

1916.

## NEW ZEALAND.

## PUBLIC PETITIONS M TO Z COMMITTEE

(REPORT OF) ON THE PETITION OF CLARA E. RAE AND OTHERS PRAYING FOR CLEMENCY  
AND FOR REDUCTION OF SENTENCE PASSED ON ALICE MAY PARKINSON, WITH REPORT  
OF CHIEF JUSTICE.

(MR. OKEY, CHAIRMAN.)

*Report brought up on the 8th July, 1916, and, together with Petition and Report of the Chief  
Justice, ordered to be printed.*

## ORDERS OF REFERENCE.

*Extracts from the Journals of the House of Representatives.*

FRIDAY, THE 19TH DAY OF MAY, 1916.

*Ordered,* "That a Select Committee be appointed, consisting of ten members, to consider all petitions from M to Z that may be referred to it by the Petitions Classification Committee, to classify and prepare abstracts of such petitions in such form and manner as shall appear to it best suited to convey to this House all requisite information respecting their contents, and to report the same from time to time to this House, and to have power to report its opinions and observations thereon to this House; also to have power to call for persons and papers; three to be a quorum: the Committee to consist of Mr. Bollard, Mr. Coates, Mr. Craigie, Mr. Dickie, Mr. J. McC. Dickson, Mr. Okey, Mr. Statham, Mr. Poole, and the mover." (Hon. Mr. HANAN.)

TUESDAY, THE 13TH DAY OF JUNE, 1916.

*Ordered,* "That the name of Captain Coates be deleted from the public Petitions M to Z Committee, and that the names of Mr. J. S. Dickson and Mr. McCallum be added thereto." (Hon. Mr. HANAN.)

## PETITION.

To Mr. Speaker and members of the House of Representatives in Parliament assembled.

THE petition of the undersigned electors of the Dominion of New Zealand sheweth as follows:—

1. Alice May Parkinson was on the 9th and 10th days of June, 1915, tried before His Honour the Chief Justice at the Supreme Court, Napier, for the murder of Walter Albert West at Napier on the 4th day of March, 1915.

2. On the said 10th day of June, 1915, a verdict of "Guilty of manslaughter" was returned by the jury, who strongly recommended the accused to mercy on account of the great provocation which she had received.

3. The learned Judge sentenced the accused to imprisonment for the term of her natural life.

4. Your petitioners pray that the mercy of the Crown may be graciously extended to the prisoner, on the grounds,—

(1.) That the jury has strongly recommended her to mercy:

(2.) That the prisoner's character prior to the tragedy was unblemished:

(3.) That she is only twenty-five years of age:

(4.) That the offence for which she was convicted was committed while she was mentally irresponsible, if not legally insane:

(5.) That she had spent all the money which she had saved as a servant girl in furnishing a home because of West's promises to marry her:

- (6.) That her child born of her intimacy with West was lost to her after an extremely painful labour shortly prior to the tragedy :
- (7.) That the tragedy supervened on West having repulsed her in gross language :
- (8.) That in October, 1915, a petition was presented to His Excellency the Governor in Council requesting clemency and praying for a reduction of the said Alice May Parkinson's sentence, which petition was signed by nearly seventy thousand electors of this Dominion :
- (9.) That on the 7th day of October, 1915, a petition was presented to Mr. Speaker and the House of Representatives similarly praying for clemency and praying for a reduction of the said Alice May Parkinson's sentence.

Your petitioners therefore renew their request for clemency, and pray that the sentence imposed on her may be reduced, and your petitioners will every pray.

CLARA E. RAE  
(And 39 others).

## REPORT.

No. 220.—Petition of CLARA E. RAE and Others, of Wellington, praying for clemency and for a reduction of the sentence passed on one Alice May Parkinson.

I AM directed to report that the Committee has no recommendation to make; and that the report by the Chief Justice on the case of the said Alice May Parkinson be attached to this report and the whole be printed.

28th July, 1916.

H. ORRY, Chairman.

## REPORT OF CHIEF JUSTICE.

THE prisoner was indicted for the murder of one Albert West, a youth of twenty-one years. She pleaded not guilty, but during the progress of the trial suggestions were made that she acted in self-defence, that she acted under provocation, and there was a slight hint that she may have been mentally deranged. The jury, quite properly in my opinion, negatived the plea of her having acted in self-defence, and they also negatived that any provocation she received excused her killing of the deceased, and there was no evidence of want of knowledge of what she did and that what she did was wrong. They found her guilty of manslaughter, and recommended her to mercy on the ground of provocation. I could not in passing sentence accept the recommendation of the jury, because (1) the killing was deliberate, having been previously threatened, and it was planned; (2) there was, in fact, no provocation; (3) if the jury had acted according to the strict law and the evidence they ought to have found her guilty of murder.

(1.) That the killing was deliberately planned appears from her letters. She stated in her letters to his mother, who she said had interfered to prevent the deceased marrying her, "You will be sorry, because he will never marry anybody else. I will shoot him down like a dog—I will have my revenge." In another letter she also stated that she would kill the deceased, and when she was examined in the Court she stated that she had determined if he did not marry her to kill him the next day—that is, the day after the murder was actually committed. In one paragraph of a letter to him she said, "I will hunt till I find you, and by God you will know it. I have threatened you too many times. One of these days I will do what I say: you do not deserve to live, you rotter." In another letter to the deceased she said, "Don't think you will do me in, Bert, because sooner than I would let you off I would shoot you down like a dog—I will have my revenge." This is, therefore, not the case of a person who, going on some statement made to her or because of some discovery she had made, suddenly and on the impulse of the moment kills the person. She had gone to a shop in Hastings, had purchased a revolver and cartridges, and before going out to see West the accused fully loaded her revolver and carried it with her. The murder was therefore planned and premeditated.

(2.) There was no provocation unless it could be said that refusing to marry the prisoner was provocation. The history of the case, so far as it was disclosed in the case before the Court, may be briefly stated. The prisoner was a maid servant at the Masonic Hotel, and afterwards she was a servant at the Clarendon Hotel, and then at the Albion Hotel. So far as the performance of her duties in these hotels were concerned no fault was ever found with her, and the hotelkeepers considered she was of good character. If they had thought otherwise they would not, of course, have kept her in their employment. She was brought up in the inland of Hawke's Bay, at Tikokino, and attended the Sunday school there. She must have kept bad company in Napier, for the words she uses in her letters show acquaintance with slang and the seamy side of our social life. Examples may be given. In a letter to the mother of the deceased, dated 26th January, 1915, she said, speaking of the sisters of the deceased, "You have daughters of your own, and they are supposed to be the hottest in town." She refers to a woman in Napier

as being "drummed out of Hastings and Marton for running a moll show." She writes of the deceased as a "rotten cur." She begins another letter thus: "Seeing that you and your own crawling sons Tom and Bert are determined to drag me down, well, I will let you see who will laugh last, because I am as determined as you are. Bert has been coming to me almost every night." In another part of the letter she says, "You are a bigger crawler yourself; you ought to crawl on your belly; but remember, Mother West, you have daughters of your own, and they used to get the name of being the hottest in town." Again, speaking of the deceased, "He has got me to draw all my money and put it in a home, and that he was going to marry me, so now he will suffer as I have done; so what in the hell has it got to do with either you or Tom?" Again, she says, "It will pay you better to shut your mouth, you old cow." Speaking of the deceased, she says, "The dirty sneak came to me and asked me for papers." In another letter to the deceased she said, "What in the devil is the meaning of this foolery? Why didn't you come round to-night when you promised, you rotten cur, after my letting you off last night? You were never satisfied, but by the holy living smoke I will make you suffer for this." The word "rotter" is very often used in her letters.

How the acquaintance between the prisoner and the deceased and a Mrs. Innes, whose house she seems to have been continually visiting, came about was not shown. Whether she was seduced by the deceased, or how the illicit relationship began, was also not shown; and the only evidence, I presume, that can be obtained of the matter would be from her. She has effectually closed the mouth of "Bert" West; he cannot give us his side of the story. It appears, however, that they had been in close alliance for some years. She was about four years older than he was, and at the time of his death he was only twenty-one years three months and a few days old. She was twenty-five years two months and a few days. When the deceased became acquainted with her he could not have been more than nineteen years of age. They agreed apparently to marry each other, whether before or after the illicit connection is not stated, and she had money in the bank and bought furniture and furnished a house. What led to the rupture between them is not stated. There was a child born to her on the 1st January, and the child died. The deceased undertook to pay all doctor's expenses, and at the time of his death had paid £5 of the account, and was continuing to pay it by weekly instalments out of his small salary. The deceased also attended to the funeral of the child and paid the expenses. She suffered, it is said, severe birth-pangs, but had quite recovered at the time of her killing of the deceased.

(3.) I have said that if the jury had decided according to the law and evidence they would have found her guilty of murder. There is only one case known to English law in which it has been said that words alone could afford a sufficient provocation to reduce the crime of murder to manslaughter—see the recent case of *Rex v. Palmer* (23 Cox's Criminal Cases, p. 377)—and this case was not of that character. She had been told before that the deceased would not marry her, so when she met him on the evening on which she killed him she knew that he had declined to marry her, and so far as her own evidence is concerned it is not said that the deceased provoked her in any way, and the jury negatived such provocation. There is no doubt that the deceased did wrong, after having made a promise to marry her, in declining to do so; but as I have said, his side of the story is not before us. His lips, as I have said, were closed in death. How, however, a woman could expect a man to marry her after her letters to his mother, and her statements about himself, his brother, and his sisters I do not know. I am afraid that if such a marriage had taken place there would have been what often happens in enforced marriages—desertion; and perhaps the case would have ended in the Divorce Court. How a woman could expect that her marriage could be sanctioned by his mother or the family after her letters cannot be understood.

There are some few people—and I hope their number is very limited—who seem to think that the jury ought to have acquitted her, or, if not, that the Court ought to have passed only a nominal sentence upon her. It is necessary to consider what the effect of such an action would be on our community. Indeed, one writer, a signatory to the petition, has said that there is what is termed a "higher law"—that is, that a woman has the right apparently to assassinate a man who has seduced her, although in this case there is no proof of such seduction. It is very extraordinary that there should be such an opinion abroad amongst civilized people. If it is correct to allow assassination by a woman if she has been seduced, it ought to be embodied in some law of the community, so that a person who seduces a woman should know that the community has allowed the drastic punishment of death to any one who so acts. It is very extraordinary that such punishment should be considered proper, when imprisonment for life is considered improper on a person who kills another. There is no civilized nation in the world that has passed such a law, and I doubt if one single member of Parliament could be found in New Zealand who would propose such a terrible punishment to a person who has committed seduction and breach of promise of marriage. Yet the complaint that this woman has been sentenced to imprisonment really means that the people who make the complaint consider that she was justified in committing this private assassination. If it should turn out that the community considers that the proper punishment for seduction and breach of promise is death, then it is only proper that this should be inflicted after a proper trial, and after hearing what the person charged with the offence has to say. A jury would have to pronounce on his guilt, and the sentence would have to be imposed by a Judge. To allow a person, male or female, who thinks he or she has been wronged to inflict punishment without trial, by private assassination, would be such a violation of law and order that no civilized community could submit to it. It is far worse than lynch law. In lynch law there is an informal jury and an informal trial, but this prisoner chose to redress any grievances she may have had by private assassination. Wherever private assassination is allowed in a community without punishment civilization vanishes and moral degeneration sets in. I wonder if there are amongst those who are asking for the pardon of

this prisoner any mothers! If there are would they like a son of theirs to be killed if he seduces a girl and refuses to marry her? Would they think that this was fitting punishment to inflict on a son of theirs for his misconduct? By asking the release of the woman they are really affirming that that is suitable punishment to inflict on a young man twenty-ones years of age for what he is said to have done.

I may further state that the woman fired three shots at the man. Some of them were fired when he was lying helpless, wounded on the ground. Further, that she attempted to commit suicide and shot herself in the head, and I understand that the bullet is still in her brain. After the event she has expressed no contrition and no remorse. Dr. Moore, who was a witness called by her on her behalf, noted her attitude in prison, and he said, "She was always in very good spirits; she did not seem to be put out in any way about what had happened—she did not seem as if she had any regret or any remorse." That also was her attitude when being examined in Court, and during her trial she stated the facts as if she had been an impartial observer and not an actor. As to some of her evidence I did not believe her—namely, that she did not know what had happened after the first shot; and the jury did not believe her. I am also of the opinion that the last shot she fired was the shot at her own head. She did not seem to have any idea of the sacredness of human life. Perhaps the fact that a maternal and also a paternal uncle had both committed suicide may show some hereditary want of appreciation of human life. Whatever the cause, there is the fact. The whole history of the case seems to me to show that she could have had no real love for the deceased, or else she would never have killed him. If love had dominated her, her action would have been something different. Her denunciation of the deceased, the names she called him, and the names she called his family, also show that she could have had no regard for him as a lover.

As to her previous good character, that was not investigated in Court. There was evidence of her good character whilst she was young and at Sunday school, and the hotelkeepers called knew nothing against her. Her letters, the language she uses in them, the fact that she kept up an illicit connection with the deceased for about two years, that she had been twice enceinte, and that her main female associate was not called as a witness by the Crown, shows that her character was not unblemished. What the character of her female associate was can be learned from the police report. According to the evidence at the trial she was enceinte in December, 1913. She appears to have had a miscarriage, for she was again enceinte about April, 1914.

I may add that it is well known that a sentence for life does not necessarily mean that there will not be after some years some remission extended to the prisoner. I am not aware of any prisoner who has been sentenced to life imprisonment in New Zealand and has acted properly in gaol who has not obtained some mercy from the Executive; but those who ask for mercy now are those apparently who believe that private assassination is justified if a man has seduced and broken a promise of marriage to a woman. Were the Executive to yield to a such a clamour justice could not be administered in this Dominion.

Masterton, 22nd September, 1915.

ROBERT STOUT.

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