

In 1932 Bantam society was, as I have said, an egalitarian one, like 10 out of the 16 social communities in the Galleto. By this I mean that in a broadly subsistent economy it did not matter much whether a man had three hundred lands or thirty, or the Bantam average holding of ten. For even with the help of his family he could not very well utilize more than say ten. The rest was in effect surplus to requirements, with then produce largely uncollected, becoming increasingly soaked with sporting into and undergrowth and producing no wealth; and on the other hand, at least in the Galleto, liable to be assessed for the annual copra tax payable in kind.

Under these circumstances, especially with the gerontocratic political system so unique to these islands the interests of the largest landowner and the majority of the people hardly differed. But with the money payments from the Landholders Fund and committees there has grown up a certain measure of economic inequality, since the wealth of a family becomes for the first time directly based on the size of his lands. If we had used fixed lands we would clearly not be wealthier than we are with only ten, for although there was a limit to the value of coconuts we could collect and although there is no limit to the amount of money we can spend. But the regulations are well and not apt to result in a restructuring of society.

But, undeniably though from their point of view, the long  
hardness led by the longest, Mr. Rotan Tota, have from at  
least the time of the 1931 revolution, if not before, become increasingly  
afford to the whole <sup>of them</sup> basis on which Bardsam society has, like the  
Gallician society on which it is modelled, been hitherto based and, as  
the evidence adduced in this action shows, they are attempting to  
achieve by fiat from England what they have not hitherto been  
able to achieve by democratic methods on their own; a veritable retrogression  
of society in their favour.

If they win at the Bardsam people will discover, in my  
opinion to their surprise, that what I may call a horizontally  
structured community has been turned on its end and converted  
into a hierarchically structured pyramid based solely on wealth, with  
Mr. Rotan sitting on top and beneath him a descending order of the  
less and yet less affluent until we reach the broad base  
consisting of the great mass of the wretched and depauperized Bardsam  
people.

Notice reif rights recognized by custom - 33/138

Totally impracticable to assess amount of phosphate mined from each landowner's area -  
34/19

1 only when of letter that H.C. will not re-hear his case (14.10.38) - 35/81.

B.P.C. asks they should negotiate with Dardano & R.C. only in case of a  
deadlock is reached - 35/106.

Paton presents petition to Sir H. Lake with 2% & 1 percent (13.9.39) - 35/184.

Barclays desire see him in Fiji & petition S.O.S. accordingly Kennedy to accompany them as  
advised a Welfare Officer (7.6.40) - 36/12.

Barly tells S.O.S. that land is Wabanga - 2<sup>nd</sup> he is not sufficient (15.7.40) - 36/14

H.C. Wabanga not suitable for sale which that written suitable & suitable should be found -  
note by Wabanga - Kennedy at end of advice (15.7.40) - 36/16-20.

Kennedy prohibited by H.C. from duty in Gilbert & Ellice (16.7.40) - 36/21

H.C. creating title in Wabanga on sale - agricultural money necessary (3.1.41) -  
36/73

Chatter reports Wabanga bought for £5,250 in 1933 - now probably worth much  
less - on sale if reasonable offer made - 36/76-77.

Swire & Agricultural Officer examining Wabanga - H.C. to R.C. (21.1.41) - 36/83.

Paton's report on Wabanga (17.2.41) - soil unsuitable - note about - after 72 tons h.a.  
& at maximum fertility 144 tons h.a. - 36/87-89.

H.C. to R.C. (18.6.41) - Wabanga unsuitable - suggests Farming at Wabanga - 36/100

R.C. to H.C. (8.7.41) - F.S. not agreed to - Dardano not copy of survey - 36/102

- Ba still enthusiastic to buy Wakayama after seeing survey - and that 10 should visit it & remainder of other available (16.9.41) - 36/126.
- Letter asked by H.C. of proposed sell Rabi (20.9.41) - 36/128.
- Letter proposed at £25,000 (1.10.41) - 36/138.
- H.C. to R.C. reminds Rabi & offers 5 Barclays to see both sides - 36/139  
(5.10.41)
- H.C. reports 6 calls other (5.10.41) - 36/140.
- R.C. reports Barclays definitely interested in Rabi (14.10.41) - 36/150.
- Letter gave 6 calls other (23.10.41) - 36/151.
- R.C. reports due transfer Empire since no offer available in J.V. of Barclays (1.12.41) - 36/158.
- H.C. suggests settle Barclays done future as other business (27.1.42) - 36/160.
- R.C. reports Wakayama still desired to get Rabi (13.2.42) - 36/162.
- H.C. to R.C. proposes buy both as Rabi best & can sell at profit if desired - answer future of fixed asset to best possible determination in real value of President Fund of only £40,000 as Fixed Deposit in Sydney (4.3.42) - 36/164.
- R.C. says Rabi & great suggests B's done future both sides but B Committee of old men refuse - letter proposed (10.3.42) - 36/166.
- H.C. says all out buy Wakayama without Rabi - President Fund cannot sufficient amounts (16.3.42) - 36/167.
- R.C. says clear suggests former buying both while 10 of 12 Committee (17.3.42) - 36/168.
- Wakayama trustees require £12,500 (11.4.42) - 36/169.

- H.C. offers £5,000 for Volung - 36/171, 25 omitted (29.5.42) - 179.
- Pala bought (16.5.42) - 36/177.
- Letter to Walter re tents (25.8.42) - 36/189.
- Peter's good end for B2 side Tapan - 37/2.
- My discussion with Sir Allister re taking B2 direct to Pala (8.5.45) - 37/19.
- Ditto (1.6.45) - 37/23.
- B2 at Tapan going to Pala (19.7.45) - 37/30.
- H.E.M. leaves behind for Sava & ship (21.8.45) - 37/32.

SIR KENNETH ROBERTS - WRAY

Further circular terms reasonable (BPC 11.2.47) - 39/20.

Verbal less enthusiastic (ditto)

Banker's reply (8.1.47) in discussion with Walter of CO states that BPC are prepared in negotiation to make a reasonable adjustment in terms offered in recognition of the reduction in the value of Aust £ between 1944 and 1947.

1940 agreement1947 Agreement

- |  |   |
|--|---|
| (1) £175 per acre for surface          | (1) £200 per acre                                   |
| (2) 2d per ton to Product Fund         | (2)-(3) 1/3 per ton                                 |
| (3) 10d per ton to Property Trust Fund | (4) £65 below 170' cotton.                          |
| (4) Product Fund to go on to £25,000.  |   |
| (5) (2)-(4) to apply to all new land   | Later, rate for local land offered for £3 to £3.120 |

Vote to make Rules then budgetation and vote

- (1) 318 out of 336 (or 94.6%) voted.
- (2) For Rules 270 (or 85%)
- (3) Against Rules 48 (or 15%)

- (1) Bankers were not conducting new negotiations in 1947 but rather up-dating the terms of the 1940 Agreement. This was a very difficult exercise.
- (2) Request to finalize an agreement was made by Bankers & not B.P.C.
- (3) Two unhappy consequences of Got impact in 1931 resulted. I agreed with Got now that we should keep out of negotiations.
- (4) This was also strong opinion of the Bankers - and then Ashman.
- (5) As a consequence my action was necessarily confined to unofficial talks with B.P.C. (Sir Albert & George) at which I urged seriously that 1947 terms should be not less generous than agreed in 1940, plus an addition in each case to compensate for any fall in the value of money.

## Clan Rights in Gillnets

- (1) Fishpods (notably Heini Pahi and Heini Tahurangi)
- (2) Fishing rights (lagoon and reef)
- (3) Flotam and Tetoam (te hua, te aha, te on na te hui o te koro).
- (4) Patent rights in designs and configurations.
  - (a) Canal patterns
  - (b) Canal cuts
  - (c) House types
  - (d) Kite patterns
  - (e) Hut patterns
  - (f) Song and dance routines

Remember in Gillnets the main clan district was normally the political unit, and only on the smaller islands would one expect clan members to embrace the whole island.

Recognized Baram had customs: Te aha Tehi; te aha Tehu; te aha Tana; te aha Karame; te Iru; te aha Kamama.

In Voshov's memorandum of 27.9.41 (36/139) I stated that the recognition of Baram individual rights by forget of the interest on the royalties assessed on the estimated quantity of the Huphale yield from each land would go for towards <sup>sitting</sup> of the Baram district with their district.

Wardner stated in the same memorandum that the price of £150 paid for the surface rights in the 1931 acquisition was 'by all standards considered to be many times the real value of the surface rights'.

Barclays told me that they had understood that when selling their lands under the original P & T Agreements they had understood that they were selling the town (or coal) down to ofide depth. This is borne out by their statements to Mr. Elliot on 18 March 1913 that they had understood that the phosphate would only be worked down to 3 feet. In other words they believed themselves to be parting with their surface rights only; and until contractual machinery was introduced by the Company this was by and large correct.

In 1931 530 Barclays

April 1931 about 40 women protected trees.

Peter tells Fletcher in 1931 that Barclay Fund money held in England and no account was given to them and expenses made for Fund see not known. They are very afraid of it.

R.C. stated that they could get started for Treasury but had been refused accordingly.

In 1931 reminded that in the absence of any clear custom governing under surface mineral rights the general benefit of the community should be the criterion.



Native Land Code Ordinance No. 3 of 1940

Te Boko or te Koro.

You will appreciate that social, economic and political structure of a country is not static but constantly developing - in my own lifetime, for example, the U.S. have progressed from a subsistence economy to a predominantly monetary economy.

The factors governing the inter-tribal relations within that society must similarly change, and in particular the factors governing land tenure and inheritance, must similarly change if they are not to get out of kilter - to become an incubus - or development.

Now with codification there is a real danger that land customs will become ossified and thus a hindrance to development, and it was for this reason that when drafting the Native Lands Codes Ordinance, No. 3 of 1940, I inserted a section providing that any community may change any land custom by a 2/3 majority expressed by referendum.





patenters, canoe makers, house types, kite patenters, net patenters and song and dance routines; and on Ocean Island by the B's two most precious possessions: water for drinking and storehouses for making foodbanks for catching fish. It should be drawn here that the B's could live without the fruits of the land, and in the 1870-74 drought and again in 1883 they did: but they could not live without water to drink and food to eat.

This property, of which in the Galleto families, fishing rights and the staked pieces of redwood from N.W. America, staked purposes or sales, are the most important were mostly owned by beti or clans, and on Bundab by the kanbeti which, for historical reasons connected with the conquest of the island by Nei Anje-zu-nacoo and her companions, had taken the place of the Galleto clan.

The ownership of mine-surface langelanger was not officially investigated by the Commission, <sup>①</sup> but it was investigated by me <sup>personally</sup> in concert with Nelson of the L.C. and the results recorded in a paper published in 1932 which is readily available. It is also recorded in my note (attached) on 'The Ownership of Mine-Surface Rights'.

I have written since 1932 with Resident Commissions <sup>in Fiji</sup> because the High Commission considered that all mine-surface rights belonged to the Crown,

and later the High Commission that title-surface rights on Baula do not belong to the Crown because the B's possessed a custom which recognized such rights and defined their ownership. I had firmly the same argument with delay and Commission h'g of over the <sup>then</sup> ownership of reef rights between high and low spring tides, those being finally recognized as clear and not Crown property by an Ordinance passed when I became R.C. after the war.

It will be appreciated, however, that the social, economic and political structure of a society is not static but constantly changing - in my own lifetime, for example, the B's have progressed from a subsistence to a predominantly money economy. The customs governing the inter-familial relations within that society must similarly change, and in particular those governing land tenure and inheritance, if they are not to get out of kilter - to become an impediment - or development.

Prior to 1900 I suggest that the appropriate unit of ownership of the title-surface rights would have been the harlet (the local equivalent of the Gilleterese clan) <sup>(3)</sup>   
 ~~Since the harlet soon after 1900 the appropriate unit was, in a good Gilleterese analogy to such ownership exists in~~   
 the large pond or lagoon near Rieke on Tokman, investigated by me in 1930 and recorded in a report published in 1963 (available on request).

With the change to a money economy on Roko Island and the consequent changes in their economic and social organization it is, in my submission, time for the B.S. to decide, by referendum, how the under-surface rights should be divided today.

(3)

By 1900, when I discovered the ownership of under-surface rights with respect of the L.C. the kuleto had been absorbed into farm village groups, which were not land-holding entities, and the general view was :-

(i) - (ii)

The only opinion . . . do not reflect it being expressed by any other.

Special Analysis of Lake notes due to lake drilled 1931-32

Handwritten in Orth. Gulliver's ocean. Strong work in Gulliver's Gulliver's help.

No one else in house lake drilled necessary & no one had time etc. for this.

G has not analytical aptitude to come in about.

LC notes to codes added & copies made & copies distributed & maintained.

Personal code & letter final code. Bank 16 notes