

372. Proceedings to be Followed in Dealing with Offences Against the Pitcairn Island Government Regulations, re-typed version of Enclosure No.3 to McLoughlin Report, with one-page information sheet for court hearings. Contains handwritten notes by Inspector of Police (F.H. McCoy)

PROCEEDINGS TO BE FOLLOWED IN DEALING WITH OFFENCES AGAINST THE
PITCAIRN ISLAND GOVERNMENT REGULATIONS:

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A. DUTIES OF PUBLIC & POLICE IN REPORTING AND INVESTIGATING
CASES.

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1. If any person knows or has good reason to believe that an offence against the regulations is being, or has been, committed by any person it is his duty to report it to the police officer. This does not apply to regulations 66 in which only the husband or wife of the adulterer can make a complaint.

2. If the Police Officer has reason to believe, either from his own knowledge or from the report of any other persons, that an offence has been committed it is his duty to enquire into the matter. In order to carry out that inquiry it is necessary for him to ask questions of all persons who he believes can give information. It is the duty of all members of the public to assist the Police wherever possible and any person asked to give information should give it if possible. No person can be compelled to make a statement to a police Officer but he should do so if asked and failure to do so may be taken to mean that the person refusing to give statement has something to hide. If a person giving a statement to the Police Officer says anything indicating that he was a party to an offence the Police Officer should immediately warn him that he is not obliged to make a statement and that anything he may say will be taken down in writing and used in evidence. Once the Police Officer has made up his mind to charge the person with an offence he should not ask that person to make a statement without first warning him that he does not have to make a statement and that anything he may say will be taken down in writing and used in evidence. Any statement made by an accused person after such a warning is given must be put in evidence by the Police Officer whether it is in favour of the accused or against him and the accused should take advantage of that opportunity to make any explanation or to deny the offence if in fact he has not committed it. By making a statement at this stage an innocent person may avoid an unnecessary prosecution. Statements taken by the Police Officer in the course of his inquiries should not be on oath

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Pagot. continued.

but should be signed by the person making it if he agrees to sign.

If a police has good reason to believe that stolen property is in any place he may appear before the Magistrate and on swearing on oath his grounds for believing that the stolen property is in the place obtain a search Warrant from the Magistrate authorising him to go into the place and search for the property believed to be stolen. Any attempt to interfere with or prevent a Police Officer from carrying out ~~his duties~~ a search under Warrant or to obstruct or prevent him from carrying out inquiries is a very serious offence

B. ISSUING AND SERVING THE SUMMONS TO APPEAR IN COURT.

Notes
1. If the Police Officer is satisfied as the result of his investigation that a person has committed an offence against the regulations and that the circumstances are serious enough to require prosecution of that person before the Court it is his duty to make a complaint to the Magistrate stating the full name and address of the person against whom the complaint is made the number of the regulation broken and brief particulars of the offence. For example if he is satisfied that John Smith of Adamstown chopped down two of William Jones Orange trees valued at £10 to get revenge on William Jones he should make his complaint as follows: "John Smith of Adamstown Pitcairn Island has committed malicious damage to property contrary to regulation 72 of the Pitcairn Island Government Regulations 1940 in that he, John Smith, on the 2nd day of February 1958 at Tedside unlawfully and maliciously damaged two orange trees valued at ten pounds

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a pounds the property of William Jones. Neither the Magistrate or
the police officer are permitted to discuss with one another
any further particulars of the alleged offence and provided
that the offence complained of is a breach of the Regulation named
the Magistrate must issue a summons against the person named by
the Police Officer in his complaint.

b The summons must be addressed to the
person named in the complaint and must set out the date when
the case is to be heard and the time fixed for the hearing. It
must also contain particulars of the offence alleged and the number
of the Regulation broken. For example: To John Smith of Adamstown
c Pitcairn Island.

You are hereby summoned to attend at a Court to be
held at the Court house Adamstown Pitcairn Island. at 8 o'clock
in the forenoon on Monday the 24th of February 1958 there to
answer the following charge against you:

d Malicious damage contrary to Regulation 72 of the
Pitcairn Island Government Regulations 1940/.

Particulars of the offence:-

e John Smith did on the 2nd day of February 1958
at Redside unlawfully and maliciously damage two orange trees valued
at ten pounds the property of William Jones.

Dated this 14th day of February 1958.

Richard Robertson
Magistrate."

f Three copies of the summons should be prepared by the police officer
and signed by the Magistrate all three copies should be handed
to the Island Secretary who must make a record of the matter
and hand the original to the court policeman or the police officer
for service on the accused, the second copy to the police officer
for his police records, and keep the third copy for the court records.
g 2. The original copy of the summons must be served on the accused
person by the court policeman (if there is one) or the police officer
by handing it to him personally.

h It is not sufficient service to leave the summons with another person
to give to the accused. If the accused refuses to accept service
of the summons service may be effected by touching him with it
at the same time i.

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at the same time informing him ^{of} ~~with~~ its contents, and leaving it
in a place where the accused can see it and get it. Service should
be effected at least 24 hours before the time fixed for the hearing.

3. On being served with the summons the accused person must
attend the Court at the said time and place stated in the summons
If he does not attend the Court may proceed to hear the charge
in his absence. If, however, the Court is satisfied that the accused
is genuinely unable to attend the hearing may be adjourned to another
day. The only acceptable reasons for not attending are when
the accused are sick, in which case he should write to the Island
Secretary before the day fixed for the hearing saying so and
sending a certificate from the Medical Officer stating what
is wrong with him and how soon he will be able to attend Court, or
where there has been an unexpected illness or death of a close relative
of the accused, or a similar reason.

Going out to a ship, going fishing, attending to his plantation
shooting goats, or going to Oeno or Henderson Islands are not sufficient
reasons for failure to attend Court.

C. HEARING THE CASE IN COURT.

1. DRESS: All persons attending the Court either as an Official or
a witness should be neatly & cleanly dressed, and, unless they
normally wear beards or moustaches, cleanly shaven, as a guide the
type of dress worn should be such as is worn to church or on other
formal occasions. The Magistrate, assessors, Island Secretary,
(who acts as Court Clerk), Police Officer (who acts as prosecutor)
and the Court policeman (if any) should wear shirt, trousers, coat,
tie, shoes & socks, and in the cooler months coats should be worn.

2. Behaviour in Court: The Court policeman is responsible for
keeping order in the court. When the Magistrate enters he should
see that everybody in the Court room stands up and remains standing
until the Magistrate has sat down. Members of the public are allowed
to attend the Court but must keep silent and no one should enter
or leave the Court room while a witness is giving evidence.

Knives should not be worn in the Court room and wood carving is not
permitted either in the Court room or on the verandah outside
while the Court is sitting. Any person not observing these rules
should be asked to leave the Court and if he fails to leave on

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keep silent when told to do so may be put out.

a 3. Commencement of proceedings. The Island Secretary should ensure that the Court is ready to commence at the time fixed and when the Court is ready should inform the Magistrate who should try to start Court punctually on the time stated in the summons. The Magistrate should enter the Court followed by the two Assessors who should sit on the right hand side of the Magistrate with the Senior Assessor nearest the Magistrate.

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d When the Court is seated the Island Secretary should call out the name of the first case. For example "The Queen against John Smith". The first accused should stand up and come up to the edge of the platform. The Magistrate should then read out the charge, as set out in the Summons, to the accused in a loud voice, and make sure that the accused understands the charge. When he is satisfied that the accused understands the charge the Magistrate should ask the accused if he admits the charge or not.

e 4. If the accused admits the charge. The Magistrate should call on the Police Officer to tell him the facts of the case as they are known to the Police. The Police Officer should stand up and give the Court the brief statement of the facts. For example:

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g That on the 3rd of February 1958 he received a complaint from William Jones that two of his orange trees at Tedside had been cut down. That he had made inquiries and found that the accused, John Smith had been cutting down the trees on the second of February and that when he questioned the accused the accused had admitted cutting down the trees and said that he did it because ~~XXXX~~ he wanted to get even with William Jones for a previous argument. That the value of the trees was £10.

The Magistrate should then tell the accused that he is found guilty on his own admission and ask the police Officer if there is anything known about the accused. The Police Officer should then tell the Magistrate if the accused has any previous convictions and whether he is a person of known good or bad character.

h The Magistrate should then ask the accused if he has anything to say why a penalty should not be imposed upon him. The accused then has the right to tell the Magistrate any reason why the penalty should be light such as that William Jones had been causing trouble with him for a long time or that he is a poor man etc.

Having heard what the accused has to say the Magistrate ~~EM~~ must then decide on the penalty to be imposed and should state his reason for imposing a light sentence or a heavy one.

5. If the accused does not admit the charge:

The Magistrate should call on the Police Officer to prove his case. The Police Officer should then take the oath giving his full name and address and occupation. He should then tell the Court what he knows of his own knowledge about the matter. He is not allowed to tell the Court what anyone ~~EM~~ else has told him but must tell the Court what he saw himself & did, and if the accused has made a statement must produce that statement. He is permitted to tell the Court anything that the accused said in answer to his question a but not what anyone else has said. For example:

"After receiving a complaint on the 3rd of February last I went to William Jones' plantation at Tedside where the stumps of two orange trees were pointed out to me. I examined the stumps and found that the trees had been recently cut down and that the branches were lying beside the stumps. As the result of further inquiries I interviewed John Smith and cautioned him. That after I had cautioned him he made a statement to me which I now produce. He denied all knowledge of the matter." When the Police Officer has finished the Magistrate should ask the accused if he wished to ask any questions of the witness. The accused should then ask the witness any questions that he considers necessary to assist his case but should not be allowed to make a statement at this stage only to ask questions of the witness. When the accused is finished asking his questions the Police Officer is entitled to add anything to clear up anything said in answer to the questions put by the accused but cannot say anything which does not arise from the questions put by the accused. The Magistrate has the right to put questions to the witness at any time while the witness is giving evidence but should only ask such questions as are necessary to clear up any doubts. The Assessors are also entitled to ask questions at any stage but should obtain the permission of the Magistrate before doing so. When the Police Officer has finished giving his own evidence he should call his first witness.

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a If the police Officer intends to give evidence himself he
 should always give his own evidence before calling any other witness
 . All witnesses other than the police officer and the accused should
 be told at the beginning of the case to wait outside the Court until
 they are called. Each witness for the prosecution should be sworn
 b in by the Magistrate and asked his full name and address. When
 that has been done the police officer has the right to ask him
 questions. In doing so he is not allowed to ask leading questions
 , that is questions which suggest the answer such as did you do this
 ? or did you do that? As a matter of practice I would advise that
 c the police officer to ask the witness to tell what he knows of
the matter of his own knowledge and confine his questions to keeping
the witness onto the subject. He can ask the witness such questions
 as "Did you see anybody? and, if the witness replies "yes" ,
 "What was he doing"? "Where was he going?" ect. When the Police O
 d Officer has finished asking his questions of the witness the
 accused must be asked if he wishes to ask any further questions
 of the witness. When the accused is seeking questions of the proa
 secution witness he is entitled to ask any questions he likes
 including leading questions such as "Did you do this?" or "Did you
 e do that?" and similar questions. When the accused has asked all his
 questions of the witness the Police Officer is entitled to ask any
 further questions to clear up anything said by the witness in answer
 or to the questions put by the accused but is not allowed to ask
 leading questions. The same procedure is followed for each witness
 f until the police Officer has called all his witnesses. As
 each witness gives his evidence he should be told to sit down in the
back of the court and not to go outside and talk to the other witne
ses waiting to give their evidence.
 g When the Police Officer has called all his witnesses he should in
 form the Court that that is his case. The Magistrate should then
 read the charge over to the accused again and ask him if he underst
 ands it. On being satisfied that the accused understands the
 charge the Magistrate should tell the accused that he has the right
 h to give evidence but does not have to do so, and, that if he wants
 to give evidence he can either give it on oath in which
 case he is liable to be asked questions by the prosecutor (the

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and by the Court, or he can make an unsworn statement (that is not on oath) in which case he is not liable to be asked any questions. The Magistrate must also tell the accused that he has the the right to call witnesses whether he gives evidence himself or not. If the accused elects to give evidence on oath he must be sworn in by the Magistrate and after giving his full name and address allowed to tell his own story. When he has finished the Police Officer has the right to ask him questions and to ask any questions he sees fit provided that it is related to the case before the Court and is not scandalous or indecent. When the Police Officer has finished asking his questions the accused has the right to add anything he thinks necessary to clear up anything he said in reply to the questions put by the Police Officer. The Magistrate has the same right to ask questions of the accused and his witnesses as they had of the Police witnesses. When the accused has given his own evidence he has the the right to call witnesses in his defence. The same procedure is followed. Each witness is sworn in by the Magistrate and after the witness has given his full name and address the accused has the right to put questions to his witness in the same way as the Police officer asked questions of the prosecution witnesses. He must not put leading questions to his own witnesses. When the accused has finished with his witness the Police Officer has the right to ask questions of the witness in the same way as the accused had to put questions to the prosecution witnesses. (He can put leading questions. The accused has the right to ask further questions of his witness when the Police officer has finished. The same procedure is followed for such defence witness until all witnesses have been called. If the accused elects to make an unsworn statement he is not sworn in and has the right to say what he has to say in his defence in his own way. No one is allowed to ask him any questions at any time. When he has finished he is entitled to call his witnesses who must be sworn in or affirmed and are liable to be asked questions in the normal way. When the accused has called all his witnesses the Magistrate must ask the assessors to give their decision on the case and the assessors are entitled to retire to the secretary's office and

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a discuss the case between themselves and for that purpose to
read through the record of evidence. No one else should be in the
office with the Assessors while they consider their decision and
no one should discuss the case with them. When the Assessors have
reached a decision they should notify the Island Secretary
b who should call the Court together again ensuring that the
accused and the Police Officer as well as the Magistrate are called.
The Assessors should then announce their decision whether the
accused is guilty or not guilty. If the Assessors are both agreed
then their decision is binding. If they are not agreed then the
Magistrate should give his decision which is binding. The
c Magistrate should then announce the decision of the Court by
pronouncing the accused Guilty or not guilty. The Assessors take
no further part in the case. If the decision is guilty the Magistrate
should ask the Police prosecutor if anything is known against the
d accused and the same procedure is followed as in the case where
the accused pleads guilty. If the decision is not Guilty the accused
is entitled to have the case against him dismissed and that is
the end of the matter.

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e 6. If the accused does not appear. The Magistrate may decide to
proceed to hear the case in the absence of the accused. It must
first, however be proved that the summons has been served on the
accused. To prove this the person who served the summons must be
called and sworn on oath. He must then tell the court the time &
date when he served the summons and how he effected service. It is
f only if the Magistrate is satisfied that the summons was properly
served and that the accused has had enough time to get to the Court
that the court should proceed to hear the case. The Police Officer
should be called upon to prove his case by calling witnesses in the
usual way and at the end of the evidence the assessors must give
g their decision and if they do not agree the Magistrate must give
his decision.

D. IF THE PROPOSED SYSTEM OF A PANEL OF ASSESSORS IS ADOPTED.

h 1. IF THE ACCUSED APPEARS: the Magistrate will enter the Court alone
and when he is seated the Island Secretary will call the first case
The Magistrate will then read the charge to the accused and take
his plea. If the accused pleads guilty the Magistrate will deal
with the case in the same way as under the present system.

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If the accused pleads not guilty the panel of Assessors will be called forward and two of their number selected to act as assessors in that case in the following way. Each name will be called out in Alphabetical order and the accused if he objects to each name called. If the accused if he objects to the first person named then the second name is called straight away. If the accused does not object to the first person called then the Police Officer is asked if he objects to that person serving as an Assessor. If the Police Officer does not object that person becomes an Assessor in the case and the same proceedings is followed with the next names on the list until a second person is agreed to by both the accused and the Police Officer. If the Police Officer does object to the first name called then the same proceeding is followed with the second name on the list. If objections are made to all the persons on the list then the names are called out again only this time the party objecting to any person must give his reason for objecting. If there are still objections to all the persons on the list after the names have been called twice the Magistrate must select two of the panel to be Assessors having regard as far as possible to the reasons given for the objections in order to select the two persons most acceptable to both the accused and the Police Officer.

If there are any other cases to be heard that day the first case is then stood down until the pleas are taken in the other cases and any Assessors necessary are selected in the same way as for the first case. The persons selected as Assessors in the first case are liable for selection all other cases to be heard.

When the plea of guilty are disposed of and the Assessors chosen for all the cases for the day the first case to be heard is called on and the trial proceeds in the same way as under the present system. The Assessors will take no part in the proceedings after giving their decision on the facts.

2. If the accused does not appear the Magistrate will select two

3. In all cases the Magistrate will have the right to override the decision of the Assessors if he does not agree with their

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a Provided that if he does do so he must give his reasons in writing and must notify the Supreme Court sending a copy of his reasons ~~XXXXXXXXXX~~ by the first available Airmail.

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b E. GENERAL NOTES: In all cases the prosecutor (Police Officer) must sit at the front bench facing the Magistrate on the Magistrate's left hand side, and the accused must sit at the front bench facing the Magistrate on the Magistrate's right hand side. Any person giving evidence or speaking to the Court, or asking questions of a witness, or being spoken to by the Court must stand up. Spitting or chewing are not permitted in the Court.

c Prosecutions brought under regulations 42-44 and 66 are brought by private people and not by the police. In those cases the person bringing the case has the same rights and duties in Court as the Police Officer has in bringing a public prosecution.

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d F. Civil ACTIONS:

e Any person who claims money from another person either for debt or damages may take out a summons against that person requiring him to attend the Court in order that the matter may be decided. The Summons must be addressed to the person for whom he wishes to recover the money; must set out a brief statement as to how the money is owing; must set out the date & time when the case will be heard; and must be signed by the Magistrate. There must be three copies of the summons, one to be served on the defendant, one to be kept by the Island Secretary for the Court records and one to be kept by the person taking it out (the plaintiff). The summons must be served on the defendant at least 7 days before the hearing.

f At the hearing Assessors are chosen in the same way as for criminal cases. If on the day fixed for hearing the plaintiff does not appear the Magistrate may dismiss the case. If the plaintiff appears and the defendant does not appear the Magistrate may after hearing evidence proving service of the summons hear the case in the absence of the defendant. This is done in the same way as in criminal cases that is by calling witnesses.

g If on the day fixed for hearing both plaintiff & defendant appear the Magistrate must read the summons to the defendant and if he denies the claim proceed to hear the evidence of the

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RULES FOR COURT POLICEMAN.

Everyone stand as the Chief Magistrate comes in please.

Silence in the Court. (Public)

Keep the Court room quiet at all times.

No talking allowed.

See that no one comes into the court with Knives, scissors or any
kinds of weapon, if so take care of these till after the court sitting is
finished.

NO CURIO MAKING OF ANY KIND BASKETS ECT EITHER IN THE COURT ROOM OR OUT
ON THE VERANDAH .

No one is to enter or leave the court room while any witness is giving
evidence.

AS EACH WITNESS GIVES HIS OR HER EVIDENCE HE SHOULD BE TOLD TO SIT DOWN
IN THE BACK OF THE COURT AND NOT TO GO OUTSIDE AND TALK TO THE OTHER
WITNESSES WAITING TO GIVE THEIR EVIDENCE.

If in the Court itself, if the Chief Magistrate or prosecutior or
defendent, call attention speaker one at a time. Keep Court in order.

See that all witnesses stand ALL the time while giving evidence.

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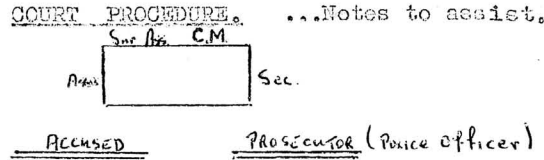
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1. C.M. & Assessors enter...seated as above..all people stand until C.M.seated.
2. Sec. calls out first case e.g. The Queen against..... *Note given*
3. Accused comes forward & C.M reads charge & asks him if he understands it.
4. C.M.asks whether he pleads guilty or not guilty.
5. If guilty see information in Leg. by Mr. McLouchlan.
6. If not guilty as fellows.(If panel of Assessors choose here)
7. C.M. call ason Prosecutor (Police Officer) to prove his case.P.O. takes oath after giving name, address & Occupation.
8. P.O relates his findings & produces statement if any.
9. C.M asks accused if he wishes to ask any questions.(Accused should not make statement at this stage.
10. P.O. may answer questions to clear up any points.
11. P.O. calls his witnesses after he has given his evidence if he has any to give.(Witnesses all wait outside until called.. take oath before giving evidence.
12. P.O . asks witnesses to give evidence.
13. Accused may question witness.
14. Other witnesses called in for prosecution if any and same procedure is followed.
15. When all witnesses for prosecution finished P.O tells C.M so.
16. C.M again reads charge & asks accused if he understands it.
17. Accused then makes his statement.(If on oath sworn in...if he makes an unsworn statement he cannot be asked any questions.)
18. P.O may ask any questions.
19. Accused may call his witnesses who take oath.
20. P.O may ask any questions again as can accused.
21. When finished C.M tells Assessors to go into office alone and give their decision.If they cannot agree C.M gives verdict.N.B. C.M can over rule decision but must give reason which is written out and kept as record.
22. If guilty C.M. asks P.O. if anything is known of accused and then he g the penalty.
23. If not guilty..court dismissed on this case.

General. Formal dress to be worn by those connected with case.
Assessors have right to ask questions during hearing of case.
If getting away from the point C.M should bring the person concern back to the point.
When a witness has finished giving evidence he must go to the rear

373. Government Adviser (E. Schubert) to Governor's Office regarding underage pregnancy case

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Government Ad-
viser (E. Schubert)
to Governor's Office
regarding underage
pregnancy case

12 December 1958

24 DEC 1958
Pitcairn Island,
Sth. Pacific Ocean,
VIA. NEW ZEALAND.
12th. December, 1958.

Secretary to the Governor,
Pitcairn & Tonga Affairs,
Govt. House Offices,
SUVA. FIJI

Sir,

Answered p. 66-68
UNDERAGE PREGNANCY CASE.

Last year Ailsa Young, the daughter of Marjory and Wilkes Young, was compelled to leave school owing to her being pregnant. At that time the law for unlawful carnal knowledge gave the age as fourteen years. As the child was born approximately nine months after this girl turned fourteen and no complaint was made by the parents there was not a charge laid.

2. In December of 1957 the abovementioned law was changed and now the age stands at sixteen years. Again Ailsa is pregnant. She is now over sixteen years but it is certain that she was some months in her present condition before turning sixteen. The lad most commonly considered to be the accomplice in this case is unlikely to marry the girl, though both are of the marrying age under Pitcairn Island ordinances.

3. Whether he marries the girl or not the law indicates that the man (or men) concerned must be charged. In considering that this girl escaped at fourteen years and now has been caught under the new law at sixteen years the case becomes a knotty one. It will be sometime before any charge is laid and as I consider my legal knowledge far too scant to advise in such circumstances I seek more enlightened advice on the problem. A few questions may help in answering my dilemma:-

- a. In judging such a case, is it considered that the girl's previous escape at fourteen should be taken into account?
- b. If the lad commonly accepted as the accomplice is proved beyond reasonable doubt to be the father of the child and marries the girl before the child is born, is it considered that he should not be charged?
- c. If he is charged, even after a possible marriage, is it considered that he should be given the maximum penalty? (Three months goal). If not, what is considered a just penalty in such circumstances?
- d. If there is no marriage and the reputed accomplice is proved to be guilty, what is considered as a just penalty in view of the girl's previous record?
- e. If it is proved that more than one man has been guilty of misconduct with this girl and goal is the penalty, should their sentences be served concurrently or at different times?

4. Two serving a sentence together have a great time. Such punishment is a farce and serves little useful purpose. As stated in an accompanying letter, a sentence or two served away from Pitcairn Island would have a sobering effect on these irresponsible fellows. Only today I had to speak to the older girls in the school as I had had

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reports come in on their free association with the young boys of the Island. Five of them are just at that foolish and dangerous age.

5. I put these questions to you as the Magistrate has been to me seeking advice. He sees the problems involved and feels equally inadequate to handle the situation. Your earliest possible reply to these queries would be greatly appreciated.

Government Adviser (E. Schubert) to Governor's Office regarding underage pregnancy case

I am,
Sir,
Your obedient servant,

12 December 1958

E. Schubert
E. SCHUBERT.
GOVERNMENT ADVISER.

b

Registration

Pt. attach the files on the P.I. Marriage Ordinances and Island Government Regulations - Series L-4/3.

e

MR. Bowell,

There doesn't seem to be any files ^{ke} 29.12.58 with the subject "Island Govt Regulations" but there are a lot of other Govt. Regulations such as "Local Govt Reg. P.I." etc. etc. etc.

The other file is attached.

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374. Inspector of Police (F.H. McCoy) to Governor's Office

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Inspector of Police
(F.H. McCoy) to
Governor's Office

16 December 1958

ANS'D P.69
-6 JAN 1959 EL Pitcairn Island
South Pacific
Dec 16th, 1958. P.12/11
Registered -6 JAN 1959

Dear Sir,

I need very urgent advice, hence this letter Air route to you.

Already in my Official report for the month of November which is enroute to you by surface mail last week, I have mentioned that I was investigating a case re-Law 65.

Now this Ailsa Young, you will see by last August of last years reports had a child & just managed to avoid being brought to Law, because I had to go by the medical report which proved her to be a fortnight before or a fortnight after turning 15 years of age and let the case go. Before taking any action I relied on the medical report so let it go at that.

Since that time, a notice has been put up on the Public Notice board that Law 65 has been ammended to the age of 16 years.

This very same girl who has just turned 16 on the 17th of Nov the strong gossip in the land is ,that she is several months pregnant again. After listening to advice from the Judge, I was told that as soon as I heard of any rumour in the land re such a thing, I was to investigate at once.

On Nov 30th, I approached the Father of the girl to have his draughter examined by the medical Officers, and he agreed to see that it was done. I also saw the Medical Officer to let them knowthat I had arranged with the Father for Ailsa to be examined. After a few days I invesigated again & was told that when the Father went to collect her & take her to be examined she had run away & was no where to be found.

I again asked the Father to try & see to it that his girl was examined, he said he would,& the Medical Officers waited in all day. Two days later,I had cause to visit the Med Officers home & I asked how they got on with the examination and they just looked at me and said she hasn't been. I told the Medical Officer that this girl is not going to make a fool of me, and I want to clear this up before the end of this year. The next day Dec 12th, I asked the Father to take the girl down himself to be examined and he assured me he would,I told him I wanted the matter cleared up or else I will have to bring it to Law, now to date 16th, still no reports from anywhere,

I now appeal to you as to what action I should take. At this stage I feel I have been let down by the Medical Officer & the parents, because I feel I need the medical officers report before I could do anything with the case.

I also feel I am not going to get much help after a remark that was said in the Council after my report was read, that is if there is any truth in it. The Adviser was supposed to have ~~XXXX~~ remarked that he wasnt going to bother his head about this case when they left the last one go.

Another difficulty is that, she is a girl that wont talk and although there is strong suspect for one boy,she was with there appears to be others.

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page 2.

When I cant get any satisfaction from the Medical Officers as to whether these young girls are pregnant (and it happens every year) or not how do I stand in having them examined by a hips Doctor and also for the Medical Officers to cooperate more in helping the Police with these affairs.

I am afraid, and I am very strong of opinion that there are other serious matters carrying on in the land, which I am doing my best to be on the alert, but the situation is very difficult, very difficult.

I am anxiously awaiting your reply.

I am, Sir, Your obedient servant,
F. H. McCoy
.....
Inspector of Police.

Inspector of Police
(F.H. McCoy) to
Governor's Office

16 December 1958

Office. Please have telegram ^{Good r} despatched. If there is likely to be delay the file can go to A.G. + the telegram filed later.

De
7-1-59

375. Governor's Office to Government Adviser (E. Schubert) regarding carnal knowledge case

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P.1/2/1 62

Governor's Office to
Government Adviser
(E. Schubert) regard-
ing carnal knowledge
case

From Governor. Registered 71-1159 62

To Government Adviser, Pitcairn Island.

No. 2. Confidential. G.T.C.

p.s.g.

Your letter 72 carnal knowledge. Am seeking legal
advice but it seems to me that Regulation 65 has not
repeat not been amended and that no case lies.

7 January 1959

2. Grateful you inform Magistrate and Inspector
Police will write in detail.

Governor.

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376. Commissioner (T.R. Cowell) to Government Adviser (E. Schubert) regarding underage pregnancy case

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The Commissioner, South Pacific Office.

The Government Adviser, Pitcairn Island. 18/59

UNDER-AGE PREGNANCY CASE. Page 715 3.2.59

Registered 3/2/59

659
Your letter No. 72/58 of 12th December, 1958 - Under-age Pregnancy Case. Since sending my Confidential telegram No. 2 of 7th January I have received legal advice from the Crown Counsel which I quote in full :

pp 64-65
"2. The attempt by the Island Council to amend regulation 65 is, of course, invalid; the laws relating to Pitcairn can only be amended by the Governor. However, since the 19th of January, 1958, it has been an offence to have unlawful carnal knowledge of a girl under the age of 16, so nothing further arises on that point.

3. if it can be proved, as would seem to be unlikely that some person had carnal knowledge of the girl Young before the 17th of November, 1958, then a case would lie against that person.

4. With regard to the several queries in the Government Adviser's letter No. 72/58 of 12th December, 1958, the answers are as follows :

- (a) the fact that the girl in question has previously had sexual intercourse with some person unknown can certainly not be held against the accused in the present case for it proves nothing as against the accused and merely goes to show that the girl is a bad character;
- (b) if a person has carnal knowledge of a girl who is under the age and marries her by reason of her becoming pregnant, he could be charged with having unlawful carnal knowledge of the girl if there is proper independent evidence, but you would come up against the almost insuperable difficulty that the female complainant, who would now be his wife, could not be compelled to give evidence against him, and thus it would be extremely difficult to obtain a conviction;
- (c) upon a first reading of regulation 65 it would appear that a person who has been convicted

Commissioner (T.R. Cowell) to Government Adviser (E. Schubert) regarding underage pregnancy case

3 February 1959

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Commissioner (T.R.
Cowell) to Govern-
ment Adviser (E.
Schubert) regarding
underage pregnancy
case

3 February 1959

of unlawful carnal knowledge is liable to be imprisoned for any period up to a maximum of three months; however, on reading the regulations, which deal with ~~the~~ offences, as a whole I agree with your view that the Magistrate has no option and must impose a sentence of three months. The reason for my being of this opinion is that every penalty clause in every regulation save regulation 65 reads "shall be liable to be imprisoned for any period not exceeding" whereas the penalty clause in regulation 65 reads: "shall be liable to be imprisoned for three months". Now, there must have been some reason for dropping the words "not exceeding" when regulation 65 was drafted and, whilst the wording is not accurate, the only possible reason is that it was intended that a fixed penalty should attach to this offence;

- (d) my answer to (c) above covers this point. I would point out that the only reason why this question is answerable by me is because a fixed penalty is provided for and one is advising the magistrate as to what sentence must be imposed, not what sentence ought to be imposed. Indeed, where the question of sentence is in the Magistrate's discretion it is extremely difficult to advise a Court as to what sentence it ought to impose, and I do not think that any Court should be so advised, because save in exceptional circumstances such as this, sentence is a matter for the discretion of the Magistrate within the limits of his jurisdiction;
- (e) trials for offences ought not to be delayed by reasons of expediency. I need hardly mention that a sentence cannot be postponed so as to commence on a future date unless the prisoner is already serving a sentence of imprisonment. If in fact a prison sentence becomes a farce if more than one person is serving a sentence at any one time, surely the fault lies with the system of administration of the prison.

5. the Police have no power to compel a girl in this type of case to submit to a medical examination. The complainant herself may, of course, seek medical advice, and the court can direct that a medical examination be held if the question of the complainant's pregnancy be in issue, for instance, in affiliation proceedings. However, I would point out that even if a female is medically examined in a

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case of defilement and she is found to be pregnant, that fact proves no more than that she had sexual intercourse with somebody, and it does not of itself have any probative value as against an accused person in this type of case.

6. I appreciate the difficulties which face the authorities in Pitcairn. However, I must point out that one cannot obtain convictions without evidence and that the onus of proof is on the Crown and not on the accused."

2. The Crown Counsel's advice also answers the Inspector of Police's letter of 16th December to which I also referred in my telegram under reference. I think it will be quite clear to you that on the evidence presented to us it would be extremely difficult to obtain any conviction if the proper processes of the law are followed. I cannot, of course, at this distance advise definitely what action should be taken and you will have to decide in the light of the advice given whether or not the Crown should institute proceedings. Perhaps it will be advisable for you to make an assessment of the situation and write to me again if you think I can be of any further help.

(Reid Cowell)
Commissioner,
South Pacific Office.

Am. 5.4.59 ✓
Re. 3.3.59

Commissioner (T.R. Cowell) to Government Adviser (E. Schubert) regarding underage pregnancy case

3 February 1959

377. Commissioner (T.R. Cowell) to Inspector of Police (F.H. McCoy) regarding underage pregnancy case

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CONFIDENTIAL

P.1/2/1

Commissioner
(T.R. Cowell)
to Inspector of
Police (F.H. McCoy)
regarding underage
pregnancy case

24th February, 1959.

p.69

Thank you for your letter of 5th February about the under-age pregnancy case.

p.62

p.66

24 February 1959

2. On 7th January I sent a telegram to the Government Adviser saying that I was seeking legal advice and asking him to inform the Chief Magistrate and you that I would be writing in detail. I wrote to the Government Adviser on 3rd February giving the Crown Counsel's legal opinion and in that letter I answered your questions fully as well as questions put to me by Mr Schubert. In the circumstances I did not consider it necessary to write separately to you and indeed, as the matter is very complicated legally, I have requested the Government Adviser to consult me again after he has studied Crown Counsel's opinion.

3. Having had considerable magisterial experience myself and having had the benefit of the advice of a qualified legal officer I am unable to agree with you that "the laws are being flouted". It is the duty of the prosecution to prove its case according to the law in conformity with the proper procedures of an English Court and I am quite unable to agree with any measures that do not so conform. You, as Inspector of Police, have no authority to compel a medical examination and if you were to attempt to do so you would be interfering with the personal liberty of a private citizen and would yourself be liable to be taken to Court. It often happens that the Police know that an offence has been committed but are unable to prosecute because the evidence they can produce is not adequate for a Court of Law.

4. I shall undoubtedly hear again from the Government Adviser about the case and, as he will have received my letter of 3rd February by now, I cannot stress too strongly that I hope you and he have discussed the advice given by the Crown Counsel.

5. I am sending a copy of this letter to the Government Adviser for his information.

T R COWELL
(Reid Cowell)

F.H. McCoy, Esquire,
Inspector of Police,
Pitcairn Island.

Recd P. 68
De. 25.2.59

c.c. Government Adviser. No. 24

378. Government Adviser (E. Schubert) to SPO regarding carnal knowledge prosecutions

Registered

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AL/25/59

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Government Adviser
(E. Schubert) to SPO
regarding carnal
knowledge
prosecutions

Pitcairn Island,
Sth. Pacific Ocean,
VIA. NEW ZEALAND.
18th. March, 1959.

The Commissioner,
South Pacific Office,
Govt. House Offices,
SUVA. FIJI.

18 March 1959

sir,

RE IMPRISONMENT - TWO MALES

P.71 I confirm my telegram No.12/59 :-

P.66 YOUR MEMORANDUM NO 18/59 AMENDED PITCAIRN ISLAND
REGULATION 65 STOP TWO YOUNG MEN SENTENCED TO THREE
MONTH'S IMPRISONMENT ON BREACH OF ABOVE REGULATION
STOP GUILT CLEARLY ESTABLISHED STOP COURT WELL RUN
STOP LETTER FOLLOWS.

2. On Monday 16th. March and Wednesday 18th. March the Pitcairn Island Court was called to hear charges of breaches of Amended Regulation 65 of the Pitcairn Island Government Regulations.

3. The charge on Monday was against Keen Warren and was a blank charge without details of time or place of offence. The stumbling block to the whole affair was the Inspector of Police who would not or could not (most likely could not) see that he had to make a specific charge and prove his case. In his first words to the Court he assumed the accused guilty rather than attempt to prove his case fairly. This became so blatant that I asked permission to address the Court and gave a strong plea for fair play for the accused. As the case was based only on a pregnant girl and the opinion of the public, it could not be proved. Wisely, the Chief Magistrate adjourned the Court to allow time for further investigation

4. It was during the first hearing that the name of a second man Radley Christian who is frequently in trouble, was brought into the case and resulted in two being charged on Wednesday 18th. March. On this occasion the Inspector of Police still charged vaguely and assumed guilt from the start. Keen Warren clearly admitted the charge and was sentenced on his own admission. Radley Christian denied the charge but admitted carnal knowledge of the girl on an unknown date before the 19th. January 1958, the date of the application of the amendment to Regulation 65. Evidence was given to show that he had knowledge of the girl after that date and before the 17th. November, 1958 which is the girl's sixteenth birthday. On the grounds of this the Assessors brought in a verdict of guilty and the Chief Magistrate gave the stipulated sentence of three months.

5. In my observations I felt that the Magistrate and the Assessors acted with good sense in all their work. My confidence in all three was strengthened and for the first time the Pitcairn Island Court appears to be growing up to a better level of justice.

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AL/25/59

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Government Adviser
(E. Schubert) to SPO

regarding carnal
knowledge
prosecutions

18 March 1959

6. Radley Christian, the oldest man sentenced is, a married man with three of his own children and two adopted children. This is unfortunate, but of course cannot be used to allow him to escape his sentence. In any case he gives little support to his family even now, so his detention won't cause any more distress.

7. An amusing incident at the conclusion of the Court was that the prisoners were to be sent home to await the preparation of the gaol. The sentence was to begin in a few days when the prison was ready for them. Here I stated that whether the gaol was ready or not the sentence began on the day it was pronounced and that if it was a week before they were detained that was a week less to be spent in there. This caused the Inspector of Police to get moving and that very evening after the case, they were interned.

8. The Inspector of Police has approached almost all males on the Island in his search for a warden but cannot get one to accept the job. He may get one in a day or two. He knows, but doesn't like to think, that he has to do the job until such times as he finds a warden. It seems to me that even when he has found a warden he should take a fair share of the duties in caring for the prisoners, as the prison routine commences at 6a.m. and does not finish until 8 p.m. which is far too long a day for one man.

9. Payment for a warden has no clear precedent on Pitcairn so at the moment we are in doubt as to what to pay. The prison schedule makes the job arduous so I would suggest a reasonable allowance. Your early advice on a vote for this job would be appreciated.

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



E. SCHUBERT.
GOVERNMENT ADVISER.

E.C. H. speak with father.

15.4.59

FD spoken 15/4

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379. Government Adviser (E. Schubert) to SPO regarding carnal knowledge prosecutions

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H/43/59.

Pitcairn Island,
South Pacific Ocean,
Via New Zealand.
10th July, 1959.

Registered 22. 7. 59.

Government Adviser
(E. Schubert) to
SPO regarding carnal
knowledge prosecutions

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The Commissioner,
South Pacific Office,
Government House Grounds,
Suva Fiji.

Sir,

10 July 1959

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RELATIVE TO RECENT CARNAL KNOWLEDGE CONVICTIONS.

A couple of points that I thought should be brought to your notice, in relation to the convictions of Radley Christian and Keen Warren on charges of unlawful carnal knowledge charges are:-

p. 83.

(a). Soon after these boys were placed in the Island Gaol I visited them and made it very plain to both that they had a perfect right to appeal to a higher authority if they felt that they had been unjustly convicted or that their case had not been properly dealt with. I told them that it would not cost them anything. I also offered to assist them if they should decide on an appeal. While I did not advise them to appeal I am sure they understood what was meant by an appeal. Neither of these boys made any further mention of the matter. While this does not alter the fact that the prosecution did not prove the cases independently it does further establish their guilt. This community is set up in such a way that an innocent man is never likely to be convicted but a guilty man will often be found guilty on rather shaky evidence. Before the case is heard most of the Islanders know whether the accused is guilty or not. This makes it very difficult for the assessors and magistrate to sort out evidence from village hearsay.

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(b). When the Secretary prepared the court minutes he failed to mention the fact that I had addressed the court let alone to report the substance of my address. Apart from that omission I think the minutes are a reasonable report on the court proceedings. That is of course allowing for Island methods of expressing a point. To be able to judge as to the fairness or otherwise of the whole case you would need to know the community, the Islander as an individual, the educational background of those participating and the local idiom.

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2. Both the above points were mentioned to J.W. Deering when he was here but as I am not certain that I can rely on him to report the facts to you and if he does report to do so accurately and without a true Deering bias. A direct statement from one who was an impartial witness I am sure would be most satisfactory to you.

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I have the honour to be,
Sir,

Your obedient servant,

E. Schubert
Government Adviser.

PAK
23.7.59

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380. Handing-over report of Government Adviser (E. Schubert) (entitled *Biennial Report Colony of Pitcairn Island*)

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Handing-over
report of Government
Adviser (E. Schubert)
(entitled *Biennial
Report Colony of Pit-
cairn Island*)

BIENNIAL

REPORT

COLONY OF

1959

PITCAIRN ISLAND

1958 and 1959.

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REVIEW OF YEARS 1958 & 1959.

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Part 1:

Pitcairn Island is a British Crown Colony with a miscellaneous and precarious economy. Practically all government funds come from the sale of stamps which are popular with collectors throughout the whole world. When a new issue is brought out sales rise rapidly for a year or so and then slowly decline until a new stamp is issued.

Handing-over
report of Government
Adviser (E. Schubert)
(entitled *Biennial
Report Colony of Pit-
cairn Island*)

Stamp sales for 1958^{/59} amounted to £9,087 whereas in 1957, the year of a new issue sales were £20,249. For 1959^{/60} it was estimated that sales would be no more than £2,300.

Income from investments amounted to £2,827 in 1958^{/59} and £2,155 in 1959^{/60}. If invested funds have to be drawn upon too heavily to balance the yearly accounts this will decline too. There are £50,766 invested in various enterprises.

Private cash income is gained mostly from the sale of hand carved and handwoven souvenirs. These are either sold on the ships or posted overseas. America is the main overseas market. Dollars are popular and comparatively speaking, plentiful. The article in the National Geographic Magazine of December, 1957, "I found the Bones of the Bounty", brought a big rise in dollar exports and increased the already large number of generous American pen-friends.

In 1958 a new Education Officer, Mr. E. Schubert was appointed on a two year contract basis. Early in this same year a Judicial Commissioner, Mr. D. McLoughlin on loan from Fiji, visited Pitcairn Island and heard and granted the first petition for divorce ever on the Island. An application for legal separation was withdrawn. At the same time the visiting Commissioner examined and discussed with the Island Council the Pitcairn Island Government Regulations with a view to revising same. To date this project is incomplete but it is expected to be completed during 1960.

In September 1958 His Excellency, Sir Ronald Garvey, the retiring Governor and Lady Garvey paid a brief official visit to the Island. The ship on which they were returning to U.K. stood off the Island for four hours while they came ashore. They were accompanied by their two youngest daughters. It was His Excellency's last official engagement before retirement.

The following month, the Governor elect, Sir Kenneth Maddocks, in company with Lady Maddocks, also paid a short visit to Pitcairn Island. Both of these visits were a great delight to the Islanders and the visit of Sir Kenneth Maddocks especially was expected to be mutually beneficial.

In March, April and May of 1958 an American woman Miss Blanche E. Walker paid a private visit to the Island, she being the first such American visitor ever to visit here. Her stay was greatly appreciated by the community.

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Part I (cont)Review of Years 1958 & 1959 (cont):

Handing-over
report of Government
Adviser (E. Schubert)
(entitled *Biennial
Report Colony of Pit-
cairn Island*)

In April 1958 Parkin Christian, a recently retired Chief Magistrate visited America as an official delegate of the Seventh-day Adventist Church. He returned in August of the same year.

Gene Gilley, an American Scientist employed by the Scripps Institute of Oceanography, spent parts of January and February of 1959 on the Island on official business, that being to install a new tide gauge at Bounty Bay and carry out B.T. Casts offshore.

1959

After nearly three years of service as head of the Church and with his wife as nurse, Pastor and Mrs. Hawkes and their three children returned to Australia in March 1959. Pastor and Mrs. Cobbin and their four children also from Australia, arrived a couple of weeks before the departure of the Hawkes family and took up the post vacated by them.

In May of 1959 the C.D.W. Fund sponsored an Agricultural reconnaissance by a junior Agricultural Officer loaned from the Fiji Agricultural Department. Recommendations for a suitable cash crop were expected to be in a report by this officer but up to the end of the year nothing was known on Pitcairn Island.

During November, a further C.D.W. Project began when Mr. Frank Brocklehurst a senior engineer of the Fiji Public Works carried out a survey of Bounty Bay with a view to making recommendations for improvements to the Landing facilities.

Two boatloads of Islanders visited Henderson Island in March 1958 and again early in January, 1959. The purpose of these visits was to secure the mirowood used in Island handicrafts. On both occasions the parties were taken on board the Shaw Savill ship CORINTHIC with their fully loaded boats and discharged offshore at Henderson late in the afternoon of the same day. After a few days of near continuous work the parties returned to Pitcairn under sail. In November 1959 a party of fifty Islanders, including women and children visited Oeno Island. This visit is usually a yearly affair and serves the purposes of providing a short holiday for some and a chance to collect shells, coral and coconuts for others. Shells and coral are sold to passengers on passing ships.

No Commonwealth Naval vessels visited Pitcairn Island during the years under review. However, there was one Chilean vessel, the B.E. ESMERALDA which called in July 1958 when 99 men came ashore for a brief visit and in August of the same year a Swedish Merchant training ship G.D. KENNEDY also called when a further party came ashore.

Toward the end of 1959 a new Education Officer, Mr. M.D. Howse was appointed. He was to take up his duties early in February 1960 when Mr. E. Schubert was due to retire.

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a Part 11:

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CHAPTER 1:POPULATION.

Handing-over
report of Government
Adviser (E. Schubert)
(entitled *Biennial
Report Colony of Pit-
cairn Island*)

b The people of Pitcairn are generally of mixed European - Polynesian origin. The majority are descended from the BOUNTY mutineers who settled there in 1790 with their Tahitian wives. There are two Australian and three New Zealand women married to Islanders and residing on Pitcairn. The population has for many years remained in the vicinity of 150. Any natural increase is offset by a steady flow of migrants to New Zealand. Only a small percentage return.

c At the end of 1958 the population was 136 and at the end of 1959 it was 146. There were two births and two deaths in the former year while there were four births and four deaths in the latter year. These population figures include outsiders resident on Pitcairn for a stipulated period such as the Missionary and Education Officer and their families. There were no marriages during the two years under review.

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Handing-over
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Adviser (E. Schubert)
(entitled *Biennial
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cairn Island*)

Part 11: OCCUPATIONS, WAGES & LABOUR ORGANIZATION.

CHAPTER 11:

(a) General Statement:

Pitcairn is an Island of miscellaneous occupations. Everyone, who is able and over 16 years of age, seems to be always busy^{but} at such a slow easy going pace that ulcers are unknown.

It is estimated that on an average roughly one day per week would be spent in the gardens, one day fishing, one day visiting ships (includes gathering fruit and vegetables for ship, attending to boats and bringing home stores) one day on public work (possibly less and then only from 7 am to 2 pm), and two days working on souvenirs. Most evenings are also occupied with scraping sanding or polishing souvenirs. All of the women do some form of weaving and many paint clam shells and dye coral obtained from Oeno Island. Saturday is observed as The Sabbath and on that day there is no work done unless there is a ship calling and then only the minimum work required is done.

Occasionally there is opportunity for paid labour on Government jobs but this only provides work for a small number of men for a month or so at a time.

During 1958 the schoolhouse and in 1959 the school building was painted on day labour. In addition to this of course there are the regular Government employees as Chief Magistrate, Secretary, Postmaster, Inspector of Police, Radio Operator and Engineers. These are all considered as part-time jobs only.

(b) Wages:

Wages for day labour remained at 2/6d. per hour during 1958 and 1959. There is little distinction between skilled and unskilled labour. Government servants are all paid an allowance and must attend to all work coming within their field. These range from £1.5.0 per month for the assessors, who usually have very little work, to the Chief Magistrate who receives £16 per month. Those coming between these extremes are Engineers at £3.15.0 per month, Chairman of the Internal Committee £6.0.0., Inspector of Police £7.15.0 per month, Postmaster and Island Secretary £8.0.0. per month, Radio Operator £13.0.0. per month. The Assistant Secretary receives only £1.5.0., Assistant Postmaster £2.10.0 and the members of the Internal Committee £2.10.0. It is considered that all four of these position should be increased considerably. A plan to increase the two former posts has been mentioned.

(c) Cost of Living:

There are no price index figures from which an estimate of the movements of cost of living can be obtained. However it is considered that costs remained fairly stable during 1958 and 1959. Most foods purchased by the Islanders are from ship's stores and these are often at less than half the normal price. Other imports come from Duncan Walford & Co. of London and are transported freight free by New Zealand Shipping Co. [Luxury foods are frequently obtained at

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a Part 11: CHAPTER 11: (cont)(c) Cost of Living (cont):

ridiculously low prices and in large quantities. A dozen of dressed poultry can often be purchased from "a friend" for £3 while it has been known for one man to purchase 4 turkeys for £2.0.0. Cases of Salmon (4 doz. tins) have been bought for £4.0.0. The legitimacy or otherwise of these products has not been investigated by the reporter as it is considered the Shipping Companies business to sell as they please. If they want to show such favours to Pitcairn Island it is considered in order to do so.]

The Island, being volcanic and very fertile, produces plentifully with a minimum of effort. [Bananas and citrus receive little or no cultivation and are in abundant supply much of the year. Yams, Taro, Kumaras, Potatoes, Pineapples and Pawpaws, most English vegetables, all grow well and without much cultivation. Breadfruit and mangoes receive no attention except harvesting.]

All Islanders have ample food supplies although it cannot be said that dietary habits are such that good nutrition is the natural result. Most eat large quantities of starches and protein and very little vitamin producing foods.]

Clothing is plentiful and costs little in cash outlay. Many parcels of used clothing are sent from various parts of the world and these are stored in great quantities. In late 1959, 17 bales of good used clothing came from U.S.A. with a result that there was such a vast quantity that the population could not absorb it all. Many of the women and girls received as many as thirty articles of clothing. Some new and reasonably good quality items of clothing are imported from U. S. A. Catalogues are used for this buying.

With so much bartering, favouritism from ships and gift receipts from overseas, it is difficult to assess the cost of living but it is thought that, judged by Island standards generally, it would be quite high, but if judged by New Zealand standards, rather low. With the composition of the population it is difficult to settle on a criterion.]

(d) Migration:

There is a growing tendency for the young Islanders to visit New Zealand in their late teens or early twenties. Some of these never return, while quite a number come back for short periods but few return permanently. Opportunities on Pitcairn Island are few so this is understandable.

During 1958, 24 migrated to New Zealand while only 3 returned. In 1959, 10 migrated and 17 returned.

[In May of 1958 Vincent Young an Islander who migrated to New Zealand some twenty years before paid a month's visit to the Island.]

(e) Public Work:

All able bodied male Islanders between the ages of 16 and 60 years are expected to do Public Work. This is in lieu of taxation. Public Work is

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Part 11: CHAPTER 11: (cont)

(e) Public Work: (cont)

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sommoned by a series of three rings on the village bell. Works done by this method are road making and maintenance, boat building and maintenance, maintenance of public buildings and utilities and goat branding. It also includes making coffins and digging of graves and care of graveyard. The gathering of fruit for public trading on board the ships is another public duty.

The Islanders generally dislike public work and consider it ^awaste of time. This feeling is not altogether unwarranted as bad organization frequently means that more than double the required number of men are called out for some jobs. It is thought that with the growing sophistication of the Islanders in general, a system of taxation and then payment for Public Work would improve on the present system. Most would willingly pay the taxation to be free from the ringing of the Public Work bell.

1959

(f) Labour Organization:

There is no labour department and no trade unions on Pitcairn. Pitcairn Island ordinance No. 1 of 1959 made the registration of Trade Unions compulsory. The Court with Jurisdiction is the High Commissioner's Court.

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COMMERCE.

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a Part IICHAPTER III:

The estimated total value of imports and exports for the years 1958 and 1959 were:-

		<u>1958</u>		<u>1959</u>
b	IMPORTS	£stg 3930	£stg	4315
	EXPORTS	4430		4275

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c The approximate value of the principal imports for the two years were:-

		<u>1958</u>		<u>1959</u>
	TEXTILES	£stg 1400	£stg	1600
	FLOUR	400		450
d	CANNED MEATS	100		120
	CANNED FRUIT	190		200
	CANNED MILK	180		215
	SOAP	100		100
e	KEROSENE	85		80
	DIESELENE	250		350
	SUGAR	225		230
	MISCELLANEOUS	1000		1000
f		<u>3,930</u>		<u>4,315</u>

1959

There are no figures available for hardware while the figures for many foods such as rice, peas, onions, potatoes, fresh beef, canned vegetables and eggs etc. are so hopelessly inaccurate that to quote them would amount to a reckless form of a guess and therefore of little value.

g Most of the food imports came from either New Zealand or England while textiles were distributed between New Zealand, England and America. Dieselene and kerosene mostly came from Panama.

Exports were mainly hand carved and hand woven souvenirs. It is estimated that 60% of sales were made on the ships while the remaining 40% was sold through mail orders principally to the U.S.A.

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Part 11 CHAPTER 111 (cont)

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Commerce (cont):Exports:

<u>ARTICLE</u>	<u>1958</u>		<u>1959</u>	
	<u>AMOUNT</u>	<u>VALUE</u> <u>Estg</u>	<u>AMOUNT</u>	<u>VALUE</u> <u>Estg</u>
BASKETS (items)	2094	1000	1759	850
FANS, HATS, BEADS ETC. (items)	3668	725	4295	850
1959 CARVINGS (items)	2733	2040	2714	2000
CITRUS (cases)	281	420	218	300
BANANAS (cases)	129	185	136	200
PINEAPPLES (cases)	36	60	47	75
		<u>12,430</u>		<u>12,278</u>

As most carvings and woven articles exported to America bring abnormally large prices and no accurate checking is possible the figures quoted are based on the prices obtained on the ships.

Fruit and vegetables exported were all sent to New Zealand and nearly all were to Islanders in residence there. Payment is then usually in kind. Only very small quantities of fish are exported and this is also sent to Islanders living in New Zealand.

PRODUCTION.

380

a Part 11CHAPTER 4:Land Tenure:

b When Pitcairn Island was first settled all worthwhile land was divided amongst the nine mutineers. Subsequent divisions have reduced some holdings to such hopelessly small areas that they are insufficient for subsistence crops let alone cash crops. Land has never been sold on Pitcairn but occasionally leases have been arranged. It is fortunate that the legal standing of these leases has never been questioned.

c There are quite a few landless men on the Island but these can mostly make a verbal agreement with some of the bigger landholders for the use of sufficient land for their needs. Frequently such methods have proved most unsatisfactory for the borrower.

d Down through the years it has been the accepted thing for an Islander to be free to plant coconuts, oranges or mangoes anywhere he pleased and for him to retain ownership regardless of whose land it may be upon. Each family has a mark of his own which is chipped into the bark of the tree.

e As the Islanders become more mature in their approach to property ownership the tendency to plant only on the family property is growing. This is fortunate as the growth of Western ideas is breaking down the old tradition of ownership regardless of whose property a tree may be growing upon.

f The ownership of numerous areas of land is disputed. A properly constituted "Lands Commission" would be the only means of solving these problems.

g Pitcairn Island is of volcanic origin. It is rugged with steep cliffs surrounding its shores. Flat or reasonably flat land would not form more than 10% of the total estimated area of 1200 acres forming the whole Island. Of this only a fraction is cultivated. There is still another 30% or approximately 350 acres of sloping but useful cultivation land. Some Islanders who own little or no flat or gently sloping land cultivate very steep hills fairly successfully even when using medieval cultivation methods. With improvement in knowledge the gardens should increase their yield. The land is generally very fertile but deficient in nitrogen.

h The pattern of land utilization is one of many small food gardens with fruit trees (e.g. oranges, mangoes, pawpaws) scattered amongst large areas of bush. Orange trees are old and rarely, if ever, pruned. Mangoes receive no attention while pawpaws are kept clear until they rise about the level of the highest weeds. All produce well in good seasons.

i Goats influence the pattern of land use considerably. As the pests roam much of the Island with complete freedom, gardens must be kept on the side of the Island nearest to the village. Fortunately this is the most suitable part for

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Raymond. 8/2

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Part 11 CHAPTER 4 (cont):

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cultivation. However there are large areas of good land that cannot be cultivated because it is within reach of goats. Attempts to influence the Islanders to destroy the goats always face strong opposition and much abuse from some quarters.

Most of the surface of the Island is lightly timbered. Nearly all of the useful timbers as miro, rata and burau have been cut out and not replanted. Rose-apple, an imported tree, has covered much of the unused parts. It is a blessing in disguise as it supplies firewood which would otherwise be very scarce. A definite plan for reafforestation with the most useful and suitable trees should be undertaken at an early date.

1959

The areas of the Island known as St. Paul's Point and Paulu Valle are badly eroded and this can be attributed to goats and partly to fires killing the original vegetation. A general erosion of most of the Island is gradually thinning the soil coverage and strong steps to encourage methods of control need to be taken. Suggestions on control made by a visiting soil chemist in a report issued in 1958 were ignored by an agricultural officer who did a reconnaissance in 1959. Attention should, and indeed must, be given to the question of erosion and its chief cause, goats, if Pitcairn is to remain permanently fertile.

It has been difficult to see just how land is passed on on Pitcairn. Originally it was relatively simple as it was owned by Young, Christians and Adams etc. but with the introduction of so many strangers and the departure of so many for Norfolk Island in 1856 it seems that the family ownership idea has evolved into a private ownership where it can be willed or given to whomsoever the owner should desire. With no registration of Wills and only a loose system of land registering the whole set up has become chaotic and no Island Committee or individual could be expected to sort out the problems unaided. Specialist knowledge and authority are needed - and urgently.

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a Part 11: PRODUCTION.CHAPTER 4:(c) Agriculture:

The main subsistence crops grown on Pitcairn are sweet potatoes, irish potatoes, yams, taro, arrowroot, pineapples, pawpaws, sugar cane, bananas, coconuts, citrus, mangoes, watermelons and most European vegetables. The Islanders have a wide blend of tastes for both Polynesian and European foods. The present tendency is toward more European type foods especially if they come from a can. Bananas, citrus and pineapples are the main export crops.

There is no Department of Agriculture and no Marketing Board.

It is impossible to estimate the quantities of subsistence crops grown but it can safely be said that all the Islanders are well fed.

Sweet potatoes (kumara) are a staple food. This vegetable is boiled, baked and ground up and made into a dish called Pilhi. Few tables are set without kumara in some form being on them. It is grown the year around.

Bananas grow in the valleys without cultivation or pruning. A little pruning would greatly improve the crop. There are seven different varieties on the Island. Generally there is an ample supply but one time during 1958, after a severe gale, supplies were down for a few months. The banana is not served regularly at meals except in a cooked state or in banana Pilhi and then it is usually a green one. Ripe bananas are eaten incidentally.

Citrus grow exceedingly well and in abundance. They are not cultivated in groves but planted singly or in small groups here and there. Many of the trees are old. There is a great need to plant new and improved species. Pruning is not understood or practised. It was, however, demonstrated during the visit of an Agricultural Officer in 1959 and should catch on slowly as the results are seen in the few trees pruned then.

The coconut grows tall and thin and gives poor crops. A large percentage of the fruit is faulty. Replanting has been neglected for many years.

Considerable numbers of coconuts have been planted on Oeno Island. Here the cropping is profuse and the nuts larger. Many new palms were planted on the 1959 visit. All coconuts are used locally.

Sugarcane is grown and crushed at the end of the first year of growth. After crushing the juice is boiled to remove the water and the syrup is used for sweetening drinks and various food dishes.

Arrowroot is grown and its water processed into a fine flour and made into a savoury or sweet cake.

Beans are widely grown and used on most tables daily. They are used from the green beans as a vegetable to the dried bean in soup.

Pineapples, pawpaws and bananas are not served with meals but eaten incidentally as is watermelon and rockmelon. This is mostly in

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Part 11:PRODUCTION (cont)CHAPTER 4: (cont).(c) Agriculture (cont):

the field.

Lettuce, cabbage, tomatoes and cucumbers are grown in abundance in the Spring. They are used in most homes.

The mango failed to set fruit in the years 1958 and 1959. It was thought that the 1958 failure was due to an excess of rain and wind in the Spring but 1959 defies explanation.

In 1959 a number of the Islanders grew small plots of peanut and the results promised to be good. It is thought that with proper guidance a cash crop could be developed here.

Interest in forestry is generally low but does appear to be growing. One ship's Captain frequently brings a stock of trees and these are usually snapped up eagerly. They are usually pines or Australian gums and are donated by a New Zealand Forestry Nursery.

During 1959 each schoolchild was given one tree for personal planting and all of these appear to have been cared for fairly well. There was one pine for each family. Pines planted years ago have grown well and this indicates that a major project would be very successful. Attempts to encourage the planting of Miro, the wood used in carving, were a failure.

Animal Husbandry: There are no horses, cattle or pigs on the Island. Goats run wild and control much of the western and southern slopes. None of them are domesticated. Each family is allowed to keep four breeding does but most kill off all kids as soon as they are large enough. All goats are branded and each owner knows his own herd even though they are wild.

Fowls run wild on the Island. Only one or two of the locals keep their fowls penned. Most families would have between twenty and fifty fowls. Those who pen them get the best results in egg production.

In 1958 the Education Officer brought in Rhode Island Red fowls for his own use and in 1959 introduced the Islanders to them. Many are now breeding them and they appear to be doing well. Results when properly fed and penned were highly satisfactory.

Fisheries: Fish are plentiful in the waters around Pitcairn but as there is no reef, weather conditions are a major factor in obtaining them. Often there will be weeks of rough weather between suitable fishing days. Some rock fishing is done in all weathers but most of the fish caught here are small and long. No fish, however small, is returned to the water.

In the deep sea fishing all of the older Islanders use a line. The traditional position is to kneel in the canoe with a glass bottomed cylinder to watch the fish below. The bait is dangled before the fish to encourage it to bite. A good fishing day is considered between 50 and 100 fish. A poor day can be as low as 5 to 10 fish. Most of these fish are between 1 and 3 lbs. in weight and are of the deep sea variety. They are usually called by some unspellable

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1959

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a Part 11:CHAPTER 4 (cont).PRODUCTION (cont)(c) Agriculture (cont):

Fisheries (cont): Local name. There is a growing tendency for the younger Islanders to do spear gun fishing.

b The women do much of the rock fishing. Some spear fishing is done from the rocks but this is not highly successful.

During the Spring months quite a few barracut#a and tuna are caught from the canoes. The barracut#a are speared and the tuna are caught with a hook and line.

c Outboard motors are becoming increasingly popular for the fishing canoes, there being already six of them on the Island.

No shellfish are eaten.

Oeno Island has abundance of tropical fish of many kinds and on the visits there (usually once yearly) large quantities are salted down and transported back to Pitcairn. Practically all fish are caught inside the reef.

d During 1958 and 1959 constant efforts were made to encourage better Agricultural methods. Demonstration plots at the school were opened to inspection and incidental points were frequently mentioned in discussion with the Islanders.

e In 1959 an Agricultural Officer visited the Island and is reported to have made suggestions for improving subsistence crops and the possibility of introducing a cash crop. Quite a number of good demonstrations on erosion control, use of humus, mulching and pruning the various fruit trees were given. In the middle of 1959 an Island youth was sent to Fiji for training in agriculture and it is expected that he will return early in 1960. His knowledge should prove invaluable to the community.

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SOCIAL SERVICES.Part II:CHAPTER 5:(a) Education:

Pitcairn Island's first school was started by John Adams, one of the BOUNTY mutineers, around 1800. From then until about 1885 the schooling was all cared for by Islanders or sailors who volunteered to leave their ship to teach in the school. About this time a Missionary ship called with a trained teacher who worked for some years in the school and trained Island teachers. From that date until 1948 the education of the Pitcairn Islanders was for short periods in the hands of a Seventh-day Adventist Missionary teacher who would train Island teachers and leave them for a few years to carry on by themselves. In 1948 the building of a modern Government school was commenced, this being completed in 1949. Since then, Pitcairn has had a Government trained and paid teacher. Control of education is in the hands of the Education Officer whose scheme of work must be approved by the Governor.

The early enrolments in the Government school were less than twenty pupils but since the middle of the 1950's the number enrolled has grown until at the end of 1959 it was up to twenty-eight and was expected to reach thirty-five during 1960. Expenditure on Education for the last ten years has been fairly stable.

<u>YEAR</u>	<u>ENROLMENT</u>	<u>EXPENDITURE</u> <i>£s.</i>
1956	28	2,339
1957	25	1,641
1958/59	27	3,167 (18 month period)
1959/60	28	2,888

The short rises in educational expenditure are due to appointment of a new Education Officer when the transfer of the retiring officer and the new appointee came close together.

Uniforms and all school requisites are provided from Government funds.

At the beginning of 1957 Correspondence High School classes were commenced under the supervision of the Education Officer. Courses were provided by the New Zealand Education Department Correspondence School. In each of the years 1958 and 1959 there were two students doing the Correspondence High School course. It is hoped that in time students suitable and willing to pursue courses overseas will be found.

Education is compulsory for both sexes from 5 to 15 years of age. There is a growing tendency for those over 15 years to continue at school to do some secondary school work.

During 1959 one student was studying Agriculture in Fiji under a C.D.W. Fund Agreement.

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Part 11: CHAPTER 5 (cont):

(a) Education (cont):

Informal education was carried out through films, discussions, examples in gardening technique and the distribution of appropriate reading matter.

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Part 11:SOCIAL SERVICES.CHAPTER 5

Handing-over

(b) Public Health:

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Pitcairn Islanders are generally a healthy people. Occasionally colds spread through the community and few escape. In 1959 ninety-five per cent of the population were effected when an epidemic of influenza struck the Island.

There were no diseases that could be termed as major diseases. The cases diagnosed and treated were as shown below. It will be understood that only some were diagnosed by a doctor and not all of them proved correct:-

	<u>TYPE OF CASE</u>	<u>NO. OF CASES</u>
1959	Influenza	128 ✓
	Asthma	24 ✓
	Anaemia	6
	Appendicitis	4 ✓
	Burns	2 ✓
	Boils	21 ✓
	Cuts	35 ✓
	Convulsions	2
	Colds	60 ✓
	Cystitis	2
	Diabetes	8 ✓
	Dermatitis	5 ✓
	Ear Infection	17 ✓
	Eye Infection	23 ✓
	Fractures	3 ✓
	Gallstones	2
	Gangrene	1
	Hernia	4 ✓
Blood Pressure (high)	4	

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Part 11:
CHAPTER 5 (cont)

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(b) Public Health (cont):

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<u>TYPE OF CASE</u>	<u>NO. OF CASES</u>
Infected bites	4
Kidney stones	1
Rheumatism	6
Strokes	3
Teeth extractions	55
Teeth fillings	300

c

1959

One hundred and ten people had the full course of Poliomyelitis vaccinations.

There were eight deaths and eight births during the two years.

d

During 1958 and 1959 three ship's doctors came ashore to see patients. Frequently patients were taken out to a ship for examination. On fifteen occasions ship's doctors gave advice by radio.

Ten patients were sent to New Zealand for treatment. Four of these cases were for appendicitis while there was only one case of each of the following:- Umbilical hernia, Injury to eye where the eye was subsequently removed and plastic one fitted, Hysterectomy operation, Duodenal ulcer, Fracture of femure and Caesarean confinement.

e

It is considered that B.G.G. vaccinations and T.A.B. inoculations should be given for the younger Islanders.

Pitcairners have no medical benefits scheme. Consideration should be given to the introduction of some form of medical insurance.

f

Fares to and from New Zealand are their biggest expenses in most cases where overseas treatment is needed. The minimum single fare was £51 whilst some have been as high as £30. Hospital expenses have been as high as £205 for the case of the eye injury.

Adequate supplies of the following drugs are held in stock:-

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Ergometrine	Sulpha Drugs
Crystopen Penicillin	Ferrous Sulphate
Adrenalin	Ethyl Chloride

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Part 11:
CHAPTER 5 (cont)

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(b) Public Health (cont):

Morphine	Pétuitrin
Pethidine	Liquid Ergot
Coramine	Stilboestrol
Chloromycetin	Digoxin
Pitocin	Anti Tetanus Serum
Soneryl	Dental Sylotox
Aspirin	Fenothol
Soda Salicylate	Ether
Epadrine	Urolucosil

b

1959

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In most respects the dispensary is well equipped and generally supplies are ample but the refrigerator is old and faulty. It does not freeze satisfactorily and badly needs replacing.

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The building itself is old, small and badly deteriorated and consequently needs replacing.

Housing is of a satisfactory standard. There is little planning but mostly there is good shelter with enough ventilation.

e

Hygiene varies from very good to very poor. Lavatories are of the pit type and some are too close to the homes.

Disposal of garbage is barely satisfactory in some respects. Flies are troublesome in summer. The only mosquito is a black one which bites during the daytime. No attempt is made to control either flies or mosquitoes.

f

Expenditure on medical service during 1958¹⁵⁹ and 1959¹⁶⁰ amounted to £ 900 .

(c) Social Welfare:

Scouting: There is no scouting on Pitcairn but the place of Scouts is filled by a Church organization known as the Junior Missionary Volunteer Society. The Missionary leads this organization and it caters for the children, both boys and girls, from seven to fifteen years of age. It aims at preparing them for the responsibilities of life by catering for physical, spiritual, intellectual and social development. Features of the programme include reading good books, recreational activities, training in arts and crafts, home and community service and Bible study. The society meets once weekly.

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a Part 11:
CHAPTER 5 (cont)

(c) Social Welfare (cont):

b Red Cross: During 1958 the Missionary trained a group of young girls in Home Nursing and they are on call whenever a need arises. There is also a group of young men who hold First Aid Certificates and they are always on call too. All stretcher bearing is done by this group.

c Men's Club & Women's Club: In 1956 Clubs for both men and women were formed under the guidance of the Education Officer. As is usual on Pitcairn Island, the new idea went along well for a year or two but the newness has now worn off and there is difficulty in getting a representative group to attend the spasmodic meetings. When meetings are called there is frequently some good discussion on points of interest to the Island in general. The follow up action, which is so necessary if any results are to be seen, is rarely forthcoming. These Clubs if they can be rejuvenated can continue to serve a useful purpose as they have already done for $3\frac{1}{2}$ years.

Soon after the forming of the Men's Club a Sports & Entertainments Committee was elected. This Committee has planned and organized all activities coming under the category of sport or entertainment. Some educational and cultural activities were included here too.

d Pictures were very popular and when there was an adequate supply it was very difficult to generate interest in any evening activity which required local participation. The occasional concert staged was enjoyed. There appears to have always been a great reluctance to practice and this has not changed.

e A games evening has been put on on occasions and these have usually been quite successful but again the major difficulty has been to get the people to join in and keep the evening rolling. Most would sooner be passive on-lookers. A Table Tennis Club usually has met on Thursday evenings and here the Youth have enjoyed some good times together. The schoolchildren also have their equipment at the school and have played often. In challenge matches the schoolchildren have more than once defeated the older club players.

f Cricket is a favourite game and although space is a major problem a number of matches were played each year. There is little regard for seasons, it being played any time of the year. Science does not enter into the game it being the accepted thing to "shut eyes and swing". A considerable amount of enjoyment appears to have been gained from this game. Equipment is adequate.

Attempts to introduce Volley Ball, Soft Ball and Badminton have not been entirely successful but with continued encouragement I think interest and skill will grow and all become established.

g The tendency to consider any time spent in active participation in sport as wasted time, has not lessened. Fishing and goat shooting has been considered the greatest of sport and anytime spent here has always been considered time well spent. The economic value is incidental.

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Part 11:

CHAPTER 5 (cont):

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(c) Social Services (cont):

League of Mothers: A branch of the League of Mothers, a Mother organization originating in New Zealand was formed on Pitcairn some years ago. Monthly meetings have been held whenever convenient. The aims of the Society are to help teach the mothers how to carry out their duties more efficiently.

b

Employment: Because/economy of Pitcairn is not strictly a money economy and with subsistence crops that grow easily there is no such thing as unemployment. All adults and some juniors make souvenirs. Few remain unsold. There is no poor relief or old age pensions. When cases of need arise the family group usually helps those in need.

1959

Church: The Church is Seventh-day Adventist and is a strong and healthy influence on the Island, especially when there is a resident Missionary. By far the greatest majority of the Islanders are members and most of these attend services regularly. There is at present a teenage group, led by a modern Huckleberry Finn, which does not attend Church and in fact expresses contrary opinions. Their need is almost certainly to attract attention and this seems to be their chosen way of attaining the objective. It is a near approach to the worldwide problem of juvenile delinquents.

c

Church services are held on Saturdays at 10 and 11 a.m., the former being the Sabbath School (for both adults and children) and the latter, Divine Service. On Tuesday evening there is a further service this being in the form of a Prayer Meeting.

d

There is a church sponsored Young People's Society which normally meets on Saturday afternoon. The aims of this society are to meet some of the needs of Youth both spiritually and socially and to train them for leadership in the community. The activities of the Society take the forms of one weekly meeting led by the young people themselves and a fortnightly social evening.

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JUSTICE POLICE & PRISONS.

380

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Part 11CHAPTER 6:(a) Justice:

b

The Island Court consists of the Chief Magistrate and two Assessors. All three are elected members. The Chief Magistrate has summary jurisdiction in criminal cases when the penalty does not exceed a £2 fine or one week's imprisonment and in civil cases when the amount in dispute does not exceed £2.

The verdict in any case is decided by vote of the Assessors with the Chief Magistrate casting a deciding vote if necessary. Sentence of judgment may be passed by the Chief Magistrate only and it is his personal responsibility.

c

The jurisdiction of the Island Court is limited to offences or civil actions between residents of the Island or which arise within its territorial waters. The maximum punishment in criminal cases is a fine of £10 or imprisonment for three months and in civil charges jurisdiction exists only if the amount in dispute does not exceed £10.

There is provision for appeal to the Supreme Court of Fiji. A simple set of rules for court procedure has been outlined and with a little study the Islanders have been able to understand and apply them fairly efficiently.

d

In cases outside the competence of the Island Court the Court of the High Commissioner for the Western Pacific has jurisdiction. Such cases are rare.

Cases heard in Pitcairn Island Magistrate's Court during 1956-7 were:-

<u>NATURE OF OFFENCE</u>	<u>CHARGES</u>	<u>CONVICTIONS</u>	<u>ACQUITTALS</u>
False report Regulation 61	3	2	1
Adultery Regulation 66	3	3	0
Abusive & threatening language. Regulation 59	3	3	0
Recognizance Regulation 42	1	0	1
Assault Regulation 62	1	1	0
Unlawful Carnal Knowledge Regulation 62	0	0	0
Contempt of Court Regulation 65	0	0	0

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Part 11 CHAPTER 6 (cont):(a) Justice (cont):

All fines of more than £1 were paid in goods. There was one appeal which was upheld.

A court of enquiry preparatory for a request for a Judicial Commissioner's visit to hear divorce case was called in June 1957.

Cases heard in Pitcairn Island Magistrate's Court during 1958-59 were:-

<u>NATURE OF OFFENCE</u>	<u>CHARGES</u>	<u>CONVICTIONS</u>	<u>ACQUITALS</u>
False Report Regulation 61	0	0	0
Adultery Regulation 66	0	0	0
Abusive & threatening language. Regulation 59	0	0	0
Recognizance Regulation 42	1	0	1
Assault Regulation 62	0	0	0
Unlawful Carnal Knowledge Regulation 62	2	2	0
Contempt of Court Regulation 65	1	0	1

Divorce Case:

A Judicial Commissioner heard one petition for divorce in 1958. A decree nisi was granted. A petition for legal separation was withdrawn.

It will be noted that there was a big decrease in petty offences during 1958 and 1959.

(b) Police:

There is only one policeman on Pitcairn Island. His title is Inspector of Police. Duties are light and mostly nominal.

(c) Prisons:

The Inspector of Police administers Pitcairn's one gaol. It has only two cells. Two men served a three month sentence in 1959. At the end of the year there were no sentences being served.

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Part 11:PUBLIC UTILITIES.CHAPTER 7Electricity:

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There are two Government owned generating plants on Pitcairn. One supplies the school residence, school and other public buildings. It was installed in 1957 and consists of an 8 h.p. Lister Diesel Engine with a 4.25 kva single phase generator. It is 240 volts and 50 c.c. with alternating current. The other Government owned plant is identical except that it is direct current and is for the radio station.

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In addition to the Government owned generating plants there are eight privately owned diesel plants all supplying a number of customers. Maximum output would be approximately 25 kva. All are 230 volts and 50 c.c., with the exception of one which is 230 volts and 60 c.c. The first of these was installed in 1949, the second in 1954 and the remaining since 1955 with three in 1957.

1959

Owners of these plants ask for one drum of oil per year per customer as payment for light and power combined. Dieseline is usually purchased from Panama Canal Zone at 12 dollars per 44 gallon drum. For the owners of the generating plants this arrangement is most uneconomical.

d

Power plants are usually turned on at dusk and run until 10 or 11 o'clock in the evening. On picture nights, general public meetings and Friday nights it is usual for only the Government plant to be turned on.

Practically all homes are connected to an electricity supply. Kerosene wick lamps are always held in readiness for power failure.

e

Water Supply:

There is only one small running stream on Pitcairn Island and this dries up completely in a short drought. All domestic water supply is gained from rain water caught on the iron roofs of the houses and is stored in wells. These are mainly cut stone plastered with concrete. Most wells are over 1000 gallons and with the frequent rains, rarely is there any shortage of water.

There is no irrigation.

f

Public Boats:

Public boats number five. There are two motor boats, one 37ft. long with a 30 h.p. diesel engine and one 27 ft. long with a 12 h.p. petrol engine, and three whaleboats (sailing boats).

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All boats come under the control of the Internal Committee but maintenance on sailing boats is carried out by the boat crew. For inter-Island visits the permission to use the boats must be gained from the Council. Each sailing boat does a year's running and is then laid up for four months for a complete overhaul. The Internal Committee organizes maintenance on the motor boats when required.

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Part 11: CHAPTER 7 (cont):

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Public Ba ts (cont):

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Timber for a new whale boat was supplied in 1959 and it is planned to build this early in 1960. All boats are under the control of a Cockswair when on the sea. He has a mate in the head of the boat to give directions when leaving and entering Bounty Bay.

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COMMUNICATIONS.

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Part 11:
CHAPTER 8.

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Postal Services:

b

There is only one Post Office on Pitcairn Island. This is opened for one hour on Sundays and Wednesdays to sell stamps and B.P.Os. Besides this it is always opened to take mails the day before the call of all scheduled ships and then after the ship for as long as is necessary to sort and deliver mails.

During 1958 there were 44 inward and 44 outward mails and in 1959 there were 46 inward and 47 outward mails.

c

The article in the National Geographic Magazine of December 1957, "I found the Bones of the Bounty" gave quite an impetus to the mails from the American Continent. During 1958 there were 135 bags of mail from Cristobal whereas there were only 48 from England. Most of those from Cristobal were parcel bags. Of 141 bags from N.Z. and Australia over 100 were letter mails.

1959

Outward bags of mails to Cristobal numbered 157 compared with 39 to England and 57 to N. Z. and Australia.

d

The total inward bags was 322 and outward 253.

For 1959 the figures were somewhat similar. Inward bags amounted to 336, there being 171 from N. Z. and Australia, 131 from Cristobal, 33 from England and 1 from Hawaii.

Outward figures were 208, there being 73 to N. Z. and Australia, 107 to Cristobal and 28 to England.

e

It can easily be seen that America provides and also receives by far the greatest amount of parcel mail for Pitcairn Island. These bags are usually large with correspondingly large parcels.

Total parcels for 1958 were 1500 with a decline to 1074 in 1959. It is expected that 1960 will show a further decline.

f

As mail is the main source of outside communication it is a day of great excitement.

Shipping:

In 1958 57 ships called at Pitcairn Island whilst in 1959 only 53 called. Most of these were passenger ships scheduled to call regularly.

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Telecommunications:

The Pitcairn Government maintains a radio-telegraph station which has six daily schedules with Rarotonga per week. Weather reports are transmitted

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Part 11:CHAPTER 8 (cont).

a

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Telecommunications (cont):

regularly for the N. Z. Weather Bureau and queries on weather from ships in the South Pacific are answered daily. Ships scheduled to call at the Island usually contact by radio two or three days before, giving their approximate times of arrival.

b

Telephones:

The Island Government maintains a battery operated party line telephone system which is connected to the homes of Council members and Government employees. The call signal is a series of short and long rings usually being the morse code signal for first letter of the called person's name.

1959

c

In addition to the above telephone system, there are two privately owned telephone systems each connected to a number of homes. The call signal is similar to that used on the Government line.

There are few homes without a telephone at all, while the majority are linked to at least two systems.

d

Roads and Paths:

A network of winding dirt roads connects all parts of the Island. Main or public roads are maintained (mainly weeded) regularly by the men on public work. Eroded holes and gullies rarely receive attention.

e

Transport:

Wheelbarrows especially adapted to Island conditions are the only means of wheeled transport. Every man owns at least one barrow. A flying fox driven by a 3 h.p. diesel engine hauls goods from the Landing to the Edge, a haul of some 240 feet. A manually operated derrick has been installed at the Landing for unloading heavy cargo.

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Part 11:

CHAPTER 9.

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Press:

There is no local press on Pitcairn. A four page monthly news sheet "Pitcairn Miscellany" is duplicated at the school. There is no charge.

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b

Broadcasting:

There is no local broadcasting service but reception from Australia is good during the morning. New Zealand reception is only fair. Reception from the American Continent is good most of the time while the B.B.C. varies but is usually good enough for news. Radio Moscow beams in with amazing clarity.

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Films:

Films are obtained from a variety of sources, the Central Office of Information being the largest supplier. These are only on loan. British News and various other films are supplied by The British Council in Suva while the Church gets a reasonable supply of excellent films from the U.S.A. These are rented.

1959

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During 1959 eight full length feature films were hired from M.G.M of N. Z. and a charge made to cover costs. All films were 16 mm. films and were popular with most of the Islanders.

Information Services:

The Inspector of Police is also Public Relations Officer and answers many questions about the Island. Queries come from all parts of the World.

e

Information material, consisting of books, magazines, films, posters, pictures and pamphlets etc. as supplied by the Central Office of Information, are distributed by the Education Officer.

Weather Records etc.

Weather recordings are taken twice daily by the radio operator who transmits this data through Rarotonga to the N. Z. Weather Bureau.

f

Rainfall for 1958 was:-

Jan. 6.73, Feb. 9.91, Mar. 7.53, Apr. 5.48, May 10.17, Jun. 4.91, Jul. 8.02, Aug. 6.96
Sept. 12.26, Oct. 14.28, Nov. 7.24, Dec. 10.04 TOTAL: 103.53 ins.

Rainfall for 1959 was:-

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Jan. 2.53, Feb. 13.91, Mar. 1.85, Apr. 6.37, May 7.89, Jun. 9.27, Jul. 4.95,
Aug. 4.89, Sept. 4.90, Oct. 2.45, Nov. 4.71, Dec. 3.26. TOTAL: 65.12 ins.

Average annual rainfall for 1956 - 1959 was 80 ins.

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Part 11:
CHAPTER 9 (cont).

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Weather Records etc. (cont).

The mean temperatures for the year 1958 were:-

Jan. 73, Feb. 74, Mar. 73, Apr. 71, May 68, Jun. 68, Jul. 66, Aug. 65,
Sept. 67, Oct. 66, Nov. 68, Dec. 70. Yearly mean 69° F.

The mean temperatures for the year 1959 were:-

Jan. 72, Feb. 73, Mar. 72, Apr. 72, May 69, Jun. 68, Jul. 66, Aug. 66,
Sept. 66, Oct. 67, Nov. 68, Dec. 72. Yearly mean 69° F.

1959

Burial Grounds:

There is only one burial ground and it is the duty of the Internal Committee to see that it is kept in order. Headstones are nearly all locally made and, being a poor concrete mixture, most are badly crumbled. The grave of John Adams is separate and is the only known resting place of a Bounty Mutineer. It is marked with a headstone which is in fair condition.

The Museum and Bounty Relics:

The Museum in reality is a glass fronted cabinet placed in the Council storeroom. Relics contained therein are:-

1. Earthen ware jar from Bounty
2. Broad axe.
3. Anvil.
4. Balast.
5. Sections of canvas shrouding attached to anchor ring
6. Small portion of roll of lead recovered from site of
Bounty burning.
7. Copper nails.
8. Cannon.
9. Flint lock.

The Bounty Bible is kept in a double locked glass topped case in the Church.

The Bounty Anchor stands on a concrete base in front of the Courthouse.

It is regretted that in years past various visitors have bribed the Islanders into parting with many precious Bounty relics. The possibility of having various of these relics which are held by a number of widely scattered

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Part 11:
CHAPTER 9 (cont).

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The Museum and Bounty Relics (cont):

Museums, returned, has been discussed and it is planned to make representations in respect of a number of these items during 1960.

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CONFIDENTIAL

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Part III:ADMINISTRATION.CHAPTER 1:(a) 1. Island Council:

The Island Council, which consists of Chief Magistrate (elected) two assessors (elected and voting), Chairman of Internal Committee (elected and voting), Island Secretary (appointed and non voting) and Government Adviser (appointed and advisory only), has met regularly each month and has had a number of special meetings at other times.

The authority of this governing body is accepted by the Islanders generally, even though some do complain. Under the Chief Magistrate, Warren Christian, there was often a reluctance to pass any legislation that was likely to be at all unpopular even though obviously to the benefit of the community in general. It has been always well known to the Islanders that Warren Christian has been, almost continuously, an unfaithful husband and this caused a serious lack of confidence in him. With the coming of the newly elected Chief Magistrate, John Christian in October 1959, the Council has new life and new authority. This man has good qualities of leadership and an above Island average amount of initiative. He sees jobs that need doing and is not afraid to call upon the officers who are charged with the responsibility of carrying them out. This is greatly to the advantage of the Island as lots of neglected duties are now being efficiently carried out. Previously most of the suggestions and advice from the Government Adviser were wasted on the Chief Magistrate who promptly either forgot or deliberately avoided any action.

At the beginning of 1960 the Island Council was in fairly strong position and even though there is little likelihood of any very thoughtful legislation they will do much to see that the regulations are carried out and that peace and order are maintained on the Island.

II. Internal Committee:

During 1958 and 1959 the Internal Committee has had frequent changes, these being due to members leaving the Island and at other times resigning. It has been claimed by various members of this committee that they were independent of the Island Council, and the Chief Magistrate for 1958 and the first part of 1959 supported this view in spite of frequent statements to the contrary from the Government Adviser. It was also shown from Regulations that the Island council controlled and directed the Internal Committee but even this was to no avail. It is fortunate that for the latter part of 1959 there was a new Chief Magistrate elected who took a strong stand in favour of following the regulations.

The Internal Committee did barely satisfactory work during 1958. The essential minimum of labour was organized and carried out. For the first half of 1959 their work was quite satisfactory but from July to 30th October, very little work was attempted at all even though there were many jobs crying out to be done. The attitude of the Chairmain of this Committee was that for the last five years there had been too frequent calls for public work and now he had the opportunity he was going to do all he could to even the score. In the process of evening the score, the Island became untidy and any attempts by either the Chief Magistrate or

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a Part III: CHAPTER 1: (cont).

Government Adviser to encourage a clean up caused outbursts of arrogance and ignorance from the Chairman. His members appeared to support him in this attitude although neither of them were nearly so outspoken about it.

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b After an official reprimand from the Commissioner in November 1959, the standing Internal Committee resigned and an entirely new Committee was appointed by the Island Council and these men co-operating to the full accomplished much in the two months of 1959 that then remained. The Island is now cleaner and most outstanding jobs either have been or are now being attended to. Only one major project remains and that is the building of the new whale-boat and this will be attended to early in 1960.

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c III. Elections:

Public spirit on Pitcairn Island is so poor that an Island election is a heartache. All candidates for an elected office are nominated in a public meeting and it has taken as many as three meetings to encourage one person to accept nomination for the various positions. Nominations are made without thought and almost universally receive a loud and prolonged "no". It has frequently been explained to these people that in most other places people clamour for public office and especially an elected one, while here they almost always refuse it, but they are not impressed. It is difficult to see any reason for these refusals to accept public office except it be that once one refuses the others all follow like sheep. Little or no improvement is anticipated in the near future.

1959

d (b) Members of the Local Government:

e The Chief Magistrate, Warren Christian who was elected at the end of 1957 proved a weak and vacillating leader. He would never challenge the advice or suggestions of the Government Adviser but would rarely do anything about it. He just let the Island drift into untidiness and allowed public utilities to deteriorate badly. As a Chief Magistrate he proved a dismal failure.

f The present Magistrate, elected early in October has shown himself quite strong and entered into the job with courage and initiative. He is doubtless the most suitable of all eligible males at present on the Island and will, it is thought, continue to do a good job. His strong grasp of the essentials of the job has taken much weight off the shoulders of the Government Adviser.

g Andrew Young, the Island Secretary, knows his job well and is efficient. He has been a difficult and sometimes unscrupulous man in the past, but during 1958 and particularly 1959, he seems to have been working hard to make things straight. He appears to have always been strictly honest and scrupulously careful in his treasury work. At the end of 1960 he is due for retirement on the completion of twenty years of service.

The Assistant Secretary, Bert Christian is honest and conscientious

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Part III: CHAPTER 1: (Cont).(b) Members of the Local Government (cont).

but hopelessly slow at his work. He is invariably half an hour late for all appointments. His capacity to carry the full job on the retirement of Andrew Young is doubted.

In 1958 Roy Clark, an American by birth who is now a naturalized British subject, was forced through ill health to retire from the position of Postmaster after nearly twenty years of service. His place was taken by his half brother, Oscar Clark who has accepted responsibility well and matured rapidly. He is equally as efficient as Roy was and will improve further yet. He is conscientious, honest and reliable.

Ben Christian, the Assistant Postmaster, is a solid conscientious man of about 35 years of age who likes his work, does it well, and is a real tonic to the Post Office. He is businesslike and pleasant.

Floyd McCoy, the Inspector of Police, is a man who has spent some twenty years away from Pitcairn and has benefited somewhat from that experience. He suffers from the conviction that the job of the Police on Pitcairn Island is the most vital and the senior post of the Island. He approaches his job conscientiously but lacks tact. His attitude is bullying and bombastic and this does not go over too well with sons of mutineers. On his retirement it will be difficult to replace him as it is going to be nearly impossible to find a suitable Islander who will accept this needlessly unpopular post.

As Public Relations Officer, McCoy is usually able to turn his contacts into a private correspondence and use it to his own advantage. It is doubted if any other Islander would go to the trouble to give answers to many queries that come to Pitcairn so even this, it is supposed, would then be acceptable.

McCoy stated towards the end of 1959, that he would make himself available for service as Inspector of Police after his leave in 1960. If no other suitable candidate for the job can be found this offer may have to be considered seriously. If a suitable and willing replacement for McCoy can be found it is considered that retirement should follow his leave in 1960.

During 1958 and for the first month of 1959, Thomas Christian served as Radio Operator but in February of the latter year he had to go to N.Z. for an appendectomy. Up to the end of 1959 he had not returned. His work was highly satisfactory.

Since the departure of Thomas Christian, Anderson Warren has carried on the station and has done an excellent job. Errors in coded telegrams have been few and even these were not all the fault of the operator. He has a six day a week schedule with Raratonga for weather reporting and both inward and outward telegrams. He carries these out conscientiously. He calls daily for ships in the area and also answers numerous queries on weather.

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a Part III: CHAPTER I: (Cont).

(b) Members of the Local Government (cont).

b Len Brown who is listed as Electrician, works in spasms. He will be highly conscientious for a few months and then he unexpectedly lets his duties go by the board. This was a difficult position when Warren Christian was Chief Magistrate as they were great pals and the Chief Magistrate would never remind him of his job if he was slacking. With the new Chief Magistrate he is kept on his toes and jobs now are done. He is not fully reliable and his skill is strictly limited.

Wiles Warren, the Acting Engineer, is fairly conscientious but lacks skill as does his associate. Neither of these men would be able to carry out any precision work if the call was to come.

c At the beginning of 1960 Len Brown was elected Chairman of the Internal Committee and, as he clearly accepts the authority of the Chief Magistrate, there should be no need for the problems of the previous year to arise. He and his committee members, Jacob Warren and Radley Christian are planning and working well.

d There are two Assessors. Elwyn Christian has been elected the senior for the second year now. He has a little more common sense than the average Islander and it is felt that he is one of the most suitable for this post. He has a reputation for infidelity but at no time has it been clearly established. It is known that such was the case years ago and maybe it is just the bad name sticking.

has

The second Assessor, Henry Young, never been a member of the Government before. He does not impress greatly with his intelligence and consequently is not likely to add much of value to the Council in the nature of ideas or discussions.

e (c) Government Adviser:

f The work of the Government Adviser varies according to the strength and character of the Chief Magistrate and his own approach to the job. The Government Adviser for 1956 and 1957 acted the part of a self appointed administrator and while he talked long and loudly about democracy and self-government he actually made the Islanders depend upon him for the smallest decisions.

g At the beginning of 1958 it was found that neither the Postmaster nor the Chief Magistrate would make a decision of any kind, however small, without consulting the Government Adviser. It meant that there were constant calls to decide trivial matters of limited application. It was made plain to these men that the Government Adviser was not here to administer the place but to advise when needed. They were encouraged to make decisions and notify the Government Adviser in due course. Of course any matters of major importance were to be referred before a decision and almost invariably the advice was to refer it to the Island Council.

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(c) Government Adviser (cont).

The Government Adviser attends all Council meetings. Sometimes a Council meeting can last three or four hours. They are usually held in the evening for convenience. One month there may be only the regular meeting but other times there are special meetings called. These are usually shorter.

When matters need reference to the South Pacific Office the Government Adviser either supports the Island Secretary in a supplementary letter or presents the case entirely. This work could be lessened if the Islanders could be depended upon to express themselves more clearly and forcibly. Coded inward and outward telegrams cause a considerable amount of work too.

1959

It has been found advisable for the Government Adviser to visit nearly all ships calling at the Island, especially the regular callers. This mostly entails a courtesy call to the Captain and the Purser. At times there is call to intercede on behalf of the Island as not all are careful about their purchases on board ship. Crewmen frequently steal ship's stores and sell it cheaply to the Islanders. When they get caught they are more often than not accused of stealing it. It is well known that none will refuse a bargain and equally well known that few, if any, will steal. Unfortunately Government officers are not exempt from this practice. The Inspector of Police reports monthly a check up on board ships but actually he is one of the worst offenders. He is always far too busy selling his wares and scrounging what he can from the ship's store to be bothered with duties. On more than one occasion the Government Adviser has been requested by an irate Purser, to warn the Islanders about their illegal purchases from the ships. The warnings go almost unheeded.

The Government Adviser has done much to encourage the continuation of the Men's Club which was originated by the previous Government Adviser. This has been difficult as the main search of the Island men is for amusement and not progress.

All Court sittings have been attended by the Government Adviser as an observer. It is thought (and strongly so too) that the Government Adviser should be allowed to address the open Court if he thinks the proceedings warrant it. With the present Inspector of Police who doesn't even know how to charge without ambiguity or vagueness and assumes guilt rather than sets out to prove it, the restriction on the Government Adviser as mentioned in "Notes on Pitcairn Island Administration for the Government Adviser" Section 5 para. 6⁷ is an invitation to injustice. With a Magistrate who most likely knows all about the case before and an accused who is unlikely to be able to speak well enough to defend himself, there is every likelihood of a conviction without proof. It is not thought for a moment that an innocent person would be convicted but it is very likely that a conviction would come without proof. The chances of such a mistake could be reduced considerably if the Government Adviser were free to speak to the Court during the proceedings. After the proceedings would be too late as the conviction would then be passed.

For much of 1958 and 1959 it was necessary for the Government Adviser to keep close watch on the Government officers regarding their duties

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a Part III: CHAPTER 1: (cont).

(c) Government Adviser (cont).

as the Chief Magistrate did not show any signs of caring whether they were carried out or neglected. With the new Chief Magistrate this is changed as he carries out his responsibilities very well and has eased the duties of the Government Adviser considerably.

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b Some of the more unpleasant duties that ^{come} the way of the Government Adviser during the period under review were (1) Attempting to straighten tangled family problems. Fortunately this only concerned two families. One of these cases was Joyce and Radley Christian who were and still are, both unfaithful. With Warren Christian as the Chief Magistrate there was a difficulty as his reputation was against him. The injured party usually races to the Missionary or Government Adviser and expects a solution immediately. At times both have tried to reason with the disputing parties until the early hours of the morning. It will be appreciated how difficult it is to reason with an individual who is equipped with the emotions of an adult and the mental development of a child of around twelve years (maybe even less). More often than not progress is nil. (2) It has also been necessary to intercede and mediate in a number of feuds between the Chief Magistrate and McCoy the Inspector of Police. These seemed to be lessening in intensity as the Government Adviser has attempted to get them to see from each others point of view. The new Chief Magistrate of course, has full control and feuds are unlikely to occur here.

1959

d Generally the Government Adviser is expected by the Islanders to be able to give conclusive answers on many subjects and aspects of subjects that he has never faced before. It is here that common sense must apply as there are no rules to which he can refer. These are not points of Government of course, but merely things bearing on the lives of the inhabitants in general. As the Missionary has become better known he has done much to help in this form of advice.

e In his duties as the official link between His Excellency the Governor and the local Government of Pitcairn Island, the Government Adviser has a considerable amount of correspondence and at times has to interpret the Commissioner's correspondence to the Island Council. Without a Secretary, the outward correspondence has been difficult at times. It is neither desirable nor practicable to use the Island Secretary for these duties.

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Part III:SOCIAL ORGANIZATION.CHAPTER 2:

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The Pitcairn Island community is confined to one small village called Adamstown. There is ample housing.

The only remaining names from the BOUNTY settlers are McCoy, Young and Christian. In addition to these names there are Warrens, Browns, Clarks and Jacobsens. All of these names have been associated with Pitcairn Island for less than 100 years.

In place of the normal Pacific tribal organization there is a poorly defined and dying family division e.g. Young - Christians. It is highly significant that never once has a Warren, Brown or Clark been elected Chief Magistrate. In numerical strength the Warrens would equal both Christians and Youngs and frequently have accepted nominations but never have they been elected.

1959

All persons not Pitcairn Island born are spoken of as "strangers" Even after thirty or forty years residence an outsider still remains a "stranger".

Family groups will generally support their own, regardless of guilt or innocence. The community will combine in opposition to an "outsider" or "stranger" if he mistakenly, attempts to put pressure on them, even though it be designed to benefit the community in general.

Many stories of family feuds in years past are told. In the two years covered by this report little evidence of this was seen. Occasionally a petty and long dormant grievance was stirred to life and caused a little unpleasantness but if ignored as far as possible it soon died away again. Whereas normally a genuine grievance can be cleared up and buried for good, the stubborn nature of the Islanders will never allow them to admit a wrong and so clear it up. All such cases are stored in the memory to be brought up at an appropriate time and used as a weapon of attack. It is fortunate that this type of conduct seems to be very nearly confined to the known and expected trouble makers who are themselves developing slowly in responsibility. The bitter feuds so often reported in the past seem to be lessening in frequency and intensity.

Women on Pitcairn are kept in the background. Rarely do they express an opinion in a public meeting or church meeting. Their job is to help in the gardens, weave baskets and cook the meals.

The children are born, fed and clothed but completely untrained. They help themselves to food at any time, go swimming and playing anywhere at any time so are virtually free agents. When they enter school they find obedience a bit of a shock but soon settle down and few ever give trouble.

In the home Pitcairnese is spoken almost exclusively and a five year old, upon entering school, first has to develop an English vocabulary.

The Court House is used as a Public meeting House and as the Picture theatre too. Social gatherings are held here at times also concerts and occasionally socials and concerts are held in the school.

Pitcairn does not have an elite. It is not uncommon for those who have spent a few years in New Zealand to return with some progressive ideas. These would be leaders are quickly cut down to the normal size by being accused of

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a Part III: CHAPTER 2: (cont):Social Organization (cont):

"making big". Such an accusation is one that most, if not all Pitcairners, hate to have hurled at them. When progressive ideas are so received the one concerned mostly shifts quickly into line with the lazy backward Island pattern. Being immature in outlook they all hate criticism of any kind.

b

So far as was observed during 1958 and 1959 relations between the Church and Government were quite healthy. Neither section interferes in the other's business and consequently a happy relationship exists. This clear cut separation seems to be a strong tradition on Pitcairn and it is thought that it should be encouraged to remain that way.

c

A most agreeable tradition on Pitcairn is that one and all give a hand to their neighbour when the grinding of sugar cane or processing of arrowroot is to be done. The work is entered into with a will and rarely is there time for rest until the season's work is over.

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FINANCE.

Part III:

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The Education Officer is also appointed as Government Auditor. In carrying out the duties of this post the officer is required to:-

- a. Check monthly statements made out by the Postmaster. (this entails a regular check on stamps and B.P.O. stocks).
- b. Check at agreed intervals inventories as kept by the various Island officials.
- c. Check monthly the work of the Island Treasurer.
- d. Keep a close watch on expenditure to ensure that votes are not overspent.

1959

If accounts are found to be accurate the work of the Auditor would entail a little less than an average of one day per month. With an experienced auditor this probably would be considerably reduced.

The Island Treasurer is a slow but accurate and efficient worker. He does not take to new ideas readily. His stock phrase is "but this is the way Mr. So-and-so told me how to do it". When he retires as is expected he will at the end of 1960, his place will be hard to fill.

(B)

P.O.

Please read Mr Schubert's report carefully: check all facts and enter any missing statistics. It seems to me to be fairly comprehensive and may be useful to us.

(c)

Q.

Your (B) done.

H.
10.9.60.

H.
10.6.60.

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381. Extract from "Administrative Report on Pitcairn Island", by J.W. Deering

says Bert never does).

Filing and general office duties. 34
Code and decode of messages occasionally.

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Time taken: About 20 hours per month is his guess. (Time taken for 4 souvenirs @ 15s. i.e. £3.)

Extract from "Administrative Report on Pitcairn Island", by J.W. Deering

On board: Has to mind boats and wife only gets her normal turns.

Responsibility: Very little if any.

Further to the above, Bert made the following suggestion (edited).

" That the post of Assistant Island Secretary be increased to include all the Treasury work, for which he would be solely responsible, and that the post of Island Secretary be likewise substantially reduced so that the salaries and duties of the two posts are more equal. "

1959

This could be achieved on the retirement of Andrew next year, and on the completion of Bert's 10 years service, without hurting any feelings or anyone losing face.

Bert told me that he would not like the full responsibilities of the Island Secretary as he is most interested in financial matters. He has been Church Treasurer for a number of years and the Government Adviser reports that he is extremely honest.

Bert also said that at present the job is not worthwhile, and should no adjustment be possible he will have to resign.

FLOYD McCOY RE LEAVE

Floyd, I understand, is due for leave and retirement next year and is very concerned over the appointment of his successor. He says that no one on the island will be willing to take on the job. I think he wants some guidance so that he can train a successor.

FLOYD McCOY RE CORRESPONDENCE

Although this is a chest nut of some maturity, he has found one more point to discuss. He requests if he may address Suva direct where the matter is outside the jurisdiction of the Island Court - e.g., rape, abortion, etc. He was apparently told to investigate such matters by very quiet methods by McCloughlin and feels that should the Chief Magistrate's family be involved he is in a difficult position. I think he has hopes of an abortion at the moment, but cannot find out much about it. I believe abortion is quite a common crime from various conversations I had. The situation in this case is very complicated as the most useful witness is likely to be the Medical Officer, and these duties are normally done by the Pastor or his wife; the Pastor, I believe, would be in a difficult position if he had to release spiritual confidences to the very earthly police.

MEDICAL ATTENTION IN HES ZEALAND

I understand that Clayton made some investigation of

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Extract from
Pitcairn Miscellany

May 1960

PITCAIRN



MISCELLANY

Sponsored by Pitcairn Island School. 31st May, 1960.

VOL. 2. No 5.

Monthly.

EDITORIAL. How easy it is to take the things around us for granted. For instance how many of us have stopped to consider that we are so very much dependant on others for our living. How many of us have even tried to realise and appreciate the fact that the benefits we receive as members of a British Colony are only possible after much foresight and planning by selected administrators. Coupled with this is the expense involved in the carrying out of such benefits together with the generosity of outside people in helping to provide the necessary finance. As an example of the latter how many of us appreciate the fact that of the £16,400 to be spent on Pitcairn Island, under the new Colonial Development Welfare Act, during the next five years, approximately £14,760 will come from the taxpayers of Great Britain.

In return what have we to offer? Human nature being as it is we are apt at times to be a little impatient and intolerant when delays occur with promised projects.

All of you have heard and I hope understood something of the benefits we will receive under the new C.D. & W. Act which provides for social, educational and economic advancement on a generous scale. Any project which covers such a wide field as does this one requires considerable preparation and delays are inevitable. Let us therefore try to understand what is involved. By doing so we will be more grateful to our Mother Country for past consideration and more appreciative of and tolerant towards future developments.

Editor.

CHURCH NEWS by Pastor Cobbins.

A special Mothers' Day programme was enjoyed by all when honour was paid to all mothers and a special gift was given to our three oldest mothers namely Lilly, Edith and Ethel. Musical items and poems as well as words of good admonition helped to make the Sabbath afternoon programme a very special. We thank our God for Christian mothers who sacrifice and toil for the Welfare of their families. What is home without a mother? for---

"A house is built of brick and stone,
Of sill and post and piers;
But a home is built of loving deeds,
That stand a thousand years."

RADICAL NEWS.

CAPETOWN. The Archbishop of Capetown, Dr. Jooste de Blank, has criticised the celebrations being held this week to mark the fiftieth anniversary of the founding of the Union of South Africa. "What in Heavens name," the Archbishop asked, "are we supposed to be celebrating. We ought not to be rollicking in Bloemfontein, but beating our breasts in Sharpville. Not roistering in Pretoria, but lamenting in Langa." The Archbishop went on: "To indulge in officially sponsored jollifications at such a time is both immoral and indecent." The Archbishop was preaching a sermon in Capetown.

MONACO. Britain's Stirling Moss driving a LOTUS-CLIMAX for the first time won the 18th Monaco Grand Prix.

ROME. The Italian Olympic Committee has invited Chile's team to be its guests at this years Games in Rome.



PITCAIRN MISCELLANY

Sponsored by Pitcairn Island School. 31st Oct, 1960.

Vol.2.No 6.

Monthly.

Before publishing a letter to the Editor, written by Roy Clark some months ago, Pastor Cobbin and I would like to apologise for the long delay in the printing of our usual monthly paper. The reason--well its not unusual for Pitcairn to have mail over carried and this is exactly what happened with the mail bag containing our new supply of duplicating paper. However our supplies have now arrived and the monthly editions will continue as previously. We sincerely hope that, those of you who look forward to our paper, have not been greatly inconvenienced.

Editor.

Dear Editor.

Your Editorial in the May issue of the Miscellany should be subject matter for every Pitcairn Islander, yea for every person under the British Flag. All too often we hear disparagements and depreciations against governments--against those that have ruled over us. Shame on us, for without authorities, without leadership no man would be safe from his fellow men and we would be living in a world of fear and anarchy, of confusion and chaos.

I am of the opinion that a people who do not honour and respect the God they worship, neither will they respect and honour those who have the rule over them.

Even on this Island no individual is independent of his brother, no one can boast that he or she does not receive some help and benefit directly or indirectly from his neighbour.

We live under one of the greatest powers in the world, and this power reaches out to its further--most territories and tries to give its citizens the very best it can.

Thank God for governments. Thank God for authorities. The British Flag protects every one of its subjects, protects them from foreign oppression, from arbitrary power and despotism, from dictatorship and all that it implies.

Millions of lives have been sacrificed, many more have suffered the greatest hardships to give every Britisher the freedom and peace that very few nations possess today.

As Pitcairn Islanders we should respect those that have the rule over us, and honour them and uphold them till such time that these authorities forbid us to worship God after the dictates of our choosing.

Let us arise to the occasion and stand beside our Queen and the democracy she represents, and let us realise this fact that the output of our homes has been the input to both the Government and the Church, and what the Government and the Church are today, we as individuals of the Island have made them so.

God Save the Queen.

Roy P. Clark.

SHIPPING NEWS (Approx, arrivals at Pitcairn.)

Athenic....5th Nov, from N.Z.

Corinthic..3rd Dec, from N.Z.

Rangitata..14th Dec from England.

Gothic.....24th Dec, from England.

Ceramic...31st Dec, from N.Z.

All being well Captain Jones of the Corinthic hopes to take the men to Island when he calls in December. Miro wood supplies are very low.

384. Government Adviser (M.D. Howse) to SPO regarding public work

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Government
Adviser (M.D. Howse)
to SPO regarding
public work

16 March 1961

No. 16
The Commissioner,
Sth Pacific Office,
SUVA.

REGULATIONS....No 95.

Pitcairn Island.
16th March, 1961.



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Dear Sir,

I refer you to the above rule of the Pitcairn Island Reg; 1940.

Every now and then some bright young spark breaks one of the rules as outlined in the above Regulations, and the C.M, Sec. or I of Police come to me for advice.

In regard to the above rule the other day one of the men went fishing during Public Work and a very awkward position arose. Thinking I knew the rule the culprit was immediately tackled and his answer was that reference should be made to the High Commissioners letter dated 27th March 1951. The secretary produced this document which was an Official one to the C.M. at that time. It was evidently a reply to certain questions that were asked on a number of problems encountered at the time.

The question which was put to the High Commissioner was this. Are permanent Govt. Officials required to do Public Work?. His answer was, (quote) 'No permanent Govt. Officials should be requested to participate in Public Work except in emergency.'

I do not understand why such a statement was made as this because it certainly is not in the best interests of the Community. Thank goodness others have not used this cover.

Being put on the spot I advised the C.M that any alteration to laws would have to be in the form of an Ordinance or by instructions otherwise issued by the South Pacific Office.

The culprit was given a warning this time and went home to scale the largest catch of fish he has ever had.

Now Sir I would like your ruling on matters such as this. Naturally had the letter come from your office instead of the Western Pacific the matter would have been clear. I realise too that the laws are being revised but until they are a simply statement from you outlining the procedure to follow in th cases of this sort will greatly assist me.

I sincerely hope that when the new laws are revised that it will be made quite clear that all men undertake Public Work except when the Committee or Council see fit to excuse a person for some very sound reason. This applies to the Radio Operator of the week who is excused because the fact that he works ships whenever required is regarded as his Public Work. I do not want you to get the impression that this law is being abused. Very rarely is that the case but when a Govt paid officer decides that he will do his Govt work, which he has put off, ^{some times} on such occasions, some rather angry scenes follow.

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

M.D. Howse
Govt. Adviser.

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385. SPO to Government Adviser (M.D. Howse)

TELEGRAM

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[CODE:.....G.T.C.]

Registered; 13. 4. 61

SPO to Government
Adviser (M.D. Howse)

FROM: GOVCOM SUVA

Answered:

TO: ADVISER PITCAIRN

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No. 8

(Date) 13th April, 1961, 19

13 April 1961

p. 65-103

c

Your letter 16 Regulation 95. Regulation 53 vests permissive authority in Committee to call upon people to perform public work. I do not repeat not regard the High Commissioner's letter as mandatory and as in many matters of this nature the well-being of the community should be the ultimate guide to the Committee in the exercise of its authority.

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2. Your advice to Chief Magistrate that alteration of the law must be by Ordinance is correct.

GOVCOM.

PA 62
13.4.61

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Note on Pitcairn
Island Administration
for the Government
Adviser, SPO

September 1961

CONFIDENTIAL

Note on Pitcairn Island Administration
for the Government Adviser

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Constitution

1. Pitcairn Island is a British Colony by settlement and was brought within the jurisdiction of the Western Pacific High Commission in 1898. On 1st April, 1952, the Pitcairn Island Order in Council transferred the responsibility for administration to the Governor of Fiji following the separation of the offices of Governor and High Commissioner for the Western Pacific. The Pitcairn Island Order in Council is, therefore, the main instrument of the constitution.

Island Regulations

2. By Ordinance No.2 of 1952 (made under the Pitcairn Island Order in Council) the Pitcairn Island Government Regulations of 1940 were given force of law. These regulations provide inter alia for -

- the Island Council (Part II)
- the election of Island Officers (Part III)
- the Island Court (Part IV)
- Statutory Offences (Part VI)
- Rules made by the Island Council
- School Rules made by the Governor.

Island Council

3.1 The elected Council consist of -

- Chief Magistrate
- Two Assessors
- Chairman of the Internal Committee
- Island Secretary
- Government Adviser in advisory capacity only (see paragraph 3.7)

It is charged with the government and the management of the affairs of the Island.

3.2 The Council normally meets in the first week of each month under the Chairmanship of the Chief Magistrate. Three members (excluding the Government Adviser) are required to form a quorum and voting is by simple majority with the Chief Magistrate exercising the original and casting vote.

3.3 The legislative powers of the Council are set down under Regulation 6. Rules must be notified immediately to the Governor who has power of revocation and alteration and must be publicly displayed on the Island. The maximum penalty permitted under any rule is a £1 fine.

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3.4 The executive arm of the Council is the Internal Committee of which the Chairman is ex officio a member of Council and to which the Council appoints two members.

3.5 The Chief Magistrate is also the Island's chief executive officer in which capacity he is responsible directly to the Governor who in practice conducts Pitcairn Island affairs through the Commissioner, South Pacific Office.

3.6 The Island Secretary and other non-elected Island officers (except the members of the Internal Committee) are appointed by the Governor. Disciplinary powers may be exercised by the Governor under Article IX of the Pitcairn Island Order in Council.

3.7 Under Ordinance No. 4 of 1954 the Government Advisor is appointed an advisory member of the Island Council. He is not entitled to vote nor is he considered a member for purposes of forming a quorum.

Election of
Island
Officers

4.1 The qualifications required for voting are three years residence and eighteen years of age.

4.2 To stand as a candidate for the posts of Chief Magistrate or Assessor persons must have had twenty-one years' residence on the Island.

4.3 The electoral roll is prepared by the Island Secretary in December of each year. The election of the Chief Magistrate is held in December of every third year commencing from December, 1954 (elections would be held in 1954, 1957, 1960, etc.). In the event of a casual vacancy in the office of Chief Magistrate, i.e. a vacancy between normal election dates, the person elected remains in office only until the date of the next regular election. The other three members of the Council are elected annually.

Island Court

5.1 The Island Court consists of the Chief Magistrate and two Assessors. The Chief Magistrate has summary jurisdiction in criminal cases when the penalty does not exceed a £2 fine or one week's imprisonment and in civil cases where the amount in dispute does not exceed £2.

5.2 The verdict in any case is decided by vote of the Assessors with the Chief Magistrate casting a deciding vote if necessary. Sentence or judgment may be passed by the Chief Magistrate only and it is his personal responsibility.

Note on Pitcairn
Island Administration
for the Government
Adviser, SPO

September 1961

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5.5 The jurisdiction of the Island Court is limited to offences or civil actions between residents of the Island or which arise within its territorial waters. The maximum punishment in criminal cases is a fine of £10 or imprisonment for three months, and in civil cases jurisdiction exists only if the amount in dispute does not exceed £10.

5.4 There is provision for appeal to the Supreme Court of Fiji.

5.5 The procedure to be followed in court is fully set out in the Regulations and Mr. McLoughlin, a Judicial Commissioner who visited Pitcairn Island in 1958, left behind additional instructions which should be in the charge of the Island Secretary.

High
Commissioner's
Court

5.6 The Supreme Court of Fiji has jurisdiction, under the Pitcairn Island Order in Council, 1952 in cases outside the competence of the Island Court. Occasion to use the Supreme Court is rare.

5.7 The Government Adviser has no authority in the Island Court and should not participate in any way. He may, if requested, act informally as Adviser to the Chief Magistrate.

Statutory
Offences

6. The statutory offences call for no comment.

Rules made by
the Island
Council

7. Attention is drawn to Regulation 6 (see paragraph 3.3 above).

School Rules

8. The current school rules are those approved by the High Commissioner on 26th August, 1950.

Other Laws

9.1 Reference has been made in paragraph 5.6 to the jurisdiction of the Supreme Court of Fiji. When the Island court has no jurisdiction the Supreme Court may apply the statutory law contained in local ordinances or English law, when no local law exists.

9.2 The complete list of Pitcairn Island Ordinances may be found in the Appendix.

FINANCE

10.1 The Government Adviser is appointed Island Auditor under Section 3 of Ordinance No.4/54.

10.2 In this capacity he is responsible to the Commissioner through the Accountant in the South Pacific Office. 16

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September 1961

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10.3 Detailed financial instructions are available on the Island for the guidance of the Island Secretary and Auditor.

10.4 The Island accounts for each financial year (1st April - 31st March) are consolidated in the South Pacific Office and are subject to audit by the Director of Audit, Fiji, whose report is transmitted to the Secretary of State. It is a principle of Government accounting that expenditure must not exceed the limits set, item by item, in the annual estimates without the prior approval of the Governor. All money "dies" absolutely on 31st March each year - there is no carrying forward into the new financial year.

10.5 Pitcairn Island Public revenue and expenditure since 1950 has been -

Year	Revenue £Stg.	Expenditure £Stg.
1955	4,288	5,163
1956	3,748	5,579
(1) 1957	21,955	6,947
(2) 1958/59	12,114	11,416
1959/60	6,972	10,362
(3) 1960/61	7,451	8,821

- (1) New stamp issue. Revenue atypical.
- (2) Financial year extended to 31st March, 1959.
- (3) Revised estimate.

Stamp sales are effected by the Postmaster on Pitcairn Island; in London by the Crown Agents for Overseas Governments and Administrations; and by the Postmaster-General in Suva. The public revenue is not secured as it depends so heavily on stamp sales and due care has to be taken of public expenditure.

10.6 More detailed instructions on the control of expenditure and the preparation of accounts will be known to the Island Secretary but if any doubt should arise an inquiry should be sent to the Accountant, South Pacific Office.

DEVELOPMENT

11.1 Attention is drawn to letter Commissioner, South Pacific Office - Government Adviser No.38 of 21st April, 1960, enclosing a copy of the development plan.

11.2 This plan is financed, usually to the extent of 90% by Colonial Development and Welfare grants from the United Kingdom.

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September 1961

These grants are made under the authority of an act of the U.K. Parliament and are administered by the Governor on behalf of Pitcairn Island.

11.3 Grants already made are -

- 1954 (a) Scheme No.D.2218 - engine for whaleboat - £674
 1955 (b) " No.D.2469 - soil survey - £150
 1956 (c) " No.D.2795A- film projector - £667
 1959 (d) " No.D.3863 - agricultural survey and training - £1,403
 (e) " No.D.5332 - Bounty Bay (first phase) - £1,103
 1960 (f) " No.D.4343 - Bounty Bay (second phase) - £3,270
 1961 (g) " No.D. - Radio Station - £6,311
 (h) " No.D.4612 - Overseas Education in Teacher Training - £450.

11.4 Further stages in the plan will be notified from time to time and details of the current plan are included in the annual estimates.

POSTAL

12.1 Pitcairn Island Post Office is established under Ordinance 3/54.

12.2 It is noted that the Ordinance enables the Chief Magistrate with the Governor's approval to -

- (a) to make postal regulations for specific purposes (Section 5);
- (b) to prescribe fees, rates or charges (Section 6);
- (c) to provide for postage stamps (Section 9);
- (d) to make Postal Order regulations (Section 13).

12.3 The Chief Magistrate's powers, under Sections 11 and 23(2) of the Ordinances, to deal with prohibited packets and articles bearing fictitious stamps are also noted.

12.4 Attention is drawn to the Post Office Regulations, 1954 and Postal Order Regulations 1954.

GENERAL

13.1 In discharging his duties the Government Adviser is required to exercise tact and tolerance. A number of Government officers of the Island are elected and although they may discharge their duties tardily it is not desirable that the Adviser should infringe their authority. He should be ready to advise when requested, to tender advice when the public good requires it and

September 1961

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if he has any doubt about the prudence of intervening consult the Commissioner, South Pacific Office, by radio or letter. He should not exercise direct jurisdiction over any of the Island's officers whether they are elected or appointed by the Governor.

13.2 Attention is drawn to letter Commissioner, South Pacific Office - Government Adviser No.0.1/1/1 of 10th December, 1958 on correspondence procedure.

13.3 Each Education Officer is requested to leave handing-over notes for his successor, a copy of which should be sent to the Commissioner, South Pacific Office. The handing-over note should supplement this general note.

13.4 The incoming Education Officer should make sure he understands the Pitcairn Island Code for use with the Commissioner, South Pacific Office before he takes over from his predecessor. The code is strictly confidential and must not be divulged to others. Any breach of security should be notified at once.

13.5 In addition to the affairs of Pitcairn Island the South Pacific Office deals with -

- (a) The South Pacific Commission: an international advisory body with permanent headquarters in Noumea, New Caledonia in which the governments of Australia, France, New Zealand, Netherlands, United Kingdom and United States participates. The Governor and the Commissioner, South Pacific Office are the permanent U.K. Commissioners.
- (b) Tonga: the Governor is United Kingdom Chief Commissioner for Tonga, a Protected State within the Commonwealth with which the U.K. has a Treaty of Friendship.
- (c) Consulate-General: the Governor is Consul-General for the Western Pacific and United States' Territories in the Pacific south of the equator.
- (d) Tahiti: the Commissioner, South Pacific Office is also Her Majesty's Consul for French Polynesia.

13.6 The South Pacific Office is connected with the Government of Fiji only through the person of the Governor.

South Pacific Office,
September, 1961.

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Note on Pitcairn
Island Administration
for the Government
Adviser, SPO

September 1961

APPENDIX

Pitcairn Island Legislation
current at 30th September, 1959.

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1952

1. Interpretation and General Clauses Ordinance.
2. Pitcairn Island (Local Government Regulations) Ordinance.
3. Births and Deaths Registration Ordinance.
4. Marriage Ordinance.

Court with Jurisdiction

Not applicable.
Island Court.
Supreme Court.
(but see Is. Regs. No.100)
Supreme Court.
(but see Is. Regs. No.51(1))

1953

1. Marriage Validation (Pitcairn) Ordinance.
2. Pitcairn Island Regulations (Amendment) Ordinance.

Not applicable.
Island Court.

1954

1. Landing and Residence Ordinance.
2. Adoption of Infants Ordinance.
3. Post Office Ordinance (Post Office Regulation)
4. Pitcairn Island Government Regulations (Amendment) Ordinance.

Supreme Court.
Island Court.
Supreme Court.
Not applicable.

1957

1. Pitcairn Island Government Regulations (Amendment) Ordinance
2. Marriage (Amendment) Ordinance.

Island Court.
Supreme Court
(but see Is. Regs. No.51(1))

1959

1. Ordinance Relating to Trade Unions and Trade Disputes.

Supreme Court.

1960

1. Pitcairn Island Government Regulations (Amendment) Ordinance.

Island Court.

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