

ANNUAL REPORT
OF THE
ADMINISTRATION OF THE SOUTH SEA
ISLANDS UNDER JAPANESE
MANDATE

FOR

THE YEAR 1926

JAPANESE GOVERNMENT

京都大学 図書



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ANNUAL REPORT

of the

Administration of the South Sea Islands under Japanese Mandate

for

The Year 1926.

CHAPTER I.

General Remarks

I. Position, Area and Temperature.

(1) Position.—The South Sea Islands under Japanese Mandate stand north of the Equator stretching on the one hand from 130 Long. E. to 175 Long. E. and on the other from 0 Lat. N. to 22 Lat. N. and are situated to the south of Japan, facing Hawaii far away to the east and adjoining the Philippines and the Dutch Celebes to the west while to the south there lie the island of New Guinea and the Bismarck group and to the north the Bonin and Iō Islands of Japan.

(2) Area.—The South Sea Islands under Japanese Mandate consist of three archipelagos of Mariana, Caroline and Marshall, which comprise more than 1,400 islands, isles and reefs scattered over a vast expanse of water extending for about 1,200 miles from south to north and about 2,500 miles from east to west. The area of the land is very small, the total being 2,149 square kilometres or about 140 square *ri*. (one *ri* equals about 2.4 miles or 3.9 kilometres) (These figures are quoted from existing records, a new survey of the land being under way).

The number and area of the islands are as follows:—

| Group | No. of islands | Area (Square kilometres) |
|--|----------------|--------------------------|
| Mariana (excepting Guam which belongs to U.S. of America) .. | 14 | 639 |
| Caroline | 549 | 1,320 |
| Marshall | 60 | 190 |
| Total | 623 | 2,149 |

The number and area of the islands classified according to the different Branch Bureaux of the South Seas Bureau are as follows:—

| Branch Bureau | No. of islands | Area (square kilometres) |
|---------------|----------------|--------------------------|
| Saipan | 14 | 639 |
| Palau | 109 | 478 |
| Yap | 85 | 226 |
| Truk | 245 | 132 |
| Ponape | 138 | 504 |
| Jaluit | 32 | 170 |
| Total | 623 | 2,149 |

N.B.—The figures of the last Annual Report were rectified.

The principal islands and their areas are as follows:—

| Island | Area (Square kilometres) |
|--|--------------------------|
| Saipan of Mariana Group | 185 |
| Tinian " " " | 98 |
| Rota " " " | 125 |
| Truk of East Caroline Group | 22 |
| Yap " " " " | 216 |
| Angaur " " " " | 8 |
| Palau of West Caroline Group | 370 |
| Summer Island of East Caroline Group | 9 |
| Wednesday Island " " " | 23 |
| Ponape " " " " | 375 |
| Kusaie " " " " | 116 |
| Jaluit of Marshall Group | 8 |

(3) Temperature

The South Sea Islands are all situated within the torrid zone, but as each of the islands is small in area, the heat is tempered by breezes blowing over it from the sea throughout the year as well as by squalls visiting it at frequent intervals. There is no great change throughout the year in temperature, the highest degree attained in a normal day being between 29 and 31 degrees Celsius and it is a very rare occurrence for the thermometer to rise above 31 degrees. The Difference in temperature in a normal day is only 4 to 6 degrees. The rainfall is between 2,000 and 4,000 millimeters. The rain-gauge rarely registers below 2,000 and above 4,000 millimeters. As for winds, the trade wind prevails between November and April of the following year, while in the other seasons it is either a westerly or southerly wind.

black hair.

(b) Kanaka Tribes.—The Kanaka is the general appellation for the people living in Hawaii and other Pacific islands. A great majority of the natives of the South Sea Islands are Micronesian but when close observations are made, it is found that those inhabiting western islands seem to have much affinity with the Malay race and those inhabiting eastern islands resemble the Polynesian race, while as one goes further south the more one comes across those similar in racial type to the Melanesian race. There is more or less difference between these three groups of Kanakas, but they are generally dark-brown skinned and commonly have black hair, in some cases curled. Their eyebrows are thick and the space between the eyebrows and eyes is a little narrow, while their eyes are deeply sunken. Further, the alae of the nose are wide, the mouth large and lips thick. They have not much beard and are generally mild in their expression. In stature they are of medium height, but sometimes very big and tall men are found among them especially in the southern islands.

(c) Tribal Relations of Natives.—It is a fact that Chamorro tribes are generally more advanced in civilization than Kanaka, but this is only relatively true, even Chamorros being very backward as compared with civilized people. Chamorros and Kanakas differ in language, manners and customs, and not only do not intermarry but even in daily life rarely associate with each other. Considering themselves as superiors, Chamorros dislike to have connections with Kanakas in any thing. In fact the two live quite apart and there is no instance of strife or quarrel having ever occurred between them. Nearly all the islands except Saipan are inhabited by Kanakas, and Chamorros being few in number have little influence. The two groups of people have always formed separate communities and have never been in the relation of ruler and the ruled, nor will be in the future. It goes without saying that the Japanese Government does not discriminate between them in regard to their treatment.

(2) Language.

Different dialects are spoken in different islands, there being no language common to all. Even in one and the same group of islands, dialects of principal islands are different and there are not a few subsidiary islands where dialects different from those used in principal islands are spoken. For instance, the natives of Yap and those of its subsidiary islands speak different dialects. It is also the same with natives of Ponape and Kusaie. All this is due to the great distance separating the islands, making communication between them very difficult, and is a cause of great inconvenience in carrying on the administration.

As a result of the efforts recently launched on the spread of education the number of natives able to speak the Japanese language is steadily on the increase, so that in most of the islands Japanese has become the medium for communication concerning at least matters of daily life.

As for natives who can speak English, German or Spanish, no investigation has as yet been made, but there are a number of such natives, for before Japan undertook the mandatory rule of the district, there were not a few natives, who had been educated in mission schools or were employed by Germans, Americans or Spaniards. Natives, who are above 25 years

CHAPTER II.

Administration in General.

I. History.

On the adoption by the Council of the League of Nations on December 17, 1920, of the Mandate for the German Possessions in the Pacific Ocean lying north of the Equator, the Government of Japan steadily pushed on preparations for carrying out the duties entrusted to it and after 1921 gradually withdrew the garrisons stationed in the South Sea Islands. On April 1, 1922, the Government abolished the Regulations for the Extraordinary South Seas Defence Corps and completed the withdrawal of the garrisons, and at the same time created the South Seas Bureau to carry on the administration of the territory in place of the Defence Corps.

II. Competence.

The South Seas Bureau has its office on Korrör, one of the Palau Islands of the West Caroline group. The Director of the Bureau, under the direction and superintendence of the Prime Minister, manages the various administrative affairs of the mandated territory under his jurisdiction. With regard, however, to affairs relating to posts and telegraphs he is under the superintendence of the Minister for Communications, in matters of currency, banking and customs duties, of the Minister for Finance, and in regard to weights and measures, of the Minister for Commerce and Industry. (Vide Chapter XIV, § 4, Administrative Organization).

The Director of the South Seas Bureau is entrusted with the management of various administrative affairs of the Islands and the issuance of necessary orders carrying penal clauses for meting out penal servitude, imprisonment or detention for a period not exceeding one year, or fines or minor fines not exceeding 200 Yen in amount. In case of emergency and for the purpose of maintaining peace and order he may issue orders (Bureau Orders) carrying heavier penal clauses than those above mentioned. In such cases, however, he has to ask for Imperial sanction through the Prime Minister immediately after the issuance of the orders, and, if Imperial sanction is withheld, has to announce the future invalidity of the orders in question.

Theoretically the Director of the South Seas Bureau is, as above stated, authorized to issue orders concerning various matters for the management of the administrative affairs of the territory under Japanese Mandate. Practically, however, all important matters are decided by means of Imperial Ordinances.

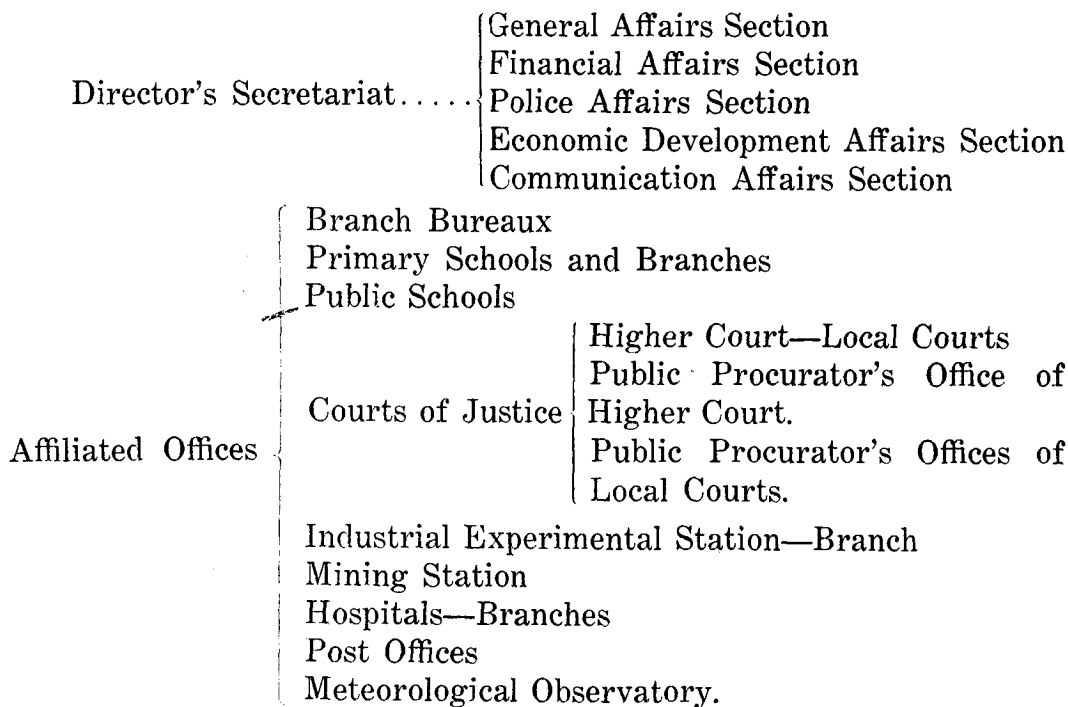
The Director may also cancel or suspend orders issued or measures taken by offices under his control, if he considers such to be at variance with laws and regulations, to be injurious to public order or to exceed the competence of the said offices.

III. Organization of the South Seas Bureau.

The South Seas Bureau has established within it the Director's Secretariat and five sections, namely, General Affairs Section, Financial Affairs Section, Police Affairs Section, Economic Development Affairs Section and Communication Affairs Section. The Director's Secretariat is principally in charge of confidential matters, the General Affairs Section of affairs relating to local administration and public works, the Police Affairs Section of those relating to budgets and accounts, the Economic Development Affairs Section of those relating to industry, and the Communication Affairs Section of those relating to posts, telegraphs, shipping and nautical marks.

The administrative system of the South Seas Bureau is as follows:—

South Seas Bureau



The full personnel of the South Seas Bureau and its affiliated offices in December, 1926, was as follows:—

| | Chokunin rank | Sonin rank | Hannin rank | Non-regular member | Employees | Lower-class employees | Total |
|-------------------------------------|------------------|---------------|----------------|-----------------------|-----------|--------------------------|-------|
| South Seas Bureau..... | 1 | 8 | 49 | 2 | 60 | 78 | 199 |
| Branch Bureau..... | — | 3 | 83 | — | 85 | 72 | 243 |
| Primary Schools..... | — | — | 11 | — | — | 2 | 13 |
| Public Schools | — | — | 54 | — | 19 | — | 73 |
| Courts of Justice..... | — | 4 | 4 | — | 3 | 6 | 17 |
| Industrial Experimental Station.... | — | 3 | 6 | — | 10 | 11 | 30 |
| Mining Station | — | 1 | 7 | — | 7 | 87 | 102 |
| Hospitals | — | 9 | 24 | — | 35 | 15 | 83 |
| Post Offices | — | 1 | 51 | — | 54 | 42 | 148 |
| Meteorological Observatory..... | — | — | 2 | — | 6 | 2 | 10 |
| Total | 1 | 29 | 291 | 2 | 279 | 315 | 918 |

Of the above, 57 employees and 95 lower class employees making 152 persons in all, are natives.

N.B.—“Chokunin” corresponds to the rank of a General, “Sonin” to that of a Commissioned Officer and “Hannin” to that of a non-Commissioned Officer.

A Village Chief or a Vice Village Chief carries out the following matters under the direction of the Chief of the Branch Bureau and in conformity with laws and regulations or in accordance with usage:

(1) Matters concerning the dissemination of knowledge of laws and regulations among villagers.

(2) Matters concerning the forwarding to the authorities of applications, reports and so forth sent in by villagers.

(3) Matters concerning the transmission to villagers of execution of orders issued by the Chief of the Branch Bureau. (Vide Chapter II, Local Administration III, Regulations concerning Native Village Officials of the South Sea Islands, of the appended Collection of Laws and Regulations).

A Village Chief or a Vice Village Chief is required to report at least twice a year to the Chief of the Branch Bureau or the police officers concerning the conditions, changes in population and so forth of the villages under his jurisdiction. In case epidemics or injurious insects appear or any other important happenings take place, he has to report it immediately to the authorities. (Vide Chapter II, Local Administration IV, Rules for the Service of Native Village Officials, of the appended Collection of Laws and Regulations).

N.B.—For further particulars see Chapter II, Local Administration; III, Regulations for Native Village Officials in the South Sea Island; IV, Rules for the Service of Native Village Officials in the South Sea Island and V, Rules concerning Allowances to Native Village Officials, of the appended Collection of Laws and Regulations. As to the punitive power entrusted to Village Chiefs see the following paragraph VI, Judicature.

The following list shows the number of Village Chiefs and Vice Village Chiefs in service in September, 1926:

| Branch Bureau | Village Chiefs (Kanaka) | Village Chiefs (Chamorro) | Vice Village Chiefs (Kanaka) | Vice Village Chiefs (Chamorro) |
|---------------|----------------------------|------------------------------|------------------------------------|--------------------------------------|
| Palau | 2 | — | 13 | — |
| Yap | 10 | 1 | — | — |
| Saipan | — | 2 | — | 7 |
| Truk | 6 | — | 23 | — |
| Ponape | 13 | — | 14 | — |
| Jaluit | 1 | — | 16 | — |
| Total | 32 | 3 | 66 | 7 |

N.B.—Of the Village Chiefs mentioned in the above table, 2 of Palau and 1 of Jaluit are Village Chiefs (Kanaka) additionally serving as such. As for the decrease by 8 in the number of Village Chiefs (Kanaka) of Ponape as compared with the preceeding year, it is accounted for by the replacing of 9 Village Chiefs (Kanaka) of by one.

VI. Judicature.

(1) General Remarks:—Simultaneously with the establishment of the South Seas Bureau, the Courts of Justice thitherto instituted in the Civil Administration Stations were abolished and three Local Courts and one Higher Court established in their place, judicial officials independent of executives being appointed thereto to deal with civil and criminal cases. In places having no Court of Justice the Chief of the Branch Bureau is authorized to transact the following matters. (Vide Chapter VII, Administration of Justice III, Regulations concerning the Treatment of Judicial Affairs in the

South Sea Islands, of the appended Collection of Laws and Regulations).

1. Compulsory action of immovable properties.
2. Arbitration in civil disputes and execution of awards given.
3. Deposit and registration.
4. Drawing up of notarial deeds concerning civil cases and certification of private documents.
5. Acceptance of written complaints and other law papers only in cases in which promptitude is required.

So far for civil cases. With regard to criminal cases arising from the under-mentioned offences, the Chief of the Branch Bureau is also authorized to hear statements of the accused, examine evidence and pronounce judgment without going through the formality of trial. If the accused, however, is dissatisfied with the sentence passed on him, he may apply for formal trial. (Vide Chapter VII, Administration of Justice IV, Regulations for Summary Decisions regarding Offences in the South Sea Islands, of the appended Collection of Laws and Regulations).

1. Offences coming under the penalty of detention or fines.
2. Offences in gambling punishable with penal servitude for a period not exceeding three months or fines of less than 100 yen in amount as well as offences mentioned in Article CCVIII of the Criminal Code punishable with detention or fines.
3. Infringements of administrative laws and regulations punishable with penal servitude for a period not exceeding three months or fines or minor fines of less than 10 yen in amount.

N.B.—Article CCVIII of the Criminal Code of Japan:

One who has acted with violence but not harmed a person shall be punished by imprisonment with hard labour for less than a year or by a fine of less than 50 yen or by a detention or a minor fine.

The aforesaid punishment shall follow upon complaint.

With regard to punishments for police offences, the Chief of the Branch Bureau administers them in accordance with the Regulations concerning Punishments for Police Offences in the South Sea Islands, and in doing so he follows the procedure provided in the Regulations for Summary Decision regarding Offences in the South Sea Islands.

As, however, it is necessary to entrust village officials with the disposal of minor offences committed in distant islands, communication with which is extremely difficult, the provision of Article II of the Regulations for Police Offences (Vide Chapter V, Police XII, of the appended Collection of Laws and Regulations) has been instituted, recognizing the delegation by the Chief of the Branch Bureau of part of the punitive power invested in him to Village Chiefs (Kanaka) after he has obtained the approval of the Director of the South Seas Bureau. This punitive power is entrusted only to Village Chiefs (Kanaka), because they are so-called great chiefs of their tribes according to time-honoured usage and formerly possessed punitive power.

As a matter of fact, in accordance with the provision referred to, the Branch Bureaux of Palau, Truk, Ponape and Jaluit are entrusting certain Village Chiefs with the disposal of minor police offences. These minor police offences with which such Village Chiefs are empowered to deal differ slightly according to locality, but they are generally those detailed below.

1. Negligence in destroying insects injurious to palm-trees.
2. Negligence in reporting to the authorities births, deaths, changes of residence, &c.
3. Concealing oneself in an uninhabited house or a vessel without legitimate reason.
4. Wandering about from place to place without a fixed residence or vocation.
5. Disobeying instructions issued by the Branch Bureau after they have been transmitted by the Village Chief.
6. Abandoning on a public thoroughfare fragments of glass, nails, etc. which are dangerous to passers-by.
7. Damaging bridges, structures or useful trees.
8. Failing to prevent the spread of fire on the occasion of partial burning of forests or fields.
9. Indecent behaviour towards women in general.
10. Removing sign-posts on roads, village boundary lines, Government land, &c.
11. Removing nautical marks.
12. Disobeying orders issued by a Village Chief.

The power delegated to Village Chief is mostly confined to the imposition of labour for a period not exceeding thirty days (the person being not confined, the offender is only required to engage in labour).

However, the necessity of revising this delegation of the punitive power has been recognised in connection with the institution of the Regulations for Police Offences and the matter is now under investigation.

When a summary decision is given by Village Chiefs, no appeal to a formal trial is recognized, the reason being that in an island so distant that it is necessary to entrust the village officials with the punitive power, it is enough to leave the maintenance of order in their hands.

It may be added that of late there has been no instance in which a Village Chief has meted out punishment.

(2) Organisation of Courts of Justice.

The Courts of Justice are in charge of civil and criminal cases as well as non-contentious cases. They are of a two instance system. A court of the first instance is called a Local Court and passes decisions of the first instance concerning civil and criminal cases, besides dealing with non-contentious cases. A court of the second instance is called a Higher Court and reviews cases on appeal from the judgments of the Local Courts, the decisions given there being final.

A single judgment system is adopted in the Local Courts and a bench judgment system in the Higher Court. (Vide Chapter VII, Administration of Justice II & III, Judicial Regulation for the South Sea Islands and Regulations concerning the Treatment of Judicial Affairs in the South Sea Islands, of the appended Collection of Laws and Regulations).

Local Courts are established in three places, Palau, Saipan and Ponape, and the Higher Court in Palau. Their sites, names and spheres of jurisdiction are as follows:

| Higher Court | Local Court | Sphere of jurisdiction |
|---|--|--|
| High Court of the South Seas Bureau, Korror of Palau Island | Palau Local Court of the South Seas Bureau, Korror of Palau Islands. | District under jurisdiction of Palau and Yap Branch Bureau. |
| | Saipan Local Court of the South Seas Bureau, Saipan. | District under jurisdiction of Saipan Branch Bureau. |
| | Ponape Local Court of the South Seas Bureau, Ponape. | District under jurisdiction of Ponape, Truk, and Jaluit Branch Bureau. |

(3) Laws and Regulations.

Though the Civil Code and the Commercial Code of Japan are in force in the territory under Japanese Mandate, civil cases in which natives only are involved are dealt with in conformity with usage, with the exception of cases going contrary to public order or good morals, such cases being dealt with in accordance with general laws and regulations.

With regard to land rights usage is respected for the time being and there is no registration. The Japanese Government with a view to protecting the natives also prohibits any contract, which aims at the sale, purchase, assignment or mortgage of lands except with the Government.

With regard to other contracts, it is ruled that they shall not become effective unless the approval of the Chief of the Branch Bureau has been obtained and registered. This rule, however, is not applied to ordinary small transactions or contracts for labour for a period not exceeding one year. (Vide Chapter X, Land System).

In criminal cases, the Criminal Code of Japan is applied, regardless whether the persons concerned are natives, Japanese or foreigners, no special criminal law being provided for the natives.

The Japanese Criminal Code being framed on the so-called relative legal application system, the sphere of determining penalties is very extensive, and in dealing with a case adequate punishment is meted out after the circumstances attending the offence and the character of the offender have been taken into consideration. Accordingly there is no fear that the application of the Criminal Code of Japan to natives will prove too severe.

As for legal procedure, the Code of Civil Procedure, the Code of Penal Procedure and other laws are correspondingly applied, but with regard to lawsuits in which natives only are concerned, as there is not only no necessity of requiring them to follow such legal procedures as are practised in civilized countries, but to require them to do so often results in disadvantage to them, they are allowed to take such procedures as are expedient and as have been recognized by the Courts of Justice (Vide Chapter VII, Administration of Justice III, Regulations concerning the Treatment of Judicial Affairs in the South Sea Islands, of the appended Collection of Laws and Regulations).

With regard to civil and criminal suits and other legal business fees are required to be paid in accordance with rules fixed by the Director of the South Seas Bureau. (Vide Chapter VIII, Administration of Justice VI, Regulations concerning Judicial Fees in the South Sea Islands, of the appended Collection of Laws and Regulations).

N.B.—For Laws and Regulations promulgated during 1926 see Appendix II.

(4) Staff of the Courts of Justice.

The judges and public procurators in service of the South Seas Bureau are appointed according to the Law of the Organization of the Courts of Justice of Japan from among persons having the qualifications of a judge or a public procurator. (Vide Chapter VII, Administration of Justice I, Imperial ordinance concerning the Appointment of Judges and Public Procurators for the South Seas Bureau, of the appended Collection of Laws and Regulations).

The personnel of the South Seas Bureau Courts of Justice is as follows:—

| | Judge | Public Procurator | Clerk | Employee | Attendant | Servant |
|-------------------------|-------|----------------------|-------|----------|-----------|---------|
| Higher Court.....} | | | | | | |
| Palau Local Court}..... | 1 | 1 | 2 | 1 | 1 | 1 |
| Saipan Local Court.... | 1 | — | 1 | 1 | 1 | 1 |
| Ponape Local Court.... | 1 | — | 1 | 1 | 1 | 1 |
| Total | 3 | 1 | 4 | 3 | 3 | 3 |

(5) Expenditure.

The Budget for the Courts of Justice is as follows:—

| Item | Estimates | | decrease Yen | Settled Accounts 1925 Yen |
|--|-------------|-------------|-----------------|---------------------------------|
| | 1925 Yen | 1925 Yen | | |
| Salaries | 37,360 | 37,360 | — | 38,815 |
| Office Expenses: | | | | |
| Communication and transportation | 286 | 286 | — | 209 |
| For purchasing articles | 1,240 | 1,210 | 30 | 1,555 |
| Travelling expenses | 5,129 | 4,112 | 1,017 | 3,496 |
| Wages to employees | 8,055 | 7,860 | 195 | 6,975 |
| Clothing | 120 | 120 | — | 115 |
| Expenses for Trials and Registrations: | | | | |
| Trials | 300 | 300 | — | 300 |
| Registrations | 200 | 200 | — | 58 |
| Interests on deposits | 25 | 25 | — | — |
| Total | 52,715 | 51,473 | 1,242 | 51,523 |

(6) The Number of Cases.

The following tables show the number of cases dealt with during the year 1925.