

A should remain on Rabi or not? A. At that time the Banabans were not happy to remain on Rabi, in view of the then condition of the dwellings.

Q I would like you to tell us, please; do you remember discussing at all with this gentleman, Mr. Windrum, whether the Banabans should remain on Rabi or not?  
A. I cannot remember discussing that matter with Mr. Windrum.

B Q Do you not remember yourself saying to Mr. Windrum at the end of the meeting: "We agree to stay on Rabi Island for ever if Ocean Island is not taken away from us"? A. I think those were my words to Mr. Maude and Mr. Macdonald, but with regard to the meeting with Mr. Windrum, we were concentrating on the friction between us and Mr. Kennedy.

Q Mr. Windrum reported at the time that those were the words which you had spoken to him. Do you not think he was probably right in saying that? A. That should be a mistake.

C Q If Mr. Windrum reported at the time that you had said that to him, do you not think that probably you did say them to him? A. I remember well that perhaps he so reported like that, because he was in charge of the area we were in, but as far as I can remember, I did say those words to Mr. Maude and Mr. Macdonald.

D Q Then let us think for a little about the visit of Mr. Maude and Mr. Macdonald in May 1947. The position then was, was it not, that the Banabans decided to stay on Rabi, but were anxious that they should be free to visit Ocean Island, and if they wished, to settle on Ocean Island in the future.

THE INTERPRETER: I have gone as far as "the Banabans have decided to live on Rabi and that they can return to Ocean Island."

E MR. LE QUESNE: They were anxious to be free to pay visits to Ocean Island, and if they wished, to live on Ocean Island in the future? A. With regard to the first part, saying that the Banabans wanted to live at Rabi, it was actually like this. The first thing the Banabans decided, first of all, was whether they would like to buy Rabi or not. They went there to decide whether they would like to buy it for themselves or not, and it was not going there to live for ever. When we arrived there we agreed to buy it, that is what we said to Mr. Maude and Mr. Macdonald.

F Q You decided to buy it, and as a result of your discussions with Mr. Maude and Mr. Macdonald you decided to remain on Rabi? A. I am sorry, but I still believe that the Banabans would go there, see the island, and decide to buy it, and they have decided and they have bought it, and that they will return to Ocean Island.

G Q Will you take, Mr. Interpreter, please, the transcript of Day 5, and turn to page 18? Mr. Rotan, the Interpreter is going to read to you something that you said when Mr. Macdonald was asking you questions last week. Mr. Interpreter, would you please interpret to him the last three lines on page 18: "We wanted Rabi, and then we also wanted just to return to Ocean Island." Do you see the note which follows? Then his Lordship says to you: "Return to visit Ocean Island?" and you said: "Yes." What you said then was right, was it not?  
A. Yes, it is true I did say this last week, but please bear in mind that we want Ocean Island, and we have been wanting it since the year 1926, but since then, up to date, we have been taken the way - (The Interpreter: He showed it with his hand, like re-boarding) - and what can we do.

A Q Mr. Rotan, please believe me, I am not forgetting all this. All I am trying to do at the moment is to ask you about what was agreed at this meeting in 1947. At this meeting in 1947 Mr. Maude assured you, did he not, that if you stayed on Rabi you would be free to visit Ocean Island, and if you wished to settle there later on?

THE INTERPRETER: I am sorry.

B MR. LE QUESNE: I said to visit Ocean Island, and if you wished, to reside there later on? A. I cannot remember where or what Mr. Maude was saying at that time, but as far as I can remember these are his words. We told Mr. Maude that we had agreed to buy Rabi for our island, but as the conditions that we were faced with were not very good - (The Interpreter: The witness went on to compare the conditions with what they faced during the war time) - we wanted then to return to Ocean Island and have our home prepared during the absence. Mr. Maude in reply said: "I cannot keep on holding this island for you, because there are other people who are anxious to buy this same island." One other thing: "If I had had the buildings built for you, perhaps you do not come back." We thought C he meant that if we did not go back to Ocean Island, but stayed on Rabi right away, then he can do all these, and that is where we were divided. That is why we had a division of ideas at that time, and that was followed by the secret ballot, and so the parties that decided to remain won the vote, because we did not want to lose Rabi, but our main concern is that we want the two islands.

MR. LE QUESNE: Would you say that again?

D THE INTERPRETER: Our main concern is that we want the two islands.

THE WITNESS: That is what happened at that time.

E MR. LE QUESNE: You wanted these two islands. We understand that. What you wanted to do was to have Rabi as your headquarters and to be able to make visits to Ocean Island, is that not right? A. That is so, after we learnt that Ocean Island will completely be - (The Interpreter: Destroyed literally, but I think what the witness means is "completely mined".)

Q Completely mined? A. Can I ask you not to confuse me by asking me questions relating to past years, and then these present years?

11.30

F Q I am sorry if you have been confused. I have been asking you questions only about 1945, 1946 and 1947. Now we are talking about 1947. A. All right. Please go ahead.

G Q I understand what you have just told us, and Mr. Macdonald was saying to you, was he not, in 1947, that you had to make up your minds about Rabi, because if you did not want it there were other people who would like it? A. I have said that we have seen Rabi and we decided to buy it. We want our homes to be built, and that we will go back to Ocean Island, waiting for their completion. If they followed this, there would not have been any difficulty, because we could have gone back to Ocean Island while the homes were being built.

H Q I think I understand now. I am sorry it has taken me so long. You were suggesting, were you, that you should go temporarily to Ocean Island while some buildings were being put up on Rabi, and you should then return to Rabi? A. We were going to Ocean Island to wait for the completion of the homes, and at the same time to wait until the phosphate is mined out.

Q The idea was - is this right - that you would stay on Ocean Island until the phosphate had been mined out and then you would do what? A. We can either stay on Ocean Island or go back to Rabi.

A Q Either stay on Ocean Island or go back to Rabi? A. We cannot give up Ocean Island because it was the land given to our forefathers by God, and we want it.

Q Mr. Macdonald told you, did he, that if you were going off to Ocean Island until the mining was finished, he could not keep Rabi for you, because there were other people who would like it? A. But what could he do, because we have bought the Island of Rabi?

B Q All I want to understand at the moment is what you say Mr. Macdonald told you. Am I right in thinking that what you are saying is this, that Mr. Macdonald told you that if you went off to Ocean Island, as you suggested, he could not keep Rabi for you, because there were other people who would like it, and it was not certain that you would ever come back? A. Since we understand that our Ocean Island was going to be mined out, we wanted to buy our island. It was ourselves who bought the island after we had seen what is going on, on Ocean Island, as a result of doing things by force there. As we saw Rabi, we thought it was all right, so we bought it, and we would like to have it properly prepared for us to live on it, but he did not believe us.

C Q Mr. Rotan, just listen to me, would you, for one moment, because if we could clear up one point I have very nearly finished. You told us last week - I think this was your language - that Mr. Maude said something which frightened you? A. That is true.

D Q I am asking you exactly what it was that Mr. Maude said which frightened you? A. This is what we were afraid of, of Mr. Maude's words. We want our island. We agreed to make Rabi our island, and Mr. Maude said: "It would not be good enough, if you want Rabi and you do not stay on it." What we feared at that time was Mr. Maude saying: "If you do not remain on it we will sell it to somebody else."

E Q Mr. Maude said this - I think this is right, is it not - after you had told him that you would like to return to Ocean Island until the mining was finished, and that when the mining was finished you might decide to stay there or you might then decide to return to Rabi? A. Please do not give us the word "perhaps" because we have already decided to live at Rabi.

F Q We must try to understand each other. You told us five minutes ago that your idea was to return to Ocean Island until the mining was finished, and that when the mining was finished you might decide to stay there, or you might decide to return to Rabi? A. You are asking me to think about what you asked me, so would you please think also yourself of what I have replied to you.

G Q That is what I am trying to do. What puzzled me was this. I thought what you had just said was different from what you said to me a few minutes ago. However, let us try and sort it out. I understand you told Mr. Macdonald that the Banabans would like to go to Ocean Island and stay there while houses were being built on Rabi, and until the mining on Ocean Island was finished. Please just tell me, is that what you said to Mr. Macdonald? A. Yes.

H Q You also told me that your idea was that when the mining at Ocean Island was finished you might then decide to remain on Ocean Island, or you might decide to return to Rabi? A. We have already decided, and this decision comes from the body representing the community. We have attempted to keep Ocean Island, but we could not.

Q Excuse me, you said "We have already decided." Will you please tell us what you have decided? A. Can I finish what I want to say?

A Q Would you please just tell us what it was which you decided? A. We decided to  
buy our island in Fiji, and to secure the purchase Mr. Maude and Mr. Macdonald  
came. We told them that we have bought the island. Rabi has been bought by us  
with the help of Mr. Maude. We told him to have the houses built while we go  
to Ocean Island. We know that if we go to Ocean Island the company will mine  
out phosphate from Banaba. We wait for that time. If the Government take  
our Banaba by force from us then we have Rabi as an alternative. That is our  
B complaint. When our Banaba is finished and spoilt, then we will go to Rabi.  
We have a place to live there, and at the same time we will be near to the  
High Commissioner. As I have already mentioned, before we could get to the  
High Commissioner, the High Commissioner left and went to settle in Honiara  
in the Solomon Islands Protectorate, and we have been living in Rabi for over  
twenty years, still complaining. In the end we have managed to come to London.  
We are here in London to make these claims, and I did not expect to receive so  
C many and confusing questions. That is also what the other gentleman before you  
was doing. My only request to his Lordship is that the past period of deceit-  
fulness has gone, and now the sun of truthfulness is overhead. I am only here  
to present my petitions and the truth where I think I will get the truthful  
results. That is why I have come here.

MR. JUSTICE MEGARRY: Mr. Le Quesne, I notice it is a long while past the usual  
time of breaking. Would it be helpful to have a break now?

D MR. LE QUESNE: Yes, my Lord.

(Continued on next page)

E

F

G

H

(The Court adjourned from 11.56 to 12.18):

A MR LeQUESNE: Mr Rotan, I think I understand what you were saying. Is it this, that you told Mr Macdonald that the Banabans would like to go to Ocean Island and stay there until the mining was finished, and when the mining was finished if you were compelled by the Government, or if all your land was taken away, you would go to Rabi? A. Yes, if our Ocean Island is completely mined and ruined, and if the Government compelled us to leave, we can go to our new island, and those who want to stay, to remain, at Ocean Island may remain.

B Q What did you think was going to happen to Rabi during the years you were on Ocean Island? A. Our homes will be prepared.

C Q And when your homes had been finished what would happen? A. If our homes are prepared, and if Ocean Island is all mined, then the two are our homes, so we can go to Rabi or we can remain at Ocean Island.

D Q What I had in mind was this: Suppose your homes were finished before Ocean Island was all mined, what was going to happen to Rabi until Ocean Island was all mined? A. The same: those who want to go and live at Rabi, they may go. The two islands belong to us and we can have free travelling between the two.

E Q And your headquarters would have been in which place? A. I say this, but perhaps you can also guess, that if our Ocean Island is spoilt and Rabi is more ready for living, then we may regard that which is more ready to be our headquarters, and then from Rabi we can think back of what to do with Ocean Island.

Q But it would all depend, would it, on how many people decided they wanted to go back to Rabi? A. If Ocean Island was well-established we could have considered more Ocean Island to be our headquarters.

F MR JUSTICE MEGARRY: If Ocean Island was well-established?

THE INTERPRETER: If Ocean Island was well-established then we could have regarded it as our headquarters; but if Rabi is established we regard it as our headquarters.

MR JUSTICE MEGARRY: I do not understand the last answer. I do not know whether you can clear it up in re-examination.

G MR MACDONALD: I will indeed, but I think perhaps not at once.

MR LeQUESNE: Thank you.

Re-examined by MR MACDONALD

Q Do you have a copy of the AG bundle? A. Yes.

H MR MACDONALD: Would you look at page 28?

MR JUSTICE MEGARRY: PD.84 is a better copy; I do not know whether you want him to find it.

A MR JUSTICE MEGARRY: How long was it after the Japanese came before they took you away? A. Nearly one year.

B MR MACDONALD: Was there a shortage of food for the Banabans and the Gilbertese who were working for the BPC? A. We were depending upon the company's store. When the Japanese came the Japanese and ourselves, we are all depending upon that store for food, and when supplies in that store were finished they sent us away.

Q Can you give my Lord any idea of how many trees had their shoots taken for food in the way you have described? A. I cannot give a rough number of trees but I can only believe that they did take some while we were still on the island, and when we have gone they must have been enjoying themselves freely, without any fear.

C12.30

Q When you say "they", whom do you mean? A. The labourers for the British Phosphate Commissioners. They ate the top of the coconut trees and also the pandanus trees. Some of our own Banaban people, it is true, also ate the top part of the pandanus trees, but not the coconut trees.

D Q How do you know about this? Did you see it yourself? A. I did not see them with my own eyes, but I learned this from the real owners of the trees.

Q What job did the Japanese give you? A. I was looking after the store for the Japanese, and also I controlled the supply of rations from the Japanese for the Banabans.

E Q This was at Ocean Island? A. Yes.

Q How many people went to Kusaie? A. There were a lot. The party was made up of Banabans and BPC labourers.

Q Did some go to other places? A. Yes.

F Q Where did they go? A. Some of them went to Nauru and others went to Tarawa.

Q Were any Banabans left on Ocean Island? A. Only Tabonteren, a doctor, and he is an assistant medical practitioner.

Q Were any of the BPC workers left on Ocean Island? A. Yes.

Q What happened to the lepers? A. The lepers also stayed at Ocean Island, and I heard later that they were either murdered or drifted away in the sea.

G

Q When you got to Kusaie, what job did the Japanese give you? A. I was doing the same job that I did at Ocean Island, looking after them in the way of keeping their food and rationing them.

Q What were the rest of the Banabans doing on Kusaie? A. They were engaged in planting for the Japanese.

H

Q What did you live on? A. When we first arrived we were living on coconuts and sweet potato, and as time went on we were only

given coconuts and part of the sweet potato - the roots that come out of the -

A  
Q -the top? A. The thin roots that grow out of the real food, and leaves of sweet potatoes. Also we stole our food from the land.

Q What happened at the end of the war? A. At the end of the war Mr Kennedy came to visit us.

B  
Q At that time in what condition were the Banabans? In what physical condition were they? How was their health?

MR JUSTICE MEGARRY: Mr Kennedy came to visit them, but where? What are we talking about? Where this witness is on Kusaie, or what?

C  
MR MACDONALD: Yes.

Q Did Mr Kennedy come to Kusaie? A. Yes.

Q At that time on Kusaie what was the health of the Banabans like? A. Before Mr Kennedy came there were a number of us passed away, and when he came a number of us who were still alive were getting thinner, and I myself felt very much in need of food.

D  
Q What happened when Mr Kennedy came to Kusaie? A. When Mr Kennedy came to us he talked to us, mentioning the subject that we talked about during the year 1940, about buying the land in Fiji.

E  
Q Where did you go from Kusaie? A. I went to Tarawa.

Q Were the other Banabans there at Tarawa when you got there? A. No, I went together with the Banabans from Kusaie, and a BPC ship brought those who were sent to Nauru.

F  
Q When you got to Tarawa, did you land? A. Yes, we did land. Those who came from Nauru, together with us from Kusaie, we all landed at Tarawa upon arrival.

Q How long did you stay in Tarawa? A. I cannot remember exactly. It was about a week.

G  
Q Can you remember what Mr Kennedy said at that time about what was to happen to you? A. I can remember that Mr Kennedy told me that he thought it would be a good thing for us to go to Rabi because our homes at Ocean Island were not then ready. I passed the message to my fellow Banabans and the only objection -- not "objection", a different view came from the younger generation who have been doing special work on Ocean Island.

H  
Q What did they say? A. Mr Kennedy did not agree with the younger generation, and he advised them that it would be better for them to go to Rabi first, and then, if they want to come back to Ocean Island they can come back later.

- A Q I want to get this quite clear: Were the younger generation saying they wanted to go back to Ocean Island? A. Yes.
- B Q You said that Major Kennedy said that your homes on Ocean Island were not ready. Was that all he said about your homes? Why were not they ready? A. There was nothing further that Mr Kennedy mentioned. He said our homes have been destroyed by the Japanese and that the company was not yet in a position to repair them for us, and Mr Kennedy added that it would be better if they go and have a look at their new land first and then later they can come back.
- C Q What were your own feelings about this? What did you think the Banabans should do? A. I myself did want to go to Fiji with my intention of having a chance to consult the Governor, but a number of us wanted to go to Banaba.
- D Q What happened? A. We did all go to Rabi in accordance with the advice of our leader; and also, at that time, there was a threat that whoever does not go to Rabi would not get the money that they normally get at Ocean Island.
- E Q Who made that threat? A. Mr Kennedy himself.
- D Q When you said just now you went to Rabi on the advice of your leader, who do you mean by "your leader"? A. Mr Kennedy.
- E Q What do you remember of your arrival at Rabi? A. I can remember that we were very happy to look at the island from the sea; but when we landed we found that we had one tent and two or three wooden houses, and also that we were going to stay under that tent.
- E Q When you say you had one tent, do you mean one tent per family? A. One tent for one family, and there were about two other wooden houses for the company.
- F Q Two other wooden houses for the company? Did you say that?
- F THE INTERPRETER: Yes, I did say that. "The company" is the company that was on the island before we landed - a place for probably their labourers.
- G MR MACDONALD: What was the weather like when you landed? A. During the first week we had difficulty because during the daytime the awning is very hot, the tent is very hot; and at nighttime we felt very cold; and when it was raining the place where we had our tents became muddy - a swamp. But we slept on these stretchers.
- G Q How much rain was there? A. Sometimes it fell one or two days a week, and sometimes when it pours it can take the whole day raining.
- H Q Were you used to rain like that? A. We were not used to that amount of rain on Ocean Island, but we saw a little of it at Kusaie.

(Adjourned for a short time)



MR. ROTAN TITO:  
Examined.

MR. MacDONALD: Mr. Tofinga is resuming as Interpreter, my Lord.

- A Q. The Rabi Island Council was established by the Banaban Settlement Ordinance of 1945. Were you a member of that Council? A. Yes.
- Q. For how long? A. Since the Council was established, till now. I have been a member except for two years.
- Q. For how much of that time have you been Chairman? A. Since that time until now.
- B Q. Can you remember which were the two years when you were not a member of the Council? A. I do not remember exactly when but it was when Tebuke returned from school. He took my place, and after then he wanted not to become a member, and that is when I again became a member.
- Q. Since 1945 have you been back to Banaba? A. Yes, I have.
- C Q. How many times, and do you remember when each time was? A. I remember four times perhaps. I forget the year. I remember the last time. One time was 1973.
- Q. Were the other times before that or since? A. Before.
- D Q. Perhaps it does not matter very much. In April 1947 do you remember Mr. Maynard coming to Rabi? A. I remember.
- Q. Could you tell my Lord what you remember about Mr. Maynard's visit? A. I remember he came because again he wanted more land.
- Q. Were there any meetings? A. Yes.
- E Q. Do you remember what happened at the meetings? A. I remember that our main desire for coming to Rabi was because we wanted to see the Governor. What hurt our hearts was that before we saw the Governor Mr. Maynard had come in, and that was the main cause for our dissatisfaction, even myself. My heart was not happy and in peace.
- F Q. Do you remember what land it was that Mr. Maynard wanted to acquire for mining in 1947? A. He wanted further lands outside of the 150 acres.
- Q. Did he have any plan with him? A. I did not see them at that time, only his explanations or his talk. (Interpreter: Literally "his talking.")
- G Q. Is the Chairman telling my Lord about the first time Mr. Maynard came to Rabi or is he telling him about the time when Mr. Maynard came in April 1947 and wanted more lands? A. I think during his second visit.
- Q. Do you remember signing an agreement with Mr. Maynard? A. I remember, but it was not my real heart for me to write my name.
- H Q. Would you look at the PD bundle, page 177. This is a copy of the agreement which was signed in 1947. I am going to ask you to translate certain parts of it to the Chairman and then I shall ask him some questions about it. It is an agreement between the Banaban landowners in Ocean Island and the British Phosphate

A  
Commissioners in the presence of Mr. Holland, Administrative Officer, Fiji. First, the Banabans agree to transfer to the Commissioners approximately 291 acres of phosphate mining land with all trees of whatsoever kind on the land coloured purple on drawing 776 annexed hereto. In clause 2 the Commissioners agree to pay £200 per acre for the surface of the good land. In clause (b) the Commissioners agree to pay £65 per acre for the less good land, and the company also agrees to pay a royalty of 1/3d. per ton. Do you remember that those were the terms of the agreement you signed? A. Yes, I remember, but I speak in respect of this word 'bannana.' That is the meeting of hearts, or agreement. I would like to say something further on that thing.

B  
Q. You would like to say something about the agreement? Please do so. If you wish to say something more, please do.

C  
A. Respecting the taking of our land, there was not any heartfelt agreement. There has been this - it is almost being forced upon us - the active persuasion on the part of the company and the Governor for us to part with the land. This happened over the 150 acres and also over this further acquisition of land or request for further land. They came forward with a price and actively persuaded us to accept.

D  
THE INTERPRETER: Excuse me, my Lord. The Chairman has used the word "kairoroira". I think literally "forced" would be more accurate than "active persuasion."

D  
THE WITNESS: It was because of that that I was told by the old men that it would be better to accept these terms, for chance they would send us off Rabi, away from Rabi, and Rabi taken away from us.

E  
MR. JUSTICE MEGARRY: With regard to the word you had some difficulty in translating, which was a bit more than "active persuasion" and more like "forced," would "coerce" be the right sort of meaning?

THE INTERPRETER: I think so.

MR. JUSTICE MEGARRY: Is that nearer than "actively persuade" or "forced"?

F  
THE INTERPRETER: I think "coerce" would be a better word.

MR. MacDONALD: When you signed the 1947 agreement, who else was present?

THE INTERPRETER: Excuse me, when you use "you" there, do you mean singular or plural?

G  
MR. MacDONALD: When you, Rotan, were there. A. I think Mr. Maynard and Captain Holland. Those two I remember.

Q. How many Banabans? A. I think the councillors and some of the older men.

H  
Q. Did you have an interpreter? A. I remember one interpreter one time, Bauro Ratieta, but I am in doubt whether Bauro was the interpreter at this particular time.

Q. Was somebody there to interpret? A. I remember one time Tekai Arekibo did interpretation work.

A MR. JUSTICE MEGARRY: If there had not been any interpreter there could Mr. Maynard and Captain Holland have understood the Banabans, or could the Banabans have understood Mr. Maynard and Captain Holland? A. Without interpreters they would not understand each other, but I made mention of Ratieta's name because he accompanied Mr. Macdonald and Mr. Maude.

2.30 MR. MacDONALD:

B /I shall be coming to that in a moment. I do not want you to try and remember if you cannot the name of the person who interpreted at the 1947 meetings, but was there somebody there who was translating so you could understand each other? A. Before Bauro Ratieta this time there were some of our boys who could do, and did, interpretation work, Tito and Tokai.

Q. Did one of the boys who could, do the interpreting on this occasion? A. I do not remember exactly who did the interpretation work at that time. Perhaps it was Tito.

C Q. But somebody did? A. Yes.

Q. Before you signed the agreement did you talk to anybody about the terms which had been offered to you? A. I remember during this time I was not happy and I did raise, and I even wrote, certain arguments against.

D Q. Against the proposals? A. Yes.

Q. Who did you write to? A. The first letter I wrote to the Government, to Ocean Island, to Barley and Macdonald, and Mr. Maude, and on Rabi I think perhaps I wrote to Captain Holland.

E Q. Can I ask you this question again. Before you signed the 1947 agreement did you talk to anybody, apart from the other Banabans, about the terms which you had been offered? A. Yes, when Mr. Macdonald and Mr. Maude arrived there were certain things I discussed with them. The things I mentioned to them were about the money.

F Q. Apart from Mr. Maude and Mr. Macdonald did you consult anybody else who was not connected with the Government? A. Perhaps I remember also that there were Banabans there, and even Mr. Maynard, Mr. Holland and Mr. Ellis were there when I raised these points.

Q. Did you have any outside help? A. Help in what respect?

Q. Did you have any advice about the terms you had been offered? A. None.

G MR. JUSTICE MEGARRY: There was nobody to advise you whether they were good terms or bad terms, is that right? A. Nothing. It was from our own hearts, we Banabans. We did not agree.

MR. MacDONALD: When you say you did not agree, you signed the agreement, but with reluctance, is that right? A. Yes.

H Q. Mr. Maude and Mr. Macdonald came to Rabi at the beginning of May 1947. Do you remember them coming at that time? A. I do remember their coming but I have forgotten the month.

A Q. Why did they come? What did they want? A. One cause for one of their visits was they wanted to know the hearts of the Banabans respecting Rabi. Then another cause was because there was something happening between myself and Kennedy.

B Q. That was an earlier meeting. It was the meeting when they wanted to know about the hearts of the Banabans I want to ask you about. Will you tell my Lord what happened on that occasion when they came to ask you about Rabi? A. A. Their heart's desire was they wanted Rabi, but they also wanted to return to Ocean Island. During the discussion another thought came up. Some wanted Rabi. During these discussions one thought came up. They wanted to go back to Ocean Island. They did not want Rabi. The women and others wanted Rabi.

C Q. What advice did Mr. Macdonald or Mr. Maude give you? A. We asked them at that time if we could go back to Ocean Island, as our dwelling places or dwelling houses on Rabi were not quite ready. There was a word of advice because they were frightened in case we go back to Ocean Island and do not return to Rabi. They then said that quite a number want to buy Rabi, and because we were frightened of that we agreed that we stay.

Q. I am sorry, I am not following.

D THE INTERPRETER: May I put in parenthesis there, that "frightened of that" conveys the meaning they were frightened in case some other people bought the island of Rabi.

E MR. MacDONALD: Could you ask Mr. Rotan to tell us more about what it was that frightened them, because that I do not quite understand. A. We were frightened because they said if we do not agree to our staying on on Rabi, then others will take it through purchase.

Q. So they told you if you did not stay on Rabi it would be sold to others, is that right?

MR. MacCRINDLE: That was not what he said. I quite agree what he is saying is very confusing, but I do not understand him to say that.

F MR. MacDONALD: My Lord, I wonder if I could have read back the last answer?

MR. JUSTICE MEGARRY: Would the shorthand writer read back the last answer?

G (The shorthand writer then read: "We were frightened because they said if we do not agree to our staying on on Rabi, then others will take it through purchase.")

H MR. MacDONALD: When you say others will take it through purchase what precisely do you mean by that? A. The meaning of that word is Mr. Maude told us if we do not want to stay on Rabi, but we want to return more to Ocean Island - that is, not return for good, but return more - there are others who would like to buy Rabi, and that is what we were frightened of, because we have agreed that we want Rabi. We wanted Rabi, and then we also wanted just to return to Ocean Island. (Interpreter: This is the phrase of return for a short period of time to Ocean Island.)

MR. ROTAN TITO:  
Examined.

MR. JUSTICE MEGARRY: Return to visit Ocean Island? A. Yes.

A MR. MacDONALD: If you decided to stay on Rota was anything said as to what would happen about Ocean Island? A. Nothing we heard at that time. Ocean Island was really our own island.

Q. Was a vote taken on what should be done?

B THE INTERPRETER: May I put it another way? May I have your question again?

MR. MacDONALD: My question was: was a vote taken as to what should be done? If you wish to put it another way, would you tell my Lord what other way you are going to put it, so my Lord knows?

THE INTERPRETER: The other way was "raising of hands."

C MR. JUSTICE MEGARRY: Is there not a Gilbertese word for "vote"?

THE INTERPRETER: Right now at the moment I do not remember.

MR. JUSTICE MEGARRY: Would you like the question to be put in the form of "raising of hands"?

D MR. BROWNE-WILKINSON: With respect, it would be rather confusing, because the voting was not by raising of hands. I think there were ballot papers. I do not know if the other interpreter could help out.

MR. JUSTICE MEGARRY: Is there a Gilbertese word for "vote" which you know of?

Sket  
E MR. TAKOA (Interpreter): The only way to put it is to say it in some words like "This selection by writing a name on a hidden paper."

MR. JUSTICE MEGARRY: Could you try putting it in some way such as that, and then tell us, after you have put it to the witness and he has given his answer, what way you put it to him.

F THE INTERPRETER: The question is, was there a vote taken on Rabi about Ocean Island?

MR. MacDONALD: About what should happen, whether they should stay or go. A. There was.

Q. Will you tell us about it? Will you tell my Lord what happened?  
A. Yes. Those who preferred Rabi won. The majority wanted Rabi. The others --- (The witness waved his hand.)

G Q. Would you look at page 179 of the PD bundle? A. Yes.

H Q. Could you explain to Mr. Rotan that this is a statement of the British Government's intentions? Will you then please translate to him this passage, and then I will ask him questions about it. Will you explain that you are going to do that? A. Yes.

Another copy 19  
of the statement of intentions

MR. ROTAN TITO:  
Examined.

A Q. I will read it in English, and then will you translate a sentence at a time. "The following is a statement of the intentions of the Government with regard to the future of the Banaban community on Rabi Island, with special reference to their lands and funds and other matters incidental thereto, and is drawn up on the understanding, which the majority of the Banabans hereinafter affirm, that they desire to reside on Rabi and regard it as their headquarters and home."

3.0.

B Could you turn to page 73 of bundle 39. Is that a Gilbertese translation of what you have just been translating?

MR. JUSTICE MEGARRY: That is a question to you, Mr. Interpreter.

THE INTERPRETER: Yes, it is, but not in exact words.

C MR. MacDONALD: Do you have page 179 of the PD bundle open? If you look at them side by side I would ask you to look at the paragraph which is numbered one. You see the heading (a), as regards lands on Ocean Island, and there is a paragraph numbered one. Would you read that first of all to yourself in English, and then in Gilbertese, and tell me whether it is an accurate translation of the English?

D THE INTERPRETER: It is.

MR. MacDONALD: Would you look at paragraph 2?

THE INTERPRETER: It is. I am sorry I have been so long.

E MR. MacDONALD: Would you ask Mr. Rotan to read the paragraphs numbered one and two in the Gilbertese version to himself, please? A. It is true.

(Continued on next page.)

F

G

H

MR ROTAN TITO:  
Examined.

A Q Do you remember seeing this document at the time when Mr Moore and Mr Macdonald were on the island? A. I remember. It was prepared during that time.

MR JUSTICE MEGARRY: I do not know whether you want to put to the witness page 77?

B MR MACDONALD: Yes, I did wish to do that. A. It was prepared by them.

MR MACDONALD: My Lord, before I do that I wanted to put to him the bottom of page 81; but before I do even that, Mr Rotan has been rubbing his legs and I wondered if your Lordship would kindly adjourn.

MR JUSTICE MEGARRY: Yes, indeed.

C (After a short adjournment):

MR MACDONALD: I would ask you to compare the English in para.14, in the PD bundle, at the bottom of page 181, with the Gilbertese version in the middle of page 76, in Vol.39. Would you tell my Lord whether the Gilbertese and English versions agree?

D THE INTERPRETER: Basically they agree, but I notice that the Gilbertese version has been translated in such a way as to convey the thought in two sentences.

MR MACDONALD: But there is no significant difference in the meaning? A. No.

E Q Would you read para.14 in the Gilbertese version?

MR JUSTICE MEGARRY: Mr Interpreter, even when you are simply speaking to the witness would you keep your voice up so that all can hear you.

THE WITNESS: It is true.

F MR MACDONALD: Now would you look at page 77, Is the passage below the line on page 77 a translation of the top paragraph on page 183 of the PD bundle?

THE INTERPRETER: That is a true translation.

MR MACDONALD (to the witness): Would you read that? A. This is true.

3.30

G Q Did you attach importance to the parts of the statement which you have read? A. Yes, these were things that were done for us when we arrived at Rabi. The real things that were in my heart, about which I wanted to approach the Governor and the Government of Great Britain, were not done by this time. We are here because we are asking for help.

H Q Do you wish to make any comment about the provision which you have read, which says that you may visit Banaba if the shipping is available and live there? A. Yes.

A Q Do you want to say any more about it than that? A. In reply to that, we still want our island, Ocean Island. It was because of the war we were taken off and eventually arrived in Rabi, and this brought us nearer what was in my mind about approaching the Governor, that it was the intention that the Banabans would still return to their island.

B Q When you say that, that "it was the intention of the Banabans still to return to the island, and we still want our island, Ocean Island", are you speaking about today or about 1947? A. It is still our thought to return to Ocean Island up until today, the difficulty being the facilities to return to Ocean Island and our being prevented to get to Ocean Island. Another difficulty respecting our return to Ocean Island is in connection with the mining of our land, where we have been coerced into its being mined.

C Q I understand you to say that today you still want to go back to Ocean Island. What were your feelings in 1947? A. They were the same.

MR JUSTICE MEGARRY: You say you are being prevented from getting to Ocean Island. Who is preventing you?

D A. This word about our being prevented, this is a word that we have been prevented from going back to Ocean Island because it is said the Gilbert & Ellice Government put it out in such a way as the island has been bought as if the price was Rabi and Ocean Island. This news has been mentioned all along that Rabi is our Island and Ocean Island has been exchanged for Rabi.

E MR LeQUESNE: I understood the witness to be saying something then which might be of concern to me. I found it very difficult to follow. I wonder if it could be read back?

(The last answer was read out)

MR JUSTICE MEGARRY: I leave it to you, but at the moment I do not understand the "prevented" part.

F MR LeQUESNE: Neither do I.

G MR MACDONALD: When you talk of being prevented from going back, has anybody physically tried to stop you? A. None has been prevented. The real thing about our being prevented from going back to Ocean Island is because they want our phosphate, in order that the Gilbert & Ellice have the money from it.

Q When you talk about being prevented, are you talking about what you understand to be the attitude of the Gilbert & Ellice Island Government for the future? A. I raised this earlier, because they said that Rabi is ours and Ocean Island is theirs.

H MR JUSTICE MEGARRY: Who said that? A. No one that I know of, whose words they actually are; but this I heard, it is word



A from the Government of the Gilbert & Ellice. It tells its people that our land is Rabi and theirs is Ocean Island.

Q Is this a recent development? Is this something you have only heard about recently? A. Yes. We came to hear of this on Rabi when we were discussing the price of our phosphate.

B Q Is this a rumour which you heard from the Gilbert & Ellice Islands? A. Yes, it is a rumour that is doing the rounds, going around, that they are holding Ocean Island as their own and Rabi is our land. That is one of the words we would like to make clear, or to put right, with the Gilbert & Ellice.

Q Did you recently meet with Leaders of the Gilbert & Ellice Islands people on the Island of Nauru? A. Yes.

C Q Was anything said at that meeting about to whom the land on Ocean Island belonged? A. Yes; but they changed the word about Rabi takes the place of Ocean Island: they put it to us another way, that Ocean Island was part of the Colony. To my understanding that is the changed form of that word.

D MR MACDONALD: I do not know that I can really assist in clarifying the matter any further. I do not think it forms any part of my case, and so I will leave it to my friends to ask further questions about it.

MR JUSTICE MEGARRY: Yes, indeed.

MR MACDONALD: Then I would ask you to take Bundle 40. Do you remember a time in 1948 when Mr Ellis and Mr Maynard came to Rabi for a visit? A. I remember.

E Q At that time did the Rabi Council have a meeting with Mr Maynard? A. Yes, there was a meeting.

Q Did you ask Mr Maynard if he could let you have copies of any documents? A. In respect of -?

Q I am not allowed to suggest the answers you are to give, so can we try again. A. I remember speaking to Mr Maynard about Banaban funds. I remember about the price per ton at that time in 1900, 1913 and 1931.

F Q Was this a meeting at which Mr Ellis was present? A. Yes.

MR MACDONALD: Mr Tofinga, would you look at page 42 of Bundle 40?

MR JUSTICE MEGARRY: I shall have to rise shortly, so do not embark upon anything very lengthy.

G MR MACDONALD: I would prefer to do the embarking tomorrow morning.

MR JUSTICE MEGARRY: It might be better.

(The witness withdrew)

(Adjourned to tomorrow morning at 10.30)