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# REPORT

ON

THE PHOENIX AND LINE ISLANDS  
WITH SPECIAL REFERENCE TO THE QUESTION  
OF BRITISH SOVEREIGNTY.

BY

H. E. MAUDE, M.B.E., M.A.,  
ADMINISTRATIVE OFFICER AND NATIVE LANDS  
COMMISSIONER,  
GILBERT AND ELLICE ISLANDS COLONY.

SECRET.



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## THE PHŒNIX AND LINE ISLANDS.

### WITH SPECIAL REFERENCE TO THE QUESTION OF BRITISH SOVEREIGNTY.

#### INTRODUCTION.

1. In accordance with the instructions of His Excellency the High Commissioner for the Western Pacific, I have the honour to submit the following historical summary relating to those islands in the Phœnix and Line Groups claimed by the Government of the United States.

2. The Report is arranged as follows:—

#### SECTION I.—THE PHŒNIX ISLANDS.

- Part A.—The Phœnix Islands—A General Survey.
- Part B.—McKean Island.
- Part C.—Birnie Island.
- Part D.—Phœnix Island.
- Part E.—Gardner Island.
- Part F.—Hull Island.
- Part G.—Sydney Island.

#### SECTION II.—THE LINE ISLANDS.

- Part H.—The Line Islands—A General Survey.
- Part I.—Christmas Island.
- Part J.—Malden Island.
- Part K.—Starbuck Island.
- Part L.—Caroline Island.
- Part M.—Vostok Island.
- Part N.—Flint Island.

#### SECTION III.—MISCELLANEOUS.

Part O.—Legal Jurisdiction over the Phœnix and Line Islands.

3. It will be noted that certain islands, normally included in the Phœnix and Line Groups, have not been dealt with in the Report, which is confined to those islands claimed by the United States Government in their note of the 16th August, 1939. Of these excluded islands, Canton and Enderbury in the Phœnix Group are now subject to a fifty-year agreement for joint occupation made between the British and United States Governments in 1939, Palmyra and Jarvis Islands in the Line Group are now considered to be United States territory, while Fanning and Washington Islands are not apparently claimed by the United States Government. Howland and Baker Islands, sometimes included in the Phœnix Group, are no longer held to be British.

4. The following official material on record in the High Commission Office has been checked through in the course of preparing the Report:—

- (a) all bound volumes, files, and loose papers dealing with the period from the commencement of the High Commission in 1877 until the beginning of the year 1900;
- (b) for the years 1900 to 1917, all bound volumes of correspondence to and from the Secretary of State, together with the annual indexes of general correspondence where such exist;
- (c) for the period from 1918 to the present day only such correspondence as was known to touch on points being dealt with in the report was consulted.

5. As will be seen from the Bibliography printed at the end of the Report, there is a surprising amount of printed literature dealing with the Phœnix and Line Islands. I had fortunately already prepared, over a number of years, a fairly complete Card Index of books, articles, and pamphlets relating to the Gilbert, Ellice, Phœnix, and Line Islands, with the aim of eventually compiling a history of the Central Pacific, and as the index contained paged references to each island mentioned it has been freely used throughout.

6. It should be mentioned that copies of practically all the books, pamphlets, and other literature listed in the bibliography to the report, as well as most of those in Mr. P. D. Macdonald's report on the Southern Ellice and Tokelau Islands, are contained in my private collection and any required for perusal in the Colonial Office will be forwarded immediately. As some of the books are now difficult to obtain and many of the articles are in photostat or manuscript, it is probable that copies will not in every case be available in Great Britain.

7. As far as possible the history of each island, from its discovery by Europeans to the present day, has been dealt with as a complete whole. The procedure has at times involved a certain amount of repetition, but it is believed that it will be found preferable to the alternative of extensive cross-references from one Part of the report to another. It appears probable, furthermore, that the British discussions with the United States Government will have to be conducted island by island, at any rate as far as the Phœnix and Line Groups are concerned, as the strength of each country's claim varies considerably as between any two islands. The British claim to Hull and Sydney, for example, would seem to be legally unassailable, while our claim to McKean, only a few miles to the north-west and in the same Group, appears distinctly weak.

8. In view of the necessity for completing the report as soon as possible, as well as for keeping it within reasonable limits as regards size, all information not strictly relevant to the subject has been excluded. In particular much descriptive information concerning the various islands, collected under the heads of Topography, Meteorology, Natural Resources, Anchorages and Landing Facilities, Present Economic Use, Communications, Population, Value for Native Colonization, and Value as an Air Base, has been omitted as not strictly germane to the question of British sovereignty. A perusal of recent correspondence, however, suggests that there is but little reliable information on record as to the nature and value of the remote and mostly uninhabited islands of the Central Pacific and that some misapprehension as to their present and potential importance exists as a consequence. Should descriptive notes on any of the Central Pacific Islands be, therefore, at any time required, they can be made available at short notice.

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## SECTION I.—THE PHŒNIX ISLANDS.

## PART A.—THE PHŒNIX ISLANDS—A GENERAL SURVEY.

9. *The Phœnix Islands.*—The Phœnix Group, formerly known as the Sidneys' Islands, consists of eight small coral islands situated in the centre of the Pacific Ocean, between latitudes 2° and 5° south and longitudes 170° and 175° west. Uniformly low and flat, they lie due north of Samoa and almost midway between the Ellice and Northern Line Groups; the total land area is believed not to exceed 19 square miles. From the point of view of their general appearance, the islands form three convenient sub-groups; firstly, the two northern islands of Canton and Enderbury (not dealt with in this report) which lie well within the Pacific doldrum belt and are, as a consequence, as arid and barren as their neighbours, Howland and Baker, to the north; secondly, the three small central islets of McKean, Birnie, and Phœnix—mere specks on the surface of the Pacific,—whose utility, despite a more copious rainfall, is necessarily modified by their size; and thirdly, the three comparatively large and fertile islands of Gardner, Hull, and Sydney, which lie just within the South Pacific rain belt and, covered as they are with trees and vegetation, now support a permanent residential population of over 600 natives. The writer of this report was privileged to lead an expedition to the Phœnix Islands in 1937. He, and Mr. E. R. Bevington, Cadet Officer, who accompanied the expedition, are apparently the only Europeans who have landed on and explored all the eight islands; a full account of the Group and its constituent islands is contained in the Report of the expedition—(Maude, pp. 5—18.)

10. *The Whaling Period.*—Although uninhabited at the time of their discovery, it is clear from the archæological evidence that Sydney at one time supported a considerable population, while Hull and even Gardner were occupied at some period in their history. For some reason or other all the early exploring expeditions to the Pacific passed well to the south of the Phœnix Group, with the solitary exception of Magellan, who sailed too far north, and as a consequence it was left to the whalers who discovered the Central Pacific sperm whale grounds to discover also the islands which lay in that zone. The first British whaling ship entered the Pacific in 1788, while the Americans were not long in following suit, but it was not until the early years of the nineteenth century that the region around the Phœnix Group began to be frequented and it was almost certainly during this period, from 1800 to about 1825, that the various islands were discovered. It is, I think, almost impossible to find out at this late stage who actually discovered each of the Phœnix Islands: the most we can do is to search systematically through such of the log-books of the whalers, both British and American, as are still preserved, in an attempt to ascertain the first recorded sight of each island, but the possibility will still remain that the island was seen by some earlier Captain and either not mentioned or else recorded in a log-book since lost. The whaling ship Captains were not explorers and therefore not punctilious in reporting their discoveries when they reached their home port; farthermore theirs' was a secretive trade, and a Captain was scarcely likely to publish, for the information of competitors, the positions where he obtained his catches. The whaling crews, in any case, regarded the uninviting and barren islands which lay along the equatorial belt as little more than obstructions to navigation and it is doubtful if they ever landed on any of the Phœnix Group, except involuntarily owing to shipwreck, or to collect the eggs of the sea-birds during the laying season.

11. *The Period of American Guano Occupation.*—According to tradition the existence of the valuable deposits of phosphate-guano on the Central Pacific Islands was first discovered by the master of one of the later whaling ships, a Captain M. Baker, who landed on Baker Island to bury a member of his crew. While engaged in digging the grave, the peculiar nature of the soil attracted his attention and, leaving two men on the island to maintain possession, he sailed for San Francisco with samples for analysis. It was through Captain Baker's enterprise that the famous American Guano Company was formed in New York, and the work of exploiting the guano deposits on Howland, Baker, and Jarvis Islands began. After the passing of the American Guano Act in 1856 most of the Phœnix Islands were "bonded" on behalf of the American Guano Company or allied interests. To exploit the deposits the Phœnix Guano Company was formed, under the direction of Mr. C. A. Williams, who was the Island Manager of the American Guano Company from 1866 to 1870. Only three islands in the Group were, however, worked by the American guano interests,—Enderbury, McKean, and Phœnix,—the operations commencing on ~~Enderbury about 1858~~ <sup>McKean</sup> and finishing on ~~McKean and Phœnix in 1871.~~ <sup>in 1859</sup>

12. *British Occupation.*—From ~~1871~~ <sup>1877</sup> until 1881 the Phœnix Group remained uninhabited, and probably unvisited; in the latter year, however, Mr. John T. Arundel, a British subject with large guano mining and coconut planting interests, landed on Sydney and the permanent exploitation of the islands began. Either by transfer of Mr. Williams' interests (Hull, Sydney, Gardner, Phœnix) or acting as his agent (Enderbury?), Mr. Arundel obtained control over all the Phœnix Group, with the possible exception of McKean Island, and in the course of the ensuing decade he proceeded to work the phosphate-guano deposits on Canton and Sydney, complete the working of the deposits on Enderbury, and plant coconut trees on Canton, Enderbury, Gardner, Hull, Sydney, and possibly Phœnix. In marked contrast to the temporary exploitation characteristic of the activities of the American interests, it was a fixed rule of Mr. Arundel's companies that the islands worked by them, which were all with the exception of Enderbury duly leased from the British Government, should be regarded as permanent assets and that, as the guano deposits became exhausted, coconuts should be planted to provide an exportable commodity which would justify the permanent occupation of each island.

13. *Recent History.*—For various reasons, the only islands in the Phœnix Group to be developed into successful coconut plantations were Hull and Sydney and these two, together with the rest of the Group with the exception of Enderbury and McKean, passed through the successive

hands of the Pacific Islands Company, Ltd., Lever's Pacific Plantations Ltd., the Samoa Shipping and Trading Company, Ltd., and Burns, Philp (South Sea) Company, Ltd., before being finally acquired by the Government of the Gilbert and Ellice Islands Colony for the purpose of colonizing with a portion of the surplus population of the Gilbert Islands. Settlement of the three southern islands was commenced in 1938 and there are now 307 permanent colonists on Hull, 260 on Sydney, and 58 on Gardner, making a total population of 625, with a farther 250 now on their way.

14. *The Phoenix Group and Aviation.*—The importance of the Phoenix Islands from an air point of view was realized as long ago as 1934 when Kingsford Smith relied on Hull Island for an emergency landing ground on his historic flight from Fiji to Hawaii. His second in command, Captain P. Taylor, was so struck with the possibilities of the Group as an air base that he offered to survey it himself. No farther move took place, however, until 1936, when the United States took over Howland, Baker, and Jarvis Islands by a Presidential Order. Great Britain followed in 1937 by including the Phoenix Group within the boundaries of the Gilbert and Ellice Islands Colony in March, and in August stationing Administrative Officers on Canton and Hull Islands. In March, 1938, the British on Canton were joined by a party sent by the United States Government, who also occupied Enderbury. During 1939 the British and United States Governments signed a fifty-year agreement for the joint occupation of Canton and Enderbury Islands, and later in the year the United States Government claimed the remainder of the Group. Pan-American Airways completed the construction of an airport and hotel on Canton Island early in 1940.

15. *The Present Position.*—At the present time five out of the eight islands in the Phoenix Group are inhabited. On Canton there is the American airport and hotel staff, together with a British Administrative Officer and his servant; on Enderbury a party of four Americans engaged on meteorological work, and on Gardner, Hull, and Sydney a resident native population at present numbering 625. Native Governments are actively functioning on the three southern islands, together with hospitals, schools, churches, and co-operative societies. There is an European administrative official on Hull, while the officer in charge of the Settlement Scheme spends a portion of his time on each island in turn. British Government wireless stations have been established on Canton, Hull, and Sydney, and American on Canton and Enderbury. McKean, Birnie, and Phoenix Islands are as yet unoccupied.

#### PART B.—McKEAN ISLAND.

(Lat. 3° 35' S., Long. 174° 02. W.)

16. *Discovery.*—McKean Island is generally considered to be a discovery of the United States Exploring Expedition, under Commodore Wilkes. Wilkes named the island after the member of his crew who first sighted it and was apparently under the impression that it was a new discovery. (Wilkes, Vol. III, p. 369). The Phoenix Group, however, was a favourite whaling ground in the early years of last century and the island must have been sighted many times before 1840; indeed, the Reynolds Report lists an unnamed island in lat. 3° 32' S. and long. 173° 44' W., probably one of the discoveries of Captain Emmet, which is almost certainly McKean—(Reynolds, 1835, p. 10). It is submitted, therefore, that a thorough search through the log-books of the various whale ships would establish the fact that McKean had been seen by other vessels, both British and American, prior to the visit of Commodore Wilkes, and that at the present stage of our knowledge the name and nationality of the discoverer must be considered as unsettled. Wilkes's account of his visit to McKean is as follows:—

“At 10 in the morning of the 19th (August, 1840,) breakers were discovered from the masthead, and by noon a small island was seen, to which I gave the name of the man who first saw it—M'Kean's Island. In the afternoon boats were despatched to survey it. M'Kean's Island is composed of coral sand blocks, and is three-fourths of a mile long, by half a mile wide. It rises twenty-five feet above the level of the sea, and has upon it no vegetation except a scanty growth of coarse grass. The surf was too heavy to permit a landing. Our observations place M'Kean's Island in longitude 174° 17' 26" W., and latitude 3° 35' 10" S., and it lies about north-northeast sixty miles from that of Kemins ”—(Wilkes, Vol. III, p. 369).

17. *The American Guano Act, 1856.*—McKean Island was bonded under the American Guano Act on the 27th December, 1859,—(Bond No. 6): —(Moore, Vol. I, p. 568). While the name of the original bonder of the island is not given in Moore, he is believed to have been either Mr. Charles Augustus Williams of Honolulu and later of New London, Connecticut, or else someone who soon sold out to him, for in 1881 Mr. Williams sent Mr. J. T. Arundel a “Memorandum of positions of Islands of the Phoenix Group” of which he states, “I think the positions must be very nearly correct as the handwriting seems to be my own of about 15 years ago, and probably the memo. is a copy of a record used by my vessels at that time.” This memorandum mentions the McKean as being included among the islands of the Phoenix Group, and goes on to say that, “the landing at McKean's Island was on the west side, and possibly some remnant of the old wharf may yet be left to indicate the spot—at certain phases of tide it was ‘nasty’ but ordinarily not dangerous”—(LXV).

According to Hague who, writing in 1862, considered the phosphate guano deposits on McKean to be one of the most valuable then known, the island was first worked by the American interests in 1859 (Hague, 1862, p. 13). The export of guano finally ceased in 1871 (Boggs, p. 190) after which date Mr. Williams, who is believed to have been connected with the American Guano Company and its subsidiary the Phoenix Guano Company, took no farther active interest in the Phoenix Group.



18. *Mr. John T. Arundel.*—Writing to Mr. Arundel on the 21st May, 1881, with reference to the Phoenix Group, Mr. Williams stated that, "Should you find anything in any of the islands which I formerly occupied I will make quit claim of all rights in your behalf" (LXV); and when in Paris in 1882 Mr. Arundel got him "to relinquish all claims to Sydney and Hull and Gardner . . . before applying to the Imperial Government for leases of the same" (LXVI). It should be noted, however, that this surrender of rights did not include McKean and Enderbury, Mr. Williams's two principal guano islands, nor Birnie, which Mr. Arundel probably had no intention of working at the time.

19. *Occupation Licence.*—In 1897, the Pacific Islands Co., Ltd., of which Lord Stanmore was Chairman, took over the business of Messrs. John T. Arundel and Co., Mr. Arundel remaining as Vice-Chairman of the new Company. On the 17th June, 1897, Lord Stanmore wrote to the Colonial Office as follows:—

"As the principal islands in the Phoenix Group, namely, Sydney, Hull, Gardner, Phoenix and Canton, are already held from Her Majesty's Government having been taken possession of at the request of Mr. Arundel, who had been in occupation for some time previously, and Licenses, as before referred to, issued by the Crown for their occupation, the Board would be glad if similar Licenses could be issued for the remaining Islands of the Group, namely:—

Enderbury, in Lat. 3° 10' South, 171° 10' West.

Birnie, in Lat. 3° 37' South, 171° 32' West.

McKean's, in Lat. 3° 38' South, 174° 12' West.

Enderbury and McKean's were formerly worked by the Phoenix Guano Company of New York, but operations on the latter have ceased for many years, while Mr. Arundel, our Vice-Chairman has held Enderbury for many years as representing Mr. C. A. Williams of New London, Connecticut, U.S.A., from whom no difficulty in regard to the transfer need be anticipated." (XXIII).

Although neither the Foreign Office nor the Admiralty had any objection to the grant of an Occupation Licence in respect of McKean, and both the Secretary of State for the Colonies and the High Commissioner for the Western Pacific gave their consent, it would appear that no licence was in fact issued (XXIII; LXXVIII). McKean is not included among the islands whose licenses were surrendered by the Pacific Islands Company on the 16th September, 1902; nor is it among the 10 islands for which new licenses were issued on the same day to Lever's Pacific Plantations Ltd.—(IX, Encs.). Finally, the island was not among those leased to the Samoa Shipping and Trading Co., Ltd., who had purchased the rights of Lever's Pacific Plantations Limited in the Phoenix Group on the 31st December, 1914, nor among those assigned to Burns, Philp (South Sea) Co., Ltd., on the 30th November, 1926. It may be confidently stated, therefore, that at no time has any form of occupation licence, either guano or coconut planting, been granted by the British Government in respect of McKean; and it is understood that the island has, in fact, never been utilized in any way by John T. Arundel and Company or any other British firm—(Arundel, 1890, p. 5; Ellis, 1940, p. 3).

20. *Native Colonization Investigations.*—On the 26th October, 1937, McKean Island was visited by the expedition engaged in investigating the suitability of the Phoenix Group for colonization by the surplus population of the Gilbert and Ellice Islands, a detailed account of the island being contained in the Report of the expedition. The island was thoroughly explored and a sketch survey prepared, as the plan made by the United States Exploring Expedition in 1840 and reproduced on Admiralty Chart No. 184 was found to be now quite inaccurate: unlike Birnie, which is steadily increasing in size, McKean is apparently noticeably smaller than in 1840, besides being different in shape. McKean was believed to be too small for native settlement and it was recommended that it should be declared a Bird Sanctuary—(Maude, p. 13).

In 1939, however, it was realized that McKean, together with Birnie and Phoenix Islands, possessed considerable value considered as tributary to the main settled islands of Gardner, Hull, and Sydney, and it was decided to plant them with coconuts. Birnie was partially planted in 1939 and it is intended to plant McKean at the first opportunity. It is estimated that McKean, which would be attached to the main island of Gardner, should support up to 3,000 coconut trees when fully planted. The island will possibly never be permanently inhabited, as the owners of the land holdings may well prefer to live on the parent island and visit McKean from time to time for copra cutting, but should a few families elect to make their homes there once the trees have reached maturity, there would appear to be no reason against it. A small storage cistern and catchment area would provide the necessary water.

21. *Annexation.*—Neither H.M.S. "Miranda" nor H.M.S. "Egeria" visited McKean and it appears that the island remained unannexed until 1936, when H.M.S. "Leith" visited it and left a notice board reading as follows:—

"This island belongs to His Britannic Majesty King Edward VIII; was visited by H.M.S. "Leith" August, 1936.

(Signed) O. Bevin, Captain, R.N."

A similar typed and signed message was left in a sealed tin close by—(LXXIX).

McKean Island, together with the rest of the Phoenix Group, was included within the boundaries of the Gilbert and Ellice Islands Colony by Order in Council dated the 18th March, 1937. By Proclamation No. 9 of the 1st August, 1937, the Phoenix Group, including McKean Island, was declared to be a separate District within the Gilbert and Ellice Islands Colony.

On his visit to the island in 1937, the Officer in Charge of the Phoenix Islands Settlement Scheme erected a flagstaff on a base of coral slabs and hoisted the Union Jack, which was left

flying. The following notice was nailed to the base of the flagstaff:—  
Gilbert and Ellice Islands Colony.

ADMINISTRATIVE VISIT TO MCKEAN ISLAND.

H.M.C.S. "Nimanoa"—October, 1937.

(Signed) M. L. Singleton, (Signed) H. E. Maude,  
Master, H.M.C.S. "Nimanoa." Administrative Officer, G. & E.I.C.

By a Proclamation dated the 21st June, 1938, McKean Island was declared to be a sanctuary for birds.

22. *Visits of H.M. Ships.*—Apart from the visit of H.M.S. "Leith" in August, 1936, mentioned in the previous section, I have been unable to trace any record of one of H.M. Ships having visited McKean Island.

23. *Visits of Government Officials.*—Mr. H. E. Maude, Officer in Charge of the Phoenix Islands Settlement Scheme, and Mr. E. R. Bevington, Acting Administrative Officer, who spent a day on McKean in October, 1937, are the only Government officials known to have visited the island.

24. *Possible basis of United States claim.*—It is suggested that the United States claim may be based on:—

- (a) the supposed discovery of the island by Commodore Wilkes in 1840;
- (b) the fixing of the position of the island and the survey of its coast by the United States Exploring Expedition;
- (c) the bonding of the island, on the 27th December, 1859, under the American Guano Act, 1856;
- (d) the exploitation of the guano deposits by Mr. C. A. Williams, and possibly by other American subjects, between 1859 and 1871;
- (e) the fact that Mr. C. A. Williams's rights in McKean appear never to have been assigned or transferred to any other party; and,
- (f) the fact that, so far as is known, no British subject ever visited the island until its annexation in 1936.

It should be noted that Boggs claims that McKean was an American discovery; that its name is of American origin; that its position was first accurately fixed, and coast mapped, by Americans; and that the island was occupied by American guano interests—(Boggs, p. 179).

25. *Summary of British Claim.*—The British claim to McKean will presumably be based on its annexation in 1936, and its incorporation within the Gilbert and Ellice Islands Colony in 1937.

Farther points strengthening the British claim are the survey of McKean by a British officer in 1937, the fact that it is an integral part of the Phoenix Islands Group, and the ability of the British Government to make the island of permanent value and benefit to humanity by planting it for the use of the natives of the Gilbert Islands, where the shortage of land is acute.

PART C.—BIRNIE ISLAND.

(Lat. 3° 35' S., Long. 171° 33' W.)

26. *Discovery.*—According to both Findlay and the Reynolds Report, Birnie or, as it was then called, Birney's Island was discovered by Captain Emmet, who also discovered Sydney Island, the date of the discovery not being stated—(Findlay, 1884, pp. 826—828; Reynolds, 1835, p. 10). I have been unable, from the records in my possession, to discover the nationality of Captain Emmet, but as Boggs (p. 178) does not claim either Birnie or Sydney as American discoveries it would appear probable that he was either a British subject or the master of a British ship. In any case the Phoenix group of islands was a favourite whaling ground in the early years of last century and, as Birnie must have been sighted often enough by whale ships, nothing short of a search through the log-books of the various vessels can establish the name and nationality of the one which apparently saw the island first. It should be noted that the Frenchmen and Tahitians discovered on Hull Island by Commodore Wilkes in 1840 were evidently familiar with Birnie Island—(Wilkes, Vol III, p. 370).

It should be mentioned that Barney's Island, listed on page 12 of the Reynolds Report as lying in Lat. 3° 09' S., and Long. 171° 41' W., is certainly not the same as Birnie, as Reynolds thought, but both from its position and description would appear to be Canton Island. Phoenix Island, in Lat. 2° 35' S., and Long. 171° 38' W., also identified with Birnie by Reynolds, might conceivably be the north-west coast of Canton as seen from a distance, but would appear to be too far to the north to be Birnie.

27. *The United States Exploring Expedition.*—Birnie Island was seen twice by the ships of the United States Exploring Expedition. On the 28th August, 1840, the island was sighted from the U.S.S. "Vincennes," at a distance of twelve miles. Instead of approaching it, however, Commodore Wilkes decided to make first for Enderbury, and his attempt to beat up to Birnie the following day was unsuccessful and had to be abandoned—(Wilkes, Vol. III, pp. 470, 371).

On the 11th January, 1841, the U.S.S. "Peacock" and "Flying Fish," in charge of Captain Hudson, called at Birnie and surveyed the island. The published record of the visit is as follows:—

"It has an elevation of no more than six feet above the sea; is about one mile long and a quarter of a mile wide, trending about north-west and southeast. It is but a strip of coral, apparently uplifted, and is exceedingly dangerous to vessels, as it cannot be seen from a distance, and a vessel, in thick weather, would scarcely have time to avoid it after it was discovered."—(Wilkes, Vol. V, p. 4).

Professor J. D. Dana, the well-known scientist, was one of the members of the Expedition and an account of Birnie is given in his book on "Corals and Coral Islands"—(Dana, p. 196).

28. *The American Guano Act, 1856.*—Birnie Island was bonded under the American Guano Act on the 8th February, 1860, (Bond No. 9)—(Moore, Vol. I, p. 567). While the name of the original bonder of the island is not given in Moore, he is believed to have been either Mr. Charles Augustus Williams of Honolulu and later of New London, Connecticut, or else someone who soon sold out to him, for in 1881 Mr. Williams sent Mr. J. T. Arundel a "Memorandum of positions of Islands of the Phoenix Group" of which he states, "I think the positions must be very nearly correct as the handwriting seems to be my own of about 15 years ago, and probably the memo. is a copy of a record used by my vessels at that time." This memorandum mentions Birnie as being included among the islands of the Phoenix Group.—(LXV).

While, however, Mr. C. A. Williams was either the bonder of Birnie under the American Guano Act or else the assignee of the bonder, he at no time shipped guano from the island or utilized it in any other way—(LXVI; Boggs, p. 192). In 1871, Mr. Williams, who is believed to have been connected with the American and Phoenix Guano Companies, ceased working Phoenix and McKean Islands and took no farther active interest in the Phoenix Group.

29. *Mr. John T. Arundel.*—Writing to Mr. Arundel on the 21st May, 1881, Mr. Williams offered to "make quit claim in your behalf" of any island in the Group—(LXV); and Mr. Arundel later got him to relinquish all claims to Sydney, Hull, Gardner, and Phoenix Islands before applying to the British Government for Occupation Licences—(LXVI). Birnie Island, however, was not apparently included in this initial surrender of rights, probably because Mr. Arundel did not, at the time, consider it to be worth working. Mr. Arundel is known to have visited the island in 1883 and found that it had considerably increased in size since Professor Dana's visit in 1841 (Arundel, p. 5), but although Hague had reported as long ago as 1862 that it was believed to contain phosphate-guano deposits (Hague, 1862, p. 13), Arundel must have considered, like Williams, that they were not worth exploiting, for he never made any application for a Licence.

30. *The Pacific Islands Company Limited.*—In 1897 the Pacific Islands Company Limited, of which Lord Stanmore was Chairman, took over the business of Messrs. John T. Arundel and Company, Mr. Arundel remaining as Vice-Chairman of the new Company. On the 17th June, 1897, Lord Stanmore wrote to the Colonial Office as follows:—

"As the principal islands in the Phoenix Group, namely, Sydney, Hull, Gardner, Phoenix and Canton, are already held from Her Majesty's Government having been taken possession of at the request of Mr. Arundel, who had been in occupation for some time previously, and Licences, as before referred to, issued by the Crown for their occupation, this Board would be glad if similar Licences could be issued for the remaining Islands of the Group, namely:—

Enderbury, in Lat. 3° 10' South, 171° 10' West.

Birnie, in Lat. 3° 37' South, 171° 32' West.

McKean's, in Lat. 3° 38' South, 174° 12' West.

"Enderbury and McKean's were formerly worked by the Phoenix Guano Company, of New York, but operations on the latter have ceased for many years, while Mr. Arundel, our Vice-Chairman, had held Enderbury for many years as representing Mr. C. A. Williams of New London, Connecticut, U.S.A., from whom no difficulty in regard to the transfer need be anticipated.

"Birnie is a small and practically valueless Coral Island, and is believed to be unclaimed by any Power but we would venture to suggest the desirability of bringing the whole Group under British protection, and control."—(XXIII).

It will be seen from the above quotation that, while it was agreed that Mr. Williams had an interest in Enderbury and McKean, it was not considered that he had any in Birnie, as he had never occupied or worked the island at any time.

Lord Stanmore's application for an Occupation Licence in respect of Birnie was referred to the Admiralty and the Foreign Office and as neither Department had any objection to offer, the Secretary of State approved the grant; but in actual fact no Licence was given until after 1901, when Lord Stanmore stated that planting operations had not yet commenced in the island and requested a long term lease for Birnie, Vostok, and all islands already leased, in order to attract the necessary capital for their development—(IX).

31. *Subsequent Licensees of Birnie Island.*—In view of Lord Stanmore's representations, the Colonial Office agreed to the issue of a 99 years lease for all the islands, including Birnie, and in 1902 Birnie Island, together with the rest of the Group, was sold to Lever's Pacific Plantations Limited, who in 1914 made over their interests to the Samoa Shipping and Trading Company Limited, the latter Company transferring their lease to Burns, Philp (South Sea) Company Limited, in 1916. For a more detailed account of the transactions between these Companies please see sections 58–60 of the Gardner Island record. It would appear that during the whole of the period that the island was leased by the three Companies, *i.e.*, from 1902 to 1938, it was never occupied or made use of.

32. *Erection of Beacon.*—On the 2nd May, 1904, Lever's Pacific Plantations Limited, pointed out to the Colonial Office that Clause No. 7 in the Licence for the various islands leased by them required the erection of a 25 foot beacon and the planting of at least two clumps of coconut or other quick-growing trees on each island. As they were under the impression that this clause had never been carried out by the former licensees they inquired whether the beacons were really required. On the advice of the Admiralty the Colonial Office agreed to the clause remaining in abeyance as regards all islands "which were either naturally wooded or have been planted with coconut palms"—(LXXXI). Apart from parts of Christmas Island Birnie was the only island which the Admiralty believed to be still "without natural marks" (they had apparently forgotten about Phoenix and Canton Islands) and, on the instructions of the Colonial Office, a large beacon was erected on the east side of the island in 1905 by Captain Menmuir of Lever's s.s. "Upolu."—(LXXXII, Enc.). This beacon was still standing in 1937, when I visited Birnie and had it repaired.

33. *Native Colonization Investigations.*—On the 22nd October, 1937, Birnie Island was visited by the expedition engaged in investigating the suitability of the Phoenix Group for colonization by the surplus population of the Gilbert and Ellice Islands, an account of the island being contained in the Report of the expedition. The island was thoroughly explored but it was considered that it was too small for settlement. The view of the expedition was that the only use of the island was as a bird sanctuary or a resting place for inter-island canoes.—(Maude, p. 11).

In 1939, however, following upon the purchase of the Phoenix Group for native settlement, it was realized that Birnie, together with Phoenix and McKean, possessed considerable possibilities considered as tributary to the main settled islands of Gardner, Hull, and Sydney, and it was decided to plant them with coconuts. In May, 1939, a small expedition was made to Birnie and about a third of the island was planted. As the drought which was then in progress in the Central Pacific did not finally break until the following November, it is doubtful whether any of the nuts succeeded in germinating but it is intended to complete the work at the first possible opportunity in order to take advantage of the present advantageous weather conditions. It is estimated that Birnie Island, which would be attached to the main island of Hull, should support up to 2,500 coconut trees when fully planted. The island will possibly never be permanently inhabited, as the owners of the land holdings may well prefer to live on the parent island and visit Birnie from time to time for copra cutting, but should a few families elect to make their homes there, once the trees have reached maturity, there would appear to be no reason against it. A small storage cistern and catchment area would provide the necessary water.

34. *Annexation.*—Birnie Island was formally placed under British Protection on the 10th July, 1889, by Commander Oldham of H.M.S. "Egeria," in view of the possibility that it might be required in connexion with the Trans-Pacific cable then under discussion. The record of the vessel's visit is as follows:—

"Birnie Island was sighted at 3 p.m. of the 10th July. Landing was effected on the lee-side, the flag hoisted, and its position fixed by stars. As the island is little more than a sand key, and the coal was getting so short, I did not think it advisable to stay during the night, so as to survey it next day . . . ."—(Australian No. 152, p. 18).

Birnie Island, together with the rest of the Group, was included within the boundaries of the Gilbert and Ellice Islands Colony by Order in Council dated the 10th March, 1937. By Proclamation No. 9 of the 1st August, 1937, the Phoenix Group, including Birnie Island, was declared to be a separate District within the Gilbert and Ellice Islands Colony.

On his visit to the island in 1937, the Officer in Charge of the Phoenix Islands Settlement Scheme erected a flagstaff and left the Union Jack flying, a notice being nailed to the base of the mast as at McKean Island, q.v.

By a Proclamation dated the 21st June, 1938, Birnie Island was declared to be a sanctuary for birds.

35. *Visits of H.M. Ships.*—The only visits of H.M. Ships to Birnie Island which I have been able to trace are those of H.M.S. "Egeria" in 1889, which, as mentioned in the previous section, was for the purpose of declaring it under British protection, and H.M.S. "Leith" in August, 1936. No landing was made on the occasion of H.M.S. "Leith's" visit.

36. *Visits of Government Officials.*—The only Government officers known to have visited Birnie are Mr. H. E. Maude, Officer in Charge of the Phoenix Islands Settlement Scheme, in October, 1937, and again in May, 1939. On the first occasion he was accompanied by Mr. E. R. Bevington and on the second by Mr. G. B. Gallagher, both of the Administrative Service, the latter officer superintending the planting operations on the island.

37. *Possible basis of United States Claim.*—It is suggested that the United States claim may be based on:—

- (a) the survey of the island by the United States Exploring Expedition in 1841;
- (b) the bonding of the island on the 8th February, 1860, under the American Guano Act, no practical steps being, however, taken to implement the bonding by exploitation of the deposits;
- (c) the fact that for a number of years Mr. C. A. Williams was considered to have special rights over the island.

It should be noted that Boggs claims that the position of Birnie was first accurately fixed, or its coast mapped, by Americans; but not, apparently, that the island is an American discovery, that its name is of American origin, or that it was ever occupied by American guano interests—(Boggs, p. 178).

38. *Summary of British Claim.*—The British claim to Birnie Island will presumably be based on its annexation in 1889; the existence of a continuous series of Occupation Licenses in respect of the island granted by the British Government from 1902 onwards; and its incorporation within the Gilbert and Ellice Islands Colony in 1937.

Among farther points strengthening the British claim may be mentioned—

- (a) the beaconing of the island in 1905;
- (b) the fact that it is an integral part of the Phoenix Islands Group;
- (c) the purchase by the British Government of the rights of the existing owners of the Occupation Licence in 1938;
- (d) the ability of the British Government to make the island of permanent value and benefit to humanity by planting it for the use of the natives of the Gilbert Islands, where the shortage of land is most acute; and,
- (e) the fact that, in spite of the series of Occupation Licenses granted by the British Government to British subjects and firms, no protest or claim to the island was made by any foreign power until 1939.

PART D.—PHŒNIX ISLAND.  
(Lat. 3° 42' S., Long. 170° 43' W.)

39. *Discovery*.—Neither the discoverer of Phœnix Island, nor the nationality of the vessel in which he sailed, is known with any certainty. The Reynolds Report, however, lists an unnamed island in lat. 3° 35' S., and long. 170° 40' W., which is certainly Phœnix Island and which could appear, from the notes in the margin, to be one of those seen by Captain Emmet; the date of the discovery is not stated—(Reynolds, 1835, p. 10). The Phœnix group of islands was a favourite whaling ground in the early years of last century and, while the island must have been sighted often enough by whale ships, nothing short of a search through the log-books of the various vessels can establish the name and nationality of the one which apparently saw the island first. In the meantime the question as to what nation discovered Phœnix must be considered unsettled. In this connexion it should be noted that Boggs does not claim Phœnix as an American discovery (Boggs, p. 179), which lends support to the view that either no proof is forthcoming in America that Captain Emmet discovered the island or else, and more probably, that he was an Englishman or the American master of an English vessel. Phœnix Island was not seen by the United States Exploring Expedition, though the U.S.S. "Peacock" and "Flying-Fish" searched for it in 1841. It should be mentioned, however, that the Frenchman and Tahitians discovered on Hull Island by Commodore Wilkes in 1840 were apparently familiar with Phœnix Island—(Wilkes Vol. III, p. 370, Vol. V, pp. 4, 5).

40. *The American Guano Act, 1856*.—Phœnix Island was bonded twice under the American Guano Act, firstly on the 27th December, 1859, (Bond No. 6) in lat. 3° 47' S., and long. 170° 55' W., and secondly on the 8th February, 1860, (Bond No. 9) in lat. 3° 40' S., and long. 170° 52' W.—(Moore, Vol. I, p. 568). It is probable that one, at any rate, of the bonders was either Mr. Charles Augustus Williams of Honolulu and later of New London, Connecticut, or else someone who soon sold out to him, for in 1881 Mr. Williams sent Mr. J. T. Arundel a "Memorandum of positions of Islands of the Phœnix Group" of which he states, "I think the positions must be very nearly correct as the handwriting seems to be my own of about 15 years ago, and probably the memo. is a copy of a record used by my vessels at that time." This memorandum mentions Phœnix Island as being included among the islands of the Phœnix Group—(LXV).

J. D. Hague, who was the leading American authority on the Pacific phosphate-guano deposits, stated in 1862 that the guano deposits on Phœnix though of good quality could not be very extensive. He visited the island but was unable to land—(Hague, 1862, p. 13). The date on which the guano deposits were first worked is not known, but it is believed to have been soon after 1862. Commander Meade, who visited Phœnix Island in 1872, reported that:—

"The buildings, flagstaff, and wharf of the Phœnix Guano Company are still standing, but the island has been worked out, and was abandoned in August, 1871. Except a little grass here and there, no vegetation was seen in the island."—(Findlay, 1884, pp. 826-828).

As the Company had not commenced exporting in 1862 (Hague, p. 13) it evidently took less than 10 years to exhaust all the phosphate-guano on the island. After the abandonment of Phœnix Island, Mr. Williams, who is understood to have been the proprietor of the Phœnix Guano Company, took no further active interest in the Phœnix Group.

41. *Mr. John T. Arundel*.—Writing to Mr. Arundel on the 21st May, 1881, with reference to the Phœnix Group, Mr. Williams stated that, "Should you find anything on any of the islands which I formerly occupied I will make quit claim of all rights in your behalf"—(LXV). When in Paris in 1882, therefore, Mr. Arundel got him to relinquish all claims to Sydney, Hull, and Gardner Islands and, at a later date, Phœnix Island in addition—(LXVI). Having extinguished any rights Mr. Williams may have possessed over the island, Mr. Arundel applied on the 22nd December, 1891, through his agents Messrs. Houlder Bros. and Co., for a coconut planting licence and one was duly granted to him on the 5th April, 1892, for 21 years from the 1st May, 1892, at a rental of £25 per annum—(LXXX: XXIII). In granting the Licence the Colonial Office stated:—

"Phœnix Island was recently placed under the protection of Her Majesty in view of the possibility that a cable may be laid between Vancouver and Australia touching at that Island, and it is therefore necessary to reserve a right to Her Majesty's Government to take possession of any land on the island which might be required for public purposes."—(LXXX).

A special clause was inserted in the Licence to provide for the above eventuality.

Although it is known that Mr. Arundel visited Phœnix Island (LXV), it is believed he at no time made any use of the island either as a plantation or to work the guano deposits. Ellis's remarks on the island in his book "Adventuring in Coral Seas" might be considered, however, to imply that some labour was, for a time employed in Phœnix, in which case they were probably engaged in experimental coconut planting—(Ellis, 1936, p. 60).

42. *The Pacific Islands Company, Limited*.—In 1897 the Pacific Islands Company, Limited, of which Lord Stanmore was Chairman, took over the business of Messrs. John T. Arundel and Company, Mr. Arundel remaining as Vice Chairman of the new Company. In addition to Phœnix Island, the Company held Coconut planting Licences from the British Government in respect of several other islands in the Phœnix and Line Groups—(XXIII). On the 30th December, 1901, Lord Stanmore informed the Colonial Office that while it was intended to plant Phœnix Island, operations in it had not yet commenced, and he requested long term leases in order to attract the capital necessary for the development of the various islands—(IX). In a postscript to his letter Lord Stanmore says, "I may also add, with reference to previous correspondence, that it is intended henceforth to work Phœnix Island as a Coconut Island only," from which remark it may be conjectured that it had, at some time, been intended to work any deposits of guano that may have been left on the island by the American firm.

43. *Subsequent Licensees of Phoenix Island.*—In view of Lord Stanmore's representations the Colonial Office agreed to the issue of a 99 years lease for all the islands and in 1902 Phoenix Island, with the rest of the Group, was sold to Lever's Pacific Plantations Limited, who in 1914 made over their interests to the Samoa Shipping and Trading Company, Limited, the latter Company transferring their lease to Burns, Philp (South Sea) Company, Limited, in 1926. For a more detailed account of the transactions between these Companies please see sections 58-60 of the Gardner Island record. It would appear that during the whole of the period that the island was leased by the three Companies, *i.e.*, from 1902 to 1938, it was never once visited or any use made of it.

44. *Native Colonization Investigations.*—On the 21st October, 1937, Phoenix Island was visited by the expedition engaged in investigating the suitability of the Phoenix Group for colonization by the surplus population of the Gilbert and Ellice Islands, a detailed account of the island being contained in the Report of the expedition. The island was thoroughly explored and several experimental wells dug, but it was considered that owing to its small size and the absence of water it was useless for colonization purposes. The view of the members of the expedition was that apart from its problematical use as a convenient stopping place for inter-island canoes the only value of the island was as a bird sanctuary—(Maude, pp. 10, 11).

In 1939, however, following upon the purchase of the whole of the Phoenix Group for native settlement, it was realized that Phoenix, together with McKean and Birnie, possessed considerable possibilities considered as tributary to the main settled islands of Gardner, Hull, and Sydney, and it was decided to plant them with coconuts. Birnie was partially planted in 1939 and it is intended to plant Phoenix at the first opportunity. It is estimated that Phoenix Island, which would be attached to the main island of Sydney, should support up to 3,500 coconut trees when fully planted. The island will possibly never be permanently inhabited, as the owners of the land holdings may well prefer to live on the parent island and visit Phoenix from time to time for copra cutting, but should a few families elect to make their homes there, once the trees have reached maturity, there would appear to be no reason against it. A small storage cistern and catchment area would provide the necessary water.

45. *Annexation.*—Phoenix Island was formally placed under British Protection in 1889, by Commander Oldham of H.M.S. "Egeria." The record of the vessel's visit is as follows:—

"Phoenix Island was sighted at daylight on the 29th June, the ship having experienced a strong westerly set. This island being uninhabited, and nothing to show that it was claimed by any other person, I hoisted the Union Jack and took it under British protection.

I then surveyed it, and ran two sectional lines off the lee-side . . . . . The island was found to be about 18 feet high at its highest point, and contains a very shoal, brackish lagoon. There are no trees, but a few low-growing shrubs cover the island.

Numerous sea-birds and some white rabbits were observed. The guano has been worked out, but there are the remains of a tram and two boats."—(Australian, No. 152, p. 17).

The rabbits mentioned by Commander Oldham were left by the Phoenix Guano Company and are still plentiful on the island.

Phoenix Island, together with the rest of the Group, was included within the boundaries of the Gilbert and Ellice Islands Colony by Order in Council dated the 10th March, 1937. By Proclamation No. 9 of the 1st August, 1937, the Phoenix Group, including Phoenix Island, was declared to be a separate District within the Gilbert and Ellice Islands Colony.

On his visit to the island in 1937 the Resident Commissioner of the Gilbert and Ellice Islands Colony left a Union Jack and notice board, while later in the year the Officer in Charge of the Phoenix Islands Settlement Scheme erected a flagstaff and left the Union Jack flying, a notice being nailed to the base of the mast as at McKean Island, *q.v.*

By a Proclamation dated the 21st June, 1938, Phoenix Island was declared to be a sanctuary for birds.

46. *Visits of H.M. Ships.*—The only visits of H.M. Ships to Phoenix Island which I have been able to trace are those of H.M.S. "Egeria" in 1889 which, as mentioned in the previous section, was for the purpose of declaring it under British protection, and H.M.S. "Leith" in August, 1936, and again in February, 1937—(LXXIX; LXXVII, Encs.).

47. *Visits of Government Officials.*—The only government officers known to have visited Phoenix Island are Mr. J. C. Barley, the Resident Commissioner of the Gilbert and Ellice Islands Colony, on the 13th February, 1937, and Mr. H. E. Maude, the Officer in Charge of the Phoenix Islands Settlement Scheme, accompanied by Mr. E. R. Bevington, of the Administrative Service, on the 21st October of the same year—(LXXVII; Maude, p. 10).

48. *Possible basis of United States claim.*—It is suggested that the United States claim may be based on:—

- (a) the bonding of the island, on the 27th December, 1859, and again on the 8th February, 1860, under the American Guano Act;
- (b) the exploitation of the guano deposits by Mr. C. A. Williams, and possibly by other American subjects, between about 1862 and 1871;
- (c) the fact that, so far as is known, no use has even been made of the island by British interests.

It should be noted that Boggs claims that the name Phoenix given to the island is of American origin; that its position was first accurately fixed, or its coast mapped, by Americans; and that it was occupied by American guano interests; he does not, however, appear to claim that the island was an American discovery—(Boggs, p. 178).

49. *Summary of British claim.*—The British claim to Phoenix Island will presumably be based on its annexation in 1889; the accurate survey of the island and mapping of its coast by the officers of H.M.S. "Egeria" in the same year—(Admiralty Chart No. 184); the fact that Mr. C. A. Williams relinquished all rights on the island in favour of a British subject; the existence of a continuous series of Occupation Licences in respect of the island granted by the British Government from 1892 onwards; and its incorporation within the Gilbert and Ellice Islands Colony in 1937.

Among farther points strengthening the British claim may be mentioned—

- (a) the fact that it is an integral part of the Phoenix Islands Group;
- (b) the purchase by the British Government of the rights of the existing owners of the Occupation Licence in 1938;
- (c) the ability of the British Government to make the island of permanent value and benefit to humanity by planting it for the use of the natives of the Gilbert Islands, where the shortage of land is most acute;
- (d) the fact that, in spite of the series of Occupation Licences granted by the British Government to British subjects and firms, no protest or claim to the island was made by any foreign power until 1939.

PART E.—GARDNER ISLAND.  
(Lat. 4° 41' S. Long. 174° 34' W.)

50. *Discovery.*—According to the Reynolds Report, Gardner Island was discovered by Captain Coffin of the ship "Ganges"—(Reynolds, 1835, p. 13). The date of the discovery is not stated, but he is believed to have sighted Gardner on the same voyage on which he discovered Coffin's Island, and, according to Mr. E. A. Stackpole of Nantucket, U.S.A., the discovery of the latter island took place in 1821—(*New York Times*, 3/3/38). A printed account of Captain Coffin's discoveries is believed to be on record in the United States but I have never seen a copy—(Reynolds, 1853, p. 13). On page 14 of his Report, however, Reynolds gives a second and unnamed island (Lat. 4° 45' S., Long. 174° 40' W.) which is no doubt also Gardner as seen by some other and unknown vessel. Krusenstern, in 1835, still placed Gardner among the doubtful islands. In 1841, after one of the ships of the United States Exploring Expedition had visited the island, Wilkes finally gave it its present name, in the belief that it was identical with the island discovered by a Captain Gardner. However, though it may be said with some confidence that Gardner was discovered by a British or American whaler at some time between 1800 and 1825, the name of the first person actually to sight the island may never be known, for the Phoenix Group was a favourite whaling ground in the early years of last century and the island must have been sighted many times before 1825. While it is probable, therefore, that a thorough search through the log-books of the various whale ships would reveal the fact that Gardner had been seen by other vessels, both British and American, prior to the visit of Captain Coffin, at the present stage of our knowledge he must perforce be regarded as the first to sight the island, which thus, on the assumption that the "Ganges" was an American ship, ranks as an American discovery. In this connexion, however, it should be noted that when Captain James Coffin, of Nantucket, who was presumably the same man, discovered Enderbury Island in 1823 he was in command of the English whaler "Transit" and it is possible, therefore, that farther research may establish the fact that the "Ganges" was also a British vessel and Gardner Island, accordingly, a British discovery—(*Evening Post*, Wellington, New Zealand, 19/4/38).

51. *The United States Exploring Expedition.*—On the 19th August, 1840, Gardner, or, as it was then sometimes called, Kemins' Island, was visited by Commodore Charles Wilkes on board the U.S.S. "Vincennes." A landing, probably the first in the island's history, was made, and its position accurately fixed. Wilkes remarks on the absence of low shrubbery on the island and the fact that the soil appeared better than usual, to which fact he attributed the large growth of tall trees, which made the island visible from a distance of 15 miles—(Wilkes, Vol. III, pp. 368, 369).

52. *The American Guano Act, 1856.*—Gardner Island was bonded under the American Guano Act on the 8th February, 1860, (Bond No. 9). A great number of islands in the Central Pacific region were also bonded at this time but no action was taken in the case of Gardner to implement the formal act of bonding by any practical exploitation of the guano deposits.

An indication of the practical knowledge of the island possessed by the bonders at the time of bonding may be gauged from the fact that they evidently considered Gardner to be two separate islands, since they bonded it under its present name in Lat. 4° 40' S., Long. 174° 52' W., and also, under the name of Kemn's Island, in Lat. 4° 41' S., Long. 173° 44' W. The bonding of Mary Letitia's Island in Lat. 4° 40' S., Long. 173° 20' W., was also probably yet a third attempt to hit Gardner, this being included in the same bond (No. 9 of 8/2/60). It appears probable therefore, that the bonders had never visited Gardner but gained such information of the place as they possessed from the reports of passing ships—(Moore, Vol. I, pp. 567, 568).

53. *Mr. C. A. Williams.*—While the name of the original bonder of Gardner Island is not stated in Moore, he is believed to have been either Mr. Charles Augustus Williams of Honolulu and later of New London, Connecticut, or else someone who soon sold out to him, for in 1881 Mr. Williams sent Mr. J. T. Arundel a "Memorandum of positions of Islands of the Phoenix Group" of which he states, "I think the positions must be very nearly correct as the handwriting seems to be my own of about 15 years ago, and probably the memo. is a copy of a record used by my vessels at that time." This memorandum mentions Gardner among the islands of the Group—(LXV). Furthermore McKean Island is known to have been first worked in 1859 (Hague, 1862, p. 13), and Enderbury "in 1858 or shortly thereafter" (Gardner, p. 766), both these islands belonging to Mr. Williams.

While, however, Mr. C. A. Williams was either the bonder of Gardner under the American Guano Act or else the assignee of the bonder, and was evidently regarded by Mr. Arundel as possessing some kind of right over the island, he at no time shipped guano from the island or utilized it in any other way—(LXVI). In 1871 Mr. Williams, who is believed to have been the proprietor of the American Guano Company and its subsidiary the Phoenix Guano Company, ceased working Phoenix and McKean Islands and took no farther active interest in the Phoenix Group.

54. *Occupation by Mr. John T. Arundel.*—Writing to Mr. Arundel on the 21st May, 1881, with reference to the Phoenix Group, Mr. Williams stated that, "Should you find anything on any of the islands which I formerly occupied I will make quit claim of all rights in your behalf" (LXV); and when in Paris in 1882 Mr. Arundel got him "to relinquish all claims to Sydney and Hull and Gardner . . . before applying to the Imperial Government for leases of the same"—(LXVI). Having got Mr. Williams to relinquish any rights that he may have possessed over Gardner, Mr. J. T. Arundel applied to the British Government for a Coconut planting Licence, and one was duly granted for 21 years as from the 1st February, 1891, at an annual rental of £25, the date of the grant being the 15th January, 1891. In directing the grant of the licence the Secretary of State reminded the High Commissioner that the islands which had recently been placed "within the British Protectorate over the Phoenix Group" did not include Gardner—(XXIV). Owing to the height of the existing trees on the island, Mr. Arundel was excused from having to erect the usual beacon—(LXIV).

55. *Annexation.*—As stated above, H.M.S. "Egeria" on her visit to the Phoenix Group in 1889, did not visit Gardner, as her instructions only covered the islands considered to be of value in connexion with the proposed Pacific Cable. In 1892, therefore, the Admiralty ordered Captain H. U. S. Gibson, of H.M.S. "Curacoa," to proceed to the island and annex it. Captain Gibson arrived off the island on the 28th May, but was unable to land owing to the surf. There were, however, some 20 Niue natives ashore, working for Mr. Arundel, and the declaration of the Protectorate had perforce to be read to two of them from beyond the line of breakers. One of the natives then swam through the surf and returned with the declaration and a Union Jack—(Australian, No. 152, p. 77).

This action of Captain Gibson led to a good deal of correspondence at the time, as the High Commissioner, Sir John Thurston, held that the granting to Mr. Arundel of a licence "to exclusively occupy the island for the purpose of planting cocoa nuts" necessarily implied the assumption of Her Majesty's sovereignty over the island at the time of the issue—(LXVII). The Colonial Office while admitting that they had omitted to inform the Admiralty of the grant of the licence, considered that in any case the licence was not affected by the subsequent declaration of a British Protectorate—(LXVIII). Finally the Admiralty, in a despatch to the Commander in Chief of the Australian Station, made this important pronouncement (16th November, 1892):—

"Although it is held that the licence is not affected by the Declaration of Protection, and consequently no steps need be taken to cancel the Declaration, My Lords desire you will explain to officers under your orders that the grant by the Crown of a licence for an Island followed by occupation makes the Island part of the British Dominions as long as Her Majesty shall find it expedient to retain the sovereignty."—(LXIX).

It will be seen that this ruling is of particular importance with regard to islands such as Birnie, Malden, Flint, and Vostok, which have never apparently been formally made part of the British Empire.

Gardner Island, together with the remainder of the Phoenix Group, was included within the boundaries of the Gilbert and Ellice Islands Colony by an Order in Council dated the 18th March, 1937. By Proclamation No. 9 of the 1st August, 1937, the Phoenix Group, including Gardner Island, was declared to be a separate District within the Gilbert and Ellice Islands Colony.

56. *Coconut Plantation.*—Although there is reason to believe that a certain amount of planting was done on Gardner by Mr. Arundel prior to the issue of a licence in 1891, the first labourers were not left on the island until that year—(Ellis, 1937, p. 2). Mr. A. F. (now Sir Albert) Ellis in his book "Adventuring in Coral Seas" writes: "We visited it (Gardner Island) in the brigantine "Ryno" before the planting operations were begun, and several of us remained ashore for the night, keeping a fire burning as a landmark for the Captain."—(Ellis, 1936, p. 58). When Gibson visited the island in 1892 clearing and planting operations were at their height, there being no less than 20 Niue Island labourers ashore, in charge of an Englishman, Mr. Challis, who was, however, absent from the island at the time of his visit. According to Captain Gibson, copra was being actually exported from Gardner, but I consider that he was mistaken in this statement, as I have always heard that the island never at any time reached the stage of producing copra—(Australian, No. 152, pp. 77, 78).

On the 21st September, 1893, at the request of Mr. J. T. Arundel, the Secretary of State agreed to extend the Coconut planting Licences for Gardner and other islands, which were then due to expire on a variety of dates, to the 1st February, 1915, in order to bring them into line with the Lease for Starbuck Island—(VIII, Enc.).

Although a small clump of coconut trees was bearing satisfactorily when Mr. A. F. (now Sir Albert) Ellis visited Gardner about 1890, the plantation on the island never proved a success, in spite of the exceptionally fertile soil. Sir Albert suggests that the failure was due either to a heavy drought encountered while the plants were still immature or to the activities of the enormous coconut crabs which abound on the island—(Ellis, 1937, p. 2). I have shown elsewhere that there was in fact a severe drought in the Central Pacific from 1890 to 1894 and it would appear that this fact, coupled with the withdrawal of the labour from the island before the trees were fully mature, is quite enough to account for the plantation reverting to bush. When I visited the island in 1937 there were still, however, five small clumps, totalling 111 bearing trees, left on the island—(Maude, pp. 7, 17). From observations made on the island as well as from subsequent



inquiries I do not consider that Mr. Arundel's planting operations in Gardner ever extended beyond a small experimental area, leaving the greater part of the island untouched, and it would appear that all the labour was withdrawn from the island shortly after Captain Gibson's visit in 1892.

57. *The Pacific Islands Company, Limited.*—In 1897 the Pacific Islands Company, Limited, of which Lord Stanmore was Chairman, took over the business of Messrs. John T. Arundel and Company, Mr. Arundel remaining as Vice-Chairman of the new Company. In addition to Gardner, the Company held Coconut planting Licences from the British Government in respect of several other islands in the Phoenix and Line Groups—(XXIII). On the 30th December, 1901, Lord Stanmore informed the Colonial Office that while it was intended to plant Gardner, operations on it had not yet commenced, which again suggests that Mr. Arundel's planting experiments in 1892 could not have been very extensive, and he requested long term leases in order to attract the capital necessary for the development of the various islands—(IX, Enc. 3).

58. *Lever's Pacific Plantations Limited.*—In view of Lord Stanmore's representations the Secretary of State agreed to the issue of a new Lease for 99 years at a joint annual rental of £200 for all the islands for five years, to be succeeded by a royalty based on copra export. The Pacific Islands Company, Limited, then sold all their interests in Gardner and their other coconut islands, with the exception of Starbuck and Jarvis, to Lever's Pacific Plantations Limited, and on the 16th September, 1902, the Colonial Office granted a Lease, as mentioned above, to the latter Company, the royalty being fixed at 2s. per ton of copra exported—(IX, Enc.).

59. *The Samoa Shipping and Trading Company, Limited.*—As far as I have been able to ascertain Lever's Pacific Plantations, Limited, made no attempt to any time to develop or utilize Gardner Island and on the 31st December, 1914, they sold out all their interests in the Phoenix Islands to the Samoa Shipping and Trading Company, Limited, of Sydney, New South Wales, who had for some time undertaken the work of maintaining touch with the Group and collecting the copra from Hull and Sydney on behalf of Lever's. An index of the moribund state into which Lever's interests in the Phoenix had degenerated prior to their transfer may be gauged from the fact that the copra exported from the entire Group during the year 1914 did not amount to five tons—(LXXI, Enc.). The new Occupation Licence issued to the Samoa Shipping and Trading Company, Limited, was for a term of 87 years from the 1st January, 1914, at a minimum royalty of £60 per annum in respect of the six islands (McKean and Enderbury being excluded from the lease)—(LXX, Enc.).

The new Company, which under the managership of Captain Allen established its headquarters at Funafuti in the Ellice Islands, was scarcely more successful in developing the resources of the Phoenix Group than the previous firm and, on the death of Captain Allen, went into liquidation. Captain Allen had paid several visits to Gardner for the purpose of cutting and loading timber for ship repairing but no other use was made of the island.

60. *Burns, Philp (South Sea) Company, Limited.*—On the 30th November, 1926, Messrs. Burns, Philp (South Sea) Company, Limited, of Suva, Fiji, purchased the interests of the Samoa Shipping and Trading Company, Limited (in liquidation) for £2,000 and the Occupation Licence for the six islands leased by the Company was transferred by Deed of Assignment (LXXII, Enc.). The new Company recommenced work on both Hull and Sydney Islands but nothing was done by them to occupy or utilize Gardner.

61. *Native Colonization Investigations.*—In 1930, after a visit to the Phoenix Group, Mr. S. F. Anderson, the Administrative Officer in Charge of the Ellice Islands, suggested that several islands were suitable for settlement by the surplus population of the Gilbert and Ellice Islands. During the years following the population pressure and land hunger in the Gilbert Group became steadily more acute and in 1934 the natives of Beru petitioned the Government to be allowed to colonize the Phoenix Islands; finally, in 1937, an expedition was sent to visit each island in the Group and investigate its value from the point of view of native settlement. The expedition stayed on Gardner from the 13th—15th October, 1937, and reported that the island was exceptionally suitable for native colonization, its capacity, when fully planted, being estimated at 1,100 Gilbertese—(Maude, pp. 6—9, 17, 18).

62. *Colonization of the Island.*—As a result of the findings of the investigating party it was decided to take over the Phoenix Islands for the purpose of native settlement and on the 24th December, 1938, the interests of Burns, Philp (South Sea) Company, Limited, were transferred, to the Government of the Gilbert and Ellice Islands Colony by Deed of Surrender, the purchase price being £7,500 (Australian)—(LXXIII).

An advance party of worker-settlers consisting of 10 natives from the Gilbert Islands was landed on Gardner on the 20th December, 1938, and proceeded to dig wells, clear a site for a small village, and build houses—(LXXIV, Enc.). On the 27th April, 1939, a second party was landed, consisting of 12 wives and children of the pioneer settlers, and in June several more families were brought, bringing the total population on the island up to 58. This little group, consisting of 16 families, is engaged on the task of clearing the island and planting coconuts. It is estimated that it will take approximately seven years for the coconut trees now being planted to come into bearing and during this period it is intended to keep the population of the island at its present figure; once the trees start to bear fruit it will be possible to increase the population gradually to 1,000 or more—(LXXV, Enc.).

63. *Visits of His Majesty's Ships.*—As far as can be ascertained from the records in the Western Pacific High Commission Office the first visit paid to Gardner by one of H.M. Ships was that of H.M.S. "Curacoa" on the 28th May, 1892, when the island was declared to be a British Protectorate. Although a search of the records at the Admiralty would probably establish the fact that a number of visits have in fact been paid to Gardner since 1892, the only ones which I have traced are the recent calls of H.M.S. "Wellington" on the 18th August, 1935, and H.M.S. "Leith" on the 15th February, 1937—(LXXVI, LXXVII, Encs.).

64. *Visits of Government Officials.*—Although no report can be found of his visit, Mr. S. F. Anderson is known to have landed at Gardner in 1930, when in charge of the Ellice Islands District. Mr. J. C. Barley, Resident Commissioner of the Gilbert and Ellice Islands Colony, spent a few hours on Gardner in 1937, during the visit of H.M.S. "Leith": a Union Jack was left ashore together with a notice board stating that the island was part of the British Empire—(LXXVII, Enc.). The Officer in Charge of the Phoenix Islands Settlement Scheme, Mr. H. E. Maude, spent several days on the island during 1937, 1938, and 1939—(Maude, pp. 5-8; LXXIV: LXXV, Encs.).

65. *Possible basis of United States Claim.*—It is suggested that the United States claim may be based on:—

- (a) the supposed discovery of Gardner by the American Captain Coffin about 1821;
- (b) the fixing of the position of the island by the United States Exploring Expedition;
- (c) the bonding of the island, on the 8th February, 1860, under the American Guano Act, 1856, no practical steps being, however, taken to implement the bonding by exploitation of the deposits;
- (d) the fact that Gardner was, until 1882, considered to be "appertaining to the United States" by virtue of Mr. C. A. Williams's special rights over the island.

It should be noted that Boggs claims that Gardner was an American discovery; that its name is of American origin; and that its position was first accurately fixed, or coast mapped, by Americans; but not that the island was ever occupied by American guano interests—(Boggs, p. 179).

66. *Summary of British Claim.*—The British claim to Gardner will presumably be based on the island having been occupied in 1891 by Mr. J. T. Arundel, under licence from the British Government, Mr. C. A. Williams having relinquished all claim to it in his favour. From that date until its settlement in 1938 the island has been in British hands under a continuous series of occupation licences.

Among farther points strengthening the British claim may be mentioned—

- (a) the only practical attempt to utilize the island, prior to 1938, was made by a British subject, Mr. Arundel, during the years immediately succeeding 1891;
- (b) the formal annexation of the island in 1892;
- (c) its incorporation within the Gilbert and Ellice Islands Colony in 1937;
- (d) the first and only accurate mapping of the island's coast, made by the officers of H.M.S. "Wellington" in 1935—(Admiralty Chart No. 184);
- (e) the purchase by the British Government of the rights of the existing occupiers in 1938;
- (f) the permanent colonization of the island by British subjects in 1938 and 1939;
- (g) the fact that, in spite of the series of occupation licences granted by the British Government to British subjects and firms, no protest or claim to the island was made by any foreign Power until 1939.

It should be noted that at no time has Gardner Island been occupied by, or utilized in any way, by the citizens of any foreign Power.

#### PART F.—HULL ISLAND.

(Lat. 4° 30' S., Long. 172° 14' W.).

67. *Discovery.*—Virtually all authorities, including Findlay and the Pacific Islands Pilot, give Wilkes as the discoverer of Hull Island—(Findlay, 1884, pp. 826-828; Pac. Is. Pilot, Vol. II, 1918, p. 614). The ships belonging to the United States Exploring Expedition certainly visited Hull on two separate occasions—the U.S.S. "Vincennes" on the 26th August, 1840, and the U.S.S. "Peacock" and "Flying-Fish" on the 17th January, 1841—while the island was surveyed by Commodore Wilkes and, as it was not found on his charts, named by him after a distinguished officer of the United States Navy. The Phoenix Group of islands, however, was a favourite whaling ground in the early years of last century and, as Hull must have been sighted often enough by whale ships prior to 1840 nothing short of a thorough search through the log-books of the various vessels could serve to establish the name and nationality of the one which apparently saw the island first. In any case, whoever may eventually be found to be the discoverer of Hull Island, the written records at present available demonstrate that it could not be Wilkes. In the first place the Reynolds Report, written in 1828, lists two islands under the name of Sidney's. One of these, the real Sydney Island, is given as having been discovered by Captain Emmet and lying in lat. 4° 30' S., and long. 171° 20' W., while the other is stated to lie in lat. 4° 29' S., and long. 172° 17' W., the discoverer not being mentioned—(Reynolds, 1835, pp. 10, 12). This latter island would undoubtedly appear to be none other than Hull, which was therefore discovered at least 12 years before Wilkes visited it. Secondly, Wilkes found a Frenchman and eleven Tahitians living ashore on Hull Island, having been left there some five months previously by a vessel which had gone to Samoa to trade. These people were engaged in turtle catching and were not only familiar with Hull Island but also Sydney and apparently Birnie and Phoenix. It is submitted, therefore, that in the present state of our knowledge, the name and nationality of the discoverer of Hull Island must be considered as unsettled, but that as against that of the United States Exploring Expedition, the claim of the Frenchman found living on the island must be considered the better—(Wilkes, Vol. III, pp. 369, 370; Vol. V., p. 5).

68. *Pre-European Occupation.*—Although there are far fewer evidences of pre-European occupation on Hull Island than on Sydney, the Templeton Crocker Expedition, which visited the island in 1933 under the auspices of the Bernice P. Bishop Museum of Honolulu, succeeded in finding definite proof that it had been previously inhabited. Certain stone structures were located which, according to Emory, are closely related to marae and house foundations found on Neiker, Nihoa, Malden, and some Tuamotuan islands—(Macgregor, p. 43). Ellis records that during his

five months residence on Hull in 1887 he found about a hundred burial sites of the pre-European inhabitants on the far north-eastern end of the island—(Ellis, 1936, p. 14). It is worthy of mention that Wilkes found a few coconut trees growing on Hull in 1840, an almost certain sign of previous occupation.—(Wilkes, Vol. III, p. 370).

69. *The American Guano Act, 1856.* Hull Island, alone among the uninhabited islands of the Central Pacific at present claimed by the United States, would appear never to have been bonded under the American Guano Act, unless the bonding of Mary Letitia's Island in lat. 4° 40' S., and long. 173° 20' W. was intended to indicate Hull and not Gardner—(8th February, 1860: Bond No. 9). Since, however, both the name and position of Hull were well known by 1859, as a result of the published account of the United States Exploring Expedition, I am inclined to believe that if the island had been bonded its correct name and position would have been given. Furthermore Ellis, as a result of five months on Hull, only discovered one small bed of guano on the island, the deposits being classed by him as "insignificant" in quantity though of fair quality; it is probable, therefore, that the almost complete absence of phosphate-guano made the island not worth bonding—(Ellis, 1936, pp. 14, 15). J. D. Hague, in his survey of the Pacific Islands guano deposits, does not mention Hull, though Mary Letitia's is listed among the doubtful islands—(Hague, 1862, pp. 12, 13).

70. *Mr. C. A. Williams.*—Whether Hull was ever formally bonded or not there is little doubt that Mr. Charles Augustus Williams of Honolulu and later of New London, Connecticut, who worked the guano deposits on McKean, Phoenix, and Enderbury between 1859 and 1871, considered that he had rights over the island similar to those which he possessed over the rest of the Phoenix Group. Writing to Mr. J. T. Arundel in 1881 Mr. Williams enclosed a "Memorandum of positions of Islands of the Phoenix Group" of which he states, "I think the positions must be very nearly correct as the handwriting seems to be my own of about 15 years ago, and probably the memo. is a copy of a record used by my vessels at that time." This memorandum mentions Hull among the islands of the Phoenix Group—(LXV).

Whatever the exact nature of Mr. Williams's rights over Hull, and Mr. Arundel evidently considered that he possessed rights of some kind, he at no time shipped guano from the island or utilized it in any other way (LXVI) and in 1871, after exhausting the deposits in McKean and Phoenix Island, he took no farther active interest in the Phoenix Group.

71. *Occupation by Mr. John T. Arundel.*—Writing to Mr. Arundel on the 21st May, 1881, with reference to the Phoenix Group, Mr. Williams stated that: "Should you find anything on any of the islands which I formerly occupied I will make quit claim of all rights in your behalf" (LXV); and when in Paris in 1882 Mr. Arundel got him "to relinquish all claims to Sydney and Hull and Gardner . . . before applying to the Imperial Government for leases of the same"—(LXVI). Having got Mr. Williams to transfer any rights that he may have possessed over Hull, Mr. J. T. Arundel applied to the British Government for a Coconut planting Licence and one was duly granted for 21 years as from the 1st February, 1891, at an annual rental of £25, the date of the grant being the 15th January, 1891. In directing the grant of the licence the Secretary of State reminded the High Commissioner that while Hull Island had been recently placed within the British Protectorate over the Phoenix Group it did not form part of Her Majesty's Dominions—(XXIV). Owing to the height of the existing trees on the island, Mr. Arundel was excused from having to erect the usual beacon—(LXIV).

72. *Coconut Plantation.*—Although Mr. Arundel did not apply for a Licence for Hull until 1890 he first occupied the island in the middle of 1887, Mr. James Ellis and his brother, the present Sir Albert Ellis, being placed in charge of the initial planting operations—(Ellis, 1936, pp. 1-16). The pioneers found about a hundred and fifty coconut trees in full bearing growing on the island: these were said to have been planted by a Frenchman and were in all probability the descendants of the palms planted by the pre-European inhabitants, possibly replanted by the Frenchman found on the island by Wilkes.

The work on the island consisted in cutting down and burning off the large "Buka" or *Pisonia* trees which covered the western side of the island and later in planting the nuts on the ground thus prepared—(Ellis, 1940, p. 1). In July, 1889, when H.M.S. "Egeria" visited the island, the huts of the planting party were found on the western point, together with a notice which stated (rather prematurely) that Hull was leased from Her Majesty's Government by Mr. J. T. Arundel—(Australian No. 152, p. 18). Within a few years the whole of the best part of the island—the west side—had been cleared and planted, the coconut plantation thus formed remaining to the present day.

On the 21st September, 1893, at the request of Mr. J. T. Arundel, the Secretary of State agreed to extend the Coconut planting Licences for Hull and other islands, which were then due to expire on a variety of dates, to the 1st February, 1915, in order to bring them into line with the Lease for Starbuck Island—(VIII, Enc.).

73. *The Pacific Islands Company, Limited.*—In 1897 the Pacific Islands Company, Limited, of which Lord Stanmore was Chairman, took over the business of Messrs. John T. Arundel and Company, Mr. Arundel remaining as Vice-Chairman of the new Company. In addition to Hull, the Company held Coconut planting Licences from the British Government in respect of several other islands in the Phoenix and Line Groups—(XXIII). On the 30th December, 1901, Lord Stanmore informed the Colonial Office that while Hull Island had been planted the trees were not yet mature enough to supply a yield of copra, and he requested long term leases for all the Company's islands in order to attract the capital necessary for their development—(IX).

74. *Lever's Pacific Plantations Limited.*—In view of Lord Stanmore's representations the Secretary of State agreed to the issue of a new Lease for 99 years at a joint annual rental of £200 for all the islands for five years, to be succeeded by a royalty based on copra export. The Pacific Islands Company, Limited, then sold all their interests in Hull and their other coconut islands,

with the exception of Starbuck and Jarvis, to Lever's Pacific Plantations Limited, and on the 16th September, 1902, the Colonial Office granted a Lease, as mentioned above, to the latter Company, the royalty being fixed at 2s. per ton of copra exported—(IX, Enc.).

75. *The Samoa Shipping and Trading Company, Limited.*—During Lever's tenure of Hull the trees on the island came into full bearing. According to report, during the early years of the century much was done by the Company to improve their property in Hull but their interest in the Phoenix Islands steadily decreased until, on the 31st December, 1914, they sold Hull and their other islands in the Group to the Samoa Shipping and Trading Company, Limited, of Sydney, New South Wales, who had for some time undertaken the work of maintaining touch with the Group and collecting the copra from Hull and Sydney on behalf of Lever's. An index of the moribund state into which Lever's interests in the Phoenix had degenerated prior to their transfer may be gauged from the fact that the copra exported from the entire Group during the year 1914 did not amount to five tons—(LXXI, Enc.). The new Occupation Licence issued to the Samoa Shipping and Trading Company, Limited, was for a term of 87 years from the 1st January, 1914, at a minimum royalty of £60 per annum in respect of the six islands (McKean and Enderbury being excluded from the lease)—(LXX, Enc.).

The new Company, which under the managership of Captain Allen established its headquarters at Funafuti in the Ellice Islands, was scarcely more successful in developing the resources of the Phoenix Group than the previous firm and, on the death of Captain Allen, went into liquidation. Until 1925, however, when the Company abandoned the island, the plantations on Hull were well looked after and the planted area increased, in spite of labour and shipping difficulties and the falling price of copra. In May, 1923, Hull was visited by Mr. R. Greene, the Secretary to the Western Pacific High Commission, who found the island well kept and clean—(LXXXIII). Mr. W. C. Schafer had been Manager on the island since 1921 and remained there until the labour was removed in 1925.

76. *Burns, Philp (South Sea) Company, Limited.*—On the 30th November, 1926, Messrs. Burns, Philp (South Sea) Company, Limited, of Suva, Fiji, purchased the interests of the Samoa Shipping and Trading Company, Limited (in liquidation) for £2,000 and the Occupation Licence for the six islands leased by the Company was transferred by Deed of Assignment—(LXXII, Enc.). The new Company recommended work on both Hull and Sydney Islands but owing to the low price of copra were soon in difficulties. Mr. S. F. Anderson, District Officer in charge of the Ellice Islands, visited Hull in January, 1931, to find that Mr. Schafer, who had returned as Manager on the island, had recently died—(LXXIV). As the Company were unable to make the Phoenix Islands plantations pay the Secretary of State agreed to a partial or total remission of royalty in each of the years 1930 to 1936 but in spite of this concession the islands were abandoned in 1932 and not re-occupied until June, 1937. In 1937 Mr. J. W. Jones commenced to work Hull by agreement with Burns, Philp, who undertook to purchase all copra produced by him at a fixed price per ton. In 1938 Burns, Philp, estimated that the planted area had been increased from 250 acres in 1926 to 400 acres.

77. *Native Colonization Investigations.*—In 1930, after his visit to the Phoenix Group, Mr. S. F. Anderson suggested that several islands were suitable for settlement by the surplus population of the Gilbert and Ellice Islands. During the years following the population pressure and land hunger in the Gilbert Group became steadily more acute and in 1934 the natives of Beru petitioned the government to be allowed to colonize the Phoenix Islands; finally, in 1937, an expedition was sent to visit each island in the Group and investigate its value from the point of view of native settlement. The expedition spent the 24th and 25th October on Hull Island and considered it to be in every way suitable for colonization. It was estimated that 350 Gilbertese could be sent to the island immediately and that eventually, when fully planted, it would support not less than 1,100 natives—(Maude, pp. 12, 13, 16).

78. *Colonization of the Island.*—As a result of the findings of the investigating expedition, it was decided to take over the Phoenix Islands for the purpose of native settlement and on the 24th December, 1938, the interests of Burns, Philp (South Sea) Company, Limited, were transferred to the Government of the Gilbert and Ellice Islands Colony by Deed of Surrender, the purchase price being £7,500 (Australian)—(LXXIII).

An advance party of 10 settlers, including four men, three women, and three children, from Beru Island, in the Gilbert Group, was landed on Hull on the 24th December, 1938, (LXXIV, Enc.) these pioneers being followed, on the 29th April, 1939, by a second party of 75 colonists. Since September, 1939, a farther 222 Gilbertese have been landed, making a present total of 307 settlers on the island. The latest reports from the Acting Officer in Charge of the Settlement Scheme indicate that, owing to the planted area having proved to be unexpectedly extensive and fertile, the island will probably take another 200 colonists without farther planting and it is hoped that all these will be settled before the end of the present year.

A detailed account of the work of native colonization on Hull is contained in the various progress reports of the Officer in Charge of the Scheme—(XCI: LXXIV: LXXV, Encs.). These reports show how an island periodically abandoned and considered virtually useless for any purpose has been converted into the prosperous and smiling home of hundreds of contented natives, with its own village, schools, hospital, churches, co-operative society, and every amenity of native life.

79. *Annexation.*—Hull Island was formally placed under British Protection in 1889, by Commander Oldham of H.M.S. "Egeria." The record of the vessel's visit is as follows:—

"Hull Island was sighted on the 11th July. Passing along the west side of the island, which has high trees on it, I observed some huts on the west point, and on landing being effected a board was found posted up stating that the island was leased from Her Majesty's Government by J. T. Arundel, of 146, Leadenhall Street, London; so I hoisted

the flag, and left another board declaring the island under British protection. Landing at low tide was comparatively easy, but after half-tide it would have been impossible."— (Australian, No. 152, p. 18).

Hull Island, together with the rest of the Phoenix Group, was included within the boundaries of the Gilbert and Ellice Islands Colony by Order in Council dated the 10th March, 1937. By Proclamation No. 9 of the 1st August, 1937, the Phoenix Group was declared to be a separate District within the Gilbert and Ellice Islands Colony.

80. *Visits of His Majesty's Ships.*—Apart from the visit of H.M.S. "Egeria" in 1889, which has been mentioned in the previous section, I have been unable to trace the record of any warship calling at Hull Island until 1923: it would appear probable, however, that a search of the Admiralty records would reveal that many visits have in fact taken place. Since 1923 the visits of H.M. Ships have been fairly frequent, included among them being the following:—

H.M.S. "Laburnum"	..	..	25 May, 1923.
H.M.S. "Veronica"	..	..	July, 1925.
H.M.S. "Wellington"	..	..	17 August, 1935.
H.M.S. "Leith"	..	..	August, 1936.
H.M.S. "Leith"	..	..	14 February, 1937.
H.M.S. "Wellington"	..	..	18 January, 1938.
H.M.S. "Wellington"	..	..	25 June, 1938.

81. *Visits of Government Officials.*—The first Administrative official known to have visited Hull was Mr. R. Greene, Secretary to the Western Pacific High Commission, on the 28th May, 1923—(LXXXIII, Enc.). Later visits were those of:—

Mr. S. F. Anderson, District Officer, Ellice Islands—29/1/31.—(LXXXIV).

Mr. J. C. Barley, Resident Commissioner, G. & E.I.C.—14/2/37.—(LXXXVII).

Mr. R. H. Garvey, Assistant Secretary, W.P.H.C.—18/1/38.—(LXXXV).

Mr. A. C. F. Armstrong, Acting Assistant Secretary, W.P.H.C.—25/6/38.—(LXXXVI).

Numerous visits have been made to Hull Island since 1937 by the Officer in Charge of the Phoenix Islands Settlement Scheme and various Administrative Officials attached to the Gilbert and Ellice Islands Colony.

On the 1st August, 1937, Mr. J. W. Jones was appointed Acting Administrative Officer, Phoenix Islands District, at Hull Island, in addition to being made a Deputy Commissioner for the Western Pacific, and since that date the island has never been without a resident European Administrative Officer. On the 30th August, 1937, a government wireless station was established on Hull and since then continuous wireless touch has been maintained with the outside world.

82. *Possible basis of United States Claim.*—It is suggested that the United States claim may be based on:—

- the possible discovery of the island, though on the evidence at present available it would appear uncertain who discovered it;
- the survey of the island by the United States Exploring Expedition;
- the fact that Mr. C. A. Williams was considered, until 1882, to possess certain rights over the island.

It should be noted that Boggs apparently claims Hull Island to be an American discovery, with a name of American origin, and that its position was first accurately fixed, or coast mapped, by Americans; he does not, however, claim that it was ever in American guano occupation—(Boggs, p. 179).

83. *Summary of British Claim.*—The British claim to Hull Island will presumably be based on it having been occupied in 1887 by Mr. J. T. Arundel, who had previously obtained a transfer from Mr. C. A. Williams of any rights which the latter may have possessed over the island. In 1891 an Occupation Licence was granted by the British Government to Mr. Arundel and since that date until its settlement in 1938 Hull has been throughout in British hands under a continuous series of Occupation Licences.

Among farther points strengthening the British claim may be mentioned:—

- the formal annexation of the island in 1889;
- the continuous development of the coconut plantations on Hull by British interests;
- its incorporation within the Gilbert and Ellice Islands Colony in 1937;
- the purchase by the British Government of the rights of the existing occupiers in 1938;
- the permanent colonization of the island by British subjects since 1938;
- the appointment of resident Administrative officials and the establishment of wireless communication;
- the fact that, in spite of the series of occupation licences granted by the British Government to British subjects and firms, no protest or claim to the island was made by any foreign Power until 1939.

It should be noted that at no time has Hull Island been occupied by, or utilized in any way, by the citizens of any foreign Power.

#### PART G.—SYDNEY ISLAND.

(Lat. 4° 27' S., Long. 171° 16' W.)

84. *Discovery.*—According to both the Reynolds Report and Findlay, Sydney Island was discovered by Captain Emmet, who is also supposed to have discovered Birnie, the date of the discoveries not being stated—(Reynolds, p. 10; Findlay, 1884, pp. 826–828). It has not been possible to trace the nationality of Captain Emmet from the records available locally, but as Boggs (p. 178) does not claim either Sydney or Birnie as American discoveries it would appear probable that he was either a British subject or the master of a British ship. In any case the

Phoenix Group of islands was a favourite whaling ground in the early years of last century and, as Sydney must have been sighted often enough by whale ships, nothing short of a search through the log-books of the various vessels can establish the name and nationality of the one which apparently saw the island first.

In 1840 and 1841 attempts were made by vessels belonging to the United States Exploring Expedition to visit Sydney Island but on each occasion it was missed. Captain Hudson, with the U.S.S. "Peacock" and "Flying-Fish," was under the impression that he had found Sydney on the 17th January, 1841, and an account of the island by Professor Dana is accordingly headed "Sydney" (Dana, p. 199); it was subsequently proved, however, that the island visited was Hull, which had been surveyed by Commodore Wilkes himself a few months previously—(Wilkes, Vol. III, pp. 369–371; Vol. V, p. 5). That Sydney did exist was evident from the statements of the Frenchman and Tahitians found on Hull, who had visited the island and stated that it lay some 60 miles to the eastward.

It is worth noting that the original name of the whole Phoenix Group was the "Sidney's Islands" and they are thus described on Arrowsmith's Charts: the present name of the Group was given by the United States Exploring Expedition—(Reynolds, p. 22; Findlay, 1884, p. 826). Reynolds describes the Sidney's Islands as being very numerous and varying in size from a couple of acres to twenty miles.

85. *Pre-European Occupation.*—The evidences of pre-European occupation on Sydney are very extensive and the island would appear to have been inhabited for a considerable period. The graves and mounds, which are mainly located on the north side of the island, were first investigated by Mr. J. T. Arundel, who also described a curious circular Fish Pond in the lagoon, proving that it must in the past have had some communication with the sea. An interesting account of Mr. Arundel's discoveries is contained in his lecture to the Geographical Society of the Pacific in 1885—(Arundel, 1890, p. 6). The Templeton Crocker Expedition, which visited the island in 1933 under the auspices of the Bernice P. Bishop Museum of Honolulu, succeeded in locating, measuring, and photographing nearly 30 of the stone structures on the island, which, according to Emory, are closely related to marae and house foundations found on Neiker, Nihoa, Malden, and some Tuamotuan islands—(Macgregor, p. 43).

86. *The American Guano Act, 1856.*—Sydney Island was bonded under the American Guano Act on the 8th February, 1860 (Bond No. 9) under the name of "Sidney's Islands"—(Moore, Vol. I, p. 568). A great number of islands in the Central Pacific region were also bonded at this time but no action was taken in the case of Sydney to implement the formal act of bonding by any practical exploitation of the guano deposits. While the name of the original bonder is not given in Moore, he is believed to have been either Mr. Charles Augustus Williams of Honolulu and later of New London, Connecticut, or else someone who soon sold out to him, for in 1881 Mr. Williams sent Mr. J. T. Arundel a "Memorandum of positions of Islands of the Phoenix Group" of which he states, "I think the positions must be very nearly correct as the handwriting seems to be my own of about 15 years ago, and probably the memo. is a copy of a record used by my vessels at that time." This memorandum mentions Sydney among the islands of the Phoenix Group—(LXV).

That Mr. Williams's interest in Sydney was, however, extremely slight is shown by his acknowledgment in his above-mentioned memorandum that although he had once landed on the island he had never taken possession—(LXV). He at no time shipped any guano from the island or utilized it in any other way (LXVI) and in 1871, after exhausting the deposits on McKean and Phoenix Island, he took no farther active interest in the Phoenix Group.

87. *Occupation by Mr. J. T. Arundel.*—Writing to Mr. Arundel on the 21st May, 1881, with reference to the Phoenix Group, Mr. Williams stated that: "Should you find anything on any of the islands which I formerly occupied I will make quit claim of all rights on your behalf" (LXV). Mr. Arundel accordingly stayed on Sydney from the 27th to the 30th July, 1881, and again from the 23rd to the 27th October in the same year and, "on each visit finding it unoccupied and without the slightest trace of occupation," left three natives with provisions for 12 months on the island with a notice stating that the island had been taken over—(V). Having occupied the island, Mr. Arundel thereupon applied to the High Commissioner for a Guano Licence and one was duly granted to him for three years as from the 1st November, 1881, the date of the grant being the 18th March, 1882—*vide* the *London Gazette* for 21/3/82, p. 1282—(LXXXVII).

Although, as stated above, Mr. Williams had never taken possession of Sydney Island, Mr. Arundel evidently thought it best to extinguish any claims, however nebulous, which he might possess and when in Paris in 1882 he got him "to relinquish all claims to Sydney and Hull and Gardner"—(LXVI).

In a letter to the Colonial Office dated the 4th February, 1882, the Admiralty stated that while in 1871 the Phoenix Group was said to be claimed by the American owned Phoenix Guano Company, nothing was known with regard to existence of guano on Sydney and indeed doubts had been expressed as to whether Hull and Sydney were not the same island. Apparently the only person who was known to have ever visited Sydney Island was "a Mr. Williams, of the Schooner 'E.L. Frost'", who was presumably none other than Mr. C. A. Williams himself, and he did not visit Hull—(LXV, Enc. 6).

88. *Guano Licence.*—The guano licence mentioned in the previous section provided for the payment of an annual minimum royalty of £100, instead of a fixed rental of £50 as in the case of Christmas, Caroline, Flint, and Vostock. Mr. Arundel protested vigorously against these new terms, pointing out that the United States Government charged no rent, much less royalty, in respect of their guano islands and "willingly accord protection in consideration of the extension of American commerce secured by granting these Licenses." He added that, "as the neighbouring islands of the Phoenix Group are held and worked by an old and valued American friend of mine, with whom in their working I am also connected in business," he could have easily worked Sydney

under his name and with an American licence, "or in fact with no protection whatever." In view of Mr. Arundel's representations, in the course of which he stated that Sydney was the third island which he had added to Her Majesty's Dominions during his 10 years residence in the Pacific, the Secretary of State agreed to cancel the licence previously issued and grant a fresh one for three years dating from the 1st November, 1882, on a fixed annual rental of £50, the date of the substituted licence being the 2nd October, 1882—(LXXXVIII). This principle of a fixed annual rent rather than a royalty was made to apply to all future guano licences, with the proviso that the rent should never be less than £50 per annum—(LXXXIX).

89. *Export of Guano.*—Having obtained the necessary railway equipment and other plant, the actual shipping of guano was commenced, it is believed, about April, 1883. As the main deposits were situated in the east side of the island, whereas the guano had to be loaded at the western anchorage, a railway track had to be laid round the north coast; the permanent way for this railway stands to this day and has been converted into a fine highway for the use of the settlers. A pier was also built from the beach to the edge of the reef, but this had disappeared by 1889—(Australian No. 152, p. 17).

In connexion with the guano workings a small pamphlet, entitled "Notes on Sydney Island, South Pacific Ocean", was published by Messrs. Houlder Brothers and Company, who financed Mr. Arundel, as a guide to shipping visiting the island—(Arundel, 1883). The exact quantity of guano taken off the island is not known but it is estimated to have been about 7,000 tons, the operations being in charge of a Captain Mann, assisted by a force of 96 labourers (46 from Niue and 50 from the Cook Islands). Sydney Island was finally abandoned, as far as the working of the guano deposits was concerned, during July, 1885, the employees being taken to Canton Island. When H.M.S. "Miranda" visited Sydney in May, 1886, there were only two natives ashore in charge of the buildings, and Mr. Ellis, the Manager at Canton, informed Commander Rooke that all the plant on Sydney was being removed to Baker Island but that it was intended to retain Sydney as a coconut plantation—(Rooke, pp. 2, 3, 7).

During January, 1885, while Mr. Arundel was still working the deposits, an exceptionally strong westerly gale swept over the Phoenix Group and on the 6th the barque "Lorenzo", which was anchored off Sydney, was swept ashore through her cables parting—(Rhodes, Vol. II, p. 240).

That Mr. Arundel himself also spent some time on Sydney is indicated by the fact that his daughter, Sydney Dorothy, now Mrs. Aris, was born on the island on the 11th September, 1884.—(London Times—9/10/84). Mrs. Arundel was a sister of Charles Whitley, the historian.

90. *Coconut Plantation.*—In accordance with his usual custom when leasing islands, Mr. Arundel planted Sydney with coconuts at the same time as he worked the guano deposits and, on the expiration of his guano licence, he applied for a Coconut planting Licence. A licence was duly granted on the 4th March, 1886, for 21 years, at an annual rent of £25—(VI; VII).

The history of the coconut plantation on Sydney Island is uneventful. Section by section the bush was cut down and burned off until the whole island was planted up. When Commander Oldham visited Sydney in 1889 he reported that it was "now planted with cocoa-nuts", and it is probable that the best part of the island had been dealt with before the labour left for Canton in 1885—(Australian No. 152, p. 19). On the 21st September, 1893, at the request of Mr. Arundel, the Secretary of State agreed to extend the Coconut planting Licences for Sydney and other islands, to the 1st February, 1915, in order to bring them into line with the lease for Starbuck Island—(VIII, Enc.).

91. *The Pacific Islands Company, Limited.*—In 1897 the Pacific Islands Company, Limited, of which Lord Stanmore was Chairman, took over the business of Messrs. John T. Arundel and Company, Mr. Arundel remaining as Vice-Chairman of the new Company. In addition to Sydney, the Company held Coconut planting Licences from the British Government in respect of several other islands in the Phoenix and Line Groups—(XXIII). On the 30th December, 1901, Lord Stanmore informed the Colonial Office that while Sydney Island had been planted the trees were not yet mature enough to supply a yield of copra, and he requested long term leases for all the Company's islands in order to attract the capital necessary for their development—(IX, Enc. 3).

92. *Lever's Pacific Plantations Limited.*—In view of Lord Stanmore's representations the Secretary of State agreed to the issue of a new Lease for 99 years at a joint annual rental of £200 for all the islands for five years, to be succeeded by a royalty based on copra export. The Pacific Islands Company, Limited, then sold all their interests in Sydney and their other coconut islands, with the exception of Starbuck and Jarvis, to Lever's Pacific Plantations Limited, and on the 16th September, 1902, the Colonial Office granted a Lease, as mentioned above, to the latter Company, the royalty being fixed at 2s. per ton of copra exported—(IX, Enc.).

93. *The Samoa Shipping and Trading Company, Limited.*—During Lever's tenure of Sydney the trees on the island came into full bearing. According to report, during the early years of the century much was done by the Company to improve their property and, in particular, a channel was blasted through the reef to facilitate the shipping of copra and a 15,000 gallon cast iron tank, which is still on the island, erected for the storage of drinking water. However, their interest in the Phoenix Islands steadily declined until, on the 31st December, 1914, they sold Sydney and their other islands in the Group to the Samoa Shipping and Trading Company, Limited, of Sydney, New South Wales, who had for some time undertaken the work of maintaining touch with the Group and collecting the copra from Hull and Sydney on behalf of Lever's. An index of the moribund state into which Lever's interests in the Phoenix had degenerated prior to their transfer may be gauged from the fact that the copra exported from the entire Group during the year 1914 did not amount to five tons—(LXXI, Enc.). The new Occupation Licence issued to the Samoa Shipping and Trading Company, Limited, was for a term of 87 years from the 1st January, 1914, at a minimum royalty of £60 per annum in respect of the six islands (McKean and Enderbury being excluded from the lease)—(LXX, Enc.).

The new Company, which under the managership of Captain Allen established its headquarters at Funafuti in the Ellice Islands, was scarcely more successful in developing the resources of the Phoenix Group than the previous firm and, on the death of Captain Allen, went into liquidation. In general the Company's plantations on Sydney were not as well looked after as those on Hull and the manager in charge was usually a half-caste. In May, 1923, when the island was visited by Mr. R. Greene, the Secretary to the Western Pacific High Commission, the annual copra output was found to be 50 tons, as against 70 for Hull, and "the Island was badly kept, very unclean, neglect struck one on all sides, and compared very unfavourably with Hull Island—(LXXXIII). In 1925, Sydney was abandoned by the Company.

94. *Burns, Philp (South Sea) Company, Limited.*—On the 30th November, 1926, Messrs. Burns, Philp (South Sea) Company, Limited, of Suva, Fiji, purchased the interests of the Samoa Shipping and Trading Company, Limited, (in liquidation) for £2,000 and the Occupation Licence for the six islands leased by the Company was transferred by Deed of Assignment—(LXXII, Enc.). The new Company recommenced work on both Hull and Sydney Islands but owing to the low price of copra were soon in difficulties. From 1926 to 1929 the Manager of Sydney was Mr. Frank Partsch, a Samoan born European, who was assisted by seven Tokelau Islanders, with two women and three children—(XC, Enc.).

Mr. S. F. Anderson, who visited Sydney in January, 1931, found Mr. J. Pedro, a half-caste who is at present working on the Settlement Scheme, in charge of the island. As there had been a considerable amount of rain during the past year the trees were heavily laden with young nuts and "under several trees platforms have been erected to take the weight of the nuts to prevent the trees from falling"—(LXXXIV). Since the Company was unable to make the Phoenix Islands plantations pay the Secretary of State agreed to a partial or total remission of royalty in each of the years 1930 to 1936 but in spite of this concession the islands were abandoned in 1932 and not re-occupied until June, 1937. In 1937, Mr. J. W. Jones commenced to work Sydney conjointly with Hull by agreement with Burns, Philp, who undertook to purchase all copra produced by him at a fixed price per ton. In 1938 Messrs. Burns, Philp, estimated the planted area to be about 300 acres.

95. *Native Colonization Investigations.*—In 1930, after his visit to the Phoenix Group, Mr. S. F. Anderson suggested that several islands were suitable for settlement by the surplus population of the Gilbert and Ellice Islands. During the years following the population pressure and land hunger in the Gilbert Group became steadily more acute and in 1934 the natives of Beru petitioned the government to be allowed to colonize the Phoenix Islands; finally, in 1937, an expedition was sent to visit each island in the Group and investigate its value from the point of view of native settlement. The expedition spent the 23rd and 24th October on Sydney Island and considered it to be eminently suitable for colonization. It was considered that about 400 Gilbertese could be sent to the island immediately and that eventually, when fully planted, it would support at least 900 natives—(Maude, pp. 11, 12, 16, 17).

96. *Colonization of the Island.*—As a result of the findings of the investigating expedition, it was decided to take over the Phoenix Islands for the purpose of native settlement and on the 24th December, 1938, the interests of Burns, Philp (South Sea) Company, Limited, were transferred to the Government of the Gilbert and Ellice Islands Colony by Deed of Surrender, the purchase price being £7,500 (Australian)—(LXXXIII).

An advance party consisting of 41 settlers, including 9 men, 10 women, and 22 children, chosen from the islands of Nonouti, Beru, Nikunau, Onotoa, Tarawa, and Arorae, in the Gilbert Group, was landed on Sydney on the 25th December, 1938—(LXXIV, Enc.), these pioneers being followed, on the 1st May, 1939, by a second party of 108 colonists. Since September, 1939, a farther 128 Gilbertese have been landed, the number of permanent residents now on the island, after allowing for births, deaths, and repatriations, now amounting to 260. The latest reports from the Acting Officer in Charge of the Settlement Scheme indicate that, owing to the planted area having proved to be less extensive than had been estimated, the island will only take a farther 50 colonists at present. About a third of the island remains, however, government property and it is intended to plant a portion of this area, which should then support a farther 200 settlers.

A detailed account of the work of native colonization on Sydney is contained in the various progress reports of the Officer in Charge of the Scheme—(XCI: LXXIV: LXXV, Encs.). These reports show how a periodically abandoned island containing a small, profitless and almost derelict coconut plantation, has been converted into the prosperous and smiling home of hundreds of contented natives, with its own villages, schools, hospital, churches, co-operative society, and every amenity of native life.

97. *Annexation.*—Sydney Island was formally placed under British Protection in 1889, by Commander Oldham of H.M.S. "Egeria." The following extracts are from the record of the vessel's visit:—

"On the 30th June Sydney Island was sighted, and at daylight the following morning I communicated with three Kanakas who were living here in charge of some huts.

Landing was effected with considerable difficulty, the boat being knocked about and damaged both in going and returning through the surf.

A board was found nailed up in one of the huts, proclaiming that the island was leased to J. T. Arundel by Her Majesty's Government. As I had no other information that the island was a British possession, I hoisted the Union Jack and left a board with a notice painted on it, declaring the island under British protection.

I then proceeded to survey the island, making ship's stations with boats moored on the edge of the reef, and using a steamboat for towing the boats to their positions.

The anchorage is a fairly good one, the best that was found in the islands visited.



On the 27th observations were obtained to fix the position, and the boats employed sounding and making sectional soundings off the island. . . . ." (Australian, No. 152, pp. 16, 17, 19).

Sydney Island, together with the rest of the Phoenix Group, was included within the boundaries of the Gilbert and Ellice Islands Colony by Order in Council dated the 10th March, 1937. By Proclamation No. 9 of the 1st August, 1937, the Phoenix Group was declared to be a separate District within the Gilbert and Ellice Islands Colony.

98. *Visits of His Majesty's Ships.*—The first British warship known to have visited Sydney Island was H.M.S. "Miranda" on the 14th May, 1886. A landing was made and the position of the island fixed by observations. Two employees of Mr. Arundel were living ashore and the beach was strewn with the wreckage of the barque "Lorenzo." Apart from the visit of H.M.S. "Egeria" in 1889, which has been mentioned in the previous section, I have been unable to trace the record of any other warship calling at Sydney Island until 1923: it would appear probable, however, that a search of the Admiralty records would reveal that many visits have in fact taken place. Since 1923 the visits of H.M. Ships have been fairly frequent, included among them being the following:—

H.M.S. "Laburnum"	.. ..	29 May, 1923.
H.M.S. "Veronica"	.. ..	July, 1925.
H.M.S. "Dunedin"	.. ..	5 August, 1928.
H.M.S. "Wellington"	.. ..	15 August, 1935.
H.M.S. "Leith"	.. ..	13 February, 1937.

99. *Visits of Government Officials.*—The first Administrative official known to have visited Sydney was Mr. R. Greene, Secretary to the Western Pacific High Commission, on the 29th May, 1923—(LXXXIII, Enc.). Later visits were those of:—

Mr. W. C. B. Baverstock, District Officer, Fanning Island—5/8/28—(XC).

Mr. S. F. Anderson, District Officer, Ellice Islands—20/1/31—(LXXXIV).

Mr. J. C. Barley, Resident Commissioner, Gilbert and Ellice Islands Colony—13/2/37—(LXXVII).

Numerous visits have been made to Sydney Island since 1937 by the Officer in Charge of the Phoenix Islands Settlement Scheme and various Administrative Officers attached to the Gilbert and Ellice Islands Colony. Mr. G. B. Gallagher, Administrative Officer, has resided on Sydney from the 25th December, 1938, to the 9th June, 1939, and again from January to May in the present year, in charge of the colonization operations on the island; from the 1st May to the 9th June, 1939, he was joined by Mr. H. E. Maude, Officer in Charge of the Phoenix Islands Settlement Scheme.

Since the 25th January, 1938, when a government wireless station was established on Sydney, constant wireless touch has been maintained with the outside world.

100. *Possible basis of United States Claim.*—It is not known on what grounds the United States can be basing their claim to Sydney, other than the bonding of the island, under the American Guano Act, on the 8th February, 1860, and the rather nebulous rights which Mr. Williams may at one time have possessed over it.

It should be noted that Boggs does not claim Sydney Island to be an American discovery; or that its name is of American origin; or that its position was first accurately fixed, or coast mapped, by Americans; or that it was ever in American guano occupation—(Boggs, p. 179).

101. *Summary of British Claim.*—The British claim to Sydney Island will presumably be based on its occupation by Mr. J. T. Arundel in 1881; the transfer of Mr. Williams's rights to Mr. Arundel in 1882; and the annexation of the island in 1889. From 1882 until its settlement in 1938 Sydney has been throughout in British hands under a continuous series of Occupation Licences.

Any farther points strengthening the British claim may be mentioned:—

- (a) the exploitation of the guano deposits by a British subject from 1883 to 1885;
- (b) the continuous development of the coconut plantations by British interests;
- (c) the survey of the island, and the fixing of its position, by Commander Oldham in 1889;
- (d) the incorporation of the island within the Gilbert and Ellice Islands Colony in 1937;
- (e) the purchase of the British Government of the rights of the existing occupiers in 1938;
- (f) the permanent colonization of the island by British subjects since 1938;
- (g) the establishment of wireless communication;
- (h) the fact that, in spite of the series of occupation licences granted by the British Government to British subjects and firms, no protest or claim to the island was lodged by any foreign Power until 1939.

It should be noted that at no time has Sydney Island been occupied by, or utilized in any way, by the citizens of any foreign Power.

## SECTION II.—THE LINE ISLANDS.

## PART H.—THE LINE ISLANDS—A GENERAL SURVEY.

102. *The Line Islands*.—The islands usually known as the Line Group are situated in the Eastern Pacific Ocean, between latitudes 6° north and 11° south and longitudes 150° and 162° west. Lying between Hawaii and Tahiti, they are all of them typical coral islands, low and flat, the only one of any size being Christmas, which is said to be the largest coral atoll in the Pacific Ocean. From the point of view of their general appearance the islands, like those of the Phoenix Group, fall into three sub-groups; firstly, the four Northern Line Islands, (often called the America Group), consisting of Kingman Reef, Palmyra, Washington, and Fanning, which lie in the Northern Pacific rain belt and are covered, except for Kingman Reef, with a luxuriant growth of coconut and other trees; secondly, the central islands of Jarvis, Malden, and Starbuck, situated in the equatorial doldrum area and consequently rather barren and subject to periodic droughts; and thirdly, the three Southern Line Islands—Caroline, Vostok, and Flint—which are well within the southern rain belt and support a comparatively rich vegetation. Christmas Island, which lies between the northern and central sub-groups, has a climate somewhat similar to that of the Central Gilbert Islands, with occasional periods of drought but nevertheless with a sufficient average rainfall to enable the coconut palm, with the rest of the characteristic "dry island" flora, to flourish. Of the eleven islands in the Group, only Christmas, Malden, Starbuck, and the three southern islands are dealt with in this Report, as Kingman Reef, Palmyra, and now Jarvis Island, have been annexed by the United States, without protest from Great Britain, and the British claim to Washington and Fanning is not, apparently, in question. The writer visited Washington, Fanning, and Christmas in 1939 and a full account of these islands is contained in his report—(C, Enc.).

In view of the difficulty in obtaining reliable information concerning the less known islands of the Central Pacific it is probably worth while recording here the name of the authority and work giving the best and most complete descriptive account of each island—

*Palmyra Island*.—Rock, J. F.—"Palmyra Island, with a description of its flora". 1916.

*Washington Island*.—Dixon, J. A.—"Washington Island". 1907.

*Fanning Island*.—Hayward, J. A.—"Report on Fanning and Washington Islands". 1912.

*Christmas Island*.—Rougier, Rev. E.—"Ile Christmas". 1914.

*Jarvis Island*.—Hague, J. D.—"Our Equatorial Islands: with an account of some personal experiences".

*Malden Island*.—Dixon, W. A.—"Notes on the Meteorology and Natural History of a Guano Island". 1877.

*Starbuck Island*.—Arundel, John T.—"Phoenix Group and other Islands of the Pacific". 1890.

*Caroline Island*.—Young, J. L.—"Notes on Flint, Caroline, and Vostok Islands". C. 1922.

*Vostok Island*.—Young, J. L.—"Notes on Flint, Caroline, and Vostok Islands". C. 1922.

*Flint Island*.—Young, J. L.—"Notes on Flint, Caroline, and Vostok Islands". C. 1922.

Fuller details concerning each work are given in the bibliography at the end of this Report.

103. *The extent of American interests*.—Though frequently visited by the whalers, Starbuck was actually the only Line Island dealt with in this Report to be discovered by a whaling ship, the remainder being first sighted by exploring expeditions on warships. Of the six islands, four rank as British discoveries and one as a Russian, while the vessel that discovered Flint, although her name has not been traced, was at any rate apparently not American. The only practical interest taken in these islands at any time by American citizens would seem to be their bonding under the American Guano Act, 1856, but although all the islands were duly bonded, in no instance was any attempt made to exploit the guano deposits. It is true that in 1872 three employees of Mr. C. A. Williams, an American citizen, spent a brief period on Christmas, but this act, barren of any practical results and soon abandoned, is only noteworthy as representing the sole attempt made by any citizen of the United States to occupy or utilize any of the islands now claimed.

104. *British occupation*.—Caroline was the first of the six islands to be occupied, for as long ago as 1846 the British firm of Collie and Lucette had established a stock raising venture there. The island subsequently passed through the hands of Lionel Brown and Captain Brothers and in 1873 was acquired by Mr. John T. Arundel, who had extensive phosphate-guano and coconut planting interests throughout the Central Pacific area. Besides acquiring Caroline Mr. Arundel was the first to occupy Starbuck (1870), Flint (1872), and Vostok (1873), the islands being in every case duly leased from the British Government. In marked contrast to the temporary exploitation characteristic of the activities of the American guano interests in the Central Pacific, it was a fixed rule of the various companies with which Mr. Arundel was associated that the islands worked by them should be regarded as permanent assets and that, as such guano deposits as they might possess became exhausted, coconuts should be planted to provide an exportable commodity which would justify their permanent occupation. In accordance with this policy Caroline and Flint were converted into coconut plantations, which are being worked to the present day, while the occupation of Starbuck and Vostok had eventually to be abandoned, the former because the coconut planting operations proved a failure and the latter presumably because its small size made a plantation an uneconomic commercial proposition.

Of the remaining two islands, Malden was occupied about the year 1860 by the firm of Grice Sumner and Company, Limited, who continued to work the valuable guano deposits on the island until 1927, when the state of the guano market forced them to withdraw; an attempt to develop the island as a coconut plantation having failed. Christmas was leased from the British Government by Dr. Crowther, of Tasmania, in 1865, but he subsequently withdrew and the permanent occupation of the island did not commence until 1882, when the New Zealand firm of Henderson and Macfarlane began to plant coconuts on an extensive scale.

105. *Recent History.*—In 1897 Starbuck, Caroline, Vostok, and Flint were taken over from John T. Arundel and Company by the Pacific Islands Company, Limited, and in 1902 Starbuck passed into the hands of the Pacific Phosphate Company, Limited, (who finally surrendered their licence in 1920), while Caroline, Vostok, and Flint were purchased by Lever's Pacific Plantations Limited. This firm continued as licensees until 1910, when they sold the three islands to the New Zealand firm of S. R. Maxwell and Company, Limited, who went into voluntary liquidation in 1934. Christmas passed into the nominal control of James Morrison and Company, Limited, of London, in 1892, although Henderson and Macfarlane continued to work the island, and in 1898 it was sold to Lever's Pacific Plantations Limited. Finally, in 1914, the leasehold of Christmas was purchased by Central Pacific Coconut Plantations Limited, of which Father Emmanuel Rougier was Director, for £10,000.

106. *The Present Position.*—At the present time, out of the six Line Islands dealt with in this Report the Occupation Licences of Malden and Starbuck have been surrendered and the islands abandoned; Caroline and Flint are still being run as coconut plantations by the liquidator of S. R. Maxwell and Company, Limited; Vostok is leased, but not occupied; while Christmas is temporarily abandoned by Central Pacific Coconut Plantations Limited owing to the low price of copra. For administrative purposes Christmas has been included within the boundaries of the Gilbert and Ellice Islands Colony since 1919, while the other five islands are still directly controlled by the High Commissioner for the Western Pacific. As the only British islands in the Pacific not now included in some Dominion, Colony, Protectorate, or the Pitcairn Islands Dependency, their position is somewhat unsatisfactory and suggestions have been made to declare them part of the Gilbert and Ellice Islands Colony, within whose boundaries they logically fall.

107. *Aviation and Native Settlement.*—Increasing attention has been paid to the Line Group of recent years owing to the importance of certain islands from the point of view of aviation and native settlement. Of the six islands now under discussion the only one of value from an aviation standpoint is Christmas, which is held to have considerable potential importance. In order to strengthen the British claim to the island an Administrative Officer has been stationed there since 1937, and constant communication kept with the outside world by means of the Government wireless installation. As an outlet for the surplus population of the Gilbert and Ellice Islands both Christmas and the three Southern Line Islands—Caroline, Vostok, and Flint,—have great value. Owing to the visit of the officer in charge of settlement operations to Christmas in 1939 perhaps more attention has been paid to this island than to the Southern Line Group in that connexion, but it should be recorded that either Christmas or the three more fertile Southern Line Islands would probably satisfy the colonization requirements of the Gilbert and Ellice islanders for the present generation, though Christmas has the greater value as providing room for future population increase.

#### PART I.—CHRISTMAS ISLAND.

(Lat. 1° 58' N., Long. 157° 27' W.)

108. *Discovery.*—Christmas Island was discovered by Captain James Cook, with H.M. Ships "Resolution" and "Discovery," on the 24th December, 1777. Cook anchored off the island from the 25th December, 1777, to the 2nd January, 1778, as he was anxious to observe an eclipse of the sun, due to take place on the morning of the 30th December. The land is described as being very barren though "a few coconut trees were seen in two or three places." Much fishing was done and about three hundred turtle caught but otherwise the visit was uneventful, apart from the fact that two seamen got lost on the island, one for no less than two days, an early testimony to the size of the atoll, the largest in the Pacific. In the account of his visit Cook states that:—

"There were not the smallest traces of any human being having ever been here before us; and, indeed, should any one be so unfortunate as to be accidentally driven upon the island, or left there, it is hard to say that he could be able to prolong existence there. A ship touching here must expect nothing but fish and turtle, and of these an abundant supply may be determined upon"—(Cook, p. 329).

Before his departure, Cook planted some coconuts and yams which he had with him on Sandy Island (now Cook Island), which divides the lagoon entrance into two channels. These coconut trees did not, apparently, reproduce themselves, as Bennett found none growing when he landed on Cook Island in 1835—(Bennett, p. 382). The whole atoll was christened Christmas by Cook, from the fact that the two ships had spent Christmas Day anchored off the island—(Cook, pp. 327-329). The position of the island was fixed, with the navigator's usual accuracy, as being in lat. 1° 58' N., and long. 157° 38' W.

109. *Pre-European Occupation.*—That Christmas Island was occupied at some time prior to its discovery is clear from the numerous archaeological sites found on the island, 12 of which were investigated by the "Kaimiloa" expedition of the Bernice P. Bishop Museum in 1924. The evidence so far available suggests that Christmas was never permanently inhabited but that Polynesian castaways and visitors *en route* to more fertile islands lived there from time to time while refitting and recuperating prior to continuing their journey—(Emory, pp. 17-24). Dr. Buck, in his "Vikings of the Sunrise," suggests that Christmas was frequently visited by canoes "following the Golden Plover" from Tahiti to Hawaii—(Buck, pp. 136-145).

110. *Early Visitors.*—Apart from the account of its discovery, the first printed record of a visit to Christmas Island is contained in the narrative of F. D. Bennett, who landed there in 1834 while on a voyage round the world on an English whaler. Bennett sighted the island on the 6th May, and remaining there for several days had a good opportunity for exploring parts of the island; an excellent account of his visit is given in his "Narrative of a Whaling Voyage round the World"—

(Bennett, Vol. I, pp. 379-388). While the island was unoccupied at the time, Bennett records that more than 50 coconut palms had been cut down by visitors, who had recorded their names on the trunks of surviving trees. He states that, "Since its discovery Christmas Island has seldom been visited, excepting by a few South-Seamen, which touch there to obtain turtle, fish and cocoa-nuts."

Shortly after Bennett's visit, on the 10th October, 1836, the English whaling ship "Briton" was wrecked in the treacherous Bay of Wrecks on the north-eastern coast. Captain George Benson and his crew spent more than seven months on the island before being taken off by the American whaler "Charles Frederic" on the 23rd May, 1837. During his enforced period of residence, Captain Benson, who appears to have been of an unusually energetic temperament, occupied himself in exploring, charting, digging wells and planting coconuts as landmarks. He wrote a most interesting account of Christmas, which appeared in the "Hawaiian Spectator" for 1838, accompanied by the first chart of the island with any pretensions to accuracy—(Benson, pp. 64-68). Like Bennett, Benson found that several whale ships had visited the island and left the names of their crews on the palms forming the grove by the south shore of the southern entrance to the lagoon. Surgeon F. H. Tresilian, of the "Briton," who also apparently left an account of his visit, states that "It appears a number of ships have been there, as many of the trees were cut down, with a variety of English and American ships' names marked in them, but none were dated later than 1834—(XCII, Enc. 3). Both Bennett and Benson found that Cook had greatly underestimated both the size of the island and the number of coconut trees on it; Benson estimating about 2,000 trees, in several clumps, whereas Cook considered that there were not more than 30, a difference which could not be accounted for either by natural increase or planting by whalers.

The next known visit to Christmas was made by Captain Scott, R.N., of H.M.S. "Samarang" in 1840 (Findlay, quoted in XCII), an account being presumably on record in the Admiralty. The low-lying nature of the land coupled with the strong inshore set of the current in the north-eastern bight has led to many wrecks besides that of the "Briton": among those recorded may be mentioned the Bremen whaler "Mozart" in December, 1847, and the Chilean merchantman "Maria Helena" on the 5th January, 1848. The "Mozart," laden with 4,000 barrels of oil and a considerable quantity of bone, was fortunate in being in company with an American whaler "J.E. Donnell," which rescued all hands, but the passengers and crew of the "Maria Helena" had to remain on Christmas until the 16th March, when they were rescued by the French sloop-of-war "Sarcelle."

Lucette, a British subject, of the British firm of Collie and Lucette, whose headquarters were in Tahiti, called at Christmas on the 10th July, 1848, while on his way from Caroline Island to Fanning Island. Messrs. Collie and Lucette were by far the earliest concern of any nationality to take an interest in the development of the uninhabited islands of the Central Pacific and not only owned a stock raising establishment on Caroline but also a coconut oil manufactory on Fanning Island. Lucette did not appear to think much of Christmas and contented himself with annexing anything useful from the remains of the wrecks of the "Mozart" and "Maria Helena." He discovered a journal of the wreck of the latter vessel, which is reproduced in full in his account of the island—(Lucette, Vol. II, pp. 234-245).

111. *The American Guano Act, 1856.*—Christmas Island was bonded under the American Guano Act on the 29th December, 1859 (Bond No. 7). It should be noted that section 5,570 of the Revised Statutes of the United States (embodying the provisions of the above Act) provides that:—

"Whenever any citizen of the United States discovers a deposit of guano in any island, rock, or key, not within the lawful jurisdiction of any other Government, and not occupied by the citizens of any other Government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States."

The discoverer of the guano deposits on Christmas, for the purposes of this section, was Captain John Stetson, of New Haven, Connecticut, who was said to have visited the island "prior to 1857." The "peaceable possession" required by the section was taken on the 20th June, 1858, by Captain J. L. Pendleton, of the ship "John Marshall," on behalf of A. G. Benson and Associates, under a deed from Stetson dated the 11th May, 1857—(Moore, Vol. I, pp. 567-572). Captain Pendleton was the Commodore of the American guano fleet, of which the "John Marshall" was the flagship, while Benson is believed to have been the agent of one of the three American guano companies formed at the time—(XCII, Enc. 3). On the 13th May, 1857, A. G. Benson assigned all his interests in Christmas Island to G. W. Benson who, on the 24th November, 1858, conveyed them in turn to the United States Guano Company, of New York. On the 29th December, 1859, the United States Guano Company furnished an approved bond under the statutes, as mentioned above.

Although a brief visit was made to Christmas Island in 1858 by Dr. Judd, of the Hawaiian Mission, who was the general agent for Howland, Baker, and Jarvis Islands of the American Guano Company, nothing was apparently done to follow up the bonding of the island until 1872. In that year Mr. C. A. Williams, a commission agent of Honolulu, who had succeeded Dr. Judd as general agent of the American Guano Company from 1866 to 1870, sent three employees to occupy Christmas, possession of the island being taken by the United States ship "Narragansett" in June or July of the same year—(XCII, Encs. 3, 4; Phillips, pp. 653, 654; Moore, Vol. I, p. 573). It is not known how long Mr. Williams's employees remained on Christmas, but in 1878 Mr. Houlder reported that Mr. Williams had given up his occupation and in 1880 H.M.S. "Pelican" found it uninhabited and a notice erected by the landing place to the effect that the island was leased from Her Majesty Queen Victoria by Houlder Brothers and Company, of London—(XV, Enc. 3). No farther interest was taken in Christmas Island by the American guano firms and indeed by 1872 they had practically ceased from all active work in the Central Pacific area.

112. *Dr. Crowther.*—The first application to the British Government for a guano licence in respect of Christmas Island was made in 1865, when certain British subjects requested Crown leases to enable them to work and export the guano deposits. The question was referred to the Queen's Advocate, who informed the Colonial Office that as the island did not bear trace of the domination of any foreign power and had been discovered by subjects of Her Majesty, it would be considered as accruing to the Crown should it think proper to take possession; and that therefore no reason could be seen for refusing to comply with the request for the grant of a lease—(XCII, Enc. 4).

Licences for Christmas Island (and two other islands) were accordingly granted to Dr. Crowther of Tasmania in 1865. Dr. Crowther appears to have actually occupied the island, for the Colonial Office, in a letter to the Foreign Office dated the 24th October, 1873, stated that "it was not known how far Mr. Crowther's occupation of the island was continuous"—(XCII, Enc. 4). The working of the guano deposits proved, however, to be unprofitable and, at his own request, Dr. Crowther's licence was cancelled in 1869—(Moore, Vol. I, p. 573).

113. *Mr. Alfred Houlder.*—In 1871 a fresh licence was granted by the British Government to a Mr. Alfred Houlder, of the firm of Houlder Brothers and Company, of London, for nine years from the 9th June. Mr. Houlder's representative arrived on Christmas Island to survey the guano deposits on the 5th July, 1872, to find it occupied by Mr. Williams's employees, with a notice-board erected on the shore announcing that the U.S.S. "Narragansett" had taken possession of the island a few days previously—(vide section 111). Mr. Houlder's licence was thereupon cancelled at his own request. At the same time it was held that, although it might be said that Her Majesty's Government had exercised sufficient rights to invalidate, if thought advisable, the claim of the United States Government, it would not be advisable to raise the question of possession in respect of an island so far distant from any British Colony as was Christmas Island—(Moore, Vol. I, p. 573; XCII, Enc. 4).

In 1878 Mr. Houlder again applied for a lease, since Mr. Williams had by that time given up his occupation; but his application was refused by the Colonial Office, who required more definite information as to the abandonment of all claims upon the island by the United States Government.

114. *The United States Claim.*—The United States Government, who were thereupon asked whether they had withdrawn their claims to Christmas, referred to the papers on which the United States Guano Company's title rested (vide section 111), and observing that "no notification" had been received that the Company had "abandoned" the island, said: "They (the Company) are still considered to be entitled to the protection guaranteed by the laws of the United States, in their possessory right, so far as such occupation may be necessary to secure to the Company, or its assigns, the deposits of guano found thereon."—(Moore, Vol. I, p. 573).

The incident is referred to by Mr. J. T. Arundel, who was for many years connected with the firm of Houlder Brothers and Company, in a letter to the High Commissioner for the Western Pacific dated the 16th November, 1881, in which he says:—

"That (in common with our own) continuous possession is not judged necessary by the American Government to maintain rights, I would mention that when in 1879 we applied to the Imperial Government for a licence to work Christmas Island, the matter was referred by our Foreign Office to the United States Government, the island having been once temporarily occupied by the Americans, and the reply of the latter was to the effect that Christmas Island was still claimed by the American Guano Company, and our request was of course declined . . . . It must have been at least 10 years since the American Guano Company had been in occupation."—(LXV).

In section (6) of the Foreign Office memorandum on Christmas Island attention is drawn to the discrepancy between the statement made by the United States Government in April, 1879, to the effect that possession had been taken of Christmas Island by the Captain of the ship "John Marshall" and that contained on the notice-board found on the island in 1872. This discrepancy is, I think, only apparent, as the former possession was the "peaceable possession" of the guano deposits, required under section 5,570 of the Revised Statutes, while the notice-board referred to what was presumably the taking possession of the island itself on behalf of the United States Government. It may be conjectured, however, that the action of the U.S.S. "Narragansett" was unauthorized, or in some way irregular, for the United States Government, in their correspondence with the Foreign Office, would appear to ignore it and base their claims on the bonding of the island under the American Guano Act.

115. *The Guano Deposits.*—In spite of the island having been bonded, the actual deposits of phosphate-guano on Christmas would appear to be small and almost worthless and it appears that they were at no time commercially worked by any American guano company. J. D. Hague, the leading American technical authority on the guano deposits, writes in 1862 of Christmas Island—

"Christmas Island is a well known lagoon, 30 miles long, trending east and west, having much vegetation. Much has been said by speculators of its rich deposits, but I have good reason to believe there is no guano worthy of mention on the island. Samples that I have examined were chiefly coral sand."—(Hague, 1862, p. 13).

Hague spent the years 1859–61 visiting and exploring a large number of coral islands lying along the Pacific equatorial belt in search of guano deposits, his employer being William H. Webb, of New York, who is understood to have been interested in the American Guano Company. As it was this Company who bonded the Christmas Island deposits, Mr. Hague's statement carries some weight—(Hague, 1862, p. 1; 1902, p. 659). In Hague's later article, entitled "Our Equatorial Islands," published in 1902, there is no mention of the deposits on Christmas having been worked at any time.

Rougier, in his book on Christmas Island, under the heading of "Guano or Phosphates," writes, "A by-product also. I found very little, although by its position and its millions of birds the island must have some"—(Rougier, 1914, p. 114). Finally Ellis, the recognized British autho-

rity on the Pacific deposits, states with regard to Christmas, "No deposits of phosphate-guano have been located there"—(XXII, p. 3). As there are no records of any British firm having worked the island for guano on a commercial scale, it may be safely stated that the deposits, if indeed there are any, lie untouched to this day.

116. *Occupation by Messrs. Henderson and Macfarlane.*—On the 23rd September, 1880, Commander Dicken of H.M.S. "Pelican" was informed by Mr. J. T. Arundel, who was then at Fanning Island, that "the islands of Christmas, Vostok, Caroline, and Flint are leased by Houlder Brothers from the English Government," and on calling at Christmas three days later he found a notice by the landing place to the same effect—(XV, Enc.). About the year 1880, furthermore, a considerable number of coconuts were planted on Christmas by Mr. William Greig, of Fanning Island, presumably acting on behalf of Houlder Brothers and Company. The groves planted by Mr. Greig are frequently referred to by Father Rougier and other later writers—(Rougier, 1912, p. 1; Emory, pp. 20, 21; Christopherson, p. 14). It seems evident that Mr. Arundel took it for granted that the British authorities would grant Mr. Alfred Houlder's application, made in 1878, and that, when news of the government's refusal reached him, he took no farther steps to obtain possession.

Apart from Mr. Greig's temporary visit, therefore, Christmas remained unoccupied until the 17th April, 1882, when the master of the ship "Ryno," belonging to Messrs. Henderson and Macfarlane of Auckland, New Zealand, landed on the island and, finding it untenanted, hoisted the British flag and took possession of it in the name of that firm. The master left one of his men on the island, made a declaration of the above facts and claimed the protection of the British Government. The declaration was recorded with Her Majesty's Consul at Samoa on the 18th May, 1882—(Moore, Vol. I, p. 573; XCII, Enc. 4).

In October, 1884, H.M.S. "Constance" visited Christmas, which was described by the Captain as "English." He reported it to be owned by Messrs. Henderson and Macfarlane, who had a resident manager, Mr. Edward Freeman, on the island, together with five native labourers; the article exported being black-edged pearl shell. He also stated that the French had designs on the island. In November, 1885, when the island was visited by H.M.S. "Satellite," Mr. Freeman was still found to be in charge—(XCII, Enc. 4).

In October, 1886, Mr. Frederick J. Moss, a member of the House of Representatives of New Zealand and later Resident Commissioner of the Cook Islands, visited Christmas on board the schooner "Buster," which Henderson and Macfarlane were sending "to make, for the first time, a complete round of their old stations and to find proper sites for establishing new"—(Moss, p. 7). In his account of his voyage Mr. Moss writes of Christmas:—

"The great lagoon in the centre is comparatively shallow and abounds in pearl shell. The island was treeless and uninhabited when taken up some years ago by Messrs. Henderson and Macfarlane. They have planted many thousand cocoanuts, developed the pearl fishery, and will no doubt make the island in course of time a valuable property."—(Moss, p. 15).

On the 16th September, 1887, Messrs. Paine and Company, solicitors, inquired whether the island was within the jurisdiction of the British Government or within that of the United States; if the former, whether any farther steps beyond those taken before the Consul at Samoa in May, 1882, were necessary to be taken by Messrs. Henderson and Macfarlane to establish their title; and, if the latter, whether Her Majesty's Government would endeavour to obtain from the United States Government a recognition of their title. They were informed that the question of jurisdiction over Christmas Island was still under consideration—(XCII, Enc. 4).

117. *Possession taken by Great Britain.*—On the 2nd February, 1888, in connexion with a scheme for laying a submarine cable to connect Canada with Australia, the Colonial Office asked the Admiralty to issue instructions for the despatch of a warship to take possession of Christmas, as well as several other islands in the Central Pacific.

Captain Sir W. Wiseman, of H.M.S. "Caroline," was accordingly sent to Christmas and took formal possession of the island on behalf of Her Majesty Queen Victoria on the 17th March, 1888. The following extracts are from Sir W. Wiseman's report, dated 3rd April, 1888:—

"I arrived at Christmas Island on the evening of the 16th (March); Mr. Thomas Williams, agent for Messrs. Henderson and Macfarlane of Auckland, New Zealand, came on board and informed me he was stationed here with four natives under him to collect mother-of-pearl shell and that, as far as he knew, no citizens of the United States or other foreigners had ever occupied the island.

On the following morning I landed, and finding only three huts and a flagstaff, all of which Mr. Williams informed me had been erected by parties working for Messrs. Henderson and Macfarlane, and observing no evidence of the island being claimed by the United States, I hoisted the flag with the same ceremonies as at Fanning Island leaving a copy of the Proclamation in charge of Mr. Williams, with a memorandum requesting that, should the island be abandoned by the firm, the copy of the Proclamation should be forwarded to the Secretary of the Admiralty, for which purpose I left a directed envelope."—(XCII, Enc. 4).

The Proclamation referred to by Captain Sir W. Wiseman reads as follows:—

"Be it known to all that I, Sir William Wiseman, Baronet, Captain of Her Majesty's ship "Caroline," by virtue of an authority from Algernon Charles Fieschi Heneage, Esq., Rear Admiral in Her Majesty's Fleet and Commander-in-Chief of Her Majesty's Naval Forces on the Pacific Station, do hereby take formal possession of this island in the name, and on behalf of Her Most Gracious Majesty Victoria, by the Grace of God . . . . .

This 17th day of March, in the year of Our Lord 1888 at Christmas Island.

(Signed) W. Wiseman,  
&c., &c., &c."

118. *The United States Government and Annexation.*—The *New York Herald* of the 18th April, 1888, in reporting the activities of H.M.S. "Caroline" did not mention any United States claim to sovereignty over Christmas but stated that it was "only another instance of the importance with which the British Government regards the islands in the North and South Pacific Oceans as possible naval stations."

On the 14th May, 1888, however, a Note was addressed to the Foreign Office by the United States Minister in London stating that the United States Government had been informed by its Minister in Honolulu of the annexation of Christmas Island and calling to mind the Note from Her Majesty's Minister at Washington of the 29th January, 1879, regarding possessory rights to the island—(XCII, Enc. 4). The United States Secretary of State, Mr. Bayard, in a despatch to Mr. White, the chargé at London, dated the 30th April, 1888, reserved all questions that might grow out of the occupation—(Moore, Vol. I, p. 573).

In the British Government's reply to the United States Minister's Note, dated the 24th May, 1888, the 1879 correspondence was again referred to (*vide* section 114), and the point was made that although the American Company would appear to have omitted to notify officially to the United States Government the fact that they had abandoned Christmas Island, nevertheless it was clear from the evidence of the master of the ship "Ryno" in 1882 and the Captains of H.M.S. "Constance" and "Satellite" in 1884 and 1885 that the island had in fact been abandoned by the Company prior to the 17th April, 1882. The Note concluded by stating that Sir W. Wiseman reported on the 3rd April, 1888, that he had not taken formal possession of the island until he had communicated with the agent of Messrs. Henderson and Macfarlane and had satisfied himself that there was no evidence on the spot of the island being still claimed by the United States or that it was occupied by United States citizens—(XCII, Enc. 4). No farther communication on the subject was received from the United States Government.

119. *James Morrison and Company Limited.*—During the 10 year period from 1882 to 1892 Christmas Island was occupied by Messrs. Henderson and Macfarlane without apparently obtaining any form of Occupation Licence from the British Government. Although the firm concentrated on the pearl-shell industry, a considerable sum was expended in developing their property and several thousand coconuts were planted, the extent of the planting operations being limited, however, by the fact that only a small labour force was employed on the island. In 1892 the Colonial Office reported that Messrs. Henderson and Macfarlane had assigned their rights on Christmas and Suvarrow Islands to Messrs. James Morrison and Company, Limited, of London, and on the 10th August, 1892, the firm was granted an Occupation Licence in respect of both islands at a joint rental of £30 per annum. As Messrs. Henderson and Macfarlane had expended much capital on developing the islands, the Secretary of State agreed that the licence should be for more general purposes than was usual (*i.e.*, for removing guano, planting coconuts, and collecting pearl-shell), and for a term of 21 years. The Indenture was signed by the three Directors of the firm, John Ewart, R. S. Dick, and Ernest Wood—(XCIII).

Though licensed to James Morrison and Company, Limited, the management of the island continued to be entirely in the hands of Messrs. Henderson and Macfarlane and from a perusal of correspondence with the two firms it seems probable that while James Morrison and Company, Limited, provided the necessary financial backing for the development of all Henderson and Macfarlane's Pacific Island business, they only exercised a very general supervision over the actual working of the various stations and properties—(XCIV; XCVI).

Commander Macvey Napier, H.M.S. "Wild Swan," visited Christmas Island on the 5th May, 1897, and found a Mr. E. F. Hawk in charge, with a labour force of six men and one woman from Manihiki Island. The labour was engaged on 12 month agreements and earned an average of £3 15s. 8d. per month; they were occupied primarily in diving for pearl-shell, of which they had obtained £400 worth in eight months, but when not diving they were expected to plant coconuts. No attempt was made to make copra, all spare nuts being used for planting—(XCIV; XCV; XCVI).

Mr. H. E. Denson, the Sydney Agent for Morrison and Company, Limited, who visited Christmas on the 10th May, 1897, reported that there were now 6,600 coconut trees on the island and that a farther 1,500 seed nuts from Manihiki had been landed. The following list of Henderson and Macfarlane's ships which called at Christmas between 1893 and 1897 shows that the island was visited comparatively frequently—(XCVI; Enc.):—

7th March, 1893	..	..	s.s. "Kawahooka"
1st December, 1893	..	..	s.s. "Hesketh"
11th March, 1894	..	..	s.s. "Hesketh"
9th January, 1895	..	..	s.s. "Sydney Belle"
7th December, 1895	..	..	s.s. "Kurrara"
25th August, 1896	..	..	s.s. "Keltoe"
11th May, 1897	..	..	s.s. "Otway"

120. *The Pacific Islands Company, Limited.*—On the 20th May, 1899, the Colonial Office informed the High Commissioner for the Western Pacific that James Morrison and Company, Limited, had assigned their interests in Christmas and Suvarrow Islands to the Pacific Islands Company, Limited. The date of the assignment is not given but it is presumed to be the 1st September, 1898, on which date the Pacific Islands Company, Limited, purchased the island business of Messrs. Henderson and Macfarlane—(XCVII). On the 30th December, 1901, Lord Stanmore, the Chairman of the Pacific Islands Company, Limited, informed the Colonial Office that, while Christmas was one of the five islands held by his Company which had been wholly or partially planted, the trees were not yet sufficiently mature to supply a yield of copra. He requested one long term lease for all the islands rented by the Company, in order to attract the capital necessary for their development—(IX, Enc. 3).

121. *Lever's Pacific Plantations Limited.*—In view of Lord Stanmore's representations the Secretary of State agreed to the issue of a new lease for 99 years at a joint annual rental of £200 for all the islands for five years, to be succeeded by a royalty based on copra export. The Pacific Islands Company, Limited, then sold all their interests in Christmas and their other coconut islands, with the exception of Starbuck and Jarvis, to Lever's Pacific Plantations Limited, and on the 16th September, 1902, the Colonial Office granted a Lease, as mentioned above, to the latter Company, the royalty being fixed at 2s. per ton of copra exported—(IX, Enc.). During the period from 1902–1905 Lever's Pacific Plantations Limited are reported to have made an intensive effort to develop their property in Christmas. A considerable sum was expended in improvements, including the construction of two managers' houses, labourers' quarters, copra sheds, cisterns, &c. Altogether some 70,000 coconuts were planted during this period; fully 75 per cent. of these, however, died owing to a severe drought. Lever's Manager reported in 1905 that there were 72,863 trees on the island, but Rougier considered the number to be nearer 20,000. In 1905 Lever's engaged an expert who planted the silver lip pearl-shell, obtained from Thursday Island, in various parts of the lagoon. A report on the island dated the 9th June, 1909, states that over £12,000 had been expended by Lever's Pacific Plantations Limited, and their predecessors in planting and developing the island.

At the end of 1905, however, the Company decided to abandon Christmas Island, in order to concentrate on their plantations in the Solomon Islands, and during 1906 the employees were removed, together with the plant and moveable property—(Rougier, 1914, pp. 51, 75, 76, 83).

122. *Central Pacific Coconut Plantations, Limited.*—The Rev. Emmanuel Rougier, who had been for many years a French priest in Fiji, visited Christmas Island in June, 1912, and as a result of several days investigations, decided to purchase the island—(Rougier, 1912). Rougier had already bought the freehold of Fanning and Washington Islands on the 10th June, 1907, for £20,000, and in a letter to Mr. Arundel dated the 8th January, 1912, he states that he had re-sold Fanning and Washington for £70,000 and was now negotiating for the purchase of the leasehold of Christmas from Lever's Pacific Plantations Limited for £10,000—(XX). The transaction having been completed, Lever's surrendered their interests on Christmas by Indenture dated the 26th October, 1914, and on the 27th October an Occupation Licence was granted to the Central Pacific Coconut Plantations, Limited, for a term of 87 years from the 1st January, 1914, in return for a minimum royalty of £100 per annum—(XCVIII). Although the Company was registered in Great Britain, the Directors, including Rougier, were French—(Rougier, 1914, p. 43).

The Rev. E. Rougier spent many years of his life on Christmas and developed the island as a large coconut plantation. Labourers were engaged in Tahiti, where the copra purchased was largely sold. After Father Rougier's death some seven years ago the management of the affairs of the Company was undertaken by his nephew, Mons. P. E. Rougier, the London Agents being Messrs. Walton and Company. From 1914 until 1919, when the island was included within the jurisdiction of the Gilbert and Ellice Islands Colony, the only form of taxation paid by the Company was the minimum royalty of £100, in accordance with the terms of the Crown licence. In 1919 it was decided that this royalty should in future be paid to the Gilbert and Ellice Islands Colony instead of to H.M. Treasury. By Proclamation No. 8 of 1927 the general taxation now due to the Colony Government was commuted for a sum of £500 in respect of the period from the 10th November, 1919, to the end of 1924, and £200 per annum for the years 1925 to 1929. By Ordinance No. 3 of 1930 this concession was extended for a farther period of five years.

The serious slump in the market price of copra from 1932 onwards resulted in a request for further taxation relief. An amending Ordinance was consequently passed commuting taxation at £100 per annum for each of the years 1935 to 1937, this sum being later increased to £150 for 1938 and 1939. From the 1st January, 1940, it was decided, for various reasons to introduce general taxation, but in April, 1940, the decision was again reviewed and negotiations are at present pending for a re-introduction of commuted taxation—(XCIX). In general it may be said that, despite the strenuous efforts to develop Christmas Island made by Father Rougier and his nephew, who spent over ten years on the island himself, Central Pacific Coconut Plantations Limited has never at any time proved the financial success that was hoped. Mons. Rougier claims that nearly £40,000 has been spent by his firm, who have planted no less than 625,000 coconut trees. There are believed to be actually about 200,000 bearing trees at present in the island, while it is estimated that only about 15,000 out of the 120,000 acres of land suitable for coconut growing have been utilized—(C; CI, Encs.).

Owing to the very low price of copra which has ruled during the past few years it has apparently become increasingly difficult to run the Christmas Island plantation except at a serious loss and on the 30th December, 1939, the Company's personnel were withdrawn from the island.

123. *Native Colonization Investigations.*—Mr. H. E. Maude, the Officer in Charge of the Phoenix Islands Settlement Scheme, visited Christmas Island during February, 1939, with a view to assessing its value for settlement by natives of the Gilbert and Ellice Islands. In his report, Mr. Maude stated that "nowhere in the whole Pacific could a more suitable island be found for settlement by the Gilbertese" and described the opportunities for population expansion and economic development as being almost inexhaustible. It was estimated that Christmas Island could support at the present time up to 4,000 natives while its eventual population capacity should be not less than 23,000—(C, Enc.). It has been proposed that, directly the question of the United States claim has been settled, the rights of the existing Company should be purchased by the Government and the island colonized by the surplus population of the Gilbert and Ellice Groups.

124. *Visits of His Majesty's Ships.*—Apart from the historic visit of Captain Cook in 1777, according to the records available locally the first British warship to call at Christmas Island was H.M.S. "Samarang" in 1840. The following is a list of visits known to have been made since that date; owing to the limited time available for searching the records it is not, however, complete and the Admiralty files will no doubt reveal the existence of several more:—



H.M.S. "Pelican" ..	.. 23 September, 1880.
H.M.S. "Constance" ..	.. . October, 1884.
H.M.S. "Satellite" ..	.. November, 1885.
H.M.S. "Caroline" ..	.. 16 March, 1888.
H.M.S. "Wild Swan" ..	.. 5 May, 1897.
H.M.S. "Icarus" ..	.. 15 January, 1901.
H.M.S. "Shearwater" ..	.. 22 December, 1902.
H.M.S. "Algerine" ..	.. 3 April, 1913.
H.M.S. "New Zealand" ..	.. 19 October, 1919.
H.M.S. "Calcutta" ..	.. 11 March, 1922.
H.M.S. "Capetown" ..	.. 7 June, 1925.
H.M.S. "Dunedin" ..	.. 25 August, 1928.
H.M.S. "Dunedin" ..	.. 22 July, 1935.
H.M.S. "Leith" ..	.. 3 February, 1937.
H.M.S. "Wellington" ..	.. 4 July, 1938.

Reports by the officers commanding most of these vessels are on record, an especially interesting one being by Admiral of the Fleet Viscount Jellicoe, who visited Christmas Island on board H.M.S. "New Zealand" in 1919—(CII, Enc.).

125. *Visits of Government Officials.*—The first Administrative Official to visit Christmas Island was Captain R. W. Westmacott, District Officer, Fanning Island, on the 11th March, 1922—(CIII, Enc.). On the 25th August, 1928, Commander W. Burrows, Acting District Officer, Fanning Island, made a brief call at the island—(CIV, Enc.). During the last few years the Administrative Officer in charge of the Fanning Island District, which includes Christmas, has inspected the island on two occasions while visits have been paid by the following officials connected with the Gilbert and Ellice Islands Colony or the Western Pacific High Commission:—

Mr. J. C. Barley—Resident Commissioner, G. & E.I.C.—3/2/37.

Mr. A. C. F. Armstrong—Acting Assistant Secretary, W.P.H.C.—4/7/38.

Mr. R. H. Garvey—Acting Resident Commissioner, G. & E.I.C.—9/2/39.

Mr. Garvey was accompanied by the Officer in Charge of the Phoenix Islands Settlement Scheme.

126. *Administration of the Island.*—From the date of its annexation in 1888 until 1919 Christmas was administered direct from Fiji by the High Commissioner for the Western Pacific; the Pacific Order in Council, 1893, being specifically extended to the island by a Proclamation issued in Suva on the 10th December, 1895.

By means of an Order in Council dated the 30th July, 1919, Christmas Island was included within the boundaries of the Gilbert and Ellice Islands Colony. Although the island forms part the Fanning Island District, the administrative official at Fanning has been able to visit Christmas on four occasions only since 1919, owing to the absence of shipping communication.

Resident European officials have been appointed to the island since 1937, the first being Mr. A. O. Barrack, who was appointed a Deputy Commissioner for the Western Pacific on the 22nd January and assumed duty as Acting Administrative Officer at Christmas on the 3rd February, 1937. Mr. Barrack was succeeded by Mr. W. N. Cowie, who assumed duty on the 16th July, 1937, and was appointed a Deputy Commissioner on the 2nd September. The third, and present, Acting Administrative Officer was Mr. T. H. Manning, who was appointed a Deputy Commissioner on the 2nd June, 1938, and assumed duty at Christmas on the 4th July.

127. *Possible basis of United States Claim.*—It is suggested that the United States claim may be based on:—

- (a) the bonding of the island, on the 29th December, 1859, under the American Guano Act, 1856;
- (b) the alleged location of the island within the "American sphere of influence in the Pacific"—(XCII);
- (c) the taking possession of Christmas by the U.S.S. "Narragansett" in 1872;
- (d) its temporary occupation by three employees of Mr. C. A. Williams in 1872;
- (e) the surveying of its coasts by the U.S. Surveying ship "Portsmouth" in 1874—(XCII);
- (f) the fact that the United States Government, in 1888, reserved all questions that might grow out of the British occupation of the island.

While Boggs claims that Christmas Island has been an "American Guano occupation" this statement would appear to be an error, unless it refers to the temporary occupation by the three employees of Mr. C. A. Williams—(Boggs, p. 179).

128. *Summary of British Claim.*—The British claim to Christmas Island will presumably be based on its discovery by Captain Cook in 1777; its annexation in 1888; and its occupation by British subjects or firms in 1865, 1880, and from 1882 to the present day.

Among further points strengthening the British Claim to Christmas Island may be mentioned:—

- (a) the continuous series of Occupation Licenses granted by the British Government from 1892 onwards;
- (b) the fact the only practical attempts to utilize and develop the resources of the island have all been made by British subjects or firms;
- (c) its incorporation within the Gilbert and Ellice Islands Colony in 1919;
- (d) the stationing of resident Administrative Officials in the island since 1937, and the establishment of a Government wireless station.

## PART J.—MALDEN ISLAND.

(Lat. 4° 03' S., Long. 155° 01' W.)

129. *Discovery*.—Malden Island was discovered by Lord Byron, commanding H.M.S. "Blonde," in 1825, while engaged in bringing the remains of King Kamehameha II of Hawaii and his wife from England, where they had died, to Honolulu for burial. Lord Byron's account of his discovery is given in his, "Voyage of H.M.S. "Blonde" to the Sandwich Island, in the years 1824-25," from which the following extracts are taken:—

"On the morning of the 29th of July, we unexpectedly saw broken water and low land at a distance, and at first supposed it to be Starbuck's Island, though differing from the latitude laid down for that place. We steered for it immediately; and about noon hove-to abreast of it. Mr. Malden and some others immediately went in a boat to examine it. It appeared to be a low coral formation, about twelve or fourteen miles in extent, and having in it several clumps of thick fresh-looking trees, so compact, that at a distance they were taken for rocks: these clumps are useful in approaching the land, for it is in no place higher than forty feet. We found the landing easy . . . ."—(Byron, p. 204).

The island was called Malden, after the surveying officer of H.M.S. "Blonde"; it is also occasionally referred to as Independence Island.

The island is still said to have much the same appearance as when discovered but the "several clumps of thick fresh-looking trees" (*Pisonia*) have unfortunately suffered from the depredations of goats introduced in the sixties, when the island was first worked for guano, and only 15 of these trees now survive on the northwest and southwest points—(Emory, p. 24).

130. *Pre-European Occupation*.—Although uninhabited when first discovered, both the accounts of Lord Byron and of Bloxam, the naturalist on the "Blonde," speak of the numerous ruins found on the island, demonstrating that it had formerly been inhabited—(Byron, pp. 205 and 206, Bloxam, p. 80). The rather unscientific speculations of Macmillan Brown, based largely on an imaginative and inaccurate sketch of part of the ruins by Dampier in Byron's book, have resulted in giving these ruins a measure of fame which they in no way deserve, and Brown refers to "great temple pyramids," forming part of a "vanished empire," characterized by "surplus wealth" and "armies of labour."—(Brown, Vol. I, pp. 190, 317; *Pacific Island Year Book*, 1935, pp. 384). From the careful and detailed archæological research conducted on Malden in 1924 by Emory it is now established that the number of ruins on the island and the labour represented in them would be normal for a former population of between 100 and 200—(Emory, p. 37).

The researches of Dixon, who was one of the earliest residents on Malden (1866-1869) tends to show that the island was formerly colonized from Manihiki, and thus ethnographically forms part of the Northern Cook Group. He writes:—

"The native name of the island, according to the traditions of the inhabitants of Maniki or Humphrey's Island, was 'Tera Kupatea,' derived from 'Tera,' the sun, and 'Kupatea' (*pukatea* or *Pisonia*), the only tree growing on the island, signifying that this formed the only sunshade. They named several of the chiefs who had lived there, and asserted that the people had been washed off the island."—(Dixon, I, p. 165).

131. *The American Guano Act, 1856*.—Malden Island was bonded under the American Guano Act on the 29th December, 1859 (Bond No. 8).—(Moore Vol. I, p. 568). The American "discoverer" of the deposits, for the purpose of the formal bonding, was stated to be George E. Netcher, and his assignee the United States Guano Company, the famous rival of the American Guano Company in the Central Pacific during the fifties and sixties of the last century—(Mr. Seward, Secretary of State, to Mr. Benson, 30/4/66, quoted in Moore, Vol. I, p. 576). It was Captain Netcher who discovered Howland Island in 1842—(Brigham, p. 77). Unfortunately the date on which British interests commenced working the deposits on Malden is not known locally, although it is probably on file among the records of H.M. Emigration Commissioners in London; the evidence available, however, points to it being the year 1860 and it could not have been later than 1862. The American bonding, therefore, scarcely, if at all, preceded the actual working of the island by British interests.

J. D. Hague, the American phosphate-guano expert, writing in 1862, states that while he had examined specimens from Malden, which "though free from sulphate, were much adulterated by coral sand," no cargo of guano had been brought from the island—(Hague, 1862, p. 13). As British interests were in occupation by 1862 it may be safely concluded that, while American citizens bonded the island and took samples from it, they at no time worked the guano deposits on Malden.

132. *Occupation by Messrs. Grice Sumner and Company, Limited*.—As stated in section 131 above, there is no record locally of the date on which Malden Island was first occupied. Dixon, however, who was resident in Malden from October, 1866, to March, 1869, speaks of a man with him having lived on the island continuously since 1862.—(Dixon, II., p. 180). It is probable, therefore, that the island was first occupied about 1860, which makes it, by several years, the first guano deposits in the Pacific to be worked by British interests. It is believed, furthermore, that the original occupation of the island was made by the same firm, Grice Sumner and Company, of Melbourne, who continued to work the island without a break until 1927.

The earliest licence issued to Grice Sumner and Company is not on record locally, as it antedated the establishment of the High Commission. When making application for a new licence in 1882, however, the firm stated that:—

"We have been in occupation of Malden Island for several years, and during the last ten under a Licence at a rental of five hundred pounds a year, being an annual payment fixed in lieu of Royalty."—(XXXVI, Enc.).

It would appear probable, therefore, that while the Company worked Malden from the early sixties the first Guano Licence was issued (presumably by Her Majesty's Emigration Commissioners) on the 1st January, 1872. During the earlier years and until the establishment of the Western Pacific High Commission all correspondence from the Colonial Office relating to Malden Island was sent through the Governor of Victoria.

133. *Guano Licences*.—Little point would be served in giving full details of all the various licences issued in respect of Malden. The following tabulated summary, however, contains the main points of each licence issued, either to Grice Sumner and Company or their successors the Malden Island Proprietary Limited, further particulars being obtainable from the references quoted:—

<i>Date.</i>	<i>Period.</i>	<i>Rental.</i>	<i>Reference.</i>
1.—1/1/72–31/12/81	10 years	£500	XXXVI.
2.—1/1/82–31/12/84	3 "	"	XXXVII–XXXIX
3.—1/1/85–31/12/87	3 "	"	XL.
4.—1/1/88–31/12/94	7 "	"	XLI and XLII.
5.—1/1/95–31/12/01	7 "	£200	XLIII.
6.—1/1/02–31/12/06	5 "	"	XLIV.
7.—1/1/07–31/12/11	5 "	"	XLV.
8.—1/1/12–31/12/21	10 "	"	XLVI.
9.—1/1/22–31/12/43	21 "	Royalty	XLVII.

(Surrendered on the 6th March, 1928).

It will thus be seen that there was no break in the continuity of the licences issued to the occupiers of the island from the 1st January, 1872, to the 6th March, 1928, when the Company surrendered their lease by formal Indenture.

134. *Grice Sumner and Company*.—The Melbourne firm of Grice Sumner and Company were the first British concern interested in the exploitation of the phosphate-guano deposits in the Central Pacific and remained throughout the only firm not connected in any way with the enterprises connected with the name of Mr. John T. Arundel. The name of the original partners in the firm are not known, but by 1884 only Mr. James Grice and Mr. John Benn survived. Mr. Benn died on the 9th February, 1895, at the age of 74, and the surviving partner became the owner of all the partnership assets and therefore the sole licensee of Malden.

135. *Malden Island Proprietary, Limited*.—In 1913, with the sanction of the Secretary of State, Mr. James Grice converted Grice Sumner and Company into a Limited Liability Company in order to give shares to each member of his family, thus enabling them to carry on the working of the Malden Island deposits after his death—(XLIX, Enc.). The formal Assignment of the Guano Licence to the new Company, known as the Malden Island Proprietary Limited, was dated the 29th September, 1914.—(L, Enc.). The Company carried on, under the discouraging conditions created by the Great War, until it went into voluntary liquidation prior to 1919, Mr. C. A. Holmes being appointed Receiver and Manager.

136. *Other Applicants for Guano Licences*.—It might be as well here to mention briefly that other firms have at times been interested in obtaining a Guano Licence for Malden Island:—

- (a) on the 2nd October, 1896, Mr. John T. Arundel applied for a licence for Malden in the event of Grice Sumner and Company abandoning their operations on the island—(LXIII, Enc.);
- (b) on the 29th September, 1932, the Farmers' Fertilizers Corporation, Limited, made inquiries with regard to the possibility of leasing the island, which was by then unoccupied.

137. *The Guano Deposits*.—The history of Malden Island since its occupation in 1860 has been singularly uneventful. For the first thirty years of their lease Grice Sumner and Company found no difficulty in selling the guano in Europe at from £4 to £5 per ton and more, the demand being keen. In 1882 Mr. Arundel, the leading authority on the Central Pacific guano islands described Malden as "the richest Guano Island in the Pacific Ocean" (V, Enc. 2), and probably more phosphate-guano has been exported from Malden than from all the other low islands of the Central Pacific put together.

In 1890, however, the tide of prosperity in the guano market began to turn and by 1892 Grice Sumner and Company found themselves with 7,000 tons of guano unsold and the market on the Continent practically closed, largely as a result of change of fashion and the competition of mineral phosphates. From thence onwards the Company had to rely on the smaller markets of New Zealand and, to a lesser extent, Australia to sell their guano and the price dropped to £2 10s. 0d. a ton or less. It was in these changed circumstances that the Secretary of State agreed to the rental of the island being reduced to £200 per annum—(LI, Enc.)

The Company was still able to make a reasonable profit, however, until 1914, in spite of the gradual exhaustion of the higher grade deposits and the increasing costs of collection and preparation. In 1913 the Company was reported to be exporting some 6,000 tons annually and there were four Europeans and 50 natives from Niue working on the island—(LII, Enc.). Soon after the outbreak of war, however, it became impossible to charter the class of shipping required for their work and the Company was compelled practically to close down their operations, maintaining on Malden only a small maintenance staff, which in 1919 consisted of a caretaker and six native labourers. In view of the situation the Secretary of State agreed to the Company's rent being remitted for the years 1917 to 1920—(LV).

At the end of the war period it was hoped that no difficulty would be experienced in resuming operations. A new licence was agreed upon in 1920 and some £2,000 spent in repairs, new moorings, &c., on the island, while over 12,000 tons of guano was collected for shipment. In spite of these

efforts, however, it was soon found that Malden Island guano was no longer known on the market, that only low grade deposits were left, and that the competition of Ocean Island and Nauru phosphate was too keen. Only one cargo of guano (1,500 tons) was shipped from Malden during the whole period from 1915 to 1925 and, although the Secretary of State agreed to further remission of royalties, the Company was compelled to close down during 1927, leaving all their buildings and plant, including railway, rolling stock, tractors, launch, boats, stores, &c., on the island. It is estimated that the phosphate guano still remaining on Malden comprises 800 tons in the sheds, 11,000 tons along the railway line, and some 100,000 tons (mostly low grade deposits) still in the ground—(LIV, LV).

138. *Coconut plantation.*—When Malden was discovered, there were no coconut trees growing on the island, and as long as fair profits were being made by the Company from the guano deposits they made little or no effort to develop the island as a plantation. In 1907, however, the Company announced that: "It is our intention to experiment by planting coconuts for production of copra, as these trees will not come into profitable bearing for seven years, hence the necessity for asking for extension of Lease." Again, in 1913, the Company asked for an amendment of the lease to grant them the right to grow coconuts, and observed that:—

"Up to date all experiments in this direction have been unsuccessful, some planted about two years ago thrived only for a short time, and died during a dry spell. There may be some portions of the island suitable for growing them, but it will need time and investigation before this can be ascertained."—(LVI, Enc.).

Despite these efforts only 30 coconut trees are reported to be growing on the island at the present time and it is probable that, as in Starbuck, the prolonged droughts experienced from time to time prevent the majority of nuts and seedlings from reaching maturity.

139. *Labour employed.*—During the earlier years of the Company's operations the labour employed on Malden was taken from various islands in the Cook Group, most of them being from Aitutaki, the recruiting vessels being licensed by the Governor of Victoria. The Report by Commodore Wilson on the "Labour Trade in the Western Pacific" (Australian No. 84) shows that between 1873 and 1880 no less than 27 licences were granted by the Governor of Victoria to recruit labour for Malden, the number of natives permitted to be taken being over 1,000—(LVII, Enc.).

By 1889, when eight Europeans and 150 natives were being employed, the vast majority were being recruited from Niue Island (Campbell, p. 124) and during the remainder of the Company's occupation virtually all the field workers were taken from Niue, a few Cook Islanders being recruited to man the boats—(Emory, p. 28). In general the native labour was exceptionally well treated by the Company, the wages being high (from £2 10s. 0d. to £3 0s. 0d. per month with rations before the war), and the term of service only nine months. Their main disabilities appear to have been the absence of their women folk, and the periodical shortage of rations due to irregular shipping (LVIII; LIX, Enc.), but that these drawbacks were not serious is shown by the fact that the same natives returned to Malden time after time, and indeed most of the labour was recruited from families who had worked on the island for several generations—(Emory, p. 28).

The European staff, which usually consisted of a Manager, Chemist, Engineer, and Wharfinger, were recruited in Australia. Mr. A. McCullough was Manager for 23 years from 1874–1897, when he died on the island at the age of 59, and among more recent Managers may be mentioned Captains Todd and E. S. Stenbeck (1913–1914)—(XXV, Enc.).

In April, 1913, a native named Falani was murdered and, as a result, a visit was paid to Malden by Mr. Arthur Mahaffy, the Assistant to the High Commissioner, on board H.M.S. "Torch." Mr. Mahaffy, whose report on the island was duly forwarded to the Secretary of State—(LII, Enc.), also investigated the question of the shortage of supplies reported by the Commander of H.M.S. "Algerine," which has recently visited the island. The Company promised to do their utmost to prevent future shortages but, in spite of their efforts to ensure more regular shipping, Captain Stenbeck and 50 labourers had to live on Malden for six months in 1914 after all imported supplies of food had become completely exhausted—(Emory, p. 38).

140. *Annexation.*—Although considered British ever since its occupation by British interests, Malden has apparently never been formally annexed, at any rate until 1936—(LX). The long series of Guano Licences granted by the British Government, as tabulated in section 133, with their usual clauses stating, firstly, that the licensee represents that the island does not belong to any foreign state and, secondly, that the Government will not grant compensation should it "not find it expedient to retain the sovereignty of the said Island," testify to the fact that the island was definitely considered to be British. Campbell, writing as long ago as 1889, states that "Malden Island is an integral part of the British Dominions" (Campbell, p. 123.)

Furthermore, when H.M.S. "Wellington" visited the island in 1936 a board was nailed to the flagstaff with the following inscription:—

"This Island belonging to His Britannic Majesty King Edward VIII. was visited by H.M. Ship "Wellington" on 27th August, 1936.

(Signed and printed) J. B. Hall,  
Commanding Officer."

It would appear from the above that Malden is at the present time definitely a part of the British Empire.

141. *Visits of His Majesty's Ships.*—As far as can be ascertained from the records on file in the High Commission Office, the visits of His Majesty's Ships to Malden have been as given below. It is expected, however, that a search of the records at the Admiralty would reveal that several more visits have, in fact, been made to the island.

After its discovery by H.M.S. "Blonde" the first warship to call at Malden would appear to be H.M.S. "Pelican" on the 1st October, 1880. The Commander's account of his visit is as follows:—

"Found the British flag flying here; and was received by a Mr. McCullough of the Melbourne firm of Grice Sumner and Company who with seven other Europeans and 114 South Sea Islanders work Guano for exportation to Hamburg, &c. Grice Sumner and Company lease this island from the British Government for the annual sum of £500 and they export 12,000 to 14,000 tons of Guano yearly."—(XV, Enc. 3.)

The next ship to visit Malden was H.M.S. "Gannet" in 1881. No record can be found of her stay but the plan of the island given in Admiralty Chart No. 979 is based on a sketch survey made by one of her officers.

According to the Pacific Islands Pilot, H.M.S. "Cormorant" was close to Malden in October, 1887, and it is probable that she called at the island—(Pac. Is. Pilot, 1931, Vol. III, p. 156).

On the 19th January, 1901, H.M.S. "Icarus" called at Malden and found Mr. Rasmussen, an Australian, in charge, with 12 European and 191 native employees. The guano exported was found to total from 10,000 to 14,000 tons per annum at an average price of £7 per ton. No rain had fallen for nine months and for the previous three weeks the Manager had been compelled to distill water for all purposes—(XXI, Enc.).

H.M.S. "Shearwater" next visited the island, on the 26th December, 1902, when Mr. Rasmussen was still in charge.

On the 21st April, 1913, H.M.S. "Algerine" called at Malden, finding a Mr. Todd in charge with four Europeans and 70 natives. Guano was then being exported at the rate of 9,000 tons per annum but the high grade deposits were nearly finished—(LXI, Enc.). Owing to a murder having taken place H.M.S. "Torch" was sent to Malden later in the year with Mr. A. Mahaffy, the Assistant to the High Commissioner, on board and a full day was spent on the island—(LII, Enc.).

H.M.S. "Wellington" visited the island on the 27th August, 1936, and again on the 8th July, 1938, when Mr. A. C. F. Armstrong, the Acting Assistant Secretary to the Western Pacific High Commission, was on board. Landings were made on both occasions. Mr. Armstrong found a diary for 1904–1907 and a map of the island in one of the houses, both of which are now on record in the High Commission Office. His report on his visit has been forwarded to the Colonial Office—(IV, Enc. 9; XXXV, Enc.).

142. *Scientific Expeditions.*—The only scientific expedition known to have visited Malden Island was the Whippoorwill Expedition organized by the Bernice P. Bishop Museum of Honolulu, Hawaii. The scientific party called at Malden on the 21st and 22nd December, 1924, and a rapid survey was made of the archaeological remains; a detailed account of the expedition's work is contained in Emory's, "Archæology of the Pacific Equatorial Islands"—(Emory, pp. 24–40).

143. *Possible basis of United States claim.*—It is difficult to see on what grounds the United States can base a claim to Malden, as they have had singularly little to do with the island. A possible basis for a claim might however be the bonding of the island, on the 29th December, 1859, under the American Guano Act, 1856, although the American Guano Company apparently took no practical steps to implement the formal landing by any practical exploitation of the deposits.

It should be noted that Boggs does not claim that Malden Island was an American discovery; or that its position was first accurately fixed, or its coast mapped, by Americans; or that its name is of American origin; or, finally, that it has ever been an American guano occupation—(Boggs, p. 179).

144. *Summary of British Claim.*—As will have been seen, the British claim to Malden is based on its discovery in 1825, followed by its occupation in 1860. The discoverer of the island, Lord Byron, fixed the island's position correctly, while the most accurate survey of the coast is the sketch survey made by Lieutenant E. Fleet of H.M.S. "Gannet" in 1881—(Admiralty Chart No. 979).

From the early sixties of the last century to 1927 a series of Occupation Licences granted by the British Government testify, not only to its being a British possession, but to the continued interest of British subjects and firms in the utilization of the resources of the island. As far as is known the British claim to the island has never been questioned until 1939.

## PART K.—STARBUCK ISLAND.

(Lat. 5° 37' S., Long. 155° 56' W.)

145. *Discovery.*—Starbuck Island was discovered in 1823 by Captain Starbuck of the English whaler "L'Aigle," which was engaged in carrying the Hawaiian king Kamehameha II and his suite to England. Although the master of the vessel was an American, the island has always, therefore, been rightly regarded as a British discovery. The island was called Volunteer by Starbuck, and is also occasionally referred to as either Hero or Starve Island—(Byron, pp. 54, 55 and 204; Brigham, p. 149; Findlay, 1863, p. 593).

According to an article in the *New York Times* of the 3rd March, 1938, Mr. E. A. Stackpole of Nantucket, United States of America, has recently discovered that Captain Elisha Folger of the "Equator," "found, charted and named Starbuck Island" in 1824. This visit to the island, even if authentic, would not, however, appear to antedate that of Captain Starbuck, and it is certainly curious that Captain Folger, if he named the island, should apparently call it Starbuck.

146. *Visit of Lord Byron.*—Two years after its discovery the island was again sighted, this time by Lord Byron, on H.M.S. "Blonde," when returning the bodies of King Kamehameha II and his wife to Hawaii after their unfortunate deaths in England. Lord Byron's account of the island is as follows—

"Pursuing our way across the Pacific, we, on the 1st of August, made the real Starbuck's Island, on which we were not able to land, owing to a lee-current. Its appearance was still more uninviting than that of Malden's Island, there not being even the trees to enliven the flat coral rock. It lies in lat. 5° 26' S., long. 155° 50' W."—(Byron, p. 206). No other records of visits to the island can be found previous to that of H.M.S. "Mutine" in 1866.

147. *The American Guano Act*, 1856.—Starbuck Island was bonded under the American Guano Act on the 8th February, 1860, (Bond No. 9). A great number of islands in the Central Pacific region were also bonded at this time but as no action was apparently taken in the case of Starbuck to implement the formal act of bonding by any practical exploitation of the guano deposits it may be safely considered that the claims of the bonders lapsed through non-use long prior to 1870. (Moore, Vol. I., p. 568).

148. *Annexation*.—Numerous authorities, including the American Brigham, state that Starbuck Island was taken possession of on behalf of the British Government by Commander Swinburn of H.M.S. "Mutine" in December, 1866—(Brigham, p. 149; *Pacific Islands Pilot*, 1931, Vol. III, p. 156). Although the annexation preceded the establishment of the Western Pacific High Commission and there is therefore no record of it on file locally it seems likely that the island was taken possession of in view of its intended occupation by British interests.

Moss, writing in 1886 or 1887, states as follows—

"Among the islands which we passed on our way to Christmas, was Starbuck Island, 'England's latest Colony in the Pacific' as it was styled by a leading London journal in an article which we colonists should call a splendid 'blow' on the opening of the Indian and Colonial Exhibition."—(Moss, p.17).

I have been unable to trace the article referred to but imagine that, when found, it will prove to contain at any rate a reference to the annexation of the island.

149. *Occupation by Mr. John T. Arundel*.—Starbuck was the first Pacific Island to be worked by the London firm of John T. Arundel and Company (XXII, Enc. p. 3); the Company occupying the island in the year 1870, when Mr. Arundel first visited it—(LXII). A good account of the island and his visits to it is given by Mr. Arundel in a paper entitled "The Phoenix Group and Other Islands of the Pacific" in which he states that the wreck of the French transport "Euryale" (10th March, 1870), occurred about twelve months previous to his first visit, which must therefore have occurred late in 1870—(Arundel, 1890, p. 1).

150. *Guano Deposits*.—The sole reason for the first occupation of the island was in order to exploit its deposits of phosphate-guano, which are described by Sir Albert Ellis as being "of small extent and varied in quality"—(XXII, Enc. p. 3). No record of the date of the grant of the original Guano Licence is on record locally but its existence is indicated by the following statement contained in the report of the cruise of H.M.S. "Pelican" in 1880—

"3. Mr. Arundel of Fanning Island informed me that the islands of Christmas, Starbuck, Vostok, Caroline and Flint are leased by Houlder Brothers from the English Government."—(XV, Enc. 2).

It is presumed that, like the licences in respect of Caroline, Vostok and Flint Islands, it was granted by Her Majesty's Emigration Commissioners some time during the early seventies.

The first Guano Licence on record locally was issued with effect from the 1st February, 1891, for three years at a rent of £50 per annum. The Secretary of State's directions to the High Commissioner concerning the issue of this licence contain the following paragraph:—

"5. In the case of Starbuck Island the form should be used conveying the lease of an Island belonging to Her Majesty."

Thus showing conclusively that Starbuck Island, unlike at that time Hull and Gardner, was regarded as an integral part of the British Empire—(XXIV).

151. *Coconut Plantation*.—In 1893 Sir John Thurston reported he considered that it was unlikely that there were any considerable guano deposits left on Starbuck and that "by common report the island is practically worked out" (LXII), and it was apparently considered by Mr. Arundel himself that at any rate all the guano deposits on the island worth working at the prices then ruling had been exhausted, for he requested that the guano licence should, in lieu of renewal, be replaced by a coconut planting licence for 21 years commencing on the 1st February, 1894, the date of expiry of the former licence. To this the Secretary of State agreed and a new licence was duly issued on the 15th August, 1893, to expire on the 1st February, 1915. The annual rent was fixed at £25—(XXV).

In granting this licence the Secretary of State expressed his surprise at receiving an application to plant coconuts on Starbuck, since in a previous letter (XXVI) Mr. Arundel had stated that he had been quite unsuccessful in several attempts to plant trees on the island, in view of which the Secretary of State had agreed that "as regards Starbuck it appears clear that the conditions of the licence in respect of the planting of trees cannot be carried out," and a beacon only need be erected. Sir John Thurston, however, who spoke with considerable practical experience, considered that while Mr. Arundel had been unsuccessful in his initial planting experiments in 1870, when the ground was still overlaid with the guano deposits, he might well succeed now that they were gone, especially if the bush was allowed to grow on the windward side of the island to act as a wind-break—(LXII). In actual fact, although serious attempts have been made from time to time to plant coconuts in Starbuck they have invariably proved to be a failure, as the island, like its neighbours Malden and Jarvis, is probably too exposed to the constant trade wind, and at the same time subject to periodic droughts, to enable the trees to reach maturity.

The grant of a coconut planting licence, however, served to vest in Mr. Arundel, at a reduced rental, an exclusive right to occupy the island, and prevented a licence being given to any other person. At the same time, should the price of phosphate-guano later have justified working the remainder of the deposits, he was still at liberty to apply for a Guano Licence, by virtue of being the legal occupier of the island—(XXV).

152. *The Pacific Islands Company, Limited.*—In 1897 the Pacific Islands Company, Limited, of which Lord Stanmore was Chairman, took over the business of Messrs. John T. Arundel and Company, Mr. Arundel remaining as Vice-Chairman of the new Company. On the 12th November, 1897, the Secretary of State granted Mr. Arundel permission to assign his Coconut planting Licence in respect of Starbuck, and all his interests in the island, to the new Company and, although no formal assignment was ever executed, the island was thenceforward regarded as belonging to the Pacific Islands Company, Limited. In 1902 the Company sold out all their interests in the Central Pacific Islands, with the exception of those relating to Starbuck and Jarvis, to Lever's Pacific Plantations Limited, the Coconut planting Licence for Starbuck Island being retained, however, by the old Company, now known as the Pacific Islands Company (1902), Limited—(XXVII, Enc. 2; XXVIII, Enc. 1).

153. *The Pacific Islands Company (1902), Limited.*—The reorganized Pacific Islands Company, which was interested in guano rather than coconut planting, had retained the two islands of Starbuck and Jarvis since they had proved useless as potential coconut plantations while they both still contained residual phosphate-guano deposits which might repay working were the market price to improve. On the 16th October, 1902, the Company applied for a 99 year guano licence for six islands, including Starbuck, but, although the Secretary of State was prepared to approve on certain terms, no farther action appears to have been taken, and in 1905 the Pacific Islands Company (1902) Limited, went into voluntary liquidation, its interests in Starbuck and Jarvis Islands being purchased by the Pacific Phosphate Company, Limited—(XXVII, Enc. 1; XXIX).

154. *The Pacific Phosphate Company, Limited.*—This Company was incorporated in London on the 18th April, 1902, with Lord Stanmore as Chairman and Mr. J. T. Arundel as Deputy-Chairman, in order to purchase the phosphate interests on Ocean Island, Nauru, and the Marshall Group belonging to the Pacific Islands Company—(XXX, Encs. 1 and 2). On the Company purchasing the interests of the former Pacific Islands Company Limited, on Starbuck and Jarvis the Secretary of State granted to it a new Guano Licence for 99 years at a rental of £30 per annum for the first four years, £25 per annum for the succeeding three years, and thereafter a royalty of 6d. per ton of guano exported. The licence dated as from the 1st January, 1906, and lapsed unless the licensees commenced operations on the island by the 1st January, 1913—(XXVIII, Enc. 2).

On the 6th January, 1914, the Pacific Phosphate Company, Limited wrote to the Colonial Office stating that:—

“Owing to the inferior quality and small quantity of material on these two islands (*i.e.*, Starbuck and Jarvis), combined with the heavy freight charges, the market prices have not, so far, warranted the expenditure required to effect shipments. The condition of the market, however, may justify the commencement of operations on these islands later on.”

The Company therefore requested an extension of the date for commencing operations to the 1st January, 1918. To this request the Secretary of State agreed—(XXXI).

On the 29th October, 1918, the Company again asked the Colonial Office to extend the date for commencing operations on Starbuck and Jarvis, this time to the 1st January, 1923, as war conditions had made it impossible to start work. The Secretary of State, in his reply, agreed to extend the date to the 1st January, 1921—(XXXII, Encs.; XXXIII, Enc.).

155. *Abandonment of Licence.*—The Pacific Phosphate Company, Limited, went into voluntary liquidation on the 12th October, 1920, and finally surrendered all their rights and interests in Starbuck and Jarvis, including their guano licence, to the Crown, as from the 31st December, 1920. From that date onwards no action has been taken to develop or utilize the island in any way.

156. *Visits of His Majesty's Ships.*—As one would expect from the comparative unimportance of the island, it would appear, from the records on file in the High Commission office, that the visits of His Majesty's Ships to Starbuck have been infrequent. The earliest visit would seem to be that of H.M.S. “Mutine” in December, 1866, which resulted in the annexation of the island—(Pacific Islands Pilot, 1931, Vol. III, p. 156).

H.M.S. “Pelican” visited the island on the 3rd October, 1880, but a landing was not considered possible owing to the heavy swell and surf breaking all round the coast. A careful survey was taken but no inhabitants were seen—(XV, Enc. 2).

On the 21st January, 1901, the island was visited by H.M.S. “Icarus.” The report states that the beacon and three huts eastward of it were still standing; there was a large amount of wreckage on the southern point but no sign of inhabitants. Heavy surf prevented a landing. Commander Knowling was informed by Grice Sumner and Company's Manager at Malden Island that every three or four months one of their vessels was instructed to sight Starbuck and if necessary recover any shipwrecked crews; the Manager also stated that the Pacific Islands Company's steamer “Ema” had visited Starbuck during December, 1900—(XXI, Enc.).

The next visit to the island was by H.M.S. “Shearwater” on the 27th December, 1902. As usual no landing was made and no inhabitants seen—(XXXIV, Enc.).

On April 1st, 1913, H.M.S. “Algerine” called at Starbuck but left directly, as the island appeared deserted (LXI, Enc.), and later in the year H.M.S. “Torch” visited the place with Mr. Arthur Mahaffy, the Assistant to the High Commissioner, on board. The warship steamed round the island, on the 4th October, looking for a recently reported wreck, and then left for Malden—(LII, Enc.).

No trace can be found locally of any warship visiting Starbuck between 1913 and 1926, although a search of the records in the Admiralty would probably establish the fact that occasional visits did in fact take place. On the 26th August, 1926, H.M.S. “Wellington” paid her first visit to the island and a landing was made in a very calm sea just to the westward of the north

cape. The settlement was found to be in ruins but the beacon appeared to be in good condition. There were no trees or scrub on the island but the eastern end was covered in wreckage and frequented by millions of tern and other birds—(IV, Enc. 8).

On the 9th July, 1938, Starbuck was again visited by H.M.S. "Wellington" with the Acting Assistant Secretary to the Western Pacific High Commission on board. No landing, however, was made owing to the heavy surf breaking on the reef—(XXXV, Enc.).

157. *Wrecks*.—Starbuck Island has long been notorious for the number of vessels wrecked on its shores. Mr. Arundel writes of his first visit to the island—

" . . . . . as we gradually got nearer, we could see wrecks of ships at intervals, strewn along the coast, . . . . . and, towering above all, the remains of the French transport 'Eurayle.' . . . . I ought to mention in regard to the number of wrecks, of which I counted seven on the island, that the place was at that time very incorrectly laid down."—(Arundel, 1890, p. 1).

As in clear weather, and in the daytime, the island can be seen only about four miles off from the deck of a small vessel it can well be imagined what a danger it constituted to shipping. Moss gives an interesting account of the rescue of the survivors of the Swedish Barque "Diana," which was wrecked on Starbuck in 1886—(Moss, pp. 17–22); while the crew of the Norwegian barque "Saladin," wrecked on Starbuck about the 8th August, 1896, drifted about the Pacific in an open boat for 29 days after which, on the 6th September, they reached Niulakita Island, where they had perforce to remain for over 10 months. Of recent years, the correct charting of the island coupled with the condition contained in the Occupation Licence directing the construction of a 25-foot beacon has rendered the island much less of a menace to ships than formerly.

158. *Possible basis of United States Claim*.—It is suggested that the United States claim may be based on:—

(a) the fact that the Master of the British ship which discovered the island happened to be an American. That this, however, would be contrary to existing international practice is shown by the following quotation from a former United States Secretary of State—

" the discovery of an unoccupied island by the navigators of a ship, public or private, is generally understood to be for the benefit of the nation under whose flag the vessel sails, and under whose protection the crew, whatever may be their national origin, have for the time chosen to place themselves."—(Mr. Seward, Sec. of State, to Messrs. Kittredge & Proctor, 9/5/66, quoted in Moore, Vol. I, p. 560).

(b) the bonding of the island, on the 8th February, 1860, under the American Guano Act, 1856, no practical steps being, however, apparently taken to implement the bonding by exploiting of the deposits.

It should be noted that Boggs does not, apparently, claim that Starbuck Island was an American discovery; or that its position was first accurately fixed, or its coast mapped, by Americans; or that its name is of American origin; or, finally, that it has ever been an American guano occupation—(Boggs, p. 179).

159. *Summary of British Claim*.—It will be seen from the foregoing account that the British claim to Starbuck is based on its discovery in 1821, its annexation in 1886, and its occupation in 1870. In addition to this the position of the island was first accurately fixed by a British subject, Lord Byron, in 1825, and its coastline mapped by a British firm, Houlder Brothers, in 1882—(Admiralty Chart No. 979). From the early seventies of the last century to 1920 a series of occupation licences granted by the British Government testify, not only to its being a British possession, but to the continued interest of British subjects and firms in the utilization of the resources of the island. As far as is known the British claim to the island has never been questioned until 1939.

## PART L.—CAROLINE ISLAND.

(Lat. 10° 00' S., Long. 150° 14' W.)

160. *Discovery*.—Caroline Island was discovered by the English Captain W. R. Broughton on the 16th December, 1795, while on a voyage from Tahiti to Hawaii. In his account of his discovery (Broughton, pp. 16 and 17), he describes the island as being highest towards the south point, which appeared to be covered with trees resembling coconut palms. He called it "Caroline" in honour of the eldest daughter of Sir P. Stephens, at that time First Lord of the Admiralty—(Bennett, Vol. I, p. 365).

Before Captain Broughton's discovery became generally known, the island was again sighted by a Captain Thornton, commanding the English whaler "Supply," on his way from Peru to Australia, and was called by him Thornton Island—(Findlay, 1863, p. 592).

161. *Pre-European Occupation*.—Although uninhabited at the time of its discovery, Caroline is known to have been occupied by Polynesians at some time prior to the coming of the Europeans. Mr. John T. Arundel stated in 1885 that—

" on the north-west end of Caroline are some curious old native remains, whether places of burial or of sacrifice I cannot determine. I opened one of these but could find no indication whatever to guide me in a decision." (Arundel, 1890, p. 4). It was, no doubt, these natives who planted the first coconut palms, seen by Broughton and other early visitors to the island.



162. *Early Visits.*—The only printed reference to early visits to Caroline is contained in the narrative of F. D. Bennett, who landed on the island on the 22nd April, 1834, while on a voyage around the world on an English whaler. He states that—

"The island is very seldom visited, although it is usually "sighted" by south-seamen, when on their way from the Society Islands to the North Pacific. About seven years previous to our visit, Captain Stavers had landed on its shores and left some hogs, but no traces of the present existence of those animals were visible to us. That some ship had lately touched here was evident, however, from several of the cocoa-nut trees having been recently cut down to obtain their fruit—a practice often dangerous when these trees afford important landmarks to navigators, and one at all times selfish and mischievous, and more particularly so here, where cocoa-nut palms although increasing in number are as yet but few."—(Bennett, Vol. I, p. 369).

Bennett was surprised at the luxuriant nature of the vegetation, when compared with the arid nature of the soil. He found coconut trees only on the southern side of the land, on the edge of the lagoon. On other parts of the island, however, he found ripe coconuts cast up on the beach already beginning to germinate and "amidst the original groves, the number of seedlings fully confirmed Captain Stavers' statement, that these palms had increased greatly since his last visit to the spot." Bennett himself planted sweet-potatoes, arrow-root and the South Sea chestnut—(Bennett, Vol. I, pp. 376 and 377). His account of his visit, which is most detailed, contains a very inaccurate sketch map of the island (p. 366).

163. *Occupation by Collie and Lucette.*—The existence of the coconut grove mentioned above, which was an unusual feature for an uninhabited atoll so far from the main centres of native population, led to Caroline being occupied some years before most of the other Central Pacific islands. In 1846 the firm of Collie and Lucette of Tahiti decided to establish a stock raising venture on the island and a number of natives were sent to reside there in charge of the animals—(Young, p. 14). Both Collie and Lucette were British subjects.

An interesting account of a visit to the island in 1848 is contained in Lucette's "Rovings in the Pacific from 1837 to 1849."—

"July 4th—Late in the afternoon sighted Caroline Island, formerly uninhabited; but we carried several native families there with pigs, fowls, turkeys, &c., to form an establishment for rearing stock. The settlement we have established is in the south by west side of the island, and as it was too dark when we reached it to pay a visit of inspection, we lay to till morning.

July 5th.—Caroline Island is a lagoon island, but its links of land are better connected, and possess a richer soil, than most of the islands of the Paumotu group. The south side of the island is densely wooded, and possesses a glorious grove of cocoa-nut trees—our inducement for forming the establishment. A smaller and an only other grove exists on the south-south-west side; . . . . . Our stock at this time amounts to between 100 and 200 fine hogs, fowls, &c., in quantity; our stock-men and women looked thriving and healthy, and had made three additions to their number; the young ones fat and squalling. It has been our invariable plan to spread as many fruit and vegetable seeds as we could amongst the islands, and now, at Caroline Island, they have more pumpkins, melons, ninitas, &c., than they can consume."

(Lucette, Vol. II, pp. 233 and 234). Lucette fixed the position of the island, by observations taken in the centre of the lagoon, to be in latitude 9° 56' S. and longitude 150° 14' W.

164. *The American Guano Act, 1856.*—Caroline Island was bonded under the American Guano Act on the 8th February, 1860, (Bond No. 9). A great number of islands in the Central Pacific zone were also bonded at this time, but, as Caroline had been occupied by British interests as far back as 1846 and in any case no action was apparently taken to implement the formal act of bonding by any practical exploitation of the guano deposits, it may be safely considered that the claims of the bonders lapsed through non-use—(Moore, Vol. I, p. 567).

165. *Subsequent Proprietors.*—Following Collie and Lucette, Caroline Island passed into the hands first of Lionel Brown and then of Captain Brothers, from whom Mr. John T. Arundel acquired it about the year 1873.

The first occupation Licence granted by the British Government in respect of Caroline was a Guano Licence granted by Her Majesty's Emigration Commissioners to Mr. Arundel on the 11th March, 1874, for seven years. This licence, as in the case of the similar ones issued in respect of Flint and Vostok Islands, contained a clause to the effect that no compensation would be paid if Her Majesty found it expedient not to retain sovereignty. No copy of this licence is on file locally but it is quoted in a letter from Mr. Arundel to the Colonial Office—(V, Enc. 2; XX, Enc.).

On the 1st September, 1873, a set of moorings was laid down off the shipping place on the west side of the island, about a mile north of the south-west point, in about 60 fathoms of water and some distance from the shore. These moorings enabled ships up to 1,000 tons to lie safely in all but westerly weather.

166. *Export of Guano.*—As far as can be ascertained the first guano was shipped from Caroline in 1873 and between that date and 1895, when the supply became exhausted, some 10,000 tons of guano was shipped to Australia and California—(Young, p. 14).

167. *The Eclipse Expeditions, 1883.*—In 1883 the United States Government sent an expedition to Caroline in the U.S.S. "Hartford" to observe the eclipse of the sun on the 6th May, this island being the only place on the earth from which it was visible in its totality. The French Government also sent an expedition, on the "L'Eclairer," accompanied by astronomers from Rome and Vienna, while two Englishmen, Messrs. Lawrence and Woods, were chosen by the Royal Society of London and joined the American party at Colon. The observations were very successful and an interesting account of the island was issued by the National Academy of Sciences of the United States, in conjunction with the report on the astronomical work—(Arundel, 1890, p. 4).

168. *Coconut Plantation*.—As stated above, Caroline was seen to possess a grove of coconut trees when first discovered and further trees were, from time to time, planted by whalers and other chance visitors to the island. More systematic efforts to develop the resources of Caroline were made by the firm of Collie and Lucette and their successors in the island and Mr. Arundel, therefore, found at any rate the nucleus of a coconut plantation when he acquired the rights of Captain Brothers in 1873—(Arundel, 1885, p. 4).

A Licence to plant coconut and other trees on Caroline and Flint Islands was granted to Mr. J. T. Arundel by the British Government on the 29th November, 1885, a copy being forwarded to the High Commissioner—(VI, VII, Enc.). This Licence gave him the exclusive rights to occupy Caroline and Flint and to plant coconut and other trees on the islands for a period of 21 years, in return for an annual rental of £50.

It is stated in the Indenture that, "it hath been represented to Her Majesty by the said Licensee . . . that the said islands (*i.e.*, Caroline and Flint) do not belong to any Foreign State or Power and that so far as the Licensee or any person through whom he claims is aware no other person has or claims to have on the ground of prior discovery or otherwise any right or interest to or in the said Islands."—(VII, Enc.).

On the 21st September, 1893, at the request of Mr. J. T. Arundel, the Secretary of State agreed to extend the Coconut planting Licences for Caroline and other islands, which were then due to expire on a variety of dates, to the 1st February, 1915, in order to bring them into line with the Lease for Starbuck Island—(VIII, Enc.).

While, however, a certain number of coconut trees were planted at various times during the period of guano shipments from 1873–1895, the coconut plantation was never developed to the same extent as on Flint Island and was not a paying proposition—(Young, p. 14).

169. *The Pacific Islands Company, Limited*.—In 1897 the Pacific Islands Company, Limited, of which Lord Stanmore was Chairman, took over the business of Messrs. John T. Arundel and Company, Mr. Arundel remaining as Vice-Chairman of the new Company. In addition to Caroline, the Company held Coconut planting Licences from the British Government in respect of several other islands in the Phoenix and Line Groups. On the 30th December, 1901, Lord Stanmore informed the Colonial Office that while Caroline Island had been at any rate partially planted the trees were immature and did not supply a yield of copra; he requested long term leases for each island in order to attract the necessary capital for their development—(IX, Enc. 3).

Actually, H.M.S. "Icarus," which called at Caroline on the 24th January, 1901, found only five men and one woman from Niue on the island engaged in plantation work and later the same year these were repatriated and the island abandoned until 1916—(XXI, Enc. 2 (9); Young, p. 14).

170. *Lever's Pacific Plantations, Limited*.—In view of Lord Stanmore's representations the Secretary of State agreed to the issue of a new Lease for 99 years at a joint annual rental of £200 for all the islands for five years, to be succeeded by a royalty based on copra export. The Pacific Islands Company, Limited, then sold all their interests in Caroline, and their other coconut islands, with the exception of Starbuck and Jarvis, to Lever's Pacific Plantations Limited, and on the 16th September, 1902, the Colonial Office granted a Lease, as mentioned above, to the latter Company, the royalty being fixed at 2s. per ton of copra exported—(IX, Enc.).

Lever's Pacific Plantations Limited, however, concentrated their work, as far as the three southern islands of the Line Group were concerned, on Flint and it appears that no attempt was made to develop, or even maintain, the plantations on Caroline Island—(Young, p. 14).

171. *S. R. Maxwell and Company, Limited*.—As their business in the Central Pacific was not proving a financial success, Lever's Pacific Plantations Limited offered to sell their rights in Caroline, Flint, and Vostok, to Messrs. S. R. Maxwell and Company, Limited for £18,000, which they subsequently reduced to £10,000. Mr. J. L. Young, the Managing Director of the latter concern finally purchased the rights of Lever Brothers in the three islands in 1910 for £5,000, with effect from the 1st January, 1910. On the 7th January, 1911, an Occupation Licence was issued to Messrs. S. R. Maxwell and Company, Limited, for a period of 91 years from the 1st January, 1910—(Young, pp. 8 and 14; XI, Enc.).

This Company, which was registered in Auckland, New Zealand, had extensive interests in Tahiti and the Tuamotu Group and had for some time been managing the interests of Lever Brothers on Flint Island: they were, accordingly, in a very favourable position to develop the island—(Young, p. 7).

Mr. J. L. Young paid his first visit to Caroline in July, 1910, when he described the island as a wilderness—

"The ground covered with nests of seabirds which latter rose like a cloud when disturbed: the noise of their shrieking was so great that one had to shout to enable oneself to be heard by his companions. Hundreds of great Coconut Crabs were seen: 40 large ones were caught by the crew of the schooner in an hour. The reef and the lagoon swarmed with fish and small sharks."

Caroline was again occupied in 1916 and the Company continued to develop and work the island as a coconut plantation until 1934 when at a meeting held at Auckland on the 22nd November, it was voluntarily wound up. Since that date the Caroline Island plantation has been carried on by Mr. Edward Anderson, the Liquidator of the Company—(Young, pp. 10, 14 and 15; X, Enc.).

172. *Progress of the Coconut Plantation*.—The progress of the Caroline Island plantations, which it seems was always somewhat unsatisfactory, received a serious set back through the abandonment of the island from 1901–1916. At the time when planting operations were recommenced there were only 1,200 trees on South Islet, about 260 on North Islet, and about 40 trees on the other islets, making a total of about 1,500 trees in all, mostly from 10 to 30 years old. During his visit to the island in July, 1910, Mr. Young reported that—

"The 1,500 existing coconut trees were bearing but little fruit, partly because they were choked by undergrowth and Pohue Vine, but principally on account of the great number of seabirds which roosted in the tops and broke off the flowers as they appeared."

Planting operations began again on the 16th August, 1916, and were continued to the 15th June, 1920, by which time 29,480 trees had been planted making, with the 1,500 old trees, a total of 30,980 coconut palms on the island, at which total all the available area was occupied. At the same time the occupation of the island by labourers greatly reduced the numbers of sea birds, who migrated to unoccupied islets. The giant coconut crabs were killed in large numbers and the rats dealt with by means of traps and imported terriers. The Pohue Vine (*Tuumfetta procumbens*), which is the worst pest on the island, was reported in 1921 to be under control—(Young, pp. 10–12 and 15).

Unfortunately the larger portion of the 30,000 trees reported in 1920 were either badly planted or else smitten with some disease, as in 1927 it was stated by Mr. T. E. Bunkley, the Company's Agent in Tahiti, that most of them had perished. In August, 1929, the Manager on Flint reported that the Tahitian foreman in charge of Caroline Island was keeping the plantation in good order and had planted 7,000 young trees since 1927, which were looking strong and healthy. In 1929 it was estimated that the plantation consisted of 13,215 trees.

From 1916 to August, 1922, a total of 14,821 kilos. of copra was shipped from Caroline Island, and from 1929 to 1934 the output averaged 14 tons per annum, a figure which, it is anticipated, will be gradually increased from year to year—(Young pp. 15 and 16; I, p. 2).

173. *Visits of His Majesty's Ships*.—As in the case of the other islands of the Southern Line Group it would appear, from the records on file in the High Commission Office, that the visits of His Majesty's Ships have been infrequent. The earliest visit would seem to be that of H.M.S. "Encounter" in 1868—(Pacific Islands Pilot, 1931, Vol. III, p. 154). According to the Arundel-Aris papers the 1868 visit was made by H.M.S. "Reindeer," but this will probably be found to be an error—(XX, Enc.). Mr. Arundel, writing to the Colonial Office in 1882, complained that no warship had visited the island during the period of his occupancy; although this statement was not quite accurate, as H.M.S. "Pelican" called at the island on the 10th October, 1880, while Mr. Arundel was on Fanning Island. No landing was made, however, owing to the risk of damaging the boat, and no inhabitants seen. Commander Dicken was informed by Mr. Arundel that "the islands of Christmas, Starbuck, Vostok, Caroline, and Flint are leased by Houlder Brothers from the English Government"—(XV, Enc.).

The next visit of a man-of-war would appear to be in 1901, when H.M.S. "Icarus" landed a party on the 24th January. The island was then about to be abandoned and only six natives were found ashore—(XXI, Enc.).

When H.M.S. "Shearwater" visited the island on the 29th December, 1902, it was found to be unoccupied—(XXXIV, Enc.).

No trace can be found locally of any warship visiting Caroline between 1900 and 1926, although a search of the records in the Admiralty would probably establish the fact that occasional visits did in fact take place. The recent visits of His Majesty's Ships are as follows:—

1926	..	..	..	H.M.S. "Laburnum"
1927	..	..	..	H.M.S. "Diomedé"
1936	..	..	..	H.M.S. "Wellington"

In every case a landing was made on the island and a short report forwarded on the visit—(XVII; XVIII; XIX).

174. *Surveys and Plans*.—As far as is known, the position of Caroline Island was first accurately fixed by Lucette in 1848—(vide section 163 above). Further observations were taken in 1883 by the Eclipse Expedition. Mr. John T. Arundel made detailed surveys in connexion with his work, one of which forms the basis of the plan of the island given on Admiralty Chart No. 979—(Pacific Islands Pilot, 1931, Vol. III, p. 154; XX, Enc.).

175. *Annexation*.—Several authorities, including the Pacific Islands Pilot, state that Caroline Island was taken possession of on behalf of Great Britain by Commander E. Nares of H.M.S. "Encounter" on the 9th July, 1868—(P.I.P., 1931, Vol. III, p. 154); while according to the Arundel-Aris papers the vessel was the "Reindeer"—(XX, Enc.). Whatever the actual warship concerned, however, there is no doubt that the island was duly annexed in that year.

It should be added that in 1936 a landing party from H.M.S. "Wellington" nailed up a board containing the following notice in the main house in the settlement—

"This Island belonging to His Britannic Majesty King Edward VIII, was visited by H.M. Ship "Wellington" on 22nd August, 1936.

(Signed and printed) J. B. Hall,  
Commanding Officer."

176. *Possible basis of United States Claim*.—It is suggested that the United States claim may be based on:—

- (a) the bonding of the island, on the 8th February, 1860, under the American Guano Act, 1856, no practical steps being, however, apparently taken to implement the bonding by exploitation of the deposits;
- (b) the brief visit of the American Eclipse Expedition in 1883, which coincided with the visit of a similar French party.

It should be noted that Boggs does not, apparently, claim that Caroline Island was an American discovery, or that its name is of American origin, or that it has ever been an American guano occupation—(Boggs, p. 179).

177. *Summary of British Claim.*—As will be seen from the foregoing account, Caroline was discovered by a British subject. Following its discovery the island remained unoccupied until 1846 when it was settled and its resources developed, also by a British subject. In 1868 Caroline Island was formally taken possession of on behalf of Great Britain. In 1874 the first Occupation Licence in respect of the island was granted by the British Government to the occupier at the time, another British subject, and from that time to the present day the island has been in British hands without, it is believed, any interruption in its continuous occupation. The series of Occupation Licences testifies to the fact that Caroline is considered a British possession and as far as can be ascertained the British claim to the island has never been disputed until 1939.

#### PART M.—VOSTOK ISLAND.

(Lat. 10° 06' S., Long. 152° 23' W.)

178. *Discovery.*—Vostok Island was first seen by Captain Bellingshausen in 1820, who placed it in lat. 10° 5' 50" S., and long. 153° 23' W., and thus may be considered a Russian discovery. Findlay, following Wilkes, considers it to be identical with the island seen by the American Captain Stavers in 1821 and 1825, and also with Anne Island, both of which are placed by Krusenstein among the doubtful islands. Wilkes calls the island Stavers Island—(Findlay, 1863, p. 484; Wilkes, Vol. IV, p. 277).

179. *Early Visits.*—Following upon its discovery, Vostok, like Caroline Island, was no doubt visited from time to time by whalers, though the only visits which are definitely known to have been made are those of Captain Stavers, mentioned above, and Captain Cash. This Captain Stavers was the same as the one who landed on Caroline Island about 1827 and left some hogs there—(vide Caroline Island, section 162). It is probable, however, that the small size of Vostok, the incessant surf which surrounds it, and the absence of inviting coconut palms, effectively prevented any attempt being made to land on the island until its occupation in 1873.

180. *The United States Exploring Expedition.*—In 1841 Lieutenant Commander Ringgold, in command of the U.S. Brig "Porpoise," one of the vessels belonging to the United States Exploring Expedition, was ordered by Wilkes to sail from Hawaii to Tahiti and, on his return journey, to visit and survey Flint and certain neighbouring islands.

Flint was left on February 6th and Vostok sighted on the 8th. The following is the account given by Wilkes of the visit:—

"The next island searched for was one reported to have been seen by Captain Cash. It was discovered on the 8th, and proved to be a low sandy islet with a lagoon. It is well wooded, half a mile in diameter, of oval shape, with heavy breakers surrounding it. Landing was reported to be impossible, and no attempt was made. After determining its position to be in latitude 10° 05' S., and longitude 152° 22' 30" W., they bore away for the position of Penrhyn Island. Lieutenant-Commandant Ringgold believed the island last spoken of to be Staver's Island, and by this name it is designated on our charts."—(Wilkes, Vol. IV, p. 277).

181. *The American Guano Act, 1856.*—Vostok Island was bonded under the American Guano Act on the 8th February, 1860 (Bond No. 9)—though not under its present name. A great number of islands in the Central Pacific region were also bonded at this time but as no action was apparently taken in the case of Vostok to implement the formal act of bonding by any practical exploitation of the guano deposits it may be safely considered that the claims of the bonders lapsed through non-use long prior to 1873.

An indication of the practical knowledge of the island possessed by the bonders may be gauged by the fact that they evidently considered Vostok to be two distinct islands, for they bonded it not only under the name of Staver's Island, in approximately its correct position, but also as Anne's Island, in lat. 9° 49' 00" S., and long. 151° 15' 00" W. It seems probable therefore, that the bonders had never visited Vostok but gained such information of the place as they possessed from the reports of passing ships—(Moore, Vol. I, pp. 567 and 568).

182. *Occupation by Mr. John T. Arundel.*—The next, and most important, stage in the island's history was its occupation by Mr. J. T. Arundel on the 15th October, 1873. A copy of a notice detailing this event is reproduced below, from the Arundel-Aris papers—

"I, J. T. Arundel British subject do hereby certify that this 15th day of October one thousand eight hundred and seventy-three, I hoisted the British flag on this Vostok Island and have taken possession of the same on behalf of Her Most Gracious Majesty Queen Victoria until the arrival of Her Majesty's vessel of war and I hereby also declare that I am acting both on my own behalf and also on behalf of Messrs. Houlder Brothers and Company of 146 Leadenhall Street in the city of London, Proprietors of Starbuck and Caroline Islands in this South Pacific Ocean. I hereby warn all persons against trespassing on the island of Vostok or removing anything whatever from the same." The notice was witnessed by L. C. Gray, Master of the Brig "Augusta," Joba and Rualau—(XX, Enc.).

A further document in the Arundel-Aris papers describes the island and states that J. T. Arundel, Attorney on behalf of Edwin Savoy Houlder, "having called at Vostok, and having found that island totally uninhabited and 'without the slightest trace of anyone ever having landed upon it,' hoisted the British flag and took possession in the name of Queen Victoria, and deposited the certificate quoted above in a bottle by the flagstaff erected immediately opposite to the landing place."—(XX, Enc.).

183. *Export of Guano*.—Although Sir Albert Ellis states that Vostok was without phosphate-guano deposits (XXII, p. 3), it seems probable from the information brought to light by the Arundel-Aris papers that small deposits were, in fact, located on the island and that during the years immediately succeeding 1873 attempts were made by Mr. Arundel to exploit them. The original chart of the island, made by Mr. Arundel in 1873, is still extant and this shows the landing place, flagstaff, site for house, the first camp, and the line of vegetation. A document, witnessed by Mr. M. S. Broome, Squire Hockton, and J. Thompson, describes the natives placed there as occupants, the stores to be sent, and states that the island is placed under the direction of John Thompson, the Superintendent of Starbuck Island. Further papers in the collection include—

- (a) a document dated 17/11/74 appointing Joba, Tharcy, and Alnav to be in charge of Vostok;
- (b) a document dated 26/7/75 appointing Stephen Cecil to be in charge of Vostok and "all our property in it";
- (c) a coloured plan re-naming the island "Augusta" and showing house, flagstaff, clearings made, &c.

On the 2nd December, 1874, furthermore, the first "Occupation Licence" in respect of Vostok was issued by Her Majesty's Emigration Commissioners for seven years. This was a Guano Licence and contained the usual clause to the effect that no compensation would be paid should Her Majesty find it expedient not to retain sovereignty—(XX, Enc.). This licence is presumably the same as the one referred to by the Admiralty in 1897, when they stated that: "Vostok Island was leased by Messrs. Holder Brothers of London, from the British Government for £50 per annum. Date of the lease being 1st July, 1874, held by the Emigration Commissioners."—(XXIII, Enc. 4).

Before granting it the Foreign Office was asked whether it would result in a possible infringement of the claims or rights of any other power, but the Foreign Office reply was that they possessed no information with regard to the island—(XXIII, Enc. 2).

Whether further investigation of the deposits proved them to be not worth exploiting or whether they were, in fact, worked until the phosphate was exhausted is not clear from the evidence. In view, however, of the fact that, while moorings were laid off Caroline Island in 1873 and Flint in 1874, none were laid off Vostok, it may be surmised that the island was speedily abandoned as being useless, and this conclusion is strengthened by Sir Albert Ellis' ignorance of the island ever having been worked and the report of Captain J. Larsen, who explored the island in 1922 but could find "no sign of any previous occupation or visits."

184. *Coconut Planting Licence*.—The first application for a Coconut planting Licence in respect of Vostok was made on behalf of the Pacific Islands Company, Limited, by Lord Stanmore on the 17th June, 1897. The letter points out that while the island is a small one it is very desirable that it should be under British control, and in the hands of the Pacific Islands Company, on account of its nearness to Flint and Caroline Islands—(XXIII, Enc. 1). Having obtained the consent of the Admiralty and Foreign Office, the Secretary of State approved the grant of the licence, but in actual fact none was granted until 1901, when Lord Stanmore stated that planting operations had not yet commenced on the island and requested a long term lease for Vostok, Birnie, and all islands already leased in order to attract the necessary capital for their development—(IX, Enc. 2).

185. *Lever's Pacific Plantations Limited*.—In view of Lord Stanmore's representations the Secretary of State agreed to the issue of a new Lease for 99 years at a joint annual rental of £200 for all the islands for five years, to be succeeded by a royalty based on copra export. The Pacific Islands Company, Limited, then sold all their interests in Vostok and their other coconut islands, with the exception of Starbuck and Jarvis, to Lever's Pacific Plantations Limited, and on the 16th September, 1902, the Colonial Office granted a Lease, as mentioned above, to the latter Company, the royalty being fixed at 2s. per ton of copra exported—(IX, Enc. ).

Lever's Pacific Plantations, Limited, however, concentrated their work, as far as the three southern islands of the Line Group were concerned, on Flint and it is understood that no attempt was made to develop Vostok Island.

186. *S. R. Maxwell and Company, Limited*.—As their business in the Central Pacific was not proving a financial success, Lever's Pacific Plantations Limited offered to sell their rights in Caroline, Flint, and Vostok, to Messrs. S. R. Maxwell and Company, Limited for £18,000, which they subsequently reduced to £10,000. Mr. J. L. Young, the Managing Director of the latter concern finally purchased the rights of Lever Brothers in the three islands in 1910 for £5,000, with effect from the 1st January, 1910. On the 7th January, 1911, an Occupation Licence was issued to Messrs. S. R. Maxwell and Company, Limited, for a period of 91 years from the 1st January, 1910—(Young, pp. 8 and 14; XI, Enc.).

This Company, which was registered in Auckland, New Zealand, had extensive interests in Tahiti and the Tuamotu Group and had for some time been managing the interests of Lever Brothers on Flint Island: they were, accordingly in a very favourable position to develop the island—(Young, p. 7).

No attempt, however, was made to utilize Vostok by Messrs. S. R. Maxwell and Company, Limited, though the island was visited on the 31st May, 1922, by Captain J. Larsen in the schooner "Papeete," chartered by the Company. Captain Larsen found no coconut trees growing on the island but planted 100 seedlings—(Young, p. 17).

187. *Visits of His Majesty's Ships*.—As in the case of the other islands of the Southern Line Group it would appear, from the records on file in the High Commission Office, that the visits of His Majesty's Ships have been infrequent. No record can be found of any visit prior to the occupation of the island in 1873, other than the supposed visit of H.M.S. "Encounter" in 1868, and Mr. Arundel, writing to the Colonial Office, in 1882, complains that the island had not been visited by a warship at any time during the period of his occupancy—(V, Enc.).

This statement, however, was not quite accurate, as it appears that H.M.S. "Pelican" called at the island on the 9th October, 1880, while Mr. Arundel was on Fanning. The ship skirted the shores of the island but as there were no signs of inhabitants and a heavy surf was running on the beach on all sides no attempt was made to land—(XV, Enc.). The island was presumably also visited in 1885 as the Admiralty reported it to be deserted in that year—(XXIII, Enc.).

No trace can be found locally of any warship visiting Vostok between 1885 and 1926, although a search of the records in the Admiralty would probably establish the fact that occasional visits did in fact take place. The recent visits of His Majesty's Ships are as follows:—

1926	..	..	..	H.M.S. "Laburnum"
1927	..	..	..	H.M.S. "Diomedé"
1936	..	..	..	H.M.S. "Wellington"

No landings were made by any of these ships—(XVII; XVIII; XIX.).

188. *Surveys and Plans.*—As far as is known, the position of Vostok Island was first accurately fixed by the United States Exploring Expedition, 1841 (*vide* section 180 above). Mr. John T. Arundel made detailed charts and plans of the island in connexion with his work, one of which forms the basis of the plan given in Admiralty Chart No. 979—(XX, Enc.).

189. *Annexation.*—Vostok Island is stated to have been taken possession of by H.M.S. "Encounter" in 1868—(III, Enc.). I have not, however, been able to find any record of this in any published work and it may prove to be a mis-statement. That this is so is suggested by a letter from Mr. Arundel, in which he states as follows: "No expense whatever is incurred by Her Majesty's Government in taking possession or maintaining the sovereignty of these outlying islands, in fact no official possession was ever taken of Flint or Vostok Islands during the existence of our late leases . . . ."—(V, Enc.). That Mr. J. T. Arundel, however, duly took possession of the island on behalf of Her Majesty when he first occupied it in 1871 is shown by the Notice reproduced in section 182 above—(XX, Enc.).

In 1887 the Admiralty inquired of the Colonial Office, in connexion with the Pacific Cable, whether Vostok could be regarded absolutely as a British Possession. The Colonial Office forwarded this inquiry to the Foreign Office with the comment that the island at different times had been licensed to British subjects, and the Foreign Office finally replied that "it did not appear that any question of sovereignty had been raised with regard to this Island, or that it had been claimed by any foreign country."

In 1897, in response to a query from the Colonial Office, Lord Salisbury stated that if it still appeared that there was no trace of foreign possession with regard to Vostok, there would thereupon directed the licence to be granted.

Vostok Island figures in the list of miscellaneous islands, either British or under British protection, given on page 308 of the Colonial Office List for 1897; but not in the revised list of Pacific Islands annexed or placed under British protection forwarded by the Colonial Office to the Foreign Office in a letter dated the 24th November, 1893—(XXIII, Enc. 2).

190. *Possible basis of United States Claim.*—It is suggested that the United States claim may be based on:—

- (a) the fixing of the position of the island by a vessel forming part of the United States Exploring Expedition, no landing, however, being made;
- (b) the bonding of the island, on the 8th February, 1860, under the American Guano Act, 1856, no practical steps being, however, apparently taken to implement the bonding by exploitation of the deposits.

It should be noted that Boggs does not, apparently, claim that Vostok Island was an American discovery, or that its name is of American origin, or that it has ever been an American guano occupation—(Boggs, p. 179).

191. *Summary of British Claim.*—It will be seen from the foregoing account that the discoverer of Vostok Island was neither British nor American but a member of a Russian expedition. Following upon its discovery it remained unoccupied and unexploited until 1873, when it was occupied by a British subject, who finally took possession of the island on behalf of Her Majesty Queen Victoria. The period immediately succeeding 1873 was the only one during which any attempt was made to utilize the resources of the island, but ever since 1874 a series of Guano or Coconut Planting Licences testify to the fact that Vostok is considered to be a British Possession. As far as can be ascertained, the British claim to the island has never been disputed until 1939.

#### PART N.—FLINT ISLAND.

(Lat. 11° 26' S., Long. 151° 48' W.)

192. *Discovery.*—Both Brigham and Findlay state that Flint Island was discovered in 1801, but continued search has failed to elicit the name or nationality of the discoverer. Although Flint has been considered to be identical with the Peregrino Island of Quiros, Findlay holds that this is unlikely in view of the fact that both Torres and Torquemada state that Peregrino was eight or ten Spanish leagues from north to south.

In the map which forms part of Boggs' article in "The Geographical Review" it is not claimed that Flint is an American discovery or that the name is of American origin and it is probable, therefore, that investigation in Great Britain will establish the fact that the island is a British discovery—(Brigham, p. 67; Findlay, 1863, p. 484; Boggs, p. 179).

193. *The United States Exploring Expedition.*—Though no doubt visited from time to time, like Caroline Island, by whalers, no written mention of the island has been found until 1841. In that year Lieutenant-Commander Ringgold, in command of the U.S. Brig "Porpoise," one of the vessels belonging to the United States Exploring Expedition, was ordered by Wilkes to sail from

Hawaii to Tahiti and, on his return journey, to "proceed in a north-west direction, to the islands of Penrhyn and Flint: survey these, and proceed thence to those called the Isles of Danger."

The account of their visit to Flint is as follows:—

"On the 6th of February, they made Flint's Island, situated in longitude 151° 48' W., and latitude 11° 25' 43" S. It is of small size, being only one mile and a half in length, from north-northwest to south-southeast, and thickly wooded: high breakers extended off its point some distance, and the surf was so high that it was deemed impossible to land with a boat, which is to be regretted, as these isolated islands are always extremely interesting. No inhabitants were seen."—(Wilkes, Vol. IV, pp. 277 and 515).

194. *The American Guano Act, 1856.*—Flint Island was bonded under the American Guano Act on the 8th February, 1860 (Bond No. 9). A great number of islands in the Central Pacific region were also bonded at this time but as no action was apparently taken in the case of Flint to implement the formal act of bonding by any practical exploitation of the guano deposits it may be safely considered that the claims of the bonders lapsed through non-use long prior to 1872—(Moore, Vol. I, p. 567).

195. *Occupation by Mr. John T. Arundel.*—The next, and most important, stage in the island's history is chronicled by Young who states that: "The Island, which was then uninhabited, was occupied by Mr. John T. Arundel on behalf of Houlder Brothers of London in 1872 under Licence of Occupation from the British Government."—(Young, p. 7).

In spite of Young's statement quoted above, the first "Occupation Licence" would appear to have been a Guano Licence granted by Her Majesty's Emigration Commissioners to Mr. J. T. Arundel on the 11th March, 1874, for seven years from the 1st January, 1874, in return for a rental of £50 per annum. No copy of this licence is on file locally but it is quoted in a letter from Mr. Arundel to the Colonial Office—(V, Enc. 2; XX, Enc.).

In the same year (1874) a set of moorings was laid down about 100 fathoms from the shore, in 95 fathoms of water, by the Captain of the Brig "W. H. Allen." These moorings enabled ships to lie, in all but westerly weather, as easily and safely as in harbour.—(Arundel, 1875, p. 2).

196. *Export of Guano.*—The first guano was exported from Flint in 1872 and between that date and 1890, when the supply became exhausted, "some 30,000 tons of so-called alluvial Phosphate of Lime—known as 'Coral Queen Guano'—was exported to Australia and California averaging from 45 per cent. to 60 per cent. Phosphate of Lime"—(Young, p. 17). Sir Albert Ellis, the acknowledged authority on Pacific phosphate, states that: "Phosphate-guano deposits on Flint were of fair quality and extent"—(XXII, p. 2).

197. *Export of "Tou" Wood.*—When first occupied in 1872, the island was covered with a forest of "Tou" trees (*cordia subcordata*). Simultaneously with the exploitation of the guano deposits, and in order to provide room for planting coconuts, these trees were cut down and several hundred logs exported to San Francisco. "Tou" wood sells readily, being an excellent timber for furniture making. The last of the logs from Flint Island was shipped to San Francisco in 1896—(Young, p. 7).

198. *Coconut Plantation.*—The first coconuts were planted in 1875, only three years after the occupation of the island, and the work of planting was continued throughout the eighties and nineties. A Licence to plant coconut and other trees on Flint and Caroline Islands was granted to Mr. J. T. Arundel by the British Government on the 29th November, 1885, a copy being forwarded to the High Commissioner—(VI; VII, Enc.). This licence gave him the exclusive right to occupy Flint and Caroline and to plant coconut and other trees on the islands for a period of 21 years, in return for an annual rental of £50.

It is stated on the Indenture that, "it hath been represented to Her Majesty by the said Licensee . . . that the said islands (*i.e.*, Flint and Caroline) do not belong to any Foreign State or Power and that so far as the Licensee or any person through whom he claims is aware no other person has or claims to have on the ground of prior discovery or otherwise any right or interest to or in the said Islands."—(VII, Enc.).

On the exhaustion of the guano deposits the island became solely a coconut plantation and on the 21st September, 1893, at the request of Mr. J. T. Arundel, the Secretary of State for the Colonies agreed to extend the Coconut planting Licences for Flint and other islands, which were then due to expire on a variety of dates, to the 1st February, 1915, in order to bring them into line with the Lease for Starbuck Island—(VIII, Enc.).

During 1894 the schooner "Ryno" overshot the mooring buoy on arriving at the island and ran ashore close to the landing place. This is the only vessel known to have been wrecked on Flint—(Young, p. 8).

199. *The Pacific Islands Company, Limited.*—In 1897 the Pacific Islands Company, Limited, of which Lord Stanmore was Chairman, took over the business of Messrs. John T. Arundel and Company, Mr. Arundel remaining as Vice-Chairman of the new Company. In addition to Flint, the Company held Coconut planting Licences from the British Government in respect of several other islands in the Phoenix and Line Groups. Lord Stanmore stated in 1901 that of these islands, five only had been even partially planted and Flint was the only island where the trees had arrived at maturity and provided a yield of copra; he requested long term leases for each island in order to attract the necessary capital for their development—(IX, Enc. 3).

200. *Lever's Pacific Plantations, Limited.*—In view of Lord Stanmore's representations the Secretary of State agreed to the issue of a new Lease for 99 years at a joint annual rental of £200 for all the islands for five years, to be succeeded by a royalty based on copra export. The Pacific Islands Company, Limited, then sold all their interests in Flint, and their other coconut islands

with the exception of Starbuck and Jarvis, to Lever's Pacific Plantations Limited, and on the 16th September, 1902, the Colonial Office granted a Lease, as mentioned above, to the latter Company, the royalty being fixed at 2s. per ton of copra exported—(IX, Enc. 4).

During the period of Lever Brothers occupation of Flint a considerable amount of capital was spent on the development of the island. Among other improvements a boat passage about 120 feet long was blasted from the edge of the reef to the land, at a reported cost of £800. This passage served to replace the old mooring buoy, which had disappeared.

The island was for some years worked from Sydney by the steamers "Brunner" and "Archer" at a loss but later it was arranged that S. R. Maxwell and Company of Tahiti should manage the copra export by schooners direct from Papeete.

201. *The Eclipse Expedition, 1908.*—In 1908, when Mr. Mortimer was Messrs. Lever Brothers' manager on Flint, the island was visited by a British scientific party under the leadership of F. K. McClean, F.R.A.S., who observed the solar eclipse of the 3rd January there, in conjunction with a Lick Observatory expedition under Professor V. W. Campbell—(McClean and others). It is noteworthy that the American party from Lick Observatory did not leave for Flint until the United States Ambassador at London had got into touch with the Foreign Office; in his letter the Ambassador acknowledges Flint to be "a part of the British Empire"—(CXIII).

202. *S. R. Maxwell and Company, Limited.*—Lever's Pacific Plantations Limited finally offered to sell their rights on Flint, Caroline, and Vostok, to Messrs. S. R. Maxwell and Company, Limited, for £18,000, which they subsequently reduced to £10,000. As a consequence, Mr. J. L. Young, the Managing Director of the latter concern, visited and inspected the island in July, 1908, and in 1910 purchased the rights of Lever Brothers in the three islands for £5,000, with effect from the 1st January, 1910. On the 7th January, 1911, an Occupation Licence was issued to Messrs. S. R. Maxwell and Company, Limited, for a period of 91 years from the 1st January, 1910.

This Company which was registered in Auckland, New Zealand, had for some time been established as island traders at Tahiti and possessed interests in various French islands in the Tuamotu Group. They continued to work Flint as a coconut plantation without interruption until 1934 when, at a meeting held at Auckland on the 22nd November, the Company was voluntarily wound up. Since that date the Flint Island plantation has been carried on by Mr. Edward Anderson, the Liquidator of the Company—(Young, pp. 7 and 8; X, Enc.; XI, Enc.).

In 1936-37 there occurred the only break in the continuity of the occupation of the island since 1875. In August, 1936, owing, it is believed, to a dispute with Mons. Rougier, the lessee of Christmas Island, the government of French Oceania prohibited, by Decree, the recruitment of labour for foreign countries. The labour from Flint Island, being on a visit to Tahiti for the July celebrations, were thus prevented from returning. The impasse was not resolved until early in 1937, the first party leaving Papeete for Flint about March—(XIII and XIV).

203. *Progress of the Coconut Plantation.*—The continuous progress made in the development of the Flint Island plantation may be gauged from the figures given below:—

1875	..	..	..	First trees planted.
1900	..	..	..	Estimated 20,000 trees on island.
1910	..	..	..	Estimated 25,000 trees on island.
1922	..	..	..	Estimated 30,000 trees on island.

By 1922 the entire plantable area of about 600 acres had been occupied. During the drought years 1917 and 1918, 1,070 trees situated on the rocky ridge on the north-east side of the island died and were replaced; the general production, however, was not affected. Since 1911 about 7,000 trees have been planted to replace non-bearing and dead trees; these new trees came into bearing within seven to eight years, on an average.

Between 1910 and 1922 a total of 2,228 metric tons of copra was exported from the island, and from 1922 to 1934, 2,769 tons, the average annual export during the five year period from 1930 to 1935 being 233 tons—(Young, pp. 1, 2, 5, 6 and 9).

204. *Visits of His Majesty's Ships.*—It would appear, from the records on file in the High Commission Office, that the visits of His Majesty's Ships to the Southern Line Group have been infrequent. No record can be found of any visit prior to the occupation of the island in 1872, other than the supposed visit of H.M.S. "Encounter" in 1868, and Mr. Arundel, writing to the Colonial Office in 1882, complains that the island had not been visited by a warship at any time since that date—(V, Enc.).

This statement, however, was not quite accurate, as it appears that H.M.S. "Pelican" called at the island on the 11th October, 1880, while Mr. Arundel was on Fanning Island. The ship skirted the shores of the island but an attempt to land had to be abandoned for fear of damaging the boat. No inhabitants were seen. Commander Dicken was informed by Mr. Arundel that "the islands of Christmas, Starbuck, Vostok, Caroline, and Flint are leased by Houlder Brothers from the English Government"—(XV, Enc.).

The next mention of Flint is in a report by Commander Tupper, of H.M.S. "Pylades." This vessel did not actually visit the island but in 1899, while at Suvarrow Island, Commander Tupper heard that it was inhabited by "Mr. Ellis and wife, both English, and 30 natives working for Pacific Islands Company." It was then hoped that a man-of-war would visit Flint and "blow up a couple of rocks to make a good and safe passage." Mr. Ellis, mentioned in the report, is still alive in Auckland, New Zealand—(XVI, Enc.).

No trace can be found locally of any warship visiting Flint between 1880 and 1926, although a search of the records in the Admiralty would probably establish the fact that occasional visits did in fact take place. The recent visits of His Majesty's Ships are as follows—

1926	..	..	..	H.M.S. "Laburnum."
1927	..	..	..	H.M.S. "Veronica."
1936	..	..	..	H.M.S. "Wellington."



The report on the island furnished by Commander R. H. De Salis of H.M.S. "Veronica" is particularly detailed and contains some interesting photographs—(XVII, Enc.; XIX, Enc. 4).

205. *Surveys and Plans.*—As stated in section 193 above, the position of Flint was fixed by the U.S. Brig "Porpoise" in 1841, in connexion with the work of the United States Exploring Expedition. Mr. John T. Arundel made detailed plans and surveys of the island, but the plan given on Admiralty Chart No. 979 is taken from a German sketch survey of 1878—(XX, Enc.).

206. *Annexation.*—Flint Island is stated to have been taken possession of by H.M.S. "Encounter" in 1868—(III, Enc.). I have not, however, been able to find any record of this in any published work and it may prove to be a mis-statement. That this is so is suggested by a letter from Mr. Arundel, in which he states as follows: "No expense whatever is incurred by Her Majesty's Government in taking possession or maintaining the sovereignty of these outlying islands, in fact no official possession was ever taken of Flint or Vostok Islands during the existence of our late leases . . . ."—(V, Enc.).

It is probable, of course, that Mr. Arundel took formal possession of the island on behalf of the British Government when he first landed on it, in view of his action on landing at Vostok—(XX, Enc.), and he apparently considered, not only that it was part of the Empire, but that he had been instrumental in making it part. For example, in his letter quoted above he states of Sydney Island that "this is the third island which during my ten years' residence in the Pacific I have had the honour of adding thus voluntarily to Her Majesty's Dominions," the context suggesting that the first two islands referred to were Flint and Vostok—(V, Enc.).

That Flint Island has, ever since its first occupation, been considered a portion of the Empire is clear from the fact that various Occupation Licences have been granted by the British Government; in this connection reference is invited to section 55, where the political effect of the granting of a Crown licence followed by occupation is more fully dealt with. The 1874 guano licence contained a clause stating that no compensation would be paid should Her Majesty find it expedient not to retain sovereignty, while the coconut planting Licences granted in 1902 and 1911 give the Licensees the right to "display the British Flag as occasion may require in token of such occupation," and in actual practice, the Union Jack is invariably flown whenever a vessel is seen to approach the island. It is suggested, furthermore, that the island is a "British Settlement" within the meaning of the British Settlements Act, 1887.

207. *Possible basis of United States Claim.*—It is suggested that the United States claim may be based on—

- (a) the fixing of the position of the island by a vessel forming part of the United States Exploring Expedition, no landing, however, being made;
- (b) the bonding of the island, on the 8th February, 1860, under the American Guano Act, 1856, no practical steps being, however, apparently taken to implement the bonding by exploitation of the deposits;
- (c) the brief visit of the Lick Observatory Eclipse expedition in 1908, which coincided with the visit of a similar British party.

It should be noted that Boggs does not, apparently, claim that Flint Island was an American discovery, or that its name is of American origin, or that it has ever been an American guano occupation—(Boggs, p. 179).

208. *Summary of British Claim.*—It will be seen from the foregoing account that although the discoverer of Flint Island has not been traced, he was not at any rate apparently an American citizen. Following upon its discovery it remained unoccupied and unexploited until 1872, when it was settled by a British subject. From that date onwards it has remained in the uninterrupted possession of British subjects and from 1874 to the present day their legal title to occupy the island has been recognized by the grant by the British Government of a series of Occupation Licences. The only time during which the island is believed to have been without resident inhabitants throughout the whole of this period was for a few months in 1936-37. Ever since its first occupation Flint Island has been definitely considered to be a British possession, a fact which has been evidenced on innumerable occasions, and as far as can be ascertained the British claim to the island has never been disputed until 1939.

Attention is again drawn to the fact that the United States Government have, in the past, acknowledged the British ownership of Flint, since on the 23rd February, 1906, the American Ambassador at London wrote to the British Foreign Office requesting information regarding Flint Island, "a part of the British Empire"—(CXIII).

## SECTION III.—MISCELLANEOUS.

## PART O.—LEGAL JURISDICTION OVER THE PHŒNIX AND LINE ISLANDS.

209. *Laws and Regulations.*—The nature of the laws and regulations applicable to the permanent or temporary residents of the various guano or coconut islands included in this report, which depended partly on whether the individual concerned was a British subject, a foreigner, or a native, has been fully dealt with, as regards the Southern Ellice and Tokelau Islands, in Part D of Mr. P. D. Macdonald's report.

As much of the material there presented applies equally to the Phoenix and Line Islands, the subject has been only briefly touched on here.

210. *Early Legal Jurisdiction.*—The first island to be occupied in the Phoenix or Line Groups was Caroline, in 1846. At that time British subjects on all islands in the Pacific Ocean came within the jurisdiction, as regards criminal offences, of the Supreme Courts of New South Wales and Van Dieman's Land, by virtue of Act 9 George IV, c. 43. In 1872 the first Pacific Islanders Protection Act made it necessary for a licence to be obtained before a vessel could engage labour for work on the islands and also gave powers to the Supreme Court of any Australasian Colony to punish British subjects found guilty of certain offences connected with the obtaining of labourers. This Act was supplemented in 1875, by the second Pacific Islanders Protection Act, which also applied to all Pacific Islands. Section 6 of the Act empowered Her Majesty, by Order in Council, to create the office of High Commissioner having jurisdiction over all British subjects in such Pacific Islands as the Order was made to apply to. The High Commissioner was empowered, in Her Majesty's name and behalf, to make regulations for the government of such British subjects, and also to issue the licences required by the Acts of 1872 and 1875. Provision was also made for the constitution of a Court with full powers of dealing with all offences committed within the limits of the Order. Although the Act in general applied to all Pacific Islands, the Order in Council, when it was finally issued in 1877, applied only to the Western Pacific. As the term "Western Pacific Ocean" was never defined, it was generally assumed, for practical purposes, to be coterminous with the boundaries of the Australian Naval Station—(CV.). On the 19th November, 1877, the Secretary of State for the Colonies directed that the jurisdiction of the Deputy Commissioner at Samoa should also include the Phoenix Islands—(CVIII).

211. *The Western Pacific High Commission.*—In the period following the coming into force of the Western Pacific Order in Council, 1877, therefore, British subjects in the Phoenix Islands (which were specifically mentioned in the Order) came under the jurisdiction of the High Commissioner for the Western Pacific, whereas those resident in the Line Islands were still presumably subject to the provisions of Act 9, George IV, c. 43. In actual practice, both before and after the establishment of the High Commission, law and order in the remoter islands of the Pacific was maintained by the Captains of the various visiting warships, who were ready to advise and arbitrate in disputes and, where necessary, to remove those guilty of serious crimes for trial by the nearest Court having jurisdiction. After 1877, the powers of these Naval Officers were usually reinforced by making them Deputy Commissioners on occasions when they visited islands within the jurisdiction of the High Commissioner's Court: for example, both Commander E. Rooke of H.M.S. "Miranda" and Commander C. F. Oldham of H.M.S. "Egeria," who visited the Phoenix Group in 1886 and 1889 respectively, were issued with Commissions as Deputy Commissioners, as was Commander H. U. S. Gibson, who proclaimed a Protectorate over Gardner Island in 1892.

212. *The British Settlements Act, 1887.*—In 1887 the British Settlements Act was passed, conferring power on the Queen in Council to make laws and establish Courts for the peace, order, and good government of any British settlement, or to grant jurisdiction to the Courts of any British possession in respect of matters occurring in a British settlement. As the expression "British Settlement" is defined as meaning "any British possession which has not been acquired by cession or conquest, and is not for the time being within the jurisdiction of the Legislature . . . of any British possession" it is probable that all the islands included in this Report are in fact British settlements within the meaning of the Act.

213. *The Pacific Order in Council, 1893.*—In the year 1893, the powers and jurisdiction of the High Commissioner's Court were greatly enlarged by the enactment of the Pacific Order in Council. The limits within which jurisdiction under the Order was exerciseable were extended, by Article 6, to an area which included the Phoenix Group and all the Line Islands with the exception of Fanning and Christmas. In the case of British settlements and islands under British protection (and thus all the islands dealt with in this Report), the Order enabled the jurisdiction of the Court to be assured over foreigners and natives, who were thus made subject to ordinary English law.

By a Proclamation issued in Suva on the 10th December, 1895, jurisdiction under the Pacific Order in Council was extended to Fanning and Christmas Islands. Furthermore, by a Proclamation dated the 6th March, 1903, the limitation on the High Commissioner's jurisdiction imposed by Article 6 was removed, thus extending the limits of the Order to all Pacific Islands as specified in Article 4—(CVI).

214. *Powers of Naval Officers.*—In 1893 the Admiralty extended the boundaries of the Australian Naval Station to include all the Phoenix and Line Islands, with the exception of Fanning and Christmas, which were still left under the Pacific command. Article 18 of the Pacific Order in Council conferred on Naval Officers in command a jurisdiction in some respects resembling that of Justices of the Peace and by this means it was possible to enforce the law among the scattered islands of the Central Pacific without having recourse to the expensive expedient of appointing

resident Administrative Officials. Owing to the extensive powers possessed by Naval Officers under Article 18 it was, furthermore, usually unnecessary to appoint them Deputy Commissioners under Article 9—(CVI, Encs.). That the officers took their judicial duties seriously is evident from a perusal of the many reports sent in by them, and as late as 1923 the High Commissioner was of the opinion that "occasional visits by one of His Majesty's Ships of War" was still the most practicable method of administering the Phoenix Group. In the case of more serious crimes it was of course necessary for the person concerned to be removed for trial in Fiji, or else for a Deputy Commissioner, or in some cases a Judicial Commissioner, to visit the island where the crime had been committed. An instance of the latter procedure occurred in 1913 when Mr. Arthur Mahaffy, Assistant High Commissioner, proceeded to Malden in order to try a native for manslaughter—(LII).

215. *The Gilbert and Ellice Islands Colony.*—The legal position of residents in the Phoenix and Line Groups, as settled by the Pacific Order in Council, 1893, remains substantially unaltered to the present day, with the exception that certain of the islands have now been incorporated within the boundaries of the Gilbert and Ellice Islands Colony. Christmas Island was included in the Colony by an Order in Council dated the 30th July, 1919, and the Phoenix Islands by an Order in Council dated the 10th March, 1937. The legal effect of these enactments is to make applicable to these islands the same Queen's and King's Regulations and Ordinances that are in force in the Gilbert and Ellice Islands Colony, these Regulations and Ordinances being themselves made and enacted under the Pacific Order in Council, 1893. Malden, Starbuck, Caroline, Vostok, and Flint Islands still remain outside the boundaries of any Colony and are administered by the High Commissioner direct; it has been proposed, however, that they shall also be included in the Gilbert and Ellice Islands Colony in due course.

During 1939 Native Governments were established on the newly colonized islands of Hull, Sydney, and Gardner, in the Phoenix Group. The Native Governments enforce, in practice, the code of Native Laws and Island Regulations laid down by Ordinance No. 2 of 1917, together with various amending Ordinances. Since, however, the Ordinance applies only to the natives of the Gilbert and Ellice Groups and Ocean Island, there is at present no legal sanction for its enforcement in the Phoenix Islands. The judicial power on each island is vested in a Native Magistrate, who presides over a Native Court, his decisions being given after consultation with an advisory body of Kaubure elected by the people of the island.

216. *Special legislation affecting Native Labour.*—Apart from a few European Managers and Overseers, the entire population of the Phoenix and Line Groups dealt with in this Report consisted, until 1938, of native labourers imported for varying terms to work in the phosphate-guano fields or coconut plantations. A Clause was invariably inserted in Occupation Licences issued by the Government requiring the Licensee to maintain good order among, and properly treat, these labourers. In the earliest Occupation Licence on record in the High Commission Office, dated 1880, the relevant section reads as follows:—

"4. That the said Licensee shall with his own resources and to the satisfaction of such Secretary of State maintain good order on the said (island) and shall properly feed support and treat all labourers and others who may be employed by him on the said (island) and shall also conform to and enforce all such rules and regulations if any as may from time to time be established by or by the authority of such Secretary of State for maintaining good order on the said (island) and the said Licensee shall not practise or resort to any punishments or methods of coercing labour which in the opinion of the Secretary of State shall be unjustifiable."—(CIX).

In 1881 the final portion of the section was amended to read, "and will not inflict any punishment or resort to any method of compelling labour which shall be prohibited by such Secretary of State."—(XV, Enc. 5).

As no action was taken by the Secretary of State either to prescribe rules and regulations for maintaining good order or to state that any particular forms of punishment were "unjustifiable," the holders of Occupation Licences were, until 1891, able to make and enforce their own rules for the control of their labourers. On the 26th October, 1891, the clause was revised to read as quoted below, and in this form has remained substantially unaltered to the present day:—

"3. That the Licensee will at his own expense and to the satisfaction of the High Commissioner for the Western Pacific maintain good order on the Island and will properly feed support and treat all labourers and others there employed by him and will conform to and enforce all regulations if any from time to time established by the authority of such High Commissioner for maintaining good order on the Island and will not without the sanction in writing of such High Commissioner inflict any punishment or resort to any method of compulsory labour."

In view of the fact that the Licensees were now unable to inflict any kind of punishment unless sanctioned in writing, the Secretary of State requested the High Commissioner to draw up a scale of approved punishments for minor offences, for the guidance of all licensees.—(CX). The scale, as finally sanctioned, reads as follows:—

"1. For Assaults occasioning, or intended to occasion, grievous bodily harm, and for any serious crime; such personal restraint as may be necessary for safety before the offender can be removed to his home, together with reduction of rations by one-third, and forfeiture of tobacco:

2. For petty assaults; money fine, not exceeding three days pay, to be remitted to the High Commissioner, with or without stoppage of tobacco for not more than one week:

3. For unlawful absence from work; deduction, after second offence and warning, of double the wages payable for the period of the absence from work, also reduction of diet by one-third and stoppage of tobacco during absence from work:

4. For absence from work when it is doubtful whether the labourer is malingering or not; stoppage of tobacco during absence from work:
5. For petty larceny; a deduction equal to double the value of the goods stolen, half of the amount deducted to be remitted to the High Commissioner:
6. For petty disobedience and other petty offences; stoppage of tobacco for not more than a week."

With reference to Regulation 1 it should be noted that before the enactment of the Pacific Order in Council, 1893, any native who committed a serious offence on a guano or coconut island would have had to have been sent back to his home island for trial according to the laws and customs of his own people; after 1893 all labourers came under the jurisdiction of the High Commissioner's Court. In forwarding the above scale of punishments to the Secretary of State, the High Commissioner remarked, however, that in actual practice practically no trouble had ever arisen on any licensed island or was likely to arise in the future, order being satisfactorily maintained by those of chiefly rank among the recruited labour.—(CXI: CXII). Cases of ill-treatment of labourers on the part of the overseers were equally rare, as the type of labour employed was well aware of his rights and any attempt of infringement was liable to result in a stoppage of all work and difficulty in obtaining fresh recruits.

217. *Licensing of Vessels to carry Labourers.*—Under the Pacific Islanders Protection Act, 1872, no British vessel was permitted to carry native labourers unless the Master had furnished a bond in the sum of £500 and received a licence from the Governor of one of the Australasian Colonies or a British consular officer. This rule applied to all labour recruited for work in any of the guano or coconut islands in the Pacific. The report of Commodore Wilson on the "Labour Trade in the Western Pacific" (Australian No. 84) shows that between 1873 and 1880 twenty-seven licences were granted by the Governor of Victoria to recruit labour for Malden, the number of natives permitted to be taken being over 1,000—(LVII, Enc.).

With the enactment of the second Pacific Islanders Protection Act in 1875 and the Western Pacific Order in Council in 1877 the High Commissioner was empowered to grant permits to carry native labourers. In 1903 the Governor-General of New Zealand stated that he had for some time refused to sign such permits unless they were for the carriage of natives to and from places under his jurisdiction. Of recent years the labour employed in the Line Group has been conveyed in French vessels, which are exempt from the provisions of the 1872 and 1875 Acts, while in the case of the Phoenix Islands the labour has usually been obtained from the Ellice Group, the recruiting vessel being licensed under King's Regulation No. 1 of 1915.

H. E. MAUDE,  
Administrative Officer and Native Lands Commissioner,  
Gilbert and Ellice Islands Colony.

## APPENDIX I.

## LIST OF DESPATCHES AND LETTERS WHICH HAVE BEEN QUOTED IN THE REPORT.

- I.—The Liquidator, S. R. Maxwell & Co., Ltd.—Sec., W.P.H.C. of 16/11/38.  
 II.—S.S.—H.C., Secret of 29/4/37.  
 III.—Sir John Shuckburgh, K.C.M.G., to Sir Harry Luke, K.C.M.G., demi-official confidential of 24/11/39.  
 IV.—Acting H.C.—S.S., Secret of 7/10/36.  
 V.—S.S.—H.C., No. 8 of 22/3/82.  
 VI.—S.S.—H.C., No. 6 of 13/3/86.  
 VII.—S.S.—H.C., No. 12 of 27/8/86.  
 VIII.—S.S.—H.C., No. 37 of 29/9/93.  
 IX.—S.S.—H.C., No. 35 of 24/9/02.  
 X.—Asst. H.C.—S.S., No. 87 of 15/3/35.  
 XI.—S.S.—H.C., No. 15 of 20/1/11.  
 XII.—H.C.—S.S., No. 441 of 19/10/27.  
 XIII.—Act. H.C.—S.S., No. 315 of 18/11/36.  
 XIV.—H.C.—S.S., No. 114 of 18/5/37.  
 XV.—S.S.—H.C., No. 19 of 10/6/81.  
 XVI.—S.S.—H.C., No. 5 of 29/1/00.  
 XVII.—S.S.—H.C., No. 39 of 11/2/27.  
 XVIII.—H.C.—S.S., No. 414 of 19/10/27.  
 XIX.—Act. H.C.—S.S., Secret, of 7/10/36.  
 XX.—Mr. A. B. Acheson to Sir Harry Luke, K.C.M.G., demi-official secret and personal letter of 15/4/40.  
 XXI.—S.S.—H.C., No. 28 of 20/7/01.  
 XXII.—Sir Albert Ellis to H.C., personal and confidential of 14/3/40.  
 XXIII.—S.S.—H.C., No. 40 of 2/9/97.  
 XXIV.—S.S.—H.C., No. 28 of 20/10/90.  
 XXV.—S.S.—H.C., No. 21 of 7/6/93.  
 XXVI.—H.C.—S.S., No. 33 of 26/10/91.  
 XXVII.—S.S.—H.C., No. 48 of 7/10/05.  
 XXVIII.—S.S.—H.C., No. 59 of 31/12/06.  
 XXIX.—S.S.—H.C., No. 35 of 24/8/05.  
 XXX.—S.S.—H.C., No. 31 of 15/8/02.  
 XXXI.—S.S.—H.C., No. 55 of 12/2/14.  
 XXXII.—S.S.—H.C., No. 181 of 29/11/18.  
 XXXIII.—S.S.—H.C., No. 183 of 18/12/18.  
 XXXIV.—S.S.—H.C., No. 29 of 13/5/03.  
 XXXV.—Act. H.C.—S.S., No. 185 of 13/8/38.  
 XXXVI.—H.C.—S.S., No. 11 of 19/5/82.  
 XXXVII.—S.S.—H.C., No. 2 of 8/2/83.  
 XXXVIII.—S.S.—H.C., No. 12 of 11/6/83.  
 XXXIX.—S.S.—H.C., No. 21 of Nov., 83.  
 XL.—S.S.—H.C., No. 23 of 16/7/84.  
 XLI.—S.S.—H.C., No. 18 of 17/11/87.  
 XLII.—S.S.—H.C., No. 10 of 12/3/88.  
 XLIII.—S.S.—H.C., Acts. of 24/4/95.  
 XLIV.—S.S.—H.C., Fin. of 15/6/97.  
 XLV.—S.S.—H.C., No. 37 of 27/7/06.  
 XLVI.—S.S.—H.C., No. 85 of 6/11/07.  
 XLVII.—S.S.—H.C., telegram of 22/10/20.  
 XLVIII.—S.S.—H.C., telegram of 27/10/27.  
 XLIX.—S.S.—H.C., No. 262 of 24/10/13.  
 L.—H.C.—S.S., No. 138 of 22/3/15.  
 LI.—S.S.—H.C., Acts of 18/12/94.  
 LII.—S.S.—H.C., No. 436 of 13/11/13.  
 LIII.—H.C.—S.S., No. 65 of 11/2/26.  
 LIV.—H.C.—S.S., No. 330 of 31/8/27.  
 LV.—H.C.—S.S., No. 187 of 20/7/20.  
 LVI.—H.C.—S.S., No. 258 of 18/6/13.  
 LVII.—S.S.—H.C., Circular of 26/2/82.  
 LVIII.—H.C.—S.S., No. 462 of 3/12/13.  
 LVIX.—H.C.—S.S., No. 466 of 16/12/13.  
 LX.—Memorandum prepared in Colonial Office for Sir Harry Batterbee, Secret, of Feb., 1939.  
 LXI.—S.S.—H.C., No. 175 of 17/7/13.  
 LXII.—H.C.—S.S., No. 26 of 15/8/93.  
 LXIII.—S.S.—H.C., Acts. of 19/10/96.  
 LXIV.—S.S.—H.C., No. 25 of 2/12/91.  
 LXV.—Mr. J. T. Arundel—H.C., 16/11/81.  
 LXVI.—Mr. J. T. Arundel—H.C., 29/3/94.  
 LXVII.—H.C.—S.S., Conf. of 7/6/92.  
 LXVIII.—S.S.—H.C., Conf. of 26/10/92.  
 LXIX.—S.S.—H.C., No. 39 of 22/11/92.

- LXX.—S.S.—H.C., No. 16 of 26/1/15.  
 LXXI.—H.C.—S.S., No. 408 of 20/8/15.  
 LXXII.—H.C.—S.S., No. 204 of 1/6/17.  
 LXXIII.—H.C.—S.S., confidential telegram No. 18 of 24/1/40.  
 LXXIV.—Act. H.C.—S.S., confidential of 22/6/39.  
 LXXV.—H.C.—S.S., confidential of 9/1/40.  
 LXXVI.—H.C.—S.S., No. 295 of 27/9/35.  
 LXXVII.—R.Cr., G. & E.I.C.,—H.C., confidential of 28/5/37.  
 LXXVIII.—H.C.—S.S., No. 84 of 22/10/97.  
 LXXIX.—Act. H.C.—S.S., No. 264 of 14/9/36.  
 LXXX.—S.S.—H.C., No. 9 of 16/2/92.  
 LXXXI.—S.S.—H.C., No. 27 of 7/6/04.  
 LXXXII.—S.S.—H.C., No. 6 of 31/1/06.  
 LXXXIII.—H.C.—S.S., No. 224 of 28/7/23.  
 LXXXIV.—H.C.—S.S., No. 219 of 17/6/31.  
 LXXXV.—Asst. Sec., W.P.H.C.,—Sec., W.P.H.C. of 20/1/38.  
 LXXXVI.—Act. Asst. Sec., W.P.H.C.,—Sec., W.P.H.C., confidential of 6/8/38.  
 LXXXVII.—S.S.—H.C., No. 11 of 5/4/82.  
 LXXXVIII.—S.S.—H.C., No. 5 of 9/2/83.  
 LXXXIX.—S.S.—H.C., No. 20 of 3/10/82.  
 XC.—H.C.—S.S., No. 325 of 3/9/28.  
 XCI.—Act. H.C.—S.S., confidential of 22/4/39.  
 XCII.—S.S.—H.C., secret of 16/1/39.  
 XCIII.—S.S.—H.C., No. 32 of 16/9/92.  
 XCIV.—S.S.—H.C., No. 38 of 10/8/97.  
 XCV.—S.S.—H.C., No. 45 of 17/9/97.  
 XCVI.—S.S.—H.C., No. 55 of 25/10/97.  
 XCVII.—The Manager, The Pacific Islands Co., Ltd.—H.C., of 1/9/98.  
 XCVIII.—S.S.—H.C., No. 302 of 3/12/14.  
 XCIX.—S.S.—H.C., secret of 6/4/40.  
 C.—Act. H.C.—S.S., confidential of 26/4/39.  
 CI.—S.S.—H.C., confidential of 6/2/40.  
 CII.—S.S.—H.C., secret of 27/2/20.  
 CIII.—H.C.—S.S., confidential of 17/5/22.  
 CIV.—H.C.—S.S., No. 334 of 7/10/28.  
 CV.—S.S.—H.C., No. 17 of 10/4/93.  
 CVI.—S.S.—H.C., No. 17 of 6/3/03.  
 CVII.—H.C.—S.S., No. 386 of 8/11/23.  
 CVIII.—S.S.—H.C., Fiji No. 122 of 19/11/77.  
 CIX.—S.S.—H.C., No. 15 of 24/5/80.  
 CX.—S.S.—H.C., No. 21 of 26/10/91.  
 CXI.—H.C.—S.S., No. 2 of 4/1/92.  
 CXII.—S.S.—H.C., No. 13 of 12/3/92.  
 CXIII.—S.S.—H.C., No. 66 of 20/9/07.
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## APPENDIX II.

## BIBLIOGRAPHY OF BOOKS, PAMPHLETS, AND ARTICLES ON THE PHOENIX AND LINE ISLANDS.

1. Admiralty Chart, No. 184.—"South Pacific Ocean—Phoenix Group." London, J. D. Potter, 1936.
2. Admiralty Chart, No. 979.—"Central Pacific Ocean—Islands between 160° East and 150° West Longitude." London, J. D. Potter, 1938.
3. Allen, Percy S.—"Stewart's Hand Book of the Pacific Islands." Sydney, N.S.W., 1922.
4. Arrowsmith, A.—"Chart of the Pacific Ocean, drawn from a great number of printed and MS. journals, by A. Arrowsmith, Geographer, No. 24 Rathbone Place, London, 1798." Published October 1, 1798.
5. Arundel, John T.—"Notes on Guano Islands in the South Pacific Ocean: Owned by Messrs. Houlder Brothers and Co., London." C. 1875. (Printed pamphlet in writer's possession).
6. Arundel, J. T.—"Notes on Sydney Island, South Pacific Ocean." C. 1883. (Printed pamphlet for the guidance of Ship Owners.).
7. Arundel, John T.—"Phoenix Group and Other Islands of the Pacific." "New Zealand Herald" Supplement. July 5th and 12th, 1890.
8. Australian, No. 152.—"Further Papers relating to Islands of the Pacific Ocean." London, H.M. Stationery Office, 1892.
9. Ball, S. C.—"Field Notebook, Fanning Island." Bernice P. Bishop Mus. MS., 1922.
10. Becke, Louis.—"A North Pacific Lagoon Island" in Rougier, Emmanuel.—"Ile Christmas." Brioude, France, 1914.
11. Becke, Louis.—"Wild Life in Southern Seas." London, T. Fisher Unwin, 1897.
12. Behm, E.—"Das Amerikanische Polynesien und die politischen Verhältnisse in den ubrigen Theilen des Grossen Oceans im J. 1859." Petermanns Mitt., Vol. 5, 1869.
13. Bellingshausen, F.—"Dual Exploration of the Southern Frozen Ocean, and Voyage round the world during the years 1819, 1820 and 1821 performed in the sloops "Vostoka," and "Mernom," under the command of Captain Bellingshausen, commanding the sloop "Vostoka." In Russian. St. Petersburg, 1831.
14. Bennett, F. D.—"Narrative of a Whaling Voyage round the Globe, from the year 1833 to 1836." 2 Vols., 1840.
15. Benson, Capt. George.—"Sketch of Christmas Island, with a chart of the island." Hawaiian Spectator, Vol. 1, 1838.
16. Biddle, Clement.—"Some Pacific Ocean Islets Appertaining to the United States: A brief Historical and Descriptive Narrative." Bull. Geogr. Soc. of Philadelphia, Vol. 16, 1918.
17. Bloxam, Andrew.—"Diary (1824—1825)." Bernice P. Bishop Mus., Special Pub. 10, 1925.
18. Boggs, S. Whittemore.—"American Contributions to Geographical Knowledge of the Central Pacific." The Geographical Review. April, 1938. Vol. XXVIII, No. 2.
19. Brigham, W. T.—"An Index to the Islands of the Pacific Ocean." Memoirs of the Bernice P. Bishop Museum, Vol. I, No. 2, 1900.
20. Broughton, Capt. W. R.—"Voyage de Découvertes dans la Partie Septentrionale de l'Océan Pacifique: pendant les années 1795, 1796, 1797, et 1798." 2 Vols. Paris, 1807.
21. Brown, Prof. J. Macmillan.—Article on "Malden Island" in "The Christchurch Press." Christchurch, N.Z., 1919.
22. Brown, J. M.—"Peoples and Problems of the Pacific." 2 Vols. London, 1927.
23. Bryan, E. H. Jr., & collaborators.—"Insects of Hawaii, Johnston Island, and Wake Island." Bernice P. Bishop Mus., Bull. 31, 1926.
24. Bryan, E. H. Jr.—Article in the "Honolulu Advertiser" for April 25th, 1937.
25. Buck, Peter H.—"Vikings of the Sunrise." New York, 1938.
26. Burnett, Frank.—"Through Tropic Seas." London, 1910.
27. Byron, G. A.—"Voyage of H.M.S. "Blonde" to the Sandwich Islands (1824—1825)." London, 1826.
28. Campbell, A. J.—"Notes from Malden Island." Victorian Naturalist. 1889.
29. Cassin.—"United States Exploring Expedition: Mamm. and Ornith."
30. Christian Science Monitor, Article in the.—"Aviation prizes long neglected isles of the Pacific." Christian Science Monitor, 11th August, 1937.
31. Christophersen, Erling.—"Vegetation of Pacific Equatorial Islands." Bernice P. Bishop Museum, Bull. 44, 1927.
32. Cook, Capt. James.—"A Voyage to the Pacific Ocean . . . under the direction of Captains Cook, Clerke, and Gore (1776—1780), Vol. 2. London, 1784.
33. Cooke, C. M., Neal, M. C. and Pilsby, H.A.—"Land Snails from Hawaii, Christmas Island, and Samoa." Bernice P. Bishop Mus., Bull. 47, 1928.
34. Coulter, Dr. John.—"Adventures on the Western Coast of South America, and the Interior of California: including a narrative of incidents at the Kingsmill Islands, New Ireland, New Britain, New Guinea and other Islands in the Pacific Ocean." 2 Vols. London, 1847.
35. Damon, Rev. Samuel C.—"Glimpses and Glances at the Sights, Scenes and People of Micronesia." Morning Star Papers. Supplement to the "Friend." Honolulu, 1861.
36. Dana, J. D.—"Corals and Coral Islands." New York, 1872.
37. Dixon, J. A.—"Washington Island." MSS. in High Commission Office. 1907.
38. Dixon, W. A.—"Notes on the Meteorology and Natural History of a Guano Island." Royal Soc. New South Wales, Jour., Vol. XI, 1877.
39. Dixon, W. A.—"The Guano and other Phosphatic Deposits occurring on Malden Island." Roy. Soc. N.S.W., Journ., Vol., XI, 1877.

40. Du Puy, W. A.—“Our New Islands: Three New American Possessions, Small but of Future Importance.” *Current History*, Vol. 45., 1936-37.
41. Eaddy, P. A.—“Neath Swaying Spars: The Story of the Trading Scows of New Zealand.” Wellington, N.Z., 1939.
42. Earnest, G.—“Two Years Adrift.” Brighton, England.
43. Edmondson, C. H.—“Crustacea from Palmyra and Fanning Islands.” *Bernice P. Bishop Mus., Bull.* 5, 1923.
44. Ellis, Albert F.—“Adventuring in Coral Seas.” Sydney, N.S.W., 1936.
45. Ellis, Albert F.—“Nauru and Ocean Islands. Story of the Phosphate Discoveries and Workings.” *New Zealand Journal of Agriculture*. Vol. XXI, No. 6, 1920.
46. Ellis, Sir Albert F.—“Notes on Phoenix Group.” 1937, M.S. in writer's possession.
47. Ellis, Sir Albert F.—“Notes re printed report by H. E. Maude, Esq., M.A. on ‘Colonization of the Phoenix Islands by the Surplus Population of the Gilbert and Ellice Islands.’” 1940, M.S.S. in writer's possession.
48. Elschner, C.—“Corallogene Phosphat-Inseln Austral-Oceaniens und ihre Produkte.” Lubeck, 1913.
49. Emory, Kenneth, P.—“Archæology of the Pacific Equatorial Islands.” *Bernice P. Bishop Mus. Bull.* 123, 1934.
50. Fanning, Capt. Edmund.—“Voyages and Discoveries in the South Seas.” Salem, 1924.
51. Fanning Island, Ltd.—“Prospectus of Fanning Island, Limited.” London, 1912, Fanning Island, Ltd.
52. Findlay, A. G.—“Directory for the navigation of the South Pacific Ocean.” 5th Edition. London, 1884.
53. Findlay, A. G.—“A Directory for the navigation of the North Pacific Ocean.” 3rd edition. London, 1886.
54. Finsch and Hartlaub.—“Fauna Centralpolynesiens.”
55. Foreign Office, Historical Section of the.—“British Possessions in Oceania.” Handbooks prepared under the direction of the Historical Section of the Foreign Office. No. 144. London, 1920.
56. Fosberg, F. Raymond, and St. John, H.—“Vegetation of Flint Island, Central Pacific.” *Bernice P. Bishop Mus., Occasional Papers*, Vol. XII, No. 24, 1937.
57. Fowler, H. W., & Ball, S. C.—“Fishes of Hawaii, Johnston Island, and Wake Island.” *Bernice P. Bishop Mus., Bull.* 26, 1925.
58. Fowler, H. W.—“Fishes of the Tropical Central Pacific.” *Bernice P. Bishop Mus., Bull.* 38, 1927.
59. “Friend”, Various articles published in The.—Monthly paper published in Honolulu, Hawaii, from 1843.
60. Gardner, Irvine C.—“Crusoes of Canton Island.” *Natl. Geogr. Mag.* Vol. LXXIII, No. 6, June, 1938.
61. Gessler, Clifford.—“The Dangerous Islands.” London, 1937.
62. “Graphic”, Article in The.—“Centre of the Pacific: the Importance of Fanning Island to the Empire.” *The “Graphic,”* 23rd February, 1912, London, 1912.
63. Gregory, H. E.—“Report of the Director for 1922.” *Bernice P. Bishop Mus., Bull.* 4, 1923.
64. Gregory, H. E.—“The Whippoorwill Expedition, Report of the Director for 1924.” *Bernice P. Bishop Mus., Bull.* 21, 1925.
65. Greig, H.—“Report on a three months visit to Christmas Island during 1901.” *Fanning Island 1901.* (MSS. in writer's possession).
66. Hague, J. D.—“On Phosphatic Guano Islands of the Pacific Ocean.” *American Journal Sci.*, 2nd ser., Vol. 34. 1862. Also in “*Silliman's Journal,*” Vol. XXXIV, 1862.
67. Hague, J. D.—“Our Equatorial Islands: with an account of some personal experiences.” *The Century Magazine.* Vol. LXIV, No. 5.
68. Hawaiian Historical Society, thirteenth annual report, 1906.
69. Hayward, J. W.—“Report on Fanning and Washington Islands,” in “*Fanning Island, Limited (Prospectus).*” 1912.
70. Hellweg, J. F.—“Eclipse Adventures on a Desert Isle.” *Natl. Geogr. Mag.* Vol. 72, 1937.
71. Hemsley, W. B.—“Report of the Voyage of H.M.S. “Challenger”: Botany.” Vol. I, part 3.
72. Holden, E. S., and others.—“Report of the eclipse expedition to Caroline Islands . . . May, 1883.” *Memoirs Natl. Acad. of Sci.*, Vol. 2, 1883.
73. Hydrographic Department, Admiralty.—“Pacific Islands Pilot.” Vol. II, 5th edition, London, H.M. Stationery Office, 1918.
74. Hydrographic Department, Admiralty.—“Pacific Islands Pilot.” Vol. III, 6th edition, London, H.M. Stationery Office, 1931.
75. im Thurn, Sir Everard, K.C.M.G., C.B.—“Some Less-known Islands in the Pacific.” *United Empire.* Vol. IV, No. 3 (New Series), March, 1913.
76. Keyte, Capt. G. S.—“Fanning's Island—An Incident.” *The “Friend.”* Vol. X, No. 5 (New Series), May 1, 1861. Honolulu, Hawaii, 1861.
77. Leggett, Vice-Admiral Oliver, C.B. (Retd.).—“The Mystery of the Pacific. Lord Jellicoe and a Modern Crusoe.” *The Seagoer.* Vol. III, No. 4, 1936.
78. Lister, J. J.—“Notes on the Birds of the Phoenix Islands (Pacific Ocean).” *Proc. Zool. Soc.*, London, 1891.
79. Lucettè.—“Rovings in the Pacific from 1837 to 1849; with a Glance at California. By a Merchant Long Resident at Tahiti.” 2 Vols., London, 1851, Vol. II.
80. McClean, F. K. and others.—“Report of the Solar Eclipse Expedition to Flint Island, January 3, 1908: being an account of the Observations made by the Expedition under the leadership of F. K. McClean.” London, c. 1909.



81. MacGregor, G.—“Anthropological Work of the Templeton Crocker Expedition, 1933,” in “Report of the Director for 1933.” Bernice P. Bishop Mus., Bull. 124, 1934.
82. Martelli, Ugolini.—“A new species of Pandanus from Fanning Island.” Univ. California, Pub. Bot., Vol. 13, No. 7, 1926.
83. Maude, H. E.—“Report on the Colonization of the Phoenix Islands by the Surplus Population of the Gilbert and Ellice Islands.” Suva, Fiji, 1938.
84. Merrill, E. D.—“On the flora of Fanning and Washington Islands.” MS. on file of Bernice P. Bishop Mus. library, 1925.
85. Mirchell, S. A.—“Nature’s Most Dramatic Spectacle.” Nat. Geogr. Mag. Vol. LXXII, No. 3, Sept., 1937.
86. Moore, J. B.—“Digest of International Law.” 8 Vols. United States State Dept., 1906. Vol. I.
87. Moss, F. J.—“Through Atolls and Islands in the Great South Sea.” London, 1889.
88. New Zealand—Agricultural Dept.—“Report on Nauru and other phosphate islands in the Pacific.” 1919.
89. Oliver, James.—“Wreck of the ‘Glide.’” New York and London, 1848.
90. Pacific Cable Board, Chairman of the.—Report on “Occupation of Fanning Station by the Enemy.” 1915.
91. Pan-Pacific Research Institution.—“The Young Coconut as Substitute for Mother’s Milk.” Mid-Pacific Magazine. Vol. XXIX, No. 5, May, 1925. Honolulu, Hawaii, 1925.
92. Parliamentary Papers, British.—1857–58. Vol. LV.
93. Phillips, John F.—“New Nantucket, or Baker’s Island.” Appleton’s Journal. May 17th, 1873.
94. Ramsay, W. G.—“Report on Meteorology of Howland and Baker Islands.” Bernice P. Bishop Mus. MS. 1924.
95. Reynolds, J. N.—“A Report . . . . . in Relation to Islands, Reefs, and Shoals in the Pacific Ocean, &c.” 23rd Congr., 2nd sess., House Doc. 105, 1835.
96. Reynolds, J. N.—“Pacific and Indian Oceans; or, The South Sea Surveying and Exploring Expedition . . . . .” New York, 1841.
97. Rhodes, Capt. F.—“Pageant of the Pacific: Being the Maritime History of Australasia.” 2 Vols. Sydney, 1934.
98. Robson, R. W., Editor.—“The Pacific Islands Year Book.” Sydney, N.S.W., 1939.
99. Rock, J. F.—“Palmyra Island, with a description of its flora.” College of Hawaii, Bull. 4, 1916.
100. Rooke, Commander E.—“Reports of Commander Eustace Rooke, H.M.S. “Miranda,” of proceedings when visiting the Islands of the Union Group, the Phoenix Group, Sophia and Rotumah Islands, the Ellice Group, and the Gilbert Group, April to July, 1886.” Australian Station. Islands of Western Pacific, 1886. London, H.M. Stationery Office, 1886.
101. Rougier, Rev. E.—“Report on a Visit to Christmas Island in June, 1912.” Fanning Island, 1912. (MSS. in writer’s possession).
102. Rougier, Emmanuel.—“Ile Christmas.” Brioude, France, 1914.
103. Rougier, E.—“Ile de Christmas.” L’Océanie Française. Vol. 14, Paris, 1920.
104. Rougier, Emmanuel.—“Ile de Christmas.” Société des Etudes Océaniques. Bull. 1, 1917.
105. Rougier, Emmanuel.—“My Diary of Christmas Island.” Mid-Pacific Magazine. Vol IX, No. 3, March, 1915. Honolulu, Hawaii, 1915.
106. Rougier, Emmanuel.—“Travelling Around Christmas Island.” Mid-Pacific Magazine. Vol XXIX, No. 6, June, 1925. Honolulu, Hawaii, 1925.
107. Scholefield, Guy, H.—“The Pacific: Its Past and Future.” London, 1919.
108. Schorf, Capt.—“Annalen der Hydrographie.” Heft. 1, 1878.
109. Smith, S. Percy.—“Fanning Island”—Editorial note (186). Journal of the Polynesian Society, Vol. XV, No. 56, June, 1906.
110. Smith, S. Percy.—“Fanning Island”—Editorial note (226). Journal of the Polynesian Society. Vol. XX, No. 80, Dec., 1911.
111. Streets, Dr. T. H.—“Contributions to the Natural History of the Hawaiian and Fanning Islands and Lower California, made in connection with the United States North Pacific Surveying Expedition, 1873–75.” U.S. Nat. Mus. Bull. 7, 1877; and also Smithsonian Misc. Col., Vol. 13, 1887.
112. Streets, Dr. T. H., of the U.S. Navy.—Paper on Palmyra, Fanning, and Washington Islands in the “American Naturalist.” February, 1877. Vol. II, No. 2.
113. Sydney Daily Telegraph, Article in the.—“Fanning Island.” Sydney Daily Telegraph, 14th August, 1908.
114. Townsend, C. H.—“The Distribution of certain Whales as shown by Logbook Records of American Whaleships.” Zoologica, Vol. 19, 1935.
115. Tristram, Rev. Canon H. B.—“On an apparently new species of duck (Dafila) from the Central Pacific.” Proc. Zool. Soc., London, 1886.
116. U.S. Hydrographic Office.—“Sailing Directions for the Pacific Islands (Eastern Groups).” Vol. 2. U.S. Hydrogr., Office. Publ. No. 166, 4th edit., 1933.
117. Vaughan, T. W.—“Some shoal-water corals from Murray Island (Australia), Cocos-Keeling Islands, and Fanning Island.” Papers from the Dept. of Marine Biology of the Carnegie Institution of Washington. Vol. IX, Washington, D.C. 1918.
118. Warner, H. H.—“University in the South Pacific.” “Paradise of the Pacific” Magazine. Vol. 51, No. 12, Dec., 1939. Honolulu, Hawaii, 1939.
119. Wentworth, C. K.—“Geology of the Pacific Equatorial Islands.” B.P. Bishop Museum. Occ. Papers. Vol. 9, No. 15, 1931.
120. Wentworth, C. K.—“Pebble wear on the Jarvis Island beach.” Washington Univ. Studies, Science and Technology. Ser. No. 4, 1931.

121. Wentworth, C. K., and Ladd, H. S.—“Pacific Island Sediments.” Univ. Iowa, Studies in Natural History. Vol. 13, No. 2, 1931.
  122. Wentworth, C. K., and Palmer, H. S.—“Eustatic bench on Islands of the North Pacific.” Geol. Soc. America, Bull. Vol. 36, 1925.
  123. Wilkes, Charles, U.S.N.—“Narrative of the United States Exploring Expedition. During the years 1838, 1839, 1840, 1841, 1842.” 5. Vols. Philadelphia, 1845.
  124. Young, J. L.—“Notes on Flint, Caroline, and Vostok Islands,” contained in “Memoranda re Tahitian Business: S. R. Maxwell and Col, Ltd.” C. 1922. MSS. in writer's possession.
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