

(c) Each of these parts is the property of the person named above, with the benefit of and subject to all the rights and obligations imposed by the system of private land ownership set forth in the standard form of title document issued by the German Government on Ponape in 1912, as heretofore or hereafter modified by law.

(d) Each of the parties has as complete control over his part of the land as he or she would have if a separate German title document had been issued for each of these parts.

2. This judgment shall not affect any rights of way there may be over the land in question.

3. No costs are assessed against any party.

MARKARIDA CHRISTOPHER, Plaintiff

v.

TRUST TERRITORY OF THE PACIFIC ISLANDS and Others,
Defendants

Civil Action No. 2

Trial Division of the High Court

Ponape District

June 29, 1954

Action to quiet title to land in Sokaes Municipality confiscated by German Government after Sokaes rebellion. The Trial Division of the High Court, Chief Justice E. P. Furber, held that land is vested in Alien Property Custodian, and that it is not judicial function to right wrongs committed under prior administration which have persisted for many years during previous administration.

1. Former Administrations—Applicable Law

Question of whether action of German Government in confiscating land on Ponape Island was legal must be decided according to law at time it took place.

2. Former Administrations—Redress of Prior Wrongs

It is not proper function of courts of present administration to right wrongs which may have occurred during former administration and which persisted for many years during previous administration.

CHRISTOPHER v. TRUST TERRITORY

3. Public Lands—Succeeding Sovereign

Interest in land previously held by Japanese Government is vested in Alien Property Custodian.

FURBER, *Chief Justice*

FINDINGS OF FACT

1. The German Government confiscated all of Pakein Atoll about 1911 following the Sokaes rebellion.

2. The taking of the land and the reason for it were formally and publicly announced and explained by the government to leaders of the community.

3. Any statements made by the German Government to the effect that certain people formerly having rights on Pakein Atoll would be allowed to return to their lands when those exiled to Palau were allowed to return to Ponape, were merely statements of policy and not a grant of rights in land or a limitation on the taking of the rights in the land. As agreed by the parties, as shown in the pre-trial order, the Japanese Administration did not allow any Ponapean to exercise rights of ownership on Pakein Atoll, but instead considered it government land.

CONCLUSIONS OF LAW

[1, 2] 1. This action is governed entirely by the principles set out in the conclusions of law by this court in *Wasisang v. Trust Territory of the Pacific Islands*, 1 T.T.R. 14. No matter how harsh the action of the German Government in confiscating all rights in this land may seem, the question of whether it was legal must be decided according to the law at the time it happened. On that basis, there has been no showing that there was anything illegal about it. Even if there were, however, it is not a proper function of the courts of the present administration to try to right any wrong which may have

been done so long ago by a former administration and persisted in for so many years by a succeeding previous administration.

[3] 2. The court takes notice that by a Vesting Order issued on September 27, 1951, under Interim Regulation No. 4-48 as amended by Interim Regulations Nos. 6-48 and 3-50, any interest previously owned or held by the Japanese Government in any land or other property in the Trust Territory was vested in the Area Property Custodian whose title under Section 533 of the Trust Territory Code has been now changed to "Alien Property Custodian".

JUDGMENT

It is ordered, adjudged and decreed as follows:—

1. As between the parties and all persons claiming under them, the whole of Pakein Atoll in the Municipality of Sokaes, belongs to the Alien Property Custodian, and neither the plaintiff Markarida Christopher nor any of the individual defendants in this action has any rights of ownership in it.
2. This judgment shall not affect any rights of way there may be over the land in question.
3. No costs are assessed against any party.