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Laws and
Regulations for
Norfolk Island, from
Colonial Office
printed paper,
*Norfolk Island
and the Pitcairn
Islanders* (1876)

14 October 1857

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Appendix.

Laws and Regulations for Norfolk Island.

WHEREAS by an Order of the Queen in Council, dated 24th day of June, 1856, power was given to the Governor of Norfolk Island to make Laws for the order, peace, and good government of the said Island: And whereas it was further ordered by Her Majesty in Council that, until annulled by competent authority, all Laws, Ordinances, and Regulations—civil and ecclesiastical—which may be in force within the said Island at the time of the Proclamation of the aforesaid Order in Council, shall continue in force, subject only to such changes as shall be necessarily consequent on the changes of Government:

Now, therefore, I, William Thomas Denison, Knight Commander of the Most Honourable Order of the Bath, Governor-General of Her Majesty's Australian Colonies, Captain-General and Governor-in-Chief of New South Wales and its Dependencies, and Governor of Norfolk Island, do, in pursuance of the power vested in me, declare and enact as follows:—

1. All Laws, Ordinances, and Regulations which have been and are in force within the said Island called Norfolk Island, are hereby repealed and annulled, so far as the Governor is competent to repeal them.

2. The Executive Government of Norfolk Island, during the absence of the Governor, shall be vested in a Chief Magistrate and two Assistants or Councillors, to be elected annually by the community, as hereinafter directed.

3. The Chief Magistrate must be a resident on the Island, he must be in possession of a landed estate therein, and he must have attained the age of twenty-eight years.

4. The Councillors must be resident on the Island, and must have attained the age of twenty-five years.

5. The election of the Chief Magistrate and Councillors shall take place on the day after Christmas Day in each year, unless that day shall fall on a Sunday, in which case the election will take place on the Monday following.

Amended (see Appendix).

6. *Every person who may have resided upon the Island for six months, who has attained the age of twenty years, and who can read and write, shall be entitled to vote at the election of Chief Magistrate and Councillors.*

7. The Chaplain shall preside at the election, and shall open the proceedings with prayer. In case of an equality of votes for two candidates, he shall be entitled to give a casting vote. He shall not himself be eligible for the office of Chief Magistrate or Councillor.

8. The election of the Chief Magistrate and Councillors will be notified to the Governor with the least possible delay, and Commissions under the Great Seal of the Colony will be issued to them authorizing them to act as Magistrates in carrying out all Laws and Ordinances. This, however, to be understood,—that the Chief Magistrate and Councillors, when duly elected, will be fully authorized to act as Magistrates pending the receipt of their Commissions.

9. The Chief Magistrate and the Councillors will enter upon the duties of their office on the first day of the year, on which day the Chaplain will administer

a to each of them, in the presence of the people, the Oath of Allegiance and of Office as hereinafter specified.

b 10. The Chief Magistrate will see that all the Laws and Regulations of the Island are properly carried out; he will carry into effect all the instructions he may receive from the Governor; he will convene and preside at all public meetings, with the exception of that for the election of Magistrates; he will receive and account for all fines that are imposed; he will superintend the execution of all public works; he will correspond with the Governor during the absence of the latter from the Island, and he will be the medium through which all the public business of the Colony will be conducted; all purchases on account of the public will be made by him, and he will keep an accurate account of the receipts and expenditure of the public funds.

c 11. The Councillors will assist the Chief Magistrate with their advice when called upon to do so; they will attend at all public meetings, and will take notes of the proceedings; the records of which, when entered in a book provided for the purpose, will be verified by their signatures and that of the Chief Magistrate.

12. Should the Chief Magistrate die, or otherwise become incapable of performing the duties of his office, the Senior Councillor will act as Chief Magistrate till the next election, even although he should not be of sufficient age to offer himself as a candidate for the office.

d 13. The Governor, or in his absence the Chief Magistrate, will in cases where he may conceive the public good to be involved, have a right to summon to his assistance any or all of the inhabitants of the Colony. The summons must be immediately obeyed, under penalty of a fine the amount of which will be determined by the Chief Magistrate and his Councillors, or should their decision be appealed against, by a Jury.

e 14. Should it appear to the Chief Magistrate that any change in or addition to the Laws or Regulations of the Island are required, he will first consult with his Councillors; and should it appear to the three, or to a majority of the three, that such a change or addition is advisable, notice will be given to the community of the intention of the Chief Magistrate to submit such change or such new rule for their consideration at a public meeting to be held within fourteen days of the date of the notice.

f 15. At such public meeting, the nature of the proposed change or addition and the reasons for it, will be explained to the meeting by the Magistrate and Councillors, and the people present will be invited to express their opinion upon it. After this explanation and discussion the persons present will be called upon to vote for or against the proposition, and a list of the number in favour of or against the measure will be recorded in the Minutes of the Proceedings.

g 16. No repeal of any Law or Regulation will be valid until confirmed by the Governor, but a new Law or Regulation may be acted on when it has been approved of by a public meeting, without such confirmation, should it refer to a subject of immediate importance. In all cases the record of proceedings of public meetings, whether for the repeal of old laws or the enactment of new, will be forwarded to the Governor with as little delay as possible, for his confirmation or approval.

h 17. The Chief Magistrate will have primary jurisdiction in all matters of dispute, whether between the inhabitants of the Island themselves or between them and such persons as may visit the island; and whether such dispute should have reference to offences against the person or to questions of property, he will adjudicate between the parties to the best of his judgment, and strive to induce them to come to an understanding.

i 18. Should his efforts be unavailing, he will call for the assistance of his Councillors, and the whole case will be gone into before the three Magistrates, a record of their proceedings being kept. The decision of the Magistrate shall be final in all cases where the property at issue does not exceed fifty shillings in

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Amended (see Ap-
pendix).

value, or in cases of common assault, when they are empowered to inflict a fine not exceeding ten shillings.

19. Should the case be of a more serious character, and should the parties be unwilling to submit to the adjudication of the Magistrate, a Jury, consisting of seven Elders, will be summoned; and the whole case having been submitted to them, their decision will be final.

20. The power of the Jury will extend to the decision of all questions of disputed property, of all cases of theft, and of aggravated assaults, if not accompanied with danger to life or limb; but all offences of a more serious character will be reserved for the consideration of the Governor of New South Wales. A full statement of such cases, as investigated by the Magistrate, will be forwarded to the Governor with as little delay as possible, who will give the necessary directions with reference to them.

21. The Jury will be entitled to receive an allowance for the number of hours during which they may have to sit, the hour being considered equivalent to one-eighth of a day's work.

22. The expenses of the witnesses whom it may be necessary to summon will be paid at the same rate.

23. *The punishment which a Jury is competent to award will be limited to a fine, the amount of which will not, in any case, exceed ten pounds. The offender will have the amount of the fine recorded against him, and will be called upon to liquidate it, either by a direct payment in money or produce, or by so many days' labour upon any public work.*

24. In all cases of dispute between individuals, the Jury is to decide which party is to pay costs.

25. Where the offence committed is of a public character, the guilty party shall pay all costs, in addition to any punishment which the Jury may award. Should, however, the party accused be declared innocent, the expenses shall be paid out of the public funds.

26. In case of any wilful damage done to property, it will rest with the Jury to decide whether, in addition to payment for the damage done, a fine should not be imposed; the amount of such fine will not exceed forty shillings, and the whole amount will be paid into the public chest.

27. In cases of assault, or more generally of offences against the person, it will be competent to the Jury, in awarding the punishment, to appropriate a certain portion of the fine, not in any case exceeding one-half, to the aggrieved person.

28. The Chief Magistrate will keep a list of all males who shall have arrived at the age of twenty-five years. These persons shall be termed Elders, and from these the Juries shall be selected, as hereinafter directed.

29. When a Jury has to be selected, tickets containing the names of all the Elders will be placed in a bag, from which seven tickets will be drawn by the Chief Magistrate, in the presence of the Councillors and the parties in the case. The seven Elders whose names have been thus drawn will form the Jury. Should any objection be raised by either of the parties to the names of any of the Jury, the reasonableness of such objection will be decided by the Chief Magistrate and Councillors, and if affirmed, other names will be drawn from the bag to complete the number of the Jury.

30. Any person refusing to serve on a Jury, without reasonable cause shown, shall be fined ten shillings.

31. It will be competent to the Governor, and to him only, to remit such portions of the fines imposed as may be payable to the public chest.

32. All persons will send their children to school when they have attained the age of six years, and from that time will cause them to attend regularly till they have reached the age of fourteen years; no excuse for non-attendance will be admitted except sickness or family bereavement; and with regard to sickness, if it should be alleged as an excuse for more than two consecutive days, the

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Chaplain must certify to the fact. A fine of sixpence per diem will be imposed upon every child whose absence from school is unauthorized.

33. A payment of ten shillings per annum shall be made by parents or guardians for every child who is of an age to attend school; this amount shall be collected by the Chief Magistrate, and paid without deduction to the Schoolmaster, to whom also all the fines for non-attendance shall be paid.

34. Care will be taken to secure the services of a properly qualified Schoolmaster, who will be placed under the general superintendence of the Chaplain.

35. *No beer, wine, or spirituous liquors of any kind shall be landed upon the island, except such as may be wanted for medical purposes, and they will be placed among the other medical stores in charge of the Chaplain, to be issued by him at his discretion—all issues to be noted in the Register.* Amended (see Appendix).

36. Should any beer, wine, or spirits be landed or found in possession of any person on the island, whether such person be an inhabitant of the island or a visitor, the vessels containing the same will be immediately destroyed, and the contents thrown away; the persons in whose possession these articles are found will be liable to a fine of forty shillings.

37. Any person convicted before a Magistrate of using obscene or profane language shall pay a fine not exceeding forty, or less than five shillings.

38. Any person convicted before a Magistrate of bearing false witness or slandering another shall pay a fine not exceeding forty shillings, or less than five.

39. In all cases where the Magistrates or a Jury have sentenced an offender to pay a fine, the parents or guardian of such offender, should his age not exceed fifteen years, shall be liable for the amount of the same.

Form of oath to be taken by the Chief Magistrate and Councillors before admission to office.

I, _____, do swear that I will bear true allegiance to Her Majesty Queen Victoria, and that I will to the best of my ability perform the duties of (Chief Magistrate, or of Councillor and Magistrate, as the case may be) of Norfolk Island. So help me God.

W. DENISON, *Governor.*

Government House, October 14, 1857.

40. *All persons convicted of the crime of fornication shall be fined Ten Pounds.* Amended (see Appendix).

Approved by his Excellency, August 19, 1858.

41. All persons convicted of racing or furious driving through the streets and upon any of the public roads about the Settlement, Longridge, and Cascade, shall be fine One Pound.

Approved by his Excellency, August 19, 1858.

42. All offences not determinable by the Magistrates, or by a Jury of seven Elders, as prescribed by the Laws and Regulations made by the Governor on 14th October, 1857, shall, until otherwise provided for by proper enactment, be dealt with in accordance with the Laws now in force in New South Wales, as far as these may be applicable.

Entered by command of his Excellency, September 15, 1859.

43. The persons committing such offences shall be tried in Norfolk Island, by a Court constituted and a Jury composed and summoned as the Governor shall appoint, and with such forms of procedure as he shall establish.

Entered by command of his Excellency, September 15, 1859.

44. It shall not be lawful for any inhabitant of Norfolk Island to sell or alienate in any way the land of which he may have become possessed to a

person or persons who have not received permission from the Governor to reside on the said Island.

Entered by order of his Excellency, September 15, 1859.

45. No person shall be allowed to gallop a horse on the grass on which is situated Samuel M'Coy's house and the long row of buildings, excepting the case of driving cattle into the slaughter-house. Any person or persons so offending shall be fined the sum of Twenty Shillings.

JOHN YOUNG, *Governor*.

April 5, 1862.

46. The mother or guardian of any illegitimate child may sue before the Magistrate the father of such child for its support until said child shall have attained the age of fourteen years. The amount of such support not to exceed (7s. 6d.) seven shillings and sixpence, or less than (2s. 6d.) two shillings and sixpence per week, as a Magistrate or a Jury shall determine.

February 2, 1872.

47. In any and every case where the law has been broken or evaded, and no person comes forward to prosecute, the Magistrate, within two weeks of his first becoming possessed of such knowledge, shall be empowered to prosecute the offending party or parties, and a competent jury shall act as judge.

February 2, 1872.

HERCULES ROBINSON,

September 2, 1874.

Certified correct:

F. C. NOBBS, *Magistrate*,
August 12, 1874.

APPENDIX (*as Amended*).

6. Every person who may have resided upon the Island for six months (with the sanction of the authorities to become a member of the community) who has attained the age of twenty years, and who can read and write, shall be entitled to vote at the election of Chief Magistrate and Councillors; and any person to be considered as a member of the community must have at least the votes of two-thirds of those entitled to vote at the election of the Magistrate and Councillors, with the approval of the Magistrates for the time being, and also that of the Governor of Norfolk Island.

23. The punishment which a Jury is competent to award will be limited to a fine, the amount of which will not in any case exceed Ten Pounds. The offender will have the amount of the fine recorded against him, and will be called on to liquidate it, either by payment in money, labour, or produce, as the Magistrate for the time being shall decide.

35. No beer, wine, or spirituous liquors of any kind shall be landed upon the Island, excepting such as may be wanted for medical purposes, and they shall be placed in charge of the Magistrate—the Magistrate in no case to issue any without a written order from the Surgeon; all issues to be noted in the Register.

HERCULES ROBINSON.

September 18, 1874.

Certified correct:

F. C. NOBBS, *Magistrate*,
August 12, 1874.

40. All persons convicted of the crime of fornication shall be fined Ten Pounds each: Provided always that in the event of the marriage of the offending parties to one another no proceedings in any such case be taken to enforce such fine or any part thereof. Parties in default for fines enforced under this clause to be denied the privilege of having a grant of land or voting at public meetings until the amount recorded against them be paid up.

HERCULES ROBINSON.

December 5, 1874.

Laws and Regulations for Norfolk Island, from Colonial Office printed paper, *Norfolk Island and the Pitcairn Islanders* (1876)

14 October 1857

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Pitcairn Island Civil
Recorder,
Part Four: "List of
HM's Ships"
1860 - 1937
(pp. 149 to 154)

LIST OF H.M. SHIPS

since the return of some of the former
inhabitants of Pitcairn Island from Norfolk
Island, to the present time.

1860 to 1937

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