The establishment of the regional organs throughout the territory seems to be of primary necessity. The local inhabitants, as the Visiting Mission observed, are reluctant and less
responsive to the need, but that has to be overcome by fostering confidence in them. The regional organ should be given greater legislative authority so that ultimately they can be able to assume fully legislative responsibility concerning their districts. The establishment of the regional bodies which has been recommended by the Visiting Mission, may serve as the "forum" of the political training of the people in the art of administration.\(^{15}\)

\(^{15}\) "In commenting generally upon these regional bodies the Mission feels it incumbent upon it to stress that they are at present essentially consultative organs which provide the indigenous people with a forum where they may discuss and learn about the problems of local government and the administration with a means of assessing public opinion, yet although they do not possess any executive powers, it would appear that in practice the district administration rarely seeks to impose local regulation affecting the indigenous population without first obtaining their approval. The principal weakness of these councils as the Mission was able to observe through its visit, rests at present in their reluctance to express themselves in a forthright manners. The Mission is satisfied, however, that every effort is being made to induce greater confidence in these bodies and to improve them with a fuller awareness of their responsibilities." (UNVM Pacific Islands 1953 TCOR 12th sess. Sup.No. 3 P-6)
Chiefs:

In the island there exists two types of political systems—one is the Western system and the other is the native island system. With the spread of Western culture, the old system seems to be waning. In remote areas where the Japanese and Western influences have not been felt to a considerable extent, the old way of life persists according to established patterns and there has been very little shift from the old to the new. The activities of the missionaries for the last one hundred years have contributed largely to the reorientation of their outlook. They have discarded the old Micronesian religion and embraced Protestant and Catholic religion. This shows the shift of general tendency from the old to the new.

In most of the places however, the native system prevails which is a sort of feudal types of political organisation based on the hereditary chieftianship. Under it there are paramount chiefs who are sometime called "the kings" and they are vested with executive powers which they exercise after consultation with the councils of family and clan chiefs. The hereditary chiefs have

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16 Mr. Zonov (U.S.S.R.) said: "I should like to know how it is that there are two political systems or authorities in the communities. I do not quite understand the situation."

Mr. Midkiff (Sp. Rep,) answered: "I think it is fair to say that two cultures exist throughout the Trust Territories. There is the old island culture there is the Western Culture. We see the latter fairly well established round the centres where the Japanese were very large numbers ..... These two cultures do exist, and the Micronesians were confronted with the necessities of looking in two directions."

"On the more remote islands, where the influence of the Japanese activities and of our own activities at the present time has not been so immediate and so evident, naturally there has been only a slight shift from the old culture to the new. This must be observed. The missionaries have been in the Trust Territories for more than one hundred years and there has been a very nearly universal adoption of the Protestant and the Catholic religions in preference to the old religions of the Micronesians. This is a fairly general
been recognised by the administration and in some places they are selected as Magistrates from among the members of the extended family. This is an old way which obtains side by side with the democratic form of local Government. In the small and remote areas, the hereditary chiefs act both as Magistrates and community Judges. The Mission observed "although traditional or hereditary chiefs are still found on the islands, they have lost much of their powers with the gradual growth of democratic government. In municipalities where there is an elected magistrate the hereditary chief, as such, has no administrative function in the Government. In certain cases, however, chiefs have been progressive and intelligent enough to be elected as magistrates and often retain their influences as a result of being the best men available for executive positions. In some places, a double type of leadership occurs which provides for both the tasks of Government and the recognition of the shift in culture in one aspect, but otherwise the change from the old culture to the new has been only partial and very slight indeed in many of the remote islands when the people seldom see people from the western countries.... these social conditions exist."

Mr. Zonov: "Am I understand these forms of self government are to be found in different communities or does it happen that the two forms coexist in one and the same country?"

Mr. Miskiff: "To a certain extent the old ways do obtain in certain areas where also the modern forms of culture and government are accepted and practised. There may even be localities where the magistrates are elected where the
the traditional status of high chiefs where there is in conformity with local customs. In some instances the chief may hold a top official position, but the district secretary is mainly responsible for the conduct of practical affairs. In other cases, the "King" received full ceremonial honours but magistrates handle local administrative responsibility. So far the relationship between the administration and the native authorities is concerned, the administration does not interfere with the local conditions. The native authorities are allowed to enforce their authority within the jurisdiction.

officials elected and yet where there is a continuing continuity defence to the hereditary chiefs and to the old culture and society. It will be some time before that disappear. We are not attempting to rush a change but telling it come normally and in an evolutionary manner. It would be false to say that if there is any place in the world where the people have a form of self government without imposition from outside authority, it is in many of these small family villages where the affairs of the locality are carried on by the people in agreement from top to bottom and in a very happy and contented manner. That obtained for generations and we are not yet in a position to insist upon any radical shift. We are there to point out and to show what democratic process will do and to assist in the attainment of a democratic method of process." (T.C.O.R. 12th session, 467th meeting 1953, p. 98).
Suffrage:

Suffrage is extended equally to men and women. The age limitation has not always been the same; depending upon the expressed desire of the constituencies concerned.

Each may vote only in the municipality where he or she resides. The procedures for voting is different in various parts of the territory. In some places, the secret ballot has been introduced. But the general educational level being so low the use of the ballot system has been found somewhat difficult and certain voting procedures suited to the conditions have been devised by the administration. In some instances, voting takes place by show of hands. In others the representative of the civil administration sit at a district and each voter comes up and whispers his choice to the representative and he tabulates each vote.

Where the official is appointed, the selection is made in accordance with the prevailing local sentiment. In some cases, this consists in confirming the hereditary leader; in others this means the appointment of an official nominated by the indigenous council.

\[1\] Mr. Munro (New Zealand) asked "for the information by secret ballot."

Thomas (sp. rep) answered "in view of the small number of votes in the various parts of the territory, no problem has as yet arisen regarding methods of election. The indigenous population selected the method best suited to it and in some cases held elections by secret ballot as an experiment. That method had been favourably received by the inhabitants because it enabled them to express their views freely without taking account of the views of the chiefs and elders." (TCOR- 10th sess. 403rd meeting 1952 p. 139.)
There exists three types of courts, the High Court with its jurisdiction over the whole of the trust territory, the district court whose jurisdiction extends to the administrative district for which it is constituted, the community court with its jurisdiction to the community for which it is constituted.

There is a Chief Justice and an associate justice who are appointed by the Secretary of the Interior and made directly responsible to him. The associate Judge is independent of the Civil Administrators and devotes his entire time to judicial matters. The appointment of an associate Judge is made in order to ensure the separation of administrative and judicial powers. The Chief Justice exercises administrative supervision over all the courts and their officers and is vested with the power to make rules regulating the pleadings, practices and procedures of the courts.

High Court - appellate division: The High Court has two divisions, the trial division and appellate division. Its trial division consists of the Chief Justice and associate Justice or either of them alone. Its original jurisdiction extends to all cases civil and criminal including probate admiralty and those matters relating to maritime adjudication of title to land or any interest thereof. It has the power of review on appeal the decisions of the district court.

[Fiske (sp. rep) said, "The separation of administrative and judicial powers had been accentuated by the appointment of an associate Judge who was independent of the Civil administrators and devoted his entire time to judicial matters." (TCOR 7th sess. 12th meeting 1950 P 80)]

Fiske: "In order to strengthen the judicial authority, a chief Justice directly responsible to the head of the administrative agency been appointed in 1948" (Ibid P 81)
court in all cases. The Chief Justice presides at any session of the High Court which he attends. There are four sessions of the trial division of the High Court in a year in each administrative district. The High Commissioner appoints the special Judges of the High Court for each district and they sit in the trial division. They participate with the presiding judge in deciding by majority vote all questions of fact and the finding and sentence in each case. The presiding judge determines the case and all questions of law involved in the trial are decided by him.

Appellate division: In the appellate division three Judges are assigned by the Chief Justice from a panel of temporary Judges designated by the Secretary of the Interior. The Secretary of the Interior designates a Judge of the district court of Guam and a Judge of Island court of Guam to sit in the appellate division of the High Court. The Chief Justice or associate Justice may also sit as a member of three Judges of the appellate division in a case which he has not heard as a judge of the trial division. The appellate division of the High Court hears appeal from the decisions of its trial division in all cases which are originally tried and in all cases decided by High Court on appeal from a district court which involves the laws of U.S or the Bill of rights of the treasury. The Appellate division of the High Court holds its sessions at such time and place as the Chief Justice may determine. The decisions of the appellate division is final until and unless the congress of U.S provides for appeal to a court created by act of congress.

District Court: It consists of a presiding Judge
and one or more associate judges. They are appointed by the High Commissioner on recommendation of the Chief Justice for a term of 1 year. The Judges may be removed by the Trial division of the High Court for cause after hearing. Its original jurisdiction extends to all civil cases involving the claim of the value of property which is not more than $1000 save admiralty and maritime matters and the adjudication of title to land or any interest thereof. It decides all criminal cases which involve the offences against the laws of the territory and recognized local customs and where the maximum punishment involved does not exceed a fine of $1000 or imprisonment for one year or both. It has the power to review on appeal the decisions of the community courts in all civil and criminal cases.

Community court: It consists of a presiding judge and one or more associate judges. The district administrator appoints them either on nominations by popular vote or in the manner as the district administrator deems consistent with the proper administration of justice and in accordance with the desires of the people. The appointment is for a defined specified period and the trial division of the High Court may remove them for cause after hearing. The court decides all

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Mr. J. Ingles (Philippines) said "it had been stated that where deemed practicable, the appointment or election of persons other than municipal magistrates to the post of community court judge had been encouraged ... He wished to know whether indigenous judges were municipal magistrates with executive and administrative powers."

Mr. Fiske answered the majority of the indigenous judges were also municipal magistrates."

Mr. Ingles said "it was the intention of the administering authority to provide for an effective separation of executive and judicial powers. If such was the case he wished to know whether it intended to appoint persons other than municipal magistrates to community court judgeships."

Fiske answered "it was the desire of the administering authority to have as community court judges persons other than municipal magistrates so far as that was possible."
In many communities however, it would no doubt be difficult to find reasonably competent leaders in sufficient numbers to achieve that purpose within the near future. (T.C.H. 7th Annual Meeting 1950, p. 62).

Mr. Puke said "the protection of basic human rights had been strengthened by the appointment of a public defender who..."
Director of internal affairs. An experienced lawyer holds this post with headquarters at Truk. He has two-fold functions. Firstly, as a public defender, he protects the legal rights of the inhabitants and defends them in criminal cases which involve serious punishments. Their defenses are prepared by him at trials. Secondly, as a counselor, his services are sought by the inhabitants in matters of civil cases. They are aided and advised by him with regard to taking necessary legal course. He also acts on their behalf as a lawyer representing them in civil cases. The Micronesians find his services immensely helpful.

In reviewing the judicial system, it may be said that it is the intention of the administering authority to secure the separation of executive and judicial powers. The appointment of an associate justice and a chief justice is made for that purpose. But this principle of separation of power is not adequately secured since some of the high municipal officers act both as magistrates and judges. Most of the indigenous judges in the community court are municipal magistrates. The method of allotting dual functions to the municipal officers represented accused persons without charge in serious criminal cases and provided legal advice in civil matters to those unable to pay for it. The indigenous inhabitants acted as judges in three types of courts, as clerks in all courts and as assessors in the District Court (TCOR 8th sess. 325th meeting 1951 p.75).

"With regard to the question of the separation of powers, Mr. Ryckmans noted that it would seem from the report that the judges of the superior courts appointed by the Governor of the Sub-areas and that similarly the civil administration of districts, appointed the members of the justice courts. That seemed to be an obvious contradiction of the principle of the separation of powers."

Mr. Thomas explained that "the civil administration made the recommendations, but that the judges were in fact appointed by High Commissioner. Obviously, the High Commissioner did exercise executive administrative powers but in that connection it should be recommended that in the U.S. appointment..."
continues in view of the difficulty to find out competent persons other than them to administer justice.

The Judges of the Superior Courts are appointed by the civil administrator. Mr. Ryckmans thought it a contradiction to the principle of separation of power. But this practice, it was recalled by the representative of the Trust Territory, prevails in U.S.A. where the judges are appointed by the executive. However in the territory the emphasis is given on the separation of justice from the control of the executive. The complete separation of judiciary and the executive will come only when there will be available an adequate number of men capable of administering justice independent of the executive.

to the judiciary depended on the executive. He added that the Chief Justice of the territory was responsible to the secretary of the interior and that the administration emphasised to the people that justice was to be exercised apart from administration.* (TCCR 10th sess 403rd meeting 1952 P.140).