

358. Government Adviser (A. Wotherspoon) to Governor's Office regarding possible divorce case

358

Government Adviser  
(A. Wotherspoon)  
to Governor's Office  
regarding possible  
divorce case

21 August 1956

No. 52/56

Pitcairns 140

21.8.56

The Secretary to the Governor.

Suva

Fiji.



Divorce matters.

Dear Sir,

a New Zealand lady, married to Clarence Young, "engineer", has approached me confidentially re divorce.

2. It is well-known here that her husband is a very poor character indeed. In the past he has caused considerable trouble having, on one occasion, fled to N.Z. to avoid responsibility re the birth of a child to an eighteen year old girl.

3. There are many similar stories told about him. At the present moment, he eats & sleeps away from home keeping company with a non-virtuous young woman - single.

4. Mrs Young is respected by all here.

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Government Adviser  
(A. Wotherspoon)  
to Governor's Office  
regarding possible  
divorce case

a

She has proved to be a good wife and a devoted mother to two children both boys. (i.e. according to hearsay.)

b

21 August 1956

5. She has made up her mind to leave her husband.
6. Her father has asked her to come to New Zealand. She does not know if she could get a divorce from a Pitcairn Islander in N.Z. Being under the jurisdiction of the Governor of Fiji, Pitcairn Island would naturally accept the Governor's law as regards divorce.
7. Would you kindly advise what steps should be taken?

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I have the honour to be, Sir,  
Your obedient servant,  
A. Wotherspoon

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21 August 1956

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urally accept the Governor's <sup>Law.</sup> ~~code~~  
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e steps should be taken?

I have the honour to be, Sir,  
Your obedient servant,  
f A. Wotherspoon.

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Government Adviser  
(A. Wotherspoon)  
to Governor's Office  
regarding possible  
divorce case

4 October 1956

138/13/11.

2145

Pitcairn Island.  
4th Oct. 1956.

22 OCT. 1956

No. 58/56.

The Secretary to the Governor,  
Suva,  
Fiji.

Approach re Divorce.

Has not advice,  
already gave.  
for 23/10

Dear Sir,

I have written previously, requesting advice re possible divorce proceedings.

2. Last week, I was approached by Mrs Clarence Young who wishes me to notify you that she is desperately in need of assistance.
3. Some facts follow:-
  - a. Mrs Clarence Young is a New Zealander. --- a fine-looking young woman of good character, cleanly in her ways, a good example to other women here; works in well with them and has never been an upsetting influence in any way.
  - b. She has two children. Both boys, one aged six, the other 3.
  - c. She married in N.Z. not knowing anything of her husband's rather rakish past.
  - d. Her husband, Clarence, has had at least 5 affairs with other women since they have come to live here. At the present time- and over the past six months- he has been openly consorting with a young girl of bad character.
  - e. Up until recently, Mrs Young has stated her desire to accept her husband back if only he would stick to her.
  - f. Lately, her husband has become openly defiant to her, to the Pastor and to other responsible people, including your representative. He will not accept his family responsibility and has been known to buy at the ship for the young woman mentioned (X 19 years), food, etc but nothing for his family.
  - g. He has not spoken to his wife for approx 4 months. When he does, it is to demand and abuse.
  - h. His wife charges mental cruelty and disregard of marital relations.
  - i. She has to live in her husband's father's house and is openly abused by a sister and disregarded by the father-- (Andrew.)
  - j. She knows that her husband spends the nights with the young woman but cannot bring a charge of adultery against him for lack of clear evidence. Others who could, have no power under Pitcairn Is. laws to assist her. Only a wife can lay a charge against her husband---a rule that needs broadening to enable anyone of authoritative standing (Council or Church leaders) to bring matters of such a nature to the fore with the aim in view of cleaning up before trouble develops.

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2 . Divorce matters.

Pitcairn Is... 106

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The present law actually provides a cover for an adulterer. I have tried to encourage the Magistrate to take such matters in hand but he will not move without the law book. And I suppose he is right.

k. Mrs Young would go to N.Z. but her love for her children keeps her here. Her husband will not allow her to take the children.

4. My own comments:-

a. Clarence is rather low. I have mentioned that before.

b. Most people here realise that Mrs Young is a fine woman.

c. There is no future for her here. The islanders will stick together when it comes to an open break in spite of their respect of Mrs Young.

d. Mrs Young faces an uncertain future. I would say that she will break under the strain within two years.

e. She should get away to N.Z. But, her children?

f. The Pastor has told me confidentially that she has recently admitted to the Church Elders that she has been guilty of an indiscretion with another Islander.

g. This chap, too, is another philanderer who has taken advantage of a woman in her trouble. The Pastor says that Mrs Y. is sorry for what she has done and does not have anything to do with the fellow, now. I think that is true as no one else on the Island appears to know what has taken place. Usually, things of this nature are known.

h. I cannot see but what Mrs Young must be rescued from her dilemma. As a young N.Z. woman, she should not be forced to live on the Island without friends -- a lonely woman cut off from all happiness.

5. I would be grateful to you for assistance in this matter. Would Mrs Young be permitted to take her children to N.Z. and there start proceedings? Etc, etc.

I have the honour to be, Sir,

Your obedient servant,

*A. Wotherspoon*

A. Wotherspoon.

Government Adviser  
(A. Wotherspoon)  
to Governor's Office  
regarding possible  
divorce case

4 October 1956

360. Government Adviser (A. Wotherspoon) to Governor's Office, regarding possible divorce case and enclosing letter from Mrs J. Christian

360

31/57.

Pitcairn Island.

19th April, 1957.

- 3. MAY 1957

The Secretary to the Governor,  
Suva,  
FIJI.

Marital Trouble. Joyce's letter.

Dear Sir,

The enclosed was given to me by Mrs Joyce Christian with the request that I forward it to you for consideration.

2. It could be that I should have notified Parkin but on the other hand I know that Parkin has prejudicial feelings concerning the lady and would definitely not be impartial where she is concerned. Then again I do not know what ~~the~~ correct legal <sup>is</sup> course and therefore consider that you are the only one to approach. I am but doing what I was asked to do.

3. A few notes may be handy. 3

a. They have been married about 4 years.

b. Joyce had three children illegitimately before marriage.

c. Since marriage nothing has been brought up against her character from the "loose" point of view.

d. The recent Court cases against Radley are clear evidence that Joyce has reason for her appeal.

e. Radley is a spoilt "boy" type of man. He is selfish, given to violent temper, arrogant, vile in language, unreliable and cunning. His name figures ~~high~~ among those now in Fiji. *I find the others to be pleasing.*

f. It is known that he is making things awkward at home- where he is seldom to be found these days.

g. Radley's parents support him quite openly.

h. He treated his wife very poorly during her pregnancy and confinement.

i. Pastor, Parkin and I have worked hard to straighten things out for the young couple. Radley is the fly in the ointment. Joyce has persisted in saying she wishes her husband to come back to her. Radley has told lies in plenty. Joyce has been found to be telling the truth.

j. It is said that Jennie is coming back. God forbid!! There will be trouble from the word go. Radley is too headstrong to understand where he is heading. I doubt now as to whether keeping Jennie in N.Z. would have any different effect...in the long run.

k. The big question right through the piece is--"Why did Vernon Young, where Jennie stayed, allow the two of them-(Radley and Jennie) to consort so openly under his roof? There is no doubt at all that he knew exactly that immorality was being practised.

l. Note the reference to drink in Joyce's letter.

m. The Radley I knew when all was quiet, figures as a likeable

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regarding possible  
divorce case and  
enclosing letter from  
Mrs J. Christian

19 April 1957

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chap pleasant enough, fond of music, good at sport, intelligent.  
P. has changed a lot. Seems to have lost all respect of himself and  
all regard for anyone but himself and Jennie.

4.

I shall be interested to know what steps you consider it nec-  
essary to take.

b

I have the honour to be, Sir,

Your obedient servant,



A. Wotherspoon.

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divorce case and  
enclosing letter from  
Mrs J. Christian

Pitcairn Island,  
April 18, 1957,

I am writing this letter hoping that it  
is possible for me to get my seperation from my  
husband Radley Christian who no longer treats  
me as his wife.

19 April 1957

Ever since we were married we  
have been living happily together until the 8<sup>th</sup>  
September 1956 when my sister Jennie Warren  
came to visit from New Zealand and right away  
trouble came into our home and has never been  
out since. At the time that my sister came from  
New Zealand both her and my husband knew that  
I was

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19 April 1957

155  
Pitcairn Island,

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enclosing letter from  
Mrs J. Christian

19 April 1957

pregnant but that didn't matter to them not even  
a week after she arrived I found the two of them  
in her bedroom in bed together without any light  
in the room, for this trouble they went to court  
my sister was set free and my husband fined £1  
which his mother paid for him. About 3 weeks  
later I with a witness caught the too of them in  
the act of committing Adultery they went to Court  
again and no help was done again to get my  
husband back again to me, not a month later at  
12:30 one night I went to the police and asked  
him to come with me and find my husband we  
went right

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Mrs J. Christian

19 April 1957

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divorce case and  
enclosing letter from  
Mrs J. Christian

19 April 1957

to my sister's room, and there the too of them  
were in a room all windows and door closed in  
bed together. again they went to Court both of  
there fines was paid by another man and once  
again they were set free. ever since a week  
after my sister arrived her and my husband have  
been sleeping together. He comes home to his  
family 4a.m. in the morning is out with her every  
day until late in the evening. he does no farming  
for his family all thats done is done by myself he  
gives no money to get anything for his family he  
orders for [clothing] for them all that

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enclosing letter from  
Mrs J. Christian

19 April 1957

3 at 161<sup>1/2</sup> 151

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Mrs J. Christian

19 April 1957

we get is send to us from New Zealand from my  
mother and what I ordered for and has to pay  
myself. All of his money goes into buying things  
from the shops on the passing ships for my sister  
even now after she has gone away he still buys  
expensive things and sends them on to her in  
New Zealand, while she was here on the island  
she was supposed to be engaged to a boy in New  
Zealand. She has broken her engagement and is  
coming back to the island again.

About 3 days before Christmas I went  
to one of [my] cousins place and was

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regarding possible  
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Mrs J. Christian

19 April 1957

14. 158

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19 April 1957

there talking to my grandparents when my  
husband came in the started beating me and  
calling me all the wicked names he can think of  
and on Christmas night I was in such pain that  
Pastor and Mrs Hawks had to come and attend  
to me I spent 5 days in bed on account of the  
blows I got 3 nights before my husband was out  
again as usual with Jennie up at Vernon Young's  
place (now our Accessors) they were drinking  
strong drink and he was a bit drunk when they  
sent for him to come home he came after a while  
in a terrible temper and sent some of my cousins  
home

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Mrs J. Christian

19 April 1957

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19 April 1957

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Mrs Hawks got all the things that they would need  
and returned back again to me. thro all my days  
in bed my husband never spent an hour day or  
night at home with me many a meal time passed  
and he gave me nothing to eat not even a glass of  
water.

On Feb. 9 I was in pain I asked my  
husband to stay with me he only turned his back  
and went away with my sister Jenny. I was left  
alone at home with my 3 children and expecting  
the 4<sup>th</sup> any minuit so my grand mother came down  
and I went with her up to [one] of my cousins  
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19 April 1957

b. 160

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19 April 1957

there I had my baby girl never once in two weeks  
did he come to see me while I was there my too  
older children went with me and the other one he  
refuse to even let her come and see me. a couple  
of weeks befor I had my baby I was threatened  
with a knife twice by my husband saying he will  
cut my throat until I have come to the place when  
we are together alone I am afraid of him. Jennie  
has gone to New Zealand now but they still write  
to each other he still stays out at night never  
home in the day and refuse to get wood and do  
our farming [and] still refuse to come back

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19 April 1957

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19 April 1957

to his family and treat me as a wife I still love him  
and have always loved him in all our troubles but  
I see it is no use now – he refuse to treat me as a  
wife so the only thing [!] want now is my 4 children  
and my seperation if possible. we have our home  
here and the home is on the childrens and my  
own land and the material [for] our home belongs  
to me and my mother so the children will have a  
home of their own.

Mrs Joyce Christian

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Mrs Joyce Christian.

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regarding possible  
divorce case and  
enclosing letter from  
Mrs J. Christian

19 April 1957

361

Governor's Office  
minutes regarding  
possible divorce  
cases, from Attorney-  
General, "Pitto",  
Colonial Secretary  
and Governor

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11 May 1957 -  
5 June 1957

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(B)

Pitto

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Mrs Christian appears to have good grounds for Judicial Separation.

Jurisdiction is exercisable by the High Commissioner, a Judicial Commissioner or the Supreme Court of Fiji, by virtue of the Pacific Order in Council 1893 Article 47 + the Pitcairn Order in Council 1952.

f

The High Commissioner or a Judicial Commissioner can sit in Pitcairn or Fiji, the Fiji Supreme Court only in Fiji.

g

Custody of Children is dealt with in my minute at 148(A).

A.M. Greenwood  
Ag A.G. 14/5/57

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361. Governor's Office minutes regarding possible divorce cases, from Attorney-General, "Pitto", Colonial Secretary and Governor

361

Governor's Office  
minutes regarding  
possible divorce  
cases, from Attorney-  
General, "Pitto",  
Colonial Secretary  
and Governor

11 May 1957 -

5 June 1957

A. G.,

I should be grateful for any advice you may feel able to give on pp.153-162 in which Mrs. Joyce Christian asks if she could obtain a (judicial?) separation from her husband. At p143, Mr. Doyle thought that, in a divorce case, we should not advise on facts and you may feel that we cannot properly go beyond this. The need for Government to take an impartial attitude in such matters was pointed out to the Government Adviser at para.8 on p.152. Nevertheless the people of Pitcairn have very real difficulties in obtaining legal advice, and any advice you feel you could properly give would be appreciated.

2. Presumably a judicial separation would mean a hearing before the High Commissioner's Court, and it really is a case of the old difficulty of getting the parties to the Court or of getting the Court to Pitcairn?

3. The "recent Court cases" referred to in para. 3 d. of p.153 are those relating to repeated adultery on the part of Mrs. Christian's husband, concerning which you gave advice a few months ago.

*JH*  
Pitto.  
11.5.57.

*Pitto*  
Mrs Christian appears to have good grounds for Judicial Separation.  
Jurisdiction is exercisable by the High Commissioner, a Judicial Commissioner or the Supreme Court of Fiji, by virtue of the Pacific Order in Council 1893 Article 47 + the Pitcairn Order in Council 1952.

The High Commissioner or a Judicial Commissioner can sit in Pitcairn or Fiji, the Fiji Supreme Court only in Fiji.

Custody of children is dealt with in my minutes at p. 148 (A).

*Len Greenwood*  
Ag. 14/5/57

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361

164 (A)

a A.C.S. (A),

Please see from p.153. Mrs. Christian has a good case for obtaining a judicial separation, but the difficulty is how to enable her to put her case to a competent Court. The same difficulty arose over Mrs Young's request at p.145 for advice over a divorce.

b 2. The plight of these two women arouses one's sympathy, but both cases involve the same problem of getting the Court to Pitcairn. Getting the parties and witnesses to Fiji would be an expensive undertaking.

c 3. Now that we have two possible cases for hearing, it would seem that your suggestion in para.6 on p.149 might be investigated further. The person sent would have to be a Judicial Commissioner to deal with divorce and separation. The only Judicial Commissioner (apart from the C.J.) is Mr. Justice Hammett, though it is possible for a suitable magistrate to be appointed as a Judicial Commissioner under Article 8 (2) (a) of the Pacific Order in Council, 1893, for particular purposes.

d 4. As H.E. suggests at p.150, the most convenient way for a judicial visit to be arranged is for magistrate proceeding on U.K. leave to stop off at Pitcairn Island. Unfortunately, no judge or Magistrates will be going on leave in the near future. Mr. Jeddere-Fisher will be the first, but not until May, 1958. Mr. Saunders is not due for leave until 1959.

e 5. If these cases are regarded as being of sufficient urgency to warrant sending a man out especially to hear them (and the welfare of several people is involved), I favour your suggestion that a combined judicial and administrative visit by a magistrate such as Mr. Saunders should be arranged. The cost would be fairly close to your rough estimate of the cost of sending a N.Z. judge, i.e. £750. Fares to Pitcairn are always largely guess work, but allowing for them at £80 each way, the approximate cost would be as follows:-

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Fares Fiji/NZ return (air)	£Stg.	72
Auckland/Wellington return (air)		16
Wellington/Pitcairn return		160
Salary (10 weeks)		310
Subsistence Allowance (7 weeks)		55
Hotel expenses and incidentals, say		20
	£Stg.	633 = £F703.

g The Carew report could, of course, increase these figures. If Fiji could spare a man, we could also have the benefit of an administrative visit, and it would seem best to investigate this possibility first before trying N.Z.

h 6. Neither Mrs. Young nor Mrs. Christian has actually filed a petition, but I do not think this should hold up any investigation of possibilities, provided they definitely want the cases heard. They will not have the faintest idea of how to approach the Court (nor for that matter have I), & I think that in the meantime a firm intention should be regarded as the equivalent of filing a case.

Governor's Office  
minutes regarding  
possible divorce  
cases, from Attorney-  
General, "Pitto",  
Colonial Secretary  
and Governor

11 May 1957 -

5 June 1957

361

Governor's Office  
minutes regarding  
possible divorce  
cases, from Attorney-  
General, "Pitto",  
Colonial Secretary  
and Governor

a

b

c

11 May 1957 -  
5 June 1957

(B)

d

YE.

As above, with references. Would Y.E. agree that  
we may think seriously in terms of a visit to Pitcairn of a Judicial  
Commissioner. If so, the various aspects of the matter will be  
investigated in detail.

e

[Initials of A.C.S (A)] 4/6/57

f

(C)

g

Pitto.

Yes, I agree to such a visit – in the event - & approve  
the draft.

h

[Governor R.H. Garvey]

5/6

(A)

- 165

361

7. If the petitioners decide to go ahead with their cases, they will need some assistance in preparing their petitions and on how to present their cases, and I am not quite clear where this help could come from. It would seem improper for us, or even Mr. W. if he were capable of doing so, to advise them, and it may be advisable for them to consult a Fiji or N.Z. lawyer by correspondence. It may, however, be beyond the means to the applicants to pay legal fees, and some financial assistance may be necessary. This, in its turn, may involve us in financial assistance to their husbands.

8. If we are prepared, if possible, to arrange a judicial visit, the first step would seem to be whether these women are still serious in their intentions, and I submit draft letter to Govt. Adviser at b/c.

Governor's Office  
minutes regarding  
possible divorce  
cases, from Attorney-  
General, "Pitto",  
Colonial Secretary  
and Governor

11 May 1957 -  
5 June 1957

*JH*  
*Pitto*  
25.5.57.

(B)

YK.  
as above, in references. Would  
YK. agree that we may think  
seriously in terms of a visit  
to Pitcairn of a Judicial Commission  
If so, the various aspects of  
the matter will be investigated  
in detail. *JH* 4/6/57.

(C)

Pitto,  
- yes, I agree to such a visit - in  
the event - I approve the draft.

*R.H.*  
4/6

166

362

F.138/13/11

XXXXXXXXXXXXXX

Governor's Office  
(D.C. McKee) to  
Government Adviser  
(A. Wotherspoon)

Pitcairn and Tonga Affairs,  
Government House Offices,  
SUVA, Fiji.

7th June, 1957.

CONFIDENTIAL.

7 June 1957

*P153  
P155*

Sir,

I am directed to acknowledge the receipt of your letter No.31/57 of the 19th April and of Mrs. Joyce Christian's letter asking for assistance in obtaining a separation from her husband.

2. As in the case of Mrs. Young's request for advice on divorce, the particular difficulty is in obtaining access to a competent Court. Divorce and judicial separation are both beyond the jurisdiction of the Island Court, and the proceedings would have to be either before the High Commissioner's Court sitting on Pitcairn or in Fiji, or before the Supreme Court of Fiji. It would seem impracticable for the cases to be heard in Suva, for this would involve bringing the parties and their witnesses to Fiji. Consideration is therefore being given to the possibility of a visit to Pitcairn by a Judicial Commissioner of the High Commissioner's Court.

3. Considerable difficulty and expense would be involved in arranging for a sitting of the Court on Pitcairn Island, and before investigations are taken too far, I should be grateful if you would ascertain from both Mrs. Young and Mrs. Christian whether they would definitely take advantage of any sitting of the Court which might be arranged on Pitcairn. It would obviously be wasteful to spend considerable time arranging for a visit, and perhaps even have a Judicial Commissioner on his way to Pitcairn, only to find that the women had changed their minds.

4. It is not possible at this stage to state whether a judicial visit could be arranged or when such a visit would take place. It is, however, quite certain that it would be some months before any arrangements could be completed.

I am,  
Sir,  
Your obedient servant,

D. C. McKEE

for Governor.

The Government Adviser,  
PITCAIRN ISLAND.

*AV 7/*

363. Government Adviser (A. Wotherspoon) to Governor's Office enclosing declaration of Mrs P. Young

167

363

Pitcairn Island.

30th June, 1957.

/57.  
The Secretary to the Governor,  
Suva,  
FIJI.

19 JUN 1957

Government Adviser  
(A. Wotherspoon)  
to Governor's Office  
enclosing declaration  
of Mrs P. Young

Ref: F.168/13/11.

Dear Sir,

P166- On receipt of your letter I approached the two ladies concern-  
ed. a. Mrs Young. Rather scared of proceedings from a natur-  
al reticence point of view, but prepared to go ahead. In fact quite  
decided.

30 June 1957

b. Mrs Christian. Decided that she had to go ahead. Her  
husband was abusing her and life was unbearable.

2. On determining as above, I had Parkin hold an inquiry Court  
with Assessors and Secretary; with I. of P. patrolling. This Court  
was the first time the parties had been brought together to declare  
their intentions in front of each other and others. They would not  
meet before. The Magistrate tried to get the parties reconciled.  
No result. He warned them of consequences. Advised them of difficult-  
ies all young people have; told them of the consequences to children.

3. Young V Young. Nothing would move Mrs Young. She has  
"had" it. Husband said he would fight for the children. (i.e.  
possession of). Obvious that both parties are tired of each  
other.

4. Christian V Christian. Mrs, quite determined for a  
while then admitted she wanted her husband back and was willing to try  
again. Told of her husband's dis-regard and lack of responsibility's.  
Recent adultery cases, etc. However, husband said he was going  
to live in the future as he was living now --to Parkin's great dis-  
gust. Parkins would never believe that Radley was more than half the  
trouble. Used to blame Joyce. Assessors, too had their eyes opened  
that night. Both admitted that Joyce had taken the burden from her  
own back and put it across Radley's. Their way of saying that Radley  
was the trouble. None of us could talk to Radley. He was totally

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Government Adviser  
(A. Wotherspoon)  
to Governor's Office  
enclosing declaration  
of Mrs P. Young

30 June 1957

2.

unco-operative.

5. The hearing was conducted in a fine way. The parties were asked to consider every aspect. No one was threatened.

6. Further to Young case. Past history is to the effect that Clarence neglected his wife and entered into several affairs finally ending up with complete infatuation with Shirley Warren, now in N.Z. Up to then, Patricia, the wife, was respected but since then she has gone her own way of wilfulness. She has committed adultery with Cairn Christian and practically lives in his company.

RESULT of HEARING:- Both ladies decided to carry on with proceedings.

7. I gave them until Monday morning to re-consider.

8. I intend to have them sign their statements in front of the Magistrate so that they will not retract at an awkward hour.

1st July, 1957.

9. Have had a terrific day to-day trying to get people to have a little sense. Mrs Young is definitely decided. Had another hearing with Mrs Christian and Radley in front of Parkin. Radley still plumb mean and lacking in co-operation. His actions are either calculated to force Joyce into making an appeal for separation or else he is very stupid. The lady wants him back but knows that she is not going to have much of a life if he doesn't come willingly. I have not had her sign up yet as there may be a hope of avoiding this trouble. If there is, I shall radio straight away but if you receive no radiogram, please take it that Joyce will go straight ahead with her appeal.

You will notice that Mrs Young's statement is witnessed by myself. The Magistrate cannot write, having crushed his hand recently. I had forgotten about that until we all came together to-day.

I have the honour to be, Sir,

Your obedient servant,

*A. Wotherspoon*  
A. Wotherspoon.

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169

363

Fitcairn Island.  
27th June, 1957.

Government Adviser  
(A. Wotherspoon)  
to Governor's Office  
enclosing declaration  
of Mrs P. Young

To Whom It May Concern:-

THIS is to certify THAT:-

- a. I have made a decision to appeal to Fiji for a ~~separation order~~ Divorce.
- b. I have appeared before the Island Magistrate to state same.
- c. I shall stand by this decision until such time as an Official of the Judicial Court at Fiji arrives on Fitcairn to conduct my case.

30 June 1957

SIGNED: Mrs. P. Young.

Witness: *A. Wotherspoon*  
*Govt. Adviser*

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364. Statement of Mrs J. Christian regarding separation

13R/13/11

176

364

Statement of Mrs  
J. Christian regarding  
separation

Pitcairn Island.  
27th June, 1957.  
12 AUG. 1957

To Whom It May Concern:-

This is to Certify That:-

27 June 1957

- a. I have made a decision to appeal to Fiji for a Separation ~~Under Divorce.~~
- b. I have appeared before the Island Magistrate to state same.
- c. I shall stand by this decision until such time as an Official of the Judicial Court at Fiji arrives on Pitcairn to conduct my case.

Signed:- *Joyce Christian*

Witness... *A. W. Oakes*

*Parker Christian*.....Magistrate.

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(A)

170

365

A.C.S. (A),

Governor's Office  
minutes  
regarding  
"Enquiry Court"

Please see from p.167. The "Enquiry Court" mentioned in para. 2 is quite irregular but if it resulted in a clarification of intentions it may have served a useful purpose.

2. Mrs. Young is emphatic that she wants a divorce. No telegram has been received from Pitcairn Island and in accordance with Mr. W's para. 9 we are meant to understand that Mrs. Christian wants to go ahead with her judicial separation. In view of her vacillating attitude it seems rather uncertain whether she would finally go to Court if the opportunity occurred and I doubt whether any further request for information to Pitcairn would produce any firm statement of her intentions.

29 July 1957 -  
31 July 1957

3. As at least Mrs. Young definitely wants a sitting of the Court. the next step seems to be to enquire from the Chief Justice, through the Registrar, Supreme Court, whether a Magistrate could be made available for a combined administrative and judicial visit to Pitcairn. In accordance with Article 8 (2) of the Pacific Order in Council 1893, Judicial sections of which still apply to Pitcairn Island, the High Commissioner may appoint a suitable person to be a Judicial Commissioner for particular purposes if the attendance of a Judge of the Supreme Court of Fiji is impracticable. If the C.J. can spare a Magistrate from Fiji, it would then be necessary to ask the H.Cr. of the W.P. to appoint this officer as a Judicial Commissioner.

4. Proceed with enquiry to Registrar, Supreme Court as above?

*J. Pito*  
29.7.57.

(B)

B.

Yes, please.

*J*  
31/7/57.

366

Governor's Office  
(D.C. McKee) to Registrar, Supreme Court  
regarding possible  
divorce cases

8 August 1957

(A)

171

The Registrar, Supreme Court,

Please see from p.167. A divorce case is awaiting hearing at Pitcairn Island, and there is probably a judicial separation case as well. A brief outline of the facts in the divorce case is at p.145 and the request for the judicial separation is at p.155. The Governor, at p.165(C) has approved in principle the visit of a Judicial Commissioner to Pitcairn Island.

2. In addition to hearing these cases, there is other work a Judicial Commissioner could usefully do on the island. The procedures of the Island Court leave much to be desired, and instruction to the Court officials would be useful. A revision of the Pitcairn Island laws is being considered, and it would be helpful if proposed amendments could be discussed with the Island Council and possibly the people. A combined judicial and administrative visit has been suggested at para 6 on p.149. How much could be done would depend on shipping movements and the length of time a Judicial Commissioner could spend on Pitcairn, but the primary purpose of the visit would be to hear the two cases.

3. The minimum time needed for a visit would depend on shipping. There is no service at regular intervals to Pitcairn, but ships plying between New Zealand and Panama call fairly frequently. It is estimated that anything from one to three weeks would have to be spent on Pitcairn awaiting the first ship back to New Zealand. It would take about 10 days to reach Pitcairn from Fiji, so the minimum period of absence is likely to be from 4 - 7 weeks, though we have been thinking in terms of an absence of about 10 weeks if someone suitable could be spared for that length of time to undertake additional work.

4. It would suit the limited financial resources of Pitcairn best if someone proceeding to the U.K. on leave could stop over on Pitcairn between ships, but a perusal of the Civil List suggests that no magistrates are likely to be proceeding on leave in the near future. The probable periods of absence mentioned in the previous paragraph have therefore been based on the assumption that whoever went to Pitcairn would return to Fiji.

5. I should be grateful if you would ascertain from H.H. the C.J. whether (and if so, when) he could spare a Magistrate who could be appointed a Judicial Commissioner of the High Commissioner's Court for a visit to Pitcairn.

*PK.*  
Pitto.  
8/8/57.

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367. Governor (R.H. Garvey) to High Commissioner regarding appointment of a Judicial Commissioner

177

367

F.138/13/11.

Governor  
(R.H. Garvey) to  
High Commissioner  
regarding appoint-  
ment of a Judicial  
Commissioner

24 October, 1957.

Sir,

I have the honour to inform you that a request has been received from Pitcairn Island for a sitting of the High Commissioner's Court to hear applications for a divorce and a judicial separation, and to request the appointment of a Judicial Commissioner to hold Court on Pitcairn Island to hear these cases.

24 October 1957

2. You will recall that when Pitcairn Island was transferred to my administration, the Pitcairn Order in Council, 1952, retained the jurisdiction of the High Commissioner's Court until such time as I provided by law that this jurisdiction had ceased. I have not yet seen fit to terminate the jurisdiction of the High Commissioner's Court, mainly because of the difficulties in the way of making the jurisdiction of the Supreme Court of Fiji effective on the island.

3. The Chief Justice of Fiji has recommended Mr. Donald McLoughlin, a first class magistrate in Fiji, as a suitable person for appointment as a Judicial Commissioner under Section 8 (2) of the Pacific Order in Council, 1893. Mr. McLoughlin holds the degree of Bachelor of Laws of the University of Western Australia and was admitted to the Supreme Court in Western Australia as a solicitor in 1950. He was appointed a magistrate in Fiji a little over twelve months ago and is at present stationed at Ba.

4. I should be grateful if you could see your way clear to appoint Mr. McLoughlin as a Judicial Commissioner for the hearing of applications for divorce and judicial separation on Pitcairn Island. Because of transport difficulties, it is still uncertain when the visit to Pitcairn Island could be arranged, and I would suggest that the appointment should be made for a period of twelve months to cover all eventualities.

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

*R N Garvey.*  
GOVERNOR.

His Excellency,  
The High Commissioner for the  
Western Pacific,  
HONIARA. B.S.I.P.

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368. Government Adviser (A. Wotherspoon) to Governor's Office regarding divorce cases

DECODE.

# TELEGRAM

138/13/11

368

a

From: Government Adviser, Pitcairn.

179

91/B28/57-1,000

To: Secretary to Governor, Suva

No.....

(Date) 10th November, 1957

(Received) 13th November.

Government Adviser  
(A. Wotherspoon)  
to Governor's Office  
regarding divorce  
cases

b

Recommend strongly disregard Joyce case as working together but Pat case inevitable. Suggest Fiji Court could under circumstances offer decree on strong mutual indisputable evidence forwarded through and by recommendation of Council.

c

Copy on F 138/3/10

Can sell Frigidaire case at fifty shillings only - Claydon sold last one at twenty.

10 November 1957

Govt. Adviser.

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(A)

ACS(A)

369

Governor's Office  
minutes regarding  
visit of Judicial Com-  
missioner  
(D.L. McLoughlin)

7 December 1957 -  
11 December 1957

At p179, Mr W. reports that Mrs Joyce Christian does not now seem to require a judicial separation, but that Mrs Young still wants a divorce. In planning to send a Judicial Commissioner, we were influenced by the fact that there were two Court cases, & it has to be decided whether arrangements should be gone ahead with for only one case. I think we should proceed as planned. It would do Pitcairn good to see that the jurisdiction of a superior Court is effective there, and Mrs Young's case (see p 145) is the more serious of the two.

2. H C<sup>m</sup> for W P has not yet replied to our p.177. & a telegraphic reminder seems necessary.

3. I submit at b/c draft telegram to H C<sup>m</sup> for WP and draft letter to BP's, Auckland.

[D.C. McKee]

Pitto

7/12/57

4. I have since spoken with Mr M<sup>c</sup>Loughlin, who would prefer to go to Pitcairn as early as possible in the new year after 8<sup>th</sup> January.

[D.C. McKee]

Pitto

9/12/57

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180

369

Governor's Office  
minutes regarding  
visit of Judicial Com-  
missioner  
(D.L. McLoughlin)7 December 1957 -  
11 December 1957

At p 179, Mr W. reports that Mrs Joyce Christian does not now seem to require a judicial separation, but that Mrs Young still wants a divorce. In planning to send a Judicial Commissioner, we were influenced by the fact that there were two Court cases, & it has to be decided whether arrangements should be gone ahead with for only one case. I think we should proceed as planned. It would do Pitcairn good to see that the jurisdiction of a superior Court is effective there, and Mrs Young's case (see p 145) is the more serious of the two.

2. H Co for WP has not yet replied to our p.177. & a telegraphic reminder seems necessary.
3. I submit a b/c draft telegram to H Co for WP and a draft letter to BP's, Auckland.

JH  
Pitts  
8/12/57

4. I have since spoken with Mr McLoughlin, who would prefer to go to Pitcairn as early as possible in the new year after 8th January.

JH  
Pitts  
9/12/57

Y.E.,

At (C) on p. 165 Y.E. agreed that we might think in terms of a visit to Pitcairn of a Judicial Commissioner. Since then various enquiries have been made and the Chief Justice has kindly agreed to make Mr. D. McLoughlin available for this purpose. The High Commissioner, Western Pacific, has been asked to appoint him a Judicial Commissioner and his reply is awaited. It is proposed that Mr. McLoughlin should leave for Pitcairn in early January.

2. When Y.E. agreed to an arrangement of this nature there were two cases pending in Pitcairn, one concerning Mrs. Joyce Christian and the other Mrs. Patricia Young. It would now appear from p.179 that Mrs. Christian will not press her suit but that Mrs. Young still requires a divorce.

3. Although the cost of this visit will be expensive - probably about \$900 - I do not see any suitable alternative to the plans proposed. There is a good deal in what Mr. McKee says at X above.

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Governor's Office  
minutes regarding  
visit of Judicial Com-  
missioner  
(D.L. McLoughlin)

Pitto.

7 December 1957 -  
11 December 1957

2.

I agree that it is a v. costly matter, but I think  
the visit is justified & approve the proposals.

I should like to have a talk with Mr  
McLoughlin before he leaves.

[Governor R.H. Garvey]  
11/12

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Governor's Office  
minutes regarding  
visit of Judicial Com-  
missioner  
(D.L. McLoughlin)

7 December 1957 -  
11 December 1957

181

(171)

4. Y.E. will agree that the arrangements should proceed?

A.C.S.(A)  
10.12.57.

Pitto,  
— I agree that it is a v. costly matter, but I think the visit is justified & approve the proposals.

2. I should like to have a talk with Mr. McLoughlin before he leaves.

R.H.G.  
11/12

370

HER BRITANNIC MAJESTY'S HIGH COMMISSIONER'S COURT  
FOR THE WESTERN PACIFIC  
HELD AT PITCAIRN ISLAND UNDER THE PACIFIC ORDER IN  
COUNCIL, 1893

Order for divorce,

*Young v Young*

High Commissioner's

Court No 1/1958

IN DIVORCENO. 1/1958IN THE MATTER OF THE PETITION OF PATRICIA DOROTHY MYRTLE YOUNG

for dissolution of marriage :

BETWEEN :

PATRICIA DOROTHY MYRTLE YOUNG                      Petitioner

and

CLARENCE ROBERT YOUNG                                      Respondent

21 February 1958

Before the Judicial Commissioner D. McLoughlin Esq.  
 The 21st day of February, 1958.

The Judicial Commissioner having taken the oral evidence of the Petitioner PATRICIA DOROTHY MYRTLE YOUNG and the witnesses produced on her behalf in support of the petition filed in this cause and having heard the Respondent CLARENCE ROBERT YOUNG and the witness produced on his behalf on the questions of maintenance, custody and access, pronounced that the Petitioner had sufficiently proved the contents of the said petition and in the exercise of the discretion vested in the Court decreed that the marriage had and solemnised on the 14th day of December, 1948, at the office of the Registrar at Wellington, New Zealand between PATRICIA DOROTHY MYRTLE YOUNG (then Patricia Dorothy Myrtle Wynn described in the Certificate of Marriage as Patricia Dorothy Wynn) the Petitioner and CLARENCE ROBERT YOUNG (described in the said Certificate of Marriage as Clarence Young) the respondent be dissolved by reason that since the celebration thereof the said Respondent had been guilty of adultery with SHIRLEY WARREN a woman named in the petition unless sufficient cause be shown to the Court why the said decree should not be made absolute within three months from the making thereof ; AND IT IS ORDERED that the said petitioner do have the custody of ROBERT WAYNE YOUNG a child of the marriage until the said Robert Wayne Young attains the age of ten years but it is directed that the said child be not removed from Pitcairn Island without the sanction of the Court ; AND IT IS FURTHER ORDERED that the said Respondent do have access to the said Robert Wayne Young at all reasonable times ; AND IT IS FURTHER ORDERED that the said Petitioner do have the custody of KEVIN BRIAN YOUNG a child of the marriage until he attains the age of sixteen years with liberty to remove the said child from the jurisdiction of the Court ; AND IT IS FURTHER ORDERED that the Respondent do have access to the said Kevin Brian Young at all reasonable times ; AND IT IS FURTHER ORDERED that the Respondent do as from the 21st day of February, 1958 pay or cause to be paid to PATRICIA DOROTHY MYRTLE YOUNG the Petitioner during their joint lives or until further order periodical payments at the rate of 15/- (fifteen shillings) per week the said sum to be payable weekly ; AND IT IS FURTHER ORDERED that the Respondent do as from the 21st day of February, 1958 pay or cause to be paid to the said Petitioner maintenance for ROBERT WAYNE YOUNG a child of the marriage at the rate of 10/- (ten shillings) per week so long as that child remains in the custody of the said Petitioner or until further order ;

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Order for divorce,  
*Young v Young*  
High Commissioner's  
Court No 1/1958

AND IT IS FURTHER ORDERED that the Respondent do as from the 21st day of February, 1958 pay to the said Petitioner maintenance for KEVIN BRIAN YOUNG a child of the marriage at the rate of 10/- (ten shillings) per week until that child attains the age of sixteen years or until further order.

BY THE COURT.

21 February 1958



REGISTRAR.  
JUDICIAL COMMISSIONER.

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