

Enclosure No. 6.

Mr. F. J. Moss to the Rev. J. CHALMERS.

MY DEAR MR. CHALMERS,—

Wellington, 30th January, 1891.

In my report to the Governor of the proceedings of Council at Rarotonga on the 22nd and 24th December, I have stated as follows:—

“Minutes of meeting, 22nd December.—Question put: ‘Shall a Bill be passed for total prohibition, or for the control and restriction of the sale (of intoxicating liquors) as proposed in the Bill before the Council, and prohibition be only resorted to if this fails?’ There voted for control and restriction, in preference to prohibition, Makea, Tinomana, Pa, Tepou, Maovete, Takao, Karika. Mr. Gelling, the only remaining member, asked ‘that the Noes should not be taken till he had an opportunity of consulting the foreign residents. It had been asserted that a majority of them were in favour of prohibition. If so, he would vote for prohibition. If not, it would be better to have such a Bill as that before the Council.’ The Council thereon adjourned.”

“24th December, 1890. Extract from minutes.—Mr. Gelling stated that he had taken the opinion of his constituents (the foreign residents) and found a great majority were against prohibition [In fact, only two were in its favour.—J.C.]. He would therefore vote for the Bill. After several amendments the Bill was finally passed.”

As you were kind enough to act as interpreter for the Council on the occasion, and as statements contrary to the above have been put into circulation in Auckland, I should be obliged if you consider the above a correct summary of what occurred, and a correct version of the motion as put, by your stating so on this note. It may be useful, as you will be away.

Rev. J. Chalmers, Wellington.

FREDERICK J. MOSS.

The foregoing is correct.—JAMES CHALMERS.

No. 13.

(No. 17.)

MY LORD,—

Government House, Auckland, 12th March, 1891.

With reference to your Lordship's circular despatch of the 25th November, 1890, I have the honour to inform you that the Agent-General for New Zealand (Sir Francis Dillon Bell) has been appointed to represent the colony at the Postal Congress to be held at Vienna in May next.

I have, &c.,

The Right Hon. Lord Knutsford, &c.

ONSLOW.

No. 14.

(No. 18.)

MY LORD,—

Government House, Auckland, 13th March, 1891.

On the 25th February last two women, named Anna Flanagan and her daughter, Sarah Jane Flanagan, were sentenced to death at Christchurch for the murder of the illegitimate child of the latter. The jury recommended the elder prisoner to mercy on the ground of her age.

2. Although the whole of the evidence on which the convictions were obtained was circumstantial, the case was one of exceptional clearness. The child was fetched by the murderers from the place where it was at nurse (showing distinct premeditation), and subsequent mutilation of the body added further horror to the deed.

3. The case was duly considered at a meeting of the Executive Council held yesterday, when Ministers advised me to commute the capital sentence in the case of both prisoners to one of penal servitude for life.

4. As I did not find any extenuating circumstances calling for the exercise of the clemency of the Crown, I invited Ministers to point out any such which appeared to them to exist. In reply, they advised me as follows: “Ministers cannot point out in the depositions any extenuating circumstances; but they think it undesirable that the extreme penalty of the law should be carried out in the present case, seeing that the convicted parties are women, and that the offence of child-murder is one scarcely known in this colony.”

5. This advice appeared to me to suggest rather the desirability of altering the law than the usual considerations which lead to an exercise of the Royal prerogative. But Ministers are responsible for the maintenance of law and order and the repression of crime, and I have no doubt that the execution of the two women would give rise to very strong public feeling, and would probably lead to an alteration of the law, while the commutation of the sentence would meet with general approval.