

10 a.m.

List of people interested.

Review of Green Island Lands custom.

Paragraphs of history of Green.

George Paul report (for 5th time).

The Budgets of Manitoba Exonate.

77 Arthur Circle, Forrest,
21st February, 1972,

Mr R.M.L. Brown, Ll.B.,
Davies, Brown and Co.,
130 Arthur Road,
Wimbledon Park,
LONDON, SW19 8AA,
England.

Dear Mr Brown,

Thank you for your letters of the 31st January and the 2nd February. I note that you propose to apply for permission for Mrs O'Brien to consult the British Phosphate Commission Archives housed in the Australian Commonwealth Branch Archives in Melbourne and, if refused, to approach the Commission's solicitors.

The informant mentioned in my letter of the 27th January has again been to Melbourne and was working in the Commonwealth Archives there (not, of course on the interdicted Commission records). There he was this time introduced to a Mrs Duggan, by a mutual acquaintance, as the person engaged on culling the Commission records.

Subsequently, while sitting not far from Mrs Duggan, he was able to observe her working systematically through the records with the help of the archival staff, and was apparently able to overhear her making such remarks as 'this one appears relevant', 'this one is clearly not', and the like. He also allegedly noticed that a Commission car was sent to fetch her at the close of each day's work, apparently with a case containing her latest findings.

It is suggested, therefore, that there may be little point in Mrs O'Brien being granted access to the archives at this late stage as it would seem unlikely that by now there would be anything in them relating to the matters at issue between you and the Commission. Presumably, however, you will be able to obtain such documents as you require direct from the Commission's solicitors.

My informant, Mr Ross Lamont, Lecturer in History at the University of Armidale, has kindly permitted me to divulge his name to you. He is the world's authority on the guano trade, on which he is writing a doctoral thesis (I am his nominal supervisor), has worked on the B.P.C. records in London; and while not in any way concerned with the Banaban question is very exercised, as an historian, with the integrity of the Commission's archives. However, as he points out, the Commission's records are only deposited with the Commonwealth Archives and there is no legal reason why they should not be withdrawn in part or whole from Commonwealth custody at will.

You will understand that I am merely passing on information, which I have no means of checking myself, since it would appear to nullify the usefulness of Mrs O'Brien's employment as a searcher. Mr Lamont came to see me about his thesis, and only mentioned these other matters incidentally. However I feel confident that he would be willing to provide any detailed information required to anyone sent to interrogate him at Armidale, and if necessary to make an affidavit. I doubt if he would answer correspondence, except perfunctorily, simply because as a lecturer he is kept very busy. He also mentioned a Mr Duke, office manager for the B.P.C. at Melbourne, as probably the person most concerned with Mrs Duggan's activities, but one presumes that Mr Duke would not wish to be drawn into the matter by you.

Incidentally Mr Lamont, who like others I have met, has read the account of your action given to the Fiji Times, expressed the view that the original guano licence granted in respect of Ocean Island was peculiar and might conceivably be found to be null and void since it was apparently invariably stipulated in the case of such licences that the island from which the guano was to be extracted must be uninhabited, and that in the case of the one guano island (Purdy Island) which was found to be inhabited subsequent to the grant of a licence by the Crown the licence was immediately cancelled.

I should be grateful if the items borrowed from me in Sydney could be returned soon, including Martin Silverman's book and my paper on the social organization of the Banabans.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'H.E. Maude', with a horizontal line underneath.

H.E. Maude.

DAVIES, BROWN & CO.

SOLICITORS & COMMISSIONERS FOR OATHS

R. M. L. BROWN, LL.B.
N. R. TOPPING
K. W. B. WATKINS, LL.B.

130 ARTHUR ROAD
WIMBLEDON PARK, SW19 8AA
TELEPHONE: 946 9555

AND AT
153 & 158 PUTNEY HIGH STREET, SW15 1RT
TELEPHONE: 788 4046

RMLB/MC

H.E. Maude Esq.,
77 Arthur Circle,
Forrest, A.C.T. 2603,
Australia.

31st January 1972.

BY AIR MAIL

Dear Mr. Maude,

Many thanks for your letter of the 19th January.

We think the arrangement suggested for Mrs. O'Brien to search the B.P.C. records in the Commonwealth Archives at Melbourne is very satisfactory and we should be glad if you would proceed and let us have your own valuable assistance should it be necessary.

Can we trouble you to keep a running account, so that not more than £200 expense is incurred without prior authorisation?

Mr. Macdonald's Memorandum will follow shortly. You will understand that for it to be as precise as you sensibly suggest it should be, it will be necessary for Mr. Macdonald to analyse carefully some of the information Bertram Jones has already given him in Suva, which is recorded on tape, and which Mr. Macdonald has in his Chambers.

I hope to be writing again quite soon.

Yours sincerely,

Richard B.

DAVIES, BROWN & CO.

SOLICITORS & COMMISSIONERS FOR OATHS

R. M. L. BROWN, LL.B.
N. R. TOPPING
K. W. B. WATKINS, LL.B.

RMLB/MC

130 ARTHUR ROAD
WIMBLEDON PARK, SW19 8AA
TELEPHONE: 946 9555

AND AT
153 & 156 PUTNEY HIGH STREET, SW15 1RT
TELEPHONE: 788 4046

H.E. Maude Esq.,
77 Arthur Circle,
Forrest, A.C.T. 2603,
Australia.

2nd February 1972.

BY AIR MAIL

Dear Mr. Maude,

Thank you for your letter of the 27th January, which is most interesting.

We have taken the view that we should make a direct approach to the Archivist in Melbourne for permission for Mrs. O'Brien to consult the early records, so that we can get his direct refusal. We do not think it is necessary to instruct Melbourne Solicitors at the moment.

We are writing to the Archivist accordingly and, of course, will not mention your name. If we do get a direct refusal, we will take the matter up with the British Phosphate Commissioners' Solicitors.

Yours sincerely,

Richard Br

77 Arthur Circle, Forrest,
A.C.T. 2603, Australia,
27th January, 1972.

Mr R.M.L. Brown, LL.B.,
Davies, Brown and Co., Solicitors,
130 Arthur Road,
WIMBLEDON PARK,
London SW19 8AA, England.

Dear Mr Brown,

With reference to my letter of the 19th January, I have now been informed by a source hitherto found to be reliable that a researcher recently applied to the Commonwealth National Archives branch in Melbourne for permission to consult certain early records relating to the Pacific Phosphate Company (for purposes quite unconnected with the Banaban lands issue) but was told that, at the request of the British Government, access to any records of the British Phosphate Commission, the Pacific Phosphate Company, the Pacific Islands Company, the separately deposited papers of Sir Albert Ellis and all other papers related to the above, was now prohibited.

Presumably such request to seal these records would be made by the United Kingdom Government to the Australian Commonwealth Government through the British High Commissioner in Canberra, so unless you can get the interdict lifted by action taken at your end there would seem to be no point in Mr Macdonald drafting a memorandum of instructions specifying the nature of any documents to be searched for.


I should not like you to take any action, however, merely on my information based on hearsay evidence, however reliable I may believe it to be, and in fact I should appreciate it if my name could be left out of the matter as having informed you. I would suggest, for your consideration, therefore, that you might care to employ a reliable Melbourne solicitor to apply in person to see the records and be guided by whether or not he is able to gain access.

I gathered that the researcher, on being refused access, paid a visit to the British Phosphate Commission headquarters in Melbourne, where the staff were naturally unable to help him but where he was led to understand, unofficially, that it was possible that the prohibition was due to certain claims being made by the Banabans. It appears that the clamp down took place in December, presumably before you had left London.

On the other hand I believe that the archival authorities have been working on the records and have listed at least the main series.

It may be that, in the event of your gaining access to the records, the searching for the pertinent documents had best be made by someone employed by or connected with your firm, or at least by a professional lawyer, since it would not be possible for an ordinary searcher to deduce whether any series, files or items were missing from their sequence.

Yours sincerely,



H.E. Maude.

Robert,

Herewith the letters
from and to Mr Brown. I'm
sorry to say that I made a
mess of your copy so could
you please return these to
me after photo-copying them
for your good self.

John
20.1.72.

77 Arthur Circle, Forrest,
A.C.T. 2603, Australia,
19th January, 1972.

Mr R.M.L. Brown, LL.B.,
Davies, Brown & Co., Solicitors,
130 Arthur Road,
WIMBLEDON PARK,
London SW19 8AA, England.

Dear Mr Brown,

Your letter of the 13th has just arrived. On my return to Canberra I had a talk with Robert Langdon about the possibility of his searching the B.P.C. records in the Commonwealth Archives at Melbourne for the information required by Mr MacDonald.

While willing and indeed anxious to assist the Banabans in any way possible two factors preclude Mr Langdon from undertaking this task. In the first place he will be visiting Fiji from the 15th February to approximately the 15th May engaged in locating and copying manuscripts for the Pacific Manuscripts Bureau; and secondly he will be too busy before and for some time after these dates to undertake this additional work.

Robert has, however, working for him a Mrs Ilma O'Brien, who will be leaving with her husband to live in Melbourne shortly and would be willing to tackle the work of locating the required documentation. If this is desired we suggest that she should be paid at the rate of \$3 an hour.

Mrs O'Brien is an honours history graduate familiar with documentary searching and the best person for this task we can suggest. Mr Langdon emphasizes, however, that as the B.P.C. records are not arranged in subject files but more or less in order of date of receipt or despatch, and amount to many tens of thousands of documents only recently deposited in the Archives and consequently still unindexed and probably stored in their original boxes, the search will prove a difficult, and may prove an unrewarding, one.

It is therefore desirable that the exact nature of the documents to be searched for should be specified in Mr MacDonald's memorandum, together with as far as possible the dates or period within which they should be found. You will readily appreciate that the more exact and limited the subject and period involved the quicker and cheaper, and that a general search over an unspecified period might take months and cost considerably more than £200.

If some snag should arise, or there be a call for help from Mrs O'Brien, Mr Langdon or, in his absence, I would be prepared to fly to Melbourne in an endeavour to iron things out, in which case we should submit an itemized account of our expenses, plus a solatium at the same rate of \$3 an hour, for refund. We would sincerely hope, however, that this would not prove necessary.

Mr Langdon can be reached at any time by letter addressed to: Mr Robert Langdon, Executive Officer, Pacific Manuscripts Bureau, Department of Pacific History, Australian National University, Box 4, P.O., Canberra, A.C.T. 2600, Australia.

Mrs O'Brien's Melbourne address is not yet known but I shall let you have it when she has found somewhere to live. In the meantime I will forward any instructions you may wish to send her and, if so desired, do all I can to aid her search.

Finally, it occurs to me that as the Commonwealth Archives are at times reluctant to let enquirers search records in their possession it might assist Mrs O'Brien if she is armed with a letter instructing her to undertake this work signed by Sir Elwyn Jones himself. Almost certainly no one has asked for permission to examine the B.P.C. records since their deposit in the Archives and I can think of half a dozen excuses that any archivist could give to refuse

access until they are properly examined, collated and indexed (in some years' time). Anything that can be done from your end to inhibit such a refusal would consequently be of the utmost value.

With best wishes,

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'H.E. Maude', written in a cursive style with a horizontal line underneath.

H.E. Maude.

DAVIES, BROWN & CO.

SOLICITORS & COMMISSIONERS FOR OATHS

R. M. L. BROWN, LL.B.
N. R. TOPPING
K. W. B. WATKINS, LL.B.

130 ARTHUR ROAD
WIMBLEDON PARK, SW19 8AA
TELEPHONE: 946 9555

AND AT
153 & 155 PUTNEY HIGH STREET, SW15 1RT
TELEPHONE : 788 4048

RMLB/RMT

13th January, 1972

H.E. Maude Esq.,
77 Arthur Circle,
Forrest ACT,
2603 Canberra,
Australia.

Dear Mr. Maude,

Banaban Case

We all got back safely and we would like to say how helpful we found the discussions were with you. Mr. MacDonald is settling statements and we will be communicating further in due course.

We would like to make it clear that your own affidavit will only relate to non-controversial matters.

In the discussions in Sydney you kindly said that you would ask Robert Langdon to go through the archives at Melbourne (BPC documents).

Mr. MacDonald will be preparing a memorandum of the points Mr. Langdon should look for and this will follow. You might like to give us Mr. Langdon's address so that we can establish direct contact.

In our discussions in Sydney you thought that Mr. Langdon might be prepared to undertake this task for us for a fee in the region of £200 and our present instructions would cover that amount.

With kind regards,

Yours sincerely,

Richard A