

The Judiciary

8/11/69

5

JHA

*fill in office
put in piece of paper
CF
Wages/Hours*

Sec. ____ The judicial power of Micronesia shall be vested in a supreme court designated the "Supreme Court of Micronesia", an Island Court for each administration district, and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by the Congress of Micronesia.

Sec. ____ The territorial jurisdiction of the supreme court shall extend to the whole of Micronesia. The territorial jurisdiction of an Island Court shall extend to the whole of the administration district for which it is constituted, or any part thereof. The inferior courts now or hereafter established by local law shall have such territorial jurisdiction as may have been or may hereafter be established by the Congress of Micronesia.

Sec. ____ The supreme Court shall consist of a chief justice, six associate justices and such temporary associate justices as may be designated. The Governor shall, by and with the advice and consent of the Senate of Micronesia, appoint the chief justice and associate justices who shall hold office for a term of six years and until a successor is chosen and qualified unless sooner removed by the Governor for cause: Provided, that any vacancy or vacancies occurring within the court, whether by reason of disqualification, disability, death, resignation, removal, absence from Micronesia or inability to attend, or for any other reason, shall, for the hearing and determination of any cause, be temporarily filled by designation of the Governor.

The associate justices of the supreme court, in addition to serving as associate justices of the Supreme Court of Micronesia, shall serve and preside over the Island Courts of Micronesia in accordance with rules established by the Supreme Court of Micronesia.

Sec. ____ No person shall be appointed to the Supreme Court of Micronesia unless, for a period of at least three years prior to his appointment, he has been admitted to the practice of law in a jurisdiction of the United States in which the successful completion of a bar examination is a prerequisite to such practice. Any person so appointed must be of good moral character and, as a condition of his serving, shall be required to take the same oath or affirmation as is required of members of the Congress of Micronesia and officers of the government of Micronesia.

The justices appointed or temporarily designated shall receive such salaries as the Congress of Micronesia shall establish, which in no event shall be less than the salaries presently paid to the Chief Justice and Associate Justices of the High Court of the Trust Territory of the Pacific Islands.

*Review with me
U.S.
Municipal*

*6-20-69
140*

Sec. ____ . The laws of the United States relating to causes, appeals and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings between the courts of the United States and the ^{Territorial District court} courts of Micronesia.

Sec. ____ . Irrespective of any other law, all final judgments or decrees rendered by the Supreme Court of Micronesia which are not otherwise removable to ^{Territorial} the District Court of Micronesia may be reviewed by the Ninth Judicial Circuit ^{Court} by writ of certiorari.

Sec. ____ . The Supreme Court of Micronesia, when in session, shall consist of the chief justice and three associate justices three of whom shall constitute a quorum: Provided, that no associate justice shall sit on a case or proceeding which he heard as a judge of an Island Court.

The concurrence of two justices shall be necessary for a determination of any appeal by the Supreme Court of Micronesia, but a single judge may make all necessary orders concerning any appeal prior to the hearing and determination thereof, and may dismiss an appeal for want of jurisdiction, or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

Sec. ____ . The Supreme Court of Micronesia shall have jurisdiction to review on appeal all decisions of the Island Courts.

Sec. ____ . Each Island Court shall have original jurisdiction in all matters arising under the laws of Micronesia, except as may heretofore or hereafter be established by the Congress of Micronesia.

Sec. ____ . The qualifications and salaries of Island Court judges shall be as set forth in Sec. ____ , of this Act. The qualifications and salaries of all other judges of courts of inferior jurisdiction shall be ~~fixed~~ established by the Congress of Micronesia.

→ see Judiciary Act report?

Sec. 129 (a). There is created a United States district territorial court of record to be designated the "District Court of Micronesia", and the judicial authority of Micronesia shall be vested in the District Court of Micronesia and in such court or courts as may have been or may hereafter be established by the laws of Micronesia. The District Court of Micronesia shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, shall have exclusive jurisdiction of all controversies civil actions where the matter in controversy exceeds, exclusive of interest or cost, the sum or value of \$3000, and is between citizens of different States; citizens of a State, and foreign states or citizens or subjects thereof; and citizens of different States and in which foreign states or citizens or subjects thereof are additional parties; and said district court have shall/exclusive jurisdiction for the condemnation of real and personal property by departments or agencies of the United States /under the power of eminent domain.

(b) The rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of Title 28, United States Code, in civil cases including admiralty and maritime cases; section 2075 of Title 28, United States Code, in bankruptcy cases; and sections 3771 and 3772 of Title 18, United States Code, in criminal cases; shall apply to the District ^{Territorial} court of Micronesia and to appeals therefrom; except that no provisions of any such rules which authorize or require trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall be applicable to the ^{Territorial} "istrict court of Micronesia unless and until:

until made so applicable by laws enacted by the Congress of Micronesia, and except further that the terms "attorney for the government" and "United States Attorney", as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Micronesia, include the Attorney General of Micronesia or such other person or persons as may be authorized by the laws of Micronesia to act therein.

Sec. 130 (a). The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the ^{Territorial} District Court of Micronesia in all cases involving the Constitution, laws, or treaties of the United States or any authority exercised thereunder, from interlocutory orders, in all habeas corpus proceedings, and in all other civil cases where the value or sum in controversy exceeds \$3,000, exclusive of interest and costs.

^{Territorial} Irrespective of any other law, final judgments or decrees rendered by the Supreme Court of Micronesia which are not otherwise removable to the District Court of Micronesia, may be reviewed by the United States Court of Appeals for the Ninth Circuit.

(b) Any party may appeal to the Supreme Court of the United States from an interlocutory or final judgment, or order of the District Court of Micronesia, holding an Act of Congress unconstitutional in any civil action, suit, or proceeding to which the United States or any of its agencies or any officer or employee thereof, as such officer or employee, is a party. A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

Sec. 131. Change only "Guam" to Micronesia on page 25 of draft.

Sec. 132(a). The High Court of the Trust Territory of the Pacific Islands is abolished on the effective date of this Act and all causes pending before said Court on the effective date of this Act are transferred to the District Court of Micronesia or to the Supreme Court of Micronesia for appropriate disposition.

(b) The District Court for each of the six administration districts of the Trust Territory of the Pacific Islands is abolished on the effective date of this Act and all causes pending before ^{the} respective Courts of said districts on the effective date of this Act are transferred to the Island Court/~~xxxx~~ ^{having} territorial jurisdiction in the administration district of the Court abolished hereby.