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Berrima,  
New South Wales.

29 December, 1917  
- Res 16.1.17

Dear Mr Aylton,

I attach hereto for His Excellency's information a short memorandum on points raised in Mr Eliot's letter confidential of the 24<sup>th</sup> October last and also his N<sup>o</sup> 229 of the same date, concerning land difficulties in the Gilbert Islands.

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The point worthy of most particular attention is that when Mr Swain ordered the return of the conquered lands after the Neo-Baretangina wars his order was not thoroughly carried out. Therefore the status quo ante bellum was never restored. Therefore the Government is not obliged for consistency's sake to attempt to restore the conquered lands on other islands of the group.

Of course, the question of the three islands Abemama, Kuria and Arunika is a separate issue. In all

The other islands where lands were won and lost in war, the din of battle had surely ceased before the coming of the Flag. Conquests were recent things. But Abemama, Kuria and Hanuka had long been fused under one dominion. The Hea, Tem Binoka held them in inheritance from his father Tem Baiteke, who owed their acquisition to the character and generalship of his brother Tem Binatake. Quite 35 years must have elapsed between the conquest of Kuria and Hanuka and the coming of the Flag.

The question of the return or otherwise of those islands to the descendants of their original owners does not, however, depend on history, but on expediency. The view expressed by Mr Elliot is that the Abemamans are richer already than is good for them and would benefit by being obliged to work their plentiful Abemama lands instead of allowing these to lie idle while they depend upon the tribute of the vassal islands for sustenance.



This is certainly very true as regards one individual on Abemama, namely the Uea, Jim Barro (Paul), nephew and successor of Jim Binoka. Jim Barro holds 500 pieces of land on Abemama, 244 on Kuria and 244 on Anauke.

But he is alone in his glory, although there are others of his family who have moderately large holdings on all three islands.

I am not able to commit to writing many points, of which I am more or less sure, regarding the position of affairs, because the matter is a very delicate one and impinges on the rights recently acquired in Kuria by Mr Murdoch. I hope that, whatever decision is arrived at, that respected gentleman will be guaranteed in the continuance of such rights for life, as I would be unwilling to cause him either directly or indirectly the smallest discomfort.

This matter lends itself rather to viva vox than to the written word.

With reference to the point weighed

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upon by M<sup>r</sup> Murdoch in his memorandum attached to M<sup>r</sup> Eliot's N<sup>o</sup> 224 of the 24<sup>th</sup> October last, that there is no universal land usage applicable to the entire Gilbert Group, and that customs differ according to island and sometimes to family, I should like to say, while admitting this to be true in minor points, that the fundamental spirit is the same from North to South.

Very naturally, it will be impossible to draw up in advance a minute procedure to be adopted in every island by the Commission. But it will be as easy to adapt the Commission by common sense rules to all types of case as it is for the same Court in England to hear cases so different as primogeniture and gavelkind. The old men of every island will give expert witness concerning local usage. Once again, may I say, the European official is an organiser and supervisor, not a judge: the native knows the law; the Commission will extract it from him, and apply it.

Very truly yours

Arthur Trumble