

1926-27-28.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

INDEX TO ANNUAL REPORT, 1926-27

Australia. Governor general

TERRITORY OF PAPUA.

ANNUAL REPORT

FOR THE

Year 1926-27.

Presented by Command ; ordered to be printed, 15th May, 1928.

[Cost of Paper :—Preparation, not given ; 835 copies ; approximate cost of printing and publishing, £190.]

Printed and Published for the GOVERNMENT of the COMMONWEALTH of AUSTRALIA, by H. J. GREEN,
Government Printer, Canberra,

No. 230.—F.1648.—PRICE 3s.

3375

On the 1st a commencement was made with the other sports at about 9.30 a.m. All the people were lined up, and each sub-district raced in the heats for the championship. The heat-winners and seconds receiving tobacco. The heat winners ran again in the semi-finals. The final was won by a native of Iasi-Iasi district, Boianai second, and an inland native third. This event took some time to complete owing to there being so many. Races were also provided for the children and married women. Spearing the coconut was divided between natives of Biniguni, Boianai, and Paiwa. This event also took some time to complete owing to numbers. After lunch the canoe race was held. Fifteen canoes started, and the race was won by a crew of middle-aged men from Boga Boga, who beat a Boianai canoe by only a few feet, who in turn beat some other canoes by only a few feet. This event caused considerable excitement chiefly amongst the coastal natives. Other minor events were held.

Shortly after 4 p.m., all the people assembled on the parade ground for the presentation of prizes. The A.R.M., through interpreters, spoke to the people and explained the attitude of the Government towards the people. The gardens were then talked about, and the people were told of the advantages of intense cultivation, particularly where the people can irrigate. Not only did intense cultivation benefit those who are able to irrigate but also those who are unable to do so. In explaining this, I told them about the Murrumbidgee Irrigation Area at Griffith and Leeton in New South Wales. Roads and other matters were then talked about, after which the prizes were distributed.

The prize for the best garden was divided between Biniguni and Budmap villages. When this was announced it was received with cheers, clapping and beating of drums, and when the prizes were being handed to the Councillors a storm of cheering, clapping and beating of drums burst forth. The gardens of these people were about 10 and 15 acres respectively, well planted with yams, taitu, taro, sweet potatoes and bananas, and the borders of the paths leading through the gardens were planted with pineapples, all carefully weeded and kept clean and in good order. The making of these gardens entailed considerable hard labour. Being made in the middle of the forest country lots of timbers had to be felled and cleared. Other gardens highly commended were those of Goiantagnum, Arut Gagaio, Borovia, Manikata, Maiebe, Boianai and Mukawa. In awarding the prizes, varieties of food, cultivation, care, area and conditions were taken into consideration.

The prize for the best kept roads went to Puduwana district. This sub-district does not contain a big population and the people have long stretches of road under their control. Not only have the roads through the bush been cleared, but they have formed the road where it leads along the creek beds, shifting the larger stones and forming them into borders on either side. This must have been rather a long and arduous task. Other districts to be commended on roads were the villages from Kwagila via Biniguni to Pumani; Bibitan through the Orian; Mura; Ilakai; Danawan to Bimara and along the Taibiri, and the Upper Kutu villages. In fact, practically the whole of the inland roads were well cared for and in good order—better cared for than the coastal ones. In deciding this matter, the length of road and the care of the roads were taken into consideration.

The following prizes were also distributed:—Largest bunch of bananas, won by Kerikerikona village, weight 69½ lb.; yams, Ilakai and Iau, weight 53 lb.; sweet potatoes, Ilakai and Iaiton, equal 32 lb. each; taro, Biniguni, weight 48 lb. In the latter only eight taro were brought into the scale, and which outweighed all the other exhibits, of which there were ten. As with the announcement of the winners of the best kept garden, these winners were as heartily received and cheered.

The best kept village was won by Memana, one of the Maneao villages, situated on the Iaiton Creek. All the houses of this village were well built, roomy, and appeared to be comfortable. All were set in the form of a hollow square, with ample space for dancing, &c., in the middle. The village was nicely kept, while outside the village it was also in good order. The whole showed that the people took a keen interest in their village.

After the presentation of the prizes, the final of the football was played between Kibirisi and Meitepana, resulting in a win for the former by seven goals to nil. The game was fast throughout, and it was the faulty handling and kicking by the losers that was responsible for them not scoring. The winners won by superior all-round play. At the conclusion of the game, cheers were given by each team for the other. The losers remarked that next time they would win. Rain coming on then the sports ended. After the rain ceased dancing was indulged in and kept up till a late hour.

On the 2nd, all people left to return home. Before leaving, the A.R.M. called all the village constables and councillors together, and told them of the attitude of the Government towards the people. Then various matters were discussed with them. This concluded the proceedings."

90. Football matches are also played regularly at Cape Nelson, Kokoda, and elsewhere. At Cape Nelson, the Resident Magistrate tells me, "although the greatest excitement has prevailed and feelings have run high, not a single blow has been struck in anger."

BOY SCOUTS AND GIRL GUIDES AT HANUABADA.

91. This very interesting movement has been inaugurated by Mr. and Mrs. Chatterton, of the London Missionary Society. The Scout law, inculcating as it does the duty of truthfulness and the idea of honour, seems to me admirably adapted to strengthen the very points in which the Papuan character is apt to be weakest. Mr. Chatterton has, at my request, been good enough to give an account of the progress that has been made:—

" 'Scouting' was first introduced among the school boys of the Port Moresby group of villages at the beginning of 1926, in the first place in quite an informal way among a small group of boys. The results obtained after a few months of such informal work were sufficiently encouraging to justify the formation of a proper Scout Troop, which was in due course registered by the Queensland Branch of the Boy Scout Association under the title of '1st Papuan Native Scouts.' The Scout Head-Quarters' officials at Brisbane have throughout shown the greatest kindness and interest.

At the formation of the troop, two patrols of eight boys each were registered, and for some time the troop was limited to this number. Subsequently the number was increased to 24 by the formation of a third patrol, and more recently the addition of a fourth patrol has brought the number up to 32. This is as many as can be satisfactorily managed. Only boys who have reached a certain standard in school are eligible, and even with this restriction it is impossible to admit all who would like to join.

The work has developed on ordinary scouting lines, with a very few minor modifications where local conditions demand them. In some branches of scoutcraft the boys are naturally proficient; others which are new to them they pursue with equal keenness. Morse signalling never fails to attract; and in knotting, whipping and splicing ropes, various types of plaiting, and similar activities they show a quickness to learn that is a constant source of surprise to one who has tried to teach similar things to English boys. A number of the boys who joined the troop at the beginning have now obtained their second-class, and are working keenly for their first-class badges.

While from the first the boys found little difficulty in giving prompt and cheerful obedience to their Scoutmaster they found the idea of obeying one of their own number, elected by themselves to the status of Patrol Leader, a rather difficult one to assimilate; but some progress has been made in this direction. A week-end camp was recently held on the banks of the Laloki River, about 12 miles inland from Port Moresby; this camp was not only thoroughly enjoyed, but among other things did a great deal to strengthen the hold of the patrol idea (which is the real essence of the Scout system) in the minds of the boys.

On the 'moral' side of scouting, progress is of course much slower. The Scout Law and Promise have been translated into Motu and are constantly kept before the boys as an important part of their scouting; but the standard set up by the Scout Law is a very high one for a Papuan boy, and it would be foolish to expect one brief year of scouting to produce a new standard of truthfulness and trustworthiness. One must expect to have to persevere for many years before measurable results are obtained in this direction. At the same time there is evidence that in smaller and easier ways the Scout Law is making its mark. One not infrequently overhears the remark that such and such an action 'isn't scouty'. Even if they fail at first to live up to it, the mere fact that they have formed a conception of 'scoutiness' and realized that some things are 'done' by good scouts and others are 'not done' is a distinct advance.

The work described above has been carried out exclusively among the older school boys, but a recent development has been the formation of a Rover Section (Senior Scouts) among boys who have left school. This is conducted quite separately from the Junior Section, and while it has not yet been in existence long enough to have become stabilized there is every reason to believe that it will become a useful organization. Ultimately, of course, it will consist of those who have passed through the Junior Section as school boys, and wish to continue their scouting after they have left school.

A simple uniform has been adopted, consisting of a khaki loin-cloth marked with the name of the troop and a picture of the patrol animal. Badges are worn on the arm attached to broad bands of elastic. The general effect is quite smart.

On returning recently from a short furlough, I was waited upon by a deputation of girls who wanted to know whether girls couldn't be scouts too. My wife is accordingly organizing a company of Girl Guides for them. At present this is still in the informal stage, but will be officially constituted and registered should, as seems likely, its development justify such a step."

NATIVE CLUB AT PORT MORESBY.

92. I attach hereto a description, which the Rev. Mr. Clark, of the London Missionary Society, has given me, of an Institution or Club which he has established for the natives of Poreporena (Port Moresby). The description is very far from doing justice to the value of Mr. Clark's work, and no one could from reading it have the faintest idea of the uproarious fun—healthy, vigorous and exciting fun—that goes on at this Institute. I have been there, and I have seen what I am told is the ordinary course of an evening's amusement, and I have never seen a noisier, happier lot of people in my life than the native boys and girls, nor a more rough-and-tumble, jolly, good tempered, sportsmanlike display than the games which they played. These games may be compared with Rugby Union Football played on a hard wooden floor, and the falls were frequent and heavy, yet there was no display of temper—nothing but a broad grin on the face of every one, while the laughter and the shouting reached to Heaven.

But at nine o'clock, when the fun was at its height, Mr. Clark had only to raise his hand, and the uproar ceased as though by magic.

93. We have long dreamed of an Institute for the Poreporena villagers, but, owing to the lack of a suitable building, the way was not clear. With the erection of a fine Infant School, however, and the installation of electric light in that school, the Institute was made possible and was started in April of this year. Already it has a membership of over 60. It is open on Tuesdays and Fridays each week, from 7 till 9 p.m. Games, such as draughts, dominoes, bobs, ping pong, nine pins, peg quoits, and the like, are available for the members, as also are illustrated papers, while part of the evening is given over to round games either native or introduced.

In fitting the electric light, a plug was arranged so that lantern or cinema exhibitions could be given, and during the coming year it is intended to purchase a lantern with an electric bulb, and later possibly a baby cinema will be obtained so that at intervals the members of the Institute may enjoy a lantern show for a change.

The membership is open to all over thirteen, on payment of 2s. per annum, but the age limit will probably be raised to all over school age only.

The aim is to provide a place where play will be without rebuke for both sexes. Through jealousy, the wives of some of the older men have objected to their coming, but we hope, in time, to be able to kill that old spirit by showing them that play need not imply immorality.

We are grateful to the Government for their helpful sympathy shown practically by the provision of electric light free for the Institute. The members fully appreciate the generosity.

APPENDIX D.

NATIVE CUSTOM AND THE GOVERNMENT OF PRIMITIVE RACES, WITH ESPECIAL REFERENCE TO PAPUA.

A Paper read by Sir Hubert Murray, K.C.M.G., Lieutenant-Governor of Papua, at the third Pan-Pacific Science Congress, Tokyo, 1926.

I. PRIMITIVE RACES NOT REALLY PRIMITIVE.

The Covenant of the League of Nations mentions certain peoples who "are not yet able to stand by themselves," and whose independence can not be even "provisionally recognized." Some of these peoples are more advanced than others. This paper deals with the most backward among them, whom I have called indifferently "natives" and "primitives." The former term has really no distinctive meaning, for we are obviously all "natives" of some place, and the latter may be positively misleading, unless we remember that these so-called "primitives" have just as long a history behind them as we have. But I have chosen these terms because I do not know any others that are equally convenient.

II. FIRST IMPRESSIONS OF PRIMITIVES.

Now the feelings of a man who finds himself called upon for the first time to govern these primitives must border on despair. All his prospective subjects appear to him to be quite mad. Accustomed to the orderly civilization of Europe or Asia he stands aghast at the strange medley of customs with which he is confronted; some of these appear to him to be simply foolish, but others are cruel and even revolting, and all appear to be utterly meaningless. Anthropology, however, has taught that these people are not mad—they are no more mad than they are primitive. All these practices have a history, though it can rarely be discovered, and all of them have or had a meaning, though one can rarely do more than guess at what that meaning may have been, and though, not infrequently, even conjecture may be baffled. It is possible to hazard a guess at the original meaning of the rule which forbids a man to eat the enemy, or even the game, that he himself has killed; but surely the most lively imagination must be baffled when called upon to suggest a meaning for the exception to this rule. For the rule has one exception, and the slayer is allowed to partake, though but sparingly, of certain parts of the foe whom he has slain; provided that his daughter ministers to him, while he sits balanced upon the uncertain support of three coconuts, and is careful not to roll from this precarious perch before his frugal meal is over.

III. MODERN ATTITUDE TOWARDS NATIVE CUSTOMS.

The time has passed away when we could contemptuously ignore these customs as "the beastly devices of the heathen," and dismiss those who practice them as either children or devils. I do not think that they are devils any more than we are, and I am sure that they are not children, however childish their behaviour may sometimes seem to us; in short they are obviously men, with a man's passions and a man's capacity for good and evil. And the problem before the administrator is to discover how he can best deal with the queer practices of these strange people; whether they must be put down as utterly bad, or whether they may be tolerated or even encouraged, and how far it may be possible to incorporate them in his own administration, or perhaps to guide his administration upon analogous lines.

If he suppresses them all straight away he will doubtless establish peace; but there is a danger that his pax may prove a solitude, for the "primitives" may lose all interest in life and may incontinently die.

IV. DIRECT AND INDIRECT RULE.

There are two theories of native administration, known as "direct" and "indirect rule" respectively. The distinction between the two is fairly clear from the names, but may be made clearer by instances that I gave in a paper which I read in Melbourne some six years ago. For the instance of direct rule I quoted a story told by Miss Kingsley of the troubles of one Joseph, a native of West Africa, who was required by a European official to give the name of his father. Joseph's people reckoned descent through the mother; he had never inquired and knew nothing about his father, and he was therefore, much to the annoyance of an incredulous officialdom, quite unable to give the information required of him.

That was the instance of direct rule. For the instance of indirect rule I gave a case which occurred in Papua. We anticipated an epidemic of small-pox, and were anxious to get the natives to consent to vaccination—a difficult task, for, like most other people, they have no liking for the knife. Consequently, we told them that there was a great sorcerer in the West, who had concocted a very deadly sickness which he might bring with him to Port Moresby. But, great as was the power of the sorcerer, it was as nothing compared with the power of the Papuan Government; we would put the "Government mark" upon every one in Port Moresby, and then, when the sorcerer came, he would see the mark, and would slink away baffled to his home in the West. The "Government mark" became hugely popular, and every one was duly vaccinated.

These instances show the method of direct rule in rather an unfavorable light, and doubtless it would be just as easy to find instances which would make indirect rule appear ridiculous. But I think that the instances do illustrate the difference between the two methods. The distinction, in effect, is that indirect rule retains as much as possible of native life, and endeavours to use it for purposes of administration; while the upholder of direct rule would, so far as may be, make a clean sweep of everything of the kind, and would substitute the far more efficient system with which he is familiar at home.

In Territories like Papua, where there exist little or no traces of native administration or native judicial procedure, there is nothing to build upon, and a Government which believes in the indirect method has a difficult task before it.

For myself I cannot see how any administration can be entirely direct or entirely indirect; nor do I feel competent to express an opinion as to the merits of the two systems generally. I may say that, in the case of native races on a level with the Papuans, I believe that indirect rule (so far as it is possible) is preferable, and indeed this whole paper is based on that assumption; but I should not like this to be construed as a general preference of one method over the other.*

V. DIFFICULTY OF ASCERTAINING THE TRUTH ABOUT NATIVE CUSTOMS.

But whatever may be the comparative merits of the two methods it is clear that, the nearer an administration approaches to the ideal of direct rule, the less it

* See "United Empire," April, 1925, per Major Burdon, Governor of British Honduras; Captain Fitzpatrick in "National Review" of December 1924; "Native Races and their Rulers" (C. L. Temple), p. 29.

concerned with native customs; and the nearer it approaches to indirect rule the more important these native customs become. It is therefore necessary, where the indirect method has been adopted, to discover first of all what these customs are.

This first and absolutely essential step is very much more difficult than might be expected. Casual visitors and residents of a few months standing are often deceived in this way, and persuade themselves that they have a fairly good knowledge of native customs, when they really have learnt but little. The misunderstandings are occasionally rather humorous, as in the case of an inquirer who was very earnest in his endeavours to ascertain the marriage customs of a particular tribe, but whose questions were quite misunderstood; with the result that the women of the tribe were promptly removed out of his reach. And I have known cases where good observers of long experience have made very dangerous mistakes. In one case a man was arrested for murder, a strong ground of suspicion against him being the fact that he was wearing a peculiar sort of garment, which the Magistrate, an official of long standing, a good anthropologist and a very keen observer, identified as one of the badges of homicide in the particular district in which the prisoner lived. The prisoner was unpopular in the neighbourhood, there was no lack of witnesses for the prosecution, and things were looking very black for him, when he suddenly collapsed, and it appeared that the garment was merely a sign of mourning and had nothing to do with homicide at all.

II. SHOULD ALL CUSTOMS BE PRESERVED WITHOUT DISTINCTION.

One has, therefore, to be careful about admitting a custom without good evidence; and when it has been admitted a further question arises whether it should be preserved or suppressed. Many customs, which appear at first sight to be utterly bad, prove on examination to be like the toad of Shakespeare, and to "wear a precious jewel" which far more than makes up for the ugliness and venom of their appearance. The best instances that I know of this are those given by Sir James Frazer in his book *Psyche's Task*, where he shows how much his "sinister client," Superstition, has had to do in fostering the institutions of "government, private property, marriage, and the respect for human life," which, he says, "have derived much of their strength from beliefs which nowadays we should condemn unreservedly as superstitious and absurd."

Fired by examples of this kind, some enthusiastic adherents of the indirect method have even gone so far as to argue that all native customs should be preserved. The life of these primitives is apparently not divided into water-tight compartments to nearly the same extent as with ourselves, and the suppression of one custom may, in their case, have all sorts of effects that cannot be foreseen. So it has been argued that the suppression of, for instance, head-hunting or cannibalism may bring with it, through a general disorganization of tribal life, evils which are in the long run far more destructive than the practices which have been suppressed.

This argument is, I think, worthy of notice as an extreme instance of the danger which Dr. Rivers has mentioned as lying in wait for the administrator who attempts to apply the results of anthropological investigation to the rule of a subject race. That is the danger of producing what he calls "a doctrinaire and academical atmosphere"—Which, he says, no one would be more ready to condemn than himself. The danger in politics is always a heavy burden, but a prig in administrative administration would be frankly impossible; and certainly no sane administrator would dream for a moment of tolerating cannibalism or any similar horror,

however devoted he might be to the science of Anthropology, and however conservative of native customs. So cannibalism and head-hunting, human sacrifice, torture, intertribal warfare, and other anti-social practices must go, and go for ever, irrespective of the consequences that may ensue.

In fact the difficulty of suppressing head-hunting and cannibalism is not so great after all. The latter is with us largely a matter of food supply. I have read (Crawford, *Thinking Black*, page 341) that cannibals in Africa denounce those who are not cannibals as murderers who kill wantonly, like a snake, from sheer love of killing, and a cannibal has told me that he had given up human flesh as he found tinned meat more palatable, probably as being softer, and also easier to digest; and so the head-hunter generally finds a harmless substitute for his former activity. Such at least has been our experience in Papua.

VII. POSITION IN PAPUA.

With us the whole question has been simplified, or, if you will, complicated, by the fact that we have nothing in the nature of a native court of justice, and practically nothing, except very occasionally, in the nature of chieftainship. There are persons who are vaguely called "Chiefs" but (as was noticed long ago by the early missionaries Dr. Lawes and Dr. Macfarlane) they have no judicial functions and very rarely any civil administrative or executive power—or, if they have any such power, it is usually due to the accident of their personality. (*Life of W. G. Lawes*, by Joseph King, page 168; Macfarlane, *Among the Cannibals*, pages 111, 112; Annual Report 1897-98, page XXVI.; Jenness, pages 76-77; Leys, *Kenya*, page 37; Hartland, *Primitive Law*, page 13; Rivers, *Social Organization*, pages 165, 167, 168; Saville, page 34). So we have created an administrative machinery by the appointment of village constables and village councillors. Had a class of chiefs existed with real powers we should have worked through them so far as possible, though there are sometimes difficulties in doing so, as we found in the Trobriands (*Papua*, page 245). As it is, we have had practically to do without chiefs, and have chosen the most suitable natives we can find to assist us in police and administrative work, but no Papuan is entrusted with judicial functions.

VIII. LAND AND INHERITANCE.

Now there are certain departments of administration in which native custom should, or, at any rate, can, be adopted in its entirety, without much difficulty and without any injustice to any one concerned. Take for instance land. To assimilate all the different land tenures of Papua would transcend the powers of mortal man, for they are more varied than the languages of the Territory; but there is no necessity to assimilate them. There are not many native disputes about land, and what there are turn upon disputed questions of fact, and can easily be decided, without raising any debatable questions of law or custom. Native lands are held under native tenure; it is not until they have been purchased from the owners (and only the Government can purchase) that they become subject to British law. It seemed possible that questions might arise on the purchase of native land—for instance, the purchase money might be paid to the wrong people, or in the wrong proportions—and consequently a Board was established to inquire into such matters. But the Board has never met, for there have been but few and only trifling mistakes, and these have been easily adjusted.

It was a generous act on the part of the British to confirm the natives in their lands when the Territory was annexed; and it was no less wise than generous, for had the whole been declared Crown land, which was the

only alternative, a successful native policy would have been difficult. It would in that case have been necessary to return the land to the natives in sufficient areas for them to make their gardens and carry on their hunting, and disputes as to area and tenure would have been incessant. The recognition of their title has certainly put it in the power of native land-owners to arrest settlement by refusing to sell; but they have not used their power for that purpose. In fact, so far as natives are concerned, there is no land question in Papua at all.

Marriage too and inheritance are matters which may be left to native custom. At least we have found this to be so in Papua. Among the Motu of Port Moresby descent is much the same as with us, and the property, both real and personal, goes to the children or the brothers of the deceased; in other parts of the Territory the rule varies, but whatever it is we are careful not to interfere with it, and cases of disputed inheritance are, so far as I am aware, unknown. It is difficult to see what advantage could accrue from forcing our Statute of Distributions upon an unwilling community, who would certainly not understand it, and would never abide by its provisions; consequently we have left well alone, and I think that we have been wise in doing so.

IX. MARRIAGE.

The question of marriage is not quite so easy. I think that it can rarely be wise to interfere directly with native marriages; these, whether monogamous or polygamous, should, in my opinion, be treated very carefully—interference can seldom do good, and may do harm.

A possible exception is the case of child marriage, that is the marriage of children of eight or ten years to grown men. A government would be justified in forbidding such marriages, but in Papua we do not interfere with them; with us, and probably elsewhere (Melland *In Witch Bound Africa*, pages 66-67), the marriage is not consummated until the bride has reached maturity.

But a difficulty arises from the fact that native marriage has tended to become less stable since the arrival of the white man, for wealth can now be earned more quickly; so that the accumulation of the marriage price, which formerly represented the work of years, is now only a matter of months. The result is that wives are married and "thrown away," or divorced, with a capricious disregard for consequences which would have been impossible in the old days, and with a frequency which is certainly detrimental to village life. Many, perhaps most, of our natives are monogamous, but a growing tendency to polygamy has been noticed, and is attributed to the same cause. In endeavouring to neutralize these tendencies, whether by legislation or otherwise, an administration is really acting in support of native custom, and is preserving it against the disintegrating influences inseparable from European settlement.

That the feeling against polygamy was very real and very strong in monogamous communities appears from the account which the Reverend J. H. Holmes gives of the fate of a man of the Ipi group, in the Gulf of Papua, who had taken a second wife. He was a man who was highly thought of in his tribe, but his double marriage was an unpardonable offence, and he was boycotted by the whole community. Unable to bear the pressure of public opinion he left his home, and went with the second wife to a village some distance away, but his punishment still followed him; and eventually he came back "a broken-hearted man and sick with a despair such as brought about his end soon after his return. No one mourned his decease"; Mr. Holmes

continues "the achievements of his life were left unsung; he was buried as an outcast because he had violated the sacred law of monogamy." (Holmes *in Primitive New Guinea*, p. 48.)

X. LEGAL CLAIMS GENERALLY.

As to the general law of contract and tort—the mass of legal questions which come under the common law of England—one may say, I think, that such questions, as we understand them, hardly arise among primitives. Among such people status is more important than contract in creating rights and duties, and it is probable that such rights and duties were, as a rule, recognized, though the nature of the motive force which compelled their recognition may be obscure. But doubtless disputes were frequent, and, since, in Papua at any rate, there was no court of justice, an appeal to force was the only means by which they could be settled; and this would generally mean that the man with the most friends would win the case.

The warmest partisan of indirect rule could not argue that this very exaggerated form of ordeal by battle should be preserved. Consequently, in this wide field of action, the indirect method fails us in Papua, and we must call in the assistance of the direct rule, with its establishment of regular courts of justice and methods of trial, simplified of course to the utmost extreme that is consistent with a full investigation of all claims.

XI. PRIMITIVES AND COMMUNISM.

But now a fundamental difficulty appears. All our laws and our legal procedure rest upon the basis of private property and must therefore be modified, to suit the circumstances, in so far as native institutions are communistic. In Papua, communism, so far as it exists at all, seems to be restricted to family groups, and does not extend to the whole community; and it is never so thorough-going and consistent as appears from Dr. Rivers's writings to be the case in some of the islands of Melanesia. It has been suggested by that very high authority that man possesses an instinct prompting him to acquisition in the interests of the individual; but that this instinct is occasionally modified by another, which he identifies with the "herd instinct," and that when the influence of the latter is strong enough the tribe or village becomes communistic. In that case a system of law which depended on the recognition of private property should be administered very cautiously, and always with such deference to the "herd instinct" as would go far to render the law practically inoperative.

Fortunately where the tribe is inclined to communism there can be but little litigation. Certainly the native litigants who appear before our courts appear to be but little influenced by communistic ideas, and I think that in Papua the "herd instinct" is fighting a losing battle, in the unfavorable environment which has been created by the arrival of Europeans, and that before long private property will be as well established a principle in Papua as it is with us. And this not by any conscious effort on our part, but through the inevitable influence of the higher civilization. Possibly the same effect will follow in Melanesia and elsewhere.

XII. OFFENCES AGAINST MARRIAGE.

It can I think rarely happen that customs relating to land, inheritance, and marriage call for any interference from the Government. If natives wish to avail themselves of our marriage laws, or of our system of land tenure, they are at liberty to do so, but if they prefer to abide by their own customs it is probably safe to say that nowadays no administration will interfere with them.

But then comes the question of offences against these customs; as for instance, offences against marriage. What are we to do in the case of adultery?

In the old days in Papua the injured husband would proceed to "take it out" of the wife and her lover, and the latter might have a bad time if he had not numerous and powerful friends in the community to protect him—he might have to pay very heavy damages, and perhaps might even be killed. The wife, too, might be killed, but would probably be soundly beaten and perhaps returned to her parents.

Now we—that is British communities generally—do not look upon adultery as a crime; generally speaking, we are content to denounce it as a sin and leave it at that, with a possible claim for damages in the divorce court. What are we to do when we assume the task of governing a race which considers that the theft of a wife (for that is how adultery is classified) may be justly punished by death?

The disorder and confusion which arise in a village whenever the offence is detected forbid us to leave things as they are, but on the other hand it seems logical to make adultery a crime among the primitive race, when we do not regard it as a crime among ourselves. To do so is, in fact, to demand from the primitive a higher standard of morality than from the civilized. This want of logic is, however, not rare in native administration. It is common enough to expect and demand more from the native than one would ever get from a European; and so adultery by a Papuan is a crime punishable with six months' imprisonment, though the same offence, if committed by a white man, would not be punished at all.

It is said that the punishment is not sufficiently severe; probably it is not severe enough to put a stop to the offence—indeed, I doubt if any punishment would be severe enough for that—but it is sufficient to prevent the disorder consequent on its discovery, and this is all that we expect.

The instance which I have just given, that is the punishment of adultery as a crime, is one of the few cases in which native custom has compelled its recognition by the criminal law; and I think that sorcery may be fairly taken as another instance.

XIII. SORCERY.

The Queensland Government, when the criminal code was framed about 25 years ago, found it necessary to provide specially for the punishment of "any person who pretends to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration"; and from this it would appear that the belief in sorcery is not altogether dead, even in Australia. Still there are, I think, very few people in Australia who have an active belief in sorcery—that is, there are not many people who allow considerations of magic to influence their ordinary life. But this is not so with the natives of Papua. The Papuan in his native state was hardly for one moment free from the dread of sorcery, from the cradle to the grave, throughout the whole of his demon-haunted life. In some communities all deaths were attributed to sorcery. No wonder then that the wizard or the witch was roughly handled when hatred, and the call for vengeance on the supposed murderer of some near relative, proved too strong for the warnings of fear.

And then we come to administer the government of these people. We know, of course, that sorcery is all rubbish, that the relative who is supposed to have been bewitched really died of a surfeit of pig, and that the old man or woman who was killed for having caused the death was a harmless friendless old thing, rather eccentric, perhaps, from loneliness and old age, but quite incapable of injuring any one.

What is the Government to do in these cases? On the one hand you have the murderer, posing triumphantly and confidently as a public benefactor, for has he not rid the world of an incarnate fiend, who was causing the death of innocent men and women? And on the other hand you have the poor friendless old woman, who was brutally murdered for an entirely imaginary reason. One can appreciate the argument of the murderers, but the murdered demand our sympathy, and have a right to our protection.

Native custom would loudly claim that the murderer should be praised, and perhaps rewarded, for his public service. But, if the victim had friends in the village, or belonged to another community, there would certainly be an equally loud counterclaim; and a demand, no less insistent would be made that the witch's life should be atoned for, either by another life, or by payment of the recognized price in pigs or native wealth.

In such a case as this it is impossible to please both parties, for it is impossible to give full effect to two irreconcilable customs. But we do our best—we stubbornly insist to an unbelieving people that "sorcery is only deceit," but we punish "the lies of the sorcerer"; and the general result is that the sorcerer gets six months' imprisonment. And, though we also punish the murderer, we temper the wind to him, and give him a light sentence to reward him for his public spirit.

A dilemma of this kind is not infrequent in native administration. Mr. Melland in his intensely interesting book, "In Witchbound Africa," pp. 51, 52, mentions the somewhat analogous case of a baby who cuts its upper incisors before its lower ones. Such a child is drowned by the mother, for if it lived it would cause the death of some person every time one of its milk teeth came out. We should punish the mother, and so does the Government of Northern Rhodesia, though apparently the sentences are less severe than they would be in Papua. Mr. Melland doubts the justice of this; but here I think that he carries his respect for native custom too far, for surely even a baby is in the King's peace, and is entitled to the King's protection.

Of course, only "black magic" is punished—that is magic directed to anti-social ends. The garden sorcerer goes free, and so does he who brings fine weather or ensures success in hunting. Almost every native activity in Papua has its appropriate "magic," and to punish the exercise of such magic as this would probably be indefensible. Still, sorcery is in itself an evil thing, based as it often is on conscious imposture and deceit, and, though it may be occasionally ignored, it should not be encouraged. Mr. Hartland (*Ritual and Belief*, p. 158) shows how it may become the "most powerful cause of the stagnation of culture," for where, as in some parts of Africa, the inventor of a new process, or the designer of a new article of barter, is certain to be charged with sorcery, the inventive faculty is not likely to assert itself.

XIV. SEXUAL ELEMENT IN NATIVE LIFE.

It is said that sexual passion is less strong among primitives than among more advanced races (Carr Saunders, *Population Problem*, p. 97); but self-restraint has not been developed to anything like the same extent, and sexual matters loom very large in their lives. One reads occasionally of native races who have no other idea of pleasure beyond sexual excitement, and Mr. Melland tells us that in his part of Africa "sexual pleasure or rather performance is an everyday affair to urchins from the age of six" (*In Witch Bound Africa*, p. 67).

Still, I should consider this exceptional, and, as evidence on the other side, I may mention the custom that forbids intercourse between husband and wife during the long period of lactation, and also the enviable reputation of the natives of the eastern side of the Papuan Gulf, whose standard of sexual morality is said to be "infinitely higher than is known in any civilized land to-day." (Holmes, *In Primitive New Guinea*, p. 52; and compare Jenness, *The Northern D'Entrecasteaux*, pp. 94, 100.)

But on the whole it is not surprising that the sexual element should predominate in native merrymaking to an even greater extent than it does with us. Hence the opposition that has often been raised to native feasts and dances. These celebrations, it is urged, give occasion and opportunity for sexual immorality, and should therefore be forbidden.

This argument, I may say at once, does not appeal to me, for, though I agree that immorality should, if possible, be checked, I think that to suppress the dances would be merely to treat the symptoms and would leave the cause untouched. I admit that the feasts are productive of economic and social evils quite apart from the question of immorality; but still I think that they should not be discouraged, and I could even suggest ways in which they could be utilized in furtherance of good government.

For instance, it is our practice in Papua to give prizes for the best garden in a district, for the best village, and best native plantation; and the distribution of the prizes may be made the occasion of public celebration in which feasting and dancing would probably play a part, and which would tend to create a wholesome spirit of rivalry in the district. And the distribution of the bonus which is paid to the mother of four children may be celebrated in the same way, and thus may have the effect of reconciling public opinion to the tax from the proceeds of which the bonus is paid.

XV. EVIDENCE OF CUSTOM IN CRIMINAL CASES.

A criminal court is a good school of anthropology. There is perhaps a tendency to exaggerate the force of the "iron bands" of custom (Sir Richard Temple, *Anthropology as a Practical Science*, p. 68) among native races, and it may be that the established code of behaviour, or "fashion" as it is called in Papua, is not much more tyrannical than among ourselves; but it probably penetrates further, for it pursues its wretched votaries even into the criminal courts which have been established for their protection and control.

I have tried many hundreds of Papuans during my 22 years in the Territory, mostly on a charge of homicide of one variety or another, and custom has often been a very material matter in weighing the evidence, and, especially, in deciding upon the sentence which should be passed.

In Papua few murders are absolutely wanton; they are usually committed to "pay back" for some antecedent murder, either real or imaginary, or are otherwise justified by traditional usage, and they can generally be settled by payment of the wergild. "Payment" cannot be accepted by us as a good plea to a charge of murder, but the fact of payment, as well as the other circumstances which I have mentioned, are legitimate subjects for consideration in passing sentence.

In some districts it is customary for the natives of the village which is giving a feast to attack their guests with spear and club when a certain stage is reached in the festivities; the guests know what to expect and bolt for their lives, but occasionally they are not quick enough and are killed before they can get

away. It is difficult to appreciate the motive of the guests who accept so perilous an invitation, but in fact they do accept readily enough, and take the risk willingly. In cases such as these the offence has little in common with our idea of murder, and this fact must be taken into account in considering the sentence.

An African has pleaded guilty to a charge of turning himself into a hyena by night and devouring children. There was a consensus of village opinion that he had done so, and it would have been bad form for him to deny it (Lugard, *Dual Mandate*, p. 546). So, too, a plea of "Guilty" cannot be accepted as conclusive of guilt in Papua—there are other possible explanations, and such a plea is often not the end but the beginning of the trial.

Then there is the case of infanticide. Our code punishes it with death, and doubtless our code is right. But, with primitives, killing a child is quite a different thing from killing a man. Among certain tribes on the Murray River, in Australia, if a child was weak or sickly the custom was to kill an infant brother or sister, and to feed the sick child with the flesh (Saunders, *Population Problem*, p. 147). I have never met with any such custom in Papua, but children were killed for a variety of reasons, especially if there was any danger of a drought or a scarcity of food. Twins, too, were put to death from divers motives, both social and religious, and babies, if their mothers died, were often buried alive with them, for who was there to suckle and care for them if they were kept in the village?

Infanticide was practised in antiquity, and was approved by Plato and Aristotle, so one can hardly blame our primitives if they sometimes regard it with toleration. And then there are the ritual murders, which are not rare in Papua, but are perhaps commoner in other primitive communities, and other murders which are committed from motives of religion or magic; all these must be punished, but surely the sentence should show some appreciation of the custom which is thought to justify the crime.

Incest and laughing at animals were classed together in some parts of the Malay Archipelago, and were punished in the same way, according to Professor Elliott Smith (*The Evolution of the Dragon*, p. 227). The combination seems fantastic enough, but, as is usually the case, it was the result of a logical inference from the premises, though the premises were, unfortunately, insufficiently established. The animals at which one must not laugh were the sacred animals, and incest was the prerogative of the Gods and the ruling class. Hence both offences partook of the nature of rebellion.

We cannot take so serious a view of a lack of respect for animals, however sacred, though perhaps some of the law which we administer to natives may seem as absurd to them as the instance I have mentioned does to us. We should temper this apparent absurdity by making allowance for differences of tradition and habits of thought; but we must not forget that it is our social custom and law, and not that of the primitives, that will eventually survive (Haddon, *Practical Value of Ethnology*, p. 40). So what we regard as crime must be suppressed, even though it may be committed under the aegis of native custom.

And, further, the sense of individual responsibility should be encouraged. According to the primitive idea of retaliation it is sufficient if payment for the crime is exacted from the community to which the criminal belongs, without regard to the individual who actually did the deed. Our idea of criminal responsibility is individual, not communal, and should be impressed upon the primitives as soon as may be.

have found that our primitives in Papua adapt themselves quite readily to the idea of personal responsibility, and I have found, too, that, except in the case of civilized or partly-civilized natives, the severity of the punishment does not make much difference. What impresses the wilder natives is the fact that the police can catch them; what is done to them after they are caught is comparatively immaterial. It is rarely necessary to inflict the death penalty, and there has been no execution in Papua for many years. It should be remembered, however, that capital punishment is in strict accordance with Papuan custom, which demands life for the life that has been taken.

XVI. DISINTEGRATION OF NATIVE LIFE; DUTY OF GOVERNMENT.

"The Whites have taken our beliefs from us and have given us nothing in their place. That is why we are going to die." This is what the old Chief of Bata (in Spanish Guinea) said to Monsignor Le Roy (*The Religion of the Primitives*, p. 172), and it is true enough; it is, in fact, a good résumé of what Dr. Rivers, Sir Richard Temple, and others have been trying to teach us for years past. It is true that in any case most of the old customs, whether social or religious, must go sooner or later, for the mere presence of members of the ruling race, with their totally different conception of life, has necessarily a disintegrating effect upon the ideas and practices of the natives with whom they are brought in contact. This disintegration will come to pass, as it were, automatically, however anxious the individual settler may be to preserve the customs which he finds around him.

The great mass of this custom and belief has probably no real social value, and, as Dr. Leys says in his book on Kenya, "is only fit to survive in text-books of anthropology" (page 237). Still not a few customs exist which distinctly make for the good order and happiness of the native community, and these should be preserved as long as possible, though perhaps they, too, are fated to go in the end; and even those which appear to us rather ridiculous should, so long as they are not actually harmful, be retained at any rate until we can put something in their place. For, as Mgr. Le Roy's negro chief had discovered, this surely should be one of the principal objects of a sympathetic native administration—never to leave a gap in the life of these primitives, and never to allow an important part of native life to disappear, until there is something to put in its place which the native is ready to receive. This, from the purely administrative point of view, is one of the chief justifications of missionary enterprise.

XVII. NATIVE PSYCHOLOGY.

I have no claim to be regarded as a man of science, and I know nothing of native or any other psychology; I would say of the Papuans, as Dr. Leys (*Kenya*, p. 63) says of his Africans, that the more one knows them the more obviously they are "just people," without any "special racial mentality." They are certainly more emotional than my own countrymen, but it seems

to me that their process of reasoning is just the same as ours, and that the strange conclusions at which they occasionally arrive are to be attributed to the questionable nature of their premises. And I am glad to find that this is the opinion, not only of Dr. Leys, but also of Dr. Rivers (*Medicine, Magic and Religion*, p. 52); of Professor Elliot Smith (in relation to the true primitives, *Evolution of the Dragon*, p. 149); of Sir Richard Temple (*Anthropology as a Practical Science*, p. 32), and of Professor Mainage (*Les religions de la préhistoire*, p. 340, note 39).

The new psychology has doubtless many valuable lessons in store for us all, and not the least valuable, perhaps, for those charged with the government of these primitive peoples; but it would be rash, at the present stage, to apply that science to actual problems of administration. In *Psychology and Politics*, a book which was published after his death, Dr. Rivers, speaking of psychology, says, "in this state of uncertainty in which a young, almost an embryo, science finds itself, one should be chary of attempting to apply its finding practically." And, further on, after explaining that he has no doubts whatever concerning the ultimate value of psychology in politics, he invites attention to the danger of "too ambitious attempts to show how psychological doctrines can be immediately applied to the solution of political problems."

XVIII. DANGER OF ADMINISTRATIVE FADS.

Dr. Rivers was referring principally to the politics of modern Europe, but what he says is at least equally applicable to the government of primitives; and it may serve as a useful corrective to theorists who have not had experience of practical administration, and may be of value also to those who have had that advantage.

Even the most prosaic and unimaginative of us have fads and caprices of our own, and those of us whom fate or accident has placed in control of these primitive people must always be on our guard against the temptation to work off our fads upon our unresisting and helpless charges. It is so easy, that the temptation is very real; the native has little power of self expression, he can offer no effective resistance, and he lies completely at our mercy. In our own country if we attempted to give practical effect to our idiosyncrasies our fellow countrymen would hang us on the nearest lamp-post, but the wretched "primitive" has no such protection; the long suffering cannibal and the patient head-hunter can only endure in silence.

These people already carry a very heavy handicap, and we should be careful not to harass them or to increase the load unsuccessfully by insistence upon trivial and unessential detail. I do not think that if very often happens that an administration is really popular with a primitive population, though individual administrators and officers frequently are; but an intelligent appreciation and preservation of native custom, and a discerning application of the teachings of anthropology, will go far to assist us in making our rule as little odious as may be.