

60

Extract from
despatch of Captain
Elliott (H.M.S. *Fly*)
to Rear-Admiral
Ross, enclosing
"Regulations for
the appointment
of a Magistrate at
Pitcairn Island"

• • •

25 January 1839

• • •

After a long passage I arrived at Pitcairns Island on the
29th of November, where I found this interesting community pre-
serving their deservedly high character

for

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60. Extract from despatch of Captain Elliott (H.M.S. Fly) to Rear-Admiral Ross, enclosing "Regulations for the appointment of a Magistrate at Pitcairn Island"

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a Captain Du Petit Thouars refusing to
 listen to any offers of explanation, or
 of their inability had all his demands
 complied with in the prescribed time,
 b by the loan of gun powder and the
 National Flag from the French Frigate.

c Subsequently, M. Brownhout a
 Dutchman, who took an active part in
 the case of the French Priests in 1836,
 was presented as the Consul of that
 Nation, and on the Queen declining to
 receive that gentleman the French
 d Commander thought it his duty to
 enforce her acceptance of him.
 e During my stay the Law (marked N.4),
 making Protestantism the Religion of the
 State and prohibiting the public toleration
 of any other was formally enacted.
 f After receiving on board six distressed
 British Subjects, and conveying M. Consul
 Pritchard to Limes at his request on
 business for a day, I finally left Tahiti
 g on the 11th November after receiving from
 the Queen a letter marked N.5 addressed
 to myself.

h [After a long passage I arrived
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25 January 1839

for exemplary morality, innocence and integrity, but they very earnestly represented to me the immediate necessity for their being some chief or head to their increasing community, amounting now to 99 Souls, for their internal regulation and Government, but more especially to meet the difficulties and dangers which they had already experienced and been again threatened with by lawless strangers and Whale Ships, there having been cases of recent occurrence, where half the ruffian crew of a Whale Ship were on shore for a fortnight, during which they offered every insult to the inhabitants and threatened to violate any woman whose protectors they could overcome by force, occasioning the necessary concentration of the men's strength for the personal protection of the females, and thereby great damage to their Crops, which demanded their constant attention, taunting them that they had no laws, no country, no authority, that they were to respect. American Vessels denying they were under the protection of Great Britain, as they had neither colors, or written authority; I found them however with a Merchant Union Jack flying, procured from an English ship.

Apprehending

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Ross, enclosing
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25 January 1839

Apprehending that my duty required some decisive step in this unlooked for contingency I considered I should best afford protection to these people, and least involve my Government of whose intentions in respect of the Pitcairn Islanders I am ignorant, by conferring the stamp of Authority on their election of a Magistrate or Elder to be periodically chosen from amongst themselves, and answerable for his proceedings to Her Majesty's Government for whose information he is to keep a Journal.

I accordingly drew out a few hasty regulations to be observed, under my Authority in the election of this Officer marked N^o. 6, which with a formal attestation of his being sworn in before me, and an Union Jack which I supplied them with, will I trust insure them against any renewed insults from Foreigners. By their unanimous voice, they selected for the situation Edward Quintal a most able and superior Senior of their number.

I trust, Sir, you will consider my assumption of the power to confer this Authority was warranted by the

urgency

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the appointment
of a Magistrate at
Pitcairn Island"

25 January 1839

urgency of circumstances and the difficulty of reference, and that you will be able to approve of the view I have taken of my duty; delaying only one day at Pitcairns I hastened to Cobija where I only arrived after a very protracted passage from Easterly winds and calms, on the 10th January. Having reason to believe you were at Callao, and considering circumstances rendered it important that I should join your Flag, I accordingly proceeded for this anchorage calling on my way at Arica and Islay.

In conclusion I have the satisfaction to be able to report the uninterrupted good health, and good conduct of the Crew during this long cruise, of 174 days, in which, from leaving the coast to our return to Cobija, we traversed 17,402 $\frac{3}{4}$ miles of Ocean; were 150 days actually under weigh and 158 on Salt Provisions.

I have the honor to be, Sir,
Your very obed^t. servant.
(Signed)
R. Elliott Commander

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(Signed)

R. Elliott Commander.

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Copy

Extract from
despatch of Captain
Elliott (H.M.S. *Fly*)
to Rear-Admiral
Ross, enclosing
"Regulations for
the appointment
of a Magistrate at
Pitcairn Island"

By Russell Elliott Esq. Commander
of H.B.M. Sloop *Fly* and Senior
Officer at Pitcairn's Island

Regulations for the appointment of a Magistrate at Pitcairns Island

On the 1st day of January every year an Elder or Magistrate is to be elected by the free votes of every Native born on the Island, Male or Female, who shall have attained the age of 18 years, or of persons who have resided 5 years on the Island;- And they shall assemble for such purpose in the School house the 1st day of every year when the business shall be presided over by the Magistrate of the preceding year, whose period of Office does not expire until the swearing in of his successor.

The greatest number of votes shall determine the Election, or re-election of the Magistrate, whose duty it shall be to hold the Chief Authority on the Island, and to settle all differences with the advice of his Council, which is to consist of two other Natives, one to be named by the Votes of the Assembly, and the other by the Magistrate himself,

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25 January 1839

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Elliott (H.M.S. Fly)
to Rear-Admiral
Ross, enclosing
"Regulations for
the appointment
of a Magistrate at
Pitcairn Island"

25 January 1839

Copy

W. M. S. Fly

By Russell. V. M. S. Fly, Commander
of H.M.S. Sloop Fly, and Senior
Officer at Pitcairn's Island

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25 January 1839

but his decision is final. It shall be the duty of the said Magistrate also to keep a Journal or Register of all complaints made to him and his decision on them, and if any very grave offence or serious crime be committed he is to secure the custody of the Offenders until he has an opportunity of delivering him over to justice; He will submit his account of what has occurred to the Captain of any British Ship of War arriving, and hold himself responsible for the faithful and just fulfilment of the duties of his Office.

It will be incumbent on his Countrymen and the residents on the Island to respect his situation, and obey his Authority, under pain of serious consequences, until he is superseded by the Authority of Her Majesty the Queen of Great Britain.

No one shall be eligible for the situation of Magistrate but a Native born inhabitant of the Island.

The following shall be the form of the Oath to be administered –

I solemnly swear that I will execute the duties of Magistrate and Chief Ruler of Pitcairn's Island, to which I am this day called on the Election of the Inhabitants by

dispensing

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25 January 1839

dispensing justice, and settling any differences that may arise,
zealously, fearlessly & impartially, and that I will keep a Register of
my proceedings, and hold myself accountable for the due exercise
of my Office, to Her Majesty the Queen of Great Britain or her
representatives; - so help me God. –

Dated on board Her Majesty's Sloop *Fly* off Pitcairn
Island, this thirtieth day of November 1838.

(Signed)

R Elliott Commander

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tives: - so help me God. -

c
Dated on board Her Majesty's Ship
Fly off Pitcairn's Island, this
thirtieth day of November 1838.

d
Signed, Elliott Commander.

61

Rear-Admiral Ross
to Admiralty enclos-
ing Captain Elliott's
report of
25 January 1839

[—]resident, Callao
8th February 1839

Sir,

8 February 1839

In transmitting to you, for the information of their Lordships, the accompanying report and various Letters enclosed, therewith, from Captain Elliott of Her Majesty's Sloop Fly, whom I had directed, by my order of the 15th of May last, to visit the Society, Friendly, and Pitcairn's Islands, agreeably to their Lordships directions as set forth in their Instructions to me, to communicate with those Islands by a Vessel from my Squadron at least once a year; I feel it my duty to express to their Lordships, my entire approbation of the judicious and masterly way Captain Elliott has carried those orders into execution; and as his report is explanatory in every particular, it leaves me only to add my concurrence in the opinion advanced by him, viz. the necessity of
having

Charles Wood Esq.
Secretary
Admiralty

61. Rear-Admiral Ross to Admiralty enclosing Captain Elliott's report of 25 January 1839

61

Rear-Admiral Ross
to Admiralty enclosing
Captain Elliott's
report of
25 January 1839

8 February 1839

24 Pacific

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31-1

N^o 15

Sir,

Q^a 72 L-72

Accident, Callao.

8th February 1839

Rec^d 26/2/39

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Secretary
Admiralty

61

Rear-Admiral Ross
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ing Captain Elliott's
report of
25 January 1839

8 February 1839

having one of Her Majesty's Ships employed upon that Service,
who could devote more time and attention to the interests of
the British residents at those Islands, than it was possible,
during his short stay there, to afford them; I was under the
necessity of limiting the absence of the *Fly*, in the execution of
this Service, to a much shorter period than I could have wished
owing to the great call I had at the time of my despatching her,
and which I still have, for the more active Services of the few
Ships under my Command, during the present disturbed state
of this Country;—

In addition, therefore, to the repeated applications
already made by me to their Lordships for an increase to
my Force, I beg to offer the present as another instance in
proof of the advantages likely to be derived to Her Majesty's
Government by such a measure, and which I beg to

submit

Note across bottom of page

30 Sept.

Their Lordships are pleased with the very satisfactory manner in which Capt
Elliot has conducted this service.

[W].C. 2 Oct

[For] Lord J Russell's information.

Acqt. Col. Office that Capt. Elliot of HMS *Fly* having visited some of the
Islands in the Pacifick gives an account of the present state of Pitcairns
Island which the inclosed is an Extract. [-]

W.C 30 Sept.

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Rear-Admiral Ross
to Admiralty enclos-
ing Captain Elliott's
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25 January 1839

8 February 1839

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country on the service of the
Islands.

20th Feb 1839

61

Rear-Admiral Ross
to Admiralty enclos-
ing Captain Elliott's
report of
25 January 1839

submit for their Lordships' consideration.

I have the honor to be,
Sir,
Your most obedient
humble servant

8 February 1839

Charles B.H. Ross

Rear Admiral and
Commander in Chief

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62. Admiralty (Barrow) to Colonial Office (Stephen) enclosing extract from Captain Elliott's report

62

Admiralty (Barrow)
to Colonial Office
(Stephen) enclosing
extract from Captain
Elliott's report

30 September 1839

1839
Admiralty
30th September 1839.

Sir,

Ans: 26. Sept 39.
Captain Elliott late commanding
the ship having visited several of
the Islands in the Pacific Ocean, and
commanded by my Lord Commissioners
of the Admiralty to transmit to you
the accompanying extract from his
account of the present state of Pitcairn's
Island, for the information of Lord
John Russell.

I am Sir
Your most obedient
humble servant
J. Barrow

Stephen Esq

62

Admiralty (Barrow)
to Colonial Office
(Stephen) enclosing
extract from Captain
Elliott's report

*Extract of a Letter from Commander Elliott of HM Sloop "Fly"
respecting the condition of Pitcairns Island. -*

30 September 1839

“After a long passage I arrived at Pitcairn’s Island on the 29th of November where I found this interesting community preserving their deservedly high character for exemplary morality, innocence and integrity, but they very earnestly represented to me the immediate necessity for their being some Chief or head to their increasing Community, amounting now to 99 Souls, for their internal regulations and Government, but more especially to meet the difficulties and dangers which they had already experienced and been again threatened with by lawless strangers in Whale Ships, there having been cases of recent occurrence, where

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Admiralty (Barrow)
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30 September 1839

Enclosed of a Letter from Commander
Elliott of M^{rs} Sloop "Fly" respecting
the condition of Pitcairns Island:-

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for exemplary morality, innocence and
integrity, but they very earnestly represented
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30 September 1839

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Apprehending that my duty required some decisive step in this unlooked for contingency I considered I should best afford protection to these people, and least involve my Government of
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I accordingly drew out a few hasty regulations to be
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superior Senior governor man.

63

Colonial Office
minutes regarding
Captain Elliott's
report

2 October

Mr Vernon Smith

2 October 1839

I confess I know not how anything can be done for the inhabitants of Pitcairns Island. It is impossible to establish an independent Gov^t or Colony there, nor do I know how the Island could with any propriety be annexed to the Gov^t. of New South Wales, which has no sort of connection with it. Yet if neither of these measures be practicable, we are I believe at the end of all our resources.

[James Stephen]

Oct 4

Capt Elliott seems to have done as [much] as he could and I suppose he [might] be told so but we can do no more.

[Robert Vernon-Smith]

6 _ The utmost we could do, beyond what has been done [would] be to furnish the inhabitants with some arms for their own protection (suggest this to the Admiralty, in case another Man of War [goes] there – 50 cutlasses, & a few muskets [should] be sufficient.

[Lord John Russell]

63

Colonial Office
minutes regarding
Captain Elliott's
report

2 October 1839

2 October

W. Kersey Smith

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the Island could with any propriety be annexed to
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MS 4

Capt. Smith seems
to have done as
well as he could
and I suppose he
might be told so
but we can
do no more
No

6. The statement is correct, beyond what has been done
to provide the wharves with some arms
for their own protection. I suggest this to the
Administration, in case another group of men
are there - so perhaps a few muskets
will be sufficient. W.

64

Colonial Office to
Admiralty (Barrow)

Sir John Barrow Bart

26 October 1839

[Downing Street]
26th October 1839

Sir,

I have laid before Lord John Russell
your Letter of the 30 Ultimo enclosing an Extract
from the Report of Captain Elliot late Commander of
H.M.S. *Fly* on the present state of Pitcairn's Island.

It appears to Lord John Russell that

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Colonial Office to
Admiralty (Barrow)

26 October 1839

Sir John Barrow Bart

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D. I.
26th October 1839

Mr. Sandhu	21
Mr. Stephen	21
Mr. Vernon Smith	22
Lord John Russell	23

Sir,

I have laid before
Lord John Russell
your letter of the 30.
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an Extract from
the Report of Captain
Whist late Commander
of H. M. S. Fly on the
present state of
Pitcairn's Island.

It appears to Lord
John Russell that

Colonial Office to
Admiralty (Barrow)

26 October 1839

it will be highly desirable to adopt any practicable
means of providing for the security of the Inhabitants.
The only mode in which it occurs to Lord John
Russell that this could at present be done would be
by furnishing the Inhabitants with some Arms for their
protection. His Lordship would

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Colonial Office to
Admiralty (Barrow)

26 October 1839

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The only mode in
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would be by furnishing
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g their protection. His
h Lordship would

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Colonial Office to
Admiralty (Barrow)

26 October 1839

therefore suggest to the Lords Comm^{rs}. of the
Admiralty the propriety of sending by the next Ship
of War calling at the Island a supply of fifty Cutlasses
with some Fire Arms and an adequate quantity of
Ammunition.

I am ~

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Colonial Office to
Admiralty (Barrow)

26 October 1839

therefore suggest to
the Lords Commrs.
of the Admiralty
the propriety of
sending by the next
Ship of War calling
at that Island
a supply of fifty
cutlasses with some
Fire Arms and
an adequate quantity
of Ammunition.

Sam^r

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Colonial Office
correspondence
regarding distribu-
tion of copies of the
Appeal Cases



14 July 1840 to
12 August 1840



[Downing Street] 14th July 1840

C.E. Trevelyan Esq.

Sir,

I am directed by Lord John Russell to transmit to
you the enclosed copy of a letter from the Lord President
of the Council, suggesting the propriety of furnishing the
Legal Functionaries

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65. Colonial Office correspondence regarding distribution of copies of the Appeal Cases

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Colonial Office
correspondence
regarding distribu-
tion of copies of the
Appeal Cases

14 July 1840 to
12 August 1840

observe, in reply, for the information
of the Lords of the Treasury, that
in all cases, where Colonial Officers
receive accommodation on board
H.M. Ships, by the orders or with
the subsequent approbation of the
Secretary of State, the Captains are
indemnified by the Public for
the expense of entertaining
those Officers. His Lordship, there-
fore cannot recognise the extra
charge for the issue of Steamers'
Patrons. I have &c.
Jas. Stephen

C. E. Trevelyan Esq.

D. 14th July 1840.

Sir,

I am directed by Lord John
Russell to transmit to you the
enclosed copy of a letter from
the Lord President of the Council
suggesting the propriety of fur-
nishing the legal functionaries

1316. 6. 1840

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Colonial Office
correspondence
regarding distribu-
tion of copies of the
Appeal Cases

14 July 1840 to
12 August 1840

in the Colonies with the published Reports of the Appeal
Cases tried before the Judicial Committee of the Privy
Council; and I am to request that, in laying this letter
before the Lord Comm^{rs} of the Treasury, for their favour-
able consideration, you will inform their Lordships that Lord
John Russell fully concurs in the recommendation of the
Marquis of Lansdowne that One hundred and fifty copies of
this Work should be purchased and distributed at the public
expense.

I have &c

Ja^s. Stephen

The Lord President

[Downing Street] 14th July 1840

My Lord,

I have the honor to acknowledge the receipt of your
Lordship's Letter of the

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Colonial Office
correspondence
regarding distribu-
tion of copies of the
Appeal Cases

14 July 1840 to

12 August 1840

26

in the Colonies with the published
Reports of the Appeal Cases tried
before the Judicial Committee
of the Privy Council; and I am
to request that, in laying this
letter before the Lord Comrs.
of the Treasury, for their favorable
consideration, you will inform
their Lordships that Lord John
Russell fully concurs in the
recommendation of the Marquis
of Lansdowne that One hundred
and fifty copies of this Work
should be purchased and dis-
tributed at the public expense.

I have the honor

J. Stephen

The Lord President

D.S. 14th July 1840.

My Lord,

I have the honor to
acknowledge the receipt of
your Lordship's letter of the

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Colonial Office
correspondence
regarding distribu-
tion of copies of the
Appeal Cases

14 July 1840 to
12 August 1840

6th instant, recommending that 150 copies of the published Reports of the Appeal Cases tried before the Judicial Committee of the Privy Council, should be purchased & distributed at the public expense among the Legal Functionaries in the several Colonies for their guidance in the administration of Justice; and I have the honor to inform your Lordship that I have recommended the adoption of this proposal to the Lords Comm^{rs} of the Treasury.

I have &c
J. Russell



Colonial Office
correspondence
regarding distribu-
tion of copies of the
Appeal Cases

14 July 1840 to
12 August 1840

6th instant, recommending that
150 copies of the published
Report of the Appeal Cases
tried before the Judicial
Committee of the Privy Council
should be purchased & dis-
tributed at the public expense
among the legal Functionaries
in the several Colonies for
their guidance in the admi-
nistration of justice; and I have
the honor to inform your Lordship
that I have recommended the
adoption of this proposal to the
Lords Commrs of the Treasury

Read Meridian 30th Inst.
Dolby Hotel
Peterborough Row

Thos. M. M. M.

D. 10th August 1840

In answer to your letter
of the 8th inst. I am directed by Lord
John Russell to request you
that all arrangements be

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Colonial Office
correspondence
regarding distribu-
tion of copies of the
Appeal Cases

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14 July 1840 to
12 August 1840

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The Lord President
of The Council [Downing Street] 12th Aug^t. 1840

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My Lord: with reference to my letter of the 14th Ultimo I have the Honor to inform your Lordship that The Lords Commissioners of the Treasury have signified their approval of the proposed distribution at the Public expense of One Hundred and fifty copies of the Published Reports of the Appeal Cases tried before the Judicial Committee of the Privy Council among the Legal Functionaries in the respective Colonies. I have accordingly to request that your

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Colonial Office
correspondence
regarding distribu-
tion of copies of the
Appeal Cases

14 July 1840 to
12 August 1840

Lordship will give the necessary directions for that number of copies being supplied forthwith. The expense I would recommend should be defrayed in the first Instance from the Funds of the Council Office: and on being apprized of the numbers of copies and the Price proposed to be sent to each colony, I would instruct the Government to endeavour to make arrangements for the repayment of their Costs out of the Colonial Revenue.

I have etc
J. Russell

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Colonial Office
correspondence
regarding distribu-
tion of copies of the
Appeal Cases

14 July 1840 to
12 August 1840

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instance from the Funds of the
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apprized of the number of copies
and the Price proposed to be sent
to each Colony, I would instruct
The Government to endeavour
to make arrangements for the
repayment of their costs out of
the Colonial Revenue.

I have &c J Russell

Colonel Maberly

D. 31st August 40

Sir: I am directed by Lord
John Russell to send to you a letter
which has been addressed to
Mr Bailey, at Drumlanrig House
by The Post Master of Dumfries
as it is supposed relative to