

GOVERNMENT OF PITCAIRN ISLANDCHIEF MAGISTRATE: Alfred YoungASSESSORS: William Christian  
George WarrenCOMMITTEE FOR INTERNAL AFFAIRS:CHAIRMAN: Herbert YoungMEMBERS: Edmond McCoy  
Edward ChristianCOMMITTEE FOR EXTERNAL AFFAIRS:CHAIRMAN: Walter Henry PetchMEMBERS: David Young  
Edgar ChristianCOUNCIL:PRESIDENT: The Chief MagistrateMEMBERS: The two Assessors, and  
the Chairman of Committees  
for Internal and External  
Affairs.LOCAL REGISTRAR AND GOVERNMENT SECRETARY:

W. H. Petch

ADMINISTRATIVE.

The Chief Magistrate (who must not be a Church officer) as the representative of the people, will be elected by them annually. He will be the chief official authority on the island, and, as such, (will take general cognizance of the affairs of the island in the manner hereinafter provided for.) He will preside over and be assisted by a Council composed of two Assessors and the Chairman of the Committees

*now done by Council of 40)*

for dealing with the Internal and External affairs of the island, hereinafter mentioned. This Council, presided over by the Chief Magistrate will deal with and decide upon any questions (or any differences of opinion that may arise in connection with or between the Committees above mentioned or in any other matters affecting the well-being or the welfare of the community. Should it at any time be necessary, this Council is authorized through the Chief Magistrate to submit to the Deputy Commissioner for the Western Pacific, for the consideration of His Majesty's High Commissioner for the Western Pacific, any suggestions or questions affecting the local laws or regulations, either in regard to their amendment, their execution, extension, or otherwise, but no such suggestions or amendments can be carried into effect pending the written authority of the Deputy Commissioner. A Committee composed of a Chairman elected annually by the people, and of two members elected annually by the Chief Magistrate in Council, will be charged with the Internal Affairs of the Island, such as cultivation, branding and care of animals, poultry, and matters of a like nature. This Committee is empowered to draw

*appointed*

*extended*

up local regulations for the furtherance of their duties, which will become law on being approved and promulgated by the Chief Magistrate in Council.

The deliberations of this Committee will be entered into a book kept by the Government Secretary, which must be submitted to the Chief Magistrate once a month.

for his approval and signature. [A similar Committee, appointed and composed in the manner mentioned in the preceding paragraph will be charged with the External Affairs of the Island, such as the disposal and shipment of produce, the working of vessels owned by the islanders, etcetera.] This Committee will

deliberate on the question of produce suitable for export the rearing of pigs and other animals for commercial purposes, etcetera and will submit its views for the consideration of the officers charged with the Internal Affairs of the Island. The proceedings of this

Committee will be entered into a book kept by the Government Secretary, which must be submitted to the Chief Magistrate once a month for his approval and signature. In the event of the death of the Chief Magistrate during his period of office, a person to fill the vacancy for the rest of the term may be

*It is in the C.M.  
or the Council  
which legislates*

*It is one committee  
for all matters  
not dealt with  
by Council.*

*shall*

elected by the Council. A vacancy in the Council may be filled on the nomination of the Chief Magistrate.

GOVERNMENT SECRETARY: A capable Government Secretary must be elected annually by the people. This officer will keep a record of all cases tried in the local court of justice. He will see that proper minutes of the deliberations of the Chief Magistrate in Council are kept. He will also record the proceeding of the Committees charged with the Internal and External affairs of the Island, and submit them from time to time to the Chief Magistrate as provided for. He will undertake the official correspondence of the Chief Magistrate and see that copies of the same are kept and properly filed in the archives of the Island. This officer will further deal, as directed by the Chief Magistrate, with the communications of the Deputy Commissioner and see that they are correctly filed, for easy reference, together with any other documents affecting the public affairs of the Island. The Government Secretary will also act, under the direction of the Chief Magistrate, as Government Treasurer. In this capacity he will be responsible for the disburse-

and?

collection and

✓

ment of public funds, and will see that correct accounts, with vouchers and receipts, are carefully kept. The Government Secretary will, each half year, prepare returns of cases tried before the Court, of the deliberations of the [Chief Magistrate in Council, and of the proceedings of the Committees for Internal and External] affairs, for transmission to the Deputy Commissioner for the consideration of the High Commissioner for the Western Pacific.

JUDICIAL: The Chief Magistrate, who is the local chief judicial authority, will impartially and strictly enforce the local laws and regulations in force. In [both civil and] criminal matters in which justice can be met by a fine not exceeding £5. or by imprisonment not exceeding one week, the Chief Magistrate will act alone. In all other cases he will be assisted by two assessors, members of his Council, elected annually for the purpose. In cases tried before the Chief Magistrate with Assessors, in the event of a difference of opinion between them, the combined voices of the Assessors shall prevail, but the punishment to be awarded will be determined by the Chief Magistrate alone. Civil and criminal matters

*in the Council*

*And in civil matters where the amount in dispute does not exceed £5,*

of a serious character for which punishment is not provided for in the local laws and regulations, must be dealt with by His Majesty's High Commissioner's Court for the Western Pacific at Pitcairn Island.

(Signed)

Pitcairn Island,  
May 19, 1904.

R. T. SIMONS

H.M. DEPUTY COMMISSIONER FOR THE  
WESTERN PACIFIC.

LOCAL COURT OF JUSTICE AT PITCAIRN ISLAND.

The Court will be opened for the administration of justice on the Monday of the second and fourth weeks of each month and will be presided over by the Chief Magistrate, with or without Assessors as may be necessary. ✓

LOCAL LAWS AND REGULATIONS AT PITCAIRN ISLAND.

1. Summonses and orders of the Court are to be obeyed immediately. Any infringement of this regulation will be deemed contempt of court and will be punished accordingly, either by imprisonment for 24 hours, or by a fine of twenty shillings according to the decision of the Court.

2. Any person convicted of seducing a girl under the age of 14 years will be liable to a fine of £20, with or without imprisonment not to exceed one month. Any person convicted of being the father of an illegitimate child will be fined £5. and will be called upon to pay two shillings per week for the maintenance of the child until it arrives at the age of 14 years.

3. The questions of <sup>Carual knowledge of a girl under the age of 13 years,</sup> ~~adultery~~ and rape cannot be dealt with by the local Court: such matters must be

referred to the High Commissioner's Court for the Western Pacific.

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Adultery and  
for immoral  
acts "in  
secluded  
places"

*94 substitute  
adultery*

4. If two persons of opposite sex, one or both of whom are legally married to other persons, shall associate together in secluded places for the purpose of committing carnal offences, or for the purpose of acting in a manner not consistent with his or her marriage vows, they shall on conviction be fined from £5. to £10. each, independent of any action which may be taken subsequently under paragraph 3. Any person or persons aiding or abetting in the offences referred to above are subject to like penalties or conviction.

Scandalous  
conduct

5. Unmarried persons of either sex congregating together in such a manner as to cause scandal or to ~~endanger~~ endanger the morals of the younger members of the community, will, upon conviction, be fined from £2. to £5. Further, any householder or other person conniving at the offence mentioned in this paragraph will be liable on conviction to similar penalties.

Loitering  
near  
women's  
washing  
places.

6. Any male person intentionally loitering about the places where the women do their washing will, upon conviction, ~~be~~ be fined from ten to fifty shillings.

Defamation

7. Any person defaming another in a spirit of malice or revenge will, on conviction, be fined from ten to twenty shillings. In cases of a gross or



serious character, recourse may be had to the High Commissioner's Court for the Western Pacific.

Theft

Clause 75

8. Any person over the age of 14 years convicted of theft will be punished by either a fine not exceeding £20, or imprisonment not exceeding one month, or both, and the stolen goods must be returned or made good. Offences under this paragraph which, either on account of the value of the property involved, or the gravity and circumstances of the case, cannot be dealt with locally, will be tried in the High Commissioner's Court for the Western Pacific.

Instigating children to steal.

9. Parents instigating their children under the age of 14 years to steal produce or other goods will, on conviction, be dealt with under the provisions of paragraph 8: the children so offending will be admonished by the Chief Magistrate on the first offence; for the second or subsequent offence they will receive from 3 to 12 strokes with a cane, according to the age and health of the child, and to other circumstances. Children under the age of 14 years, convicted of theft under circumstances other than those above mentioned, will, for the first offence, receive from 2 3 to 12 strokes with a cane. For a second or subsequent offence.

they will be imprisoned from 3 to 7 days. In both instances, the parents or guardians of the child so offending will be called upon to return the goods stolen or to pay the value of the same to the owners.

Breaches of the peace.

*omit*

*cf. Hall-70.*

✓ 10. Any person committing a breach of the peace, such as [striking or abusing his wife,] striking any person either with his fist, or with any weapon, save in self-defence, shall, on conviction be fined from [ten] shillings to £5. according to the gravity of the offence. *An assault causing injury must* ~~An habitual disturber of the peace may be~~ dealt with in the High Commissioner's Court for the Western Pacific.

Firearms.

*cf. 82*

✓ 11. Firearms or other weapons may not be carried by any person under the age of 14 years. Persons over that age will be permitted to carry firearms for sporting purposes on obtaining a license from the Chief Magistrate, the charge for which will be one shilling per annum. Any person convicted of carrying firearms concealed or otherwise without a license will be fined £2. ✓ Any persons coming into the Court House while the Court is sitting with arms on his person will be fined one pound for contempt of Court.

*cf. 66(2)*

Breach of  
Regulations.

*Article 6*

12. All regulations promulgated by the Chief Magistrate on the recommendation of the Committee charged with the Internal affairs of the Island, relating to the preservation of cats, cruelty to animals, depredations by fowls and dogs, the shooting of goats and chickens, and matters of a similar nature, are to be strictly adhered to. Any infringement of these Regulations will be punished by a fine of from £1. to £5. at the discretion of the Court.

Firearms.

*c. f. Reg. cl 78  
& new Regs. 83.*

13. Firearms must not be discharged within the precincts of the village, except as authorized under the provisions of the preceding paragraph.

Threatening  
to kill.

14. Threats against the life of any person or persons will be dealt with under paragraph 10 and are subject to like penalties. All persons meddling, interfering or hindering other persons in their employment will be charged with committing a breach of the peace, and will also be dealt with under the provisions of paragraph 10.

Abortion or  
serious crime.

15. Abortion is a serious crime and is punishable by a lengthy term of imprisonment: any such cases occurring on Pitcairn Island must be brought to the notice of the Deputy Commissioner who will deal with

them under the provisions of His Majesty's Order in Council. The Chief Magistrate will not fail to keep himself informed of any such cases, or suspected cases, and will immediately act as directed above. Further, in order to prevent the misuse of imported drugs, the Chief Magistrate will alone authorize a competent person to import ordinary and simple medicines for the use of the islanders. The person selected for this duty will exercise his discretion in the issue of such drugs, bearing in mind that any misuse of the privilege accord<sup>ed</sup> to him will be severely dealt with by His Majesty's High Commissioner for the Western Pacific.

*Case 2 Rego 92*

Public  
Works

*63 895*

16. All men, and boys over the age of 14 years are to give their services to the public works of the island without remuneration when required, should circumstances permit. It is to be clearly understood, however, that if in the opinion of the Committee charged with the Interior affairs of the island the crops or produce would suffer by the employment of the men as above mentioned, that their services are to be dispensed with until a more fitting occasion. It could be arranged, however, ~~tax~~ that such men, willing to carry on the public work of the island should be permitted to do so

by the said Committee provided that the interests of their respective plantations do not suffer in the meanwhile. In any case, it will be the duty of the Chief Magistrate to support the Internal interests of the community equally with those appertaining to public works. Prisoners may be employed on public works.

Evidence of children.

*Amend.*  
*cf. 17(i)*

✓ 17. The evidence of children may be accepted provided that such children are of a sufficient age to understand the nature of an oath or the nature of the deposition they are called upon to make.

Fines disposal of

18. All fines and penalties levied in cash are to be held at the disposal of His Majesty's High Commissioner for the Western Pacific. Persons unable to pay cash fines or penalties may be permitted to work out the same in the service of the public departments at the rate of 5/- per day, provided that outside of the Sabbath day, the said person is allowed one day per week for the care of his own plantation or interest.

*cf. 39(d)*

*Too high.*  
*cf. Sec. 40.*

Foreigners including any persons residing.

19. Foreigners, should they visit and reside on Pitcairn Island at any time, should be made acquainted with the laws and regulations governing the Island. No one except His Majesty's High Commissioner for the Western Pacific, [or, under certain circumstances, the

Deputy Commissioner, ] is legally empowered to deport any person from the island.

Intoxicants

✓ 20. No alcoholic liquors are to be imported into the island by the islanders except such as may be required for medical purposes, and then only under the written permission of the Chief Magistrate. ✓

94 religions or

of 90

94 omni

Other residents and foreigners may from time to time import sufficient for their personal use, [with the written sanction of the Chief Magistrate.] These persons, however, are prohibited from selling or disposing of the same, to the natives of the Island, under the penalty of a fine not exceeding £10 for the first offence and a similar fine with imprisonment not exceeding one month for a second or subsequent offence. Smuggling will be punished by similar penalties and the liquors confiscated. ✓

Death enquiry in cases of suspicion.

Case 57 & 58

✓ 21. In the event of the death of a person under suspicious circumstances, the Chief Magistrate assisted by His Council, will enquire into the matter, examine witnesses and take down evidence and submit the same, together with his covering report, for the consideration of the Deputy Commissioner.

22. No punishments, pains or penalties, other than ~~those~~ those above provided for, can be imposed by the Chief Magistrate. Cases of a grave and serious character will be dealt with by His Majesty's High Commissioner's Court for the Western Pacific at Pitcairn Island.

23. These laws and regulations will come into force on and from Thursday the 19th day of May 1904 but are subject to the concurrence and revision of His Majesty's High Commissioner for the Western Pacific.

Pitcairn Island,  
May 19th, 1904.

(Signed) R.T. SIMONS

H.M. Deputy Commissioner for the  
Western Pacific.

Draft

Attendant

Note by C.J.C.  
on revision of Draft K.R. in  
dec. with S/S's Mem.  
of

Not used in view of decision  
to proceed by way of Deputy  
Comm. Instructions.



Clause 2. In reliance upon Sec. 7(i) of  
the Interpretation Reg. 1919, which  
applies to Section 1, the defn of  
"public holiday" has been struck out.

The same course has been taken with  
respect to "Gazette", "Hill Commission",  
"month" & "person". [Back]

Clause 3. If the Chief Magistrate is to  
<sup>exercise</sup> jurisdiction as a Deputy Commissioner under

Pacific Ord. 1893, he clearly must  
be appointed, <sup>under Art. 9(2) of the Order</sup> not elected.

And even if the alternative course is  
adopted & the Ch. Mag. Ct. is  
established by Ord. C., the case for  
an appointment for a term of years is  
a strong one.

In his note on Clause 14(2) the S/S's  
Legal Adviser ~~has~~ remarks

"There is no apparent reason to think  
that the Ch. Magt. will know any  
more about law than the assessors."

This may, unfortunately, be the  
present position, <sup>continues</sup> to  
be the position of the Ch. Magt.

~~is~~ is elected annually.

~~With the establishment, however, of~~  
~~only constituted~~  
a Court, ~~having~~ it would seem that

and that the time had arrived  
for an improvement in the

~~standard of~~ attempt to raise

~~the standard of~~ <sup>improved</sup> ~~in~~

with the ~~improvement~~ <sup>improvement</sup> of the ~~status~~ <sup>status</sup>

of the <sup>C.M.</sup> Court ~~implied~~ in its legal

conferred by its <sup>to</sup> ~~establishment~~ <sup>to</sup> ~~by law~~ <sup>to</sup> ~~be seen that~~

the time has arrived for an attempt

to <sup>raise</sup> ~~improve~~ the standard of ~~judicial~~

it best knowledge. ~~and if~~  
If ~~the~~ Ch. Mag. is appointed for  
a term of (say) 5 years, there is  
some hope that, with the benefit  
of the guidance of the Administrative  
Officers who visit the Island  
at intervals, he may acquire a  
greater <sup>knowledge of the law</sup> familiarity with the  
than can be possessed by assessors  
elected annually.

The provisions of the draft with  
regard to appointment of the  
Ch. M. have therefore been left  
unaltered.

Clause 4 (4) ~~has~~ has been struck out  
in view of the wider provision inserted  
as clause 8(2).

Clause 10 } see note on Cl. 3.  
Clause 13(5) }

Clause 14(1)(b)

"Does not exceed two pounds" was substituted for "is less than two pounds" to bring this paragraph into conformity with par. (a) of the same sub-section.

Clause 14(2) [See Back]

With regard to questions of law,

See my note on cl. 3.  
The Reg. shd not be based on the assumption  
~~It must be assumed that the~~ <sup>have the status of a</sup>  
Ch. M. - who may be a <sup>deputy</sup>

Comr. - will never possess a greater  
~~familiarity with~~ <sup>knowledge of</sup> ~~familiarity with~~ law ~~proceedings~~ than the assessors  
elected annually; ~~to~~ <sup>is</sup> ~~in my view~~  
~~be unfortunate~~

(a) As to questions of fact.

I am unable to agree with the S/S's  
advice that under the clause as it stands  
appears in my draft the net result is  
the same as under the clause in  
Mr Neill's draft.

This has been amended in accordance  
with the Simons Regs, under which  
all questions of law or fact are  
decided by C. M. & assessors, by  
a majority of opinions.

1. I do not in every case take part in determining issues of fact. This is largely very different from his position under Mr. Neill's draft which gives the C.M. no

As the clause is ~~and~~ <sup>join</sup> now stands the Ch. M. will ~~take part~~ in the deliberations of the assessors & the results are likely to differ. Thus ~~he will be in a position to influence~~ ~~by thus not in some case~~ <sup>at least</sup> ~~this is a very different~~ <sup>matter</sup> ~~position~~ from that of deciding a mere law ~~to~~ whereas under Mr. Neill's draft the Ch. M. has no influence upon the decisions of fact under the assessors after deliberating without his assistance, fail to agree.

~~In many cases therefore the decisions~~  
~~will be clearly the~~

My object in making the alteration was to strengthen the tribunal by Questions of fact which facts ~~are~~ are to be determined.

Clause 29.

This has been transferred as suggested from 8 adapted.

Def'n of "oath" taken from Sec. 2(32) of the Fiji Interpretation General Clause O. 1929 has been inserted in Cl. 2; and a reference to Cl. 16(2) has been inserted in Cl. 29 (now 18).

Cl. 35(2) has been struck out.

Cl. 60 has been amplified.

The addition is taken from Sec. 5 of Fiji Death & Fire Insurance O. 1883.

Cl. 65 <sup>damages</sup> ~~liability~~ for ~~the~~ injury caused by a dog to cattle or poultry are payable under the Dogs Act 1906 to 1928, which apply to Articulation 1.0. To make the matter clear however, Sec. 1 of those Acts have been inserted in the Cl.

Clause - 77(4). has been amended  
in acc. with the observations on Cl.  
~~35~~ 35(2).

Cl. 83. This clause was amended  
in the absence of any  
~~other~~ because (i) there is no definite  
definition of  
~~no means of ascertaining the~~  
~~meaning of "precincts of the town",~~  
~~the matter seems one which may~~  
~~be left to~~ the discharge of  
~~penalty~~ poultry shooting within  
the precincts and appear to be  
dangerous to the public.  
It would seem, therefore, that  
the question whether shooting within  
the precincts may be indulged  
in, is a matter better left to  
the Island Council.



Clause 87

9

I agree. The clause has been struck out.

Cl. 88

The attraction in the Cl. is required to bring it into conformity with Cl. 6(13).  
to "Cattle"; see note to Cl. 2

Cl. 91

"Native": the clause has been amended to accord with Cl. 9.

As a non-native is entitled to purchase & consume as much liquor as he please there seems no reason for requiring that he should obtain a permit to import liquor. It is supplying liquor to a native inhabitant which is prohibited.

Cl. 94

The observation on the clause ~~has~~ is not understood. There cannot be any local custom as to what may be imported without a permit.

The wording is altered in reference on the defns of cattle & poultry.

Cl. 95

It is thought that the question of notice of incapacity through illness is one that may properly be left to be regulated by the Island Council under Cl. 6(1)(k).

Cl. 98

Subs (5), (6), (9) & (10) of McNeill's Cl. 94 are omitted because they do not involve any penalty & may be left to regulation by the Island Council.

Cl 83 of McNeill's draft was

intentionally omitted. It is altogether unreasonable that a goat with several pounds which has caused damage <sup>to crops</sup> to the value of a shilling, ~~it~~ may be shot by the owner of the crops: & that he should keep the carcass & be able to sue for the damage to his crops.