

230. WPHC (P.D. MacDonald) to Chief Magistrate regarding Island Officers

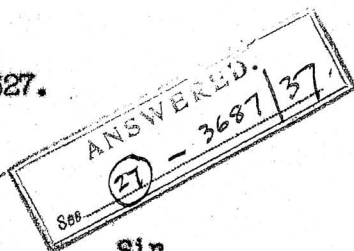
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OFFICE OF THE HIGH COMMISSIONER
FOR THE WESTERN PACIFIC,
SUVA, FIJI.

WPHC (P.D. Mac-
Donald) to Chief
Magistrate regard-
ing Island Officers

22nd March, 1941.

No. 2327.



Sir,

22 March 1941

I am directed by the Assistant High Com-
missioner to acknowledge the receipt of your letter
of the 10th January, recording the names of those
persons elected to serve as Government Officers for
the year 1941, and enclosing copies of certain
returns in respect of the half year ended on the
31st December, 1940.

2. I am directed to inform you that the
various returns, which it is observed contain more
detailed information than usual, have been read
with lively interest.

I am,

Sir,

Your obedient servant,

(Signed) P. D. MACDONALD

Assistant Secretary to the High Commission.

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The Chief Magistrate,
Pitcairn Island.

231

High
Commissioner's
Court Documents,
Charge against
Elmer Smith

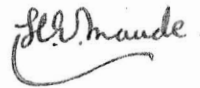
His Britannic Majesty's High Commissioner's Court for the
Western Pacific.

Held at Pitcairn Island - Under the Pacific Order in
Council, 1893.

In the matter of a charge against Elmer Smith.

9 February 1941

Arthur Herbert Young of Pitcairn Island, Chief Magistrate,
charges that on the third day of February, 1941, at Adamstown,
Pitcairn Island, the above-named Elmer Smith did unlawfully
assault and beat one Burnett Christian.



A Deputy Commissioner for the Western
Pacific with jurisdiction in the Pitcairn
Islands District.

9th February, 1941.

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231

a
His Britannic Majesty's High Commissioner's Court for the
Western Pacific.

High
Commissioner's
Court Documents,
Charge against
Elmer Smith

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Held at Pitcairn Island - Under the Pacific Order
in Council, 1893.

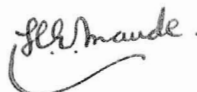
9 February 1941

c
In the matter of a charge against Elmer Smith.

d
To Elmer Smith of Adamstown, Pitcairn Island.

e
You have this day been charged before this Court for that you
on the third day of February, 1941, at Adamstown, Pitcairn
Island, did unlawfully assault and beat one Burnett Christian.

f
Therefore you are hereby commanded to appear before this Court
today, the ninth day of February, 1941, at noon to answer to
the said charge, and to be further dealt with according to
law.



g
A deputy Commissioner for the
Western Pacific with jurisdiction
In the Pitcairn Islands District.

h

231

His Britannic Majesty's High Commissioner's Court for the Western Pacific

High
Commissioner's
Court Documents,
Charge against
Elmer Smith

Held at Pitcairn Island, under the Pacific Order in Council, 1893,
before Henry Evans Maude, a D.C. for the W.P. and Arthur Ernest Fuller, Assessor

Criminal Jurisdiction

In the matter of a charge against Elmer Smith.

9 February 1941

The charge (as in the charge form) was duly read to the accused,
who thereupon pleaded GUILTY.

The accused made the following unsworn statement in extenuation of his
offence-

"I really do not know what came upon me that night. I arrived suddenly
upon the scene and found Morris bleeding like a pig. I just up with the left hand
and knocked over the accused. I could easily have laid him out more but that was
enough for me. I have seen pigs from the slaughter house and that's what Morris
looked like".

H.E. Maude
A D.C. for the W.P. with
Jurisdiction in the P.I. District

Verdict – The Accused is found Guilty of the charge against him.

Sentence – Fined £5, with one week to pay, and to enter forthwith into a
recognizance in the sum of £10 for his future good behaviour.

H.E. Maude
A D.C. for the W.P. with
jurisdiction in the P.I. Dist.

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a His Britannic Majesty's High Commissioner's Court for the Western Pacific.

Held at Pitcairn Island, under the Pacific Code in Council, 1893,
before Henry Evans Maude, a J.C. for the W.P. and Arthur Ernest Fuller, Assessor.

b Criminal Jurisdiction.

In the matter of a charge against Elmer Smith.

c The charge (as on the charge form) was duly read to the accused, who
thereupon pleaded GUILTY.

9 February 1941

d ^{self.} The accused made the following ^{statement} in extenuation of his
~~crime~~ ^{offense} -

e "I really do not know what came upon me that night. I
arrived suddenly upon the scene and found ~~the~~ ^{man} ~~bleeding~~ ^{self.}
like a pig. I just up with the left hand and knocked
on the accused. I could easily have laid him out now
but that was enough for me. I have seen pigs for the
slaughter house and that's what ~~the~~ ^{man} ~~looked~~ ^{self.} like".

f J.H. Maude
a J.C. for the W.P. with
Jurisdiction in the P.I. District.

g Verdict - The accused is found guilty of the charge against him.

h Sentence - Fined £5, with one week to pay, and ~~sent~~ ^{self.} to enter
bail into a recognizance in the sum of £10 for his future
good behaviour.

J.H. Maude
a J.C. for the W.P. with
jurisdiction in the P.I. Dist.

231

High
Commissioner's
Court Documents,
Charge against
Elmer Smith

His Britannic Majesty's High Commissioner's Court for the
Western Pacific.

Held at Pitcairn Island - Under the Pacific Order in
Council, 1893.

Criminal Jurisdiction.

9 February 1941

In the matter of a charge against Elmer Smith.

The above-named Elmer Smith stands convicted before the
Court for that on the third day of February, 1941, at
Adamstown, Pitcairn Island, he did unlawfully assault
and beat one Burnett Christian.

Thereupon the Court sentences the said Elmer Smith for
the said offence:

- (a) To pay the sum of £5 as a fine for his said offence
within seven days from the date of this sentence;
- (b) To give security for his future good behaviour by
entering forthwith into a recognizance in the sum
of £10.

The said sum of £5 is to be paid into Court on or before
the sixteenth day of February, 1941.

J. L. Maude

A Deputy Commissioner for the Western
Pacific with jurisdiction in the
Pitcairn Islands District.

9th February, 1941.

His Britannic Majesty's High Commissioner's Court for the
Western Pacific.

231

Held at Pitcairn Island - Under the Pacific Order in
Council, 1893.

High
Commissioner's
Court Documents,
Charge against
Elmer Smith

9 February 1941

I, the undersigned, acknowledge myself to owe our Sovereign
Lord King George VI the sum of ten pounds, the payment whereof
shall be enforced in the same manner as a fine if I fail in
the conditions hereon endorsed.

.....*E. W. Smith*.....

Taken before me this ninth day of February, 1941,

J. A. Maude
A Deputy Commissioner for the
Western Pacific with jurisdiction
in the Pitcairn Islands District.

The condition of this recognizance is such that if Elmer Smith
above named shall be of good behaviour to His Majesty and all
his subjects and especially towards Burnett Christian for the
space of twelve months now ensuing then this recognizance shall
be void, but otherwise shall remain in full force.

232. High Commissioner's Court Documents, Charge against Morris Christian

232

High
Commissioner's
Court Documents,
Charge against
Morris Christian

His Britannic Majesty's High Commissioner's Court for the
Western Pacific.

Held at Pitcairn Island - Under the Pacific Order
in Council, 1893.

9 February 1941

Criminal Jurisdiction.

In the matter of a charge against Morris Christian.

Arthur Herbert Young of Pitcairn Island, Chief Magistrate, charges
that on the third day of February, 1941, at Adamstown, Pitcairn
Island, the above-mentioned Morris Christian did wilfully by an
act or acts obstruct a police constable carrying out an order of the
Court in the performance of his duty.

J.R. Maude.

9th February, 1941.

A Deputy Commissioner for the
Western Pacific with jurisdiction
in the Pitcairn Islands District.

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232

a His Britannic Majesty's High Commissioner's Court for the
Western Pacific.

b Held at Pitcairn Island - Under the Pacific Order in
Council, 1893.

High
Commissioner's
Court Documents,
Charge against
Morris Christian

c In the matter of a charge against Morris Christian.

9 February 1941

d To Morris Christian of Adamstown, Pitcairn Island.

e You have this day been charged before this Court for that
you on the third day of February, 1941, at Adamstown, Pitcairn
Island, did wilfully by an act or acts obstruct a police
constable carrying out an order of the Court in the performance
of his duty.

f Therefore you are hereby commanded to appear before this Court
today, the ninth day of February, 1941, at two in the afternoon
to answer to the said charge, and to be further dealt with
according to law.

g *J. V. Maude.*

A Deputy Commissioner for the
Western Pacific with jurisdiction
in the Pitcairn Island District.

h

232

His Britannic Majesty's High Commissioner's Court for the Western Pacific

High
Commissioner's
Court Documents,
Charge against
Morris Christian

Held at Pitcairn Island, under the Pacific Order in Council, 1893,
before Henry Evans Maude, a D.C. for the W.P., and Arthur Ernest Fuller, Assessor

Criminal Jurisdiction

9 February 1941

In the matter of a charge against Morris Christian.

The charge (as in the charge form) was duly read to the accused
who thereupon pleaded NOT GUILTY.

Case for the Prosecution

Arthur Herbert Young, - sworn; states. "On the 2nd February, 1941, I instructed the constable Burnett Christian to place Morris Christian in gaol at 6 p.m. on Monday. He was under a Court sentence for taking some of Allen's things. His sentence was 1 month and 5 days imprisonment. The date of the Court's sentence was some 6 or 7 days before the 2nd February. However, as the gaol was filled with Mr Maude's effects and as we thought that a ship would be calling in one or two days so I as Chief Magistrate postponed the sentence till further orders."

xd by accused. I did not think it my business to inform the relatives. I told Burnett Christian to go up to the house and tell him to get ready his things.

H.E. Maude
A D-C. for the W.P. with
jurisdiction in the P.I. District

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His Britannic Majesty's High Commissioner's Court for the Western Pacific.

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Held at Pitcairn Island, under the Pacific Order in Council, 1893,
before Henry Evans Hande, a D.C. for the W.P., and Arthur Ernest Fuller, Assessor.
Criminal Jurisdiction.

High
Commissioner's
Court Documents,
Charge against
Morris Christian

In the matter of a charge against Morris Christian.

The charge (as on the charge form) was duly read to the accused
who thereupon pleaded NOT GUILTY.

9 February 1941

Case for the Prosecution.

Arthur Herbert Young, - sworn, states. "On the 2nd February,
1941, I instructed the constable Bennett Christian to place Morris
Christian in gaol at 6 p.m. on Monday. He was under
a Court sentence for taking some of Allen's things. His
sentence was 1 month and 5 days imprisonment. The date of the
Court's sentence was some 6 or 7 days before the 2nd February.
However, as the gaol was filled with Mr Hande's effects and
as we thought that a ship would be calling in one or two
days so I as Chief Magistrate postponed the sentence till
further orders."

of accused. I did not think it of business to inform the
relatives. I told ~~Mr~~ ^{Mr} Bennett Christian to go up to the house
and ~~to~~ ^{to} tell him to get ready his things.

J.H. Hande.

a D.C. for the W.P. with
jurisdiction in the P.I. District.

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Burnett Christian, sworn, states – “I was under the orders of the Chief Magistrate to arrest the accused. I told him in the morning when the bell rung that he was going to prison that afternoon – To get his things ready & we’d take him the same time. He began to curse and swear but I did not pay any attention. I told Calvert that I’d need his help. I waited for him. When we went to take him the trouble started.

He tried to prevent me from taking him. He tried to fight us. He was violent so we had to take him by force. He tore my shirt and bit me and tried to knife me.”

High
Commissioner’s
Court Documents,
Charge against
Morris Christian

9 February 1941

xd by accused. I do not remember [banging] you on the ground. That must have been the time we carried him.

H.E. Maude
a D-C. for the W.P. with
Jurisdiction in the P.I. District

Calvert Warren, sworn, states – “I was — for the hill & met Burnett at — & he told me he need my help. I ask Morris to come back. He was trying to get [away] up [on to] hill. He told me he was not [coming] back. He was going up the hill. So I ask him to come back. He came & went to his home with me. I ask him to stay for a minute. He wouldn’t obey. He went as far as Morris’ kitchen by the road & stopped. So I brought him back to the workshop & asked him to keep quiet.

He then came and kicked me, so I gripped him & with —’s help tried to keep him quiet. So we had to take him by force, as when I asked him to come over to the prison he refused to walk. So we carried him. He was trying to struggle and kick but couldn’t do very much.

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High
Commissioner's
Court Documents,
Charge against
Morris Christian

9 February 1941

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Bennett Christian, sworn, states - "I was with the warden of the
chief magistrate to arrest the accused. I told him in the
morning when the bell rang that he was going to prison that
afternoon - To get his things ready & we'd take him the same time
He began to curse and swear but I did not pay any attention.
b I told Calvert ~~and~~ that I'd need his help. I waited for him.
when we went to take him the trouble started.

c He tried to prevent me from taking him. He tried
to fight us. He was violent so we had to take him by
force. He tore my shirt and bit me and tried to
knife me."

d
of accused. I do not remember laying you on the ground. That
must be been the time we carried him. J.L. Mawdsley.

a D.C. for the N.P. with
jurisdiction in the P.I. District.

e
Calvert Warden, sworn, states - "I was going for the hall & met
Bennett at Ludlow's & he told me he need my help. I ask
Nemo to come back. He was trying to get away up a to
hill. He told me he was not coming back. He was
going up the hill. So I ask him to come back. He
f came & set to his knee with me. I ask him to stay
for a minute. He wouldn't obey. He set as far as
Nemo's kitchen of the road & stopped. So I brought him back
to the school & asked him to keep quiet.

g
He then came and kicked me, so I grabbed him &
with Lacey's help tried to keep him quiet. So we had to
take him by force, as when I asked him to come over to
the prison he refused to walk. So we carried him
h He was trying to struggle and kick but couldn't do very
much.

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xd by Court. He was struggling and violent by the [mango] trees.

a

The accused waived his right of cross-examination.

H.E. Maude

A D-C. for the W.P.

with jurisdiction in the P.I. District

b

Case of the Prosecution closed.

9 February 1941

c

Case for the Defence. Morris Christian elected to make an unsworn statement.

“I did not know my head was cut until Vera told me.”

Accused did not wish to make any other statement.

d

Case for Defence closed.

Verdict of the Court. The accused is found Guilty of the charge against him.

e

Sentence - Two weeks imprisonment with hard labour, to commence at the end of the period of imprisonment to which he already stands sentenced.

f

In giving this sentence the Court has taken into account the fact that the accused appears to be of an excitable and unbalanced temperament and recommends that he should be examined by a qualified medical specialist on opportunity occurring.

g

H.E. Maude

A D-C. for the W.P.

with jurisdiction in the P.I. Dist.

h

High
Commissioner's
Court Documents,
Charge against
Morris Christian

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High
Commissioner's
Court Documents,
Charge against
Morris Christian

9 February 1941

rd of Court. He was struggling and violent of the mango trees.

The accused waived his right of cross-examination.

Case for the Prosecution closed.

J.R. Maude.
a D.C. for the N.P.
with jurisdiction in the P.I. District.

Case for the Defence. Morris Christian elected to make a sworn statement.

"I did not hear of head case but still have told me."

Accused did not wish to make any other statement.

Case for Defence closed.

Verdict of the Court. The accused is found guilty of the charge against him.

Sentence - Two weeks imprisonment with hard labour, to commence at the end of the period of imprisonment to which he already stands sentenced.

In giving this sentence the Court has taken into account the fact that the accused appears to be of an excitable and unbalanced temperament and recommends that he should be examined by a qualified medical specialist on opportunity occurring.

J.R. Maude.
a D.C. for the N.P.
with jurisdiction in the P.I. Dist.

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High
Commissioner's
Court Documents,
Charge against
Morris Christian

His Britannic Majesty's High Commissioner's Court for the
Western Pacific.

Held at Pitcairn Island - under the Pacific Order
in Council, 1893.

9 February 1941

Criminal Jurisdiction.

In the matter of a charge against Morris Christian.

The above-named Morris Christian stands convicted before
the Court for that on the third day of February, 1941, at
Adamstown, Pitcairn Island, he did wilfully by an act or
acts obstruct a police constable carrying out an order of
the Court in the performance of his duty.

Thereupon the Court sentences the said Morris Christian
for the said offence to be imprisoned and kept to hard
labour for two weeks to commence at the end of the period
of imprisonment to which he already stands sentenced.

J. W. Maude.

A Deputy Commissioner for the
Western Pacific with jurisdiction
in the Pitcairn Islands District.

9th February, 1941.

a His Britannic Majesty's High Commissioner's Court for the
Western Pacific.

232

b Held at Pitcairn Island - Under the Pacific Order in
Council, 1893.

High
Commissioner's
Court Documents,
Charge against
Morris Christian

Criminal Jurisdiction.

9 February 1941

c In the matter of a charge against Morris Christian.

d To the Constable of the Court and to the keeper of the Island
Prison.

e The above-named Morris Christian is sentenced by this Court to
be imprisoned and to be kept to hard labour for two weeks to
commence at the end of the period of imprisonment to which he
already stands sentenced.

f Therefore you are commanded, you, the Constable of the Court,
to convey the said Morris Christian to the above-mentioned
prison, and there deliver him to the keeper thereof, with this
warrant.

g And you, the keeper of that prison, to receive the said Morris
Christian into your custody, there and then to imprison him and
keep him to hard labour for the time aforesaid.

Dated this ninth day of February, 1941.

J. L. Maude.

h A Deputy Commissioner for the
Western Pacific with jurisdiction
In the Pitcairn Islands District.

233. H.E. Maude to WPHC (H. Vaskess), reporting on Morris Christian case

233

H.E. Maude to
WPHC
(H. Vaskess),
reporting on
M. Christian case

15 February 1941

Pitcairn Island.

4

15th February, 1941.

Recd. 17.5.41.

My dear Vaskess,

During the last few months it has become increasingly obvious to me that a large part of the trouble in this island is being caused, directly or indirectly, by the activities of a half-witted kleptomaniac named Morris Christian. I do not remember what the legal definition of a lunatic is and am consequently not prepared to state that Morris (or Mento, as he is invariably called) is a legally certifiable lunatic; he is, however, very definitely feeble-minded or half-witted. He can speak reasonably well, but can neither read nor write and in many ways has the mind of a child - his age is 34.

(See (1).)

2. The most unfortunate trait in Mento's character is his complete inability to resist stealing anything that takes his fancy. In the periods, which are getting fewer and shorter each year, between his gaol sentences he manages to steal an incredible number of articles, and his activities tend to keep the island in an uproar until such time as the Government is forced to take action and put him back into prison. Of course only a small proportion of his offences are ever brought to Court, for in the vast majority of instances people are content to recover their property from him and say no more. When forced with a particular theft and some circumstantial evidence produced that he is probably the thief, Morris is usually quite willing to

own

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H.H. Vaskess, Esquire, O.B.E.,
Western Pacific High Commission,
Suva,
Fiji.

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own up, and a large number of articles are recovered in this manner. Occasionally, however, he takes it into his head to deny the charge and then often threatens bodily harm to anyone who accuses him.

3. As one would expect, Morris has little self control and when in a temper will not only threaten one but also draw his knife. His gun licence was rightly withdrawn by the Court after he was caught on his way to shoot two young women. A few weeks after my arrival here Morris decided to assault or kill me, I have never been clear which, and left the village to "get at Mr. Maude's throat"; he was stopped just before reaching my house. The general opinion is that unless Morris is removed from the island he will probably commit a murder sooner or later.

4. I enclose a list given to me by the Island Secretary and showing Mento's known convictions. I do not believe that they are all on the list but in any case the known thefts, assaults, attempted assaults, and similar offences committed by Mento would probably run into a hundred or more and their collection would serve no useful purpose. During the short period that I have been on the island he must have committed over 20 thefts, judging by the number of cases that have come to my notice, and this in spite of being in gaol for a third of the time.

5. In December I attended one of Mento's trials (See 389 in 2327/2.) - there were three charges against him and he was found guilty on all. After threatening the Chief Magistrate he walked out of the Court room and within an hour had broken into a house and committed a further theft. At the

H.E. Maude to
WPHC
(H. Vaskess),
reporting on
M. Christian case

15 February 1941

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H.E. Maude to
 WPHC
 (H. Vaskess),
 reporting on
 M. Christian case

15 February 1941

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the beginning of the present month he resisted arrest (he was being taken to prison to serve another sentence) biting a policeman rather badly on the arm and finally drawing his knife to assault him. In the resulting scuffle Morris got hurt himself, with cuts and bruises on his head and shoulder, and a general riot was started which, had I not fortunately been on the island, would have had the most serious consequences indeed. Over fifty people gathered and began to take sides and the uproar was indescribable - in less than five minutes the peaceful village was turned into a madhouse, with men and women shouting, yelling, and tearing at each other like so many crazy demons. The Chief Magistrate resigned out of sheer fright and I had to deal with the two principal offenders in the Deputy Commissioner's Court, as the matter seemed to have got beyond the local Government.

6. Fuller sat as assessor during the trial of Morris Christian (for wilfully obstructing the police, etc.) and in sentencing him to 2 weeks imprisonment we added the following rider -

"In giving this sentence the Court has taken into account the fact that the accused appears to be of an excitable and unbalanced temperament and recommends that he should be examined by a qualified medical specialist on opportunity occurring."

Since this trial I have advised the local Government not to prosecute him for theft unless some private person desires to lay a charge and prosecute himself or he becomes such a nuisance that they are forced to lock him up again.

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7. I have been approached by the Chief Magistrate, both past and present, the local Council, and the general public on all sides, including Mento's own relatives, to have him removed off the island to a place where he can be properly looked after. Morris himself petitions me whenever I meet him to take him away to Fiji: he is not cared for properly by his relations, who are said to "treat him like a dog," though they take his side readily enough whenever he gets into trouble with outsiders.

H.E. Maude to
WPHC
(H. Vaskess),
reporting on
M. Christian case

15 February 1941

8. I recommend, therefore, that Morris Christian should be removed to Fiji for observation and treatment at the first possible opportunity, in the interests both of the community and the man himself. I am sanguine that with kindness and some form of occupational therapy Morris can be converted into a happy and useful member of society whereas, should he remain here, his future will inevitably be one of almost continuous imprisonment, until he finally dies or else commits some crime serious enough to warrant his removal to the Suva gaol. Morris is well worth saving, for he has some excellent points, among them being an intense personal devotion to the few who treat him kindly - for those whom he likes he will work really hard and show a pathetic eagerness to please.

9. Should the Government be willing to act in this matter no difficulty need be anticipated from either Mento himself or his parents, and as far as the islanders are concerned one can scarcely conceive a more popular move. It would, I believe, prove one of the greatest single factors by which a measure of peace would be restored to this unhappy, faction divided island.

10.

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- 5.-

H.E. Maude to
WPHC
(H. Vaskess),
reporting on
M. Christian case

15 February 1941

10. I do not know when this letter will reach you, for ships are few and far between these days and we see no prospect ourselves of ever getting off the island. Our provisions and stores have been used up in almost every instance and we are now living to all intents and purposes entirely on locally grown produce. What nonsense is talked at times about the islanders starving should the supply of imported food fail - here we are, used to a fairly high standard of living, and yet feeding like fighting cocks on the same diet as the islanders. Virtually no imported food has been eaten on Pitcairn since the beginning of the year and yet everyone is as fit as can be, and probably a lot better for not eating a lot of exotic tinned stuff.

With kind regards from us both,

Yours sincerely,

H.E. Maude

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(4a)

Morris Christian - List of Convictions.

Enclosure.

H.E. Maude to
WPHC
(H. Vaskess),
reporting on
M. Christian case

<u>Date.</u>	<u>Offence.</u>	<u>Sentence.</u>
(1) 20th June, 1921.	Theft.	Flogged - 8 strokes
(2) 22nd February, 1928.	Slander.	Fined 10/-.
(3) 4th December, 1928.	Interfering.	" "
(4) 10th November, 1930.	Killing a cat.	" "
(5) 26th September, 1932.	Contempt of Court.	" £2.5s.0d.
(6) 9th January, 1933.	Cutting a rope.	" £1.
(7) 1st March, 1933.	Threatening to use a knife.	No penalty.
(8) 22nd June, 1933.	Theft.	Imprisonment - 1 month.
(9) 30th August, 1933.	Fighting.	Fined £2.
(10) 30th December, 1933.	Threatening.	" £2.
(11) 19th February, 1934.	Violating Law No.12.	" £1.
(12) 11th March, 1935.	Theft.	Imprisonment - 1 month.
(13) 29th April, 1935.	Theft.	Fined £3 and bound over for year.
(14) 3rd March, 1937.	Swearing.	Fined £1.
(15) 29th November, 1937.	Theft.	Imprisonment - 1 month.
(16) 7th February, 1938.	Theft.	Bound over - 1 year.
(17) 20th December, 1938.	Theft.	Bound over again.
(18) 8th May, 1940.	Threatening to shoot two women.	Gun Licence cancell- ed.
(19) 9th December, 1940.	Theft (3 charges).	Imprisonment - 1 month.
(20) 27th January, 1941.	Theft (2 charges).	" - 2 months & 10 days.
(21) 9th February, 1941.	Obstructing the Police.	" - 2 weeks.

15 February 1941

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234. Chief Magistrate (Young) to WPHC regarding thefts by Morris Christian

234

Chief Magistrate
(Young) to WPHC
regarding thefts by
M. Christian

TELEGRAM.

DECODE.

[CODE Govt.]

54X41-4 rms.

From: Chief Magistrate, Pitcairn Island.

To: Secretary, Western Pacific High Commission.

28 April 1941

No. (Date) 28th April, 1941 .



I am directed by the Chief Magistrate to inform you of Morris Christian taking things which do not belong to him, imprisonment have no effect, put him under bounds, waiting instructions from your Government.

Young.

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235. WPHC (H.E. Maude) to Chief Magistrate regarding Island Court returns

235

WPHC
(H.E. Maude) to
Chief Magistrate
regarding Island
Court returns

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48

OFFICE OF THE HIGH COMMISSIONER
FOR THE WESTERN PACIFIC,
SUVA, FIJI.

24th August, 1943.

Sir,

24 August 1943

(47a) (47) (47j)

I am directed to acknowledge the receipt of your letter of the 30th June, forwarding the Pitcairn Island returns for the first half of 1943. It is noted with satisfaction that, as compared with former years, the returns are now being sent in much more promptly and that they are neater and more accurate.

2. Please note that it is very important that the fullest possible details should be given of all Court cases and of all Meetings of the Council and other bodies. It is impossible for the Legal Authorities to decide whether a case should be reviewed here, in accordance with Regulation 21, unless everything that was said and done at the trial is recorded in the Minutes of Evidence.

(See 47d)

3. I was sorry to read that Reeve Gooze has again been up before the Court, this time for disobeying Regulation 95 about Public Works. You have already been informed that this boy may travel to New Zealand at Government expense, as his father is now permanently living there, and it is hoped it may prove possible for him to leave before long.

(See 47d)

4. It is noted that an application was received by you to allow three women to visit a vessel contrary to the Rules regarding the "Use of Public Boats for Visiting Ships" made by the Council on the 1st December, 1940. The Council was wise not to allow any slackening in these Rules, lest trouble occur afterwards.

5. It is hoped that the School House has now been repaired satisfactorily, in time to be ready for the new Schoolteacher, Mr. D.H. Watson. After the war is over it is intended

to send

The Chief Magistrate,
Pitcairn Island.

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235

WPHC
 (H.E. Maude) to
 Chief Magistrate
 regarding Island
 Court returns

24 August 1943

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- 2 -

b
 a quantity of timber and other supplies for repair work but at the moment everything is required for winning the war.

c
 6. Please note that in Return F (b) and (c), no stranger should be on both lists. If the person has a proper permit to reside in Pitcairn he or she should be entered in List (b), otherwise the stranger must be entered in List (c). Actually there are no strangers in Pitcairn Island at the present time with proper valid permits, though Mr. and Mrs. Watson and their child have been granted them. All strangers should, therefore, be entered in List (c) and not List (b), with the exception of Charles Christian, who is not a stranger as his father was a Pitcairn Islander.

d
 e
 I am,

Sir,
 Your obedient servant,

(Signed) H. E. MAUDE

f
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 h
 For Secretary to the High Commission.

236. Return of Court Sitting for half-year ending 30 June 1948 (Note typographical error in date - should be 1948 not 1938)

236

Return of Court
Sitting for half-year
ending
30 June 1948

30 June 1948

Court sitting held during the half year ending June 30, 1938.

642

May 10. Morris charge for entering Burnett House.

Chief Mag. Do you admit to the charge.

Morris. Yes.

Chief Mag. Anything the Ass want to ask him.

M. Nothing. Guilty.

Chief Mag. You are found guilty, so I give you 3 month imprisonment
be prepared to go over tomorrow evening. another 1 months term of
imprisonment was given him for contemp of court, at the end of the first
3 month term.

Chief Magistrate. *Morris Young*

Secretary *Andrew Young*.....

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237. WPHC (H.C.A. Bryant) to Chief Magistrate regarding case of Morris Christian

a E.C. 26.8.48. WESTERN PACIFIC HIGH COMMISSION.
SUVA, FIJI.

237

No. F.10/2/1.

26th August, 1948.

WPHC
(H.C.A. Bryant) to
Chief Magistrate
regarding case of
M. Christian

b Sir,

I am directed to refer to your letter of the 14th July, paragraph 3, and to inform you that Nurse E. Christian need no longer be considered as a stranger now that she is married to an islander, and refer you to Section 9 of the Pitcairn Island Government Regulations.

c 2. With reference to your record of the case heard against Morris, I am directed to refer you to Section 15 of the Pitcairn Island Government Regulations and to inform you that the sentence of 1 month for contempt of court should have been the result of a separate hearing since the maximum sentence the Island Court can give is 3 months for one case.

26 August 1948

d I am,

Sir,
Your obedient servant,

(Signed) H.C.A. BRYANT

For Chief Secretary.

The Chief Magistrate,
Pitcairn Island.

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238. Return of Court Sitting for half-year ending 30 June 1949

238

Return of Court
Sitting for half-year
ending
30 June 1949

30 June 1949

Courtsitting held during the half-year ending June 30, 1949.

25

Jan. 6. Charge against George Parsad for abusing Oscar.

Chief Mag. Do you admit to the Charge against you George?
George. Yes.

Chief Mag. Assessors want to ask anything, on the case?

Assessors. No.

Chief Mag. I gave you each 10/. for using profane language, on each other, and to you George for abusing £2. 10s.
Court dismissed.

March 16. Charge against Len and Charles for abusing public property.

Chief Mag. Do you boys admit to the charge?

Len. Yes.

C.M. Whats your reason,

Len. Mischievius.

C.M. Thats why you do it Charles.

Charles. Yes.

C.M. Any of you know who roll this drum of cements?

Len. No.

C.M. What have the Assessors have to say,

Ass. They admit to the charge, they plead guilty.

C.M. I gave you each £5. each, and to get that trailer back where it had been.

Len paid in goods four cars at 10/. each = £2. and £3. cash = £5.

May 5. Charge laid against Joyce by her parent for being on Family way.

Chief Mag. Well Joyce you where brought here by your parent because you where on family way again, who do you lay the charge to.

Joyce. Len.

C.M. Len you was charge for making Joyce on family way do you admit to it.

Len. They have blame me for one and I dont admit to this.

C.M. Have you had anything to do with her to make her in that condition,

Len. Yes.

C.M. Well you have heard what the party said what will you do with it.

Ass. We cant do any thing till the child born.

C.M. Well the court ajourn till then.



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Parker. Johnston.....
Chief Magistrate.

Andrew Young.....
Secretary

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239. WPHC (H.A.C. Dobbs) to Island Secretary

239

WPHC (H.A.C.
Dobbs) to Island
SecretaryOFFICE OF THE HIGH COMMISSIONER
FOR THE WESTERN PACIFIC,
SUVA, FIJI.

11th August, 1949.

11 August 1949

ANSWERED.

Page 32.

F.10/2/1

Sir:

(Page 16)

I am directed to refer to your letter No. 24 dated 19th July, enclosing you Half-yearly Return for the period January 1st to June 30th, 1949. Your paragraph 3 is not fully understood. In the Returns sent to me for the second half of 1948 there is no discrepancy between Returns of Deaths in A and those in E. In both cases two deaths are recorded. It is noticed, however, that there is a discrepancy in the corresponding Returns in this half-year: A saying two deaths, and E only one. Will you please explain how this came about, and say which Return is wrong.

2. In the records of the meetings of the Committee is mentioned the desire to change one of the Regulations. Action has been taken here, and you will shortly receive the approved new version when this has been printed.

3. It is noticed that one of the court cases has been adjourned. You may like to have our Legal Adviser's advice on the question raised in paragraph 3 of your letter No. 17 dated 23rd May. This is as follows:-

"The answer to paragraph 3 is that the Court can make the order if it is satisfied on the facts that the alleged father is in fact the father. If no one else has had intercourse with the girl, the Court would have little difficulty in arriving at this finding".

4. Your paragraph 4 has been read with pleasure.

I am,

Sir,
Your obedient servant,

H. A. C. DOBBS

for Chief Secretary.

The Island Secretary,
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240. Robert Christian to H.E. Maude

9 Roxburgh St.
Wellington.E.I.
N.Z.

18th June, 1944.

240

R. Christian
to H.E. Maude

Mr. E.H Maude,
Western Pacific High Commission,
SUVA? FIJI.

Dear Sir;

18 June 1944

I beg to inform you that I am in receipt, of your letter of the 25th of May, 1944. of which I am very please to hear from you and to know that you have landed back again safely, now regarding to the information that I am after in connection with the "Tagua"; I have been in touch with Mr. Haslett, regarding same and he has promis to let me know, the Movements ,of the said Vessel,

Their are some of our people here wanting to go home and if the said party could let me know in time, I shall try and do my best to get them away, Mrs Christian & I are looking forward to the time when you could come and see us again and have tea ~~with~~ with us, So next time you come throu to Wellington give a ring on the phone and let us know that you have arrived,

And the next time you think of it remember don't forget the Law Book,) that you promised me I haven't got it yet, so I am still on the waiting list, glad to say that we are all well and hoping to see you again one day.

Yours Sincerely,
Bob Christian.

R. Christian

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241. H.E. Maude to Robert Christian

241

Western Pacific High Commission,
Suva, Fiji.

H.E. Maude to
R. Christian

H.E. Maude

Dear Mr. Christian,

Thanks for your letter of the 18th June,
received today. I am glad to hear that you have
got in touch with the New Zealand Public Works
Department and hope that more of your people have
by now succeeded in getting home again.

30 June 1944

I must apologize for not having sent you
the copies of the Island Regulations I promised when
I was in Wellington. I am sending seven copies
now and will send more if you need them.

Yours sincerely,

H. E. MAUDE

Mr. Robert Christian,
9, Roxburgh Street,
Wellington, E.I.,
New Zealand.

242

F. Christian to
H. E. MaudePitcairn Island
Sept. 21, 1941

Dear Brother & Sister Maude

While thinking of you to-night I thought I'll drop you a few lines. Just to let you know how things are at the present time on Pitcairn. We still see very few ships. but I feel thankful to see what we do see. We had the *Myrtlebank* here in June and the Captain knew you very well. he do wish you were still on Pitcairn when he came, he was going to Australia and would be so glad to take you if you were only here when he came. he said that he carried you to Ocean Island once, and I think he said you were on another ship with him at another time. he spoke well of you and was very sorry that he did find you here.

Well just a few more about Pitcairn. To began with we have had no mail since the 11th of June and had not get the price of the things that came on the *Sea Witch*, and than on top of that the stores that came on the *Quaker City* on the 11th of June. We have no price list of that yet, the people have taken quite a lot and are waiting for the price so we can pay for what we have already taken. I can say

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21 September 1941

242

F. Christian to
H.E. Maude

21 September 1941

Pitcairn Island.

Sept. 31. 1941.

Dear Brother & Sister Maude.

While thinking of you to-night I thought I'll drop you a few lines. Just to let you know how things are at the present time on Pitcairn. We still see very few ships, but I feel thankful to see what we do see. We had the Myrtlebank here in June, and the Captain knew you very well, he do wish you were still on Pitcairn when he came, he was going to Australia and would be so glad to take you if you were only here when he come, he said that he carried you to Ocean Island once, and I think he said you were on another ship with him at another time, he spoke well of you and was very sorry that he did find you here.

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242

F. Christian to
H.E. Maude

21 September 1941

that the people here dont like to be in debt to any body. These stores we have here at the present time do comes in handy because the wind have destroyed many of our bananas and our beans and other things in the field. What we are anxious about is the price of the things and are anxiously waiting for it. The H.C. send a telegram about taking the things that we dont need away from here. but if the price could come and we could pay for what we have already take, and then be able to take some more and let the things remain here longer we would like to keep the things here longer. there are some things that we dont use and yet some of the people use them. And these are the vinegar, tea and coffee. the other things we use. Now the Wheat they are good. true quite a lot get wet when landing them because the sea was rough that day. but still the people have taken about 30 to 40 bags, of course this is a good place for weevil, and other insects and they are already in the wheat but have not spoiled it for making bread yet. Our wish is that if they dont demand us to pay it all right away at once to leave it here for a year or so. the people are waiting to pay for what they have already taken. What we want is the price list

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F. Christian to
H.E. Maude

21 September 1941

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year or so, the people are waiting to pay for what
they have already taken. What we want is the price
list.

242

F. Christian to
H.E. Maude

21 September 1941

We still have some of the thieves here yet, but you may be glad with me to know that Andy has gone to N.Z. Morris is still under bounds but his term will be up at the end of October and then I suppose he will soon have to go into prison again. but for all these five month he has had no chance of going into any bodys house and pinching any thing yet. One of the worst thing I find every body here want to catch the thief but if it happen to be their relation they would lie and try to clear them, and then if its some one they dont like they will say punished them. I am planning to call a public Meeting and talk to the people once more. Some are good but not all.

Now I think its getting bed time so I will say good night to you all and God bless you both and dear little Alric, Thomas and Valda and Thelma are well. Flora also is keeping well.

Yours sincerely

Fred M. Christian

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F. Christian to
H.E. Maude

21 September 1941

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you may be glad with me to know that Andy
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punished them. I am planning to call a public
meeting and talk to the people once more. Some
are good but not all.

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h
Now I think its getting bed time
so I will say good night to you
all and God bless you both
and dear little Alice, Thomas and
Valda and Thelma are well. Flora also is
keeping well.

Yours sincerely
Fred M. Christian

243

F. Christian to
H.E. Maude

Pitcairn Island

June 20, 1943

a

H.E. MAUDE

b

20 June 1943

Dear friend.

It has been a long time since we heard anything about you and Mrs Maude, but we have learned that you are in Fiji. So I thought I,Il take a chance and write a few lines.

c

You will be surprise to learn that Warren Christian and Millie Coffin has just been married the 16th of this month Edna Young is trying to get a passage to New Zealand for another operation but it looks as if it will soon be too late for her. her last operation is looking very bad.

d

Last week I had a court sitting Walter Brown charge Watson Coffin for spoiling his watch. (these boys are always jealous with one another) Walter claim that Myrl was his girl friend. And Watson was trying to be her boy friend —.

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h

Pitcairn Island

H. E. MAUDE.

June 20, 1943



Dear friend.

It has been a long time since we heard anything about you and Mrs Maude, but we have learned that you are in Fiji, so I thought I'll take a chance and write a few lines.

you will be surprise to learn that Warren Christian and Millie Coffin has just been married. the 16th of this month Edna young is trying to get a passage to New Zealand for another operation but it looks as if it will soon be too late for her. her last operation is looking very bad.

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243

F. Christian to
H.E. Maude

20 June 1943

243

F. Christian to

H.E. Maude

20 June 1943

Walter said that he saw Watson with two other boys pass Myrls room and Watson went into her room and thats the time he took Walters watch and spoil it so these boys were called up and the two other boys said that Watson did not go into that room. I asked them if they see any one in the house at the time they said yes. Jacob was there. (Well he was living with the family at the present time). I ask him if he saw the boys passing he said yes, but none of them come in the house for just after they pass he looked in the room and no one was in. So theres the three against Walter that Watson did not go in Myrls room. Well after a fair trial I thought the court fine Walter one pound or braking law 61 [causing] false report. because it prove to be that he was telling an untruth just to get Watson in trouble. When the Court was over and his folks knew that he was fine one pound they set up a row Elmer call the government some awful names. he is and has cause a lot of trouble here and I would be very

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20 June 1943

2 Walter said that he saw Watson with
 a two other boys pass myrls room an
 Watson went into her room and thats the
 time he took walters watch and spool it
 b so these boys were called up and the two
 other boys said that Watson did not go into
 that room. I asked them if they see anyone
 c in the house at the time they said yes.
 Jacob was there. (Well he was living with the
 family at the present time.) I ask him if he
 saw the boys passing he said yes, but none
 d of them come in the house. for just after
 they pass he looked in the room and no
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 g was over and his folks knew that he was
 fine one pound. they set up a row
 h Elmer call the government some awful
 names. he is and has cause a lot of
 trouble here and I to would be very

243

F. Christian to
H.E. Maude

20 June 1943

glad if you would advise me what to do in this case, I have talk to him and warned him but still it do him no good, Elwyn came into court that day and want to talk. I told him he has had plenty time to see me out side of the court befor that, and I did not allowed him to speak. And that makes more trouble for me. and some others think that I did wrong because I did not give him a chance to talk, but I said I,ll do it again. when they have plenty time to meet with me befor the Court open.

And I feel as you knows every body here and the ones who are always giving trouble that I could find no one that can help me so good as you.

So I will be glad to get help from you in some way and some time. If I can only talk it would be interesting.

Yours sincerely

Fred M. Christian

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F. Christian to
H.E. Maude

20 June 1943

a 3 glad if you would advise me
what to do in this case, I have talk
to him and warned him but still it
do him no good. Elwyn came into court
b that day and want to talk. I told him
he has had plenty time to see me out
side of the court before that, and I did
c not allowed him to speak. and that makes
more trouble for me. and some others think
that I did wrong because I did not give
d him a chance to talk. but I said I'll do
it again. when they have plenty time to
meet with me before the court open.

e and I feel as you know's every body here
and the ones who are always giving trouble
that I could find no one that can help me
f so good as you.

g so I will be glad to get help from
you in some way and some time. If
I can only talk it would be interesting

Yours sincerely

Fred M. Christian

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244. Pastor/School teacher (F. Ward) to H.E. Maude

244

Pitcairn Island,
14th July, 1943.Pastor/School
teacher
(F. Ward) to
H.E. MaudeMr. H. E. Maude, M.B.E.,
C/o W.P.H.C.,
Suva, Fiji.

Dear Mr. Maude,

By the radio message that Mrs. Maude sent to my wife, we know that you received at least one letter from us. Two months ago we posted a long registered letter to Fiji, sending a copy as well to the Auckland address. We trust you have received that one safely before now. In it we mentioned that we had received the radio message. We would again express our thanks for your kind thought in sending word that way.

14 July 1943

It is now many weeks since a ship called bringing us any mail or news of any kind. We are eagerly looking for a ship now, as you may guess. And should one come any day it may bring news of you folk - now in Fiji, I suppose. This letter will probably begin its voyage on the first ship to come along.

You may hear before you receive this that poor old "Uncle Arthur" has died. Arthur Herbert Young died very suddenly on the first of July. Had he lived till Sunday, the fourth, he would have been seventy years old. I wish to tell you some of the details, which you may never hear from any other source.

Perhaps you know that some time ago Arthur had suffered accidental head injuries. He sometimes complained of bad heads, thought to be the result of these accidents. For about three weeks he had complained more particularly of occasional bad heads, as well as of pains that may have been caused by heart trouble.

On the first of July he went up the hill with Jack. They sawed some wood suitable for making curios and brought home a barrow load each. Near "Big Fence" Arthur has some sugar cane. After the cutting of the cane, he had heaped some cane refuse - dead leaves and stalks - on the edge of his patch, where it adjoins someone else's patch, intending later to burn it, so we are told. As they passed the cane they noticed that someone had thrown this pile of refuse all back over his garden. This, coming on top of two other upsets in his garden on the hill earlier in the morning, seemed just too much for the old chap. Using an unwholesome expression peculiar to Pitcairn Island, he said he was tired of such treatment.

One of the things that had irritated him earlier was that someone had run a barrow along two rows of his peanuts. Then again, he had some seedlings that he was sharing with two young men. When he asked one of them if he had taken his share he was told that the other lad had taken the lot! "The miserable wretch!" he exclaimed, feeling, I suppose, rather put out.

(2)

a On several occasions someone had shown spite on Arthur. He mentioned the fact some weeks ago in a Public Meeting. He said he didn't know why anyone should want to treat him so; he didn't know of anything he had done to harm them. For one thing, someone had shot some of his coconuts.

b Now, this finding of the scattered cane rubbish, following on the other instances of the morning evidently made Arthur feel angry. He left his barrow on the road near Big Fence and, while John went on home, he returned to throw the rubbish off his cane. Some think that he might have rushed at the work too hurriedly so that, after the toil already accomplished that morning, it proved too much for him. However, within a few minutes from the time Caddy spoke to him and went on home, Thornton came down the hill and saw him lying in an unnatural position and ran over to find him apparently dead. Virgil and Caroline came along almost immediately. Virgil stayed with Thornton while Caroline ran on to tell about Arthur and find more help. Though scarcely believing the story, several men ran along and soon Arthur was carried home on a board. (Surely there is need of a stretcher here in case of serious accident.)

c What a shock it was to John and Bernice! Someone had just run in a few moments before to say that Arthur was dead. Jack had not finished unloading his barrow and Bernice was preparing to dish up the breakfast. I was coming up from school at recess time. As it was not known whether Arthur was really dead, I rushed home for brandy. Others hurried to do what they could, Elwyn giving an injection of Adrenalin. Very soon (too soon, some thought) it was considered that he was gone. I suggested that a mirror be held before his nose but some said it was no use.

d Almost at once a tub of hot water was brought and the folk set to work to wash and lay him out. They always seem rather sudden at this, but in this case, where there might have seemed room for some doubt, they appeared to make extra speed. When I saw the hot water first I thought they were going to try some other means of bringing him round, but it seemed to be the general opinion that he was really dead so I left. The Chief Magistrate was there and he suggested that I might as well bring my bottle of brandy along with me, which I did.

e It seems that in a little while Edna Young came in and saw that they were laying out the body and she thought it was all too hurried. Hastening home, she waited but a short time for David to come home. He had spoken to Arthur on his way up the hill when Arthur went to clean up his cane. Caddy was there at the same time. Caddy came on into town and David went up the hill. Now for David to hear that Arthur was dead and being laid out seemed all "too hurry!" Edna encouraged him to run in and see if he couldn't stop them from stuffing his mouth and nose with the usual "carbolic" dressing. But he was told it was already done. David and others felt Arthur still warm.

f There were several (of both sexes) working on the case. Hilda told us later that "when Jessie poked the carbolic and cotton up his nose with a pencil, his legs gave a sudden jerk that threw them out of my hands." She said she had been holding both his legs.

244

Pastor/School
teacher
(F. Ward) to
H.E. Maude

14 July 1943

h

(3)

244

Pastor/School
teacher
(F. Ward) to
H.E. Maude

Myrtle was horrified at this story and exclaimed, "Oh dear! they've killed the man! I'll write away to Fiji and see if we can't get some rule made to stop people being laid out too soon." Hilda must have talked of this suggestion and soon we heard stories in the other extreme from those who laid Arthur out. Thornton is even quoted as saying that he was already cold at Big Fence! Thinking he was being blamed, as one who acted too soon in the laying out, Thornton talked of taking the matter to court. They seemed afraid of any adverse report reaching Fiji. As one put it, "It would look bad for the Government!"

Of course, some well-meaning person, all eager to help, soon informed Bernice of the gruesome possibility that her father had been laid out before he was dead! Naturally, she felt terribly bad about it.

14 July 1943

The evening after Arthur was buried, Bernice asked Hilda to write to her brother Burnell in New Zealand. Later, when there was considerable "big talk" about the stories that were being circulated, Bernice wished to see the letter. Some suggest that Fred and Mimie were with Bernice in being afraid of what might be told out. Ada came to ask Roy for the letter out of the Post Office, but he did not give it to her. Later the Chief Magistrate, on his own account, sought to obtain it, but Roy did not wish to give it up; he strongly objected. Thereupon Fred demanded it, saying that he had "written authority" to do so.* It was quite an upset for Roy. He would like to know from you or Mr. Fuller under just what circumstances the Ch. Mag. could take such action. It would appear that the only "authority" he has is that mentioned in Regulation 45 of "The Fitcairn Island Government Regulations, 1940," which refers to the conducting of an inquiry. Perhaps he doesn't know what an "inquiry" is! It is to be hoped that he has not any written authority to confiscate this letter! Roy is very anxious for us to receive some word stating definitely his position in such a case. One never knows when the Ch. Mag. might again demand a letter. And if he can demand one letter, he can, by the same token, demand a bagful!

*
(Overleaf)

Seeing there is no doctor here to pronounce life extinct, or otherwise, do you think it would be possible to have a regulation framed requiring that a certain time be given before the laying out of a person who is supposed to be dead (or something to that effect)?
Is it necessary that carbolic (or phenyle, or sheep dip) be used in the dressing for the mouth and nose?

You will be interested to know that Ada's son Warren was married to Millie Coffin on the 16th of June. They are starting out with a lovely little baby girl, not yet a year old, which they adopted from Linas.

Sanford is still bedridden. Several of his toes, having turned black and begun to putrefy, have been removed. Alwyn performed the operation with a razor. Another part near the heel is now affected. Elmer diagnoses the complaint as leprosy!! Of course, you know he always has plenty to say and knows everything.

Elwyn still regrets that he did not accept the offer he had to study at the hospital in Fiji. Morris still expresses his willingness to have a go at Hitler - if only he could get away!

(4)

244

+ That is,
fill words
or instruction
is received
from the
Conference.

They are
planning
to send
someone,
I understand.

Perhaps you wonder how we are getting along. It is somewhat easier since I resigned from my church position. As far as the church is concerned, there is very little we can do, so we are endeavouring to let things go as much as possible without worrying. We seem better in health - taking it a little easier. Roy's wife, May, has been helping with the work and cooking some of the meals, which has made toil much lighter for Myrtle. Mrs. Maude might be interested to know that Myrtle has her hair bobbed. They all say it suits her well and she finds it very comfortable and cool. She is much fatter than when you were here. My appearance has not altered. I still seem to tire easily and get husky but am not troubled with those painful aching glands as formerly. Our supply of outside foods has long been "sollen." With the exception of a few odd things, obtained from ships occasionally, we must now depend on Island produce. We have ordered supplies of food and clothing from both America and New Zealand but nothing ever comes. We are still hoping to receive them "on the next ship!"

Mr. Dyett still gets homesick for New Zealand. He has not heard from his father since he has been here, I believe. Mrs. David Young is hoping to get away on the next ship. Her trouble is increasing and causing her grave concern. It is a great pity she ever came back.

We have found a few more stone axes to add to our collection, but they seem much less plentiful than when you were here.

Accept very best wishes for yourself and Mrs. Maude and Alario. Myrtle hopes she will receive a letter from your wife on the next ship. Our mail is very scarce - only half a dozen letters at a time now, even after waiting for fourteen months!

May the time soon come when Hitler and his partners will be out of business. What a relief it will be to many poor souls but no doubt there will be difficult problems to solve, even after peace is declared.

I remain,

Yours very sincerely,

Fredrick E. Maude

* Hilda's was just a good letter of sympathy. There was found in it nothing objectionable.

Pastor/School
teacher
(F. Ward) to
H.E. Maude

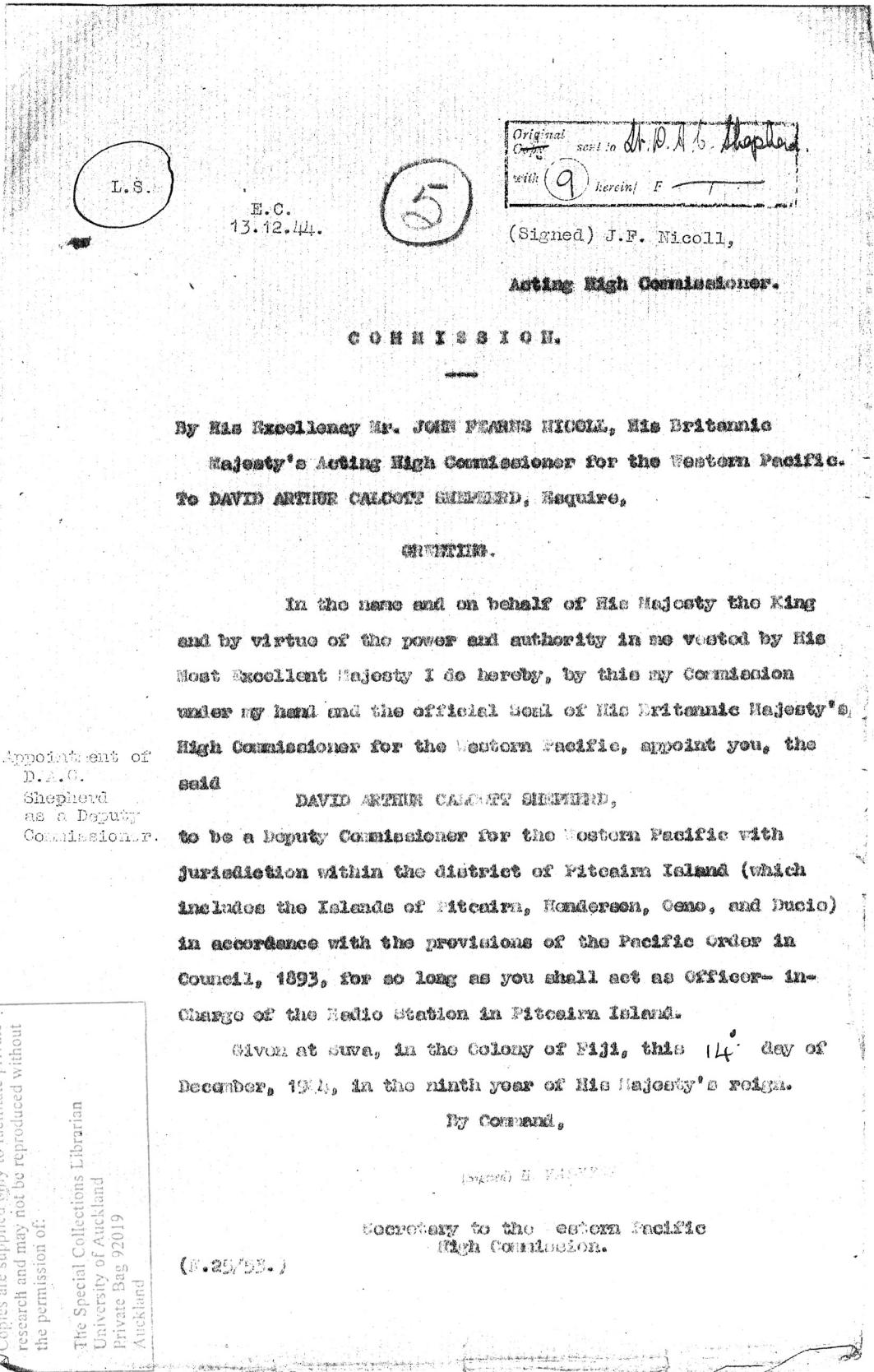
14 July 1943

245. Commission appointing Lieutenant D.A.C. Shepherd a Deputy Commissioner

245

Commission
appointing
Lieutenant D.A.C.
Shepherd a Deputy
Commissioner

14 December 1944



Appointment of
D.A.C.
Shepherd
as a Deputy
Commissioner.

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(K.25/53.)

246. H.E. Maude to WPHC regarding appointment of Shepherd as Deputy Commissioner

246

H.E. Maude
to WPHC
regarding appoint-
ment of Shepherd
as Deputy
Commissioner

EXCERPT.

(For original see ① in F.10/2/5.)

San Francisco, California,

3rd March, 1944.

Sir,

I have the honour to forward the following report on my recent administrative visit to Pitcairn Island, made in conjunction with the expedition engaged in constructing the B.A.M.S. coastal wireless station on that island.

3 March 1944

.... ..

13.

(8) Appointment of a Deputy Commissioner.

A considerable amount of correspondence is on record in the High Commission office on the question of appointing a Deputy Commissioner for the Pitcairn Islands District, in order to advise and strengthen the hands of the local Government. The theoretical desirability of such an appointment has never, as far as I am aware, been questioned, but until the advent of a commissioned officer to the island, no suitable person for the position has ever lived there. I believe that we now possess, in Lieutenant D.A.C. Shephard, a suitable man for appointment as Deputy Commissioner and that such a step would serve not only to strengthen his own position on the island, as giving him a definite official standing in the community, but at the same time enable the Chief Magistrate and Council to have someone experienced in the affairs of the world to whom they could turn for advice when needed. I have known Lieutenant Shephard for over two years and have formed a very favourable impression of his ability and character. He appears a well-educated, sober, and balanced individual whose advice would be of real value to the community. I recommend, therefore, that consideration should be given to appointing him a temporary Deputy Commissioner for the Western Pacific forthwith, on a purely honorary basis and with jurisdiction confined to the Pitcairn Islands District.

.... ..

I have the honour to be,
Sir,
Your obedient servant,

(Sgd.) H.E. MAUDE,
Acting First Assistant Secretary,
Western Pacific High Commission.

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(See ⑬) F.10/2/5.
Handwritten
from Sfr

247

WPHC to
D.A.C. Shepherd

15 December 1944

TELEGRAM.

DECODE.

[CODE.....GOVT.....]

112X44-4 rms.

6

From: Secretary, Western Pacific High Commission.

To: Lieutenant D.A.C. Shepherd, Pitcairn Island.

No..... (Date) 15th December, 1944.

E.C.
15.12.44.

5

(see 4)

Reference Maude's discussion with you in August, Commission issued 14th December appointing you a Deputy Commissioner for the Western Pacific in Pitcairn District. You will receive allowance of £NZ.50 per annum while Commission in force. Your Department has agreed to appointment and payment. Report by mail how you wish payment to be made.

2. As Maude explained, duties are to assist and advise Chief Magistrate and local Government whenever required. You have also limited judicial powers under Pacific Order in Council, 1893, and Regulation 16 of the Pitcairn Island Government Regulations, 1940. Cases for exercise of those powers should rarely arise. Please telegraph should you experience difficulty at any time.

Secretary, Western Pacific High
Commission.

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248. WPHC to Chief Magistrate

TELEGRAM.

DECODE.

[CODE Govt.]

112X44-4 rns.

7

From: Secretary, Western Pacific High Commission.

To: Chief Magistrate, Pitcairn Island.

No. 29..... (Date) 15th December, 1944.

H.O.
15.12.44.

5

Lieutenant Shepherd has been appointed a Deputy Commissioner for the Western Pacific with jurisdiction in Pitcairn District by Commission dated 14th December. You should consult him whenever you require assistance and advice on Government matters.

Secretary, Western Pacific High Commission.

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248

WPHC to Chief
Magistrate

15 December 1944

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249. Extract from return of Island Court for half-year ending 31 December 1944, with reference to amendment in penalty by Deputy Commissioner Shepherd

249

Sheet NO 3.

Chief Mag. Any one else with you?

Walma. Grant Inez. Jim. Clarence, Walter, Myrl, Angela, Edna.

Chief Mag. Grant did you hear any thing in the fighting down at Alta's place on Sabbath?

Grant. Laura told Alta she have one person in prison for taking money and she have the money yet.

Chief Mag. Who else there with you.

Grant. Inez and I were ~~in~~ Ellen's house.

Chief Mag. Inez you hear anything?

Inez. Laura told Alta she have one people in prison for some money and sh she have the money.

Evidence collected by the Policemen.

Jim. States that he heard Laura told Alta if it had'nt been for one person she have to go to prison because she make Morris take some money which belongs to Arnold.

Charlotte. States. She heard Laura told Alta that she have one person in prison for taking some money.

Chief Mag. What decision did you Assessors come to in this case.

Ass. All evidences are against them, we pronounce them guilty.

Chief Mag. I gave you each two month in prison, or £9. (Nine pounds) £1. (One pound) goes to the owner.

Amendment. 29th December 1944.

Upon investigation being made of the financial circumstances of the convicted people, it was clear that the payment of the fine imposed would result in undue hardship. Therefore after consultation with the Chief Magistrate, it was decided that the sentence should be amended to require the payment of £1. (One pound) in the case of each person. And order was also made for the sum of £1. (One pound) unlawfully received, to be returned to the Owner.

D. A. C. Shepherd
Deputy Commissioner.

*Parker to be returned
to Chief Magistrate
And assessors
Secretary*

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Extract from return of Island Court for half-year ending 31 December 1944, with reference to amendment in penalty by Deputy Commissioner Shepherd

31 December 1944

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250. Chief Magistrate (Norris Young) to WPHC, enclosing Nurse Totenhofer's report regarding Laura Christian abortion case

250

Chief Magistrate
(N. Young) to
WPHC, enclosing
Nurse Totenhofer's
report regarding
L. Christian
abortion case

25 February 1946

Office of the Island Secretary
Pitcairn Island
25th February 1946

NO. 7.

RECEIVED
15 FEB 1946
W.P.H.C.

Sir;

(Page 2.)

I am directed by the Chief Magistrate to forward to you for your instruction, to a case on hand prosecuted by the Medical Officer Everlyn R. Totenhofer on the Charge of "Abortion".

2. Seeing that this case is beyond my power to deal with, I am forwarding copy of evidence by the Nurse E. R. Totenhofer, for your Guidance on the charge against Laura Christian. I am sorry to say that Laura Christian refuse to give any evidence on the said charge.

I would be grateful if you would inform me what to do in this matter, waiting for your instruction.

I have the honour to be,
Sir,
Your obedient servant

The Secretary
Western, Pacific
High Commission,
Suva, Fiji.

Norris Young...
Chief Magistrate
Andrew Young.....
Secretary

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250

Feb. 8 1946

Chief Magistrate
(N. Young) to
WPHC, enclosing
Nurse Totenhofer's
report regarding
L. Christian
abortion case

25 February 1946

The following is a report of an abortion I treated on Pitcairn Is, -

I was called on Jan 10th to Laura Christian who was suffering with intense abdominal pains. She insisted that it was an ordinary stomach ache, for which I treated her. Next morning, - Temp. 103.8. pains no better. I asked her to confess & tell the truth if she wished to save her life as I thought she had uterine contractions. She confessed that on the previous Sunday she had used a Buran stick & brought on an abortion of a 2 months old pregnancy. As the abortion was incomplete, & in order to save her life, & with Bernice Christian as witness I curetted her. She made a quick & normal recovery.

Evelyn R. Totenhofer

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250

Chief Magistrate
(N. Young) to
WPHC, enclosing
Nurse Totenhofer's
report regarding
L. Christian
abortion case

Feb 8. 1946

The following is a report of an abortion
I treated on Fetearin Is, -
I was called on Jan. 10th to Laura
Christian who was suffering with intense
abdominal pain. She insisted that it was
an ordinary stomach ache, for which I treated
her. Next morning, - Temp. 103.8. pain no
better. I asked her to confess & tell the truth
if she wished to save her life as I thought
she had uterine contractions. She confessed
that on the previous Sunday she had used a
Buran stick & brought on an abortion of a
9 months old pregnancy. As the abortion
was uncomplete, & in order to save her life,
& with Bernice Christian as witness I curetted
her. She made a quick & normal recovery.

Evelyn R. Totenhofer

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251

WPHC minutes on
L. Christian
abortion case

22 March 1946 -
29 March 1946

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(Page 3.)

34

(A)

Secretary,

Submitted with pages 1 and 2. From page 1 it would appear that Laura Christian has been charged, presumably before the Chief Magistrate, but he is not a Deputy Commissioner under the Pacific Order in Council and therefore cannot conduct a preliminary examination. His jurisdiction appears to be restricted to offences under the Pitcairn Island Government Regulations of 1940. She refuses to give evidence which means I think that she proposes to deny the crime alleged at page 2. Nurse Totenhoffer makes no mention of a witness to the "confession", so that it may be assumed there was no such witness, this reduces the case to the Nurse's word against that of the accused plus the drawback, from the point of view of the prosecution, that the Court may not hold Nurse Totenhoffer capable of giving expert evidence.

2. The case as presented is very weak, and hardly warrants the great cost and trouble of sending a Judicial Commissioner, assuming one was available.

3. Before submitting the matter for Legal advice I suggest we telegraph and find out (a) whether the woman has been charged and if so (b) how she pleaded, and (c) whether there was a witness to the alleged confession besides Miss Totenhoffer. ^{o/c} Bernice Christian was only a witness of certain acts performed by Nurse Totenhoffer in the latter's professional capacity, and her evidence would be of little value unless she (?) too is professionally qualified and able to speak with authority as to the accused's physical condition at the time of treatment by Nurse Totenhoffer. Draft telegram to Chief Magistrate submitted.

4. There is no Deputy Commissioner at Pitcairn Island at the moment, but the Chief Magistrate could of course be made one for the purpose of conducting a Preliminary Examination.

MA
22.3.46.

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WPHC minutes on
L. Christian
abortion case

22 March 1946 -
29 March 1946

The Legal Adviser,

With pages 1 and 2 and Mr. Keegan's minute on page 3 for the favour of your advice as to the legal position and the action which may properly be taken, or the reply which should be sent to the Chief Magistrate.

[Signature]
Secretary, W.P.H.C.
26.3.46.

See.

W.P.H.C.

The alleged confession is of very doubtful admissibility and it may well be doubted whether a conviction could be obtained on the remainder of the evidence. I advise that no further proceedings be taken.

J. Manly

29. Mar. 1946



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