

[Evidence, Day 9 - from page 15]

(or acting as RC)

15C At this time (and, ~~I think~~, until 1948) I was Resident Commissioner/ and Tarawa was the headquarters of the G&E Islands Colony. I had previously been with the American forces on Betio but came to ~~Tarawa~~ ^{Bairiki (both being islets on Tarawa atoll)} about the time mentioned - proceeding, ^{in January} on ~~14th~~ December, to London, for consultation with government officials there (then going on first to the United States and subsequently to Fiji where I worked for some time under the directions of the High Commissioner). I was not on the same ~~island~~ ^{islet} - Bairiki - as the Banabans but I visited Bairiki on two or three occasions and had individual conversations (in the nature of "pep talks") with groups of Banabans (probably I used an interpreter). In particular, I recall having given a speech of welcome to the assembled Banabans there, in which I said that I was pleased that they were happy and glad that they agreed with Major Kennedy that they should go on to Rabi. According to my recollection, Rotan was present during that speech.

15E I believe that Rotan was confused here and that his references to Ocean Island and to a letter to me relate to 1931.

15H It is correct that I saw the Banabans off when they sailed on "Triona". [According to Major Kennedy's detailed report of January 1946, the "Triona" sailed on 9th December - and also indicates that it was between 30th November and 9th December that the Banabans were on Tarawa. See Note at bottom of page.]

I recall that the Banabans were in a ~~terrible~~ ^{bad} state when I saw them at this time on Tarawa and would refer to the comments in paragraphs 32-34 of my Memorandum of 2nd September 1946. In fact, my wife was in more continuous touch with the Banabans on Tarawa; she was constantly active in helping ^{assisting Dr Tutu Tekarene with} their womenfolk, particularly in providing medical aid. [Mrs Maude is at present in London.]

[NOTE. A check is being made but it is thought that Major Kennedy's valuable report is not among the documents which have been disclosed. Mr Maude believes that Mr Vinelott brought home a copy with him from Canberra. Also, it seems that Mr Maude now has a copy with him in London - with, it is feared, very much else. Possibly there ought to be disclosure to the plaintiffs at an early date.]
if it is to be used of the report

*under instructions for
the High Commissioner*

The re-assembly of the Banabans following the war was under the charge of Major Kennedy, although I had instructed Major Kennedy to set it in hand and had arranged shipping with Sir Albert Ellis. In the post-war conditions, there were far too many calls on my time as Resident Commissioner - much travelling, many necessary contacts with the American forces - to have permitted me to conduct the arrangements myself. From December 1945, Major Kennedy was engaged in settling in the Banabans on Rabi. Mr Maynard (of BFC) visited them on Rabi in March 1946; Mr Macdonald and I first went there in June 1946 (in connection with the complaints against Major Kennedy).

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17G It is not correct that it was Mr Maynard who instigated the question of more land being bought; this seems to have been Rotan's doing and I would refer to the account of Mr Maynard's meeting on page 52 of Bundle 38.

[Day 10]

[Mr Maude and Mr Macdonald expressed themselves as most reluctant to comment on their meeting on Rabi in June 1946 relating to the complaints against Major Kennedy. They could not recall any account of the meeting other than in Gilbertese and, from what they knew of the case, they did not think that any issue arose as regards the meeting. The whole episode might be said to reflect discredit on the Crown and they hoped that it need not be raised in their evidence. I left the question there for the time being.]

11G [Mr Maude and Mr Macdonald commented that this account on early conditions on Rabi was unjust. Mr Macdonald drew attention to paras. 3-5 of his Note "The Health of the Banabans", which has been supplied separately to Counsel - and, in particular to Windrum's report of 18th January 1946 and to Major Kennedy's report. The position about the latter has already been mentioned; it is feared that the former is not among the documents available in this country.]

13C If further material is required as regards "coerced", I would wish to refer to comments in a statement which I prepared for the purpose of the replanting action (extract attached).

15G I would accept Rotan's comment "the Banabans are not accustomed to this kind of thing [bargaining], except in dealings with the Chinese community on Ocean Island."

16D Rotan's comment "they [Maude and Macdonald] remained with us until all the discussions were completed" seems to negate suggestions which I believe have been made of undue haste on our part.

17F We waited 2 days and no-one came forward.

18C I take exception to Rotan's suggestion that no help was given for travel to Ocean Island; the point is that no-one came forward to say that he wished to go back to Ocean Island so no question arose of help to go there being necessary.

19C,G What I recall actually having said on this point (in effect, that if it was desired to sell Rabi, there were many people who would want to buy it) is being badly twisted. I am categorical about this. The whole suggestion that I threatened the disposal of Rabi is contrary to the recommendation in my Memorandum (para.68) and to the Statement of Intentions, particularly (E)(14), Bundle 38 p.83. I would also draw attention to my comments in paras.18 and 19 of my statement for the earlier action (extract attached).

20F Rotan's quotation is approximately what I said (it is the inference imputed to it which is unfair).

It is significant that no-one asked us whether Rabi would be sold if the Banabans resolved to go back to Ocean Island.

apart from Rotan's alleged apology, discussed elsewhere,
[For good measure, it may be mentioned that the only comment of Mr Maude or Mr Macdonald on Day 11 is Mr Maude's, as regards 7C, that it is his recollection that Rotan was by far the largest individual Banaban landowner.)