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Pitcairn Island
Government Regulations
1940



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

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

H. E. MAUDE,

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

Pitcairn Island,
1st December, 1940.

I approve,

H. C. LUKE,

High Commissioner for the Western Pacific.

Suva, Fiji,
29th December, 1941.

PITCAIRN ISLAND GOVERNMENT REGULATIONS, 1940.

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PART I.—PRELIMINARY.

- SHORT TITLE.** 1. These Regulations may be called the Pitcairn Island Government Regulations, 1940.
- INTERPRETATION.** 2. In these Regulations—
- “child” means a person who is under the age of fourteen years;
 - “Committee” means the Internal Committee of the Island;
 - “Council” means the Island Council;
 - “Court” means the Chief Magistrate’s Court;
 - “High Commissioner” means His Britannic Majesty’s High Commissioner for the Western Pacific;
 - “Island Officer” means one or other of the following persons—
the Chief Magistrate, an Assessor, the Chairman of the Internal Committee, or the Island Secretary;
 - “the island” means Pitcairn Island;
 - “Judicial Commissioner” means a Judicial Commissioner for the Western Pacific exercising jurisdiction under the Pacific Order in Council, 1893;
 - “oath” shall be construed, where the case so requires, as including a solemn declaration and affirmation;
 - “public bell” means the public bell of the island;
 - “public boat” means a boat owned and used jointly by the community;
 - “public trading” means trading with ships on behalf of the community;
 - “public work” means the performance of services for the common benefit;
 - “Recorder” means the person appointed to receive and record votes at the election of Island Officers;
 - “Sabbath Day” means the period between sunset on Friday and sunset on Saturday.

PART II.—ISLAND COUNCIL, INTERNAL COMMITTEE
AND ISLAND OFFICERS.ISLAND OFFICERS
TO BE ELECTED
ANNUALLY.

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

A Chief Magistrate.

Two Assessors.

A Chairman of the Internal Committee.

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

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

ISLAND COUNCIL.

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

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

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

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

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

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

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

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

DUTIES OF
COUNCIL.

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

ISLAND RULES.

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

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

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

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

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

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

INTERNAL
COMMITTEE.

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

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

CHIEF
MAGISTRATE.

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

ASSESSOR TO
ACT DURING
TEMPORARY
INCAPACITY
OF CHIEF
MAGISTRATE.

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

ISLAND
SECRETARY.

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

PART III.—ELECTION OF ISLAND OFFICERS

QUALIFICATION
OF VOTERS.

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

QUALIFICATION
OF CHIEF
MAGISTRATE
AND ASSESSORS.

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

REGISTER OF
VOTERS.

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

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

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

NOMINATION OF
CANDIDATES.

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

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

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

MODE OF
HOLDING
ELECTION.

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

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

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

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

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

PART IV.—THE ISLAND COURT.

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

COMPOSITION OF THE COURT.

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

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

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

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

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

JURISDICTION OF THE COURT.

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

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

JURISDICTION OF THE HIGH COMMISSIONER'S COURT.

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

SITTINGS OF THE COURT.

OPEN COURT.

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

FORM OF OATH.

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

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

SOLEMN AFFIRMATION.

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

EVIDENCE OF
CHILDREN.

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

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

COMMITTAL TO
PRISON.

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

REVIEW OF
JUDGMENTS
BY COURT OF
APPEAL.

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

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

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

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

CRIMINAL PROCEEDINGS.

HOW CHARGE
LAID.

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

CHARGE TO BE
OF ONE MATTER
ONLY.

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

BY WHOM
PROCEEDINGS
TAKEN.

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

SEARCH
WARRANT.

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

WHEN
DEFENDANT
DOES NOT
APPEAR.

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

WHEN COM-
PLAINANT DOES
NOT APPEAR.

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



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

APPEARANCE
AT ADJOURNED
HEARING.

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

APPEARANCE OF
BOTH PARTIES,
TRIAL AND
JUDGMENT.

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

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

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

IMPRISONMENT.

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

PUNISHMENT OF
CHILDREN.

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

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

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

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

SENTENCE
WHERE PERSON
CONVICTED
IS ALREADY
UNDERGOING
IMPRISONMENT.

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

FORM OF
WARRANT OF
COMMITMENT.
FORMS 4 AND 5.

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

POWER OF
COURT ON
CONVICTION.

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

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

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

SCALE OF
IMPRISONMENT
IN DEFAULT OF
PAYMENT OF
A FINE.

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

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

DISPOSAL OF
FINES.

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

CIVIL PROCEEDINGS.

PROCEDURE AT
HEARING.

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

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

ADJOURNMENT.

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

NOTES OF
EVIDENCE.

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

DEFAULT OF
APPEARANCE OF
PLAINTIFF.

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

DEFAULT OF
APPEARANCE OF
DEFENDANT.

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

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

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

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

ENFORCEMENT
OF JUDGMENT.

RECOGNIZANCES.

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

BINDING OVER
TO BE OF GOOD
BEHAVIOUR.

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

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

IMPRISONMENT
IN DEFAULT.

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

ENFORCING
RECOGNIZANCE.

PART V.—MISCELLANEOUS PROVISIONS.

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

INQUIRY INTO
CAUSE OF DEATH.

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

DISINTERMENT
OF BODY FOR
THE PURPOSE OF
INQUIRY.

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

INQUIRY INTO
CAUSE OF FIRES.

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

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

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

ANNUAL
INSPECTION OF
LAND MARKS.

REGISTRATION
OF BIRTHS AND
DEATHS.

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

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

MARRIAGES.

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

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

ORDERS FOR
MAINTENANCE
OF ILLEGITIMATE
CHILDREN.

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

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

LIABILITY TO
PERFORM PUBLIC
WORK.

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

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

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

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

LIABILITY FOR
INJURY CAUSED
BY DOG.

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

DESTRUCTION OF
DANGEROUS
DOGS.

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

PART VI.—OFFENCES.

CONTEMPT OF
COURT

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

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

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

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

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

PERJURY.

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

ESCAPE FROM PRISON.

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

ABUSIVE OR THREATENING LANGUAGE.

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

PROFANE OR OBSCENE LANGUAGE.

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

FALSE REPORTS.

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

ASSAULT.

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

DISORDERLY CONDUCT.

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

INDECENT BEHAVIOUR.

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

UNLAWFUL CARNAL KNOWLEDGE.

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

ADULTERY.

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

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

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

UNMARRIED COUPLES LIVING TOGETHER.

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

THEFT AND RECEIVING.

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BY DOG.

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

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

DESTRUCTION OF
DANGEROUS
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CONTEMPT OF
COURT

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

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

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

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

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

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

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

UNMARRIED COUPLES LIVING TOGETHER.

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

THEFT AND RECEIVING.

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

FAILING TO
RESTORE
PROPERTY
FOUND.

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

NEGLECT OF
ILLEGITIMATE
CHILD.

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

CAUSING FIRES.

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

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

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

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

MALICIOUS
DAMAGE TO
PROPERTY.

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

INJURING ROCK
CARVINGS.

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

TRESPASS.

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

POLLUTING
DRINKING
WATER.

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

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

76. Any person who shall—

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

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

shall be liable to a fine not exceeding two pounds.

- 77.**—(1) It shall be unlawful for any person to be in possession of a gun unless he has obtained a licence from the Chief Magistrate, who will only grant such licence if he is satisfied that the applicant is a fit and proper person to possess a gun. The licence fee shall be one shilling for each year and the licence shall not be transferable. POSSESSION OF FIREARMS.
- (2) No licence may be issued to a person under the age of sixteen years.
- (3) Any person found in possession of a gun for which he has not obtained a licence, shall be liable to a fine not exceeding two pounds.
- 78.** Any person who discharges a gun carelessly or in such a manner or place as to cause danger to the public, shall be liable to a fine not exceeding one pound. FIRING A GUN CARELESSLY.
- 79.** Any person who shoots a goat within the following boundaries, namely—from the bend of the ridge at White Cow Pen, inland towards Outer Valley, thence following the same line to William's Block, thence across the head of McCoy's Valley and Taro Ground, and thence along the ridge to the head of Paavala Valley, Itie and Mr. Nobb's Coconuts, shall be liable to a fine not exceeding two pounds. SHOOTING GOATS WITHIN THE PROHIBITED AREA.
- 80.**—(1) The head of any family resident in the island which keeps more than four breeding she-goats shall be liable to a fine not exceeding ten shillings, and the Court may make such order as it deems fit for the disposal of the number of she-goats exceeding four. KEEPING MORE THAN FOUR SHE-GOATS.
- (2) Should any family leave the island for a period not exceeding ten years the head of such family may nominate any person resident in the island as the caretaker of the breeding she-goats belonging to the family.
- 81.** Any person who shall keep a goat suffering from the disease known in the island as "big bubby" shall be liable to a fine not exceeding one pound; and the Court shall order that the goat be destroyed in such manner as the Court may direct. KEEPING A DISEASED GOAT.
- 82.** Any person failing to have his goats or poultry marked in the manner ordered by the Council, shall be liable to a fine not exceeding one pound. FAILURE TO BRAND OR MARK GOATS OR POULTRY.
- 83.** If fowls or goats do damage to crops on any land the owner of the land shall request the owner of the fowls or goats to remove them from his land, and if this request is not complied with forthwith the owner of the land may shoot the fowls or goats and may also sue for damage caused to his crops, provided that in every such case the owner of the land shall forthwith deliver the carcase or carcasses of any fowls or goats shot to their owner. DAMAGE BY FOWLS OR GOATS.
- 84.** Any person who shall kill a fowl without forthwith showing the legs to a member of the Government shall be liable to a fine not exceeding one pound. KILLING OF FOWLS.
- 85.** Any person who shall plant crops or erect a building within one yard of the boundaries of his land without the written consent of the owner or owners of the adjoining land or lands shall be liable to a fine not exceeding two pounds, and the Court may order such crops to be dug up and such building to be pulled down. UNLAWFUL PLANTING OR BUILDING.
- 86.** Any person who shall be guilty of cruelty to any animal or bird shall be liable to a fine not exceeding five pounds or to imprisonment for any period not exceeding two months. CRUELTY TO ANIMALS.
- 87.** Any person using dynamite or other explosive for the purpose of catching fish shall be liable to a fine not exceeding three pounds. USING EXPLOSIVES FOR CATCHING FISH.
- 88.**—(1) Any person who imports intoxicating liquor, except for his own personal use with the written consent of the High Commissioner, or for religious or medicinal purposes with the written consent of the Chief Magistrate, shall be liable to a fine not exceeding ten pounds and the liquor aforesaid shall be confiscated and disposed of in such manner as the Court deems fit. IMPORTING INTOXICATING LIQUOR.

SELLING OR
SUPPLYING
INTOXICATING
LIQUOR.

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

MAKING
INTOXICATING
LIQUOR.

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

IMPORTING
DRUGS.

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

SMOKING
TOBACCO.

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

BOARDING
SHIPS OR
AIRCRAFT.

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

IMPORTING
PLANTS, ANIMALS
OR BIRDS.

93. Any person who:—

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

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

FAILURE TO
VOTE.

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

FAILURE TO
PERFORM PUBLIC
WORK.

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

MISUSE OF
PUBLIC TOOLS.

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

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

HUISANCE ON
PUBLIC ROADS.

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

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

CALLING
"SAIL HO".

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

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

OFFENCES IN
RELATION TO
PUBLIC BOATS
AND PUBLIC
TRADING.

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

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

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

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

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

FAILURE TO
REGISTER
BIRTHS OR
DEATHS.

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

FAILURE TO
FURNISH
PARTICULARS
REQUIRED FOR
HALF-YEARLY
RETURNS.

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

FAILURE TO
ENFORCE SCHOOL
ATTENDANCE.

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

OFFENCES
RELATING TO
LAND MARKS.

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

AIDING AND
ABETTING.

(M.P. 2519/37.)

THE SCHEDULE.

FORM 1.—(Regulation 22).

WRITTEN CHARGE.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

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

Chief Magistrate.

* Delete if person making charge is not on oath.

FORM 2.—(Regulation 24).

SEARCH WARRANT.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

To the Constable of the Court.

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

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

Chief Magistrate.

FORM 3.—(Regulation 20).

COMMITMENT OF A WITNESS.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

To the Constable of the Court and to the Officer in Charge of the
Island Prison.

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

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

Chief Magistrate.

FORM 4.—(Regulation 32).

WARRANT OF COMMITMENT WHERE PUNISHMENT IS BY
IMPRISONMENT.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

To the Constable of the Court and to the Officer in Charge of the
Island Prison.

[Name of person committed]..... was on the..... day
 of....., 19....., duly convicted before the Court for [offence for
 which person has been convicted].....

The Court ordered the said [name of person committed].....
 for his said offence to be imprisoned in the Prison (with hard labour)*
 for [term of imprisonment].....

Do you the said constable take the said [name of person committed]
 safely to the said Prison and there deliver him to the
 Officer in Charge thereof who is hereby directed to imprison him (and
 keep him to hard labour)* for [term of imprisonment].....

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

Chief Magistrate.

* Delete if imprisonment is not with hard labour.

FORM 5.—(Regulation 32).

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

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

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

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

.....
Chief Magistrate.

* Delete if not applicable.

FORM 6.—(Regulation 42).

ORDER OF RECOGNIZANCE TO BE OF GOOD BEHAVIOUR.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

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

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

FORM 7.—(Regulation 42).

RECOGNIZANCE TO BE OF GOOD BEHAVIOUR WITH
SURETIES OR SURETY.

IN THE CHIEF MAGISTRATE'S COURT, PITCAIRN ISLAND.

We the undersigned severally acknowledge to owe to Our (My)
Sovereign Lord the King the several sums following:—as principal the sum of..... and
as sureties the sum of.....the payment whereof shall be enforced in the same manner as a fine
if the said..... fail in the conditions hereon endorsed......
(Signature of person bound and
his sureties or surety).

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

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

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1940.

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1942.

Rules

MADE BY THE ISLAND COUNCIL UNDER REGULATION 6 OF THE
PITCAIRN ISLAND GOVERNMENT REGULATIONS, 1940.

PART I.—THE PUBLIC BOATS, BOAT HOUSES AND PUBLIC TRADING.

Powers of the Committee.

1. The building, manning, and general management of the public boats, the construction and maintenance of the public boat houses, and the conduct of public trading shall be under the control of the Internal Committee of the Island.

Committee to approve use of boats.

2. Any person using a public boat without obtaining the consent of the Committee shall be liable to a fine not exceeding three pounds.

Inter-island visits.

3. The Committee shall not grant their consent to a public boat being used for visiting any other island until they have obtained the approval of the Council.

Appointment of Boat Captains.

4. The Committee shall appoint a Captain for each boat, such appointment to be subject in each case to the approval of the Council.

Powers of Boat Captains.

5. The Captain of each boat shall have charge of its navigation and working when on the water. He shall be responsible for the safety of the boat and in the event of rough weather he shall have power to refuse to take more than the number of passengers and the amount of cargo that he considers safe. Any passenger or member of the crew disobeying an order of the Captain made in pursuance of the powers conferred upon him by this rule shall be liable to a fine not exceeding two pounds.

Care of boats while lying alongside ships.

6. The Captain of each boat shall detail one or more members of the crew in rotation who shall be responsible for the care of the boat while lying alongside a ship. Any member of the crew who fails to perform this work when ordered so to do or who performs it negligently or carelessly or who leaves his boat without the prior sanction of the Captain shall be liable to a fine not exceeding two pounds.

Loading and discharging of cargo.

7. The crew of each boat shall be responsible, under the direction of the Captain, for the loading and discharging of cargo to and from the boat. Any member of the crew who fails to perform this work or who performs it negligently or carelessly shall be liable to a fine not exceeding one pound.

Repairs to boats.

8. The Captain shall report to the Committee whenever his boat requires any large repairs and shall have the right to work with the repairers on his own boat. All small repairs shall be done by the Captain himself with the assistance of his crew.

PART II.—USE OF PUBLIC BOATS FOR VISITING SHIPS.

Women to have turns for visiting ships.

9. The Committee shall prepare a list containing the names of all women over the age of sixteen years who desire to visit passing ships in the public boats. This list shall be divided up in such a manner as to give every woman included in it a turn in rotation; provided that any woman who has no man in her family or household to do her trading shall be entitled to visit every alternate ship for which turns are permitted to the other women.

Privilege of boat-tenders.

10. The men whose turn it is to look after the boats while they are alongside the ship shall be entitled to take a woman each to do their trading for them.

Gift or exchange of turns.

11. Any woman may give her turn to another, or exchange her turn with another by mutual agreement: provided that such gift or exchange is notified to a member of the Committee.

Women visiting ships on the Sabbath Day.

12. The system of turns shall not operate on the Sabbath Day. Any woman who wishes to visit a ship in a public boat on the Sabbath Day shall apply to one of the Boat Captains who may in his discretion allow her to visit the ship in his boat.

Restrictions on women visiting cargo and passenger ships.

13. Women are not permitted to visit cargo ships at any time or passenger ships between the hours of 8 p.m. and 4 a.m. in the public boats.

Penalty for unlawful use of a public boat.

14. Any woman who visits a ship in a public boat other than in accordance with the foregoing rules shall be liable to a fine not exceeding one pound and to forfeiture of her next succeeding turn.

Penalty for Boat Captains who permit unlawful use of a public boat.

15. Any Boat Captain who permits a woman to enter a public boat for the purpose of visiting a ship other than in accordance with the foregoing rules shall be liable to a fine not exceeding ten shillings.

Children and young persons visiting ships.

16. It shall be unlawful for a child or person under the age of sixteen years to visit any ship: provided that males between the ages of fourteen and sixteen may, with the consent of the Committee, visit ships after school hours and before 6 a.m. for the purpose of learning to man the boats. Any person offending against this rule shall be liable to a fine not exceeding ten shillings; provided that should the person convicted be under the age of fourteen years the payment of the fine shall be enforced against the parent or guardian.

Exception when medical advice or attention is required.

17. Nothing in the foregoing rules shall apply to cases where it is necessary for a woman or person under the age of sixteen years, owing to illness, to visit a ship in order to obtain medical advice or attention; provided that in every such case the consent of the Council or, in a case of urgent necessity, of the Chief Magistrate shall have been first obtained, and further provided that such woman or person under the age of sixteen years does not engage in any trading activities while on board.

PART III.—USE OF PUBLIC PROPERTY.

Use of public buildings.

18. Any person who, with the consent of the Committee, makes use of any public building and fails to sweep out and tidy up such building before his departure therefrom, shall be liable to a fine not exceeding ten shillings and the Court may order him to pay compensation for any damage done by him to the building.

Use of the sugar mill house.

19. Any person who, with the consent of the Committee, makes use of the sugar mill house and neglects to carry the refuse resulting from his work beyond the first row of coconut trees shall be liable to a fine not exceeding ten shillings.

PART IV.—CONTROL OF LIVESTOCK.

Branding of goats.

20. The Committee shall appoint one or more Goat Masters who shall be responsible for the branding of all goats on the island.

Chasing or catching goats.

21. Any person chasing or catching goats without the prior sanction of one of the Goat Masters shall be liable to a fine not exceeding ten shillings.

Neglecting to show ears of goats killed.

22. Any person neglecting to show the ears of a goat killed by him to the Head Goat Master shall be liable to a fine not exceeding one pound.

PART V.—SANITATION.

Cleaning the public road.

23. Any person refusing or neglecting to keep clean that portion of the public road lying within the limits allotted to him by the Committee shall be liable to a fine not exceeding ten shillings.

Latrines.

24. Every inhabited dwelling house shall be provided with a proper latrine to the satisfaction of the Committee. The owner or occupier of any house who refuses or neglects to comply with this rule shall be liable to a fine not exceeding two pounds.

DAVID A. YOUNG,
Chief Magistrate, Pitcairn Island.

Pitcairn Island,
1st December, 1940.

(M.P. 2519/37.)

Rules

FOR THE CONTROL OF THE PITCAIRN ISLAND PUBLIC SCHOOL, MADE BY
THE ISLAND COUNCIL UNDER REGULATION 6 (n) OF THE PITCAIRN
ISLAND GOVERNMENT REGULATIONS, 1940.

PART I.—THE SCHOOL COMMITTEE.

School Committee.

1. The School Committee shall consist of the Chief Magistrate, who shall be *ex officio* Chairman, and four other members, of whom three shall be appointed by the Officers of the Pitcairn Island Church and one by the Island Council.

Term of office.

2. Members of the Committee shall hold office for such term not exceeding one year as the Officers of the Pitcairn Island Church, in the case of those members appointed by them, or the Island Council, in the case of the member appointed by that body, shall prescribe. They shall be eligible for re-appointment.

Vacancy to be filled.

3. Any vacancy occurring in the Committee shall be forthwith filled by the authority responsible for the original appointment.

Meetings of the Committee.

4. The Committee shall meet at least once every four months, on a day to be fixed by the Chairman.

Absence of Chairman from meeting.

5. In the event of the Chairman being absent from any meeting the members present shall elect one of their number to preside, and such presiding member shall have at such meeting all the powers of the Chairman.

Four members to form a quorum.

6. No business shall be transacted at any meeting of the Committee unless at least four members are present.

Mode of deciding questions before the Committee.

7. Every question before the Committee shall be decided by the majority of the votes of the members present. The Chairman shall have an original vote and, in the event of the votes on any question being equal, a second or casting vote.

Secretary to the Committee.

8. Unless some other person be at any time appointed by the School Committee, the Island Secretary shall act as Secretary to the Committee. The Secretary shall attend all meetings of the Committee, take minutes of its proceedings, conduct all correspondence, take charge of and preserve all papers relating to the business of the Committee, and perform such other duties as may be required by the Chairman.

Treasurer and Auditor.

9. Whenever necessary, the Island Postmaster shall act as Treasurer and the Island Secretary as Auditor to the Committee.

Minutes of proceedings.

10. Minutes of the proceedings of every meeting shall be regularly entered in a book to be kept for that purpose and at every meeting the minutes of the preceding meeting shall be read, confirmed, and signed by the Chairman. A copy of the minutes of proceedings of each meeting shall be forwarded through the Chief Magistrate to the High Commissioner.

Powers and duties of Committee.

11. The powers and duties of the School Committee shall be:—

- (a) to see that all school buildings, out-houses, fences, and grounds are kept in good order and repair, and that proper sanitary conveniences are provided;
- (b) to make arrangements through the local government for the carrying out by public work of all building and repair work that cannot be performed by the school children or voluntary labour;
- (c) to make arrangements for the provision of adequate areas for playgrounds and instruction in gardening;
- (d) to promote the physical health of the children;

- (e) to see that the children develop good habits of order and tidiness outside school hours;
- (f) to ensure that the parents or guardians of the children provide them with proper clean clothing;
- (g) to encourage organized games and competitions by personally assisting and by arranging for the provision of trophies and prizes;
- (h) to arrange for the provision of all local equipment and material required for instruction in handicrafts;
- (i) to visit the parents or guardians of any children attending school irregularly in order to instruct them in the necessity for regular and prompt attendance;
- (j) to develop the school as a community social centre;
- (k) to give their advice on any matter concerning the school referred to them by the Head Teacher;
- (l) to give their advice on any educational matter concerning the children referred to them by the High Commissioner;
- (m) to keep such records and accounts as may be prescribed by the High Commissioner, and to prepare and submit to His Excellency any reports and returns concerning education that he may require;
- (n) subject to the consent of the Island Council, to collect funds and dispose of them for school purposes; and
- (o) to submit to the High Commissioner at the end of every year an audited statement showing receipts and expenditure of any money received.

Committee to visit school.

12. The School Committee shall visit the school at least once every four months, check the school records and registers, inspect the sanitary and structural condition of the school, and report their findings to the High Commissioner in accordance with Rule 10.

Reference to the Island Council.

13. The School Committee shall have the right to refer any case of special difficulty to the Island Council.

PART II—SCHOOL DISCIPLINE.

Punctuality and cleanliness.

14. The operations of the school shall be conducted with punctuality and regularity. Habits of order, tidiness, neatness, and cleanliness shall be encouraged among the children both by precept and personal example and, whenever necessary, enforced by school rule. Teachers are responsible for keeping the school rooms and furniture clean and arranged in an orderly manner.

Order and conduct.

15. Teachers shall instil into the minds of the children the necessity for orderly and modest behaviour, and for obedience to the teachers and school rules. The children shall be trained to respect the property of others and to be honest, truthful, attentive under instruction and conscientious in the discharge of their duties.

School Rules.

16. The Head Teacher shall have power to make School Rules in consultation with the School Committee. Copies of all School Rules shall be forwarded, through the Chief Magistrate, to the High Commissioner.

Children to obey School Rules.

17. Every child shall conform strictly to the School Rules and show unquestioning obedience to their teachers.

School sports and physical exercises.

18. Every child shall take part in school sports and physical exercises unless he is physically unfit to do so.

Corporal punishment.

19. In all cases where the Head Teacher considers corporal punishment to be necessary it shall be inflicted by himself or by an assistant with his approval.

Suspension.

20. A child may, for gross insolence, persistent disobedience, profanity, or immoral conduct, be forthwith removed from the school by the Head Teacher. The Head Teacher shall report his action without delay to the School Committee, who shall inform the parents of the child concerned.

Readmission of suspended child.

21. No child who has been removed from the school under Rule 20 may be readmitted without the sanction of the School Committee.

Infectious diseases.

22. The attendance of any child suffering from a contagious, infectious, or offensive disease may be temporarily suspended by the Head Teacher.

Playground supervision.

23. Teachers shall carefully supervise the conduct of children in the playgrounds and see that their behaviour is orderly when proceeding to school or returning from it.

Religious views of children and parents to be respected.

24. Nothing shall be said or done by any teacher in a child's hearing or presence, calculated to offend the religious views of the child or his parents.

PART III.—THE SCHOOL TERM AND DAILY ROUTINE.

Terms and holidays.

25. The dates and duration of the school year, terms and vacations shall be fixed by the Head Teacher, subject to the approval of the School Committee; provided that the school shall be open for at least 380 half-days in each year, and further provided that not less than five full weeks shall be given for the Christmas vacation and not less than eight weeks during the year.

School hours.

26. Not less than five hours shall be spent at lessons each school day, the times of instruction being adjusted to suit the convenience of the parents and teachers.

Secular instruction.

27. Secular instruction shall be given to pupils in Classes 1 and 2 for not less than four hours and in the remaining classes for not less than four and a half hours each school day, exclusive of any recess but inclusive of periods spent in Practical Agriculture, Physical Training, and Organized Games.

Time-table to be forwarded to High Commissioner.

28. A copy of the time-table showing the times at which the various lessons are taken, and by which teacher each lesson is given, shall be forwarded annually to the High Commissioner for approval. The periods for religious instruction shall be shown on the time-table.

The Sabbath Day.

29. No school shall be held on the Sabbath Day and care shall be taken that all pupils leave the school grounds in ample time to make their preparations for the Sabbath.

PART IV.—ATTENDANCE.

Age limits for attending school.

30. No child under the age of six years shall be admitted and no pupil shall be allowed to remain at school after the end of the school year in which he reaches the age of sixteen years except with the consent of the School Committee. The Head Teacher shall have power to raise the age of entry or lower the age at which pupils must leave school when he is satisfied that the staff is insufficient to teach efficiently the numbers normally attending.

Definition of irregular attendance.

31. For the purpose of Regulation 102 of the Pitcairn Government Regulations, 1940, a child's attendance shall be deemed to be irregular during any month if he has failed to attend school during 90 per cent of the maximum openings of the school for that month.

Proceedings to be taken for irregular attendance.

32. The Head Teacher shall report to the School Committee should any child's attendance during any month be irregular. It shall be the duty of the School Committee to take proceedings under Regulation 102 against the parent or guardian of any child reported to them for irregular attendance, unless they are satisfied that the child was unable to attend school from sickness or other unavoidable cause.

Parents to furnish written excuse for absence or lateness.

33. In all cases of absence or lateness, a written excuse signed by the parent or guardian of the child shall be presented to the teacher.

PART V.—COURSES OF INSTRUCTION AND EXAMINATIONS.

Course of instruction.

34. The course of instruction shall be based on the Australasian Union Conference Course of Study for Primary Schools; provided that it shall include the following subjects:—

Health, Domestic Crafts for girls and Manual Crafts for boys, Gardening, English, Arithmetic, Art, Music, History, Geography, and Physical Training.

Terminal Examinations.

35. Examinations shall be held as far as possible in accordance with the outlined syllabus and, in addition to class tests, a regular examination shall be held each term. The results of such examination shall be duly entered and a report written on them.

External Examinations.

36. Children shall sit for the Australasian Union Conference Certificates on the completion of the work of Grade VI and Grade VIII.

PART VI.—REGISTERS, RECORDS, AND REPORTS.

Registers and records.

37. The Head Teacher shall keep the usual registers and records as laid down by the Australasian Union Conference of Seventh-day Adventists for primary schools conducted by them, including a Log Book in which shall be recorded any event of importance connected with the school, unavoidable closing of the school, special holidays, changes and absences of teachers, and visits. No entries shall be made except by the Head Teacher, the Chief Magistrate, and authorized visiting officers.

Annual Report.

38. The Head Teacher shall submit an Annual Report to the High Commissioner, through the Australasian Union Conference, as soon after the end of the school year as possible.

PART VII.—TEACHERS.

Appointment and dismissal of Head Teacher.

39. The appointment and dismissal of the Head Teacher shall be made by the Australasian Union Conference of Seventh-day Adventists.

Appointment and dismissal of Assistant Teachers.

40. The appointment and dismissal of Assistant Teachers shall be made by the School Committee; provided that any Assistant Teacher may, within a week after notice of dismissal, appeal against such dismissal to the Island Council, whose decision shall be final.

Resignation of Teachers.

41. No teacher shall be at liberty to resign his appointment without giving at least one month's notice in writing of his intention of doing so to the School Committee.

Salary of the Head Teacher.

42. The salary of the Head Teacher shall be paid by the Australasian Union Conference of Seventh-day Adventists.

Salaries of Assistant Teachers.

43. The salaries of Assistant Teachers shall be paid by the School Committee from funds raised for that purpose.

PART VIII.—MISCELLANEOUS.

Inspection.

44. The school shall be open for inspection by officers appointed by His Excellency the High Commissioner for the Western Pacific or the Australasian Union Conference of Seventh-day Adventists.

Pitcairn Island,
20th December, 1940.

DAVID A. YOUNG,
Chief Magistrate, Pitcairn Island.

Rules

MADE BY THE ISLAND COUNCIL UNDER REGULATION 6 OF THE PITCAIRN
ISLAND GOVERNMENT REGULATIONS, 1940.

PRISON RULES.

1. No communication is permitted between prisoners and any person outside the prison.
2. It is forbidden to pass anything into or out of the prison without the permission of the warder.
3. Prisoners are to keep the prison and its vicinity in a proper state of cleanliness under the supervision of the warder.
4. Relatives or friends of prisoners are permitted to visit them between 4 p.m. and 6 p.m. on the Wednesday of each week on application to the Chief Magistrate.
5. Church officials, not to exceed two in number, may hold a service for prisoners on the Sabbath Day between 4 p.m. and 6 p.m. with the sanction of the Chief Magistrate.
6. No person is allowed near the prison except as permitted under Rules 4 and 5.
7. Prisoners are permitted to write not more than two letters a week with the sanction of the Chief Magistrate. No writing material is to be passed into or out of the prison except with the permission of the warder.
8. Prisoners shall work for 6 hours each day, except the Sabbath Day, under the supervision of the warder.
9. Prisoners shall adhere strictly to the prison routine laid down in the Schedule to these Rules.
10. Prisoners wilfully disobeying the orders of the Chief Magistrate or warder shall be liable to disciplinary punishment by the Island Court.

THE SCHEDULE.

Prison Routine.

6 a.m.	Rise—clean out prison, and wash.
6.30 a.m.	Exercise, under the supervision of the warder.
7.30 a.m.	Return to prison.
8.15 a.m.	Breakfast—clean vicinity of prison.
9 a.m.	Muster for labour. Road making and stone breaking, wood cutting, digging, etc.
12 noon	Return to prison.
1 p.m.	Muster for labour.
4 p.m.	Return to prison, and wash.
4.30 p.m.	Dinner—clean prison and vicinity.
7.50 p.m.	Prepare bedding.
8 p.m.	Lock up prison.

Pitcairn Island,
25th December, 1940.

DAVID A. YOUNG,
Chief Magistrate,
Pitcairn Island.

(M.P. 2519/37.)

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