

77 Arthur Circle, Forrest,  
A.C.T. 2603, Australia,  
14th February, 1976.

Dear P.D. Mac.,

Your two letters (and their enclosures) anent Macdonald and his importunities and the transcripts have duly arrived and have been read through several times with much appreciation. I can appreciate how you held down your many senior secretariat posts over so many years with distinction, and indeed eclat. The first effort was a model of precise minuting and the second has enabled me to understand something of what is going on, for the first time.

But please don't do any more condensations of the transcripts, or you will be a cot case before we even start. If Mowbray ambles off on a new tack I'd be glad to hear what it is, on the lines of your letter of the 10th, but I am quite content to take your word about it without a précis of the evidence on which your deductions are based, as in yours of the 8th, which would have taken me every bit of three days.

As regards Rotan Honor and I feel that the likely sequence of events was that he turned up, as per newspaper announcements, early in February, and at the first meeting on strategy recommended that although you had been unable to be a witness at the first action you should now be pressed to roll along.

This resulted in Brown having to explain why there was a no-show now, which put Rotan in a tizzy, which made him get Macdonald to phone and explain how it was all a misunderstanding and that you were really close buddies (it always is a mistake just so long as it suits Rotan's books). It was a try-on designed to make you relent and, if you showed signs of thawing, to get you to agree to come to London as a witness for the Banabans. I only wonder that Macdonald did not pull the line about you both being clan brothers and how your ancestors and his massacred the Cambells side by side (or was it the other way round).

We doubt if Macdonald had any clear idea that you were coming to London to give evidence in the second case, for Vinelot has been keeping this very much under his hat and, as Sands pointed out, attempts to suborn a witness for the other side knowingly is a serious offence at law. Why we wanted to phone you was to warn against saying that you were coming to London but, as Honor said you would be at the time, you were evidently far too canny to give anything away. I regret to say that she remarked that I was not to confuse you with myself.

Re the lines on which Mowbray seems to be developing his thesis, this worries me a lot. In brief, I am not very concerned whether or not the Banabans get a packet out of the British taxpayer (if they get the lot in both actions it works out at an additional tax of \$2 perhead of every taxpayer in the U.K., or am I wrong). But I am very concerned at Mowbray's

apparent instructions to see that it is distributed so as to ensure that Rotan and his family, together with a handful of other rich landowners, become literally millionaires and the rest (who average say 10 lands to his 300+) get a few scraps off the table.

This is not only entirely contrary to Banaban custom regarding under-surface rights, but also to any conceivable notions of equity. In any case, while it is undoubtedly the function of the Court to award damages (or whatever it is called) it is surely not for the Court to rule on how it is to be distributed within the Banaban community. Enough damage has been done in the past by local European officials making rulings on native custom without Courts in England doing the same when they can know nothing whatever about the subject. This particular ruling can only serve to establish a master-servant nexus on Rabi for the foreseeable future. I just wonder what the mass of Banabans are going to say when they realize that they are being sold down the river by the small oligarchy in London who, of course, are the people who are going to collar the hoot. It makes my blood boil.

Re your ticket, Sands rang us up yesterday to say that all arrangements were now being made in Fiji and you would be given your ticket there, presumably by the B.A. agents there. Also, I presume, your overnight bag. We are not fixing your insurances either (because we can't, the company requires too many details) but we are booking your hotel accommodation en route. We leave Sydney on Sunday February 29 and are due in London on Sunday March 7.

Re para.6 of your letter of the 5th, I have told Ing that on Monday a.m. I shall need to go to Moss Bros to hire two suits for the duration and will phone his office after I am suitably clad.

Re your para.7, I quite agree that we are getting a lousy deal on the financial side. I have not done anything since the 1st January except attend to the requests of Ing, Vinelot, Street and Sands, make travel arrangements, and read up my own material; so that is all January and February gone and not a penny in compensation.

Many thanks for Grimble's Ordinance. It was only page 5 which was wanted, but no matter. However, there is just one thing more: could you please have photocopies made of the Orders in Council re Ocean Island (one was presumably in 1900 and the second I know was dated 27.1.1916)? I have copies of neither and am hopeful that they contain something about not interfering with native custom.

See you at midnight on the 29th, or early a.m. on the 1st.

Yours ever,