

COPY.

GILBERT AND ELLICE ISLANDS COLONY.

The Residency,
Ocean Island.

7th July, 1927.

WPHC.

No. 149.

Sir,

In accordance with the instructions contained in the fourth paragraph of Your Excellency's despatch No. 166 of the 20th August, 1926, I have the honour to report as to the desirability and practicability of arranging for the definition and survey of Banaban land boundaries, with a view to the issue of certificates of ownership, in the manner now being adopted on Nauru.

2. The idea is one of great practical utility, and should, in my opinion, be adopted.
3. As far as the determination of native ownership, and the issue of certificate of ownership, are concerned, the work of the Lands Commission constituted by Ordinance No. 8 of 1922 includes these objects. Forms of certificates of ownership have already been devised and printed, by authority of Section 8 of the Ordinance. They consist of loose sheets in the form of the Register of Native Lands established under section 14, and exemplified in the Schedule of the Ordinance.
4. No provision is made in this sheet for the exact definition of boundaries. No such definition is necessary in respect of native lands in the Gilbert and Ellice Islands. But on Ocean Island, where an unusually high value attaches to land, and the general situation is embarrassed by the impingement of commercial upon native interests, exactitude is certainly necessary for the avoidance of future complications connected with conveyance and inheritance.
5. The only difficulty (if it may be called a difficulty) which might result from a survey of Banaban boundaries, would be in connection with the native system of land tenure, of which the history must be shortly explained, in order to make the present position clear.
6. Though in the early days, lands on Ocean Island, as in the Gilbert Group, were considered to be communally owned, individual rights were nevertheless clearly recognized. It may be said that the system was one under which individuals had acquired something more exclusive than a mere life-interest in particular parcels of community-lands. They were admitted, for example, to have without any question the right of passing lands held by them to their direct issue, in such proportions, irrespective of sex or primogeniture, as they willed. Furthermore, it seems that they were free, within reasonable limits, to adopt persons of other families as "children" or "grandchildren" (two distinct statuses), and to alienate land to these without interference from their next-of-kin.

His Excellency
The High Commissioner for the Western Pacific,
Suva, Fiji.

7. The natural development of such a system under the influence of European commerce and government has been the progressive accentuation of individual rights at the expense of communal-interests. The present position regarding native ownership on Ocean Island is therefore approximately -

- (a) that land is owned by individuals;
- (b) that the normal course of inheritance is responsible for the frequent subdivision and re-sorting of individual holdings;
- (c) that the tendency to subdivision is accentuated by the custom of making adoptive gifts.

8. The survey of boundaries as they exist at any given moment can thus afford only a temporary index to individual holdings. Permanent facilities for the resurvey of boundaries, whenever subdivision takes place, will, in fact, have to be arranged if the initial survey is to be of any value.

9. This should not be difficult to manage. If the initial survey were to be undertaken by an officer selected for the purpose from Fiji, all changes of boundaries which occurred after the completion of such an officer's work could, I suggest, be adequately dealt with, as they arose, by a member of the EPC's local staff of surveyors. I recommend that Your Excellency should authorize me to approach the Manager of the Commission with a view to ascertaining the possible attitude he has towards such a proposal.

10. The expenditure incurred in the initial survey would, I consider, form a fair charge against the Banaban Royalty Fund. It will be necessary to arrange a fee for the remuneration of the local surveyor who (if the arrangement proposed above be adopted) may from time to time be invited to deal with changes of boundaries. I suggest that the fee might be fixed at £1.1.6. in respect of each separate parcel of land surveyed. This expenditure should also be borne by the Banaban Fund; individual natives inheriting parcels of land would find it difficult to pay fees of such dimensions.

11. Pending Your Excellency's consideration of the above proposals, I shall make no recommendation as to the modifications of the Native Land Register which would be necessary in order to adapt them to the more complicated system of records here discussed.

I etc.

Arthur Grimble,
Resident Commissioner.