

77 Arthur Circle, Forrest,
A.C.T. 2603, Australia,
16th November, 1975.

Mr R.K. Price,
The Treasury Solicitor,
Matthew Parker Street,
LONDON SW1H 9NN,
England.

Dear Mr Price,

Ocean Island Phosphates - Royalty Action

Thank you for your letter T&M71/948/NDI/RKP of the 30th October on the above action, which I showed to Mr P.D. Macdonald when we had several discussions on both the Banaban actions during his visit to Canberra last week.

Macdonald and I agreed that, subject to the state of our health and to it being possible to make satisfactory arrangements to cover our travel, board and lodging and other financial matters, we should both be prepared to give evidence for the Crown in the royalty action. It may be necessary, or at least desirable, for my wife to accompany me, but this is dependent on it appearing medically expedient in the light of her health, as well as mine, at the time.

I should be extremely loth to give evidence unless Macdonald is able to do so too, as he is younger and more mentally agile than I am and I have found in discussions that he remembers some incidents more clearly than I do and others that I have completely forgotten. On such matters as whether or not the Banabans were given details of expenditure from their funds, for example, his evidence would appear to be crucial; the only time on which I recollect the Banabans requesting such details was in 1929, when they were refused them by Major C.A. Swinbourne.

On the subject of the transcripts mentioned by you:-

- (1) I agree that I should be sent transcripts of such evidence as may be relevant to matters on which I have personal knowledge, and suggest that copies should also be sent to Macdonald through the British High Commission in Fiji.
- (2) I also suggest that copies of the speeches and arguments of Counsel should be sent to Macdonald, but not necessarily, unless you consider it desirable, to me.
- (3) We should both appreciate, if possible, copies of the closing speeches of Counsel on the replanting action (see your para.3), as they would seem likely to provide background information of value to us in connexion with the subsequent royalties action.

As regards (2) above my only doubt is whether I would have time to read this material in full, since the only work available to me, at my age, to supplement my pension in a period of acute inflation, is that of a paid professional writer. In this connexion I am committed to completing three books for two University Presses by the 30 June next,

which necessitates my having to work a full 7 day week between now and then.

I must confess to finding it increasingly difficult to transfer my thinking from mid-19th century ethnohistory, anthropological research, or the finer points of bibliographical compilation, to the rather involved legal arguments of eminent Counsel. Perhaps, therefore, though I am not in a position to be dogmatic on this point, it would be sufficient if Macdonald read through the entire transcripts of the speeches and arguments and forwarded copies to me of any that appeared to him to be particularly pertinent to matters concerning which I had some personal cognizance?

If it is desired that I should proceed to England in or about January it would appear advantageous for the financial details to be settled well in advance, possibly through Richard Sands acting as an intermediary in the first instance to avoid lengthy letter writing. I should not care to risk my health, and possibly my life, by visiting London in mid-winter to undergo what will almost certainly be the most traumatic and unpleasant experience of my life in having to give evidence in a court of law, only to find that I am out-of-pocket as a result. I do realize that these details do not lie within your province; but perhaps whoever deals with such mundane considerations might be empowered and activated.

In conclusion perhaps I may urge the desirability of Macdonald and me travelling to London together, with agreed stop-overs, in order to have an opportunity of discussing our respective contributions to the Crown's case en route; and that we should arrive in London with time for recuperation and for further discussions with yourself and your colleagues. We would propose to stay at the Royal Commonwealth Club, which would seem to be reasonably near to the Law Courts and at the same time relatively inexpensive. I am not myself now a member, but no doubt could be made one if required (as well as my wife, if necessary).

I gather that you were not impressed with Ocean Island and expect that you can now readily understand why not a single Banaban came to me for free passages to their former homeland in 1947, though I waited two days on Rabi for them to do so. It was always arid and in the early 1870s the population was reduced to under 100 by drought. Until the Pacific Phosphate Company came to their rescue they were among the poorest and most miserable people in the Pacific and far worse off than the Gilbertese.

With our regards and best wishes,

Yours sincerely,



H.E. Maude.

C.c. Mr Richard Sands, British High Commission, Canberra.
Mr P.D. Macdonald, C.M.G., C.V.O., Suva, Fiji.