Title 67.

Public Lands and Resources.

2. District Land Office, §§ 51, 52.
3. Land Registration, §§ 101 to 120.
5. Homesteads, §§ 201 to 213.
6. Historical Sites and Antiquities, §§ 251 to 256.
7. Lease of Public Lands to Citizens, § 301.
8. Designation of Public Lands for Homestead and Other Purposes, §§ 351 to 404.

CHAPTER 1.

GENERAL PROVISIONS.

Sec. 1. "Public lands" defined. — Public lands are defined as being those lands situated within the Trust Territory which were owned or maintained by the Japanese government as government or public lands, and such other lands as the government of the Trust Territory has acquired or may hereafter acquire for public purposes. (Code 1966, § 925; Code 1970, tit. 67, § 1.)

Land rights acquired by German and Japanese governments. — All rights in land acquired by German and Japanese governments are property of Trust Territory government. Ngiaribiochel v. Trust Territory, 1 TTR 485 (1958).

Government required to carry out agreement between prior government and grantee. — Where only Trust Territory government can now deliver title to property as contemplated in agreement between Japanese government and grantee of property, it is required to carry out agreement of prior government and deliver proper title. Urrimech v. Trust Territory, 1 TTR 534 (1958).

Government not to return property wrongfully obtained from party by prior government long ago. — There is no valid legal or equitable ground for dispossessing Trust Territory government of ownership and use of property when long interval of time has elapsed since party was wrongfully deprived of his title thereto by former government. Ngiaribiochel v. Trust Territory, 1 TTR 485 (1958).

§ 2. Rights in areas below high watermark. — (1) That portion of the law established during the Japanese administration of the area which is now the Trust Territory, that all marine areas below the ordinary high watermark belong to the government, is hereby confirmed as part of the law of the Trust Territory, with the following exceptions:

(a) Such rights in fish weirs or traps (including both types erected in shallow water and those sunk in deep water) and such rights to erect, maintain and control the use of these weirs or traps as were recognized by local customary law at the time the Japanese administration abolished them, are hereby reestablished; provided, that no weirs or traps or other obstruction shall be erected in such locations as to interfere with established routes of water travel or those routes which may hereafter be established.

179
(b) The right of the owner of abutting land to claim ownership of all materials, coconuts, or other small objects deposited on the shore or beach by action of the water or falling from trees located on the abutting land, and such fishing rights on, and in waters over reefs where the general depth of water does not exceed four feet at mean low water as were recognized by local customary law at the time the Japanese administration abolished them, are hereby reestablished where such rights are not in conflict with the inherent rights of the government as the owner of all marine areas below the ordinary high watermark; provided however, that this section shall not be construed to apply to any vessel wrecked or stranded on any part of the reefs or shores of the Trust Territory.

(c) The owner of land abutting the ocean or lagoon shall have the right to fill in, erect, construct and maintain piers, buildings, or other construction on or over the water or reef abutting his land and shall have the ownership and control of such construction; provided, that said owner first obtains written permission of the district administrator before beginning such construction.

(d) Each of the rights described in paragraphs (a), (b) and (c) of this subsection are hereby granted to the person or group of persons who held the right at the time it was abolished by the Japanese administration, or to his or their successor or successors in interest. The extent of each right shall be governed by the local customary law in effect at the time it was abolished.

(e) Nothing in the foregoing subsections of this section shall withdraw or disturb the traditional and customary right of the individual land owner, clan, family or municipality to control the use of, or material in, marine areas below the ordinary high watermarked, subject only to, and limited by, the inherent rights of the government as the owner of such marine areas. The foregoing subsections of this section shall create no right in the general public to misuse, abuse, destroy or carry away mangrove trees or the land abutting the ocean or lagoon, or to commit any act causing damage to such mangrove trees or abutting land.

(f) Any legal interest or title in marine areas below the ordinary high watermarked specifically granted to an individual or group of individuals by the Trust Territory or any previous administering authority, or recognized as a legal right or rights, shall not be affected by this section.

(2) Written notice of any legal interest or title must be filed with the district land office of the district in which it is claimed within two years from January 8, 1958. The validity of the claimed legal interest or title shall be determined by the district land officer after notice to the person making the claim or any other known parties in interest, and an opportunity for hearing, in the same manner and with the same rights of appeal as in the case of claims to land which the government had possession of under claim of ownership. (Code 1966, § 32; Code 1970, tit. 67, § 2.)

Land covered by tidal waters subject to laws of country within which situated. — Land along seashore which is covered by ebb and flow of tide waters is real property and is exclusively subject to laws of country within which it is situated. Ngiraibiochel v. Trust Territory, 1 TTR 485 (1958).

American view of navigable tidewater. — Under American view, state owns, in trust for the people, navigable tidewater between high and low watermarks within each state's boundaries, and soil under them, as inseparable attribute of state sovereignty. Ngiraibiochel v. Trust Territory, 1 TTR 485 (1958).


Applicability of Japanese proclamation and common law rule regarding land along the sea. — If the Japanese proclamation concerning boundaries of private ownership of land along the sea was in effect December 1, 1941, it furnishes rule for determining
ownership of land below high water. If not, ownership of such land must be determined by the common law rule. An examination of the applicable authorities, however, discloses no substantial difference between the Japanese proclamation and the rule at common law that the land along the sea below the high water mark belongs to the state, and was held in trust for the benefit of all the people. Ngiraibiochel v. Trust Territory, 1 TTR 485 (1958).

Japanese proclamation regarding Ponape. — Japanese government on Ponape in 1934 proclaimed all areas below high watermark belonged to the government except for rights specifically granted by the government authority, and if there was any wrong here, it is now too late to correct it. Protestant Mission v. Trust Territory, 3 TTR 26 (1965).

Land on Ponape filled by Japanese government. — Where land on Ponape Island below tide watermark was filled in by Japanese government, it became upland which was clearly claimed by Japanese government. Protestant Mission v. Trust Territory, 3 TTR 26 (1965).

Rights to filled-in land under Code. — No right to filled-in land was created under the Code, and only certain rights already in existence were preserved by Code. Protestant Mission v. Trust Territory, 3 TTR 26 (1965).

Government right to fill-in land. — Right of government to fill-in areas owned by it below high watermark and to retain ownership of land so made, and to expressly authorize others to do so regardless of wishes of owners of adjoining upland, is recognized in the United States. Protestant Mission v. Trust Territory, 3 TTR 26 (1965).

Rights to abutting swamp lands. — This section, with a prior determination by the Japanese administration that all marine areas below the ordinary high watermark belong to the government, has completely superseded any rights that owners of a reef of water over the reef may formerly have had in abutting swamp lands, or any rights that abutting landowners may previously have had to swamp lands between their dry landholdings and deep water. Peretiw v. Remos, 3 TTR 495 (1968).

Fishing rights of abutting owner. — Normally the abutting owner may exercise exclusive fishing rights on the adjoining reef if the water does not exceed four feet in depth at low tides. Teresia v. Neikinia, 5 TTR 228 (1970).

Land ownership on Ponape under German administration. — Under German administration on Ponape all property from high watermark out was considered to belong to German government, with exception of three private mangrove reserves which were specifically granted by government. Protestant Mission v. Trust Territory, 3 TTR 26 (1965).

Right to build improvements on land below high watermark. — Provision of this Code relating to rights in areas below high watermark does not give ownership of the land below the high watermark, but rather gives a right, under conditions of approval, to build improvements on the land, which improvements may be the property of the upland owner; ownership of the land remains in the government. Tulenkun v. Government of Utwe, 5 TTR 628 (1972).

Division of waters for zumey fishing under Yap custom. — Under Yap custom, waters of Palau Village suitable for zumey fishing are divided into plots, each owned by various family groups and usually under immediate control of senior competent male member of group, subject to obligation to permit other members of village to cooperate in this type of fishing. Yangruw v. Manggur, 2 TTR 205 (1961).

Fishing rights separated from land ownership. — The fishing rights recognized by local customary law mentioned in this section of this Code may be separated from ownership of the abutting land under Trukese custom. Teresia v. Neikinia, 5 TTR 228 (1970).

Permissive use of filled shoreland. — Where the occasional use made of filled shoreland by village was permissive only, the village acquired no rights thereby. Tulenkun v. Government of Utwe, 5 TTR 628 (1972).

§ 3. Grant of public lands in exchange for use of privately owned lands. — Public lands not reserved for other purposes may be granted by the High Commissioner in payment or exchange for the use and occupation of privately-owned lands within the Trust Territory by the government of the Trust Territory. The district administrator is authorized, subject to the approval of the High Commissioner, to designate areas of public lands within the district subject to disposal under the provisions of this section. (Code 1966, § 990; Code 1970, tit. 67, § 3.)
violation of law providing that lease be executed only after obtaining advice and opinion of the district land advisory board. Guerrero v. Johnston, 6 TTR 124 (1972).
CHAPTER 2.

DISTRICT LAND OFFICE.

Sec.
51. Created; functions.
52. District land title officer.

§ 51. Created; functions. — There shall be a district land office in each district within the Trust Territory, the functions of which shall be to:
  (1) Make determinations as to the extent of public lands within the district;
  (2) Administer, manage and control such public lands; and,
  (3) Administer claims arising out of or pertaining to the use or occupation of private lands by the United States government or any of its agencies, or by the government of the Trust Territory within the district, in accordance with the laws of the Trust Territory and the rules and regulations issued by the land and claims administrator. (Code 1966, § 927; Code 1970, tit. 67, § 51.)

§ 52. District land title officer. — There shall be a district land title officer appointed by the High Commissioner, at the head of each district land office. The district land title officer, under the immediate supervision of the district administrator, and the technical supervision of the land and claims administrator, shall perform the functions of the district land office in accordance with the laws of the Trust Territory, and the rules and regulations issued by the land and claims administrator. (Code 1966, § 928; Code 1970, tit. 67, § 52.)
CHAPTER 3.

LAND REGISTRATION.

Sec.
101. Land commission; created; composition; appointment; primary purpose; powers generally.

102. Same; supervision of chief of lands and surveys; promulgation of rules and regulations; supervision of land registration teams.

103. Same; appointment of land registration teams; conflicts of interests.

104. Same; designation of registration areas.

105. Filing of designation of registration area; actions concerning lands in designated areas.

106. Survey and establishment of boundaries in designated registration areas.

107. Land registration teams; duties generally.

108. Same; settlement of disputed claims.

109. Same; review of record of adjudication by land commission.

110. Same; notice of hearing.

111. Authority of land commission and registration teams to administer oaths, take testimony, etc.

112. Conduct of hearings.

113. Hearings involving minors or incompetents.

114. Notice of determination of ownership.

115. Appeal from determination of land commission.

116. Concurrence of majority present required for decision by commission.

117. Issuance of certificate of title.

118. Register of titles.

119. Transfers and encumbrances of interest in lands registered.

120. Official land gazette.

Cross references. — Administration of land, 2 TTC § 56.

§ 101. Land commission; created; composition; appointment; primary purpose; powers generally. — There shall be a land commission in each administrative district of the Trust Territory consisting of a senior commissioner and not more than two additional commissioners, if any. They shall all be appointed by the High Commissioner, who shall decide, within the limits indicated, the number of members on each commission. The senior commissioner shall devote his full working time to work of the commission. The primary purpose of the commission shall be to proceed on a systematic geographical basis to accomplish promptly the registration of as much of the land as practical within such registration areas within its district as it determines. Each commission is authorized and empowered, subject to the provisions of this chapter, to determine the ownership of any land in its district, but it shall endeavor to avoid becoming involved in such lengthy consideration of disputed claims as to seriously delay the registration program. (Code 1966, § 1025; Code 1970, tit. 67, § 101.)

§ 102. Same; supervision of chief of lands and surveys; promulgation of rules and regulations; supervision of land registration teams. — Each land commission shall be under the administrative supervision of the chief of lands and surveys, who, with the approval of the High Commissioner, shall have the power to prescribe rules and regulations implementing this chapter. Such rules and regulations shall have the force and effect of law and a copy thereof shall be filed by the chief of lands and surveys with each clerk of courts. Each land registration team shall be under the administrative supervision of the commission which appointed it. Each commissioner and each member of a land registration team, however, is to be allowed and is expected to exercise the
§ 103. Same: appointment of land registration teams; conflicts of interest. — (a) Each land commission shall appoint one or more land registration teams and designate the area or areas for which each team shall be responsible. Members of these teams shall be Trust Territory citizens who are at least twenty-five years of age and shall have resided at least ten years in the area or areas within which the land lies concerning which they are to act. Such appointment shall be for a term not to exceed one year, but each member may be reappointed for additional such terms at the discretion of the land commission. The commission may appoint any number of members for each team, but the presence of three members shall constitute a quorum for the purpose of transacting business. Written notice shall be given to each member seven days prior to any meeting. If a commissioner is available, he shall preside at any meeting of a land registration team, but the teams may also proceed without any commissioner being present.

(2) After a claim has been recorded by a team as provided in section 107 of this chapter, no member who has any interest in the claim or is a near relative of anyone having such an interest shall take any part in hearing or considering that claim. If there is doubt as to whether he is disqualified from taking part as to the claim, the land commission shall decide whether he may participate. (Code 1966, § 1026; Code 1970, tit. 67, § 103; P.L. No. 7-95, § 1.)

§ 104. Same; designation of registration areas. — The land commission shall designate a registration area or areas within which it believes it will be desirable and practicable to register within a year most of the land, including all that concerning which there are no major disputes. When work in any designated registration area has been completed except for disputed cases, or when work in any designated registration area cannot be completed and in the opinion of the commission public interest would be served by moving to a new registration area or areas, the commission may designate a new registration area or areas and so on until all parts of the district in which the commission believes it will be desirable to have lands registered have been so designated. (Code 1966, § 1027; Code 1970, tit. 67, § 104; P.L. No. 5-13, § 1.)

§ 105. Filing of designation of registration area; actions concerning lands in designated areas. — A copy of the land commission’s designation of any registration area shall be filed with the clerk of courts for the district and thereafter the courts shall not entertain any action with regard to interests in land within that registration area without a showing of special cause why action by a court is desirable before it is likely a determination can be made on the matter by the land commission. Any court entertaining action as to such land shall notify the land commission promptly that it has decided to entertain the action, describing the land involved as accurately as practicable. (Code 1966, § 1028; Code 1970, tit. 67, § 105.)

§ 106. Survey and establishment of boundaries in designated registration areas. — Upon the designation of a registration area, it shall be the duty of the district surveyor to cause an accurate survey to be made of the exterior bounds of the area and thereafter to make such surveys of plots or claim and place such markers within the area as the commission may direct; provided however, that after a determination is made by the commission, the boundaries of the land covered by each determination shall be shown by either permanent markers or by easily recognizable, natural features. (Code 1966, § 1029; Code 1970, tit. 67, § 106.)
§ 107. Land registration teams; duties generally. — (1) A land registration team shall: (a) Upon its appointment, institute a preliminary inquiry regarding the title to all lands claimed by individuals, families, lineages, clans, or otherwise, within the area for which it is responsible and, if satisfied that such claims are well-founded, shall record the same for hearing.

(b) When the recording of such claims has been completed for the area for which it is responsible, proceed, after notice, to hear the parties and witnesses and adjudicate such claims, subject to review by the commission and the exceptions provided in this chapter.

(c) On a decision being reached on any claim, record the place name, if any, of the land, otherwise a brief description thereof, together with the names of individuals, families, lineages, clans, or other bodies found to be the rightful owners thereof and the type of ownership involved, and shall also record the name of any person or group who holds either any subordinate rights (such as rights of administration) or use or any encumbrance or easement with respect to such land.

(2) Where the parties to any claim agree to a settlement or compromise in the presence of the team, the particulars required by subsection (3) of this section shall be recorded and shall have the same force and effect as a decision under this section.

(3) Upon completion of the actions set forth in subsections (1) to (4) of this section, the team shall submit its record concerning the claim to the commission for review. In all cases where dispute has arisen, the substance of all pertinent testimony taken shall be included in the team's record. (Code 1966, § 1030; Code 1970, tit. 67, § 107.)

§ 108. Same; settlement of disputed claims. — (1) Each land registration team shall endeavor to adjudicate the claims to as much land within the area for which it is responsible as is practicable within a year after that area has been designated. It shall endeavor to avoid becoming involved in such lengthy consideration of disputed claims as will seriously interfere with such adjudication.

(2) If the land registration team deems that consideration of a disputed claim will seriously interfere with accomplishment of the purpose of this chapter, it may refer the claim to the land commission for that district without the team's making any decision thereon.

(3) If a land commission deems that one of its teams is spending an undesirable amount of time on a particular disputed claim, it may withdraw that claim from consideration by the team.

(4) In either of the situations set forth in subsections (2) and (3) of this section, the team shall submit to the commission its record concerning the claim including the substance of all pertinent testimony, if any, taken by the team, and the commission may then proceed itself to hear the parties and witnesses and make a determination on the claim based on both the testimony, if any, taken by the team and that taken by the commission, or the commission may refer the claim to the trial division of the high court for adjudication without any determination by the commission.

(5) If a claim has been referred by a commission to the trial division of the high court without any determination by the commission, the trial division of the high court shall, after the time for appeal from its decision has expired without any notice of appeal having been filed or after an appeal duly taken has been determined, certify its decision, as modified by the appellate division if that has happened, to the land commission involved. The land commission shall then issue a certificate of title based thereon in the same manner as if based on a determination of the commission as provided in section 117 of this chapter. (Code 1966, § 1031; Code 1970, tit. 67, § 108.)
§ 109. Same; review of record of adjudication by land commission. — Upon receipt of an adjudication from a land registration team and the record on which it is based, the land commission shall review the record and shall:
(1) If satisfied therewith, make a determination of ownership based thereon; or
(2) Return the record to the land registration team with instruction concerning further hearing or other action; or
(3) Itself hold further hearing and then make determination of ownership based on the record and the further information obtained by the commission. (Code 1966, § 1032; Code 1970, tit. 67, § 109.)

§ 110. Same; notice of hearing. — (1) Before a land registration team commences hearing with respect to any claim, notice containing a description of the claim and the date, time, and place of hearing shall be given at least thirty days in advance of the hearing as follows:
(a) By posting such notice on the land involved in both English and the principal local language of the municipality in which the land is situated;
(b) By posting such notice, in the languages specified in paragraph (a) of this subsection, at the municipal office and the principal meeting place in the village in which or near to which the land is situated;
(c) By serving such notice upon all parties shown by the preliminary inquiry to be interested either
(i) By service in the same manner as a civil summons, or
(ii) By registered air mail, postage prepaid, to the party's last known address, if outside the district where the land lies; provided however, that in the case of a clan or lineage, notice shall be so given to the two senior male members resident within the municipality where the land lies, the two senior female members resident within the municipality where the land lies, and to the senior male title holder, if any, and the senior female title holder, if any, or if two male members and two female members, residing within the municipality and over thirty-five years of age cannot be located then to such representative or representatives of such clan or lineage as the land commission for the district in which the land lies may designate.
(2) Such notice and notices of determinations of ownership under section 114 of this chapter shall be served by any policeman without charge. During the period between the giving of notice under this chapter and the hearing, any person or group claiming an interest in the land adverse to the claim as stated in the notice may file his or their claim with the district land officer for the district, or the magistrate of the municipality, in which the land is situated, either of whom shall promptly notify the commission and the land registration team concerned. Notice of such adverse claims may also be given orally at the hearing. (Code 1966, § 1033; Code 1970, tit. 67, § 110; P.L. No. 4C-27, § 5.)

§ 111. Authority of land commission and registration teams to administer oaths, take testimony, etc. — Each land commission and each of its land registration teams shall have the authority to administer oaths to witnesses, take testimony under oath, subpoena witnesses, order the production of papers and documents, and punish for contempts committed in its presence. Punishment for contempt shall be limited to a fine of not more than fifty dollars, or imprisonment for a period of not more than thirty days, or both. (Code 1966, § 1034; Code 1970, tit. 67, § 111.)

§ 112. Conduct of hearings. — In conducting hearings, each adjudicatory body referred to in section 3 of secretarial order 2969, each land commission and each land registration team shall be guided by the Trust Territory rules of civil procedure and the rules of evidence. Each adjudicatory body referred to in section 3 of secretarial order 2969, each commission and each registration
team is authorized to consider any evidence that will be helpful in reaching a just decision. Neither an adjudicatory body referred to in section 3 of secretarial order 2969 nor a commission nor a land registration team, however, shall endeavor to redetermine any matter already decided between the same parties or those under whom the present parties claim, by a court. An adjudicatory body referred to in section 3 of secretarial order 2969, commissions, and land registration teams shall accept such prior determinations as binding on such parties without further evidence than the judgment or determination of ownership. All hearings shall be public and every person claiming an interest in land under consideration shall be given an opportunity, by actual or constructive notice, to be heard. Hearings must be held in the municipality in which the land involved lies and when practicable shall be held in the village in which or near which the land lies. All parties, including any representative (appointed under section 113 of this chapter or by a court or other proper authority) of a minor or incompetent, may be represented and assisted by counsel. (Code 1966, § 1035; Code 1970, tit. 67, § 112; Dept. of Interior Order No. 2969, § 8(c).)

§ 113. Hearings involving minors or incompetents. — If a land commission or a land registration team finds that any party in interest is a minor or incompetent, the commission or team, as the case may be, shall appoint one person to act as guardian and represent such minor or incompetent unless he is already represented by a person appointed by a court or other proper authority. A guardian appointed by a commission or team shall have full authority and power to act for the minor or incompetent in all matters in connection with his interest in land; provided, that a guardian may not encumber or in any way alienate any land under his guardianship except by an order of the trial division of the high court. (Code 1966, § 1036: Code 1970, tit. 67, § 113; P.L. No. 5-59, § 1.)

§ 114. Notice of determination of ownership. — Notice of all determinations of ownership by a land commission shall be given promptly in the same manner as prescribed in section 110 of this chapter for notices of hearings. (Code 1966, § 1038; Code 1970, tit. 67, § 114.)

§ 115. Appeal from determination of land commission. — A determination of ownership by a land commission shall be subject to appeal by any party aggrieved thereby to the trial division of the high court at any time within one hundred twenty days from the date of said determination. Such appeal shall be treated and effected in the same manner as an appeal from a district court in a civil action, shall be subject to the same fees, and the powers of the high court with regard thereto shall be the same. Final decisions of the trial division of the high court may be appealed to the appellate division of the high court in the same manner and with the same effect as in cases tried originally in the high court. (Code 1966, § 1039; Code 1970, tit. 67, § 115.)
Standard for land registration teams. — When making inquiries regarding title to land, and when recording claims, holding hearings and making findings and adjudications to be submitted to a land commission, land registration teams should treat the determination of every claim as if it will be appealed, and prepare the record accordingly, so that the court will have an adequate record on which it can review the administrative proceedings. Kumangai v. Ngiraibiochel, 6 TTR 217 (1973).

Persons with standing to appeal land commission determination. — With respect to statute allowing appeals from a determination of ownership by a land commission to be taken by any party aggrieved by the determination, anyone who appears in the commission records as a claimant or one contesting a claim is a party, though under certain circumstances a party need not be named in the administrative proceedings, as when he is a member of a class, such as a clan or lineage, which appeared through a representative. Kumangai v. Ngiraibiochel, 6 TTR 217 (1973).

Remand on appeal from land commissioner determination. — In appeals from determination of ownership made by a land commission following hearings by a land registration team, where appellants had neither filed claims with, nor contested claims before, the land registration team, but it appeared, on appeal, that they might have an interest in the land, and their asserted interest had not been put forward due to a misunderstanding and to lack of familiarity, on the part of all involved, with procedures to be followed before the land registration team and land commission, cases would be remanded for determination of whether appellants had an interest in the land, and if it were found they did, they would be aggrieved and entitled to appeal. Kumangai v. Ngiraibiochel, 6 TTR 217 (1973).

Remand even though appellant did not appear before registration team and was not shown to be a party. — Where record on appeal from land commission was inadequate and did not show who had appeared before the registration team, and the team members and claimants were inexperienced in establishing a record for appeal, and the statutory notice of hearing before the registration team did not actually reach appellant and the other claimants, court would, though appellant never appeared before the registration team and was not shown to be a party and aggrieved, as required by statute to appeal, remand for determination of claimants' claims. Arriola v. Arriola, 6 TTR 287 (1973).

Persons not a party of record have no right of appeal. — Person who did not appear before the land registration team or the land commission was not a party of record in ownership proceedings and therefore had no right of appeal. Turou v. Etabek, 6 TTR 514 (1974).

§ 116. Concurrence of majority present required for decision by commission. — In case of land commissions consisting of more than a senior commissioner, the concurrence of at least two members shall be necessary to constitute action by the commission. Concurrence of a majority of the members of a land registration team present at the time shall be necessary to a decision of the team. (Code 1966, § 1040; Code 1970, tit. 67, § 116.)

§ 117. Issuance of certificate of title. — (1) After the time for appeal from a determination of ownership by a land commission has expired without any notice of appeal having been filed, or after an appeal duly taken has been determined, the land commission shall issue a certificate of title setting forth the names of all persons or groups of persons holding interest in the land pursuant to the determination, either as originally made or as modified by the high court, as the case may be. Such certificate of title shall be conclusive upon all persons who have had notice of the proceedings and all those claiming under them and shall be prima facie evidence of ownership as therein stated against the world, except that such ownership shall be subject to the following which need not be stated in the certificate:

(a) Any rights of way there may be over the land in question;
(b) Any taxes on the land in question which have become due within two years prior to the issuance of the certificate;
(c) Any lease or use right for a term not exceeding one year.

(2) Any easements or other rights appurtenant to the land in question which are over unregistered land shall remain so appurtenant even if not mentioned in the certificate, and shall pass with the land until cut off or extinguished in
§ 118. Register of titles. — The original certificate of title shall be bound in a permanent register for the district in which it is issued. This register shall remain in the custody of and under the supervision of the senior commissioner until such time as a separate registrar for that district is appointed by the High Commissioner. A duplicate certificate shall be issued, marked "Owner's Duplicate Certificate," and delivered to the owner or his or its authorized representative. (Code 1966, § 1042; Code 1970, tit. 67, § 118.)

§ 119. Transfers and encumbrances of interest in lands registered. —
(1) All transfers and encumbrances (other than those excepted in section 117 of this chapter) of any interest in the land covered by such certificate of title shall be noted thereon or therewith by the senior commissioner, or by the registrar if one has been appointed for that district, instead of being recorded with the clerk of courts under sections 301 and 302 of title 57 of this Code, and such notation shall have the same force and effect as to such land as a recording under those sections 301 and 302 would have as to land not registered. It shall be the duty of the owner in requesting any transfer or upon notice that any involuntary transfer has been effected to submit his owner's duplicate certificate for proper endorsement or cancellation, if it is physically practicable for him or it to do so. If the owner's duplicate certificate has actually been lost or destroyed, the owner may, by petition under oath, request the commission to issue him a new duplicate and the commission after such notice, if any, as it may order and a hearing, may direct the issuance of a new duplicate certificate which shall contain a memorandum of the fact that it is issued in place of a lost certificate. Before accepting and noting on the certificate of title any transfer of any interest therein, the senior commissioner or the registrar, if one has been appointed for that district, shall be responsible for seeing that the document of transfer is properly executed and properly describes the land affected. If the certificate holder's entire interest is transferred, his certificate shall be canceled and a new certificate of title issued to the transferee. If only a part of the land is transferred the certificate holder may be required, at his own expense, to have the area to be transferred surveyed and a map thereof submitted showing to the satisfaction of the senior commissioner, or the registrar, as the case may be, the area so transferred and a new certificate of title shall then be issued for each part of the land covered by the former certificate.

(2) When an owner of any interest in land dies and that land has been registered in accordance with section 118 of this chapter and a certificate of title issued in accordance with section 117 or this section of this chapter and that interest in land is devised by will, the person or persons entitled thereto may submit to the senior commissioner, or the registrar if one has been appointed for that district, the owner's duplicate certificate issued to the testator, and the senior commissioner or registrar shall cancel the testator's owner's duplicate certificate and the original certificate of title and the land commission shall issue new certificates to the devisee or devisees entitled thereto. When an owner of any interest in land dies, without having devised the same by will, the person or persons entitled thereto may submit the owner's duplicate certificate, issued to the intestate and the senior commissioner or registrar shall cancel the intestate's owner's duplicate certificate and the original certificate of title and the land commission shall issue new certificates of title. Provided that where the land is to be divided the devisees or heirs shall be required, before the issuance of new certificates of title, to have the area devised or inherited surveyed and a map thereof submitted showing to the satisfaction of the senior commissioner or registrar the area so devised or
inherited and the new certificate of title shall then be issued by the land commission for each part of the land covered by the former certificate.

(3) The land commission shall make a determination of the devisee or devisees or heir or heirs and the interest or respective interests to which each are entitled in accordance with the following procedure:

(a) Upon the death of a decedent, the land commission shall conduct a hearing at which evidence shall be heard for the purpose of determining the heir or heirs or devisee or devisees entitled to the decedent's land. The land commission shall conduct such hearing within sixty days after being requested to do so by any person claiming to be an heir or devisee.

(b) The land commission shall make a finding as to the heir or heirs or devisee or devisees and the respective interest or interests to which each are entitled within thirty days after the conclusion of such hearing.

(c) The chief of lands and surveys shall promulgate rules and regulations subject to the approval of the High Commissioner to implement the provisions of this section. Rules and regulations may be promulgated regarding the conduct of hearings, notice to prospective heirs and devisees and regarding any other matter necessary to carry out the purposes of this section. Such rules and regulations shall have the force and effect of law.

(d) Appeal may be taken to the trial division of the high court in the manner provided in section 115 of this title. (Code 1966, § 1043; Code 1970, tit. 67, § 119; P.L. No. 4C-52, § 1.)

§ 120. Official land gazette. — All designations, appointments and determinations by a land commission and notices of hearings by either a land commission or a land registration team shall be published in the official land gazette, if and when one is established by the chief of lands and surveys. (Code 1966, § 1044; Code 1970, tit. 67, § 120.)
CHAPTER 4.

SUBDIVISION OF PUBLIC LANDS.

Sec.
151. Public access prerequisite; generally.
152. Same; lands abutting sea or tidal areas.
153. Rules and regulations.

§ 151. Public access prerequisite; generally. — No parcel of public land shall be subdivided into smaller parcels, tracts or lots for sale, lease, homestead, exchange or allocated for any other purposes, unless the chief of lands and surveys shall first lay out and establish, or shall cause to be laid out and established, over and across such public lands, a reasonable number of public roads and paths from established or existing public roads to insure public access to each new parcel, tract, or lot created by the subdivision. (Code 1970, tit. 67, § 151.)

§ 152. Same; lands abutting sea or tidal areas. — Before offering for sale, lease, homestead, exchange or allocation for any other purpose any parcel of public land abutting the sea or tidal areas, the chief of lands and surveys shall first lay out and establish, or cause to be laid out and established, over and across such public lands, a reasonable number of public roads and paths from existing or established public roads to insure public access to the sea and tidal areas. (Code 1970, tit. 67, § 152.)

§ 153. Rules and regulations. — The chief of lands and surveys shall have the power to promulgate rules and regulations, subject to approval by the High Commissioner, to implement the provisions of this chapter. Such rules and regulations will have the force and effect of law. (Code 1970, tit. 67, § 153.)
§ 201. Designation of homestead areas. — Such areas of public lands within the Trust Territory as may be suitable for agricultural or grazing purposes or for the establishment of community sites, and which are not required for government use or reserved for other purposes by any other provision of law, may be designated by the high commissioner on behalf of the government of the Trust Territory for homesteading purposes. Such areas may, in accordance with the provisions of this chapter, be allotted to qualified persons for the purpose of farming or developing village lots with the right to acquire title upon the fulfillment of the conditions prescribed herein. (Code 1966, § 950; Code 1970, tit. 67, § 201.)

§ 202. Establishment of area and requirements for use of homestead tracts. — (1) The district administrator, upon advice of the planning commission, shall, subject to the approval of the High Commissioner, determine and establish:
   (a) The maximum area of land allowable for each agricultural, grazing, or village lot homestead tract within the district;
   (b) Standards and requirements for the use, occupation and development of the homestead tracts within the district; and
   (c) That amount of land which a person, clan, lineage, family or group of persons may own within the Trust Territory, the excess of which shall prevent the acquisition of land for homesteading.

   (2) The district administrator shall file a copy of each of his determinations under this section with the clerk of courts of the district. (Code 1966, § 951; Code 1970, tit. 67, § 202; P.L. No. 4C-76, § 12(b).)

§ 203. Persons eligible to homestead. — Subject to the provisions of this chapter and the rules and regulations issued pursuant thereto the following persons or groups of persons may be authorized to enter upon, occupy and improve a tract or tracts of public land for the purpose of homesteading:

   (1) Any person who is eighteen years of age or over, and who is a citizen of the Trust Territory; provided, that no person shall be authorized to enter upon or acquire any right in any tract of public land which exceeds the maximum area of a homestead established by the district administrator in accordance with section 202 of this chapter; provided further, that no person shall be permitted to enter and acquire more than one homestead, except that a qualified person may enter one village lot in addition to a farm tract; and provided further, that no person who is the owner of lands within the Trust Territory, the amount of which equals or exceeds the maximum area which shall have been established in accordance with section 202 of this chapter, shall be permitted to enter and acquire any homestead tract.

   (2) Any clan, lineage, family or group of persons who collectively possess land rights established by local custom as recognized by the High
Commissioner; provided, that each district land advisory board, taking
cognizance of the local customs concerning land tenure in its district, shall
recommend to the district administrator the clans, lineages, families or groups
of persons who are eligible for homestead privileges; provided further, that no
clan, lineage, family or group of persons shall be authorized to enter upon nor
acquire any rights in any tract of public land which exceeds the maximum area
of a homestead established by the district administrator in accordance with
section 202 of this chapter. Homesteads shall not be granted to an individual
person if clan, lineage, family or group ownership of land is the custom of the
specific area in question. (Code 1966, § 952; Code 1970, tit. 67, § 203.)

§ 204. Application for homestead land; place; form; contents. —
Application for permits to homestead land shall be made to the district land
office in the district in which the land is situated. The application shall be in
the form of an affidavit and shall contain:
(1) All statements of fact upon which the applicant relies to establish his
right to homestead;
(2) A description by metes and bounds of the property sought to be
homesteaded; and,
(3) Such other data as may by rules and regulations be required. (Code 1966,
§ 953; Code 1970, tit. 67, § 204.)

§ 205. Same; approval. — The district land office shall verify the eligibility
of the applicant and all essential facts set forth by the applicant. The district
land officer shall thereupon recommend approval or disapproval of the
application to the district administrator. (Code 1966, § 954; Code 1970, tit. 67,
§ 205.)

§ 206. Issuance of homestead permit. — Upon approval of the
application, the district administrator shall issue a permit to enter upon, use
and improve the land in accordance with standards as established under the
provisions of section 202 of this chapter. This permit shall describe the land and
shall contain a reservation of any and all public roads, rights of way, easements,
mineral rights and uses essential to the public welfare. (Code 1966, § 955; Code
1970, tit. 67, § 206.)

§ 207. Conditions of occupancy. — (1) The homesteader shall enter upon
and commence the use and improvement of the land in accordance with the
requirements established under paragraph (b), subsection (1), section 202 of
this chapter within one hundred twenty days after the receipt of the permit.
Upon noncompliance with the foregoing, the permit shall expire and be null
and void and the homesteader shall be construed to have waived all rights in
and to said land.
(2) The homesteader shall within six months of entry place, at all corners of
the land, markers which shall be obtained from the district land office, and
shall at all times maintain all boundaries clear of any and all weeds, trash and
underbrush.
(3) During the period of occupancy, the homesteader shall comply with all
rules, regulations and requirements concerning the use, occupation and
development of the land as established under paragraph (b), subsection (1),
section 202 of this chapter. (Code 1966, § 956; Code 1970, tit. 67, § 207.)

§ 208. Deeds of conveyance. — Deeds of conveyance shall be issued by the
government of the Trust Territory, over the signature of the High
Commissioner, for homestead land entered under the provisions of this
chapter; provided, that no such deed shall be issued until the expiration of
three years from the date of entry and the execution of a certification by the
district administrator certifying that the homesteader has complied with all laws, rules and regulations appertaining to the homestead. The High Commissioner shall issue the deed of conveyance within two years of the time the homesteader becomes eligible to receive the deed of conveyance under the provisions of this chapter. Such deed of conveyance shall convey to the homesteader any and all rights of the government of the Trust Territory to the property, excepting such rights as are reserved by law or by permit. (Code 1966, § 957; Code 1970, tit. 67, § 208.)

Time limit for issuance of deed by High Commissioner is mandatory. — Statutory provision that "High Commissioner shall issue the deed of conveyance within two years of the time the homesteader becomes eligible," shown by legislative history to have been enacted to enable homesteader to go to court to demand issuance of the deed, for which there had previously been no time limits, was clearly mandatory, not directory. Cruz v. Johnston, 6 TTR 354 (1973).

§ 209. Transfer of homestead permit. — No rights in or to a homestead permit granted under the provisions of this chapter shall be sold, assigned, leased, transferred or encumbered; except, that in the event of the death of a homesteader prior to the issuance of a deed of conveyance, all rights under the permit shall inure to the benefit of such person or persons, if any, as the homesteader shall last designate in writing filed in the district land office. In the event no designation has been made by the homesteader as provided in this section, then the permit shall be revoked, and the land, together with all appurtenances thereto entered thereunder, shall revert to the government. (Code 1966, § 958; Code 1970, tit. 67, § 209.)

Agreement to convey land after perfection of homestead not enforceable. — Plaintiff may not obtain specific performance and enforce an agreement made with defendant to convey land held under a homestead permit after defendant's homestead had been perfected. Ilisari v. Taroliman (App. Div., April, 1976).

Conveyance of land after title acquired from government. — Where defendant who held land under homestead permit hands deed to plaintiff and verbally conveys land after homestead permit matures and after a certificate of compliance is issued and a deed is issued to defendant transferring the land to defendant, defendant has conveyed the land to plaintiff after acquiring title from the government. Ilisari v. Taroliman (App. Div., April, 1976).

Agreement to sell under unmatured agricultural homestead permit. — Where defendant agreed to sell plaintiff land held under an unmatured agricultural homestead permit the agreement to sell was illegal, being in violation of both the terms of the homestead permit and this section of this Code. Romolor v. Igisaiar, 4 TTR 164 (1968).

Effect of death on rights of settler. — Except where specific statutory provision is made for inheritance and continuation of the homestead, all rights of the settler are lost by his death. Norman v. Eskar, 4 TTR 164 (1968). Statutory direction as to manner in which homesteader should designate his successor. — There can be no succession where there is clear and unambiguous statutory direction as to the manner in which a homesteader might designate his successor except upon full compliance with that direction. Norman v. Eskar, 4 TTR 164 (1968).

Descent of or succession to private interests in United States or state lands. — In the absence of statutory provision there is no descent of, or succession to, private interests in the United States or state lands where such interest is not perfected and a patent issued before the entryman dies. Norman v. Eskar, 4 TTR 164 (1968).
§ 210. Revocation of homestead permit. — If, at any time after the issuance of a permit to enter a homestead tract and before the expiration of the period prescribed by section 208 of this chapter, it is proved, after due notice to the homesteader, to the satisfaction of the district administrator that the homesteader has abandoned the land or has failed to comply with the laws, rules and regulations appertaining to homesteads, then said permit shall be revoked and the land so entered shall revert to the government; provided, that where there may be unavoidable cause, the district administrator may, in his discretion, allow the homesteader an extension of the period prescribed in section 208 of this chapter. (Code 1966, § 959; Code 1970, tit. 67, § 210.)

§ 211. Waiver of requirements. — The High Commissioner, upon recommendation of a district administrator, may in his discretion waive any requirement, limitation or regulations relating to homesteading when the public interest requires such waiver. (Code 1966, § 960; Code 1970, tit. 67, § 211.)

Provision for waiver of requirements by High Commissioner construed. — Homestead law provision that High Commissioner may "waive any requirement, limitation or regulation relating to homesteads" does not allow waiver of specific statutory provisions, such as time within which he must convey property after a homesteader becomes eligible for it, but rather, refers to administrative regulations of district administrators and land advisory boards. Cruz v. Johnston, 6 TTR 354 (1973).

§ 212. Certificate of compliance. — A certificate of compliance issued under the provisions of section 208 of this title of this Code creates a right to the issuance of the deed of conveyance of any and all right, title and interest of the Trust Territory in the property in the holder of the certificate. A certificate of compliance, as such, is an instrument evidencing an interest in real property, and such interest may be sold, leased, or in any other way alienated by the holder thereof, whereupon the transferee shall succeed to all the rights of the transferor, to the extent that the transferor has transferred the same to him. (P.L. No. 5-71, § 1.)

§ 213. Cessation of rights in homestead permit on issuance of certificate. — Any and all rights arising from any homestead shall cease upon the issuance of a certificate evidencing compliance with the term of such permit to the holder thereof, and upon such issuance the provisions of sections 209 and 210 of this title of this Code shall no longer apply. Nothing in this section, however, shall deprive the holder of the certificate of the full and complete right of possession and use of the land which is the subject of the permit and certificate, or of the rights in the certificate as set forth in section 212 of this title. (P.L. No. 5-71, § 2.)
CHAPTER 6.

HISTORICAL SITES AND ANTIQUITIES.

Sec. 251. Declaration of policy. — It is hereby declared that it is a territorial policy to preserve for public use historic sites, buildings and objects of territorial significance for the inspiration and benefit of the people of Micronesia. (Code 1970, tit. 67, § 251.)

Sec. 252. Powers and duties of director. — The deputy director for resources and development (hereinafter referred to as the "director"), for the purpose of effectuating the policy expressed in this chapter, shall have the following powers and perform the following duties and functions:

1. Secure, collate, and preserve drawings, plans, photographs and other data of historic and archaeological sites, buildings and objects.
2. Make a survey of historic and archaeological sites, buildings and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of Micronesia.
3. Make necessary investigations and research in the Trust Territory relating to particular sites, buildings or objects to obtain true and accurate historical and archaeological facts and information concerning the same.
4. For the purpose of this chapter, acquire in the name of the Trust Territory government by gift, purchase or otherwise any property, personal or real, or any interest of estate therein, title to any real property to be satisfactory to the director; provided, that no such property which is owned by any religious or educational institution, or which is owned or administered for the benefit of the public, shall be so acquired without the consent of the owner; provided further, that no such property shall be acquired, or contract or agreement for the acquisition thereof made which will obligate the fund of the Trust Territory for the payment of such property, unless or until the Congress of Micronesia or the Congress of the United States has appropriated money which is available for that purpose.
5. Contract and make cooperative agreements with district governments, municipalities, corporations, associations or individuals to protect, preserve, maintain, or operate any historic or archaeological building, site, object or property used in connection therewith for public use, regardless of whether the title thereto is in the Trust Territory government; provided, that no contract or cooperative agreement shall be made or entered into which will obligate the fund of the Trust Territory unless or until the Congress of Micronesia or the Congress of United States has appropriated money for such purpose.
6. Restore, reconstruct, rehabilitate, preserve and maintain historic or prehistoric sites, buildings, objects and properties of territorial, historical or archaeological significance and, where deemed desirable, establish and maintain museums in connection therewith.
7. Erect and maintain tablets to mark or commemorate historic or archaeological significance.
8. Operate and manage historic and archaeological sites, buildings and properties acquired under the provisions of this chapter together with lands and subordinate buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions,
leases or permits for the use of land, building space, roads or trails when necessary or desirable either to accommodate the public or to facilitate administration; provided, that such concessions, leases, or permits shall be let at competitive bidding to the persons making the lowest and best bid.

(9) When the director determines that it would be administratively burdensome to restore, reconstruct, operate or maintain any particular historic or archaeological site, buildings or property donated to the Trust Territory government, he may cause the same to be done by organizing a corporation in accordance with the law for that purpose under the laws of the Trust Territory.

(10) Develop an educational program and service for the purpose of making available to the public facts and information pertaining to Micronesia’s historic and archaeological sites, buildings and properties of territorial significance. Reasonable charges may be made for the dissemination of any such facts or information.

(11) Perform any and all acts, and make such rules and regulations not inconsistent with this chapter as may be necessary and proper to carry out the provisions thereof.

Any person violating any of the rules and regulations authorized by this chapter shall be punished by a fine of not more than three hundred dollars and be adjudged to pay all costs of the proceedings. (Code 1970, tit. 67, § 252.)

§ 253. Historic sites commission; established; composition; appointment; terms; compensation. — A general advisory board to be known as the “Historic Sites Commission” is hereby established, to be composed of not more than eleven persons, citizens of the United States or Micronesia, or both, and to include representatives competent in the fields of history, archaeology, architecture, and human geography, who shall be appointed by the High Commissioner and serve at his pleasure. The members of such commission shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as such members. (Code 1970, tit. 67, § 253.)

§ 254. Same; powers and duties. — It shall be the duty of such commission to advise on any matters relating to territorial parks and to the administration of this chapter submitted to it for consideration by the director. The commission may also recommend policies to the director from time to time pertaining to territorial parks and to the restoration, reconstruction, conservation and general administration of historic and archaeological sites, buildings and properties. (Code 1970, tit. 67, § 254.)

§ 255. Cooperation with and assistance of governmental and private agencies. — The director, in administering this chapter, is authorized to cooperate with and may seek and accept the assistance of any United States department or agency, or any educational or scientific institution, or any patriotic association or any individual. (Code 1970, tit. 67, § 255.)

§ 256. Conflict of chapter with other laws. — The provisions of this chapter shall control if any of them are in conflict with any other laws relating to the same subject matter. (Code 1970, tit. 67, § 256.)
CHAPTER 7.
LEASE OF PUBLIC LANDS TO CITIZENS.

Sec.
301. Authority to lease; forms; criteria.

§ 301. Authority to lease; forms; criteria. — The district administrator of each administrative district is hereby empowered and authorized to execute leases and other use agreements of public land to Trust Territory citizens or corporations or other business associations wholly owned by citizens of the Trust Territory for periods of not more than twenty-five years, including renewals. Such leases or other use agreements shall be on forms approved by the Attorney General, and shall be granted in accordance with the policies established by law or by regulations issued by the land and claims administrator and approved by the High Commissioner; provided, that such regulations are consistent with the provisions of this chapter and other laws of the Trust Territory. (Code 1970, tit. 67, § 301.)
DESIGNATION OF PUBLIC LANDS

CHAPTER 8.

DESIGNATION OF PUBLIC LANDS FOR HOMESTEAD AND OTHER PURPOSES.

Subchapter I.
Mariana Islands District; Kagman and Marpi Areas.

Sec. 351. Designation of public lands for certain purposes.

Upon consultation with the district administrator of the Mariana Islands District, the Mariana Islands District land commission as established pursuant to chapter 5 of this title of this Code, and the Mariana Islands District Planner, the High Commissioner shall prepare an outline plan and designate those public lands in Kagman and Marpi areas on Saipan Island, Mariana Islands District, which are best suited for agricultural and village homesteading purposes, as agricultural or village homestead lands. There shall be designated in the plan all existing private lands, all public lands under use permit, lease or reservation at the time of the plan, and all public lands contemplated for reservation as historical, scenic and recreation areas. The High Commissioner shall exclude such lands from designation as agricultural or village homestead sites. Nothing in this chapter shall be construed to prohibit the Trust Territory government from granting public land in the Kagman and Marpi areas of Saipan Island, Mariana Islands District, except public land contemplated for reservation as historical, scenic or recreation areas, for such public uses as school sites, church sites, sites for business establishments including hotels and such other facilities as may be determined by the district administrator to be of public interest. (P.L. No. 4C-50, § 1; P.L. No. 5-75.)

Sec. 352. Description of areas.

As used in this subchapter:

1) Kagman area is generally described as being all that certain parcel of land identified as Saipan area 16 and containing an area of eight million nine hundred thousand square meters (two thousand two hundred acres), more or less, as shown and delineated on area public works office drawing no. 11358, as filed in the Trust Territory land management office, Saipan, Mariana Islands District.
(2) Marpi area is generally described as being all that certain parcel of land identified as Saipan area 18 and containing an area of eighteen million two hundred ten thousand square meters (four thousand five hundred acres), more or less, as shown and delineated on area public works office drawing no. 11360, as filed in the Trust Territory land management office, Saipan, Mariana Islands District. (P.L. No. 4C-50, § 2.)

§ 353. Establishment of standards for homestead occupancy and development. — (1) The High Commissioner, upon the advice of the district administrator of Mariana Islands District, shall establish:
   (a) The maximum area allowable for each tract for homesteading purposes;
   (b) Standards and requirements for the use, occupancy and development of each homestead lot; provided, however, that preference shall be given to lessees, sublessees and tenants at sufferance who occupy said public lands and who have continuously lived or used the said lands not less than three years prior to the effective date of this subchapter; and
   (c) The amount of land which a person, clan, lineage, family or group of persons may own through homesteading of public lands and which the excess of said amount may be prohibited.

   (2) The High Commissioner shall cause the above requirements to be established within six months after the completion of the surveys of the Kagman and Marpi areas required by section 354 of this subchapter, and shall file a copy of each of his determinations under this section with the clerk of courts and the land commission of the Mariana Islands District. In addition, the district administrator of the Mariana Islands District shall insure that adequate public notice is made throughout the district of these requirements within seven days of the filing of such determination. (P.L. No. 4C-50, § 3.)

§ 354. Survey of public and private lands. — The perimeter boundaries of any and all private and public lands within Marpi and Kagman areas shall, respectively, be surveyed by the chief of the division of lands and surveys of the Trust Territory. All public lands not then under lease or reservation, or reserved for other public use, shall then be subdivided into survey sections for property survey purposes by the Mariana Islands District land management office, which shall complete such property surveys as soon as practicable thereafter. (P.L. No. 4C-50, § 3.)

§ 355. Permits for agricultural or village homesteads. — Tracts within public lands in Marpi and Kagman areas shall be allowed to qualified persons for agricultural or village homestead purposes pursuant to the requirements and procedures set forth in chapter 9 of this title as the same presently exists or may be amended from time to time in the future; provided, however, that the occupancy period required by section 208 of this title shall be deemed to have started running from the date of entry by the tenant, lessee or permittee to the particular land involved; and provided further, however, that no homestead entry permit shall be issued for such lands as may be designated homestead lands within either the Kagman area or the Marpi area until such lands shall have been surveyed as provided in section 354 of this title and the parcels of land therein contained registered with the Mariana Islands District land commission as provided in chapter 5 of this title. (P.L. No. 4C-50, § 4.)
Subchapter II.

Mariana Islands District; Pagan Island.

§ 361. Designation of public lands for certain purposes. — Upon consultation with the district administrator of the Mariana Islands District and the Mariana Islands District land commission as established pursuant to chapter 5 of this title of this Code, and the Mariana Islands District planner, the High Commissioner shall designate the island of Pagan, Mariana Islands District, as village and agricultural homestead land, and shall prepare a plan of the same for such purpose. Nothing in this subchapter shall be construed to prohibit the Trust Territory government from granting public land on Pagan Island for such public uses as school sites, church sites and sites for business establishments including hotels and such other facilities as may be determined by the district administrator to be of public interest. (P.L. No. 5-27, § 1; P.L. No. 5-75.)

§ 362. Establishment of standards for homestead occupancy and development. — (1) The High Commissioner, upon the advice of the district administrator of the Mariana Islands District, shall establish:

(a) The maximum area to be allowed for homestead lots;

(b) Standards and requirements for the use, occupancy, and development of each lot; provided, however, that preference shall be given to lessees, sublessees and tenants at sufferance who occupy public land on Pagan Island and who have continuously used the same land not less than three years prior to the effective date of this subchapter.

(2) No limit shall be placed upon the amount of land which a person, clan, lineage, family or group of persons may own through homesteading of public lands, except that which such person, clan, lineage, family or group can reasonably use.

(3) The High Commissioner shall cause the above requirements to be established within six months after the completion of the surveys required by section 363 of this title, and shall file a copy of such requirements with the clerk of courts and the land commission of the Mariana Islands District. In addition, the district administrator of the Mariana Islands District shall insure that adequate public notice is made throughout the district of these requirements within seven days of the filing thereof. (P.L. No. 5-27, § 2.)

§ 363. Survey. — The island of Pagan shall be surveyed by the chief of the division of lands and surveys, and shall then be divided into survey sections for property survey purposes by the Mariana Islands District land management office, which shall complete such property surveys as soon as practicable thereafter. (P.L. No. 5-27, § 3.)

§ 364. Permits for agricultural or village homesteads. — Tracts within public lands on Pagan Island shall be allowed to qualified persons for village and agricultural homestead purposes pursuant to the requirements and procedures set forth in chapter 9 (Homesteads) of this title of this Code, as the same presently exists or may be amended in the future; provided, however, that the occupancy period required by section 208 of this title of this Code shall be deemed to have started running from the date of entry by the tenant, lessee, or permittee to the particular land involved; and provided further, however, that no homestead entry permit shall be issued for such lands as may be designated agricultural and village homestead lands on Pagan Island until such lands have been surveyed as provided in section 363 of this title and the parcels of land therein contained have been registered with the Mariana
§ 371. **Designation of public lands for certain purposes.** — Upon consultation with the district administrator of the Mariana Islands District and the Mariana Islands District land commission as established pursuant to chapter 5 of this title of this Code, and the Mariana Islands District planner, the High Commissioner shall prepare an outline plan and designate public land areas in the Teneto and Sinapalo areas on Rota Island, Mariana Islands District, as village homestead lands. There shall be designated in such plan all existing private lands, all public lands under use permit lease, or reservation at the time of the plan, and all public lands contemplated for reservation as historical, scenic and recreation areas. The High Commissioner shall exclude such lands from designation as village homestead sites. (P.L. No. 5-30, § 1.)

§ 372. **Identification of public tracts.** — The district administrator of the Mariana Islands District, after consultation with the mayor of the municipality of Rota and with the Trust Territory division of lands and surveys, shall sufficiently identify those tracts of land in the Teneto and Sinapalo areas which are still in the public domain and have not been taken for agricultural homestead purposes, and shall transmit to the High Commissioner an approximate description thereof with regard to total area and metes and bounds. (P.L. No. 5-30, § 2.)

§ 373. **Establishment of standards for homestead occupancy and development.** — (1) The High Commissioner, upon the advice of the district administrator of the Mariana Islands District, shall establish:
(a) The maximum area to be allowed for homestead lots;
(b) Standards and requirements for the use, occupancy; and development of each homestead lot; provided, however, that preference shall be given to lessees, sublessees and tenants at sufferance who occupy said public lands and who have continuously lived or used the said lands not less than three years prior to the effective date of this subchapter; and
(c) The amount of land which a person, clan, lineage, family or other group of persons may own through homesteading of public lands and which the excess of said amount may be prohibited.
(2) The High Commissioner shall cause the above requirements to be established within six months after the completion of the surveys required by section 374 of this title, and shall file or cause to be filed a copy of the same with the clerk of courts and the land commission of the Mariana Islands District. In addition, the district administrator of the Mariana Islands District shall insure that adequate public notice is made throughout the district of these requirements within seven days of the filing of such determination. (P.L. No. 5-30, § 3.)

§ 374. **Survey.** — The perimeter boundaries of the public lands in the Teneto and Sinapalo areas shall, respectively, be surveyed by the chief of the division of lands and surveys. All public lands not then under lease or reservation or reserved for other public use shall then be subdivided into survey sections for property survey purposes by the Mariana Islands District land management office, which shall complete such property surveys as soon as practicable thereafter. (P.L. No. 5-30, § 4.)
§ 375. Permits for agricultural or village homesteads. — Tracts within public lands in the Teneto and Sinapalo areas shall be allowed to qualified persons for village homestead purposes pursuant to the requirements and procedures set forth in chapter 9 (Homesteads) of this title of this Code, as the same presently exists or may be amended from time to time in the future; provided, however, that the occupancy period required by section 208 of this title of this Code shall be deemed to have started running from the date of entry by the tenant, lessee or permittee to the particular land involved; and provided further, that no homestead entry permit shall be issued for such lands as may be designated village homestead lands within either the Teneto or Sinapalo areas until such lands have been surveyed as provided in section 374 of this title and the parcels of land therein contained have been registered with the Mariana Islands District land commission as provided by chapter 5 of this title of this Code. (P.L. No. 5-30, § 5.)

Subchapter IV.

Ponape District; Nankapin Area.

§ 401. Homestead development plan. — The chief of the division of lands and surveys of the Trust Territory shall cause to be prepared an outline plan for the development of public land area known as “Nankapin Area” in Sokehs Municipality, Ponape District, as agricultural homestead lands. (P.L. No. 5-34, § 1.)

§ 402. Establishment of standards for homestead occupancy and development. — Upon completion of the outline plan, the High Commissioner shall designate the whole of Nankapin area as available for agricultural homestead purposes. The district administrator of Ponape District, upon the advice of the district land management officer and district agriculturist, shall establish:

(1) The maximum area in hectares of land allowable for each agricultural homestead tract;

(2) Standards and requirements for the use, occupancy and development of each agricultural tract; and

(3) The amount of land which a person, clan, lineage, family or group of persons may be allowed to own and to homestead; the acquisition of land for agricultural homesteading in Sokehs Municipality in excess thereof shall be prohibited.

The district administrator shall cause the above requirements to be established within sixty days after the effective date of this subchapter and shall file a copy with each of his determinations under this section with the clerk of courts, Ponape District. In addition, the district administrator shall insure that adequate public notice is made on Ponape District of these requirements within seven days of such determination being filed. (P.L. No. 5-34, § 2.)

§ 403. Survey. — The perimeter boundaries of Nankapin area shall be surveyed and then shall be subdivided into survey sections for property survey purposes by the chief of the Trust Territory division of lands and surveys. Before an agricultural homestead permit is issued by the district administrator, Ponape District, the chief of the Trust Territory division of lands and surveys shall cause a property survey to be made of each designated agricultural tract. (P.L. No. 5-34, § 3.)
§ 404. Allotment of tracts. — Tracts within Nankapin area, Sokehs Municipality; shall be allotted to qualified persons for farming purposes, pursuant to the requirements and procedures set out in Part C (Homesteading) of chapter 16 (Real Property) of this Code, as amended. (P.L. No. 5-34, § 4.)

Editor's note. — The reference to Part C of chapter 16 is published as enacted.
§ 451. **Application of chapter.** — This chapter shall be applicable to the acquisition of real property under the laws of the Trust Territory for use in any project or program of the Trust Territory government, the district or municipal governments or the agencies created by the above enumerated governmental divisions hereinafter referred to as "government." (P.L. No. 6-71, § 1.)

§ 452. **Procedures generally.** — (1) In acquiring real property the government will, to the greatest extent practicable:

(a) Make every reasonable effort to acquire real property expeditiously through negotiation;

(b) Before the initiation of negotiations, have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during the inspection of the property;

(c) Before the initiation of negotiations, establish an amount which is believed to be just compensation for the real property, and make a prompt written offer to acquire the property for that amount. In no event will the just compensation offered be less than the government's approved appraisal of the fair market value of such property. At the time the government makes an offer to purchase real property, the owner of that property will be provided with a written statement of the basis for the amount estimated to be just compensation.

(i) In determining just compensation for the property any increase or decrease of the fair market value caused by the public improvement for which the property is acquired prior to the date of valuation will be disregarded (other than that caused by physical deterioration).

(d) Before requiring any owner to surrender possession of any real property, government will:

(i) Pay the agreed purchase price; or

(ii) Deposit with the court, for the benefit of the owner, an amount not less than the government's approved appraisal of the fair market value of the property; or

(iii) Pay the amount of the award of compensation in condemnation proceedings for the property.

(e) If interest in the real property is to be acquired by exercise of power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for the owner to institute legal proceedings to prove the fact of the taking of this real property; and

(f) If the acquisition of only part of the property will leave its owner with an uneconomic remnant, offer to acquire that remnant.

(2) In acquiring real property, to the greatest extent practicable the government will not:

(a) Schedule a construction or development of the public improvement that will require any person lawfully occupying real property to move from a dwelling, or move his business or farm operation, without giving that person at least ninety days written notice of the date he is required to move;

(b) If acquired property is rented to the former owner or tenant for a short term or subject to termination by the government on short notice, charge a rent
that is more than the fair rental value of the property to a short term occupant;
(c) Advance the time of condemnation;
(d) Defer negotiations, condemnation or deposit of funds in court for use of
the owner; or
(e) Take any course of action to compel an owner to agree to a price for his
property.
(3) Should a court determine condemnation was unauthorized or should the
property owner obtain a judgment in the nature of inverse condemnation, then
the owner shall be reimbursed for reasonable expenses of litigation, in line
with section 304, Uniform Relocation Assistance and Real Property
(4) Nothing in this section should be construed to preclude a donation by an
owner after his property has been appraised and the full amount of the
estimated just compensation has been tendered to him. (P.L. No. 6-71, § 1.)

§ 453. Interest in improvements. — In acquiring any interest in real
property the government will acquire at least an equal interest in all building
structures or other improvements located on that real property which will be
removed or which will be adversely affected by the completed project. (P.L. No.
6-71, § 1.)

§ 454. Payments for improvements by tenants. — (1) In the case of the
building structure or other improvements owned by the tenant on real property
acquired for a project to which this chapter applies the government will, subject
to subsection (2) of this section, pay the tenant the larger of
(a) The fair market value of the improvement (as established by the
government's appraiser), assuming its removal from the property; or
(b) The enhancement to the fair market value of the real property.
(2) Payments will also be made for improvements that are damaged as well
as those which must be removed.
(3) A payment may not be made to a tenant under subsection (1) of this
section unless
(a) The tenant, in consideration for the payment, assigns, transfers and
releases to the government all his rights, title and interest in the
improvements;
(b) The owner of the land involved disclaims any interest in the
improvements; or
(c) The payment is not duplicated by any payment otherwise authorized by
law or regulation. (P.L. No. 6-71, § 1.)

§ 455. Expenses incidental to transfer of title. — As soon as possible
after real property has been acquired, the government shall reimburse the
owner for:
(1) Recording fees, taxes and similar expenses incidental to conveying the
real property to the agency; and
(2) The penalty cost for prepayment of any pre-existing recorded mortgage
entered into in good faith and encumbering the real property. (P.L. No. 6-71,
§ 1.)

§ 456. Authority of High Commissioner to promulgate regulations. —
The High Commissioner shall have authority to issue regulations to
implement this chapter. (P.L. No. 6-71, § 1.)
CHAPTER 10.

RELOCATION ASSISTANCE.

Sec. 501. Declaration of policy. - The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by Trust Territory government and district land acquisition programs, or by programs of rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. The policy shall be uniform as to:

1. Relocation payments;
2. Advisory assistance;
3. Assurance of availability of standard housing. (P.L. No. 6-71, § 2.)

Sec. 502. Definitions. - As used in this chapter:
1. "Agency" means any department, agency or instrumentality of the Trust Territory or of a political subdivision of the Trust Territory, or any department, agency or instrumentality of two or more political subdivisions of the Trust Territory.
2. "Person" means any individual, partnership, corporation or association.
3. "Displaced person" means any person who, on or after the effective date of this chapter, moves from real property or moves his personal property from real property, as a result of the acquisition of such real property in whole or in part, or as the result of the written order of the acquiring agency to vacate real property for a program or project undertaken by an agency, and, solely for the purpose of sections 503(1) and (2) and 506 of this chapter, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.
4. "Business" means any lawful activity, excepting a farm operation, conducted primarily:
   a. For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing or marketing of products, commodities, or any other personal property;
   b. For the sale of services to the public; or
   c. By a nonprofit organization.
5. "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including copra, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (P.L. No. 6-71, § 2.)

Sec. 503. Moving and related expenses. - (1) If an agency acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by this chapter.
§ 504. Replacement housing for homeowners. — (1) In addition to payments otherwise authorized by this chapter, the agency shall make an additional payment not in excess of fifteen thousand dollars to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of the property. The additional payment shall include the following elements:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe and sanitary dwelling according to contemporary community standards and adequate to accommodate such displaced person, reasonably accessible to public services and places of employment, and available on the private market. All determinations required to carry out this subparagraph shall be determined by regulations issued pursuant to section 508 of this chapter;

(b) The amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of the dwelling. The amount shall be equal to the excess in the aggregate interest and other debt service payments.
costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling reduced to discounted present value. The discount rate shall be determined by regulations issued pursuant to section 508 of this chapter; and

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a replacement dwelling which is decent, safe and sanitary according to contemporary community standards not later than the end of the one-year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date. (P.L. No. 6-71, § 2.)

§ 505. Replacement housing for tenants and certain others. — In addition to amounts otherwise authorized by this chapter, an agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 504, which dwelling was actually and lawfully occupied by the displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. The payment shall be either:

(1) The amount necessary to enable the displaced person to lease or rent, for a period not to exceed four years, a decent, safe and sanitary dwelling according to contemporary community standards and adequate to accommodate the person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed four thousand dollars, or

(2) The amount necessary to enable the person to make a down payment (including incidental expenses described in section 504(1)(c) on the purchase of a decent, safe and sanitary dwelling according to contemporary community standards and adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars, except that if the amount exceeds two thousand dollars, the person must equally match any amount in excess of two thousand dollars in making the down payment. (P.L. No. 6-71, § 2.)

§ 506. Relocation assistance advisory programs. — (1) Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this chapter, the agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services prescribed in subsection (2) of this section. If the agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, it may offer the person relocation advisory services under the program.

(2) Each relocation assistance program required by subsection (1) shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(a) Determine the needs of displaced persons, business concerns and nonprofit organizations for relocation assistance;

(b) Assist owners of displaced businesses and farm operations in obtaining and becoming established in suitable business locations or replacement farms;

(c) Supply information concerning programs of the federal, state and local governments offering assistance to displaced persons and business concerns;
(d) Assist in minimizing hardships to displaced persons in adjusting to relocation; and  
(e) Secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program. (P.L. No. 6-71, § 2.)

§ 507. Assurance of availability of standard housing. — Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this chapter, the agency shall assure that, within a reasonable period of time prior to displacement, there will be available in areas not generally less suitable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, dwellings which are decent, safe and sanitary according to contemporary community standards and which are equal in number to the number of and available to displaced persons who require dwellings and which are reasonably accessible to the places of employment of said persons, except that regulations issued pursuant to section 508 of this chapter may prescribe situations when these assurances may be waived. (P.L. No. 6-71, § 2.)

§ 508. Authority of district administrator to promulgate regulations. — (1) The district administrator in each district of the Trust Territory shall adopt rules and regulations necessary to assure that:
   (a) The payments and assistance authorized by this chapter shall be administered in a manner which is fair and reasonable, and as uniform as practicable;
   (b) A displaced person who makes proper application for a payment authorized by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and
   (c) Any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of payment, may have his application reviewed by the High Commissioner.
   (2) The district administrator may prescribe other regulations and procedures, consistent with the provisions of this chapter. (P.L. No. 6-71, § 2.)

§ 509. Administration. — In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the agency with the approval of the High Commissioner may enter into contracts with any individual, firm, association or corporation for services in connection with those programs, or may carry out its functions under this chapter through any federal agency or any department or instrumentality of the Trust Territory or its political subdivisions having an established organization for conducting relocation assistance programs. (P.L. No. 6-71, § 2.)

§ 510. Availability of funds. — Funds appropriated or otherwise available to any agency for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this chapter as applied to that purpose or project. (P.L. No. 6-71, § 2.)

§ 511. Payments not to be considered as income or resources. — No payment received by a displaced person under this chapter shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any Trust Territory law, or for the purposes of any Trust Territory tax laws. These payments shall not be
considered as income or resources of any recipient of public assistance and the payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled. (P.L. No. 6-71, § 2.)

§ 512. Appeal procedure. — Any person or business concern aggrieved by a final administrative determination pursuant to section 508(1)(c) of this chapter concerning eligibility for relocation payments authorized by this chapter may appeal that determination to the trial division of the high court in the area in which the land taken for public use is located or the rehabilitation program is conducted. (P.L. No. 6-71, § 2.)