

G.P.O. Box 1404,  
Suva,  
Fiji.

13th January, 1976.

Mon vieux,

Your letter of the 9th January -

- (a) received at 12.17 p.m. this morning;
- (b) file regarding Banaban land customs extracted by Macdonald at 12.23 p.m.;
- (c) material handed to our moronic Fijian photocopier 12.33 p.m., since I first had to decide just what should be photocopied.

Talk about efficiency - we boys who were brought up under the Maude/Garvey/Vaskess regime can't be beat!

2. I am having the material certified by Bruce and should get it away by airmail tomorrow morning - 14th January. I will also enclose the Bill, which you can either <sup>send</sup> or hand, to little Ing; I have warned Bruce that payment will be slightly delayed for that reason, but he is agreeable.

3. I have sent you the four items listed in your letter as (1) - (4), but have added a few additional items to complete the story as far as I feel it is necessary. Your Ordinance was never published because Vaskess thought it would be more appropriate to have an Ordinance, not dealing solely with Banaban land customs and inheritance, but one providing for "the ascertainment of native custom relating to land"; and the Native Land Codes Ordinance was accordingly enacted as No. 3 of 1940 on the 11th March, 1940. I have not made a search to see if your code of Banaban customs & inheritance was ever published, and will not do so unless you specifically ask me to do so. (I shall of course be delighted to do so if you really want me to do so).

4. Now, to answer the rest of your letter (not paragraphed this time - you're slipping!).

5. With regard to your remark about Vinelott and his contention that the functions of the RC were not legally assumed assumed by the Governor, I bet the whole thing turns on the word "legally", and I would not be prepared to bet on that. "Commonsensibly" - yes - but "legally" - ?

6. Unless you have made up that book title about "The Biogeochemistry of Vertebrate Excretion", I seriously think that you ought to tell little Ing about it. The last sentence of your fourth paragraph is ungrammatical, and ~~and there should be a "they" before "and" I think in the penultimate line. Frankly, I never knew that the~~ Banabans had a very clear system of customary ownership of under-surface rights (as regards their bangabanga) and that such under-surface assets were owned by communal groups and not individuals. I'm still learning at age 66! But presumably there was no clear system of customary ownership of under-surface rights except for bangabanga ?

7. I have told you in an earlier letter that I have the transcripts of all the second day and the morning of the third day, so I doubt if you will be sent any more, save on special issues. But those additional transcripts were all about the pleadings, and mostly bloody Greek to me, save for that quote I sent you about Mr. Fletcher (!) and Vinelotte saying that the Crown never owned and does not now own the ruddy phosphate!

Professor H.E. Maude, O.B.E.,  
77 Arthur Circle,  
Forrest,  
Canberra, A.C.T., 2603.



8. I was terrified by your eighth paragraph saying that the plaintiffs seem to be emphasizing the nature of land ownership (and even mineral ownership) and that he envisages that "your i.e. out" evidence may very well have to be directed as much towards these technical matters (which would, I imagine, be congenial) as towards the events which "you" witnessed. As my daughters often say to me "You must be joking". I know nothing about land ownership and inheritance, though I am now feverishly studying the originals of the attached papers. Heaven help them if they ask me anything on this subject though, especially on the mineral ownership angle!

9. A break at lunch time - and here are the photocopies - 2.17 p.m. The service we give our old friends! I also send the account in duplicate, keeping a copy here.

10. I am delighted to hear that Honor has decided to go. She would make an excellent witness in Court if they will only let her have her say!

11. Your paragraph 12 - thank you for a copy of the letter to Sands, written in your own inimitable drafting style. Of course it's alright by me, and I agree that, as it was a letter, instead of a conversation as I had assumed, you had to mention about the luggage weight.

12. Your paragraph 13 - sorry if I have embarrassed you over the nomenclature of the allowance; the point is that if you describe it as an away-from-home allowance, they will fix it very, very much smaller in rate than a loss-of-income allowance. Sorry, however, if I let you down.

13. Your paragraph 14 - I agree - 10 days before Maude takes the stand should be about right.

14. Your paragraph 15 - yes, Honolulu to Miami would have been a bit much for Honor, though not for a seasoned traveller like you.

15. Your paragraphs 16 & 17 - you do not mention Nadi in paragraph 16! I hope your plane is not going to overfly us! I leave it all to you, but I would not be inclined to cut down on the time in Honolulu. Sydney/Nadi/Honolulu is a long haul, and it's worse if you do not pause in Sydney. If we arrive at Los Angeles at 8.20 p.m. we shall have had supper on the plane and can go straight to bed at the hotel - there are two quite near the airport. (I agree - do not go into the city).

16. Your paragraph 19 - it's no good asking me if there are any errors in your letters. I have complete confidence in the man who once taught me the intricacies of drafting and who does not need, as I often do need, to put "O & O E" at the foot of his letters. After my head operation last leave I'm probably more vulnerable than you.

17. Just had a short letter from Ing, dated 6/1/76/ Agrees with the idea of pushing everything through Sands though had not then heard from him. He is taking up my tax point. Hearing resumes 12/1/76 and he will send me more transcripts as they become available. He will let me know if there are any matters he wants me to research here. Otherwise nothing.

Love to Honor; ti ngaia anne,

