



THE TREASURY SOLICITOR  
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T&M71/948/NDI/RKP

Professor H.E. Maude  
77 Arthur Circle Forrest A.C.T. 2603  
Canberra  
Australia

30th October 1975

Dear Professor Maude

OCEAN ISLAND PHOSPHATES - ROYALTY ACTION

John Vinelott and I returned to England from our visit to Rabi and Ocean Island a fortnight ago, and I have since been immersed in clearing up my arrears of work, and I have only now found the time to write to thank you and your wife for making us so welcome and being so patient when we called upon you at your home.

The Judge was very alert and observant during the view, but he very properly gave no clue to his thinking. We were both impressed with the luxuriant growth of trees and vegetation on Rabi in contrast to the parched and desolate state of Ocean Island and we could not conceive that anyone would want to migrate from one to the other.

The Judge resumed the hearing of the replanting action last week, and the Banabans' Counsel, John Macdonald, is at present making a very long closing speech. John Vinelott will follow with a much shorter speech for the Crown. This action will probably conclude about the middle of November. It is thought likely that the Judge will not give judgment in the replanting action until after the royalty action has been heard, and that he will adjourn for about a week between the two actions. The royalty action should therefore commence towards the end of November.

The Plaintiffs' Counsel (Mr. Mowbray Q.C. is being brought in to lead Mr. Macdonald in the royalty action) will open his case by addressing the Court for perhaps a fortnight, and will then proceed to call his witnesses. The Crown's case is unlikely to start until the New Year.

These estimates of time are rather approximate, but will give some idea of how the case is likely to develop. We will keep you well informed as to what is happening.

In the replanting action we had daily transcripts made of all the evidence, and you saw some of these transcripts. We would propose to send you copies of transcripts of all the evidence in the royalty action which might be relevant to matters upon which you have personal knowledge. In the royalty action we are having daily transcripts made not only of the evidence but of the speeches and arguments of Counsel. If you were interested to see these I could arrange to send all of them out to you via the High Commission, probably in batches of a few days at a time.

I do not suggest that it would be at all necessary for you to read all the transcripts, which would involve a considerable amount of reading and might include some rather technical legal argument, but I know that you have a rather special personal interest in this case and I merely mention that I could make the transcripts available should you feel you would like to wrestle with them.





As I expect you know, we saw Macdonald again and discussed the possibility of his giving evidence for the Crown. I believe he has since visited you.

In conclusion I hope that the health of yourself and your wife is good, and that you will feel able to entrust yourselves to our care in London to help us to preserve the good name of the Colonial administration and of those who served it faithfully over the years from unjustified attacks.

With best wishes to you both,

Yours sincerely,

*Ray Price*

(R. K. Price)

P.S. I am sending a copy of this letter to Richard Sands, who has taken over from Gavin Hewitt at the British High Commission during the latter's home leave, so that he is kept informed.

P.P.S. I should perhaps tell you that the Banabans are now proposing to seek leave from the Court to amend their pleadings in the royalty action so as to allege fraudulent concealment against the Crown. This allegation of fraud is of course the most serious allegation of misconduct so far made.