



**FILE
START**

Computer # _____

TRUST TERRITORY OF THE PACIFIC ISLANDS--ARCHIVES SURVEY FORM

Primary Branch, Department, Bureau, or Office producing materials:

RD

Subgroup of the above: LAN

Author/Title/Date of publication (if any) of specific materials:

Subject of materials: (See schedule in TTPI Files System Manual)

LAN 3

Brief description: Title I war claim (YEN) - Relating to TRUK

Geographic area dealt with in materials:

TTPI at large:
Individual districts:
Individual governments:
Individual islands:
Other:

Span of years covered by materials: 1964-1969

Format of information:

Correspondence:
Reports:
Clippings:
Other:

Physical arrangement of materials: (How are they organized within the file?)

Geographically:
Chronologically:
By subjects:
By organization:
Other:

Physical location of materials: (Area where presently located)

Office: R Subgroup: LAN
File cabinet number: 80570
Drawer number: 1
File folder number: war claim
Estimated quantity of materials: 1 file

Recorded by: tk

Date: 10/6/61

Disposition of originals: same

Microfilm roll No.: 1

Frame #:

Computer # _____

TRUST TERRITORY OF THE PACIFIC ISLANDS--ARCHIVES SURVEY FORM

Primary Branch, Department, Bureau, or Office producing materials:

R&D

Subgroup of the above: LAN

Author/Title/Date of publication (if any) of specific materials:

Subject of materials: (See schedule in TTPI Files System Manual)

LAN 3
Brief description: Title I War claim (YEN) - Relating to Truk

Geographic area dealt with in materials:

TTPI at large:
Individual districts:
Individual governments:
Individual islands:
Other:

Span of years covered by materials: 1964-1969

Format of information:

Correspondence:
Reports:
Clippings:
Other:

Physical arrangement of materials: (How are they organized within the file?)

Geographically:
Chronologically:
By subjects:
By organization:
Other:

Physical location of materials: (Area where presently located)

Office: R Subgroup: LAN
File cabinet number: 80510
Drawer number: 1
File folder number: War claim
Estimated quantity of materials: 1 file

Recorded by: tk

Date: 10/6/61

Disposition of originals: Done

Microfilm roll No.: 1

Frame #:

July 12, 1961

Attorney General, Trust
Territories, Pacific Attorney, General Trust/Trusts
Department Office
Office of the Attorney General

Dear Sir:

Your memorandum of July 6, 1961, addressed to the Attorney General with respect to Truk, in the matter included a paragraph with respect to the claim. Mr. [Name] has requested an opinion as to the claim.

There is enclosed a specification for each year of claim. The information is being referred to the Law Office and the War Claims Office for their consideration and recommendation. All cases of the above mentioned nature with respect to the claim, it will be sent to the District.

Respectfully,

War Claims Officer

Enc. 2-11
2-11

cc Trust Territories Law Dept. Office
Date: 10/6/61
File: War Claims

8

2

Attorney General, Saipan

July 8, 1946

District Attorney, Truk / Pohnpei

Business Things

1. Welcome back. I hope you are enjoyed your vacation.
2. While you were gone there was considerable correspondence over receiver site "B". As to Chief Petrus attempting to effect a lease on the property - I think that is fine but I hope the government is not considering a lease at \$400. per acre per year. Capitalized out this under the land (66 yield) at little under \$7000. per acre. South field averaged out at 3500 per acre. The real value of the land is \$250 per acre, we have already offered \$350. My unqualified advice is not to current offer or things will pile up on us. One landholder on this land we need a 10 foot easement for a transmission line for receiver site "A" is asking \$400. per acre lease price. We think 5 or 10 dollars plus any crop damage to his taro is enough. Except for a pole to hold the line it will not interfere with his taro patch.
3. As to the right of way to receiver site "B". The route is largely along an old Japanese road. We don't have much to sustain the fact that it is an old Jap road but the land office knows the navy has, in Guam, air photos taken in 1944 which should show the road. In the land office in Saipan by the peace corps boys desk is a air photo of Guam (it hang on the wall) someone there could show the road to you on the map. If it was a road it must have belonged to the Jap government - we succeeded to their interest and even if the road has not been used I don't see why we can't claim ownership and use it as a route to receiver site "B" without compensation. (it goes most of the way) Trees have undoubtedly been planted in the road - we could refuse to pay for them or pay without recognizing any legal necessity to do so and so state in our releases.
4. Along the route we are considering for south field road and power line we have the same situation an old abandoned Japanese road - it covers about 1/3 of the total distance to south field. It could be very useful as a road way (its about 18 or 20 feet wider) or as utility easement. This is of course in trees for many other old Jap roads on the island. Even if the old Jap roads are only wide enough for utility easements they could be very useful. If we could use the old Jap road to south field we could only have to condemn an additional 25 or 30 feet to get both road and utility road.
5. I am trying to arrange a trip to Pohnpei for July 23 thru 31. Then I will have court here in August. I shall then be able to go to the Marshalls during late August or September. I am looking forward to the Marshalls job. I shall be writing you about it before I go.

6. A couple of weeks ago I notified Headquarter that we need forms for the Post Service War Claims, English and French versions. People keep coming in to fill them out but we don't have any. So please have them sent to the Land Office and I will get some from them. War Claims might want consider having some one from this office go to the various islands to explain these claims. People seem pretty confused.

Sincerely Yours

Julius W. Shedden
District Attorney, Truk

A couple of weeks ago I notified Headquarter that we need focus for the Post-War Claims, English and French versions. People keep coming in to fill them out but we don't have any. So please have them sent to the Lead Office and I will get some from them. War Claims might want consider having some one from this office go to the various islands to explain these claims. People seem pretty confused.

Sincerely Yours

Julius W. Shedice
District Attorney, Truk

District Administrator, Truk
ATTENTION: District Attorney, General Truk/Pearl
War Claims Office
Office of the Attorney General

War Claims

Your memorandum of July 8, 1945, addressed to the Attorney General, subject to Truk War Claims matter included a paragraph with respect to War Claims. Mr. Tread has requested me to reply to the above question.

There is enclosed a requisition for four copies of above paper. Each District Supply Officer can fill it for the local office and your use. We have not received any information in addition to the above release dated April 15, 1945, which you may have. In hope as we receive additional information with respect to War Claims, it will be sent to all districts.

Edward Hood

War Claims Officer

Enc. No 40
AG-71

cc Truk District Lead Mgt. Office
Hear:th
File: War Claims ✓

July 16, 1945

HC	
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JUL 69 ORIGIN.....WAR CLAIMS
INFO.....LEGAL

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JUL 69
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JUL 69 ACTION.....WAR CLAIMS OFFICER
INFO.....LEGAL

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BEST ATTORNEY SENDS US X REQUEST FOR PAPER TO REPRODUCE THE
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JUL 68 ACTION...WAR CLAIMS OFFICER
INFO....LEGAL

ACTION

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ATTORNEY SUGGESTED THAT I REQUEST FOR PAPER TO REPRODUCE THE
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REPRODUCTION OF FORM SOONEST X LONG TRUK SENDS

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

DATE: March 1, 1968

TO : War Claims Officer
Officer of the Attorney General

FROM : District Administrator, Truk

SUBJECT: Petition to 1967 United Nations Visiting Mission

This is in reply to your memo of January 25, 1968, same subject.

A review of the Court's files connected with the petition shows the following:

1. Sometime in 1963, Alfonso Utto filed a complaint in the Trial Division of the High Court (Truk Civil Action No. 7) against Mr. John Spivey for the amount indicated in the petition. This amount, according to Mr. Utto, represents cost of copra sacks and twine provided by copra producers. In addition to these Alfonso claims that the Island Trading Company (ITC) owes him and other people certain amount of money which the ITC deducted in computing the price of copra to be paid to the producers. Alfonso claimed that the deductions were slightly greater than the actual weight of the sacks. Mr. John Spivey was named defendant in the High Court case. He was an employee of ITC at that time.
2. On March 12, 1963, defendant Spivey filed motion to dismiss action on grounds that the complaint failed to state a cause of action and that he was not the proper party since he was only acting as agent of ITC.
3. On March 14, 1964, Chief Justice Furber dismissed the action as against defendant John Spivey and gave plaintiff Alfonso leave to amend his complaint naming ITC as defendant. This was done.
4. On July 12, 1964, Mr. Charles C. Stewart, President, Island Trading Company of Micronesia, filed demurrer praying that complaint be dismissed for failure to state a cause of action and as being uncertain, indefinite and ambiguous.

Memorandum

War Claims Officer
Officer of the Attorney General
District Administrator, Truk

DATE: March 1, 1968

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2. On March 12, 1963, defendant Spivey filed motion to dismiss action on grounds that the complaint failed to state a cause of action and that he was not the proper party since he was only acting as agent of ITC.
3. On March 14, 1964, Chief Justice Furber dismissed the action as against defendant John Spivey and gave plaintiff Alfonso leave to amend his complaint naming ITC as defendant. This was done.
4. On July 12, 1964, Mr. Charles C. Stewart, President, Island Trading Company of Micronesia, filed demurrer praying that complaint be dismissed for failure to state a cause of action and as being uncertain, indefinite and ambiguous.

War Claims Officer

2

5. On October 12, 1964, Associate Justice James Nichols dismissed the complaint based on defendant's demurrer. Plaintiff Alfonso appealed this decision to the Appellate Division of the High Court.
6. On March 1, 1965, the Appellate Court rendered its opinion in the case. In affirming the decision of the High Court, the Appellate Court states:

"It is obvious that there are no allegations in the amended complaint which present a justiciable controversy for which relief is available in the Trust Territory. It is not alleged that there has been breach of contract and, of course, the policy questions involved are not subject to judicial cognizance."

It would appear from the above decision that legal remedies have been exhausted in this case and what remains is a policy question. The Court's file contains approximately 170 pieces of paper submitted by Mr. Utto in connection with his claims. It would take time and experts to analyze the figures contained in this file and we do not have the expertise on our staff to do this. According to the Clerk of Courts, under a new policy of the Judiciary, all files for the Appellate Division of the High Court are being forwarded to the Chief Justice's Office in Saipan. Perhaps members of the legal staff in Headquarters would want to examine the files which are being forwarded by the Clerk of Courts.

After they have examined the information and reduced them to specific questions we will endeavor to find the answers to such questions.

Apparently petitioner Alfonso Utto has not been satisfied with the decision of the court since during these past years he has been a frequent visitor to this office concerning this matter. We understand he also presented this matter to the 1968 Interior Committee of the Congress of Micronesia.

Alan M. MacQuarrie

5. On October 12, 1954, Associate Justice James Nichols dismissed the complaint based on defendant's demurrer. Plaintiff Alfonso appealed this decision to the Appellate Division of the High Court.
6. On March 1, 1955, the Appellate Court rendered its opinion in the case. In affirming the decision of the High Court, the Appellate Court states:

"It is obvious that there are no allegations in the amended complaint which present a justiciable controversy for which relief is available in the Trust Territory. It is not alleged that there has been breach of contract and, of course, the policy questions involved are not subject to judicial cognizance."

It would appear from the above decision that legal remedies have been exhausted in this case and what remains is a policy question. The Court's file contains approximately 170 pieces of paper submitted by Mr. Utto in connection with his claims. It would take time and experts to analyze the figures contained in this file and we do not have the expertise on our staff to do this. According to the Clerk of Courts, under a new policy of the Judiciary, all files for the Appellate Division of the High Court are being forwarded to the Chief Justice's Office in Saipan. Perhaps members of the legal staff in Headquarters would want to examine the files which are being forwarded by the Clerk of Courts.

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Alan M. MacQuarrie
Alan M. MacQuarrie

War Claims Officer
Officer of the Attorney General

March 1, 1968

District Administrator, Trust

Petition to 1967 United Nations Working Minutes

This is in reply to your memo of January 23, 1968, case subject.

A review of the Court's files connected with the petition shows the following:

1. Sometime in 1955, Alfonso Utto filed a complaint in the Trial Division of the High Court (Trust Civil Action No. 7) against Mr. John Spivey for the amount indicated in the petition. This amount, according to Mr. Utto, represents cost of cargo made and losses sustained by cargo producers. In addition to these Alfonso claims that the Island Trading Company (ITC) owes him and other people certain amount of money which the ITC collected in computing the price of cargo to be paid to the producers. Alfonso claimed that the deductions were slightly greater than the actual weight of the cargo. Mr. John Spivey was named defendant in the High Court case. He was an employee of ITC at that time.
2. On March 12, 1956, defendant Spivey filed motion to dismiss action on grounds that the complaint failed to state a cause of action and that he was not the proper party since he was only acting as agent of ITC.
3. On March 14, 1956, Chief Justice Fisher dismissed the action as against defendant John Spivey and gave plaintiff Alfonso leave to amend his complaint naming ITC as defendant. This was done.
4. On July 12, 1956, Mr. Charles C. Stewart, President, Island Trading Company of Micronesia, filed demurrer praying that complaint be dismissed for failure to state a cause of action and as being uncertain, indefinite and ambiguous.

The Chief Officer
Office of the Attorney General
District Administrator, Trust

March 1, 1968

Petition to 1967 United Nations Visiting Mission

This is in reply to your memo of January 23, 1968, case subject.

A review of the Court's files conducted with the petition shows the following:

1. Sometime in 1961, Alfonso Vito filed a complaint in the Trial Division of the High Court (Trust Case No. 10) against Mr. John Spivey for the amount indicated in the petition. This amount, according to Mr. Vito, represents cost of cargo costs and taxes provided by cargo producers. In addition to these amounts Vito claims that the Island Trading Company (ITC) owes him and other people certain amount of money which the ITC deducted in computing the price of cargo to be paid to the producers. Alfonso claimed that the deductions were slightly greater than the actual weight of the cargo. Mr. John Spivey was named defendant in the High Court case. He was an employee of ITC at that time.
2. On March 12, 1962, defendant Spivey filed notice to dismiss action on grounds that the complaint failed to state a cause of action and that he was not the proper party since he was only acting as agent of ITC.
3. On March 14, 1964, Chief Justice Fisher dismissed the action as against defendant John Spivey and gave plaintiff Alfonso leave to amend his complaint naming ITC as defendant. This was done.
4. On July 12, 1964, Mr. Charles G. Stewart, President, Island Trading Company of Micronesia, filed answer denying that complaint be dismissed for failure to state a cause of action and as being uncertain, indefinite and ambiguous.

The Chief Officer

1. On October 19, 1964, Associate Justice Stuart Nichols dismissed the complaint based on defendant's answer. Plaintiff Alfonso appealed this decision to the Appellate Division of the High Court.
2. On March 1, 1968, the Appellate Court rendered its decision in the case. In affirming the decision of the High Court, the Appellate Court stated:

"It is obvious that there are no allegations in the amended complaint which present a justiciable controversy for which relief is available in the Trust Territory. It is not alleged that there has been breach of contract and, of course, the policy questions involved are not subject to judicial cognizance."

It would appear that the above decision that legal questions have been exhausted in this case and what remains is a policy question. The Appellate file contains approximately 170 pages of papers submitted by Mr. Vito in connection with his claim. It would seem that we should have the assistance of our staff to do this. According to the Clerk of Courts, under a new policy of the Judiciary, all files for the Appellate Division of the High Court are being forwarded to the Chief Justice's Office in Soligo. Perhaps members of the legal staff in Washington would wish to examine the files which are being forwarded by the Clerk of Courts.

After they have examined the information and reduced this to specific questions we will endeavor to find the answers to such questions.

Apparently petitioner Alfonso Vito has not been satisfied with the decision of the court since during these past years he has been a frequent visitor to this office concerning this matter. He understood he also presented this matter to the 1968 Interior Committee of the Congress of Micronesia.

Alan H. Macquarrie

The Claims Office

1. On October 23, 1934, Associate Justice James H. Hodge dismissed the complaint based on defendant's answer. Plaintiff Alfonso Ulibarri appealed this decision to the Appellate Division of the High Court.

2. On March 1, 1935, the Appellate Court rendered its opinion in the case. In affirming the decision of the High Court, the Appellate Court stated:

It is obvious that there are no allegations in the amended complaint which present a justifiable controversy for which relief is available in the Trust Territory. It is not alleged that there has been breach of contract and, of course, the policy questions involved are not subject to judicial cognizance.

It would appear from the above decision that legal questions have been advanced in this case and that pending is a policy question. The Appellate Court reviewed approximately 170 pages of papers submitted by Mr. Ulibarri in connection with his claim. It would seem that we do not have the opportunity on my staff to do this. According to the Clerk of Courts, under a new policy of the Judiciary, all files for the Appellate Division of the High Court are being forwarded to the Chief Justice's Office in Suva. Perhaps members of the legal staff in Headquarters would want to examine the files which are being forwarded by the Clerk of Courts.

After they have examined the information and reduced them to specific questions we will endeavor to find the answers to such questions.

Apparently petitioner Alfonso Ulibarri has not been satisfied with the decision of the court since during these past years he has been a frequent visitor to this office concerning this matter. He understood he also presented this matter to the 1936 Interior Committee of the Congress of Micronesia.

Alan H. MacQuarrie

June 2, 1964

The Honorable Frank H. Gannett, Chairman
Trust Territory Division of the House
Secretary of the Pacific Islands
United Nations
New York, New York

Dear Mr. Gannett:

I accept in acknowledgment of your letter of 23 May 1964, concerning the claim raised in Trust by Mr. Ulibarri in amount of \$11,000 conventional amount for your logs.

It is my understanding that this matter was the subject of two court orders about two years ago and probably disposed of by the court. However, you may be assured that the claim and all pertinent documents will be re-examined carefully and specifically to determine whether or not further action on the part is indicated.

We will be happy to advise the visiting members of further developments in this matter as soon as we have had the opportunity to re-examine and evaluate the files.

Sincerely yours,

Richard F. Walters
Deputy High Commissioner

cc: NiComm Ofc ✓

1964
file UN visiting Mission

*John
W. King
P.O.*

June 2, 1964

The Honorable Peter H. Turner, Chairman
1964 Visiting Mission to the Trust
Territory of the Pacific Islands
United Nations
New York, New York

Dear Mr. Turner:

I am in receipt of your letter of 15 May 1964, concerning the claim raised in Truk by Mr. Alphonse in respect of \$17,000 accumulated amount for copra bags.

It is not uncommon that this matter has the subject of the claim raised about the years ago and generally accepted by the court. However, you may be assured that the claim and all pertinent documents will be re-examined carefully and conscientiously to determine whether or not further action on the part is indicated.

We will be happy to advise the Visiting Mission of further developments in this matter as soon as we have had the opportunity to re-examine and evaluate the files.

Sincerely yours,

Richard F. Wilson
Deputy High Commissioner

cc: HiComm Ofc

*1964
File UN Visiting Mission*

ACOR

UNITED NATIONS  NATIONS UNIES

NEW YORK

TELEPHONE (212) 963-1234 • TELETYPE (212) 963-1234 • CABLE (212) 963-1234

15 May 1964

Dear Mr. Goding:

In its discussions on its report, which is almost completed, the Mission considered the claim raised in Truk by Mr. Alphonse in respect of \$17,000 accumulated amount for copra bags.

Members of the Mission are anxious that Mr. Alphonse and the other people on whose behalf he wrote, should have this long standing complaint cleared up. Not only is it raised with every Visiting Mission, but the bother of some people that they have a grievance which is not being dealt with seriously may be causing bad feelings in the District and to that extent impeding the Administration's work in economic and political development.

I have been deputized to write to you again, whether the Mission can be assured that you personally will take an interest in this matter to ensure that Mr. Alphonse's claim is examined carefully and in an atmosphere of sympathy.

Sincerely yours,

Peter H. Turner
Chairman
1964 Visiting Mission to the Trust
Territory of the Pacific Islands



To Mr. Neas
- Pks

Congress of Micronesia
Capitol Hill, Saipan, Mariana Islands
96958

Office of the Legislative Counsel

KALEB UDUI
LEGISLATIVE COUNSEL

November 7, 1967

Dr. Robert K. Shoecraft
Attorney General
Trust Territory Government
Saipan, M. I.

Dear Dr. Shoecraft:

Attached is a mimeographed letter from one Alfonso P. Utto, of Fefan Island, Truk District, relating to a certain petition to the United Nations Visiting Mission.

The subject letter appears to touch upon claims submitted to the Visiting Mission by the people of Fefan Island, and perhaps those from outlying areas.

Inasmuch as your office has dealt with claims of similar nature before, you may be in a better position to determine the status of the petition involved in the letter. Accordingly, we are referring the letter to your office and would appreciate your advising us of any action, if any, which you will take on the matter.

Sincerely yours,

K. Udui
K. Udui

Attachment

Fefan Island
Truk District
August 31, 1967

Dear Sirs:

The following things were submitted to the United Nations Visiting Mission a few years ago, and we have received no answer about what we were petitioning. They were as follows:

1. Payment to families for those killed during World War II.
2. Payment for houses taken by Japanese soldiers.
3. Payment for food such as taro, breadfruit, and bananas consumed by Japanese soldiers.
4. Our case involving the Island Trading Company thru the years of 1948 to 1952. This case involves \$17,837.82 of copra bags and ropes which the company should have reimbursed the people of Truk, Mortlocks and Western Islands for.

I have in my possession the signatures of the ³⁴ island chiefs involved.

I would like to ask the 1967 United Nations Visiting Mission to take some kind of immediate action on the problems which I have submitted to these United Nations Visiting Missions, the last in February 1967, during the time they toured the Trust Territory of the Pacific Islands.

Alfonso P. Utto
Petitioner
Fefan Island
Truk, Eastern Caroline Islands

This is a copy of a letter of my petition to the UN Visiting Mission which was translated by an Anthropologist by the name of Frank Mahony in the year of January 1, 1948 to 1952.

Re:

1. The number of people of these islands in Truk who met together on this island of Moen not from my going to their houses or islands but only in this place of many people.
2. The number of these important chiefs in the islands of Truk and the Mortlocks and the Western Islands to Pulusat who have agreed with me. Chiefs 34

Well, now we will add these together.

507
34

541

3. We want to know about the law that we know (sic) in the book of laws of the world 4-48 (Interim Regulation, Trukese translation thereof) that we shall not restrict freedom of the people. It only refers to one person but the number of people is larger than that and amounts to 541 people who have agreed with this matter.
4. The amount of money for more than this number I will write on this letter. I will compromise because it will only be fully clear when it is finally decided letter.

For all Truk Total \$17,837.82

Alfonso P. Utto
Alfonso P. Utto
Fefan, Truk District

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... to
... District

KUP71 DE NIGOM NR17/29/JM

ZNR

N 250400Z

FM NICONTERPACIS SAIPAN

TO DISTAB TRUK

BT

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AMS 65

Wachman

Done

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NIGOM DE KUP71 NR64/26

ZNR

N 260519Z

FM DISTAB TRUK

TO NICONTERPACIS SAIPAN

BT

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DATED JULY 18 1966 X RGST SEND COPY FA

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