

Section

7. 1.1.1 LAND DISTRIBUTION

1.1.2 All the land is the property of the King and he may at pleasure grant to the nobles and titular chiefs or matapules one or more estates to become their hereditary estate. There is a declaration that it shall not be lawful for the King or any of the Chiefs or people of this country to sell any land whatever in the Kingdom of Tonga. This covenant is binding on the King and Chiefs and their heirs and successors for ever. The Constitution does not refer to the distribution of land to the people nor does it deal with the interests of estate holders or holders of tax and town allotment. These provisions appear in the Land Act.

1.1.3 Two important legal points which caused considerable and prolonged debate within the Commission related first to the use of the words "Crown" and "King" respectively in the Land Act and the Constitution and secondly whether the Government has the right to hold estates. The problems arose when the Commission considered practices relating to the death of a holder of a hereditary estate without heirs. What happens to the accumulating income or revenue of that estate? The practice has been that the Government was and is the recipient and the administrator of the hereditary estate until a new line is appointed.

1.1.4 The meaning of "Crown" and "King" are sometimes synonymous and refer to the same thing. The question asked was do these words mean the same in the context used in the Constitution. It was suggested they did not and the following argument was advanced.

(i) The word "king" is defined in the Interpretation Act to mean viz :

"The King" shall mean His Majesty the King of Tonga or the Sovereign reigning for the time being over the Kingdom of Tonga.

Section E

- (ii) The word "Crown" is not defined in our statutes but some of its oxford dictionary meanings may be stated as follows :

"... An ornamental headdress worn by a King or Queen, the sovereign, his or her authority, the supreme Governing power"

- (iii) The word "Government" has been given statutory meaning in section 30 of the Constitution as follows :

The Government of this Kingdom is divided into three Bodies -

- 1st The King Privy Council and Cabinet Ministry;
- 2nd The Legislative Assembly;
- 3rd The Judiciary.

- (iv) The words landholder or holder is defined under section 2 of the Land Act to mean (inter alia) -

(a) As regards "Crown Land" the Minister of Lands:

- (v) Under section 10 of the Land Act - all lands other than those set out in schedule I to III thereto are described as Crown Land. This is followed by section 11 which says the King with the consent of Privy Council may grant from the Crown Lands hereditary estates etc. It was then submitted that this section has changed the meaning of section 104 of the Constitution and fettered the King's right whereas the nobles and chiefs rights to their hereditary rights are not affected. Attention was then drawn to the various sections under the Land Act and the Constitution and the use of the words "King", "Crown", "Government" and "Crown Lands" which support argument that they do refer to different things.

Section E

- 1.1.5 The considerations referred to in paragraph E1.1.4 hereof necessitated the Commission examining the wording of the Constitution and various legislations in the Tongan and English language since 1875. After completing this exercise the Commission was satisfied as to the concept of Crown Lands but were unable to understand the reasons for the use of the word King in the Constitution and then qualifying this in the Land Act. Further the Constitution provides that the King may at pleasure grant Hereditary Estates to Nobles Titular chiefs or matapules whereas the Land Act limits this and requires that it be subject to the consent of Privy Council and the provisions of that Act.
- 1.1.6 Concepts of Crown Lands under the Land Act should be preserved and to meet the situation referred to in this paragraph appropriate amendments will be made to clarify the situations.
- 1.1.7 The three main distributing sources of land for the people are the King, Hereditary Estates and Crown Land (Government). It has been claimed that all land ultimately belongs to the people of Tonga but such a submission is theoretical and based on theological hypotheses. There was no legal basis for such a claim. In making that point clear we are not unaware of the fact that laws are man made but at least it is a statement of the de facto situation.
- 1.1.8 The Ministry of Lands was required to submit to the Commission, a complete breakdown of the total area, number of registrations for town and tax allotments, church leases, leases to the Government and Boards, Leases to Foreigners, Leases to Tongans, permits and any dealings therein of each hereditary estate and Crown Lands (Government).

Section E

This work took some time as the information had to be obtained also from the sub registries, in Vava'u, Ha'apai and other places. When these were available they were so incomplete that the Commission prepared working sheets and again asked the officials in the Ministry to search and obtain information from their records by using the working sheets provided to ensure that it is received by the Commission in an orderly fashion for analysis.

1.1.9 These informations are now available but not complete as the records of the Ministry for some reason or another do not simply have all the answers. One explanation for this is that substantial areas of land are outside the provision of the Land Act. These consist of allotments granted during the years 1889 to 1927 and which do not have any recorded areas. Some registrations were made as late as 1952 but those allotments were granted prior to the commencement date of the present Act. Many of the hereditary estates have these allotments which shall be referred to hereafter for conveniences as the pre 1927 allotments. Other informations such as allotments distributed but not registered and other allotments not distributed or registered but occupied were not available.

1.1.10 The Commission has analysed the information received from the Ministry of Lands and is tabulated in this paragraph under separate subheadings for easy reference. It shows the number of people who have registered allotments whether town or tax, number of leases to Government or Boards, non-Tongans, Churches and Tongans, permits and number of pre 1927 allotments. There are two columns, one for Crown Lands (Government) and the other for hereditary estates.

Section E

<u>Government (Crown Lands)</u>		<u>Hereditary Estates(Combined)</u>	
<u>Tongatapu :</u>			
Town Allotments	2815	For Tongatapu only	2167
Tax Allotments	1426	Town Allotments	3544
Church Lease	176	For Tongatapu ony	2937
Govt & Board Lease	60	Tax Allotments	4654
Lease to Foreigners)		Church Lease	410
Lease to Tongans)	268	Board & Govt Lease	104
Permit Lease	14	Lease to Foreigners)	212
		Lease to Tongans)	
Pre 1927		Permit Lease	5
Town Allotments		Pre 1927	
registered with no	398	For Tongatapu only	
define area		Town Allotments	223
Pre 1927		Town Allotments	
Tax Allotments		registered with no	2196
registered with no	517	define area 1913-1935	
define area		Pre 1927	
Total Town Allotments	3213	For Tongatapu only	304
Total Tax Allotments	1943	Tax Allotments	
		registered with no	
<u>Ha'apai and Vava'u :</u>		define area 1913-1948	436
Town Allotments	1634		
Tax Allotments	2184		
Church Lease	79		
Board & Govt Lease	7		
Lease to Foreigners)			
Lease to Tongans)	71		
Permit Lease	1		
Pre 1927			
Tax Allotments			
registered with no	536		
define area			

Pre 1927

Town Allotments

registered with no 983

define area 1902-1984

Total Town Allotments 2617

Total Tax Allotments 2620

'Eua :

Tax Allotments 492

Church Lease 38

Lease to Foreigners) 9

Lease to Tongans)

Govt & Board Lease 3

Tax Allotment

registered with no 1

define area

Niutoputapu :

Tax Allotments 11

Church Lease Nil

Tax Allotments

registered with no 1

define area

Niuafo'ou :

Tax Allotments (Esia) 11

Tax Allotments (Mu'a) 51

Church Lease 1

Tax Allotments

(Petani & Fata'u-

lua)

Total Town Allotments : (No figures available)

Total Tax Allotments 164

Total Town Allotments 6150

Total Tax Allotments 4844

Total Leases to Church 294

Total Leases to 348

Europeans & Tongans

Total Leases to Govt & 70

Board

Total Permits 15

Total Town Allotments 6740

Total Tax Allotments 5090

The rest of figures above
for hereditary estates are
grand totals and restate-
ment here is not necessary.

Section E It can be seen from the above figures that there are more Town and Tax allotments registered from Hereditary Estates than from Crown Lands and greater number of Leases generally. Reference to land areas is made in paragraph E1.1.11 hereof.

The grand total of registrations for the Kingdom are as follows :

Town Allotments	:	12890
Tax Allotments	:	9934
Leases to Churches	:	704
Leases to Govt & Boards	:	174
Leases to Foreigners and Tongans	:	560
Permits	:	20

1.1.11 The figures given by the Ministry of Lands as to land areas for each individual hereditary estate have been added to give the total figures below covering areas for Town Allotments, Tax allotments etc., balance of land area not registered and total area for all the hereditary estates. We draw attention to the balance of land area from the hereditary estates which balance includes the area for pre 1927 allotments of which there are 2196 town allotments and 436 tax allotments. Only after these pre 1927 allotments are given defined areas can the balance of land from hereditary estates be precisely determined. It should also be noted that there are land already distributed by estate holders and the new owners have not registered these. In addition there are occupiers of land with promises of ownership to follow. The areas are therefore noted as follows :

1. Town Allotments	=	418a 33r 485.42P
Tax Allotments	=	28680a 60r 669.17P
Church Lease	=	3142a 3r 01.79P
Board & Gov't Lease	=	1777a 3r 23.8 P
Lease to Europeans and Tongan	=	1714a Or 3.15P
Permit Lease	=	361a Or 11.9 P

Section E II. Total Land area for Hereditary Estates : 70438a 2r 28.6p
 III. Balance of Hereditary Estates : 34499a 0r 10.89p

Similar details covering Crown Lands are as follows :

Tongatapu - Crown Lands

Town Allotments	=	856a	2r	35.2p
Tax Allotments	=	12042a	3r	32.25p
Church Lease	=	602a	1r	24.6 p
Board & Govt Lease	=	15a	0r	17.0 p
Lease to Foreigners	=	440a	0r	34.69p
and Tongans				
Permit Lease	=	2a	2r	06.1p
<hr/>				
Total Estate Area	=	19859a	2r	9.74p
Balance	=	5612a	3r	9.97p

Ha'apai and Vava'u

Town Allotments	=	131a	3r	4.2 p
Tax Allotments	=	12179a	2r	25.85p
Church Lease	=	118a	3r	14.39p
Board & Govt Lease	=	4a	0r	32.1 p
Lease to Foreigners	=	61a	3r	10.44p
and Tongans				
<hr/>				
Total Estate Area	=	21403a	0r	3.09p
Balance	=	8757a	0r	21.12p

'Eua

Tax Allotments	=	218a	2r	25.3 p
Church Lease	=	544a	0r	8.97p
Lease to Foreigners	=	51a	1r	36.5 p
and Tongan				
Govt & Board Lease	=	200a	2r	20.72p
<hr/>				
Total Estate Area	=	5928a	0r	27.2 p
Balance	=	5166a	3r	38.21p

<u>Section E</u>		<u>Niuatoputapu</u>	
Tax Allotments	=	57a	3r 07 p
Church Lease	=	20a	3r 23.9p
Tax Allotments registered with no define area	=	16a	1r 1.8p
Total Estate Area	=	95a	0r 16.7p (Area surveyed or known)
Balance	=	No figures available.	
 		<u>Niuafo'ou</u>	
Tax Allotments	=	968a	0r 00 p
Church Lease	=	38a	2r 3 p
Govt Lease	=	42a	2r 15.6p
Total Estate Area	=	1453a	1r 22.13p (Surveyed)
Balance	=	299a	4r 4.38p
Total Land Area for			
Crown Lands :	=	48739a	0r 38.86p
Balance	=	19836a	3r 33.68p

The above figures for Crown Lands do not include small islands not surveyed or without defined areas.

- 1.1.12 The Government administers all Crown Lands which forms the largest single estate in the Kingdom. At the same time it leases a lot of land and together with its Boards rank second to the Churches which form the largest holders of leased land. Set out below are the location, name of estate holder and areas of land leased by the Government and Boards :

TONGATAPU

<u>Village</u>	<u>Holder</u>	<u>Lesee</u>	<u>Area</u>
Kolofo'ou (Pule'anga)		Government	8a 1r 04.58p
"	"	Boards	39a 2r 01.64p
Kolomotu'a	"	Government	4a 1r 6.98 p
"	"	Boards	2a 1r 18.74p
Tofoa	"	Government	0a 1r 15.1 p
"	"	Boards	8a 1r 2 p

<u>Section E</u>	Puke (Pule'anga)	Government	Oa	1r	20.1 p
	"	Boards			Nil
	Fua'amotu (Tungi)	Government	484a	3r	21.13p
	"	Boards			Nil
	Mataliku (Tu'i)	Government	18a	1r	23.8 p
	"	Boards	135a	1r	28.4 p
	Kanokupolu(")	Government	1a	3r	2.1 p
	"	Boards			Nil
	Tokomololo (Ma'afu)	Government	8a	0r	00.29p
	"	Boards			Nil
	Vaini "	Government	366a	1r	27.8 p
	"	Boards	0	0	1.20p
	Haveluloto(Fielakepa)	Government	0	1r	26.36p
	"	Boards			Nil
	Pea (Lavaka)	Government	12a	1r	17.4 p
	"	Boards	9a	2r	4.7 p
	Kolovai (Ata)	Government	1a	0r	29.5 p
	"	Boards			Nil
	Ma'ufanga (Fakafanua)	Government	30a	3r	33.9 p
	"	Boards	16a	0r	12.5 p
	Lapaha (Kalaniuvalu)	Government	23a	1r	29.7 p
	"	Boards			Nil
	Kolonga (Nuku)	Government	8a	3r	18.4 p
	"	Boards	0	0	39.94p
	Te'ekiu (Motu'apuaka)	Government	1a	2r	14.1 p
	"	Boards			Nil
	Houma Tt. (Vaea)	Government	9a	2r	33.52p
	"	Boards	0	1r	20.2 p
	Ha'alalo (Tupouto'a)	Government	2a	0r	00 p
	"	Boards			Nil
	Talafo'ou (Lauaki)	Government	4a	2r	34.2 p
	"	Boards			Nil
	Pelehake (Tu'ipelehake)	Government	125a	1r	34.6 p
	"	Boards			Nil
	Tatakamotonga (Tungi)	Government			Nil
	"	Boards	Oa	1r	23.6 p

<u>Section E</u>	Navutoka (Tungi)	Government	4a	Or	0.4 p
	"	Boards			Nil
	Fo'ui (Vaha'i)	Government	0a	1r	24.1p
	"	Boards			Nil
	Nukunuku(Tu'ivakano)	Government	0	2r	4.8 p
	"	Boards			Nil
	Matahau "	Government	3a	1r	37.2 p
	"	Boards			Nil
	'Alaki (Tu'ipelehake)	Government	1a	Or	00 p
	"	Boards			Nil
	<u>HA'APAI</u>				
	Pangai (Pule'anga)	Government	4a	Or	00.9 p
	"	Boards	2a	1r	36.98p
	Ha'afeva(Tu'uhetoka)	Government	10a	1r	35.2p
	"	Boards	0a	2r	8.4p
	Ha'ano (Tu'iha'angana)	Government	5a	3r	3 p
	"	Boards			Nil
	Pukotala "	Government			Nil
	"	Boards	0a	1r	6.4p
	Fotua (Tu'ipelehake)	Government			Nil
	"	Boards	0a	1r	24 p
	Lotofoa "	Government	16a	1r	34.3 p
	"	Boards			Nil
	Nomuka (Tupouto'a)	Government	6a	3r	25.55p
	"	Boards			Nil
	'Uiha (Malupo)	Government	0	1r	24 p
	"	Boards	0	0	19.3p
	Fonoifua(Tu'i'afitu)	Government	2a	2r	23.4 p
	"	Boards			Nil
	Faleloa (Fakafanua)	Government	4a	Or	26.7p
	"	Boards			Nil
	<u>VAVA'U</u>				
	Neiafu (Tu'i)	Government	40a	2r	34.21p
	"	Boards	4a	Or	15.55p
	Neiafu (Pule'anga)	Government	3a	1r	6.8 p
	"	Boards	4a	Or	27.5 p

<u>Section E</u>	Tefisi (Luani)	Government	13a	Or	35.2p
	"	Boards			Nil
	Falevai (Fakatulolo)	Government	2a	1r	28 p
	"	Boards			Nil
	Taunga ('Akau'ola)	Government	2a	Or	00p
	"	Boards			Nil
	Ha'alaufuli (Afu)	Government	4a	2r	00.2p
	"	Boards			Nil
	Mataika (Pule'anga)	Government			Nil
	"	Boards	1a	Or	19.6p
	Ovaka (Tu'ihalamaka)	Government	0	2r	7.07p
	Holonga (Tu'i)	Government	7a	2r	24.3p
	Leimatu'a (Fotu)	Government	58a	2r	25.2p
	'Utui and Longomapu (Veikune)	Government	13a	Or	23.5p
	Taoa (Tupouto'a)	Government	8a	Or	00p
	Hunga (Fulivai)	Government	0	3r	22.3p
	Ta'anea (Vaha'i)	Government	0	1r	wr.2 p
	'Utungake (Tuita)	Government	2a	Or	00.08p
	<u>'EUA</u>				
	'Ohonua (Pule'anga)	Government			Nil
	"	Boards	201a	1r	20.72p
	Houma (Tu'i)	Government	9a	Or	13.3 p
	<u>NI'IAFO'OU</u>				
	Futu (Tuita)	Boards	2a	Or	00 p
	Sapa'ata (Fusitu'a)	Boards	0	2r	30 p
	Kolofo'ou (Pule'anga)	Boards	1a	Or	23.5p
	'Alele'uta (Fotofili)	Government	1a	2r	15.6p
	<u>NIUATOPUTAPU</u>				
	Hihifo (Ma'atu)	Government	68a	2r	28.7 p
	"	Boards	0	2r	30.4 p

Section E

1.1.13 Detailed below are all the information the Commission was able to obtain concerning individual estates, distribution and registrations of allotments and leases therein. The estate holders do not have any registered of their own to indicate how many people have been granted land but not registered or the number of people who are occupying land in their estates and with or without prospects of ownership. The available information are as follows :

<u>Name of Estate Holder</u>	<u>Estate</u>
1. 1) <u>Tungi</u>	: Mu'a but not to include Havelu, Fatumu and Lavengatonga but it shall include Ha'atakalaua to Fua'amotu and Kai'avale and Ha'atui also that part of Navutoka that was divided by Malupo and Toi (and Latai.)
2) Total area of estate	: 8715a 3r 35p
3) 5% under section 33(2)	: 435a 3r 7 p
4) Number of Registrations	: Town Allotments : 353 (69a Or 38.1p) Tax Allotments : 408 (1981a 3r 38.47) Church lease : 24 (52a 1r 13.7p) Gov't and Board Leases : 8 (499a 3r 0p) Leases to foreigners : 2 (0a 1r 24.8p) Leases to Tongans : 3 (35a 1r 20.9p) Pre 1927 - Town Allotments : 182 - Pre 1927 - Tax Allotments : 72 -

Section E

- 5) Number of allotments distributed but not registered : 415
 - 6) Balance of land : 6056a 3r 19.03p. This figure includes the 182 town allotments and 72 tax allotments without defined areas and registered between 1910 - 1952. Also land distributed and land occupied but not registered.
2. 1) Kalaniūvalu : Lapaha, Hamula and Toloa.
 - 2) Total area of estate : 5435a 2r 20p
 - 3) 5% under section : 271.62a
33(2)
 - 4) Number of : Town Allotments : 180
registrations (18a 5r 54.33p)
Tax Allotments : 415
(880a 5r 34.2p)
Church Leases : 17
(828a 1r 44.33p)
Other leases : 11
(305a 4r 42.3p)
 - 5) Number of allotments distributed but not registered
151
 - 6) Balance of land : 5435a 6r 56.94p. Include allotments without defined areas registered between 1898 - 1927. Also land distributed and occupied but not registered.
3. 1) Tu'ipelehake : Pelehake and Ha'atalafale in Ha'apai and Ha'atalafale in Vava'u.
 - 2) Total area of estate : 2212a 0r 0p
 - 3) 5% under section : 110a 2r 16p
33(2)
 - 4) Number of : Town allotments : 35 in
registrations Pelehake only
: 149
(2a 1r 9.62p)
Tax Allotments : 88
(495a 1r 13p)
: 48 in
Pelehake only
Church lease : 7(12a 2r 13p)

Section E

Board and Govt Lease : 6
(143a 2r 36.9p)
Leases to foreigners : 1
(0a 1r 16.5p)
Leases to Tongans : 5
(101a 1r 08.4p)

Pre 1927 - Town Allotments : 145 -

Pre 1927 - Tax Allotments : 21 -

5) Number of Allotments distributed but no registered :
No distribution

6) Balance of land : 1456a 1r 22.58p. This figure includes the 145 town allotments and 21 tax allotments without defined areas and registered between 1910 - 1947. Also land distributed and occupied but not registered.

4. 1) Nuku : Kolonga, Poha and Kontongo
2) Total area of estate : 3019a
3) 5% under section 33(2) : 115a
4) Number of registrations : Town allotments : 122
(20a 2r 17.52p)
Tax allotments : 290
(184a 3r 1.63p)
Church leases : 19
(130a 1r 10.74p)
Govt and Board leases : 3
(13a 2r 23.94p)
Leases to foreigners : 3
(108a 3r 2.8p)
Leases to Tongans : 2
(29a 2r 6.5p)
Permit Leases : 9
(206a 3r 2.8p)

Pre 1927 - Town Allotments : 58 -

Pre 1927 - Tax Allotments : 25 -

5) Number of tax allotments distributed but not registered
(not known)

6) Balance of land : 668a 2r 14.77p. This figure includes the 58 town allotments and the 23 tax allotments without defined areas and registered between 1913 - 1953. Also land distributed and occupied but not registered.

Section E

5. 1) Niukapu : Fangale'ounga in Ha'apai.
2) Total area of estate: 326a 3r 33.4p
3) 5% under section
33(2) : 16a 1r 15.7p
4) Number of Registra- : Town Allotments : 30 -
tions : Tax Allotments : 49
(264a 1r 8p)
Church Lease : 7(4a 3r 23.4p)
Pre 1927 - Town Allotments : 30 -
5) Number of allotments distributed but not registered
(not known)
6) Balance of land : 57a 3r 2.p . This figure includes
the registered 30 town allotments without defined
areas. Also land distributed and occupied but not
registered.
6. 1) Ma'afu : The landward side of Tokomololo
and Vaini.
2) Total area of estate: 4945a 2r 9p
3) 5% under section : 247a 1r 4p
33(2)
4) Number of : Town Allotments : 153
registrations (32a 0r 31.48p)
Tax Allotments : 359
(2640a 2r 25.87p)
Church leases : 16
(348a 2r 23.1p)
Govt & Board leases : 8
(566a 3r 23.08p)
Leases to foreigners : 2
(20a 3r 39.2p)
Leases to Tongans :
(112a 1r 22.4p)
Pre 1927 - Town Allotments : 8 -
Pre 1927 - Tax Allotments : 8 -
5) Number of allotments distributed but not registered :

Section E

- 6) Balance of land : 1213a 3r 0.87p. This figure includes the 72 town allotments and 13 tax allotments without defined areas : - Note town allotments registered in Vaini between 1910 - 1952 in Tokomololo between 1916 - 1948. Also for tax allotments registered in Vaini between 1926 - 1928 and Tokomololo between 1928 - 1948. These town and tax allotments with the above dates are registered with no defined area. Also land distributed and occupied but not registered.
7. 1) Lavaka : Fualu and Pea
2) Total area of estate : 1589a 0r 27p
3) 5% under section 33(2) : 79a 1r 33p
4) Number of Registrations : Town Allotments : 105
(19a 2r 14.4p)
Tax Allotments : 109
(577a 1r 18.62p)
Church leases : 19
(388a 0r 13.3p)
Govt & Goard Leases : 5
(40a 1r 10.7p)
Leases to Foreigners : 1
(8a 1r 0p)
Leases to Tongans : 3
(0a 2r 36.18p)
Pre 1927 - Town Allotments : 13 -
Pre 1927 - Tax Allotments : 7 -
- 5) Number of tax allotments distributed but not registered : (not known)
- 6) Balance of land : 554a 3r 13.76p. This figure includes the 44 town allotments and 20 tax allotments without defined areas and registered between 1912 - 1951 (for town allotments) and 1918 - 1952 (for tax allotments). Also land distributed and occupied but not registered.
8. 1) Fielakepa : Havelu
2) Total area of estate : 241a

Section E

- 3) 5% under section 33(2) : 12a
 - 4) Number of Registrations : Town Allotments : 84
(23a 1r 13.37p)
Tax Allotments : 21
(120a 2r 19.5p)
Church leases : 11
(16a 2r 5.6p)
Govt & Board leases : 1
(8a 1r 3p)
Leases to Tongans : 6
(2a 0r 21.54p)
 - 5) Number of tax allotments distributed but not registered : (not known)
 - 6) Balance of land : 70a 0r 16.99p. This figure includes the 15 town allotments and 3 tax allotments. N.B. The 15 town allotments without defined area were registered 1924 - 1953 and the 3 tax allotments without defined area were registered between 1898 - 1916. Also land distributed and occupied but not registered.
9. 1) Ata : Kolovai and 'Atatā
- 2) Total area of estate : 1158a
 - 3) 5% under section 33(2) : 58.33a
 - 4) Number of Registrations : Town Allotments : 100
(13A 2r 36.65p)
Tax Allotments : 125
(629a 5r 16.56p)
Church leases : 8
(3a 0r 0p)
Govt & Board Leases : 3
(1a 0r 0p)
Leases to Foreigners : 3
(9a 1r 28.8p)
Pre 1927 - Town Allotments : 7 -
Pre 1927 - Tax Allotments : 2 -
 - 5) Number of allotments distributed but not registered - (not known)
 - 6) Balance of land : 500 a 1r 37.99p) This figure includes the 7 Town Allotments and 2 Tax Allotments without defined areas and registered between 1928

Section E

- 1929 (for town allotments) and 1929 (for tax allotments). Also land distributed and occupied but not registered.

10. 1) Ve'ehala : Fahefa and Pangai in 'Eua.
- 2) Total area of estate : 15562 1r 29.0p
- 3) 5% under section 33(2) : 77a
- 4) Number of registrations : Town Allotments : 31
(3a 3r 7.4p)
Tax Allotments : 66
(410a 28.78p)
Church leases : 7
(12a 2r 16.44)
Leases to foreigners : 2
(48a 1r 0p)
Leases to Tongans : 1
(32a 3r 14p)
Permit Leases : 4
(536a 2r 16.1p)
- Pre 1927 - Town Allotments : 7 -
Pre 1927 - Tax Allotments : 1 -
- 5) Number of allotments distributed but not registered - no distribution.
- 6) Balance of land : 643a 2r 27.28p. This figure includes the 20 town allotments and 1 tax allotments without defined areas registered between 1913 - 1930. Also land distributed and occupied but not registered.
11. 1) 'Ulukalala : Hihifo in Vava'u
- 2) Total area of estate : 1610a 3r 32p
- 3) 5% under section 33(2) : 80a 2r 8p
- 4) Number of Registrations : Town Allotments : 94 -
Tax Allotments : 124
(899a 1r 33p)
Church leases : 5
(9a 2r 7.9p)

Section E

- 5) Number of Allotments distributed but not registered
- no distribution
 - 6) Balance of land : 693a 1r 36.2p. This figure includes the 94 Town allotments without defined areas. Also land distributed and occupied but not registered.
12. 1) Tu'iha'ateiho : Tungua, Matuku, Ha'ateiho in Tongatapu but not including Manamo'ui, Ha'ateiho in Ha'apai, Ha'ateiho in Vava'u. Vaikeli in Tongatapu and the town allotment of Fine'ehe in Pangai Ha'apai.
- 2) Total Estate Area : 2586a 3r 34p
 - 3) 5% under section 33(2) : 129a 3r 34p
 - 4) Number of registrations : Town Allotments : 157
(24a 1r 16.41p)
Tax Allotments : 202
(1271a 2r 31.62p)
Church lease : 19
(27a 2r 51.5p)
Leases to Foreigners : 1
(34a)
Leases to Tongans : 6
(14a 1.4p)
Pre 1927 - Town Allotments : 82 -
Pre 1927 - Tax Allotments : 2 -
 - 5) Number of allotments distributed but not registered
no distribution
 - 6) Balance of land : 1215a 1r 2.07p. This figure includes the 82 town allotments and 2 tax allotments without defined areas and registered between 1913 - 1947 (for town allotments) and between 1920-1932 (for tax allotments). Also land distributed and occupied but not registered.

Section E

13. 1) Tu'ihā'angana : Ha'ano, Pukotala and Mui-toa.
- 2) Total Estate Area : 819a 3r 20p
- 3) 5% under section
33(2) : 41a
- 4) Number of : Town Allotments : 157 -
registrations : Tax Allotments : 193
(670a 3r 22p)
Church lease : 11
(12a 1r 2p)
Board & Govt lease : 2
(0a 1r 66.4p)
- Pre 1927 - Town Allotments : 157 -
- 5) Number of allotments distributed but not registered - no distribution
- 6) Balance of land : 136a 1r 9.6p. This figure includes the 157 town allotments without defined areas. Also land distributed and occupied but not registered.

14. 1) Malupō : 'Uiha, Taka'amoato'a and Teleki.
- 2) Total area of estate : 958a 3r
- 3) 5% under section
33(2) : 47a 3r 29p
- 4) Number of Registrations: Town Allotments : 65
Tax Allotments : 162
(572a 1r 1p)
Church lease : 16
(21a 2r 26.4p)
Govt & Board Lease : 2
(2r 3.3p)
- Pre 1927 - Town Allotments : 65 -
- 5) Number of allotments distributed but not registered - no distributions
- 6) Balance of land : 464a 1r 9.3p. This figure includes the 65 town allotments without defined areas. Also land distributed and occupied but not registered.

Section E 17. 1) Luani : Nakolo, Malapo and Fetoa
in Tongatapu, Tefisi in
Vava'u.

2) Total area of estate : 2183a 0r 26p

3) 5% under section 33(2) : 109a 0r 25.6p

4) Number of Registrations: Town Allotments : 74
(3a 0r 30p)
Tax Allotments : 198
(1248a 3r 13.8p)
Church leases : 31
(70a 3r 1.82p)
Board & Govt leases : 4
(12a 1r 16p)
Leases to foreginers : 5
(41a 3r 11p)
Leases to Tongans : 4
(20a 3r 7p)
Permit Leases : 3
(24a 2r 13.2p)

Pre 1927 - Town Allotments : 64 -

Pre 1927 - Tax Allotments : 14 -

- 5) Number of allotments distributed but not registered
no distribution
- 6) Balance of land : 760a 3r 13.78p. This figure
includes the 64 town allotments and 14 tax allotments
without defined areas and registered between 1915 -
1949 (for town allotments) and 1912 - 1942 (for
tax allotments). Also land distributed and occupied
but not registered.

18. 1) Tu'ilakepa : Talasiu, Ofu, Okoa and
Vasivasi.

2) Total area of estate : 955a 1r 05p

3) 5% under section 33(2) : 47.75

- Section E
19. 1) Tu'i'afitu : Makave, Holopeka in Ha'apai and Fonoifua.
- 2) Total area of estate : 862a 2r 38p
- 3) 5% under section 33(2) : 43a Or 21p
- 4) Number of registrations: Town Allotments : 78
()
Tax Allotments : 111
(427a Or 30.6p)
Church Lease:12
(30a Or 12.2p)
Board & Govt Lease : 3
(5a 1r 2.4p)
Leases to Tongans : 1
(15a 1r 29p)
- Pre 1927 Town Allotments : 78 -
- 5) Number of Allotments distributed but not registered
(no distribution)
- 6) Balance of land : 384a 3r 03.8p. This figure includes the 78 town allotments with no defined area. Also land distributed and occupied but not registered.
20. 1) Vaea : Houma
- 2) Total area of estate : 2198 acres
- 3) 5% under section 33(2) : 110a
- 4) Number of Registrations: Town Allotments : 103
(8a 2r 11.75p)
Tax Allotments : 159
(1037a 3r 4.5p)
Church Leases : 17
(35a 2r 10.6p)
Govt & Board Leases : 3
(9a Or 13.7p)
Leases to Tongans : 1
(0a 1r 24p)
Leases to Foreigners : 2
(15a 2r 3.2p)
- Pre 1927 Town Allotments : -
Pre 1927 Tax Allotments : 33 -

Section E

- 5) Number of Allotments distributed but not registered (no distribution)
 - 6) Balance of land : 1090a 3r 12.25p. This figure includes the 75 town allotments and 33 tax allotments with no defined area registered between 1913 - 1948. Also land distributed and occupied but not registered.
21. 1) Fakafanua : Ma'ofanga, Faleloa and Nga'akau.
- 2) Total area of estate : 1501a 0r 0p
 - 3) 5% under section 33(2) : 75a
 - 4) Number of Registrations; Town Allotments : 215
(61a 1r 35.32p)
Tax Allotments : 83
(690a 2r 17.7p)
Church Leases : 10
(11a 1r 21.18p)
Board & Govt Leases : 16
(62a 0r 11.5p)
Leases to foreigners : 28
(31a 14 29.93p)
Leases to Tongans : 7
(3a 3r 2.02p)
Pre 1927 Town Allotments : 136
Pre 1927 Tax Allotments : 49 -
- 5) Number of Allotments distributed but not registered (not known)
 - 6) Balance of land : 640a 1r 2.35p. This figure includes the 136 town allotments and 49 tax allotments with no defined area registered between 1902 - 1948. Also land distributed and occupied but not registered.
22. 1) Vaha'i : Fo'ui and Ta'anea.
- 2) Total area of estate : : 1534a 0r 30p
 - 3) 5% under section 33(2) : 76a 2r 0.33p

Section E

- 4) Number of Registrations : Town Allotments : 84
(7a 2r 23.97p)
: 40 Fo'ui
only
Tax Allotments : 91
(619a 2r 27.37p)
: 48 Fo'ui
only
Church lease : 10
(40a Or 22.8p)
Board & Govt Lease : 2
(0a 3r 08.3p)
Leases to Foreigners : 5
(61a Or 22.2p)
Leases to Tongans : 2
(1a 3r 11p)
Permit Leases : 1
(1a 2r 30.6p)
Pre 1927 Town Allotments : 58 -
Pre 1927 Tax Allotments : 11 -

- 5) Number of allotments distributed but not registered
(no distributions)
6) Balance of land : 801a 1r 1.76p. This figure
includes the 58 town allotments and 11 tax allotments
with no defined areas. Also land distributed and
occupied but not registered.

23. 1) Tu'ivakano : Nukunuku, Matafonua
Vaotu'u and Matahau.
2) Total area of estate : 3673a 1r 14.8p
3) 5% under section 33(2) : 183a 2r 26p
4) Number of registrations : Town Allotments : 287
(70a 2r 34.04p)
Tax Allotments : 313
(2291a Or 16.66p)
Church leases : 22
(330a 3r 17.08p)

Section E

Govt & Board Leases : 1
(3a 1r 37.2p)
Leases to foreigners : 6
(70a 0r 32.4p)
Leases to Tongans : 7
(45a 3r 6.7p)

Pre 1927 Town Allotments : 93 -
Pre 1927 Tax Allotments : 38 -

24. 'Ahome'e : Ha'avakatolo and 'Utui,
2) Total area of estate : 407a 0r 0p
3) 5% under section 33(2) : 20a 1r 24p
4) Number of registrations : Town Allotments : 16 Ha'a-
vakatolo only
: 41
(1a 1r 2p
Tax Allotments : 25
(92a 1r 39.2p)
: 13 Ha'a-
vakatolo only
Church Lease : 2
(0a 3r 26.7p)
5) Number of Allotments distributed but not registered
(not known)
6) Balance of land : 313a 0r 18p . This figure includes
registration of allotments without defined area
between 1922 - 1928. Also land distributed and
occupied but not registered.

25. Fulivai : Hunga, Fangalepa and
Loto'uiha.
2) Total area of estate : 1074a 2r 20p
3) 5% under section 33(2) : 53a 3r 0p
4) Number of registrations : Town Allotments : 17
Tax Allotments : 67
(371a 2r 12p)
Church Lease : 6
(13a 3r 0.6p)

Section E

Pre 1927 Town Allotments : 17 -

- 5) Number of allotments distributed but not registered (no distribution)
 - 6) Balance of land : 688a 1r 25.1p. This figure includes the 17 town allotments without defined areas. Also land distributed and occupied but not registered.
26. 1) Fakatulolo : Falevai
- 2) Total area of estate : 469a 0r 37p
 - 3) 5% under section 33(2) : 24a 1r 33.6p
 - 4) Number of registrations : Town Allotments : 34
Tax Allotments : 37
(212a 2r 1p)
Church Lease : 5
(6a 2r 18.5p)
Board & Govt Lease : 2
(2a 1r 2.4p)

Pre 1927 town allotments : 34 -

- 5) Number of allotments distributed but not registered (no distribution)
 - 6) Balance of land : 267a 2r 3.9p. This figure includes the 34 town allotments with no defined area. Also land distributed and occupied but not registered.
27. 1) Tangipa : Mahinafekita in Niua
- 2) Total area of estate : 374a 0r 0p
 - 3) 5% under section 33(2) : 18a 2r 32p
 - 4) Number of registrations : Church Lease : 5
(2a 1r 29.20p)
 - 5) Number of allotments distributed but not registered (not known)
 - 6) Balance of land : 371a 2r 10.8p.
28. 1) Fusitu'a : Faletanu and eastern side of Angaha and Ma'ofanga in Niua.
- 2) Total area of estate : 1014a 2r 27p

Section E

- 3) 5% under section 33(2) : 50a 2r 36.8p
 - 4) Number of registrations : Government and Brd Leases
: 3
(32a 3r 12.6p)
 - 5) Number of allotments distributed but not registered (no distribution)
 - 6) Balance of land : 937a 3r 14.4p. Land distributed and occupied but not registered.
29. 1) Tuita : 'Utungake and Ha'afaka-henga and Futu in Niuafu'ou.
- 2) Total area of estate : 1004a Or 10p
 - 3) 5% under section 33(2) : 50a Or 31p
 - 4) Number of registrations : Town Allotments : 32
(5a 2r 10p)
Tax Allotments : 30
(190a 1r 2p)
Church lease : 5
(2a Or 24.1p)
Board & Govt Leases : 3
(4a Or 0.3p)
Leases to foreigners : 2
(1a 1r 11.6p)
- Pre 1927 Town allotments : 27 -
- 5) Number of allotments distributed but not registered (not known)
 - 6) Balance of land : 800a 3r 1.8p. This figure includes the 27 town allotments, registered with no defined area. Also included in the figure is the total area of Futu in Niuafu'ou.
30. 1) Motu'apuaka : Te'ekiu and Haufolau
- 2) Total area of estate : 654a Or 36p
 - 3) 5% under section 33(2) : 32a 2r 1.8p

Section E

- 4) Number of registrations : Town Allotments : 33
(7a Or 9.83p)
Tax Allotments : 70
(492a 1r 19.88p)
Church lease : 8
(18a Or 21p)
Board & Govt Leases : 1
(1a 2r 14.1p)
Pre 1927 Town Allotments : 17 -
Pre 1927 Tax Allotments : 5 -

- 5) Number of allotments distributed but not registered (not known).
6) Balance of land : 135a Or 11.19p. This figure includes the 17 town allotments and 5 tax allotments with no defined areas and registered between 1913 - 1936. Also land distributed and occupied but not registered.

31. 1) Fohe - Puke
2) Total area of estate : 432a
3) 5% under section 33(2) : 22a
4) Number of registrations : Town Allotments : 22
(4a 1r 14.5p)
Tax Allotments : 26
(161a 2r 8.65p)
Church Leases : 3
(7a 1r 25.6p)
Permit Leases : 1
(20a Or 15.6p)
Pre 1927 Town Allotments : 10 -
Pre 1927 Tax Allotments : 4 -

- 5) Number of allotments distributed but not registered.
6) Balance of land : 238a 2r 25.65p. This figure includes the 10 town allotments and 4 tax allotments registered between 1910-1929 with no defined area. Also land distributed and occupied but not registered.

Section E

32. 1) Lauaki : Talafo'ou and Masilamea
in Vava'u.
- 2) Total area of estate : 700a Or 12p
- 3) 5% under section 33(2) : 35a
- 4) Number of registrations : Town Allotments:47
(15a 2r 10.83p)
50 Talafo'ou only
Tax Allotments : 51
(328a 3r 24.08p)
44 Talafo'ou only
Church Lease : 8
(38a 3r 29.6p)
Leases to foreigners : 2
(0a 2r 22.0p)
Leases to Tongans : 1
(0a 1r 24.3p)
Pre 1927 Town Allotments : 15 -
Pre 1927 Tax Allotments : 5 -
- 5) Number of allotments distributed but not registered
(not known)
- 6) Balance of land : 315_a 2r 39p. This figure includes
the 15 town allotments and 5 tax allotments with no
defined areas and registered between 1915 -1928.
Also land distributed and occupied but nor
registered.
33. 1) Afu : Ha'alaufuli
- 2) Total area of estate : 1326a Or Op
- 3) 5% under section 33(2) : 66a
- 4) Number of Registrations : Town Allotments : 83
Tax Allotments : 159
(858a Or 35p)
Church Leases : 7
(26a Or 33.1p)
Board and Govt Leases : 3
(4a 3r 24.5p)
Leases to Tongans : 1
(4a Or 12p)

Section E

Pre 1927 Town Allotments : -

- 5) Number of allotments distributed but not registered (not known)
- 6) Balance of land : 432a 2r 15.4p. Also land distributed and occupied but not registered.

34. Fotu : Leimatu'a
- 2) Total area of estate : 2816a 2r 6.4p
 - 3) 5% under section 33(2) : 140a 3r 19.2p
 - 4) Number of registrations : Town Allotments : 117
Tax Allotments : 335
(2224a 1r 18.8p)
Church Lease : 10
(25a 0r 3.1p)
Board & Govt : 1
(58a 2r 25.5p)
Leases to foreigners : 1
(13a 2r 21p)
Leases to Tongans : 3
(8a 1r 33.3p)

Pre 1927 Town allotments : 117 -

- 5) Number of allotments distributed but not registered
- 6) Balance of land : 486a 1r 24.7p. This figure includes the 117 town allotments with no defined area. Also land distributed and occupied but not registered.

35. 1) Tu'uhetoka : Ha'afeva
- 2) Total area of estate : 454a 2r 37p
 - 3) 5% under section 33(2) : 22a 2r 38p
 - 4) Number of registrations : Town Allotments 70
Tax Allotments : 104
(288a 3r 31p)
Church leases : 9
(9a 3r 3.5p)
Board & Govt leases : 4
(8a 1r 16.7p)

Pre 1927 Town Allotments : 70 -

- 5) Number of allotments distributed but not registered (not known).
- 6) Balance of land : 147a 2r 25.8p. This figure includes the 70 town allotments with no defined area

Section E

Also land distributed and occupied but not registered.

36. 1) 'Akau'ola : Taunga
2) Total estate area : 110a
3) 5% under section 33(2) : 5.5a
4) Number of registrations : Town Allotments : 17
Tax Allotments : 4
Board & Govt Leases : 1
(2a Or Op)

Pre 1927 Town Allotments : 17 -

Pre 1927 Tax Allotments : 4 -

- 5) Number of allotments distributed but not registered
(not known)
6) Balance of land : (not known) Figure includes the
17 town allotments and 4 tax allotments with no
defined areas. Also land distributed and occupied
but not registered.

37. 1) Lasike : Lakepa in Ahau, Lakepa in
Neiafu, Lakepa in Ha'atau
Lakepa in Kala'au, Lakepa
in Ha'amea, Lakepa in 'Eua,
Lakepa in Navutoka,
Fonongahina and Tafangafanga
in Hahake.

- 2) Total area of estate : 832a 2r 32p
3) 5% under section 33(2) : 41a 2r 20.0p
4) Number of registrations : Town Allotments : 31
(6a Or 26.46p)
Tax Allotments : 62
(421a 1r 28.4p)
Church lease : 7
(105a 3r 11.6p)

Pre 1927 Town allotments : 12 -

Pre 1927 Tax Allotments : 10 -

- 5) Number of allotments distributed but not registered
(not known)
6) Balance of land : 258a 1r 26.76p. This figure also
includes the 12 town allotments and 10 tax allotments
with no defined areas. Also land distributed and
occupied but not registered.

Section E 38. 1) Veikune

: Tongatapu

Longoteme and Matamoana

'Oneata, Kanatea

Vava'u

Pale'a to Fongotofe,

Talahuo landward side of

Fongotofe. Lolopipi between

Nga'akau and Vaimalo,

Longomapu Kolotahi (island)

Ha'akoka and Fangaeva.

- 2) Total area of estate : 2134a
3) 5% under section 33(2) : 107a
4) Number of registrations : Town Allotments : 95
(5a Or 14.24p)

Tax Allotments : 251

(1305a 1r 31.6p)

Church lease: 22

(291a Or 4.9p)

Board & Govt Leases : 2

10a 2r 4.5p)

Leases to foreigners : 3

(71a Or 0.1p)

Leases to Tongans : 4

(14a 1r 4.3p)

Pre 1927 Town allotments : 78 -

Pre 1927 Tax allotments : 24

- 5) Number of allotments distributed but not registered
(not known)
6) Balance of land : 436a 2r 20.36p. This figure
includes the 78 town allotments and 24 tax allotments
with no defined areas. Also land distributed and
occupied but not registered.

39. Tupouto'a

: 'Utulau and all parts

belonging to it in

Tongatapu. Nomuka with

Nomukeiki and Lofanga

with Miniva in H: 'apai

Taoa and all parts belong-

ing to it in Vava'u.

Section E

- 2) Total area of estate : 4123a 1r 2p
- 3) 5% under section 33(2) : 206a 2r 33p
- 4) Number of registrations : Town Allotments : 212
Tax Allotments : 349
Church lease : 12
Govt & Board leases : 5
Leases to foreigners :
Leases to Tongans : 5
Pre 1927 town allotments : 198
Pre 1927 tax allotments : 12
- 5) Number of allotments distributed but not registered (not known)
- 6) Balance of land : 1812a Or 00.9p. This figure includes registration of the 198 town allotments and 12 tax allotments. Also land distributed and occupied but not registered.

1.1.14 The Land Holding of Churches are listed below as follows :

C H U R C H L E A S E S

<u>LEASE</u>	<u>HOLDER OF LEASES</u>	<u>TOTAL AREA</u>
Free Wesleyan Church of Tonga	198	2085a 3r 17.87p
The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints	168	793a Or 01.41p
Free Church of Tonga	107	210a 1r 07.55p
Catholic Diocese of Tonga	92	298a 2r 19.56p
Church of Tonga	85	79a 1r 37.76p
Australian Conference Association Ltd	18	249a 2r 3.66p
Anglican Church	9	22a 2r 29.8p
Assemblies of God	6	2a Or 05.1p
United Pentecostal Church	1	30p

<u>Section E</u>	Tonga Gospel Fellowship	2	0a 3r 08p
	Church of Christ	1	32.2p
	National Spiritual Assembly of the Bahais of Tonga	4	4a 2r 34.3p

1.1.15 Land which has been allotted or granted from Hereditary Estates and Crown Lands and not registered by owners are substantial. We are advised that Tofua and Kao have been subdivided and distributed but the new owners have not registered their land. Estate holders have advised us that they have done likewise with some of their estates and even signed the application forms but the grantees have not effected registrations. The reason given for the delay is attributable amongst other things to the fact that grantees have not readily come forward with the survey and registration fees. If the grantees wish to obtain the protection of the law, the remedy is in their own hands and should take steps to complete registration. Often the blame is attributed to the estate holder but some of the grantees have remained silent and not revealed the true reason. This situation is different from occupiers of land with or without prospect. Within the latter category there are instances of estate holders promising ownership but the extent of how great this practice was not determined through lack of information on it. It is the view of this Commission that where promises have been made by estate holders to people and they are given possession of the land compulsory registration should be ordered. The estate holder should be required by law to honour his promise as the other person has acted on the promise and made gifts in the customary fashion. A recommendation is contained in this report to that effect.

1.1.16 There are still some estates not yet subdivided and areas of land available in the remoter outlying islands. At Niuafou'ou and Niuatoputapu land is still available but people are reluctant to live and apply for land there because of its isolation from Tongatapu where schools,

Section E

hospitals, employment opportunities and other amenities are better as well as other personal reasons not listed here. Some of the smaller islands are not referred to here as some are surveyed and others not. It is noted that the population of Niuatoputapu and Niuafu'ou increased between 1976 and 1984 from 2328 to 2517. This increase of 189 does not reflect any migration trend and is attributable to natural growth.

1.1.17 The latest population statistics released by the Statistics Department and published in the Chronicle on the 11th January 1985 are not complete. There is no break down made as to age groups. The Commission is particularly interested in the male population in the age group 16 years to 21 years and secondly group 21 years and over. The Commission has been advised by Government Statistician that he was asked by Government to determine aged 21 years and over and as far as that aspect of their work is concern it would not be available for another 2 months. It is unfortunate that those figures are not available as it would have been helpful to compare the number of male persons who have registered allotments and those without. We concede that it would not be an accurate figure as there are people who held unregistered allotments and others who are in possession without prospect of ownership. However it would be helpful nevertheless to have comparative figures. This type of situation is repeatedly encountered by the Commission in its search to obtain true and correct factual data. However we draw attention to the following population figures as on the 1st December 1984

<u>DIVISION</u>	<u>POPULATION</u>		
	<u>MALES</u>	<u>FEMALES</u>	<u>TOTAL</u>
1. TONGATAPU	33,288	33,023	66,311
2. VAVA'U	7,645	7,414	15,059
3. HA'APAI	4,220	4,334	8,554
4. 'EUA	2,140	1,867	4,007

<u>Section E</u>	5. NIUAS	1,352	1,165	2,517
	(i) Niuatoputapu/ Tafahi	873	814	1,687
	(ii) Niuafo'ou	479	351	830
	<u>TOTAL KINGDOM</u>	<u>48,645</u>	<u>47,803</u>	<u>96,448</u>

Source :- 1984 Mini Census of Population.

Under paragraph E1.1.10 hereof it will be observed that there are 12890 town allotments and 9934 tax allotments registered. There is an unknown figure relating to town and tax allotments granted but unregistered. A perusal of the population figures and the statistics as to allotments, leases permits, land areas (although not precisely determined but adequate for broad comparisons) causes considerable disquiet as to the future. If the registered town allotments only are used to determine the number of persons per allotment we would have a figure of 7.482 persons. If the population increase rate remains constant at 7% over the next eight years a total population of approximately 103,199 will be obtainable in 1993. In the same year with an allotment figure of 12890 there will be 8.006 persons per allotment. This illustration has purposely excluded residential leases, unregistered town allotments and the undistributed land areas in both Crown Lands and Hereditary Estates. The inclusion of those unknown factors estimated at approximately 2000 would reduce the number of persons per town allotment to 6.477.

1.1.18 The figures obtained from the Ministry of Lands are capable of being used as a basis for policy decisions and projection into the future, and provisions for land reserve, for residential and farming purpose to be made now. The investigation into land practices and usages includes the question of how land is distributed and what land is available now and for the future. People are preoccupied with the question or desire that every Tongan male be able to obtain a town and tax allotment because it is part of their national heritage or accepted custom.

Section E

- 1.1.19 It is noted that after King George Tupou I visit to Australia in or about the year 1875 and there observed people without land in a country with vast land areas, he made the promise that none of his subjects shall be landless. Since that Royal pronouncement he has ensured that his nobles or hereditary estate holders, and the Government distributed the land to his subjects in the form of town and tax allotments and in some cases leases to Tongans for farming purposes. This distribution of land and expectation of every Tongan to be given a town and tax allotment is unique in the world.
- 1.1.20 The declaration in the Land Act that every Tongan male 16 years of age shall be entitled to apply for and hold town or tax allotment is no longer capable of being given full effect thereto. It is a sad acknowledgement to record even if it is limited to tax allotments only. As at the 1 December 1984 the official male population is 48,645 excluding those residing outside the Kingdom. The male Tongan population outside the Kingdom is not less than 12,000 some of them have town and tax allotments. This figure is calculated from those living in New Zealand, Australia, United States of America and other places. Dealing with the registered tax allotments of 9934 and applying this to the male population of 48,645 (note figure has no designation of age group 16 years or over) there would be 4.8968 persons per tax allotment. Applying a male population of 60,645 to the same number of registered tax allotments, we obtain a figure of 6.1 persons per tax allotment. The acreage of undistributed land for hereditary estates is 34,499 acres 0 rood 16.89 perches and in the case of Crown Lands is 19836a 33.6p and which both contained pre 1927 allotments with undefined areas numbering for town and for tax allotments. These pre 1927 town allotments usually have areas of 1r 24 perches or more and the tax allotment have areas of 8¼ acres. For the purpose of this exercise if we limit

Section E their sizes to the statutory areas and convert the same into acres we would have 4366 acres 1 rood 24 perches. Deduct this from the area of undistributed land areas and convert the balance into 8 acre blocks and there will be approximately 6792 tax allotments for distribution. Add this figure to those already registered and a grand total of 16726 is arrived at. This total of 16726 tax allotments will not be sufficient to give every male Tongan a tax allotment now or in the future. This exercise is made on the supposition that all the balance of undistributed land is converted into tax allotments without provisions for town allotments, schools, churches, Government and Board leases for public amenities. The exercise above has been made to demonstrate the point of land shortage with particular reference to tax allotments.

- 1.1.21 The Commission considered the provisions of Section 33(2) of the Land Act relating to leases by holders of their hereditary estates which is limited to 5% of their total holdings. Concern was held as to the balance of undistributed land and its shortage for town and tax allotments. There were two views expressed on this point. The first was to remove the restrictions and allow the natural law of supply and demand to apply. The second view was to tighten the restriction because of the problems referred to in paragraph 1.1.22 hereof. The Commission took the view there is need for tightening the restriction and this is set out under the relevant proposals for amendments to the Land Act.

Land Board and Special Land

- 1.1.22 The problem of land shortage which will become acute in approximately 50 years from now (a projection based on the present population growth rate and area of undistributed land) presents a considerable challenge to the leaders and people of this Kingdom. It requires bold measures, proper planning and a partial departure from the present land system and customary practices with sacrifices made on

Section E

both sides. There should be more emphasis on the provisions of town allotments so that there will be enough land for people to live on. All future subdivisions for town allotments should be fixed at between 20 - 30 perches per lot. There should be 30,000 town allotments surveyed and set aside for this purpose. All the pre 1927 allotments resurveyed and their areas standardised with the town allotments reduced to 20 perches and over size tax allotments reduced to $8\frac{1}{2}$ acres. Case should be exercised with regards to the tax allotments as there are Constitutional safeguards as to property but no rights exist as to oversize allotments prior to 1927 or since. The balance of undistributed land set aside for communal farming and for special commercial farming projects and such land to be designated by legislation "Special Land". The administration of this land to be under the control of a Land Board established for that purpose.

1.1.23 The proposal contained in paragraph El.1.22 involves a departure from the present system and customary practices but at least it will give people without land access thereto. It will enable possibly and hopefully better utilisation of land. It has not gone unnoticed that large areas of hereditary estates will be involved but it does not mean that there will be any loss suffered by the holders. The estate holders are expected to receive a remuneration or return for the use of the land. As regards the town allotments of 30,000 referred to in paragraph El.1.24 they will also continue to receive their share of the rents as there are no recommendations to the contrary in this report.

1.1.24 The Constitution of the Land Board with its objectives, fields of activities, personnel and powers to be formulated along the lines applicable to Statutory Boards and administered within the Ministry of Lands. Members of the Board should be drawn from the Government: nobility and people with the Minister of Lands as Chairman.

Section E The number of members and ratio to be as follows :

Minister of Lands.

One special appointee from civil service or otherwise.

Two from estate holders or nobles.

Two from the people.

Membership is to be by appointment with provisions that members representing the estates holders and people may at some unspecified date in the future be made subject to election.

1.1.25 The age of eligibility was examined and considered whether it be increased from 16 years of age to 21 years. The recommendations of the Seminar of Land and Migration had asked that the age question be considered and increased. Views on this issue were divided with one school of thought favouring the present age limits and the other advocated 21 years. The proponents of age increased made two telling arguments in support thereof. First at age 16 years most males are still at school and would not be independent of their presents. The second argument turned on the land shortage question and on the use of land by those not pursuing an academic, professional or business careers. The final decision supported the age of eligibility being increased to 21 years.

RECOMMENDATIONS

- (i) That action be taken to enable people in possession of allotments for a period of 5 years or more on promise of ownership be allowed registered those allotments. (Note : Minister can effect registration by exercising powers under the Act.)
- (ii) That all holders of land granted to them be required forthwith to register their grants within 12 months failing which those grants be forfeited. (Note : This is necessary to bring some order into our system of registrations)

RECOMMENDATIONS

Section E

- (iii) That Government consider and implement the proposal contained under this Section E on Land Board together with the creation of 30,000 town allotments and special land for the future.
- (iv) That Government consider carefully a land policy for the next 100 years in terms of recommendation (iii) above.