

INSTRUCTIONS
FOR THE GUIDANCE OF THE LOCAL GOVERNMENT OF
PITCAIRN ISLAND.

As directed by His Britannic Majesty's High Commissioner for the Western Pacific, the following Instructions are hereby issued by me in the form of Regulations for the guidance of the Local Government of Pitcairn Island. The Regulations have been assented to by a General Assembly of all resident native born inhabitants of the island over the age of seventeen years, held at Pitcairn Island on the seventh day of October, 1940, and are subject to His Excellency's revision and approval.

Pitcairn Island,
1st December, 1940.

H. E. MAUDE,
*A Deputy Commissioner for the Western Pacific
with jurisdiction in the Pitcairn Islands District.*

PART I.—PRELIMINARY.

1. These Regulations may be called the Pitcairn Island Government Regulations, 1940. SHORT TITLE.

2. In these Regulations—

INTERPRETATION

- "child" means a person who is under the age of fourteen years;
- "Committee" means the Internal Committee of the Island;
- "Council" means the Island Council;
- "Court" means the Chief Magistrate's Court;
- "High Commissioner" means His Britannic Majesty's High Commissioner for the Western Pacific;
- "Island Officer" means one or other of the following persons—the Chief Magistrate, an Assessor, the Chairman of the Internal Committee, or the Island Secretary;
- "the island" means Pitcairn Island;
- "Judicial Commissioner" means a Judicial Commissioner for the Western Pacific exercising jurisdiction under the Pacific Order in Council, 1893;
- "oath" shall be construed, where the case so requires, as including a solemn declaration and affirmation;
- "public bell" means the public bell of the island;
- "public boat" means a boat owned and used jointly by the community;
- "public trading" means trading with ships on behalf of the community;
- "public work" means the performance of services for the common benefit;
- "Recorder" means the person appointed to receive and record votes at the election of Island Officers;
- "Sabbath Day" means the period between sunset on Friday and sunset on Saturday.

PART II.—ISLAND COUNCIL, INTERNAL COMMITTEE AND ISLAND OFFICERS.

3.—(1) In the last week of December in every year the inhabitants of the island shall elect, in the manner provided in Part III of these Regulations, the following Island Officers— ISLAND OFFICERS
TO BE ELECTED
ANNUALLY.

A Chief Magistrate.

Two Assessors.

A Chairman of the Internal Committee.

(2) Island Officers shall remain in office from the 1st January to the 31st December of the year following the year of their election, and shall be eligible for re-election.

(3) Any vacancy in the office of Island Officer shall be forthwith filled by the Council for the remainder of the current year of office.

4.—(1) Subject to such Regulations and Orders as may from time to time be made or given by the High Commissioner, the Government of the island and the management of the affairs thereof shall be administered by the Island Council, consisting of the Chief Magistrate, the two Assessors, the Chairman of the Internal Committee and the Island Secretary. ISLAND COUNCIL.

(2) The Council shall meet in the first week of every month and at such times as it may be summoned by the Chief Magistrate, who shall fix the time of ordinary and special meetings.

(3) The Chief Magistrate shall preside at every meeting of the Council. He shall have an original vote and, in the case of an equal number of votes on any question before the Council, a second or casting vote.

(4) No business shall be transacted at any meetings of the Council unless at least three members of the Council are present.

(5) Every question before the Council shall be decided by the majority of the votes of members present.

(6) The Council shall have power to adjourn its sittings from time to time.

(7) No act or proceeding of the Council shall be questioned on account of any vacancy in its body.

**DUTIES OF
COUNCIL.**

5. It shall be the duty of the Council to provide for the enforcement of the provisions of these Regulations, together with any rules made under Regulation 6, and any other laws and regulations authorized by the High Commissioner.

ISLAND RULES.

6.—(1) It shall be lawful for the Council to make, alter, or revoke rules relating to any of the following matters—

- (a) the keeping clean of the town and any other settlements in the island;
- (b) the removal or stopping of any public nuisance;
- (c) the removal and disposal of rubbish;
- (d) the provision of and cleanliness of latrines;
- (e) the enforcement of drainage, and cleaning of houses;
- (f) the making, maintenance and cleaning of roads;
- (g) the water supply and household tanks;
- (h) the determination of the locality where burials may take place, and the care and maintenance of cemeteries;
- (i) the performance of public work;
- (j) public trading;
- (k) the provision, use and maintenance of public property;
- (l) the building, manning and general management of the public boats and boat houses;
- (m) the island prison;
- (n) the public school;
- (o) the control of livestock;
- (p) the branding or marking of goats and poultry and the recording of brands and marks;
- (q) the appointment, discharge, payment, discipline and duties of police constables, warders and wardresses.

(2) Rules made by the Island Council shall be publicly notified by affixing copies, signed by the Chief Magistrate, to the public notice-board and shall come into force on the day of such notification. Copies of all rules shall be forwarded to the High Commissioner who may, by order notified in the same manner, alter or revoke any rule.

(3) Any person refusing or neglecting to comply with the provisions of a rule which has been publicly notified shall be liable to a fine not exceeding five pounds, or such less sum as may be prescribed by rule.

(4) Every proceeding against a person for the contravention of a rule shall, unless the rule provides otherwise, be taken by a constable or an officer appointed by the Council for that purpose.

(5) Public notification of any order of the High Commissioner, or other law, regulation or order shall be made by reading the same in Council and affixing a copy to the public notice-board.

**INTERNAL
COMMITTEE.**

7.—(1) The Internal Committee shall consist of the Chairman, who shall preside, and two members who shall be appointed by the Council and shall hold office for such term not exceeding one year as the Council shall prescribe, and shall be eligible for re-appointment.

(2) It shall be the duty of the Committee to carry out the orders of the Council for the enforcement of all laws, regulations and rules and to perform such other duties as the Council may direct.

(3) The Committee shall meet in the last week of every month on a day to be fixed by the Chairman. Minutes of proceedings and a report on the work done during the month shall be entered in a book which shall be submitted monthly to the Chief Magistrate.

8.—(1) The Chief Magistrate, in addition to his duties as president of the Island Council and in relation to the Island Court, shall be the chief executive officer of the island, and shall discharge any duties which may from time to time be assigned to him by the High Commissioner.

CHIEF
MAGISTRATE.

(2) In case the Chief Magistrate shall, by reason of illness, temporary absence from the island or otherwise, become incapable for the time being of performing his duties, the assessor who received the greatest number of votes at the election shall act as Chief Magistrate, and while so acting shall have all the powers vested in the Chief Magistrate under these Regulations.

ASSESSOR TO
ACT DURING
TEMPORARY
INCAPACITY
OF CHIEF
MAGISTRATE.

(3) The Island Secretary, who shall be appointed by the High Commissioner, shall be the Clerk of the Council and of the Committee and shall record the minutes of proceedings. He shall keep the Court record. He shall act as Government Treasurer and keep the public cash book. He shall prepare half yearly a return of all Court cases and a copy of the minutes of Council and of the proceedings of the Internal Committee for transmission through the Chief Magistrate to the High Commissioner. He shall 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, together with all other official documents. He shall discharge such other duties as the Chief Magistrate may from time to time direct.

ISLAND
SECRETARY.

PART III.—ELECTION OF ISLAND OFFICERS

9. Every native born inhabitant of the island and every other person who has resided on the island for a period of three years shall be qualified to vote provided that he has attained the age of eighteen years.

QUALIFICATION
OF VOTERS.

10. No person other than a native born inhabitant of the island shall be eligible for election as Chief Magistrate or Assessor, unless he shall have resided in the island for not less than twenty-one years.

QUALIFICATION
OF CHIEF
MAGISTRATE
AND ASSESSORS.

11.—(1) The Island Secretary shall prepare and, between the first and seventh day of December of every year, shall publish a register of all persons qualified to vote. The register shall be signed by the Chief Magistrate and a copy thereof shall be affixed to the public notice-board.

REGISTER OF
VOTERS.

(2) Any person who desires to make any objection to anything contained in or omitted from the register may do so by giving written notice thereof to the Chief Magistrate not later than the twelfth day of December. The decision of the Chief Magistrate upon such objection shall be final; and, if necessary, the register shall be amended in accordance therewith.

(3) The register so prepared and amended shall be called the Register of Voters and no person shall be entitled to vote whose name is not upon the register.

12.—(1) Candidates for the posts of Island Officers shall be nominated at a public meeting of persons qualified to vote which shall be called and presided over by the Chief Magistrate at least seven days before the day of the election.

NOMINATION OF
CANDIDATES.

(2) Only males of not less than twenty-one years of age may be nominated as candidates.

(3) The names of the nominated candidates shall be publicly notified at least four days before the day of the election.

13.—(1) In the last week of December in every year, on a day and at a place and an hour of which two days public notice shall have been given, all persons whose names are upon the Register of Voters shall repair to the place so notified for the holding thereof

MODE OF
HOLDING
ELECTION.

and there indicate in writing on the voting cards prepared by the Recorder, who shall be appointed by the Council, the names of the candidates for whom they desire to vote.

(2) No person shall be permitted to tender a vote for another person.

(3) Immediately after the completion of the voting for each particular post the votes then given shall be counted by the Recorder and the names of the successful candidate or candidates shall be announced by him in the Court House.

(4) All Island Officers for the year shall be elected on the same day.

PART IV.—THE ISLAND COURT.

COMPOSITION OF THE COURT.

14.—(1) The Island Court shall consist of the Chief Magistrate sitting with the two Assessors, provided that the Chief Magistrate may sit without the Assessors to hear:—

- (a) any criminal case in which the penalty does not exceed a fine of two pounds or imprisonment for one week; or
- (b) any civil case in which the amount in dispute does not exceed two pounds.

In all other cases, criminal and civil, within the jurisdiction of the Court, the Chief Magistrate shall sit with the two Assessors.

(2) In all cases where the Chief Magistrate sits with Assessors the decision of the Court shall be given in accordance with the votes of the Assessors: In the event of the Assessors differing the Chief Magistrate shall decide alone.

(3) In all criminal cases the punishment to be awarded shall be decided by the Chief Magistrate alone.

JURISDICTION OF THE COURT.

15. Subject to the provisions of these Regulations the Island Court shall have jurisdiction:—

- (a) in civil cases between persons resident in the island where the amount in dispute does not exceed ten pounds;
- (b) over such offences committed in the island or the territorial waters thereof as may, under the provisions of these or any other Regulations, be declared to be within the jurisdiction of the Court: provided that the Court shall not impose a sentence exceeding a fine of ten pounds or imprisonment for a term of three months or both such fine and imprisonment; and
- (c) to make all such orders as may be necessary or expedient for the execution of any judgment or order of the Court made in exercise of the jurisdiction conferred upon it by this Regulation.

JURISDICTION OF THE HIGH COMMISSIONER'S COURT.

16. All cases, civil and criminal, not within the jurisdiction of the Island Court, shall be heard and determined by the High Commissioner's Court for the Western Pacific in accordance with the provisions of the Pacific Order in Council, 1893.

SITTINGS OF THE COURT.

17. The Court shall sit at eight of the clock in the forenoon on the Monday of the second and fourth week of every month unless such day shall be a public holiday, in which case the Court shall sit on the next day which is not a public holiday, and at such other times as the Chief Magistrate may direct. The Court House shall be open to the public.

OPEN COURT.

FORM OF OATH.

18.—(1) A witness before giving evidence shall take an oath which shall be administered by the Chief Magistrate. The witness shall take the Bible in his uplifted hand and swear as follows—

“ I swear that I will speak the truth, the whole truth, and nothing but the truth. So help me God.”

SOLENN AFFIRMATION.

(2) The Chief Magistrate, if satisfied in the case of an intended witness, that the taking of an oath would not bind his conscience, or that he objects to be sworn on the ground that he has no religious

belief, or that the taking of an oath is contrary to his religious principles, may permit him, instead of taking an oath, to make a solemn declaration and affirmation that he will, in giving evidence, speak the truth, the whole truth, and nothing but the truth.

19.—(1) The evidence of a child may be given upon oath provided that such child appears sufficiently to understand the nature of an oath.

EVIDENCE OF CHILDREN.

(2) Where any child called as a witness does not, in the opinion of the Court, understand the nature of an oath, his evidence may be received, though not given upon oath, if in the opinion of the Court he understands the duty of speaking the truth and is possessed of sufficient intelligence to justify receiving his evidence: provided that no person shall be convicted upon the unconfirmed statement of a child who has not been sworn.

20. If a witness refuses to be examined on oath, or refuses to take the oath, or having done so refuses without just cause to answer any lawful question put; the Chief Magistrate may by warrant in Form 3 in the Schedule commit that person to prison for any period not exceeding ten days, unless in the meantime such person consents to be examined on oath or to answer the question.

COMMITTAL TO PRISON.

21.—(1) The High Commissioner or a Judicial Commissioner may direct that any judgment of the Court shall be sent to the Court of Appeal for review in the manner laid down below.

REVIEW OF JUDGMENTS BY COURT OF APPEAL.

(2) Where a judgment is, under this Regulation, submitted for review, the Court shall send a copy of the minutes of the case, signed by the Chief Magistrate, and the notes of evidence, with such remarks as it thinks necessary, and the Court of Appeal shall return the minutes, with such instructions as they think fit to give, and the Court shall carry out such instructions.

(3) While a judgment in a criminal matter is being reviewed by the Court of Appeal, the Island Court may suspend the execution of the sentence and shall do so if directed to by the High Commissioner.

(4) The Court of Appeal under this Regulation shall be His Majesty's Supreme Court of Fiji.

CRIMINAL PROCEEDINGS.

22.—(1) The Chief Magistrate may require a charge to be put in writing, when it shall be in Form 1 in the Schedule.

HOW CHARGE LAID.

(2) Every charge shall be for one offence only, but it shall be lawful for the complainant to lay one or more charges against the same person at the same time.

CHARGE TO BE OF ONE MATTER ONLY.

23. Unless a regulation provides that proceedings for offences shall be taken by any other person, those proceedings shall be taken in the name of His Majesty the King by a constable or by any person appointed for that purpose by the Chief Magistrate.

BY WHOM PROCEEDINGS TAKEN.

24. Where the Chief Magistrate is satisfied by evidence on oath that there is reasonable cause to believe that any property which is alleged to have been stolen is in any place, the Chief Magistrate may grant a warrant in Form 2 in the Schedule, to search for the property, and if the same or any part is found, to bring the same and the owner or occupier of the place where the property is found before him.

SEARCH WARRANT.

25. If on being summoned to appear before the Court the person charged does not appear at the time and place notified to him and it be proved on oath that he was duly summoned within a reasonable time before the time appointed for his appearance, the Court may proceed to hear and determine the case without his appearance.

WHEN DEFENDANT DOES NOT APPEAR.

26. If at the time and place appointed the person charged is present and the person making the charge, having had due notice, does not appear, the Court shall dismiss the charge or adjourn the hearing as to it shall seem fit.

WHEN COMPLAINANT DOES NOT APPEAR.

APPEARANCE
AT ADJOURNED
HEARING.

27. If at the time and place appointed for any adjourned hearing either of the parties does not appear the Court may proceed with the hearing as if the party were present. If neither of the parties appears, the Court may dismiss the case.

APPEARANCE OF
BOTH PARTIES,
TRIAL AND
JUDGMENT.

28.—(1) If both parties appear, the Court shall state the charge to the person charged and shall call upon him to plead thereto. If the person charged does not plead guilty, the Court shall hear the prosecutor and such evidence as he may bring and shall also hear such evidence as the person charged shall give in his defence.

(2) Subject to the provisions of Regulation eighteen, section two, evidence shall be given on oath, and either party shall be entitled to cross-examine a witness called by the other party, but the person charged shall not be compelled to give evidence on oath or to make any statement unless he elects so to do. The Court shall take notes of the evidence given.

(3) Upon the conclusion of the evidence the Court shall give judgment acquitting or convicting the person charged; and in the latter case the Chief Magistrate shall then pass sentence upon him.

IMPRISONMENT.

29. In all cases where the Court has jurisdiction by these or any other Regulations to impose a sentence of imprisonment, the Chief Magistrate may order the imprisonment to be with or without hard labour, and may further, should he think fit, direct that the person convicted shall be allowed to attend to his plantation for one day in every week during the period of his imprisonment.

PUNISHMENT OF
CHILDREN.

30.—(1) No child convicted of an offence shall be liable to be imprisoned or to pay a fine exceeding ten shillings.

(2) Where a child is ordered to pay a fine, the payment thereof may be enforced against the parent or guardian of the child.

(3) When a child is convicted of an offence the Chief Magistrate, if he thinks it unwise to inflict any punishment, may discharge the accused. If the accused is a male, the Chief Magistrate may order him to be privately whipped with not more than twelve strokes of a cane in his presence.

(4) No corporal punishment shall be inflicted on a child by order of the Court except as provided by these or any other Regulations.

SENTENCE
WHERE PERSON
CONVICTED
IS ALREADY
UNDERGOING
IMPRISONMENT.

31. Where the person charged is sentenced to imprisonment and he is then undergoing imprisonment for any other offence, the Chief Magistrate may order that the imprisonment for the second offence shall commence at the end of the period of imprisonment to which he was previously sentenced. If no such order is made, the sentence for the second offence shall run from the date of the sentence.

FORM OF
WARRANT OF
COMMITMENT.
FORMS 4 AND 5.

32. A warrant of commitment shall be drawn up in accordance with one or other of the Forms 4 or 5 in the Schedule, or as near thereto as circumstances will permit, and shall be signed by the Chief Magistrate.

POWER OF
COURT ON
CONVICTION.

33. When a person by a conviction is ordered to pay a sum of money the Chief Magistrate may—

- (a) order imprisonment unless the sum be paid forthwith; or
- (b) allow time for the payment of the said sum; or
- (c) direct payment of the said sum by instalments and order imprisonment in default of payment of any instalment; or
- (d) order the person convicted to work on the public roads or other public service for a period of eight hours a day from the day following the date of conviction, crediting him at the rate of five shillings a day for such work, until the full amount of the sum ordered is thus paid: provided that no work shall be done on the Sabbath Day or any public holiday; or

- (e) accept payment of the fine in goods useful for public services, such as oars or sail cloth for the boats, at an amount to be assessed by the Chief Magistrate: provided that where the amount assessed is less than the amount ordered to be paid on conviction, the Chief Magistrate may make such order under this Regulation in respect of the amount still due as he may think fit.

Provided that the Chief Magistrate may, should he think fit, direct that any person ordered to be imprisoned or to work on the public roads or other public service under this Regulation shall be allowed to attend to his plantation for one day in every week during the period of such imprisonment or work.

34. The period of imprisonment which may be imposed by the Chief Magistrate under these or any other Regulations in respect of the non-payment of any sum of money ordered to be paid or in respect of the default of payment of any instalment of that sum or in respect of any portion of that sum which remains unpaid when a part of the sum ordered is paid by goods as provided in the last preceding Regulation shall be according to the following scale—

SCALE OF
IMPRISONMENT
IN DEFAULT OF
PAYMENT OF
A FINE.

When amount of the sum or sums adjudged to be paid	Period of imprisonment shall not exceed
does not exceed five shillings	three days.
exceeds five shillings but does not exceed one pound	fourteen days.
exceeds one pound but does not exceed two pounds	one month.
exceeds two pounds but does not exceed five pounds	two months.
exceeds five pounds but does not exceed ten pounds	three months.

35. All fines shall be accounted for and paid over by the Chief Magistrate to the High Commissioner and shall be credited to the Pitcairn Island Fund.

DISPOSAL OF
FINES.

CIVIL PROCEEDINGS.

36.—(1) Upon the hearing of a Civil Action, the Court, unless the defendant admits the claim, shall first hear the evidence on oath of the plaintiff and his witnesses, and then the evidence on oath of the defendant and his witnesses, and after that give judgment by making such order as the nature of the case may require.

PROCEDURE AT
HEARING.

(2) Each party may question a witness of the other party after that witness has given evidence.

37. The Chief Magistrate may at any time, and whether either or both of the parties be present or not, adjourn the hearing of a case.

ADJOURNMENT.

38. The Court shall in all actions take notes of the evidence given.

NOTES OF
EVIDENCE.

39. If on being summoned to appear before the Court the plaintiff does not appear at the time and place notified to him, the Chief Magistrate may dismiss the case.

DEFAULT OF
APPEARANCE OF
PLAINTIFF.

40. If on being summoned to appear before the Court the defendant does not appear at the time and place notified to him, the Court may, on it being proved on oath that he was duly summoned a reasonable time before the time appointed for his appearance and upon the plaintiff proving to the Court's satisfaction the claim sought to be enforced, make such order as the nature of the case may require.

DEFAULT OF
APPEARANCE OF
DEFENDANT.

ENFORCEMENT
OF JUDGMENT.

41. Upon a judgment of the Court for the payment of money the Court may—

- (a) order the sum to be paid forthwith and in default that the defendant be imprisoned; or
- (b) order the sum to be paid by instalments and in default of the payment of any instalment that the defendant be imprisoned.

Provided that any imprisonment ordered shall be on the scale given in Regulation thirty-four; and provided further that no imprisonment be ordered unless the Chief Magistrate is satisfied at the time of ordering that the defendant is able to pay the sum and will not do so, or that since the date of judgment he has been able to pay and has neglected or refused to do so.

RECOGNIZANCES.

BINDING OVER
TO BE OF GOOD
BEHAVIOUR.

42.—(1) Any person may summon another to give reason why he should not be bound over to be of good behaviour towards the complainant, and the Court may make an order as in Form 6 in the Schedule ordering the person charged to enter into a recognizance and find sureties and the person making the charge and the person charged and witnesses may be called and examined.

(2) A recognizance shall be in accordance with Form 7 in the Schedule.

IMPRISONMENT
IN DEFAULT.

43. The Court may order the person charged, should he not comply with an order made under Regulation 42, to be imprisoned for a period not exceeding six weeks.

ENFORCING
RECOGNIZANCE.

44. When a recognizance has been entered into before the Court, the Court, upon proof that the condition thereof has not been observed, may order the person bound by it to pay the sum for which he is bound and the payment may be enforced in the same manner as a fine.

PART V.—MISCELLANEOUS PROVISIONS.

INQUIRY INTO
CAUSE OF DEATH.

45. Wherever the Chief Magistrate shall have reason to believe or suspect that the death of any person occurring or of any person who may be found dead in the island has been brought about or accelerated by any unnatural causes, it shall be lawful for him, if he shall think fit, at such time and place as he shall fix, to hold an inquiry into the cause of such death.

DISINTERMENT
OF BODY FOR
THE PURPOSE OF
INQUIRY.

46. If a body shall have been interred before an inquiry shall have been held, it shall be lawful for the Chief Magistrate, if he shall think fit, by warrant signed by himself to order the disinterment of such body for the purpose of the inquiry and such disinterment shall be made accordingly.

INQUIRY INTO
CAUSE OF FIRES.

47. When any property shall have been damaged or destroyed by fire in the island, it shall be lawful for the Chief Magistrate, if he shall think fit, to hold an inquiry into the cause and origin of such fire.

POWER FOR
CHIEF MAGIS-
TRATE TO
COMPEL ATTEND-
ANCE OF
WITNESSES.

48. For the purpose of any inquiry under Regulations forty-five or forty-seven, the Chief Magistrate shall have all the powers of the Court to summon and compel the attendance of witnesses; to administer oaths to witnesses and compel them to give evidence; and to punish contempt committed in the presence of the Chief Magistrate during the inquiry.

ANNUAL
INSPECTION OF
LAND MARKS.

49. In the month of January in every year, on a day or days to be publicly notified, the Chief Magistrate shall call upon all persons he may consider necessary and with them he shall visit and inspect all land marks in the island and order that any missing mark be forthwith replaced in such manner as he may direct.

50.—(1) The parents of any child born in the island shall notify the birth to the Island Secretary within ten days.

REGISTRATION
OF BIRTHS AND
DEATHS.

(2) The occupier of any house in the island where a death occurs shall notify the death to the Island Secretary within ten days.

51.—(1) No male person shall be permitted to marry until he shall have reached the age of seventeen years nor a female until she shall have reached the age of fifteen years.

MARRIAGES.

(2) All marriages shall be performed by the Registrar of Marriages appointed under the Pacific Islands Civil Marriages Order in Council, 1907, or by a Minister of Religion registered in accordance with the provisions of the Pacific Order in Council, 1893, as amended by the Pacific Order in Council, 1907.

52.—(1) Upon an application made within twelve months of the birth of an illegitimate child by the mother or, if she is under the age of twenty-one years, by her parent or guardian, the Court may order the father of the child to pay a sum not exceeding five shillings a week to the mother or other person having custody of the child for the maintenance of the child until such time, not later than the date upon which the child shall attain the age of fourteen years, as the Court may direct.

ORDERS FOR
MAINTENANCE
OF ILLEGITIMATE
CHILDREN.

(2) The Chief Magistrate may permit the payment of any sum due under this Regulation to be made in goods of an equivalent value, provided that he is satisfied that the goods offered will be useful in the support of the child and that the mother or other person having custody of the child is willing to accept the goods in place of a money payment.

53.—(1) Every male who has attained the age of sixteen years and has not attained the age of sixty years shall be liable to perform public work without payment when called upon by the Committee so to do.

LIABILITY TO
PERFORM PUBLIC
WORK.

(2) All persons called upon shall assemble at the Court House within fifteen minutes after the public bell has been rung three times: provided that any person unable to attend on account of sickness or any other cause shall send written notice to the Chairman of the Committee.

54. Every male who has attained the age of sixteen years and has not attained the age of sixty years shall be liable to man the public boats, or to act as public trader, when called upon by the Committee so to do.

LIABILITY TO
MAN THE PUBLIC
BOATS OR ACT
AS PUBLIC
TRADER.

55.—(1) The owner of any dog who shall injure or destroy goats or poultry may be sued before the Court and damages awarded to the owner of the goats or poultry.

LIABILITY FOR
INJURY CAUSED
BY DOG.

(2) The Court may order that any dog which has bitten any person, or which the Court on more than one occasion has found to have caused damage to goats or poultry, shall be destroyed in such manner as the Court may direct.

DESTRUCTION OF
DANGEROUS
DOGS.

PART VI.—OFFENCES.

56.—(1) If any person does any of the following things, namely:—

CONTEMPT OF
COURT.

- (a) wilfully by any act or threat obstructs any person carrying out any order of the Court in the performance of his duty; or
- (b) wilfully refuses or neglects to appear before the Court when summoned; or
- (c) within or close to the room where the Court is sitting wilfully misbehaves in a violent, threatening or disrespectful manner to the disturbance of the Court or to the intimidation of persons in the Court; or
- (d) wilfully insults any member of the Court or any person acting as clerk or officer of the Court during the sitting of the Court or in his going to or returning from the Court;

such person shall be liable to be apprehended by order of the Court and, after hearing any defence which such person may offer, the Court may order him to be punished with a fine not exceeding five pounds or to be imprisoned for any period not exceeding two months.

(2) If any person enters the room where the Court is sitting with arms on his person, he shall be liable to a fine not exceeding two pounds or to be imprisoned for any period not exceeding one month.

PERJURY.

57. Any person who being a witness in a case tried by the Island Court makes a statement in evidence which he knows to be untrue or does not believe to be true with the intention of misleading the Island Court in its judgment of the case shall be liable to a fine not exceeding five pounds or to be imprisoned for any period not exceeding two months.

ESCAPE FROM PRISON.

58. Any prisoner who shall escape from the island prison or from the custody of a police constable, warder or wardress shall be liable to be imprisoned for any period not exceeding one-half of the original term of imprisonment.

ABUSIVE OR THREATENING LANGUAGE.

59. Any person who makes use of any abusive or threatening language in any place to the annoyance of anyone, or by reason whereof an assault may be committed, or any person may fear that an assault may be committed, shall be liable to a fine not exceeding one pound or to be imprisoned for any period not exceeding fourteen days.

PROFANE OR OBSCENE LANGUAGE.

60. Any person using profane or obscene language in any public place shall be liable to a fine not exceeding ten shillings or to be imprisoned for any period not exceeding seven days.

FALSE REPORTS.

61. Any person spreading any untrue report about any person which may cause such person to suffer in reputation shall be liable to a fine not exceeding two pounds or to be imprisoned for any period not exceeding one month.

ASSAULT.

62. Any person who without lawful excuse assaults or beats any other person shall be liable to a fine not exceeding five pounds or to be imprisoned for any period not exceeding two months.

DISORDERLY CONDUCT.

63. Any person who in any public place conducts himself in a disorderly manner shall be liable to a fine not exceeding one pound or to be imprisoned for any period not exceeding fourteen days.

INDECENT BEHAVIOUR.

64. Any person who behaves in an indecent manner in any public place shall be liable to a fine not exceeding five pounds or to be imprisoned for any period not exceeding two months.

UNLAWFUL CARNAL KNOWLEDGE.

65. Any male person who shall have carnal knowledge of any female under the age of fourteen years shall be liable to be imprisoned for three months.

ADULTERY.

66.—(1) Any man who, upon complaint of her husband, is found guilty of adultery with a married woman, or any woman who, upon complaint of his wife, is found guilty of adultery with a married man, shall be liable to a fine not exceeding ten pounds.

(2) Any husband who, upon complaint of his wife, or any wife who, upon complaint of her husband, is found guilty of adultery, shall be liable to a fine not exceeding ten pounds.

(3) Presenting a complaint under this section shall not affect the right of the complainant to petition for divorce or judicial separation.

UNMARRIED COUPLES LIVING TOGETHER.

67. It shall be unlawful for a man and woman to live together as man and wife unless they are legally married and any person convicted of such an offence shall be liable to a fine not exceeding five pounds.

THEFT AND RECEIVING.

68. Any person who commits theft of any property of a value not exceeding, in the opinion of the Court, the sum of ten pounds, or who receives property not exceeding that value knowing it to have been stolen, shall be liable to a fine not exceeding ten pounds

or to imprisonment for any period not exceeding three months and the Court shall, upon conviction, order the stolen goods to be restored to the owner.

69. Any person who finds any property which does not belong to him and fails to restore the same to the owner or, if the owner is unknown to him, fails to report it to the Chief Magistrate, shall be liable to a fine not exceeding two pounds and shall in addition be ordered to restore the property to the owner.

FAILING TO
RESTORE
PROPERTY
FOUND.

70. The mother or other person having custody of the child who shall misapply money paid by the father for the support of the child or who shall abuse neglect or maltreat such child shall be liable on conviction to a fine not exceeding two pounds.

NEGLECT OF
ILLEGITIMATE
CHILD.

71.—(1) Any person who negligently causes a fire shall, when no property is destroyed, be liable to a fine not exceeding two pounds or to be imprisoned for any period not exceeding one month.

CAUSING FIRES.

(2) Any person who negligently causes a fire whereby any property is destroyed shall be liable to a fine not exceeding five pounds or to be imprisoned for any period not exceeding two months. The Court shall have power to order that the whole or part of the fine shall be paid to the owner or owners of the property destroyed, provided that the compensation payable under such order shall be apportioned by the Court at its discretion, and provided that no owner shall receive compensation of a greater amount than the value of the property destroyed.

(3) Any person who causes a fire within five yards of the boundaries of any land or lands without the permission of the owner or owners, or who leaves the fire after such permission is obtained before it is extinguished, shall be liable to the penalty laid down in the last section and the Court shall have power to award compensation as prescribed there.

(4) It shall be unlawful for a child to light a fire on any land except under the supervision of an adult. The parent or guardian of any child offending against this Regulation shall be liable to a fine not exceeding ten shillings.

72. Any person who unlawfully and maliciously commits any damage to any property, public or private, the value of which, in the opinion of the Court, does not exceed ten pounds shall be liable to a fine not exceeding ten pounds or to be imprisoned for any period not exceeding three months, and the Court may order the offender to make compensation for the damage.

MALICIOUS
DAMAGE TO
PROPERTY.

73. Any person removing, defacing, or otherwise mutilating or injuring any of the prehistoric rock carvings at Rope or St. Paul's shall be liable to a fine not exceeding ten pounds or to imprisonment for any period not exceeding three months.

INJURING ROCK
CARVINGS.

74. Any person who without lawful excuse enters or remains in any plantation, garden, land or house after being warned not to enter or to depart therefrom, shall be liable to a fine not exceeding one pound or to imprisonment for any period not exceeding fourteen days.

TRESPASS.

75. Any person who discharges any filth or foul water in, or bathes in, or washes his clothes in, or otherwise defiles or pollutes any water used for drinking, shall be liable for a first offence to a fine not exceeding two pounds and for any subsequent offence to be imprisoned for any period not exceeding two months.

POLLUTING
DRINKING
WATER.

76. Any person who shall—

(a) during the months of August to January, both inclusive, kill, take or in any way molest the noddy, or take any noddy's eggs; or

(b) during the months of August to December, both inclusive, kill, take or in any way molest the bird known in the island as the "white bird", or take any "white bird's" eggs;

KILLING OR
TAKING THE
NODDY OR THE
WHITE BIRD OR
THEIR EGGS
DURING THE
CLOSE SEASON.

shall be liable to a fine not exceeding two pounds.

POSSESSION OF
FIREARMS.

77.—(1) It shall be unlawful for any person to be in possession of a gun unless he has obtained a licence from the Chief Magistrate, who will only grant such licence if he is satisfied that the applicant is a fit and proper person to possess a gun. The licence fee shall be one shilling for each year and the licence shall not be transferable.

(2) No licence may be issued to a person under the age of sixteen years.

(3) Any person found in possession of a gun for which he has not obtained a licence, shall be liable to a fine not exceeding two pounds.

FIRING A GUN
CARELESSLY.

78. Any person who discharges a gun carelessly or in such a manner or place as to cause danger to the public, shall be liable to a fine not exceeding one pound.

SHOOTING GOATS
WITHIN THE
PROHIBITED
AREA.

79. Any person who shoots a goat within the following boundaries, namely—from the bend of the ridge at White Cow Pen, inland towards Outer Valley, thence following the same line to William's Block, thence across the head of McCoy's Valley and Taro Ground, and thence along the ridge to the head of Paavala Valley, Itie and Mr. Nobb's Coconuts, shall be liable to a fine not exceeding two pounds.

KEEPING MORE
THAN FOUR
SHE-GOATS.

80.—(1) The head of any family resident in the island which keeps more than four breeding she-goats shall be liable to a fine not exceeding ten shillings, and the Court may make such order as it deems fit for the disposal of the number of she-goats exceeding four.

(2) Should any family leave the island for a period not exceeding ten years the head of such family may nominate any person resident in the island as the caretaker of the breeding she-goats belonging to the family.

KEEPING A
DISEASED GOAT.

81. Any person who shall keep a goat suffering from the disease known in the island as "big bubbly" shall be liable to a fine not exceeding one pound; and the Court shall order that the goat be destroyed in such manner as the Court may direct.

FAILURE TO
BRAND OR
MARK GOATS OR
POULTRY.

82. Any person failing to have his goats or poultry marked in the manner ordered by the Council, shall be liable to a fine not exceeding one pound.

DAMAGE BY
FOWLS OR GOATS.

83. If fowls or goats do damage to crops on any land the owner of the land shall request the owner of the fowls or goats to remove them from his land, and if this request is not complied with forthwith the owner of the land may shoot the fowls or goats and may also sue for damage caused to his crops, provided that in every such case the owner of the land shall forthwith deliver the carcass or carcasses of any fowls or goats shot to their owner.

KILLING OF
FOWLS.

84. Any person who shall kill a fowl without forthwith showing the legs to a member of the Government shall be liable to a fine not exceeding one pound.

UNLAWFUL
PLANTING OR
BUILDING.

85. Any person who shall plant crops or erect a building within one yard of the boundaries of his land without the written consent of the owner or owners of the adjoining land or lands shall be liable to a fine not exceeding two pounds, and the Court may order such crops to be dug up and such building to be pulled down.

CRUELTY TO
ANIMALS.

86. Any person who shall be guilty of cruelty to any animal or bird shall be liable to a fine not exceeding five pounds and to imprisonment for any period not exceeding two months.

USING EXPLO-
SIVES FOR
CATCHING FISH.

87. Any person using dynamite or other explosive for the purpose of catching fish shall be liable to a fine not exceeding three pounds.

IMPORTING
INTOXICATING
LIQUOR.

88.—(1) Any person who imports intoxicating liquor, except for his own personal use with the written consent of the High Commissioner, or for religious or medicinal purposes with the written consent of the Chief Magistrate, shall be liable to a fine not exceeding ten pounds and the liquor aforesaid shall be confiscated and disposed of in such manner as the Court deems fit.

(2) Any person who sells or supplies intoxicating liquor, otherwise than in accordance with section one of this Regulation to a person holding the written consent of the High Commissioner or Chief shall be liable to a fine not exceeding ten pounds.

SELLING OR
SUPPLYING
INTOXICATING
LIQUOR.

89. Any person who makes or attempts to make any intoxicating liquor shall be liable to a fine of ten pounds and all implements and materials used by him in making or attempting to make such liquor shall be destroyed in such manner as the Court may direct.

MAKING
INTOXICATING
LIQUOR.

90. Any person who imports drugs of any kind without the written consent of the Chief Magistrate, which consent shall be renewable annually, shall be liable to a fine not exceeding five pounds and the Court may order that the drugs be confiscated and disposed of in such manner as the Court shall consider fit: provided that any person may upon a written prescription by a duly qualified medical practitioner import any drug for the use of himself or a member of his family.

IMPORTING
DRUGS.

91. Any person under the age of twenty-one years who shall smoke tobacco in any form whatsoever shall be liable to a fine not exceeding one pound.

SMOKING
TOBACCO.

92. Any person who boards a ship or aircraft before he has ascertained that no sickness of any kind exists on board, shall be liable to a fine not exceeding five pounds.

BOARDING
SHIPS OR
AIRCRAFT.

93. Any person who:—

- (a) shall import into the island banana plants or any root crops from any tropical country; or
- (b) shall import, without a permit issued by the High Commissioner, any animal, reptile, or bird, other than domestic animals or birds, such as cattle, sheep, goats, fowls, ducks or turkeys, accompanied by a certificate of freedom from disease issued by the authority duly empowered to issue such certificates in the country of export;

IMPORTING
PLANTS, ANIMALS
OR BIRDS.

shall be liable to a fine not exceeding five pounds, and the Court may order that the prohibited plant, animal, reptile or bird be forthwith destroyed in such manner as the Court shall direct.

94. Any person whose name is upon the Register of Voters who, without lawful excuse, fails to record his vote in any election of Island Officers held under Regulation 13 shall be liable to a fine not exceeding three shillings.

FAILURE TO
VOTE.

95. Any person who, without lawful excuse, fails to perform public work or who performs public work negligently or carelessly; and any person who in any way interferes with persons performing public work or hinders them in their performance, shall be liable to a fine not exceeding two pounds.

FAILURE TO
PERFORM PUBLIC
WORK.

96.—(1) Any person who, with the consent of the Committee, uses public tools and fails to return such tools to the place appointed by the Committee, shall be liable to a fine not exceeding ten shillings and the Court may order him to pay compensation for any tools lost, damaged or destroyed.

MISUSE OF
PUBLIC TOOLS.

(2) Any person who uses public tools without the consent of the Committee shall be liable to a fine not exceeding one pound, and the Court may order him to pay compensation as provided in section one above.

97.—(1) Any person throwing rubbish on any public road shall be liable to a fine not exceeding ten shillings.

NUISANCE ON
PUBLIC ROADS.

(2) Any person splitting firewood on any part of a public road who fails to sweep that part of the road clean after such firewood is split, shall be liable to a fine not exceeding ten shillings.

98. Any person who shall call out "Sail Ho" when no ship is in sight shall be liable to a fine not exceeding five shillings.

CALLING
"SAIL HO".

OFFENCES IN
RELATION TO
PUBLIC BOATS
AND PUBLIC
TRADING.

99.—(1) Any woman embarking or attempting to embark in a public boat contrary to the instructions of the Committee shall be guilty of an offence.

(2) Any person embarking or attempting to embark in a public boat against the orders of the Captain shall be guilty of an offence.

(3) Any person called upon by the Committee to act as public trader on ships calling at the island who fails without lawful excuse so to act shall be guilty of an offence.

(4) The Committee may call upon all males between the ages of sixteen and sixty years to assist in the building, repairing or alteration of a public boat. Any person called upon, who, without lawful excuse, fails so to do, shall be guilty of an offence.

(5) Any person guilty of an offence against the provisions of this Regulation shall be liable to a fine not exceeding two pounds.

FAILURE TO
REGISTER
BIRTHS OR
DEATHS.

100. The parents of any child born in the island or the occupier of any house in the island where a death occurs who fails to notify such birth or death to the Island Secretary within ten days shall be liable to a fine not exceeding one pound.

FAILURE TO
FURNISH
PARTICULARS
REQUIRED FOR
HALF-YEARLY
RETURNS.

101. Any person who on being required by the Island Secretary to furnish any particulars needed by him for the purpose of preparing the half-yearly returns neglects or refuses so to do within fourteen days shall be liable to a fine not exceeding ten shillings.

FAILURE TO
ENFORCE SCHOOL
ATTENDANCE.

102. Every person between the age of six and sixteen years shall attend the public school of the island, which shall be under the control of the Council, and any parent or guardian who, without just cause, refuses or neglects to keep his child in regular attendance at the school shall be liable to a fine not exceeding two pounds.

OFFENCES
RELATING TO
LAND MARKS.

103. Any person who fails, when called upon to do so, to accompany the Chief Magistrate when visiting and inspecting land marks in accordance with Regulation 49 or to replace a missing land mark, or who removes an existing land mark, shall be liable to a fine not exceeding five pounds.

AIDING AND
ABETTING.

104. Every person who aids, abets, advises or causes another to commit any offence shall be liable to be proceeded against and convicted for the same, either with the principal offender or before or after that offender's conviction, and shall also be liable on conviction to the same penalties and punishments and to make the same payments as those to which the principal offender would be liable.

THE SCHEDULE.

FORM 1.—(Regulation 22).

WRITTEN CHARGE.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

The..... day of....., 19.....

[Name of person making charge] states (on oath*)
that [name of person charged]..... on the..... day of
....., 19..... [Here state charge].....(Sworn)* before me the undersigned Chief Magistrate of Pitcairn
Island......
Chief Magistrate.

* Delete if person making charge is not on oath.

FORM 2.—(Regulation 24).

SEARCH WARRANT.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

To the Constable of the Court.

You are commanded with proper assistance to enter the house of
[describe the house]..... by force, if necessary, and to search the
same for certain property, that is to say, [describe the property].....
alleged to have been stolen and believed to be upon the said premises.
And if that property or any part of it be there found to bring it and
the owner or occupier of the said house before this Court.

As witness my hand this..... day of....., 19.....

.....
Chief Magistrate.

FORM 3.—(Regulation 20).

COMMITMENT OF A WITNESS.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

To the Constable of the Court and to the Officer in Charge of the
Island Prison.You the said Constable take [name of person committed].....
safely to the said Prison and there deliver him to the Officer in Charge
thereof together with this warrant and you the said officer receive him
and keep him for..... days unless he in the meantime consents
to be examined and to answer in the matter of a charge by [name of
person making the charge]..... against [name of person charged]

As witness my hand this..... day of....., 19.....

.....
Chief Magistrate.

FORM 4.—(Regulation 32).

WARRANT OF COMMITMENT WHERE PUNISHMENT IS BY
IMPRISONMENT.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

To the Constable of the Court and to the Officer in Charge of the
Island Prison.[Name of person committed]..... was on the..... day
of....., 19....., duly convicted before the Court for [offence for
which person has been convicted].....The Court ordered the said [name of person committed].....
for his said offence to be imprisoned in the Prison (with hard labour)*
for [term of imprisonment].....Do you the said constable take the said [name of person committed]
safely to the said Prison and there deliver him to the
Officer in Charge thereof who is hereby directed to imprison him (and
keep him to hard labour)* for [term of imprisonment].....

As witness my hand this..... day of....., 19.....

.....
Chief Magistrate.

* Delete if imprisonment is not with hard labour.

FORM 5.—(Regulation 32).

WARRANT OF COMMITMENT IN DEFAULT OF PAYMENT OF
A SUM OF MONEY.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

To the Constable of the Court and to the Officer in Charge of the
Island Prison.[Name of person fined] was on the day
of , 19..... , ordered to pay the sum of forthwith*
(or on the day of , 19.....).*[Name of person fined] has not paid the said sum by the
time appointed.Do you the said constable take the said [name of person fined]
safely to the said Prison and there deliver him to the
Officer in Charge thereof who is hereby directed to imprison him (and
keep him to hard labour)* for [term of imprisonment] unless
the said sum shall be sooner paid.

As witness my hand this day of , 19.....

.....
Chief Magistrate.

* Delete if not applicable.

FORM 6.—(Regulation 42).

ORDER OF RECOGNIZANCE TO BE OF GOOD BEHAVIOUR:

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

The day of , 19.....

It is hereby ordered that [name of person bound] do forth-
with to the satisfaction of the Court enter into a recognizance in the
sum of with sureties in the sum of each to be
of good behaviour towards His Majesty and all his people and especially
towards [name of person complaining] for the space of
..... next following.And it is ordered that if [name of person bound] fail to
comply with this order to be imprisoned in the Island Prison unless
he sooner complies with this order......
Chief Magistrate.

FORM 7.—(Regulation 42).

RECOGNIZANCE TO BE OF GOOD BEHAVIOUR WITH
SURETIES OR SURETY.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

We the undersigned severally acknowledge to owe to Our (My)
Sovereign Lord the King the several sums following:—

as principal the sum of and

as sureties the sum of

the payment whereof shall be enforced in the same manner as a fine
if the said fail in the conditions hereon endorsed......
(Signature of person bound and
his sureties or surety).

Taken before me the day of , 19.....

.....
Chief Magistrate.The condition of this recognizance is such that if [name of person
bound] above named shall be of good behaviour to His
Majesty and all his subjects and especially towards [name of person
complaining] for the space of months now ensu-
ing then this recognizance shall be void, but otherwise shall remain in
full force.

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46. Disinterment of body for the purpose of inquiry.
47. Inquiry into cause of fires.
48. Power for Chief Magistrate to compel attendance of witnesses.
49. Annual inspection of land marks.
50. Registration of births and deaths.
51. Marriages.
52. Order for maintenance of illegitimate children.
53. Liability to perform public work.
54. Liability to man the public boats or act as public trader.
- 55 (1). Liability for injury caused by dog.
- (2). Destruction of dangerous dogs.

PART VI.—OFFENCES.

56. Contempt of Court.
57. Perjury.
58. Escape from prison.
59. Abusive or threatening language.
60. Profane or obscene language.
61. False reports.
62. Assault.
63. Disorderly conduct.
64. Indecent behaviour.
65. Unlawful carnal knowledge.
66. Adultery.
67. Unmarried couples living together.
68. Theft and receiving.
69. Failing to restore property found.
70. Neglect of illegitimate child.
71. Causing fires.
72. Malicious damage to property.
73. Injuring rock carvings.
74. Trespass.
75. Polluting drinking water.
76. Killing or taking the Noddy or the White Bird or their eggs during the close season.
77. Possession of firearms.
78. Firing a gun carelessly.
79. Shooting goats within the prohibited area.
80. Keeping more than four she-goats.
81. Keeping a diseased goat.
82. Failure to brand or mark goats or poultry.
83. Damage by fowls or goats.
84. Killing of fowls.
85. Unlawful planting or building.
86. Cruelty to animals.
87. Using explosives for catching fish.
- 88 (1). Importing intoxicating liquor.
- (2). Selling or supplying intoxicating liquor.
89. Making intoxicating liquor.
90. Importing drugs.
91. Smoking tobacco.
92. Boarding ships or aircraft.
93. Importing plants, animals or birds.
94. Failure to vote.
95. Failure to perform public work.
96. Misuse of public tools.
97. Nuisance on public roads.
98. Calling "Sail Ho."
99. Offences in relation to public boats and public trading.
100. Failure to register births or deaths.
101. Failure to furnish particulars required for half-yearly returns.
102. Failure to enforce school attendance.
103. Offences relating to land marks.
104. Aiding and abetting.

LIST OF FORMS CONTAINED IN THE SCHEDULE.

Form

1. Written charge.
2. Search warrant.
3. Commitment of a witness.
4. Warrant of commitment where punishment is by imprisonment.
5. Warrant of commitment in default of payment of a sum of money.
6. Order of recognizance to be of good behaviour.
7. Recognizance to be of good behaviour with sureties or surety.