

THE TRIAL
OF
PAULINE YVONNE PARKER
AND
JULIET MARION HULME
AUGUST 1954

TWO TEENAGERS FACE CHARGE OF KILLING WOMAN

Trial of City Girls Opens

To-day in Supreme Court

THE Crown case against Pauline Yvonne Parker, aged 16, and Juliet Marion Hulme, aged 15 years 10 months, who are charged with murdering Parker's mother, was outlined by Mr A. W. Brown in the Supreme Court to-day.

The girls were charged, before Mr Justice Adams and a jury, with murdering Honora Mary Parker, at Christchurch, on June 22.

The Crown Prosecutor (Mr Brown) has Mr P. T. Mahon with him. Dr A. L. Haslam and Mr J. A. Wicks are appearing for Parker; Mr T. A. Gresson and Mr B. McClelland for Hulme.

Fourteen jurors were challenged—four by Dr Haslam, five by Mr Gresson, and five by Mr Brown.

Seventeen witnesses for the Crown are expected to be heard during the trial, which will probably last most of the week. Their evidence concerns the death of Honora Parker, whose body was found at Victoria Park, on Cashmere Hills, on June 22.

The first onlookers were trying the doors of the Court at 8 a.m., and by 9 a.m. their number had grown to a couple of dozen, all women with the exception of two young men.

To avoid sightseers the girls were brought to the Court early, arriving a few minutes after 9 a.m., and the van was backed up against the doorway, through which the girls were taken into Court and upstairs to the cells.

Gathered around the entrance to the public gallery, on the Armagh Street side of the Court, the sightseers missed the girls' arrival altogether.

When the doors of the gallery were opened sixty people streamed into the three front rows. The gallery was not full.

Three of the men called for jury service this week submitted written applications for exemption, two being granted.

Parker and Hulme both replied "Not guilty" when asked to plead.

His Honor permitted Parker and Hulme to sit in the dock while the evidence was heard. A police matron sat between them.

"Most of you will have been at some time or other on the Port Hills, and some of you may possibly have been in Victoria Park," said the Crown Prosecutor, in his opening.

"This park is situated well up on the slope of the Port Hills at Cashmere, and consists of plantations of trees. On a large plateau in the park there is a building used as a residence by the caretaker, where he and his wife provide meals and teas for visitors.

"A large part of the plateau,

which is almost flat over its whole area, is laid out in lawns. Along its eastern edge, running almost to the caretaker's house and tearooms, there is a stone wall, from which the hillside slopes sharply down for a considerable distance into a wide valley.

"This steep declivity has been thickly planted, mainly with native trees and shrubs, and through these has been cut a zigzag path from a gap in the wall near the tearooms down to the bottom of the valley.

"This is a dirt track about 4ft wide, and steep in some places. About half-way down, something more than four hundred yards from its commencement near the tearooms, its grade becomes less steep for some seventy-five yards, and along this portion, where there is a small rustic bridge, the path is practically level for some five or six yards.

"This level portion of the track is the scene of the alleged crime.

"About 3.30 p.m. on the afternoon of June 22, two girls came running into the tearooms, agitated, breathless, and gasping. Please help us. Mummy has been hurt—covered with blood."

Discovery of Body Described

"A few minutes later, the body of Mrs Parker was found, her head terribly battered.

"The situation of her body and the gross injuries to her head were so unusual that the police were called, and it was quickly apparent that she had been killed by being brutally battered about the head with a brick.

"Mrs Parker had been known for years as Mrs Rieper, but for convenience I shall call her Mrs Parker.

"That evening, Pauline Parker was arrested, and next day her close friend Juliet Hulme was arrested. The evidence will make it terribly clear that these two young accused conspired together to kill the mother of one of them, and horribly carried their plan into effect.

"Most of you will have read in the newspapers, and no doubt have discussed among your friends, the story of this crime. A good deal of the evidence has already been given in the Magistrate's Court, and published widely in the newspapers, not only here but throughout New Zealand, I am given to understand, even overseas.

"The circumstances of the crime are unusual, and, indeed, unique. To say the least, it is extremely rare that two girls of the age that these two are should stand charged with murdering the mother of one of them.

"Because of the unusual circumstances, the case has been given a considerable amount of publicity, and it would be foolish to suppose that you know nothing of the evidence, and therefore you may have formed opinions upon it.

"One of my duties is to ask you to endeavour to forget all you have read or heard about this case, and it is your duty to do so. You are here to decide the case on the evidence, and on the evidence alone, that you will hear in Court.

"The dead woman was the mother of the girl Parker, and was brutally done to death; and as far as one can see she had done nothing to deserve her awful fate.

"On the other hand, the two accused girls now occupying the centre of the stage are in a very difficult and distressing position, and the result of this trial may have dire consequences for them.

"I ask you to try to forget about these matters altogether. You may pity the dead woman and be incensed against these young persons in the dock, or you may feel pity for the accused in the dreadful situation they find themselves in to-day. These things have nothing to do with this trial at all.

"Sentiment and emotionalism have no part in British justice. Your duty is to deal with the case on the facts and not allow your judgment to be swayed by feeling either for the dead woman or the two accused.

"All you are concerned about is to decide whether or not they killed the unfortunate Mrs Parker, and whether or not they intended to do so.

"The evidence will be that the two girls came to the conclusion, after much thought, that the mother of one of them, Parker, was an obstacle in their path, that she thwarted their desires, and that she should be done away with.

"They planned to murder her, and put their plan into effect by battering her over the head with a brick encased in a stocking.

Court Told About Families

"Before hearing the evidence of the killing of Mrs Parker, it is important that you should be told something about the accused and their families, and what led up to their determination to remove the mother of the girl Parker from the path of their desires.

"These facts bring into clear perspective the intention of the two to gain their ends by any means, and show that they would not stop short of murder.

"Mrs Parker was known as Mrs Rieper, having lived for more than twenty years as the wife of Mr Herbert Rieper, who, unfortunately, was unable to marry her. No one had any inkling that Mr Rieper and the woman known as his wife were not married, least of all the accused Parker, their daughter. The relationship of the father

and mother of the accused Parker was nothing whatsoever to do with the crime with which the accused are charged.

"Please put this aspect of the case completely out of your minds, and I emphasise this because there is no evidence at all that Mr Rieper and his dead 'wife,' apart from the fact that they were not legally married, were other than thoroughly good and decent people, good parents, and devoted to their children.

"Their daughter is just over 16 years of age, and about two years ago went as a pupil to Girls' High School. There she met the girl Hulme, who is just over 15½ years old, and joined Girls' High School about the same time as Parker did.

"The two girls at once became friendly, and their friendship developed rapidly into what may be called an intense devotion for each other.

So much so that their main object in life was to be together to share each other's thoughts and activities, secrets and plans, and if anyone dared to come between them that person should be forcibly removed.

"From about August of last year Dr Hulme and his wife, with their daughter, lived at Ilam, the residence of the Rector of Canterbury University College, some distance from the Rieper's home.

"The girl Parker visited there regularly and on occasions stayed for days at a time.

"At Dr Hulme's place they wandered about together, keep-

ing very much to themselves, scribbled in exercise books effusions which they called novels, spent a good deal of time in each other's beds, and made plans for their future life together.

"Mrs Parker became perturbed over their unhealthy relationship, and tried to break it up. This interference was resented by the girls, their resentment gradually growing into hatred and eventually resulting in this ghastly crime.

"Early this year, Dr Hulme, who was Rector of Canterbury College, decided to resign and return to England. Circumstances in his home were not too happy. The two girls, it was discovered, were planning to go to the United States to have their novels published, and had been trying by various means to acquire the money for their fares.

"The plan apparently was put out of their heads, and it was arranged that the girl Hulme should go with her father as far as South Africa. The girl Parker wanted to go with her, and the girl Hulme wanted Parker to accompany them.

"Both girls were determined not to be parted, and both knew that Mrs Parker would object to their going away together.

"They decided that the best way to end Mrs Parker's objections was to kill her in such a manner as to make her death appear to be an accident.

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Murder Trial

Mother Cross-examined

Mrs Hulme said that when Juliet and Pauline first became friends Pauline's mother was pleased about the association. She and Dr Hulme were anxious about defects in Juliet's personality before these events.

On their return from overseas last year Juliet seemed restless unless Pauline was going to see her.

While they were away they received only two or three very small letters at first, and then nothing until there was a small note after many appeals from Mrs Hulme.

On the night of June 22, Juliet was in a state of collapse. She refused to talk about the accident and wanted to talk about anything else.

When it was time to go to sleep, Juliet insisted on reciting all her favourite poems, and did this until she was too sleepy to do it any more. She did not seem to grasp the reality of the situation at all.

Questions

Mr Gresson: Have you seen Juliet since?—Yes. I have seen her several times.

Does she seem to grip the reality of the situation to-day?—I would say definitely not.

Did you at any stage say anything to encourage Parker to think she could accompany Juliet overseas?—No. I told her that before she could travel, she must be educated to support herself and have her parents' consent. We could take no responsibility for her.

And as for the trip to America?—I told them it was quite impracticable.

How did she behave at Ilam?—She said that she was unhappy at home. She said that her mother did not understand her or love her. She said that she was happier with us than she had ever been.

"Often, after she had related a quarrel between her mother and her, she was very upset, and Juliet would also be upset to the point of quarrelling," said Mrs Hulme.

To Ilam

"When we encouraged her to come to Ilam, we thought she came with her mother's consent.

"Pauline gave me to understand quite clearly that her mother often subjected her to severe corporal punishment," said Mrs Hulme.

When the girls returned from Victoria Park, their version was that it was an accident. In the early stages she and Dr Hulme definitely thought that was so.

Mr Gresson: It was in the middle of 1952 that Juliet and Pauline struck up this friendship?—Yes.

In the latter part of the year they went off for an excursion into the country on their bicycles?—Yes.

When they returned they were without some of their outer clothing?—They had left their windbreakers behind, and had to go back with Dr Hulme to try and locate them.

Did the friendship become much closer from that date?—It certainly became very important to both of them from that date.

From Bench

His Honor: Did it appear so in relation to that incident?—It was about that time that we realised that unless they could make an appointment to see each other at regular intervals they were distressed.

Mr Gresson: You have seen Juliet's correspondence with Parker?—Yes.

It seems that their affection was intensified after Juliet was in the Sanatorium?—Yes.

They wrote to each other in the characters in their books?—Yes.

Juliet writes first as Charles II, Emperor of Borovnia, and then as his mistress Deborah, who has a son to the Emperor?—Yes.

And she also writes as some of the minor characters?—Yes.

Pauline writes as Lancelot Trelawney, a soldier of fortune, who weds the Empress of Volumnia and becomes Emperor and as their daughter Mariote?—Yes.

Writings

At first their writings were merely extravagant grandiosities, but later murder, suicide, sudden death, imprisonment, and bloodshed entered to a disproportionate degree?—Yes.

To Dr Haslam, Mrs Hulme said that Ilam was a big, old-fashioned house in spacious grounds planted in shrubberies.

Rightly or wrongly, Pauline managed to convey the impression that she was not happy in her own home. She was certainly happy at Ilam.

The Riepers and the Hulmes were both concerned about the relationship between the two girls.

The two girls did a certain amount of acting and dressing up together. If they were not together they tried to communicate with each other by telephone. Their literary efforts were also a joint effort as far as one could see, and they were full of admiration for each other's talents in that direction.

Asked by Dr Haslam about a diary reference to a "temple," Mrs Hulme said she knew they had a secret place in the garden, but they kept it well to themselves. She had no idea it had such peculiar significance.

Asked about a reference in the 1954 diary to the girls getting round together at night, Mrs Hulme said this was without her knowledge.

"The reference of April 23 in Pauline Parker's diary to an incident in a bedroom, said Mrs Hulme, was to an occasion when Mr Perry was taken ill. He had been unwell for about a fortnight suffering severe pain.

"That night, I heard a noise, and wondered if all was well. I got up, put on my dressing gown, and went through the dividing door to his flat and called him.

"He was in obvious pain. I went downstairs and made a cup of tea, and took it up to him, together with one for myself.

"He was in his dressing gown, and I, in mine.

"While we were having this cup of tea, I heard the dividing doors open.

Called

"I called out 'Does anyone want me?' thinking that one of the children might want me.

"There was no answer, but Juliet, in her bare feet, appeared at the door. The door was open—there was no latch on it—and the light was on.

"I asked, 'Do you want me, darling?' and she replied, 'So you are here.'

"I asked her to come in and have a cup of tea, and she did. Mr Perry, who was feeling better, got her a cup and saucer.

"Juliet seemed to be amused at a secret joke of her own, and when I asked her what it was she replied, 'Oh, the balloon has gone up.'

"When I asked her to explain, she replied, 'I was hoping to catch you out.'

Questioned

"I had no idea what she was referring to. Mr Perry also questioned her.

"I felt that Juliet was behaving badly, and that her sense of humour was in bad taste. I remember her saying to Mr Perry 'Pauline and I had hoped to get £100.'

"I took her back to her room and stayed with her about half an hour until she was ready to go to sleep again.

"It was only when I read Pauline's diary recently that I had any idea of the significance of that incident."

Reference

Did you know that in the diary next day there was a reference to Dr Hulme telling them to take no notice of the incident?—That is so.

Mrs Hulme said there was also reference in the diary to Dr Hulme telling the girls that he and Mrs Hulme might be likely to part, and the future was uncertain. She understood that Dr Hulme had told them that.

Re-examined by Mr Brown, Mrs Hulme said Juliet was not allowed to play-act when in the family circle, but when alone or with Pauline or her brother she entered so completely the atmosphere of her characters that it was difficult very often to make contact with her as "our Juliet."

Were there occasions when she would join in the family circle?—Oh, yes.

So she was not in the realm of fantasy all the time?—No, but she did resent being brought back to the family circle.

Her Horse

Juliet was not well enough to spend much time with her horse, but her affection seemed to wane. Later she was with the horse once a week rather than once a day.

She went once or twice a week to the pictures, depending on her health, and liked going. She later talked about the pictures.

Juliet was fond of a family dog; a spaniel, said Mrs Hulme.

Juliet would play with her brother, Jonathan, when persuaded by her (Mrs Hulme) to do so.

There is a diary reference to a trip to Port Levy on June 15?—I went there for the day.

Did your daughter go?—No, I don't think so.

Mr Brown referred to further entries in the diary, and Mrs Hulme agreed that Juliet liked music.

Mrs Hulme said the children definitely did not go to Port Levy.

Why then does the girl Parker write about her and Juliet being at Port Levy?—So much I read



Mr A. W. Brown, the Crown Prosecutor, arriving at the Supreme Court to-day for the resumption of the trial.

In the 1954 diary is incorrect. This is just one of the incorrect statements. The children had both been at Port Levy the previous year, and Pauline may have been thinking back to that visit.

Mr Brown: Of their activities you know of, were they correctly described in the diary?—They were recorded in a very distorted and untruthful way.

Referring to an entry in Pauline Parker's diary for June 15, Mrs Hulme said that the girls had quite definitely not been to Port Levy on that date, as stated in the diary.

Mr Brown then read the entry in Pauline Parker's diary about the incident of the night of April 23, as follows:

"This afternoon I played Tosca and wrote before ringing Deborah. Then she told me the stupendous news. Last night she woke at two o'clock and for some reason went into her mother's room. It was empty so she went downstairs to look for her."

"Deborah could not find her so she crept as stealthily as she could into Mr Perry's flat and stole upstairs. She heard voices from inside his bedroom and she stayed outside for a little while, then she opened the door and switched the light on in one movement."

"Mr Perry and Mrs Hulme were in bed drinking tea. Deborah felt an hysterical tendency to giggle."

"She said: 'Hello'. She was shaking with emotion and shock although she had known what she would find."

"They goggled at her for a minute and her mother said: 'I suppose you want an explanation.' Yes, Deborah replied, 'I do.' Well, you see we are in love," her mother explained. Deborah was wonderful. "But I know THAT," she exclaimed, her voice seeming to belong to some one else. Her mother explained that Dr Hulme knew all about it, and that they intended to live as a threesome. Anyway, Deborah went as far as telling about our desire to go to America in six months, though she could not explain the reason of course."

Comments

"Mr Perry gave her £100 to get permits. Everyone is being frightfully decent about everything and I feel wildly happy and rather queer."

"I have . . . my second chapter to-night and — actually proposed to me. I am going out to Ilam to-morrow, as we have so much to talk over."

"That is entirely untrue," said Mrs Hulme. "There was no question of money. The opening of the door and the switching on of the light are quite impossible."

Mr Brown: The entry for April 24 states that Pauline biked to Ilam and found Juliet in bed. Dr Hulme asked them into the lounge with him as he wanted to talk to them. The diary states:

"He said we must tell him everything about going to America. So we told him as much as we wanted. He was both 'hope giving' and depressing. Dr and Mrs Hulme are going to divorce. The shock is too great to have penetrated my mind yet. It is so incredible. Mrs Hulme was sweet and Dr Hulme absolutely kind and understanding."

"But one thing. Deborah and I are sticking together through everything. We sink or swim together."

Trip Abroad

"Was it the night before that you had first learned of this projected trip to America?" Mr Brown asked.

Mrs Hulme: No. We had heard some days before.

Mr Brown: Had you told Dr Hulme of the incident of the night before?—Yes. "Dr and Mrs Hulme are going to divorce." Was that so?—Do I have to answer that?

Mr Gresson: Mrs Hulme has already said that the future of her marriage was uncertain.

Mr Brown: Was it so at that date?—It was under discussion but what Dr Hulme said to the girls I do not know.

Mr Brown: Why should Dr Hulme have talked to the girls about divorce?—Because of the incident in Mr Perry's bedroom the night before.

Prior to reading the diary, did you know of their interest in shoplifting?—No.

Did you have any thought that your daughter needed medical attention for her brain?—We had discussed it. Dr Hulme and I, with medical friends who understood children and our concern over her emotional development.

"We had at one time wondered if it would be wise to have her psycho-analysed, but were advised it would be unwise at such an early age, and were told we were doing all that could be done to help her."

Have you ever called any experts in?—Not professionally but privately.

Would you say who they were?—I would rather not mention names.

"These people, who knew Juliet intimately, said that Juliet was highly emotional and would be a responsibility until she developed and acquired a less intense attitude to living," said Mrs Hulme. "She was always difficult to discipline, and resented discipline."

Mr Brown: Did you have any reason to suspect that your daughter was insane?—No.

Re-examined

Mr Gresson was granted leave to re-examine.

Mr Brown said that he had been careful to ensure that all the questions he asked arose out of those of defence counsel.

"One of the friends with whom you discussed Juliet, was a doctor of medicine and the other a doctor of psychology, were they not?" Mr Gresson asked.

"Yes."

Mr Gresson: You have not had an opportunity of perusing Parker's 1953 diary?—No.

You and Dr Hulme did not know of an incident at Port Levy on April 3, 1953, to which Parker and your daughter appeared to attach great significance?—No.

They kept it a secret?—Yes. Mr Brown asked Mrs Hulme whether the girls liked going to Port Levy.

She replied that they enjoyed it very much.

FRIEND OF THE HULME FAMILY

Walter Andrew Bowman Perry, an engineer employed by a London firm, said he had a flat in Church Lane. He arrived in Christchurch on July 22, 1952, being on an assignment. He went to Ilam at Christmas, 1953, as a guest of Dr Hulme. He had his own flat, and had a house-keeper until about the middle of April.

He, Dr Hulme, and Mrs Hulme were very friendly. Pauline Parker was a constant visitor. She was a close friend of Juliet Hulme's.

When the girl Parker went to Ilam, she and Juliet kept close together. Juliet's health was indifferent, and she spent some time in bed. Pauline was often with her.

When Pauline left the house there was a pronounced change in Juliet's demeanour. Juliet became very dependent on her mother. She liked her mother to listen to Juliet's interests, and take an interest in what she had been doing in her novel writing. There was a great deal of writing.

He had heard that they played acted together, Perry said. He did not see any of this.

He had examined the first novel by Juliet. It was innocent, adventurous, and the sort of



Dr A. L. Haslam, who with Mr J. A. Wicks, is representing Pauline Yvonne Parker.

thing he would expect a teenager to write. It reminded him of Anthony Hope's "Prisoner of Zenda."

Had Horse

Juliet had a horse when he went to Ilam. He owned the horse now. He paid £50 to Juliet's father for the horse.

He knew of the plan of the girls to go to America. He learned that Dr Hulme was leaving New Zealand. The crisis at the university which caused Dr Hulme's resignation decided Dr Hulme to leave New Zealand. He knew Juliet was to go with Dr Hulme.

Juliet asked him if he knew what the fare would be to South Africa. He said he thought the fare by air would be about £150. She replied: "Oh, good. We've got nearly £100 now."

This was three or four weeks before June 22.

He remembered that on Monday, June 21, Juliet said to her mother that Pauline had telephoned and invited her to a picnic with Pauline's mother. She sought permission to go.

Perry said he was in the house the next day when Juliet was about to leave. She seemed very gay, but otherwise normal. She was wearing a new skirt, and she asked if her mother liked her in it. She was a girl who took an interest in her appearance.

Later that day Mrs Hulme called to him. Dr and Mrs Hulme told him there had been an accident. The girls had seen Mrs Rieper fall on some rocks at Victoria Park, and she was badly injured. The girls were then being given a bath.

Mrs Hulme asked him about treatment for shock. He took some tea upstairs. Mrs Hulme was in the bathroom with the girls. There was some clothing outside. It was covered with blood. He did not think it would be a good thing for shock if the girls saw the bloodstained clothing, so he took it straight to the cleaners without seeing the girls.

When he returned Pauline Parker was very quiet and almost in a coma.

Juliet was flushed, perspiring, and extremely animated, said Perry. The alleged accident was not discussed. He gave them a sedative to get them to sleep as soon as possible. He told the police later where he had taken the garments. They were, as far as he knew, in the condition in which he took them to the cleaners.

Mr Brown: When did you know that this was a case for the police?—We heard that the police had arrived at Victoria Park.

Did you discuss it?—With Dr and Mrs Hulme, yes.

To Bedroom

He then went to Pauline's bedroom and said that he was sorry, but they would have to talk about the accident as the police were inquiring.

"She said that her mother had fallen and hit her head on a stone," said Perry. "She told me that her mother had hit her head repeatedly on the stone, and demonstrated how she did it. I asked her what the stone was like and she said she thought it was half a brick. When I asked her if her mother had had a fit, she said she did not know. She became very distressed."

"I asked her if she had quarrelled with her mother and had been defending herself from a blow, but she replied: Oh no. My mother has never hit me."

"They had tried to pick her mother up, Pauline said, but had dropped her, and thought they might have hurt her more than."

"They felt for heart beats but could not feel any, so they ran for help to the kiosk, she told me."

Dr Hulme had asked him to be present when the police interviewed the girls, said Perry.

"Generally what account did the girl Hulme give of the accident?" asked Mr Brown.

'Similar'

"A very similar one to that given by Pauline," replied Perry.

He felt there was more that could be told, and asked to be left alone with Juliet. Detectives had told him some more details of the tragedy, and Senior-Detective Brown had told him that murder was suspected.

Left alone with Juliet, he said she must tell the truth. It could not have been an accident, and there was far more to it and she broke down, and after a few minutes she told him the story told later to Detective-Sergeant Tate. Then he got the detectives to go back into the room.

He was present when the first statement was taken by Detective - Sergeant Tate, Perry said. He was not present when Parker's statement was made.

He was in Hulme's house the next morning when the detective returned. He was present when Senior-Detective Brown saw Juliet in her bedroom. Mr Brown told her that the information he had received was that Juliet was present when the alleged accident occurred. She had said in her statement the previous night that she was not present.

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Mother Away

Senior-Detective Brown said she need not speak if she did not want to, and she said she preferred not to say anything just then.

Mrs Hulme was away at the time, and after a discussion, the detective agreed to wait until Mrs Hulme's return, Perry said. He then had another talk with Juliet, and she told him the story that was given in her second statement to the police later that day.

Mr Brown: Did you gather from Juliet that the affair had been planned?—No. I did not gather that.

Were you present when Juliet made a second statement to Detective-Sergeant Tate?—Yes. She said it was correct?—Yes.

Have you read the diaries of Pauline Parker?—Yes.

You were in Court when Mrs Hulme was asked about certain entries and heard me read the extracts for April 23 and 24—the time Mrs Hulme came to your room and gave you tea?—Yes.

You heard Mrs Hulme's version?—Yes.

Which version is correct?—Mrs Hulme's. I was admitted to hospital the next week.

Apart from the £50 for the horse, have you ever given Juliet any substantial sum of money?—No.

Had you any reason to think Juliet might try to blackmail you?—She discussed blackmailing me that night, in my flat.

When Mr Brown quoted further from Pauline Parker's diary, Perry agreed that it was in May that he went into hospital.

Mr Brown: On the date you were admitted, the diary entry states: "I hope he does not die. That would spoil everything." What does that mean?—I knew they were trying to catch me.

To Mr Gresson, Perry said the incident of April 23 was so insignificant he could not remember the date at all.

There was nothing improper in it. At no time was there any deception of Dr Hulme about the matter.

Mr Gresson: Before that incident, had you told Dr Hulme that you and Mrs Hulme were falling in love with one another?

Perry: Yes, sir.

Mr Gresson: Has there at any time been any deception of Dr Hulme on that matter?—On the contrary.

The correspondence between Juliet and Pauline intensified after Juliet's stay at the Sanatorium in 1953, Perry said. He had perused the correspondence.

In the later stages he found it becoming more amoral and sinister. It seemed to him the girls were vying with one another to see who could create the most bloodshed and sudden death. Practically every letter contained a suicide or an assassination.

Re-examined by Mr Brown, Perry said the story of the Emperor of Borovnia was a correspondence between several characters which formed a story, but it was not related in any way to any story either was writing.

For example, Charles II—a part of Juliet's playing—started off as the second son of the Emperor of Borovnia. He led an insurrection, and took the throne, having already acquired as mistress Deborah, whom she now elevated to the rank of Empress, with an illegal son as heir.

The plot was a series of plots, and was confused, Perry said. It was a childish but imaginative group of letters.

Detectives

Sergeant-Detective Macdonald Brown said that about 5 p.m. on Tuesday, June 22, he received a message at the detective office from Sergeant Hope. Detective-Sergeant Tate and Detective Gillies were sent to Victoria Park.

After a message shortly after 6 p.m., he went with Detective McKenzie to the park, where he inspected the body and the surroundings.

The police were informed that the girls had been taken to Ilam. At the tea kiosk, he interviewed Rieper, who gave him permission to interview his daughter.

On arrival at Ilam he had a brief discussion with Dr and Mrs Hulme and Perry, and went upstairs to the room where the girl Parker was in bed.

"She told us that she and her mother and the girl Hulme had been to Victoria Park. After afternoon tea at the kiosk, they walked down the path to the end of it and were returning. The girl Hulme was leading, she came next, and her mother followed about a foot behind her. Her mother seemed to slip and fall, and her head seemed to toss up and down hitting the stones. She added, 'I saw half a brick there.' Her mother made some sounds, but she did not know what her mother said."

Ran to Kiosk

"They then ran to the kiosk, she said, and told the people there that her mother was dead. Detective-Sergeant Tate asked: 'How did you know she was dead?' and she replied: 'The blood. There was a lot of it.'"

"When I asked her if she saw a stocking there, she seemed to be taken aback. Then she said: 'We did not take mother's stockings, off. I was wearing sockettes.'"

"Then she added: 'I had a stocking with me in my bag. We wiped the blood with it.'"

Before the interview with Juliet, he had had a talk with Dr Hulme. After hearing the girl's story he asked her: "Are you telling the truth? We have reason to believe you were not present when the fatality occurred."

"She seemed to hesitate, and Mr Perry said: 'Would you men mind if I had a talk with her on my own?' We thought this was

a good suggestion, and we left the room," Senior-Detective Brown said.

"Later she gave a statement to Detective-Sergeant Tate.

"We went to the girl Parker's room, and I said: 'We have reason to believe Deborah was not with you when the fatality occurred.' She was taken aback.

"I then said to her: 'You are suspected of having murdered your mother. You need not say anything, as anything you might say may be taken down in writing and used as evidence.'"

"She did not reply. I then asked her to tell what had happened. Parker said: 'No, you ask me questions.'"

Read Again

Senior-Detective Brown then read a statement alleged to have been made by Parker in the form of questions and answers.

This statement was read by the Crown Prosecutor on the first day of the trial yesterday. Senior-Detective Brown said that the girl Parker was then taken into custody.

As they were leaving the house, he asked her where she had got the brick and Mrs Hulme said: "She did not get it here. She brought it with her."

Later that night they searched the girl Parker's room at her home. They took possession of fourteen exercise books, a scrapbook, and a diary, Senior-Sergeant Brown said.

The books, including the diary, were lying on the furniture, not hidden in any way, said Senior-Detective Brown.

Next day, he went to Ilam, where, after a discussion with Dr Hulme and Perry, he was taken up to see Juliet Hulme in her bedroom. He told her that he had reason to believe that she was present when Mrs Parker had been killed.

Juliet Hulme was anxious to know what the girl Parker had said. He told her that Pauline Parker had said that if the two were allowed to get together and discuss it, Juliet Hulme would say anything she said.

Detective-Sergeant Archie Brian Tate said that at 5 p.m. on June 22 he went with Detective Gillies and Constable Griffiths, of the Women's Division,



Detective-Sergeant A. B. Tate.

to Victoria Park, where Sergeant Hope led him to the spot where the body was lying. He could see nothing consistent with the death having resulted from an accident.

Near the head, the half brick produced was lying. About 4ft away, on the bank, a woman's stocking was lying. It was blood-stained, and knotted near the ankle.

Detective-Sergeant Tate said that on the upper bank, level with the feet of the body, there was a patch of blood where a blood-covered object had apparently rested and had been taken away again.

He made a search, but there were no marks that would indicate that Mrs Parker's body had been dragged to where it was found. There was no sign in the trees above the path of Mrs Parker having fallen. The bridge was about 15ft from the body.

(Proceeding).

24th August, 1954 Star Sun p.12

Supreme Court Trial Witnesses Tell of Finding Body

CONTINUING his evidence in the Supreme Court late yesterday afternoon, in the case in which Pauline Yvonne Parker, aged 18, and Juliet Marion Hulme, aged 15 years and 10 months, are charged with murdering, on June 22, Honora Mary Parker, mother of the first accused, Kenneth Nelson Ritchie, caretaker at Victoria Park, said he saw the brick and the stocking shown in the photographs.

He left McIlroy with the body, and returned to the tearooms where he rang the police. The ambulance arrived as he reached the top of the path.

The two accused were both in the tearooms. Parker was quiet, and the other girl was very agitated.

The ambulance driver went down the track with the police to the body. Dr Hulme had already arrived and took the girls away. Before he left he gave his address to an ambulance man.

Mr Mahon: What is the path like where the body was found?

Ritchie: It is fairly level. There is just a slight slope.

Are there any rocks there?—No, there are no rocks handy.

On a week day would the place where the body was found be a secluded spot?—Yes.

To Mr Gresson, Ritchie said Hulme was excited, but not hysterical when he first saw her.

Mr Gresson: From some yards back you could see at a glance that the woman had not been in an accident?—Not from some yards back. I could not see her head.

From the moment you saw her head you could see she had not been in an accident?—That's right.

Eric Gordon McIlroy, a labourer, employed by the Christchurch City Council, who worked at Victoria Park, said that he

was burning some rubbish on the opposite side of the tearooms from the plantation when Ritchie was called by a customer.

Accompanying Ritchie down the track, he saw the body of a woman lying on her back on the track. Her head was severely injured and she appeared to be dead.

Harold Ernest Keys, of 9, Gordon Avenue, St Albans, a St John Ambulance driver, said he received a call about 3.30 p.m. on June 22, that there had been an accident. He went to Victoria Park.

He ascertained the police had been called, and went down the track to look at the body.

"We were told at the tearooms that there had been an accidental fall. We decided not to shift the body until the police arrived," Mr Keys.

The woman had suffered very severe injuries to the head, Mr Keys said. There was part of a brick by the body, and also the woman's personal effects. He left his assistant by the body and returned to the tearooms. Dr Hulme was there, and Dr Hulme gave him his name and address.

He took Dr Walker and Sergeant Hope down to the body.

Called to Victoria Park at 3.55 p.m. on June 22, he was met by Ritchie and an ambulance driver, said Dr Donald Walker.

Having heard from them that as a result of an accident, some



Mr K. N. Ritchie

one was dead, he decided to wait for the police.

When Sergeant Hope and a constable arrived, he accompanied them down the track to where a body was lying.

It was the body of a middle-aged woman, lying on her back on the path, with her head down hill. One of her shoes was off. Various articles were lying around her. Her head was very severely injured, and a stream of blood had flowed down hill and congealed.

Her lower denture was lying near her jaw. Her stockings were mud stained, with perhaps some blood stains. Both arms were mud stained and blood stained.

A half brick was lying near her head.

There was no blood on the path a few yards in either direction. It had been suggested to him that she had been injured by a fall, but he looked carefully, and could see nothing that would account for her death in this way.

He saw a stocking lying in the position shown in the photograph. The dead woman had both stockings on.

Called to Park

Star Seen 23rd Aug. P.1.

Sergeant Robert William Hope said he received a message at the Central Police Station on June 22 from Mrs Ritchie that there had been an accident and a woman had been injured. That was at 3.50 p.m. He and Constable Molyneux went to Victoria Park, arriving there at 4.20 p.m.

He and Constable Molyneux were taken to the body by McIlroy and the ambulance driver. He could see as soon as he went to the upper end of the body that the head was very severely injured.

The woman's right shoe was alongside the foot, the gloves were just to the right of the right knee, and there were a handbag, a hat and a pullover beside the right elbow.

Half a brick was lying fifteen inches to the right of the head, said Sergeant Hope. A woman's pale stocking was found on the bank.

Dr Walker examined the body in his presence, and, as a result of that and his own observations, he instructed Constable Molyneux to let nobody approach the body. He then went back to the tearooms, and waited there until other police arrived about 5.15 p.m. He took Detective-Sergeant Tate, Detective Gillies, and Constable Griffiths, of the women police, down the track to the body.

Robert Rieper, a company manager, of 31, Gloucester Street, said that before June 22 he lived at that address with the dead woman and children. He lived with the woman for twenty-three years. He was not married to her, but they were known as Mr and Mrs Rieper.

There were three children born to them, and Pauline was the second. She was a normal child. She suffered osteomyelitis, and spent her fifth birthday in hospital. Her leg discharged for two years after that.

The doctor's opinion was that it was not advisable for her to

go in for sport, but she did some modelling in plasticine and wood, and was fairly good at it. She went to Girls' High School when she was about fourteen.

"How were your relations up to that time?" Mr Brown asked.

"We were very good friends." And with her mother?—They were the same.

Did you ever see any signs that your daughter was abnormal in any way?—No, never.

Friendship

When his daughter went to Girls' High School, she formed a friendship with the girl Hulme, which became very intense.

The effect was to cut her parents out of her life.

At Mrs Parker's request, Dr Hulme had called at his house on one occasion to discuss their daughter's friendship with her daughter. As a result, his daughter was taken to see Dr F. O. Bennett.

During 1953, his daughter had a horse. She did not tell him until three months after. He agreed very willingly to her retaining the horse, because he thought it might make the friendship with the girl Hulme less intense. However, after a time she lost interest in the horse, and the friendship with Hulme became more intense than ever.

Pauline went to Ilam to visit the girl Hulme on occasions, and sometimes stayed there.

His daughter took up writing, and it interfered with her school work towards the finish. It was agreed between her mother and Pauline that she should leave school. It was arranged that she should go to Digby's.

About Easter, Mrs Parker again got in touch with Dr Hulme about the girls' association, and he told her that he would be leaving New Zealand in about

three weeks' time, and would take Juliet with him.

They were very pleased about this, as it would mean the breaking of the association, and Mrs Parker agreed to let Pauline see as much as she wanted of Juliet until the latter left.

Pauline stayed at Ilam from Friday, June 12 until the afternoon of Sunday, June 20, when he brought her home, said Rieper.

That evening Pauline sat in front of the fire writing an opera.

She was much more friendly and talkative than she had been for some time.

Next day, when he came home, his wife was very pleased with Pauline. She spoke about what bright company Pauline had been, and how much work they had got through.

'Very Bright'

He was home at lunch-time on June 22. He was in the garden, and when he went in to lunch Juliet Hulme was there. The lunch was very bright indeed. The two accused were very happy, and were laughing and joking. Nothing was said about the proposed trip.

He was in and out of the shop once or twice in the afternoon, and on one occasion there was a message from Victoria Park. When he reached there, the two accused had gone.

"Before this, did you feel there was any need for medical attention to Pauline as far as her brain was concerned," asked Mr Brown.

"She had treated me with disdain, and all that, but apart from that—No," replied Rieper.

The book produced was a diary that he gave Pauline last Christmas, said Rieper. The writing in it was his daughter's.

To Dr Haslam, Rieper said that his daughter was 16 last May. At school she was quite a normal little girl.

Had Operations

During the period when she had osteomyelitis, she underwent several operations?—Yes.

That involved considerable pain?—Yes.

And the doctor advised that she should not play games in case she might damage her limbs?—No violent games.

After she met Juliet Hulme, Juliet seemed to have almost no other friends. Sometimes, though not often, he saw her with other girls. Juliet Hulme seemed to be her chief preoccupation.

She began to treat her parents with disdain, said Rieper. She became moody, and easily moved to anger, and kept her thoughts very much to herself.

He identified a diary for 1953 produced by Dr Haslam as his daughter's handwriting.

"We had never looked at her diary; we did not think it was honourable to do so," Rieper said.

His daughter did not play games at school

To Doctor

Dr Haslam: Was it on the suggestion of Dr Hulme that your daughter was taken to Dr Bennett?—Yes.

You had been worried about the friendship?—Yes.

You thought the doctor might be able to give some advice on the matter?—Not so much that as the fact that she had lost a lot of weight.

During 1954 she was visiting Ilam rather frequently?—Yes.

Did she tell you what she had been doing at Ilam?—Never.

Did she seem happy after visits there?—She never spoke. She went straight to her room and kept to herself.

On the Sunday before the tragedy you kicked her up at Ilam and during the afternoon she seemed much happier and more friendly?—Yes.

Did you go out to Templeton that afternoon?—Yes.

That is where Rosemary, aged about 5, a sister of the accused, is at the Templeton Farm School?—Yes.

She has unfortunately been classed as a mongoloid child?—Yes.

You and Mrs Rieper lost a "blue baby"?—Yes.

To Mr Gresson, Rieper said that his wife and daughter used to visit Juliet Hulme in the sanatorium.

It was after that that there was a great increase in the amount of writing your daughter did?—Yes.

She spent, literally, hours writing?—Yes.

You did not know what she was writing?—No.

But it seemed to have been of absorbing interest to her?—Yes.

After the girl Hulme came out of the sanatorium your daughter went to stay at Ilam?—Yes.

You did not know what she did there?—No.

The visits appeared to be very important to your daughter?—Yes.

When she was not visiting Ilam, she had long telephone conversations with Juliet Hulme?—Yes.

How long were these conversations?—They used to last until we told her that she had to clear the line.

Re-examined, Rieper said that apart from her interest in Juliet Hulme, she also used to model in plasticine sometimes.

There is mention in her diary of choosing material for a dress. She calls it "divine," apparently she maintained an interest in clothes?—Only after she got friendly with Juliet Hulme. Before that, she was not much interested in clothes.

Was she interested in boys?—Very little. Only once, for a short time.

There is a reference here in the diary to one Nicholas. She says "I feel well disposed towards him."—He stayed with us for a while. We sent him away.

Dr Colin Thomas Bushby Pearson, a pathologist, said that on June 22 he examined the body of the dead woman, then lying on the path at Victoria Park.

The next day he made a post-mortem examination. He concluded that the cause of death was shock associated with multiple injuries to the head and fractures of the skull. He produced his detailed report (Exhibit I).

In this report he listed a total of forty-five discernible injuries.

The lacerated wounds in her head could have been inflicted with a blunt instrument. It would have had to be wielded with considerable force.

The crushing fractures of the skull indicated that the woman's head was immobile on the ground when the blows were struck.

If the half brick produced was contained in a stocking, it would be capable of inflicting the wounds.

The bruises on the neck indicated that the woman had been forcibly held by the throat, but there was no suggestion of throttling.

The brick (exhibit J) showed bloodstains. The foot of a stocking (exhibit L) had hairs on it which were the same in texture as those taken from the head of the dead woman.

CROWN REBUTS OPINIONS ABOUT GIRLS' INSANITY

Trial of Teenagers Facing Murder Charge Continues

PAULINE YVONNE PARKER, aged 16, and Juliet Marion Hulme, aged 15 years 10 months, were both sane, said Dr Kenneth Robert Stallworthy, a psychiatrist from Auckland, in the Supreme Court to-day.

Dr Stallworthy was the first of three psychiatrists to be called by the Crown in rebuttal of the defence evidence regarding the accuseds' insanity.

They are being tried in the Supreme Court before Mr Justice Adams and a jury on a charge of murdering Parker's mother, Honora Mary Parker, on June 22.

The trial to-day entered the fifth day. The last defence witness, Dr Francis Oswald Bennett, a Christchurch physician, who considered the girls were insane, spent more than five hours in the witness-box.

Mr A. W. Brown and Mr P. T. Mahon are appearing for the Crown. Dr A. L. Haslam and Mr J. A. Wicks are representing Parker, and Mr T. A. Gresson and Mr B. McClelland are appearing for Hulme.

Once again there was a stampede for the best seats when the doors of the public gallery upstairs were opened shortly before the sitting began.

At least a hundred members of the public were in the Court, and once again several of them had waited a considerable time at the doors.

There were more men than usual, and in the front row of the upstairs gallery ten men and ten women were sitting.

Continuing his cross-examination of Dr Bennett, Mr Brown asked why the poem, "The Ones That I Worship," was selected from all the others.

Dr Bennett: Because, more than any other, it illustrates the extraordinary mood of the authors.

Have the first two lines, "There are living among two beautiful daughters of a man who possesses two beautiful daughters," anything to suggest that it applies to these two girls? They are not beautiful

sisters, are they?—It is poetical licence.

It is the only grandiose poem in the diary?—Yes.

Do you know these lines:

*Not marble nor the gilded monuments
Of princes shall outlive this powerful line*

That is full of grandeur, isn't it?—It's impossible to comment on a poetical line out of its context.

Mr Brown: But it is the writer's poem?—Yes. I presume so.

Did he not consider his poem would outlive marble?—Yes. May I ask, have you ever heard of the "immortal" Shakespeare?

Mr Brown: I have read quite a lot of him. In fact that is from Shakespeare. Shakespeare wrote a lot of tragedies full of murder. Would you call him a genius?—Yes.

Have you read "The Rape of Lucrece"?—Yes.

That is full of sex?—It is the story of the expulsion of the Tarquins from Rome.

The Tarquins were expelled because of their sexual activities?—Yes.

That poem is full of sex?—Yes.

The girls wrote a lot about sex?—Yes.

They read and wrote about tragedy, play-acted, and enacted a real killing?—Yes.

They wrote poems that suggested they thought a lot about themselves?—Yes.

Their ideas that they were geniuses had some foundation in fact?—They had a little foundation.

You said earlier they had no friends of their own age?—I am not going to pretend you cannot find an occasional friend.

But they did have some?—They had an extraordinarily small circle.

Why did you say they had no friends of their own age?—It depends on what you mean by friends. I am thinking of a real pal.

Mr Brown: What about Nicholas?—Nicholas was a mere trophy, not a real friend. And actually, when I said they had no friends, I was speaking of their state a short time before the murder. At that time Nicholas had been utterly rejected. I am trying to give the Court a general impression of the mental processes of these girls. I did not subject it to any time analysis.

Mr Brown: But it is important to give the jury a correct impression?—Which I think I have done.

But when in your evidence you said that they had no friends of their own age, you did not say that you were referring only to the period shortly before the murder?—Perhaps I made that omission.

That could give a wrong impression?—I would doubt it.

Belief in Hereafter

One of your other points was that they believed in survival after death. Is that an insane belief?—No.

And their belief that all people go to heaven or paradise?—A most unusual one.

Why?—Because they have little to go on except in their minds.

Do not many people in the world believe in that?—This is different. In private conversation the girls regard them as two planets—heaven and paradise.

Two or Three

Do not many famous people think there are two or three places in after life? Are they mad?—No. They don't call them heaven and paradise.

They call them heaven and purgatory?—Yes.

They are not mad in thinking there are two?—It is part of a number of things they did, including the murder of their mother.

That in itself is not insane?—No.

One expressed the view that the Bible was bunkum. Many

have expressed that view, have they not? Were they insane?—I am not aware of any who have made that comment at the age of 16.

But grown-ups have?—Yes. But they were sane?—Some might have been.

That line could have been said by a perfectly sane person?—Yes.

What is the reason for the reference to the game of monopoly?—To show their complete lack of fairness, honesty, sportsmanship, or decency towards a small boy; in brief, cheating.

But you had evidence of all those traits in the murder itself?—Yes, but this emphasizes it.

You have known young people cheat at cards?—No. I have not. Possibly they do.

All they did was pass bits of paper under the table when one went "broke." Haven't dozens of young people playing monopoly done that? Are they depraved?—Verging that way.

You say that it showed their contempt for the moral code. Aren't those strong words to use of a little bit of cheating in a game of cards by a 16-year-old

girl?—It shows how lightly they regarded deceit, and how little compunction they had. You have not read the concluding sentence in that entry: "It was really screamingly funny."

Mr Brown: Wasn't it?—No. It was dirty.

You know that they are deceitful, liars, thieves, potential blackmailers?—Yes.

They have a number of characteristics of very bad criminals?—Yes. They were not good girls.

Not Degree

That is rather an understatement, isn't it?—It does not express degree. It is simply a statement of fact.

Asked to explain his opinions, Dr Bennett said that a doctor was trying to make a diagnosis. He had before him a number of findings, signs, symptoms and facts. None of them finally proved the diagnosis. The doctor wanted some further information, and it might come in the form of something that completely conflicted with his theory, or it might completely confirm it.

Traversed at Length

In this case here was a mass of evidence that had been traversed at great length, and then there was the matter of murder. To him that was the final little thing that confirmed the diagnosis of insanity. That was what he meant when he said the murder proved the diagnosis.

Mr Brown: The notes of your evidence prepared by the Judge's associate state that in

earlier evidence you said: "Although all this represents evidence of a moral irresponsibility of the pananoiac, it was the actual murder that was the final proof of the diagnosis." Is that correct? The associate is very reliable.

Dr Bennett: I think I was misquoted. I think I almost surely said: "The actual murder proved the diagnosis."

Mr Brown: You have your notes there. What do they say?

Dr Bennett: That the actual murder proved the diagnosis.

His Honor: I think you were correctly reported, doctor. I made a little note myself at the time, and you said: "But the murder was the final proof of the diagnosis."

Dr Bennett: I accept that. It makes little difference.

Mr Brown: Did you intend the jury to think it was correct?—The jury makes up its own mind.

To his Honor, Dr Bennett said he came into the Court to give his diagnosis and to show how he arrived at it. To him, the final proof, or item of proof, was murder. The jury could or could not accept that evidence.

Mr Brown: Is not the whole purpose of your evidence to convince the jury that you are right?—Yes. So far as I am concerned, my statement is correct, but, as his Honor pointed out, it is not a mathematical matter.

Dr Bennett said the girls committed the murder because they were insane.

You know they shop-lifted in Woolworth's?—Yes. If they had been arrested that would have been the final proof of their irresponsibility.

Would you have said they shop-lifted because they were insane?—Had I known as much as I do now, I would have said yes. They had no other reason.

So the shop-lifting had no purpose? It was an insane act?—Yes. They were acquiring experience for their creations and their novels, as they explained it to me. They set out to break the Ten Commandments in the same way.

Continued On
Page 3

Star Sun Aug 27th D. C.

Murder Trial

Doctor Cross-examined

Continuing his cross-examination of Dr Bennett, Mr Brown asked:

Mrs Parker was in their way? —I think a certain amount of restraint is necessary when you say "yes." She allowed Pauline to go to Liam. She let them be together almost entirely in the final stages because she thought a final separation was coming.

But she was an obstacle. She tried to break their association? —And then gave it up.

I put it to you, that is a half-truth.—No.

But they deceived their mothers into thinking they were reconciled to the separation. Can you answer "yes" or "no"?—It is neither "yes" nor "no." I take it you mean some actual act of deceit.

Did not Pauline go out of her way to be friendly and helpful to her mother?—They did that to lure her to Victoria Park.

Mrs Parker was an obstacle in their path?—Yes.

That was based on reasoning? —But their reasoning was stupid.

Definition

It was no delusion?—Yes. It was.

But your definition of a delusion is a belief that has no foundation in fact?—Yes.

But Mrs Parker was in fact an obstacle?—Yes.

And the desire to remove her was founded on fact?—Not entirely.

But largely?—Yes.

Therefore it was not a delusion, surely?—It was part of a delusion. To remove a minor obstacle by such a tremendous crime, disregarding remaining obstacles, shows delusion.

But was Mrs Parker an obstacle?—Yes.

Therefore they removed her? —Yes.

Removing her was removing one obstacle from their path?—Yes.

That action was founded on fact, not delusion? Surely that was founded on logic?—No. Very far from logic.

Mrs Parker was an obstacle to their remaining together?—Yes.

That was a fact?—Yes.

There was no delusion about that?—No.

Opinion

You said that in your opinion they were putting on an act when they came to the kiosk. Mrs Ritchie describes them coming into the tearoom agitated, breathless, and gasping. Were the breathless and gasping portions of it an act?—If it was a good act, it could be.

Do you agree the evidence says the path where the murder was committed is very steep?—Yes.

Would not the girls be breathless and gasping?—They would probably be exhausted.

Did you not say it could be an act?—Yes. It could be a dozen different things.

If two girls ran up 420 yards of a steep track, would not they necessarily be breathless and gasping?—Yes, if they ran continuously.

Might I not suggest that Landy or Bannister would be?—Not Bannister (after some consideration).

His Honor joined in the laughter.

Do you say their behaviour in the home before the killing was an act?—Some of it was. Certain parts of it were.

What about the day before and the morning of the murder? They worked about the house, helped mother, and were bright. Was that an act?—Yes. It was deceitful. It was Judas Iscariot.

Have there not been many persons who have decided on a grave crime who were callous and cold right up to the time it was committed?—Apparently, on the surface, but not in their own minds. I would doubt whether any sane person could approach the crime of murder with a completely calm mind.

Was not that the behaviour of Judas Iscariot when he—

His Honor: It is inadvisable to cross-examine on that subject.

Dr Bennett: I greatly regret he did not continue to the end.

These girls had no contrition or remorse whatsoever, unlike Shakespeare's Lady Macbeth, said Dr Bennett.

What about before the crime? You talked about the turmoil in their minds, not the aftermath. What about Lady Macbeth?—It was Macbeth I had in mind, because he did the murder.

Did not Lady Macbeth welcome Duncan to the castle on the evening before his death?—Yes.

Did she not find Macbeth getting cold feet and spur him on? —Yes.

Out of Room

Was she not calm and calculated throughout?—Yes.

Was she not a party to the killing beyond striking the actual blow?—No, she was out of the room.

Mr Brown: You are trying to draw a parallel?—Yes, but you are getting away from it. I cited Macbeth as the case of indecision, and you bring in the wife to show she had no indecision.

Did you not say you were referring to Macbeth the man?—I simply said "Read Macbeth."

Mr Gresson: What is the medical question arising out of Macbeth?

Mr Brown: I am surprised Mr Gresson does not see the point of it.

Mr Gresson: I would be surprised if anyone could.

His Honor: I understand it is to show that other people have been calm before committing murder.

Mr Brown: Precisely.

From Diary

Mr Brown: You quoted from their diary "we didn't misbehave last night"?—Yes.

They told you that meant they did not go down and raid the pantry?—Yes.

And you believed them?—Yes. About then, they started to spell "murder" as "molder"?—Yes.

You said that they played with the spelling of "funny"

words, and it showed that murder had not the same ugly significance for them as for us? —Yes.

Is not "molder" a common American slang form and the spelling used in many American crime stories?—You are informing me. I did not know.

You said that in a similar way they "played around" with Perry's name "Bill," turning it to "Bloody," when they refer to him as "Mr Bloody Perry"?—Yes.

"Surely there is an ugly significance in 'bloody,'" Mr Brown suggested.

"Is there—in New Zealand and Australia?" Dr Bennett replied in a surprised tone, raising his eyebrows.

Terms

Mr Brown: You used these terms: "In that moment Parker revealed to me most convincingly the profound compulsive force of the delusion." You had told her she would have to wait some hours to see Hulme, and she became agitated. Why do you say anything about the profound compulsive force of the delusion?

Dr Bennett: Because the delusion was fed and nourished by their association, and was threatened by their separation. If they were to be separated for any greater time it was a disadvantageous circumstance as far as the delusion went.

But her desire to get to Juliet was very real?—Yes. That part is not a delusion.

Well, is not that agitation perfectly natural?—Not in that extreme degree.

There is no delusion in her desire to get to Juliet?—No, not in that. It still reveals and emphasises the nature of the delusion.

If a young person wants very much to go to the pictures and mother puts her foot down do not some of them fly into a rage and stamp and yell?—Yes.

Showing more distress than Parker did?—No. You were not there. It was not an exhibition of tantrums. It was a profound disturbance.

Did she cry?—No.

Young people cry sometimes if they can't go to the pictures when they want to?—Yes.

Mr Brown: Then why is Parker insane just because she is upset when prevented from rejoining Hulme?—Her anxiety that her separation from Hulme should not be prolonged another two or three hours was evidence of their profound attachment and evidence of how necessary it was to the preservation of their delusion.

R 10.

Mr Brown: You said the obeying of the law of the country is a purely intellectual thing. Is that correct?—In itself, yes.

So the answer is yes?—Yes. I would like an opportunity to extend it a little.

Then the average member of the community obeys the law simply because it is the law and not for moral reasons?—The great majority obey the law because they morally approve of



Mr B. McClelland, who is appearing with Mr T. A. Gresson for Juliet Marion Hulme.

the law, but it is an intellectual procedure. The law says you must or must not. They recognise that, and obey accordingly.

Do not many people obey the law not because it is the law but because they are good?—Yes. Does any intellect come into that?—No.

And yet you say the obeying of the law is purely intellectual. Is that correct?—It differs in different persons.

Mr Brown: Would you explain further?

Dr Bennett: If persons are tempted to disobey the law, the fact that they do not yield to temptation and obey the law is a purely intellectual function, but the majority obey the law because of conscience, and because they approve of what the law also defines. They don't obey the law because the law is there. They obey it because they approve of that particular type of morality that happens to be expressed in the law.

Difference

Do you say it is a purely intellectual thing?—The obeying of it is. I have a difference in mind between obeying the law and keeping the law.

Do not some people obey the law because they are innately good?—Yes.

Then your statement that obeying the law is a purely intellectual function is false?—I had in mind these two girls who are accused of a crime.

It is untrue?—If you are going to pinpoint me down that this applies to all human beings, which I do not intend, or as a general statement applicable to all mankind, it is not correct.

Of these two girls which is the dominant personality?—Would you please define "dominant."

Which has the stronger mind of the two? I suggest Juliet Hulme.

Mr Gresson: I think the witness should be allowed to answer the question himself.

Dr Bennett: I am not quite sure, and I very much doubt whether it could be decided. As Dr Medlicott said, they are suffering from folie simultane.

The girl Parker was prepared to take all the blame. Does not that suggest that Juliet Hulme is the dominant partner?—I do not think so.

Mr Brown: Everybody knows your reputation as a physician. You have had much less experience than Dr Medlicott as a psychiatrist?—Yes.

You have had infinitely less experience as a psychiatrist than Doctors Stallworthy, Hunter, and Saville?—Yes.

Their opinions are entitled to great weight?—Yes.

You have read really no literature where crime is dealt with in connection with insanity?—That is not so. I am here to give evidence on the question of insanity. I am not here to give evidence on its relation to crime.

If a person was insane, he or she might do all sorts of silly things. That applied to this case. One, or several, happened to be an act that by its nature became a crime, but he was dealing with insanity, said Dr Bennett.

Did you not say the very crime made you decide the girls were insane?—Contributed to it. It was the nature of the act made me decide.

Many criminals are outcasts of society?—Yes.

They do not care about society at all?—Yes.

And do not mind about harming society at all?—Some of them.

And they do that while perfectly sane?—Yes.

You do not suggest that all criminals are insane?—No.

Extraordinary

And murder is a very extraordinary crime compared with most others?—Yes.

Yet sane people have committed murder?—Yes.

Have you ever heard of two insane people combining to commit a crime?—No.

You agree that there is no such case in history?—Not to my knowledge. As far as that goes, there is no evidence of two adolescent girls ever before killing a woman as a planned crime.

And there has never been a previous instance of two insane persons combining to commit such a crime?—No. There always has to be a first time once.

And this is it?—It looks like it.

Agreement

Dr Medlicott said they are grossly insane and readily certifiable. Do you agree?—Yes.

And incurable?—Yes.

Do you mean that any competent psychiatrist should be able to certify them?—I am not going to comment on my colleagues. It is just my opinion on these girls.

If I say that three much more competent psychiatrists than you will say these girls are sane, does that disconcert you?—I would say it is unfortunate there is a difference of medical opinion. It does not alter my opinion.

Does it disconcert you a little?—No. Hundreds, thousands of times I have held different opinions from others.

His Honor: Have you been right?

Dr Bennett: Sometimes.

"It is one of the fundamentals of ethics of medical practice that a medical man makes his diagnosis and gives an opinion without having his opinion or any part of it formed by other people," said Dr Bennett.

Mr Brown: Does the evidence from the other psychiatrists I will call not make you doubt your opinion?—Definitely not. My opinion stands.

His Honor: Are we clearly to understand that in your opinion at the time of the murder the girls knew it was contrary to the ordinary moral standards of the community?—Yes, but it was not against their own moral standards.

His Honor: Would you not say that they knew the deed was contrary to the ordinary moral standards of the community as such without thinking of the law?

Dr Bennett: That is so.

Re-examined by Dr Haslam, Dr Bennett said he had the highest respect for Drs Stallworthy, Hunter, and Saville as psychiatrists. He had the same regard for Dr Medlicott.

This closed the case for the defence.

Rebuttal

"As the defence has raised insanity as the only defence," said Mr Brown, "I have three psychiatrists whom I wish to call in rebuttal."

"It is well established that in cases of this kind, when the defence raises the question of sanity, the Crown is entitled to call evidence in rebuttal," his Honor said.

The first of the Crown's psychiatrists, Kenneth Robert Stallworthy, said that he was senior medical adviser to the Avondale Mental Hospital, Auckland. He had been attached to mental institutions for fifteen years, including Avondale, Seaford and Porirua in New Zealand, and the Portsmouth mental health service in England.

Thousands of mental patients had been under his care.

Mr Brown: In all your experience and reading, have you any knowledge of two insane persons combining to commit a crime?—I have not.

Available

Are the services of you and other doctors employed by the Government in mental hospitals available for the defence if they want to use them?—Yes.

You have given evidence for the defence in other cases?—Yes.

And Dr Hunter and Dr Stallworthy have also done so?—Yes.

You people employed in these hospitals do not have your work confined to the hospitals?—I have one outpatient clinic a week at the Auckland Hospital and four others elsewhere.

Dr Stallworthy said he was also consultant in psychiatry to the New Zealand Navy.

He had examined many other persons accused of murder. He and other such experts were concerned in the initial examination of such a person, charged with arriving at a sincere and honest opinion as to whether there was a disease of the mind which made the person incap-

able of knowing the nature and quality of the act, and, if he or she did know that, whether it made him incapable of knowing it was wrong.

"In later examinations we are concerned with questions of abnormality of the mind," said Dr Stallworthy.

"In my examinations I am neither for nor against the accused. I am concerned with arriving at a sincere and honest opinion."

Dr Stallworthy said he examined Parker on July 26 and 27 at Paparua Prison, July 30, August 9 and 11 at Mount Eden Prison, and on August 19 at Paparua.

He examined Hulme on July 26, 27, and 28, and August 19, at Paparua Prison.

Mr Brown: Were they examined separately?—Yes.

Parker was moved from Paparua to Mount Eden for a week or more?—Yes.

It was a complete separation?—Yes.

In Paparua they had opportunities to be together?—They were together all day.

Result

As a result of your examination, did you consider either had any disease of the mind?—I did not.

You have read Parker's diaries and their writings?—Yes.

What factors made you think they knew what they were doing?—The evidence of the diary where Parker wrote down what they intended to do, their recollection of what they did, and their clear statements to me.

What made you conclude that they knew that what they were doing was morally and legally wrong?

Mr Gresson objected to this question, on the grounds that the doctor had not said that he had come to any such conclusion.

Mr Brown: When the doctor said that neither had any disease of the mind, I took it to mean that he considered them legally sane, but I will ask him if you wish.

Mr Brown then asked Dr Stallworthy whether he considered them sane or insane.

"I consider them sane," said Dr Stallworthy.

He considered the girls to be sane medically in the first place because he did not consider them certifiable under the Act, and he considered them sane in legal sense as well.

At the time of the death of Mrs Parker they knew the nature

and quality of the act, in his opinion. That was at the time of the actual killing.

Mr Brown: What is your opinion as to their knowledge of the rightness and wrongness of the killing so far as a breach of the law is concerned?—I am of the opinion that they both knew they were acting against the law, and that they were breaking the law.

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Dr K. R. Stallworthy, called as a witness for the Crown to-day.

Mon. Jan 28th day P. 1.

(Sheet 1)

CLOSING STAGES OF TEENAGERS' MURDER TRIAL

Counsel Give Addresses And Judge Sums Up

AN appeal to the jury to find Pauline Yvonne Parker, aged 16, and Juliet Marion Hulme, aged 15 years 10 months, not guilty of murder on the grounds of insanity, was made by their counsel in their final addresses on the sixth day of the trial in the Supreme Court to-day.

The Crown Prosecutor (Mr A. W. Brown) asked the jury to return a finding that the girls were guilty of "the dreadful murder." He declared they were both sane.

In the trial, which started on Monday, the girls pleaded not guilty before Mr Justice Adams and a jury of twelve to a charge of murdering Parker's mother, Honora Mary Parker, at Christchurch on June 22.

After counsel's addresses and his Honor's summing up, the jury retired at 12.41 p.m. to consider its verdict.

The evidence in the case was concluded yesterday, and the sitting this morning opened with the addresses by the defence counsel—Dr A. L. Haslam for Parker, and Mr T. A. Gresson for Hulme. Each spoke for twenty-five minutes.

Mr J. A. Wicks has been acting with Dr Haslam throughout the trial, and Mr B. McClelland has been with Mr Gresson.

The upstairs public gallery was not as full on the resumption of the trial at 9.30 a.m., as on the previous five days, but there were still nearly one hundred onlookers. The number grew as the day progressed and the time for the jury to consider its verdict drew nearer.

Dr Haslam addressed first for the defence.

He said that defence counsel would address as briefly as possible, and if any matter was omitted, it was not necessarily unimportant.

A lot of repulsive evidence had been put before the Court. It was not done to shock the jury, but was necessary to enable the

jury to decide on the question of the girls' sanity.

The jury would dislike many of the things the girls had done, but should not be prejudiced against them.

"There is no dispute about the facts of the crime. Its horror is very vivid in the minds of us all. The salient points are not disputed.

"The submission of the defence is that the girls were insane. Sometimes it is said we must satisfy you by the preponderance of proof. If we have reasonably satisfied you, then that is adequate.

"We have evidence that each girl suffered from ill-health in early childhood, then in 1952 these two lonely and withdrawn types met at school."

Little was known about their early association, although reference had been made to a bicycle ride where the girls had taken off their raincoats and shoes and had become ecstatic, said Dr Haslam.

It was quite obvious from the diaries that quite early the friendship assumed an alarming intensity. The diary showed also a steady deterioration of their mental and moral condition.

The "vision" of the fourth world recorded in the diary of Parker, and their claim to have found the key to the fourth world was also a key to their mental condition.

Juliet Hulme then went into the sanatorium and their friendship intensified, though during that period, Parker had also other interests.

She associated with boy friends, but at the end of 1953 they had been dropped and her friendship with Juliet Hulme was all that mattered.

After a period of relative calm, there was the strange episode of the girls' "coronation." Then in the New Year the disastrous association got into full stride. It was not surprising that by this time the parents of both girls were alarmed and did their best to break down the friendship.

Dr and Mrs Hulme were kind to Parker, and invited her to Ilam. Unfortunately, she convinced them she was unhappy at home, and coupled with that she seemed to have cut out her own family.

What exactly was the association between the girls was not quite established, although they were very close. He would suggest they were morbidly close, said Dr Haslam.

They conceived the idea that they were literary geniuses and the next step was to go to Hollywood and get their novels filmed. Their plans were fantastic.

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Deterioration 'Accelerated'

There was then an episode that shocked them deeply, when Juliet found her mother in Perry's bedroom.

No doubt the girls made more of it than it really was but the sense of security in "Ilam" was breaking up as they learned that Dr and Mrs Hulme were talking of separating. Their mental deterioration was accelerated.

Dr and Mrs Hulme had made it plain Parker could not go abroad with Juliet Hulme, but they still went on with their crazy plans.

In their distorted thinking, it was Mrs Rieper who was a threat to their staying together.

"And so we have these girls planning this attack, carrying it out clumsily, and not showing a shadow of remorse," said Dr Haslam.

Dr Bennett had an advantage because he knew something of the background of the girls beforehand.

He saw Parker some months before when she was taken to him by Mrs Rieper, her mother, and he knew Dr and Mrs Hulme.

Dr Bennett had described his interviews and while emphasising different aspects, agreed with Dr Medicott that the girls were suffering from paranoia with delusions of grandeur, and the nature of their disease, that each would infect the other, and that they would mutually accelerate the progress of their disease.

Dr Bennett did not merely

concur with Dr Medicott. He had approached the question from a slightly different angle, but had reached the same conclusion. Both had submitted detailed analyses on which their conclusions were based.

Both had said that in the type of mental disease from which the girls were suffering there were often no external signs. There was a superficial appearance of sanity.

Varieties

He need hardly repeat that there were so many varied forms of insanity, and that this was something very different from ordinary imbecility and was beneath the surface.

While in custody the girls pretended for a time they were insane, and then they wanted to be sane.

One of the significant things was the tenor of the remarks made by the girls to the doctors. There was the claim by one that she was going to rewrite the Bible, on vellum parchment. This was just one of the many symptoms of the girls' distorted minds.

Dr Bennett and Dr Medicott had told the jury that the girls were insane. Dr Bennett had described in detail just how the delusions would work and affect their reasoning.

He had pointed out how their association was believed by them to be threatened.

"You remember how in their imagination they had toyed with violence for so long, and now they broke out and committed it," said Dr Haslam.

"It is submitted that there was ample evidence that the girls were insane in the broad general medical sense of the term," said Dr Haslam.

Dr Bennett had said that their delusion would affect their whole judgment. They knew that they were killing Mrs Parker, but the question was whether they knew that what they were doing was wrong.

Dr Bennett had told the Court that the girls were homosexuals and paranoiacs of the exalted type.

He had said that obeying the law was an intellectual function. The girls had been driven by emotion, which was always more compelling than intellect.

Their emotion was based on a delusion. They thought that they were simply transferring an unhappy woman to heaven and preserving at the same time the association that was essential to their paranoiac delusions of grandeur. They did not regard their act as morally wrong.

The defence submitted the girls were both insane.

"I now commit this young girl to your charge, and invite you to bring back a verdict of not guilty on the grounds of insanity," concluded Dr Haslam.

Duty of Jury Outlined

Mr Gresson said Dr Haslam had said everything that could be said on behalf of the defence that the two girls were insane, and he endorsed every word Dr Haslam had said.

If the evidence convinced the jury that the girls were insane to the extent that they did not know what they were doing and did not know it was wrong, then

the duty of the jury was to find them not guilty on the grounds of insanity.

A single hair did not constitute a beard, said Mr Gresson, and all the evidence had to be considered as a whole.

Homosexuality and paranoia were frequently associated, in the opinion of Dr Medicott. He thought the girls were suffering from paranoia of an exalted type in a setting of folie a deux.

'Delusional'

Dr Medicott gave evidence that Parker and Hulme were living in weird delusional way, with their own god and religion, a fourth world, and believing that they were outstanding geniuses with a special type paradise which only 10 could enter.

Paranoia of the exalted type was accompanied by delusions of grandeur and an immense conceit that had to be continually fed.

Each acted as a resonator to the other, each raising the pitch of the other's mental state.

Dr Medicott said that they

were aware of the fact that they were killing Mrs Parker, and they were aware at times of the wrongness and rightness, but this was so temporary that they could switch from what they knew of the law to their own fantastic world at a moment's notice.

He considered that they were certifiably insane, and that he would have certified them even if they had never killed Mrs Parker.

He did not base his diagnosis on the fact that they had committed the murder.

Dr Medicott arrived at a clear-cut diagnosis of paranoia, mental illness, with an association of folie a deux.

Dr Bennett arrived independently at a similar conclusion to that of Dr Medicott.

"You have two competent, reputable doctors telling you Parker and Hulme were insane, and I ask you to accept that evidence."

"There were three other doctors called to say otherwise, and all agreed that there could be a difference of views."

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Murder Trial

Symptoms Enumerated

Continuing his address, Mr Gresson said these three doctors all worked for the Crown.

"I don't suggest they are mentally dishonest, but they do come from the same stable. If they were out at Addington this afternoon, they would have to be bracketed. It does tend to create an identity of views," he said.

Apart from the medical evidence, it was obvious each girl had had more than a fair share of illness. It was perfectly plain the two girls wrote to each other in fictional characters. They had a mock coronation to which they attached fantastic importance.

"They had a Temple of Minerva in which they buried a dead mouse and put up crosses.

"They were going to Paradise, they had an extra part of the brain, they were goddesses reigning on high, they had books which would be films, and indulged in gross and intensive homosexuality.

"They passed from blackmailing, theft, and cheating to murder. It showed that they were ill, and as they became progressively ill their moral standards deteriorated," said Mr Gresson.

"They solemnly dress in black in honour of 'Him,' celebrate 'Him's' birthday, think they are so brilliant it is a pity the world cannot appreciate them," said Mr Gresson.

"At the school sports they get under the grandstand and write poetry. They are brilliant novelists, they are wonderful singers, they are writing an opera.

"In addition to their 'saints' they have gods. These are Rupert Brooke, Julius Caesar, Caruso, and Charles II, a curiously ill-assorted coterie.

"Their intention to murder Mrs Parker was diabolical, and the entry for that day was headed 'The Day of the Happy Event.'

"If you had a daughter, and she displayed half the symptoms that have been enumerated in respect of these girls, would you not call in a doctor? Would you not assume that she was mentally 'touched'?"

"Is it not clear from the facts that have been proved that these girls are what is commonly called 'crackers'?"

Judgment

"I submit that they were mentally ill to a degree that they were incapable of forming a moral judgment on what they did."

Mr Gresson asked the jury to realise that the qualities of the girls that had been revealed were symptoms of the disease.

Insanity could be and often was associated with a high degree of intelligence and lucidity not associated with the delusions.

"These girls are mentally ill, sick adolescents—not brutal criminals.

"I do say that at the time they committed the crime they were ill and not criminally responsible for their actions," Mr Gresson concluded.

Prosecutor

Mr Brown, reviewing the case for the Crown, said all the Crown asked was that the jury returned a true and honest verdict.

The two girls in the dock were charged with a very dreadful crime. The jury must be satisfied beyond any reasonable doubt that the girls intended to kill Mrs Parker and did so.

It was the duty of the Crown to prove the case beyond all reasonable doubt. If the jury was satisfied on a close and conscientious analysis that the girls did commit the murder, the jury must express its opinion.

"In everyday life, when you have to decide a matter, you inquire what are the important facts, and apply to them your experience and knowledge of life. What these guides tell you is true you accept, and what they tell you is false you reject."

It had never been disputed that the girls murdered Mrs Parker, and the only question before the jury was whether they were sane. The onus of proving that they were insane, not beyond all doubt but on the balance of probabilities, was on the defence.

One could not help pitying the girls for the horrible position they were in and for being such bad people.

On the other hand one should pity Rieper, who had lost his wife, but the jury should not allow themselves to be incensed against the accused.

Not only the three doctors called for the Crown but also the two called for the defence had said that the girls were sane.

Mr Gresson had referred to Dr Medicott's mental honesty in saying that he had been mistaken in saying that Parker had spoken of having had religious mania.

He did not retract that, however, until forced to do so in cross-examination.

Mr Gresson had mentioned that all three doctors called by the prosecution were employees of the Crown, but that did not mean that their evidence was in anyway prejudiced.

On the other hand, their employment made them the most experienced psychiatrists in the country.

His cross-examination of the defence's medical witnesses had been lengthy, but the result was that these two doctors started by saying that the girls were insane and finished by saying that they were sane.

Correction

His Honor: Quite unintentionally no doubt, I think that you are not putting that matter quite correctly. The doctors adhered to their opinion that there was insanity in the medical sense, in that there was disease of the mind present, but conceded that in the legal sense they might be considered sane.

Dr Bennett was corrected on one occasion on the use of the word "final," said Mr Brown. The doctor had made a mistake.

He wanted the jury to consider not only that but the doctor's whole evidence, which was in the form of a speech and not in the form of answers to questions by the defence counsel, said Mr Brown.

"The doctors called for the defence agreed entirely with what I consider the most important finding of Drs Stallworthy, Saville, and Hunter.

"Dr Stallworthy said that from all the information he had, he had no doubt that the two girls knew the nature and quality of the act, knew it was against the law, and knew it was against the moral code of the community," said Mr Brown.

"Dr Medicott, the first witness for the defence, said the girls knew what they were doing when they attacked Mrs Parker, knew the nature and quality of the act, knew what was wrong in the eyes of the law and in the eyes of the community. He made those answers to questions by me.

"It was a little more difficult to get the answers, but they were the same, I submit, as the answers of the Crown witnesses, Drs Stallworthy and Saville."

Reply

In reply to his Honor Mr Brown submitted, Dr Bennett had said that the girls knew that what they did was contrary to the law of the land, and as they knew the law was based on the moral standards of the community, they knew by implication that what they did was against the moral standards of the community.

Dr Bennett had agreed that the girls knew that their act was contrary to the law and to the ordinary moral code of the community, and did it notwithstanding.

Mr Brown said the jury would remember it had learned a great deal about the two accused. He

Trial Given Prominence In U.K. Papers

N.Z.P.A. Special Correspondent
LONDON, August 27.

Not for many years has news from New Zealand received such prominence as the British newspapers are giving to the Christchurch murder trial.

Each day of the trial most newspapers have published at least half a column, generally on the front page, and in some newspapers this space is greatly exceeded.

The two tabloid newspapers, the "Mirror" and the "Daily Sketch," have been giving extensive display to the trial on their inside pages.

would not give a list to show the girls were thoroughly depraved.

He would submit, however, that the girls' depravity did not mean that they were insane.

The evidence proved they had most unhealthy minds, but it was badness and not a question of insanity at all.

"I say what I said in my opening—that this was a coldly and callously-planned, premeditated murder committed by two highly intelligent, but precocious, dirty-minded girls," said Mr Brown.

"I now add this in conclusion—that they have been, and were proved to have been, sane at the time they murdered Mrs Parker."

The girls were not incurably insane, Mr Brown concluded. His submission was that they were incurably bad.

Mr Brown's address lasted thirty minutes.

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(14) [cont on p21]

Main Characters in Trial



Pauline Yvonne Parker (left) and Juliet Marion Hulme photographed before they stood trial.

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Juliet Hulme, in happier days, photographed in the garden of her home at Ilam. This picture was taken a year ago.

MURDER CHARGE

Hearing Of Evidence Completed

ADDRESSES TO JURY TODAY

The trial of Pauline Yvonne Parker, aged 16, and Juliet Marion Hulme, aged 15 years and 10 months, was continued in the Supreme Court yesterday before Mr Justice Adams and the jury.

The Crown called medical evidence in rebuttal of that brought by the defence in support of its plea of insanity, and all the evidence was completed by 4.40 p.m.

After discussion with the foreman of the jury and counsel, his Honour adjourned the hearing until 9.30 a.m. today.

Counsel for the defence and the Crown Prosecutor will address the jury this morning and his Honour will sum up.

The accused have pleaded not guilty to a charge that they murdered Honora Mary Parker, mother of the accused Parker, on June 22 at Christchurch.

The Crown Prosecutor (Mr A. W. Brown), and with him Mr P. T. Mahon, is appearing for the Crown. Parker is represented by Dr. A. L. Haslam and Mr J. A. Wicks, and Hulme by Mr T. A. Gresson and Mr B. McClelland.

Seating accommodation in the Court was again packed out yesterday and many persons could not get in. Several elderly women were in the gallery seats they have occupied each day throughout the trial, though one woman, who apparently arrived later than usual, complained to a man that he had her seat.

The three medical witnesses called by the Crown were only briefly cross-examined by the defence counsel and the evidence was completed much sooner than seemed probable earlier in the day, most of the morning having been taken up with the cross-examination of a defence witness by the Crown Prosecutor.

When the hearing was resumed yesterday morning Dr. F. O. Bennett, of Christchurch, was in the witness-box for the continuation of his cross-examination by Mr Brown.

Mr Brown: I was questioning you concerning entries in the diary but we will leave that for a moment. You referred to the poem "Those That I Worship." Why was that one selected?

Dr. Bennett: Because it, more than any other, illustrated the extravagant mood of the author.

They are not two beautiful daughters, are they?—No. They are not the daughters of one father. That is poetical licence.

Have other poets written grandiose poetry of the height of this?—Not of the height of this, and I am conversant with English poetry.

Do you know these lines in English poetry:

Not marble, nor the gilded monuments
Of princes shall outlive this powerful line.

Mr Brown: Isn't that grandeur?—Not in the sense we are using it here, not the grandeur of a person.

But it is the writer's poem?—I suppose so.

And doesn't he consider his poem will outlive marble?—That is so. May I ask you if you have heard of the Immortal Shakespeare?

Yes. I have and I have read quite a lot of him. The quotation I have given you is from Shakespeare.

Mr Brown: Shakespeare wrote a number of tragedies and they were full of bloodshed, murder, and sudden death?—Yes.

And he wrote of sexual love?—Yes. Have you read "The Rape of Lucretia"?—Yes.

That deals with the expulsion of the Tarquins from Rome because of their sexual aberrations?—Yes. It is a poetical description of a historical fact.

These girls wrote a lot about sex?—Yes.

They play acted?—Yes.

And they enacted a real killing?—Yes.

Might they not have had some foundation for thinking they were geniuses?—Because they had a slight similarity to Shakespeare?

They did a lot of the things he did, didn't they?—I must reject that comparison. But I agree their ideas had a little foundation in fact.

Accused's Friends

You said they had no friends?—Yes. But they did have friends of their own?—Very few. They had an extraordinarily small circle of friends.

But what you said was wrong?—It depends what you mean by friends.

What about Nicholas?—Nicholas was not a friend. He was an experience.

You said: "They never went to dances with the exception of one" and so on. That referred to the general period did it not?—Yes. I am trying to give the Court a general idea of the mental state of the girls. I did not subject it to a time analysis.

But you changed it to "a short time before the murder." Would not that give a wrong impression?—I doubt it.

Is it insane to think all people go to Heaven?—No.

Is it insane to think people will go to paradise?—These girls grade heaven and paradise into two different planets.

Haven't some famous churchmen believed there were two or three places after death?—Yes. But not on different planets.

Why are these girls mad in thinking there are two?—They are not mad in thinking that, and I have never said it. It is part of a number of things, including the murder.

At the same interview with you one of them expressed the view the Bible was bunkum?—Yes.

Have not many sane people made similar comment?—I am not aware of any girl of 16 making it.

But many grown up people have said it?—Yes.

And their minds would be better developed?—Yes.

And they have been sane?—Some would be sane, but others probably would not be.

We come now to your reference to the game of monopoly, from the sublime to the ridiculous, as it were. Why did you mention it?—To show their attitude to cheating and their lack of moral code.

Why emphasis that when you had a clear illustration of lack of moral code in the murder itself?—Just another point to illustrate the case.

Many young people have cheated in a game?—Possibly.

Would they be depraved?—They would be getting on to it.

You said "contempt for the moral code." Aren't they strong words in that context?—Yes.

Why did you use them?—To show how little compunction they had in doing these things. You'll remember the diary entry ends with the words: "it was screamingly funny."

And wasn't it?—No. It was dirty.

You will agree they had many of the characteristics of a fairly bad criminal?—Yes. They were not good girls. That is rather an understatement, is it not?—No. It is a plain statement of fact.

You say it was the murder itself that was the final proof of the diagnosis. That is right, is it not?—Yes. That is accepted for the purposes of

the cross-examination.

Is it right?—May I explain. A doctor is trying to make a diagnosis. He has a number of signs, symptoms and facts. None of them completely proves the diagnosis, though he is nearly sure of it. He wants some further information. It may come in a form disproving his theory, or it may come convincingly proving it. In this case there was a mass of evidence, and then there was the matter of the murder. To me that was the final thing that was confirmatory of the diagnosis of paranoia. But I do not suggest there was no evidence of paranoia before that.

You said: "It was the actual murder that was the final proof of the diagnosis."—No, not that. That is what is in the notes taken by his Honour's associate and she is very exact. It is what you said, is it not?—I think I have been misquoted.

You read it from your notes. What are the words that you read?—His Honour: Doctor, I think you have been correctly reported by my associate. I also took a note of your words and it is: "It was the actual murder that was the final proof of the diagnosis."

Mr Brown: You will now agree these were your words?—Dr. Bennett: I came into this Court to give a diagnosis and to show how I reached it. I said the final proof to me was the actual murder and the jury can accept it or not. My statement is correct but as his Honour pointed out, it is not a mathematical matter.

Mr Brown: Do you not think they are insane because they committed the murder and not that they committed the murder because they are insane?—They murdered because they were insane.

If they had been arrested for shoplifting in Woolworths would you have said they were insane?—If I had known as much as I know now I might. They did not need the articles.

Why did they do it?—They were acquiring experience for the fictional characters in their novels. They set out to break the Ten Commandments for the sake of experience.

Would you say they dabbled in crime for the sake of experience?—Yes, for the sake of experience in creating characters of fiction.

Mother was in the way of their being together?—Yes. But a certain restraint is needed in the yes. She was an indulgent woman and allowed them to be together a great deal in the final stages, but she was not an insurmountable obstacle.

But she was an obstacle?—Yes. And tried to break the association?—Yes and then gave it up.

Is not that a half truth?—On my information, no.

Didn't they deceive mother into thinking they were resigned to Juliet leaving New Zealand without Pauline?—Do you mean a deliberate act of deceit?

I do?—What is it?—I will give it to you in your own words. You said they were happy and bright before going to Victoria Park. Don't you know they did that to deceive her into thinking they were resigned to Juliet leaving New Zealand without Pauline?—No. They deceived her so that they could entice her to Victoria Park to murder her.

A delusion is a belief that has no foundation in fact?—Yes.

This belief that Mrs Parker was an obstacle was correct?—Yes.

And that was the main foundation of their desire to remove her?—Yes.

So their desire to remove her was founded on fact?—Partly.

So their desire was not a delusion?—It was part of a delusion. They gave no thought to the larger number of obstacles.

Mrs Parker was an obstacle in their path?—One of many.

If they removed her they removed one obstacle?—Yes.

Their belief in that was founded on fact? Surely that is logic?—No. It is not logic. It is far from it.

"Delusion of Motive" A

His Honour: Was there any delusion as to any matter of fact directly leading to the murder?

Dr. Bennett: No, your Honour. It was a delusion of motive; not of fact.

Mr Brown: Doctor, later you say you asked Juliet if she felt justified in killing her, and she said: Yes, if the mother was a threat to their being together. Is that not so?—Yes.

The mother was a threat?—Yes.

So there is no delusion about that?—No.

You came to the view that these girls were acting on an act when they ran to the bedrooms after the murder?—I said that was my own personal feeling.

And the girls told you that?—Yes. You know they are liars?—Yes.

You believed them in this?—Yes. Because of long experience in the taking of statements.

Mrs Ritchie described them as agitated, breathless and gasping. Was the breathless and gasping part of it putting on an act?—Yes. If it was good acting it could be.

You know they came up a steep path and would be breathless and gasping after that? So were the breath-

less and gasping portions of it putting on an act?—It could be. It could be a dozen things. I could give you a list of possibilities.

If they ran 420 yards up a steep path would they not be breathless and gasping?—Yes, if they ran continuously.

Mr. I suggest to you Landy and Bannister would be?—I don't think Bannister would. (This reply brought spontaneous laughter from counsel and the public.)

When Parker worked about the house and mother was charmed with her, was that an act?—Yes it was. It was deceit. It had an element of Judas Iscariot in it.

We will come to that shortly. You spoke of the turmoil in the mind of a person who planned a violent crime. Have not many persons been calm and callous right up to committing the crime?—On the surface, yes. But not in their own minds. I doubt if any sane person would approach murder with a completely calm mind.

Reference to Judas Iscariot

Was not Judas Iscariot cool and calm when he took bread and wine with our Lord?

His Honour: Mr Brown, Mr Brown. Whatever the temptation, I think it would be advisable not to continue that topic.

Mr Brown: I will not take it further, your Honour.

Dr. Bennett: I am sorry we did not continue with it, for it would lead us to where Judas hanged himself.

Mr Brown: Let us take other figures of history, doctor. Did not Macbeth murder Duncan at the instigation of Lady Macbeth?—Yes.

Was she mad?—No.

Did she not act before and after the murder exactly as these girls did?—No. These girls have no contrition. Lady Macbeth was stricken with remorse.

Was it not fear?—Well, fear. But there is not fear here.

Was not Lady Macbeth calm before the murder?—Yes. Macbeth was the jittery one. But it was he who committed the murder. It was not Lady Macbeth. These girls committed the murder.

Was she not a party to the killing, apart from striking the actual blow?—No. She was out of the room.

Mr Gresson: What is the medical question arising out of Lady Macbeth and her activities?

Mr Brown: I'm surprised that Mr Gresson does not see the point of this.

Mr Gresson: I'd be surprised if anyone could.

Mr Brown: I am trying to draw a parallel.

Dr. Bennett: I was drawing the parallel and you went off it.

Mr Brown: I am anxious the jury should understand clearly another statement of yours. There are the words in the diary for June 16. "We didn't misbehave." They told you the words meant that they didn't go down and raid the pantry?—Yes.

You believed that?—Yes.

Now as to the word moilder. You said they told you they often did that with funny words, that they often altered them round for whim and fancy. You said it was a word that had none of the ugly significance for them?—I wanted to show they regarded murder far less seriously than same people.

By using the word moilder?—Yes.

But isn't it well known in American crime books? Isn't it a slang term?—Well, you are informing me.

You said they had never spoken of Perry to you except in the kindest terms. His initial was normally, B. Bill, and they explained that in the same way as they changed murder to moilder they changed B to Bloody?—Yes.

Do you believe that?—Yes.

There is an ugly significance about bloody, isn't there?—Is there in New Zealand and Australia. What I intended to convey was that the girls often altered the words in their spelling. Just that.

You use these terms: "In that moment she (Parker) revealed to me most convincingly the profound compulsive force of the delusion." You said she was distressed?—Yes.

Because she could not get to Juliet soon enough?—Yes.

That was her desire?—Yes.

Why do you use the word delusion?—Because their delusion was fed by their being together and if they were to be separated for any length of time it was a disadvantageous state of things so far as the delusion was concerned.

Her desire to get to Juliet was very real?—Yes.

So where is the delusion?—It is one aspect of the delusion. I said she showed some distress and it revealed to me something of the compulsive delusion.

Her distress was obviously caused by something real?—Yes.

So there was no delusion about her distress?—There was nothing unreal about her desire to get to Juliet. In that itself there is no delusion. Still, it emphasises the nature of the delusion.

Do not some young children fly into a rage if prevented from going to the pictures?—Yes.

"Profound Attachment"

Do they not show far more distress than Parker did?—No. You were not there, so you do not know.

Did she cry?—No. It was a physiological distress.

It is natural for a child to act so if it does not get its desire?—Yes.

Why is it Parker's distress was unnatural and evidence of insanity?—It was unnatural in that it revealed how desperate was her desire to prevent the separation from being prolonged for another two or three hours, which was evidence of the profound attachment of these two, which was evidence of a state necessary for the preservation of a delusion and that all convinced me how profound was the delusion.

Mr Brown: We won't take that any further. You said the obeying of the law of a country is a purely intellectual thing. Is that correct?—In itself, yes.

Then the average member of the community obeys the law simply because it is the law and not for moral reasons?—No. The great majority obey the law because they approve of the intellectual procedure.

The law, you will agree, tries to stride with morality?—Yes.

Do not a great many people obey the law not because it is the law but because they are good?—Yes.

Does any intellectuality come into that at all?—No.

Yet, doctor, for the benefit of the jury, you say the obeying of the law is a purely intellectual thing. Is that correct?—It differs in different individuals. If a person tends to disobey the law the fact that they do not is a purely intellectual function. But a great many obey the law because of conscience and because they approve of that particular type of morality that happens to be expressed in the law.

Do you now maintain it is a purely intellectual thing?—Yes, the obeying of it is.

His Honour: Doctor, I think you had better concede there are other parts of the human mind than the intellect.

Mr Brown: Your statement, doctor, that the obeying of the law is a purely intellectual thing is false. That is so, is it not?—I was using it in reference to these girls.

Pardon me you did not.

Dr. Haslam: Read the preceding sentence. My friend tears the statement from its context.

Mr Brown: It is a general statement?—Yes.

And it is untrue?—If you insist it is a general statement and it purveys over all mankind, then I am wrong.

Definition of Dominant

Which is the dominant personality of the two?—Would you define dominant?

The one with the stronger mind. May I suggest it is Juliet Hulme?—I am not sure and I doubt if it ever could be decided. It is folie a deux they suffer from.

The girl Parker was prepared to take the blame and the girl Hulme was prepared to lie her way out of it?—Yes.

Doesn't that suggest that Hulme is the dominant personality?—No.

You are not a psychiatrist?—Not a pure psychiatrist.

You have had infinitely less experience in psychiatry than Doctors Hunter, Saville and Stallworthy?—Correct.

Have you had to do with medico-legal questions?—Many times.

Have you ever been called in where there has been an alleged murder?—This is the first time.

May I suggest without giving offence that you have read no psychiatric literature where crime is related to insanity?—That is not so. I have read a great deal on the question of insanity and I am here to give evidence on insanity.

But this case deals with insanity and crime?—Yes. If a person is insane he does all sorts of silly things. These girls did all sorts of things which by their nature became crimes. It is not my main concern that these acts became crimes. I am a witness on insanity.

Is not this case one of crime and insanity?—Yes. It was not the crime and the legal procedure that suggested they are insane. It is the nature of the act.

You don't suggest all criminals are insane?—No.

But a criminal act like murder is a very extraordinary act?—Yes.

And sane people commit that act?—Yes.

Have you ever heard of two insane people combining to commit a crime?—Not to my knowledge. But there always has to be a first time. Nor to my knowledge is there any record of two adolescents combining to kill a woman. And these two certainly did.

"Incurably Insane"

Dr. Medlicott said they are grossly insane and certifiable?—Yes. Do you agree with that?—Absolutely. And that they are incurable?—Yes.

That means any competent psychiatrist would be prepared to certify them?—I am not going to comment on my colleagues.

Does it disconcert you that three experienced psychiatrists disagree with you?—No. I have held different opinions many times with colleagues, and sometimes I have been right. It is one of the fundamentals of medical practice that a medical man makes a diagnosis and gives an opinion to the best of his ability without any part of his opinion being influenced by someone else.

His Honour: Are we clearly to understand that, in your opinion, at the time they committed the murder the two accused knew it was contrary to the ordinary moral standards of the community?—

Dr. Bennett: Yes. They knew it was contrary to the law of the land. They knew the law was based on a moral stand, so, by implication, they knew their act was against the moral standard of the community, but not against their own moral standards.

His Honour: Then may your view be summarised thus: in your opinion they knew the act was contrary to the law and contrary to the ordinary standards of the community, but nevertheless it was not contrary to their own moral standards?—

Dr. Bennett: That is so, your Honour. You have exactly summarised it.

Dr. Haslam: You said you had the highest opinion of the standings of Dr. Hunter, Dr. Saville, and Dr. Stallworthy as psychiatrists and as members of the medical profession?—Yes.

Do you hold a similar opinion about Dr. Medlicott?—Yes.

"That concludes the evidence for the defence, your Honour," said Dr. Haslam.

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Crown Evidence In Rebuttal

Mr Brown said that as the defence, and the only defence, raised was insanity, the Crown had the right to call evidence in rebuttal. He had three psychiatrists in Court to give evidence.

Kenneth Robert Stallworthy, senior medical adviser at the Avondale Mental Hospital, Auckland, said he had been attached to mental institutions for 15 years. Thousands of patients had come under his care.

"In all my experience and reading I have no knowledge of two insane persons combining to commit a crime," said the witness. "The services of myself and other psychiatrists employed by the Government are available to the defence if it wishes to call them. I have given evidence for the defence in several cases. Psychiatrists of the Mental Hygiene Division are always called in to examine persons charged with murder, and also convicted of murder. We do not always work within the walls of the mental hospital. We have out-of-hospital clinics," he said.

"I have examined the two accused on more than one occasion," said Dr. Stallworthy. "It is the practice in this country that every person arrested on a charge of murder be examined by a psychiatrist, partly as a protection to the State, because a defence of insanity may be raised. A report is made and it is available to the defence. In the initial examination we are concerned primarily with arriving at a decision whether there is a disease of the mind to such an extent as to make the person unable to know the nature and quality of the act or, if he did, that he did not know what he was doing was wrong. We are concerned primarily in the initial stages with the question of criminal responsibility. In the later stages we are concerned with abnormalities of the mind short of insanity. If there is a conviction, another examination is made, and a report goes to the authorities. In my examinations I am neither for nor against an accused. I am concerned solely with arriving at a sincere and honest opinion on his mental state."

"No Disease of the Mind"

"I examined the accused Parker at Paparua Prison and Mount Eden Prison, and Hulme at Paparua Prison. Parker was moved from Paparua Prison to Mount Eden Prison for over a week, and there was a complete separation of the two girls. In Paparua Prison they were together all day. As a result of my examination, I do not consider that either has any disease of the mind. I have read both of Parker's diaries and various writings. The evidence in the diary is that they had written down what they intended to do, and that they were able to give a clear account of what they did made it clear to me they well knew the nature and quality of their act."

Mr Brown: Do you consider them sane or insane?

Dr. Stallworthy: I consider them sane medically because I did not consider either certifiable, and I considered them sane in the legal sense.

Mr Brown: Have you formed an opinion whether at the time of the death of Mrs Parker they knew the nature and quality of their act? I have formed the opinion that they knew.

What is your opinion of their knowledge of the rightness or wrongness of the act so far as the law is concerned?—I am of the opinion they both knew at the time that their action was wrong in law, that they were breaking the law.

"A diary entry says: 'I have made no definite plans yet. The last fate I wish to meet is one in a Borstal.' To my mind that is a clear indication Parker knew she was breaking the law and running the risk of punishment by putting her plan into action," said Dr. Stallworthy. "Another entry says: 'Peculiarly enough I have no qualms of conscience.' That is a clear indication she knew that she was contemplating doing wrong and should have had qualms of conscience."

"There were many other things which they told me which made me quite satisfied they knew they were doing wrong at the time of the act," said witness. "In the diaries there was evidence of motive, planning and premeditation. At my last interview with Parker at Paparua she said: 'We knew we were doing wrong. We knew we would be punished if we were caught and we did our best not to be caught.' Parker said at the second interview: 'Of course I knew what I was doing at the time, and however sheltered I might be from the world I could hardly fail to know that murder was not encouraged.' I asked her what her church would think, and she said: 'Oh, I wouldn't expect them to approve.' And she went on: 'But we suited our own convenience and that is all that matters.' "Hulme said to me: 'I knew it was wrong to murder, and I knew at the time I was murdering somebody. You'd have to be an absolute moron not to know murder was against the law.'"

"Intelligible Motive"

Dr. Stallworthy, continuing his evidence, said that from his various interviews with the accused, his questions and their answers, he had no doubt whatever that they knew what they were doing when they killed Mrs Parker; they knew it was against the law; and they knew it was against the moral code of the community.

Mr Brown: Do you consider both or either insane in a medical sense at the time of the killing of Mrs Parker?—No. His Honour: Please do not use the term "insane in a medical sense."

Mr Brown: Were there any matters or things in this case which impressed you whether the killing was the act of a sane or insane person?

Dr. Stallworthy: There were a number of experiences which were contrary to the act being committed by an insane person. There was an intelligible motive, and the careful planning, the careful meditation over the chances of concealing the crime. They both told me they thought they had an even chance of concealing the crime. They weighed up the consequences of failure and they were well aware that the consequences of failure for them would be very different from the consequences of failure for an older person. There was a clear appreciation of their predicament and a very sane desire to get out of it in the way that would be easiest for them.

"I gained a very definite impression they wanted to be found insane in that way they could regain their liberty at an earlier stage than if they were convicted," said Dr. Stallworthy. "Persons in my experience who have been convicted have been most anxious to be found sane. It is extremely rare for an insane person to wish to be considered insane. That is part of their insanity."

"Paranoia is a relatively rare form of disease of the mind but I have dealt with paranoids in mental hospitals and scores outside. I have known paranoids charged with crime but their behaviour was entirely different from that displayed by these two girls. In these other cases their crimes were logical results of their delusions and they no longer appreciated they were acting contrary to the law. Further they were more indignant at being considered insane than they were at being charged with crime."

"Some paranoids think they are being persecuted by members of the public and that leads them to taking steps to stop the supposed persecution, by damaging the persons themselves or their properties. In those cases there was no foundation in fact or reality for the idea of persecution."

Delusion Not Admitted

"I do not consider either of the two accused is a paranoid. Delusion is part of paranoia and I do not admit the presence of a delusion in either of the accused," said Dr. Stallworthy.

"I can see no delusions of grandeur in either. The presence of an overwhelming conceit does not constitute a delusion of grandeur. Most of the evidence for delusion of grandeur comes from Parker's diary. I have some experience of adolescents' diaries. Adolescence is a conceited age and in their diaries are recorded the most conceited opinions without the adolescents having any firm belief in what they have written. I have seen many criminals with such a profound conceit in themselves that they thought themselves above the law. I have never considered they showed any signs of insanity."

"The accused had some justification for their conceit," said Dr. Stallworthy. Hulme displayed a shrewdness in a shrewdness in answering them more like that of an older, sophisticated person. Parker is well above average intelligence and is able to write. I do not think their views about life amount to a delusion. There are many people who hold views which by orthodox standards are peculiar but that does not place them in the category of the insane. Adolescence is for many people a time of intense questioning of beliefs and I see nothing insane in two highly intelligent adolescents being preoccupied with the hereafter and in even toying with a religion of their own. If they did have delusions of grandeur it would not explain their crime. To put it on that basis of delusion would make a simple thing complicated. There was no delusional basis whatever in the motivation of the crime. These two girls were very, very fond of each other according to all the evidence. The most important thing in the world to them was to be together. There have been other great loves in the world where one person would stick at nothing to be with the other."

Homosexuality and Insanity

"I have had experience of hundreds of homosexuals. There is no relationship between active, expressed homosexuality and paranoia. I do not know of any practising homosexual who is paranoid. The kind of homosexuality that is related to paranoia is the kind commonly called repressed homosexuality. There is clear evidence in this case that there was no repressed homosexuality. I do not consider that homosexuality is any indication of insanity whatever, or that it has any relationship with insanity. I think there is no doubt the two accused have been engaged in homosexual practices with each other. It is common for adolescents to go through a stage where they have emotional or physical relations with a person of the same sex but they grow out of it."

"Parker was sufficiently interested in the opposite sex to allow members of the opposite sex to love her in one way or another," said witness. "In my experience it is usual for homosexuals to be reluctant to have relations with the opposite sex. When the true homosexual has sexual dreams they are about members of his own sex. These girls' sexual lives were always well aware of the opposite sex. It appears to me that in their various fictional characters the love scenes were between members of the opposite sexes. I feel the homosexuality in this situation has been rather overstressed. There are people capable of obtaining sexual satisfaction with members of either sex. Parker was said to have found her sexual relationships with Nicholas unsatisfactory but, in my opinion, that was a common thing indeed for early sexual experience of normal women to be unsatisfactory as was the case in Parker's experience. But it has no bearing on homosexuality or insanity."

"The two accused play acted and had fantasies but I do not think they are any evidence of insanity. I see nothing insane in having a vivid imagination and using it at every opportunity. These girls were always aware of the differences between their fantasies and reality. They assured me they were always able to come back to earth when they had to or wanted to."

Reasons for Shoplifting

"I would not agree that their shoplifting was part of their delusional system," said Dr. Stallworthy. "There is no relation between shoplifting and insanity. These girls shoplifted because of the thrill of it, as in the words of one, 'an intellectual exercise.' They did not make any profit attempt to do a practical thing of what they stole. One of them told me she 'delighted the hearts of other people by giving them unexpected presents.' I disagree emphatically with the statement that paranoids are devoid of moral sense. Paranoids have broken the law, but only when they have no longer been able to appreciate the law. I know of no instance of a paranoid who went through the phases of lying, thieving, or blackmailing that these girls went through."

"When I interviewed the girls there were emotional reactions to my visits, but these reactions did not suggest insanity," said witness. "Their reactions were always very much in keeping with the way the conversation was going; with the possible emotion that they did not show the remorse and regret one would imagine normal in the circumstances. With prisoners, it is my experience that it is extremely unusual for criminals to show any regret except at being caught. I have seen murderers whose sanity was not doubted, who showed the same coldness and callousness as has been mentioned in the present case."

"I have heard Dr. Bennett speak of the agonies of doubt of a person about to commit a violent crime," said Dr. Stallworthy. "I would agree with him that the average person would have those agonies, but I doubt very much if you would find the average person in that situation. But I have known instances where a violent crime was premeditated and planned and between planning and commission there was the same lack of doubts and indecision as we have in the present case. But there was no question of insanity in those other cases."

"There is plenty of evidence of the girls being highly pleased with themselves, but that was not elation as the psychiatrist understands the term. There is no elation to such a degree that it amounts to insanity," said witness.

"I can't think the writing of books with violence in them has any bearing on the question of insanity. The type of literature in demand among children and adolescents at present embodies these themes and shows how universal and normal is the interest in these themes. I do not consider that the theme of bloodshed and violence, that appears prior to the killing, was abnormal or evidence of insanity. "It is my considered opinion that both accused were quite sane at the time they killed Mrs Parker."

Witness Cross-examined

Mr Gresson: You would agree that Dr. Medlicott is a man of integrity and a capable psychiatrist—I would. Do you agree that the question before us is one on which medical men can disagree?—I do.

No doubt you have diagnosed persons insane and another psychiatrist has diagnosed them as sane?—There has been one instance in my experience where a colleague and I have disagreed on whether a person was insane or not and the opinion of my colleague was accepted. But I am not prepared to say my opinion was wrong for I have had that person under my care since.

You are speaking of a particular case, but in general terms have there not been differences of opinion on diagnosis?—Yes.

To decide whether a person is sane or insane is often a difficult question?—It is.

Paranoia is often difficult to diagnose?—Yes.

Particularly in the early stages of the disease?—Yes.

There are various types of paranoia?—That is largely a matter of nomenclature. Psychiatry is not an exact science and some authors use terms in a different way from other authors. In British text books persecutory paranoia is the only one recognised. But I will concede, to discuss different mental states with you, that paranoia may be divided into various types.

There is paranoia of the exalted type?—Yes.

There doesn't have to be any persecutory element in that?—No.

And the exalted paranoia is a very rare type?—Yes. There is a consistent and pathological exaggeration of the mood in such types.

In the later stages of the disease, the patient often thinks he is a superior being?—Yes.

They think they have exceptional qualifications denied the rest of mankind?—Occasionally.

If you were in your surgery and an adolescent told you she had a fourth part to her brain and insisted on it, what would you think of her mental condition?—If it entered so largely into her thoughts that it was affecting her behaviour I would suspect she had a delusion and would look for confirmatory evidence of mental disease.

If she also told you there were only 10 people in the world who were her equals?—I believe there are such circumstances under which such a belief could cause delusion.

In the older text books she might have been described as a monomaniac?—She might.

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Folie simultanee is a recognised mental condition, but it is rare, is it not?—Yes.

In that condition the mental instability of one aggravates the mental instability of the other?—That is true.

And you get an acceleration of the mental illness?—Yes.

Would it not have assisted your diagnosis if you had seen the accused earlier than you did?—It would have been preferable. In certain circumstances the delay of a month in seeing them would be a handicap, but I do not feel in this particular instance that it has been a handicap. My colleagues saw her very much earlier than I did.

Study of Diary

When did you see the 1953 diary?—Comparatively recently.

You had formed an opinion on the girls and reported on it before you read that 1953 diary?—That is so.

What is kleptomania?—It is a disease alleged by counsel for the defence but rarely accepted by the psychiatrist. I have had kleptomaniacs under my care. But it is not insanity. It is a neurotic desire to steal.

It could be broadly described as a form of mental disorder?—Yes, broadly.

If a person has paranoia the disease will taint the whole of his reason and effect his judgment?—Yes.

It was referred to yesterday to be like a cancer in the body. Do you accept that metaphor?—Yes.

This paranoia involves persistent delusion?—Yes.

And the delusion is coupled with lucid thinking in other directions?—Yes.

And that is why paranoia is such a difficult thing to pick?—Yes.

Changed Attitude

James Edwin Saville, medical officer at the Sunnyside Mental Hospital, said he had examined thousands of mental patients in England and New Zealand. While he was in the prisons service in England his work was medico-legal in connexion with insanity. No instance of two insane persons combining to commit a crime was known to him. He examined the accused on June 24 at the police station, at Paparua Prison on July 12 and 26 and August 13 and 20. He had heard the whole evidence of Dr. Stallworthy.

"I saw them a month before Dr. Stallworthy did, and at my first two interviews they tried to make out they were insane," said Dr. Saville. "At my last two interviews they wished to be regarded as sane. When I first interviewed them I told them I was not concerned with their guilt but with their mental state at the time the alleged offence was committed, and told them that in this type of case the question of their sanity was bound to arise. Juliet Hulme told me that if they were found not guilty on the ground of insanity they would be out of a mental hospital by the time they were 18 or 19, and they could not see themselves getting out of prison as early as that. At times they were quite pleased to see us, but at others they regarded us as a nuisance because we interfered with their time together.

"From my interviews, my considered opinion is that at the time of the offence they knew and understood the nature and quality of their act and they knew that that act was wrong in law and wrong as to morals," said Dr. Saville. "I have read Parker's diaries and I have skipped through both accuseds' writings. There was nothing in them to cause me to change my opinion about their mental condition. I would not certify either of them."

Mr Brown: What is your opinion as to whether they are sane or insane?—I think they are sane.

At the time of the killing of Mrs Parker?—I think they were sane.

Mr Gresson: Have you conferred with Drs. Stallworthy and Hunter about this case?—Yes.

And you are three Crown servants?—Servants of the country.

James Dewar Hunter, superintendent of Sunnyside Hospital, said he had been attached to the Department of Mental Hygiene for 29 years, except for two years spent as an officer in a mental hospital in Scotland. Thousands of mental patients had come under his care.

"Would Not Certify Accused"

"In my experience I have had no knowledge of two insane persons conspiring together to commit a crime; and I have read of only one instance," said Dr. Hunter. "Medical officers of mental hospitals in New Zealand are always called in to examine a person charged with murder. The purpose of the primary examination is to determine whether they are capable of appreciating their legal responsibilities.

"I have examined the accused on a number of occasions, sometimes by myself and sometimes with Dr. Saville. I have read Parker's diaries and read some of the literature; and I have questioned the girls," said Dr. Hunter. "As a result of all those things my considered opinion is they are not suffering from any disease of the mind nor were they at the time of the crime. I would not certify either of them. I consider they are sane.

Dr. Haslam: I take it you have respect for Dr. Medlicott and Dr. Bennett as medical men?—I have.

And you agree this a question on which medical opinion may differ?—I do.

That concluded the evidence in the case.

His Honour asked the foreman of the jury to consult the jurors on whether they would like to continue in the morning. The foreman said they would prefer to sit today (Saturday).

His Honour said to counsel he was inclined to think, unless there were strong views to the contrary, the Court must sit in the morning.

Counsel said they would suit his Honour's convenience.

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Summing-up

"I am conscious of the fact that the time you have to spend listening to me and devote to your own deliberations may interfere with certain pleasures you might have had to-day, but nothing must be allowed to interfere with the performance of your duties," said his Honor.

"I shall be as brief as I can, but you will devote to your own deliberations as much time as is required to reach a just decision.

The jury must put out of their minds anything they had learned or heard outside the evidence before the Court, his Honor said.

The case had been widely reported both before and since it came before the Court, and he particularly urged the jury to put out of their minds anything they might have read in the newspapers.

"It is your duty to act as honest and conscientious citizens performing an important duty for the community. You are to act without being influenced by fear or favour, or any motives of ill-will or malice towards anyone.

'Dreadful'

"The crime was a dreadful one, and may raise in you feelings of pity towards the woman who was killed and her family. You may also be influenced by feelings of pity towards the two accused.

"Your duty is not to allow yourself to be influenced merely by sentimental feelings such as those.

"Your task is to consider coldly and calmly whether the

Crown has proved its case or the defence has proved insanity. Your verdict must be unanimous," continued his Honor.

"If in the course of deliberations, you find yourself in doubt about a question of law, your proper course is not to resolve the legal problem for yourselves but to come back into Court and get my opinion on it."

In regard to questions of fact, the jury were the sole judges; the Judge had neither right nor power to determine questions of fact.

It was for the jury to decide which witnesses they would believe or how much of their evidence they would accept.

The burden of proving the commission of a criminal offence rested on the Crown. It was for the Crown to satisfy the jury beyond reasonable doubt that the two accused committed the crime for which they were indicted—the murder of Mrs Parker.

'Not Denied'

"I am sure that I correctly represent learned counsel for the defence when I say it has not been denied that, subject always to the defence of insanity, the two accused are guilty of the crime.

"It has not been denied that they conspired to murder Mrs Parker, and carried out that design.

"It makes it unnecessary to do what is usually necessary, that is, to examine the facts with great care.

"You will remember that each girl admitted her participation in the act of killing Mrs Parker.

"The Crown must prove its case beyond reasonable doubt. That applies to the crime itself, insanity. It is proved when the jury can find the accused guilty without fear of doing an injustice."

It appeared that the Crown had discharged its obligation to show, beyond reasonable doubt, that the accused committed the crime charged against them.

Difference

The burden of proof resting on the defence with regard to the defence of insanity was a different one. There was no doubt it rested on the defence.

"If you cannot make up your minds on the question, then your duty is to decide against the defence," said his Honor.

"Where two accused are tried jointly it is necessary always that you should consider each separately, and consider in regard to each only that part of the evidence which is relevant to that accused person."

In the present case, there did not appear to be a need to sever the evidence to consider how far it applied against one or other of the accused.

The case had been conducted in such a way that evidence against one had been taken as evidence also against the other.

For example, entries in the diary written by Parker had been accepted by defence counsel as evidence also against Hulme.

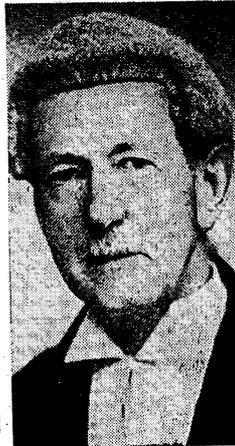
Indeed, Parker's 1953 diary had been put in not by her counsel but by counsel for Hulme. There was no need therefore to separate out the evidence and consider how much was admissible only against one of the accused, and how much was admissible against the other.

Definition

His Honor asked Dr Haslam and Mr Gresson if there were any points they wished to refer to on behalf of each accused.

They replied that there were not.

The crime of murder consisted of killing a person by an unlawful act meaning to cause the death of the person killed, said his Honor. The death must be



Mr Justice Adams . . . summed up in the murder trial to-day.

brought about by an unlawful act, and by the accused meaning to cause the death of the deceased.

Where two or more persons were jointly concerned in the commission of crime, the law did not distinguish between them in the parts played by each accused.

"If they joined together in the killing, it matters not who struck the first blow or any blow. On accused, they both struck blows," his Honor said.

In the present case there were no facts which would make it proper for the jury to consider it as manslaughter, and not as murder, and no suggestion had been made by counsel to that effect.

Verdict

As to the defence of insanity, his Honor said that if the jury found that defence established, it would be their duty to

bring a verdict of "not guilty on the grounds of insanity."

If the jury found the defence not established, it would be their duty to decide between a verdict of "not guilty" or "guilty" of murder.

Counsel for the defence had not invited the jury to bring in a simple verdict of not guilty, so that, if the jury accepted counsel's submissions, their choice lay between a verdict of "not guilty on the grounds of insanity" or "guilty of murder."

Under the Crimes Act, any person was presumed to be sane at the time of committing an act unless the contrary was proved. That placed upon the defence the onus of proving the insanity of the accused.

The Act also laid down that no person should be convicted of any offence by reason of an act or omission done or omitted when labouring under natural imbecility or disease of the mind to such an extent as to render him incapable of realising the nature or quality of his act or omission or incapable of knowing that it was wrong.

Alternative

No suggestion had been raised in this case that the accused were suffering from natural imbecility.

The alternative phrase was disease of the mind, which was insanity. To establish a defence, disease of the mind, or insanity, must be proved.

As to what was insanity or disease of the mind, that was a matter of fact for the jury. In this case, the jury had the evidence of two doctors called for the defence that the two accused were insane.

On the other side, there was the evidence of three doctors that both were sane, and neither suffered from a disease of the mind. These doctors had been called by the prosecution in rebuttal of the other evidence.

Insanity must be a question of degree. It might well be that the jury would think that the girls suffered from some degree of mental disorder, that to some extent and in some way they were unusual and abnormal.

"I do not think anyone could listen to the evidence without coming to some sort of conclusion to that effect," his Honor said.

The question was whether that abnormality amounted to insanity, and that was a matter on which doctors must always differ. There must be borderline cases where one would say it was insanity, and another say it was not insanity.

"It may well be that you have a case like that before you," said his Honor.

"I do not propose to go in detail over the evidence on the question of insanity. I am sure the relevant aspects will have impressed themselves on your minds.

"You will have to form your own conclusions as to whether or not insanity has been proved."

Not only what the doctors had said, but all the facts of the case, must be taken into account.

If the jury was satisfied that disease of the mind, or insanity, was not proved, then it need go no further.

Disease of the mind was not in itself a sufficient offence. The law did not relieve people of criminal responsibility just because they were insane.

Degree

It demanded more than that. The insanity must be of such a kind or degree that the person was incapable of knowing the nature and quality of his act and that it was wrong.

Sane people were punished because they were presumed to know, and an insane person was punished if he knew the nature and quality of his act, and that it was wrong.

This meant "Did these girls know they were killing Mrs Parker?" All the medical witnesses said that they did know the nature and quality of their act, except Dr Hunter, who was not examined on that point.

There had been no attempt by cross-examination or by argument to suggest the girls did not know the nature and quality of the act, and as far as he could see, there were no grounds the jury could hold that they did not know the nature and quality of the act.

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TEENAGERS SENTENCED TO DETENTION FOR MURDER

PAULINE YVONNE PARKER, aged 16, and Juliet Marion Hulme, aged 15 years 10 months, were sentenced in the Supreme Court on Saturday afternoon to be detained during her Majesty's pleasure.

They had just been found guilty by a jury on a charge of murdering Parker's mother, Honora Mary Parker (also known as Rieper), at Victoria Park on Tuesday, June 22.

In returning their finding that the girls were guilty, the jury rejected a plea by the defence that the girls were not guilty on the grounds of insanity.

The jury's verdict was the climax of a trial lasting six days. Many features of the case made it one that will go down in history as one of the most famous trials in the annals of British justice.

The evidence caused sensation after sensation, and excerpts from Parker's 1953 and 1954 diaries, read by both sides, contained some remarkable material.

That the two girls killed Mrs Parker was not disputed, and the jury was left mainly to decide between the Crown's submission that the girls were sane and the defence that the girls were grossly insane, and were suffering from paranoia of the exalted type in a setting of folie a deux.

The Crown case was presented by Mr A. W. Brown and Mr P. T. Mahon. That for the defence was presented by Mr T. A. Gresson and Mr B. McClelland, who appeared for Hulme, and Dr A. L. Haslam and Mr J. A. Wicks, who appeared for Parker.

Mr Justice Adams, who presided over the trial, summed up after the final addresses by counsel on Saturday, and the jury retired at 12.41 p.m.

The keen public interest taken in the trial throughout the week was intensified on Saturday, and the Court was again full when the jury returned at 2.53 p.m.

Parker, standing on the far side of the dock from the jury box, looked impassively ahead. Hulme, however, scanned the faces of the jury, and for a moment perhaps, there was a touch of anxiety in her expression.

A smile playing round her lips disappeared. She turned to the front, and looked straight ahead.

Protest

The Registrar (Mr G. E. Pollock) asked the Foreman for the jury's verdict.

Without hesitation, he replied: "Guilty," in each case.

The other members of the jury indicated that they agreed with the Foreman's announcement.

Suddenly the dead silence of the Court was shattered by a young man who leaped forward at the back of the upstairs gallery, out of sight of the two prisoners.

"I protest, I object," he cried. "Silence," called the Court.

There was no need for his Honor to intervene. The interjector turned towards the exit, and he was hustled from the Court by two policemen.

His Honor then said that counsel might recall that early in the trial he had mentioned that a question of age might arise.

Section 5 of the Capital Punishment Act, 1950, provided that where a person convicted of an offence punishable with death was under 18 the sentence to be passed should be a sentence to detention during her Majesty's pleasure instead of a sentence of death.

That point now arose, said his Honor, and he would like to hear counsel on the matter.

Mr Gresson said it was submitted that there was clear evidence from Mrs Hulme as to her daughter's age.

Dr Haslam said that Mr Rieper had given similar evidence in respect of his daughter, Parker.

His Honor said he was thinking of a matter of procedure. It was a question of fact that required some determination.

Mr Brown, who, like the others, had found the trial a great ordeal, broke down as he was suggesting to his Honor that the pertinent evidence be read to the jury. He recovered quickly.

Evidence

His Honor said that he would submit the matter to the jury. "Mr Foreman," he said, "in view of the verdict you have

returned, it now requires to be ascertained whether each of the prisoners is under the age of 18.

"I now ask you to answer that question with regard to each of the prisoners, doing so upon the evidence already before you in this case. The only evidence is that to which the Crown Prosecutor has referred.

"In the case of Parker, her father has sworn to her age, and she is well under the age of 18. In the case of Hulme, her mother has sworn to her age, and she is well under the age of 18.

"I suggest to you that you may be able to answer the question after a short consultation in the box."

The jury conferred, and the Foreman announced that they had found both prisoners to be under the age of 18.

His Honor said he would now add his own decision that the prisoners were both under the age of 18.

Sentence

Each prisoner was asked if she had anything to say, but neither responded. Instead, their counsel said there was nothing they could add to the evidence before the Court.

The prisoners, who were showing no signs of emotion, were then sentenced.

"You both being held to be under the age of 18, the sentence of the Court is detention during her Majesty's pleasure. That sentence is passed upon each of you," said his Honor.

After a short pause, he added: "The prisoners may now be removed."

As the girls left the Court, Parker stared straight ahead. Hulme looked to the side, but her mother, Mrs Hulme, apparently did not see her. Mrs Hulme's eyes were closed.

His Honor thanked the jury for their long and careful attention to a troublesome case, and said that any juror who so desired would be exempt from further service on juries for three years.

The girls were held in the cells upstairs until most of the crowd had gone.

About twenty women and a few men stayed on, however, until the girls were driven away at 3.40 p.m. to start their sentence.

[MINISTER]

TO DECIDE FUTURE OF MURDERESSES

Psychiatric Advisers Will be Consulted

Wellington Correspondent

THE decision as to the future of Pauline Yvonne Parker and Juliet Marion Hulme, who have been found guilty of murder, is entirely the responsibility of the Minister of Justice (the Hon T. C. Webb).

The Secretary of Justice (Mr S. T. Barnett), after consulting psychiatric advisers to-day, will tender a report to the Minister, who will then decide where and for what duration the girls will be confined.

As is usually the case in matters of such gravity, Mr Webb will have an informal discussion with his Cabinet colleagues before the decision is announced.

Stating this to-day, Mr Webb said that his responsibility was defined under the Capital Punishment Act, 1950, which is taken as part of the Crimes Act, 1908.

In Section V it excludes from the death penalty any person under the age of 18 years and provides an alternative, "detention during her Majesty's pleasure."

Other sections state: "A person sentenced to detention during her Majesty's pleasure shall be liable to be detained in such a place and under such conditions as the Minister of Justice may direct."

Perturbed

"Any person so detained may at any time be discharged by the Minister of Justice on licence. Every such licence shall be in such form, and shall contain such conditions as the Minister of Justice may direct, and may at any time be revoked or varied by the Minister."

It is understood that officials are perturbed as to whether the existing facilities are adequate for the detention of these girls. The Borstal Institution has been mentioned as a probability, but some official opinion is that Borstal is intended as a corrective institution and that its use for crimes of this character may be outside its capacity.

The problem may be doubled if it is considered desirable to separate these teen-age murderers.

Mr Barnett said to-day that the only other person at present being held in prison for murder committed when a child was James Frederick Dodd.

Facilities

In a publication issued recently by the Department of Justice, "A Penal Policy for New Zealand," comment is made on the classification of the Dominion's penal institutions. Three have facilities for the detention of women prisoners—Arohata Borstal and Reformatory, Auckland Prison, and Paparua Prison.

OF AROHATA BORSTAL AND REFORMATORY the publication states: "This is a women's institution situated a few miles from Wellington. The women and girls detained there are all those sentenced to Borstal training throughout the country, and also other young offenders of a type who are not yet widely experienced in crime, and who might, with individual treatment, be expected to reform. It must, however, be admitted that they present the most difficult penal problem in New Zealand since too many of them constitute moral problems. The average population at any time is about thirty, and the inmates are employed at the laundry and in gardening, and in sewing for other institutions."

OF AUCKLAND PRISON: "A small section of the prison is set aside for older women and for young women for whom Arohata is not suitable. They are mainly engaged in laundering and sewing."

OF PAPANUA PRISON: "Near the main institution there is a small prison of the bungalow type to house three or four women on remand or short sentence."

FOOTNOTE: The girls are being held at the Paparua Prison. The superintendent (Mr R. Pearson) said that they were in separate cells, but saw each other at exercise periods in the morning and afternoon. He understood that they would be at the prison until the Minister had decided where they should serve their term.

Released

In the Supreme Court at Hamilton in February, 1947, Dodd, at that time aged 15, together with Cyril James Pascoe, then aged 14, was convicted of murdering Raymond Douglas Brinkman at Te Whakarae, near Taumarunui, on January 12, 1947.

Both boys were sentenced to life imprisonment. Pascoe was released from gaol earlier this year. At the time of the trial, the jury recommended mercy for Pascoe.

The boys were not sentenced to death in 1947, as the Labour Government had abolished capital punishment for murder in 1941.

Before capital punishment was abolished in 1941, all persons who committed murder were sentenced to death. However,

this was not always carried out as the sentence could be commuted to imprisonment.

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GIRLS GUILTY OF MURDER

Jury Rejects Plea Of Insanity

INDEFINITE TERM OF DETENTION

Pauline Yvonne Parker, aged 16, and Juliet Marion Hulme, aged 15 years and 10 months, were found guilty by a jury in the Supreme Court on Saturday on a charge of murdering Honora Mary Parker, mother of the accused Parker, at Christchurch on June 22.

Mr Justice Adams sentenced both accused to detention during Her Majesty's pleasure; both accused being under the age of 18.

The jury reached their decision after a retirement of two hours and a quarter.

His Honour's summing up took an hour and 20 minutes.

When the foreman gave the unanimous verdict of the jury, a man in the public gallery upstairs stood up and called out: "Your Honour, I object." The Court crier called: "Silence," and the man was quickly hustled out of the gallery by the police.

The two accused stood impassively in the dock from the time the jury returned with their verdict until after sentence was passed. At one stage Parker looked across at Hulme, whispered something and they both smiled.

There were about 125 persons present on Saturday, the sixth day of the trial. Some waited a considerable time outside the Court to see the girls leave the building but were disappointed.

After the verdict had been announced his Honour said counsel would recall that he had drawn their attention to the fact that the question of the accused's age might arise. Counsel submitted that there was evidence of the age of each accused.

His Honour then put it to the jury to rule on as a question of fact, and the foreman said they were all satisfied that each accused was under the age of 18. His Honour added to the record his own decision that they were both under 18.

His Honour conveyed to the jury the thanks of their country for their long and careful attention to the troublesome case with which they had had to deal for six days and which had meant enforced absence from their homes. It was usual to grant exemption from jury service for a period after such a case, he said, but, as he knew many citizens were glad to serve their country in such a way, he would not give a direction that all be exempted. Each member of the jury who desired exemption should inform the Registrar and a direction would be given that each such juror be exempt from jury service for three years.

The Crown Prosecutor (Mr A. W. Brown), and with him Mr P. T. Mahon, appeared for the Crown. Parker was represented by Dr. A. L. Haslam and Mr J. A. Wicks, and Hulme was represented by Mr T. A. Gresson and Mr B. McClelland.

Both accused pleaded not guilty and the defence was a plea of insanity.

All the evidence was completed on Friday. On Saturday counsel for the defence and the Crown addressed the jury and his Honour summed up.

COUNSEL FOR PARKER

"This long and arduous trial is drawing now to a close and defence counsel will try to assist you in coming to a conclusion," said Dr. Haslam, addressing the jury. "If in so doing we omit facts which may seem important to you it is not because we do not think them important. It is because we think most of the facts will be clearly in your mind and we wish to save your time by not traversing them at length.

"You have had to listen to a great deal of evidence of an unsavoury and repulsive nature, unfortunately," said Dr. Haslam. "But it was necessary as we have got to ascertain the state of these young people's minds. It was not put forward for the purpose of shocking you.

"May I suggest that you may have formed a dislike—it would be understandable if you had—to a great deal done and said by the accused," said Dr. Haslam. "But your job as members of the jury is a judicial one and you should not allow yourselves to be influenced by any preconceived ideas. I earnestly ask you to approach the evidence and your decision as impartially and dispassionately as you can.

Onus on Defence

"The fact of the killing is not disputed and I will not refer to it in detail for the horror of it will still be vivid in the minds of you all. The defence undertakes to show you that the girls were insane at the time of their act to such an extent as the law will excuse them for what they did," said Dr. Haslam. "The duty is on us, the defence, to prove to your satisfaction that the girls are insane and we accept that onus. In this, it is not a matter of counting heads. It is not sufficient that you say the defence called two doctors but the Crown called three, so the medical evidence is in favour of the Crown. You must weigh up the medical evidence for both sides. You must test its credibility and its cogency. If we have satisfied you that the girls were insane when they committed the crime we are entitled to the verdict.

"Now what are the facts? We have it in evidence that in early childhood both girls suffered from ill health and had more than their share of misfortune," said Dr. Haslam. "They met at school in 1952, two lonely, withdrawn girls. Both families welcomed the friendship which they thought would benefit both girls. Early in the friendship, but how early has not been determined, it began to be intense; there has been a reference to them going into the country for a bike ride and becoming so ecstatic and exalted that they stripped off some of their clothing and danced, and that they went home without some of their clothing.

"It is obvious from Parker's diaries that from its early stages this friendship assumed such an intensity that the position became alarming. The diaries show that, and they also show the steady deterioration of their minds and of their mental condition," said counsel. "You have heard the defence doctors speak of what has been termed 'the Port Levy revelation' of April, 1953, and Parker says—and remember she was then about 14 years of age—that they had a vision of the fourth world, which seems to mean so much to them, and that they had an extra part of the brain which revealed it to them. This key to the fourth world was also the key in the hands of the defence doctors which enabled them to find what escaped the doctors called by the Crown.

"Then the friendship continued while Juliet Hulme was in the sanatorium. Even though she was there, the fancy

of both girls had full play," said Dr. Haslam. "They rushed to each other and wrote to each other in assumed names and their own names. The friendship intensified when Juliet Hulme came out of the sanatorium. It is true that in the latter part of 1953 Pauline Parker had other interests and boy friends; but later the boy friends fell out of sight and it is Hulme who means everything to her. You will remember the strange episode of the Coronation film. When everyone else probably was keenly interested in it, the only interest these girls had in it was to get material to use for their fictional characters.

"Disastrous Association"

"Then this disastrous association gets into its full stride," said counsel. "Both sets of parents became alarmed and tried to break down the association. Mrs Hulme has told you what steps she and Dr. Hulme took. Mr Rieper, with whom we all sympathise in his sad plight, told you how Parker's mother was worried about the association and tried to stop it. The girls were a source of anxiety to both sets of parents. They spent most of their time at 'Ilam.' Unfortunately, Parker convinced the Hulmes that she was unhappy at home. Further, she cut her own parents out of her affections. While the two girls were at 'Ilam' together they got out of bed at nights and got up to all sorts of pranks. There was a morbidly close association between them, the details of which I need not elaborate for they will be fresh in your minds. They created a Temple of Minerva and it became even more fanciful still, as the Temple of Raphael and Pan. They were keen on literature. They admired each other and each other's work. They thought they were literary geniuses and had the fanciful notion of getting their novels filmed. Then came their utterly fantastic plan of getting abroad.

"Then came the episode which upset them and, no doubt, these children read too much into it," said Dr. Haslam. "That was the episode in Perry's bedroom at 2 o'clock one morning, and Mrs Hulme told you about it. Dr. Hulme discussed it and there was reference to the marriage breaking up. Though we are not concerned with the domestic affairs of these good people, it seemed to the girls that their security was breaking up. This was the background against which their insanity developed. Their mental disorder mounts and deterioration sets in and grows as it proceeds. They still went on with their crazy plans and the diary says they were sticking to one thing—that was to sink or swim together.

"Distorted Idea"

"They thought Mrs Parker was a threat to their being together. They had the distorted and utterly foolish idea of removing that threat. So we have these girls planning their dreadful act, carrying it out so clumsily, and then, after it was over, not showing a shadow of remorse. That was on June 22.

"Dr. Medicott and Dr. Bennett were called in to see them," said Dr. Haslam. "You will recollect that Dr. Bennett had one big advantage. He knew something of the background of both girls before he started on the case. He had known the Hulmes well for some time and Parker had been taken to his surgery by her mother in December, 1953. So that, when he saw these girls at the police station on June 24 he had some knowledge of the facts preceding the tragedy. He has come to the same conclusion as did Dr. Medicott. That is that the girls suffer from paranoia, delusions of grandeur and delusions of ecstasy. Each affects the other and aggravates the progress of the disease.

"Dr. Bennett has pointed out that delusional insanity is difficult to de-

fect," said Dr. Haslam. "Apparently there is ordinary, lucid working of the faculties as far as the outside world can see. It is difficult to know the mental state of such people until you get to the delusion and find what it is. None of the doctors called by the Crown gave much weight to the Port Levy revelation or to the fourth world or paradise. It was their delusion of grandeur and the key to their arrogance and conceit. They found that fourth heaven and gave the reason why. There are many varied forms of insanity. Dr. Bennett said that delusional insanity impairs the judgment. Dr. Medicott said it is like a cancer in the body. People outwardly look healthy but underneath there is this rotteness. At their interviews with the doctors the girls first pretended to be insane and then sane. But the doctors were not deceived. They got to the core of it.

Delusion Took Charge

"You will remember the evidence on the girls saying the Bible was bunkum, that Juliet was going to rewrite it on parchment vellum and Pauline was going to illustrate it," said Dr. Haslam. "That is one of the many indications of the derangement of their minds. They were not a couple of young people just thinking of the problems of life and the hereafter. It was a case of distorted minds, where a delusion had taken complete charge.

"The Crown doctors say these girls are quite sane, but they concede it is a matter where medical opinion can differ. It is for you gentlemen of the jury to say which one you prefer. Doctor Bennett and Dr. Medicott have told you these girls were insane on June 22 when they committed the attack on Mrs Parker. Dr. Bennett described—and it will be vividly in your minds—how the delusion works on and takes charge of the reason of these two girls," said Dr. Haslam.

"Their dream world was threatened and so they struck. In their imagination they had toyed with violence. Then it broke out and they committed their dreadful act.

"Dr. Bennett told you that the delusion affected their whole judgment. He admits the girls knew when they struck the fatal blow they were killing Mrs Parker; but you gentlemen of the jury have got to decide whether they still knew that what they were doing was wrong. Dr. Bennett said they were a couple of homosexual paranoids of the elated type. He said obeying the law was an intellectual thing, but he also said that emotion was more persuasive than intellect. These accused girls thought they were morally right or at least not wrong; that by killing Mrs Parker they were transferring an unhappy woman to heaven and also preserving the integrity of their own association.

"Gentlemen, it is for you to decide whether the girls knew what they were doing was wrong," said Dr. Haslam. "It is the submission of the defence that they did not know. I now commit my young clients to your merciful keeping and I respectfully invite you to bring back a verdict of not guilty on the ground of insanity."

MR GRESSON'S ADDRESS

Announcing his intention of keeping his address short, Mr Gresson began by expressing his agreement with everything that had been said by Dr. Haslam.

"As I said in my opening, the fact that Parker and Hulme assaulted Mrs Rieper cannot be denied and neither Dr. Haslam nor I denied it. The vital, all-important question is the sanity or otherwise of the two accused when they committed this brutal and unjustified assault," Mr Gresson said.

"If, after hearing the evidence, you are satisfied that when the two accused committed this attack they were sane, knew what was right and knew that what they were doing was wrong, then it is your duty to convict them and let them suffer the penalty which the law imposes. But if the evidence you have heard convinces you that they were insane to the extent that they did not know it was wrong, then your duty is to find them not guilty on the ground of insanity.

"The extent of their insanity is to a large extent a medical question," said counsel. "The diagnosis of the exact nature of a mental illness is a matter for competent psychiatrists or doctors and is not one for laymen to decide. It has been emphasised by the witnesses for the defence that it is the cumulative effect of the symptoms that justifies the diagnosis of paranoia in these two girls. No single hair constitutes a beard, but if there are sufficient hairs on a person's chin neither you nor I can have any difficulty in deciding that person has a beard.

"Dr. Medicott told you that his considered opinion was that the two accused suffer from a paranoia of the exalted type in a setting of folie a deux," said Mr Gresson. "In other words, his considered medical opinion, given to you on oath, is that the two accused are insane. They were two unusual girls, of unusual personality and their association was, in his opinion, tragic for them. I think we can all agree on that.

"Homosexuality and paranoia are frequently related, he told us. But he did not make his diagnosis for the reasons the girls gave him; he was convinced they were definitely insane because they were harbouring delusional ideas," said counsel.

"He gave you the grounds for that statement: they had their own religion, their own god, their own morality. They were outstanding geniuses, with their own special para-

dise, for which only 10 people can qualify. It is Dr. Medicott's considered opinion that these are delusions. Paranoia of the exalted type is usually accompanied by an exaltation of mood and a delusion of grandeur, a conceit which has to be fed continually," Mr Gresson said. "In this case the mental instability of one accused affected the instability of the other. They act as resonators, Dr. Medicott said, each increasing the pitch of the other's insanity.

Judgment Affected

"Paranoia is difficult to diagnose because of the apparent lucidity in other directions shown by the affected person. That is why laymen did not pick the disease. They were insane at the time they killed Mrs Rieper, but notwithstanding their insanity they would know they were killing Mrs Rieper. Their capacity to form a judgment as to the rightness or wrongness was affected. They knew, in the sense of being aware at times of rightness or wrongness, but in their interviews with him they would switch between what they knew of the law and their own fantastic notions at a moment's notice. Dr. Medicott said he would not have the slightest hesitation in certifying both the accused as insane," said Mr Gresson.

"Dr. Medicott was cross-examined for something like five hours and in the course of that cross examination, it is submitted, he did not retract one word of his evidence. To my mind, they are insane, from a legal point of view," he said. Even if the killing had not occurred, he would say these two girls were insane; in other words, he did not make his diagnosis as a result of the murder. The killing, Dr. Medicott said, was indirectly, the result of their delusions.

"The integrity of Dr. Medicott as a witness, said Mr Gresson, could be gauged from one incident during his long stay in the box, when he was 'courteous under extraordinary pressure and, above all, mentally honest.' Mr Gresson recalled that Dr. Medicott had said the girl Parker had told him she had had a period of religious mania. To his Honour, Dr. Medicott said these were her own words. 'Overnight Dr. Medicott turned up his notes—and I assure you they are voluminous—and ascertained that those words were his own, and not Parker's. He told you that the next morning.'

"The jury could accept the view, then, that a man of such integrity would give evidence in this trial only if he was convinced that these two girls were mentally sick. He had reached this conclusion only after observing the facts dispassionately, and after discounting their own 'pathetic' evidence of their insanity. Dr. Bennett had confirmed the evidence of Dr. Medicott and had arrived independently at the same conclusion.

"You have two competent, reliable doctors telling you that Parker and Hulme are insane and that they were so afflicted when they took to the unfortunate Mrs Rieper that they were unable to judge properly the moral quality of their action," said Mr Gresson. "I ask you to accept that evidence. There were three doctors called to say otherwise, but they all agree there was room for a genuine difference of medical opinion.

"They were all Crown doctors, holding salaried positions in Government institutions," said counsel. "I do not suggest for a moment they were dishonest in their evidence, but I would emphasise they all come from the same stable. If they were out at Addington this afternoon they would have to be bracketed. It does tend to create an identity of view among them.

"They see a number of criminals whose only hope of salvation is to convince a panel of Crown doctors they are insane. I ask you to accept by contrast what Dr. Medicott and Dr. Bennett have said."

Correspondence and Actions

Mr Gresson, after referring to the medical history of the two accused, discussed their correspondence with each other under imaginary names. They had built a "Temple of Minerva" and had erected crosses to "dead ideas." "They are going to rewrite the Bible and it is going to be on vellum parchment, and Parker is to illustrate it. They are going to Paradise and they have a fourth part of their brain. They are goddesses on high; they are going to have their books filmed; they show an intense and gross homosexuality. They even set out to break all the Ten Commandments; they have committed blackmail, cheating, theft, and murder.

"All this happened in this vital period between Christmas, 1953, and June, 1954," said Mr Gresson. "The recital of that is not to show that they are like dishonest, nasty little girls, but that they were ill, and that as their alliance continued their illness progressed."

Further incidents were quoted by Mr Gresson in support of this contention: their dressing up in black and eating birthday cake "in honour of Him's Birthday"; their writing poems at Lancaster Park during the interschool sports; their writing operas and singing songs; and their plan for a masked ball for their plasticine characters.

Their "gods" included Rupert Brooke, Caruso, Julius Caesar, and Charles II. "You will agree they are a curiously ill-assorted group," said counsel. The girls wrote in the diary their intention to murder Mrs Parker. June 22 was referred to as "the day of the happy event."

"Some of you will have—as I have—daughters of your own," said Mr Gresson. "Suppose one of them showed even half the symptoms of these two girls. Do you mean to tell me you would not get the doctor in to her? Isn't it plain, and wouldn't anybody say, that if these facts were proved about a girl she is—in common language—crackers?"

"They are both incapable of forming a rational judgment about the moral nature of their act. All the circumstances surrounding the deed suggest the same theory: their lack of remorse, their lack of contact with reality. They are simply delusional, insane girls.

These were "problem children," adolescents whom competent medical opinion considered insane; two mentally ill adolescents, not brutal criminals. "At the time they committed the crime they were ill and not criminally responsible for their actions," Mr Gresson concluded.

CROWN'S FINAL SUBMISSIONS

"Your duty is to consider the evidence and judge it fairly and properly, honestly and in accordance with the oath you have taken. All the Crown asks is that you return a true and honest verdict," said Mr Brown, addressing the jury. "In the dock are two young girls charged with what can only be described as a very dreadful crime.

"Before you can convict them of murder—apart from the question of sanity or insanity—you must be satisfied that they intended to kill Mrs Parker and in fact did kill her," said Mr Brown. "If you are satisfied, after

a close and conscientious examination of the evidence, that they did kill Mrs Parker you must give a verdict other than that of guilty—that is apart altogether from the question of sanity or insanity," said Mr Brown. "You should not be swayed by counsel on either side but should judge the matter solely on the evidence you have heard in Court.

"The onus of proof is on the Crown and I submit that onus has been discharged. It has never been disputed that these girls murdered Mrs Parker. So the only question you have to deal with is their sanity or insanity and the burden of proving that is on the accused. You must not allow feelings to enter into it. Sentiment has no part in British justice.

"I agree that the girls in the dock are in a dreadful position and in the course of the trial many nasty things have been said about them," said Mr Brown. "No matter how hard-hearted one may be one can not but help pity them. But you must not allow that to sway your judgment. On the other hand, you may feel pity for Mr Rieper—he is one in this case who does deserve sympathy—but you must not let that influence you against the accused.

"Girls are Sane"

"I tell you, and I submit that it has not been contradicted, that both doctors for the defence have said these girls are sane and not insane," said Mr Brown. "Mr Gresson has commended the defence witnesses and made slightly disparaging remarks about the Crown's medical witnesses. Mr Gresson referred to Dr. Medicott's mental honesty and referred to his doubt about a statement until after he had gone back through his voluminous notes. Mr Gresson said that Dr. Medicott did not retract anything. But Dr. Medicott did in fact retract that statement. He did not say he was mistaken though until I questioned him. His retraction was not a voluntary one.

"Mr Gresson said that Doctors Stallworthy, Hunter and Sande, servants of the Crown, and the inference is that they would not be so independent as the defence doctors," said Mr Brown. "It is a half truth, in this respect, that it left out of account that when they went into the witness box they swore to tell the truth when they examine an accused they do so not for the purpose of giving evidence at a trial but because they wish to satisfy themselves of the mental condition of an accused. Indeed, the very fact that they are employed by the Crown gives them an opportunity no other psychiatrist has of gaining the maximum experience in mental disease. I submit that their evidence is of greater weight and more worthy of acceptance than that of any other psychiatric evidence that can be brought by the defence.

"I examined the two doctors for the defence in a way that has been termed relentless," said Mr Brown. "But it was my duty to do so for I have got to find the truth. And the truth of the matter is that these girls are sane, and sane by all standards."

His Honour: That is not quite right, Dr. Medicott and Dr. Bennett adhered to the view that there was disease of the mind by medical standards.

"That is so, your Honour," said Mr Brown.

Continuing his address to the jury, Mr Brown said: "Did these two doctors not wriggle, overstate and understate over and over again under cross-examination? One example was the extraordinary statement by Dr. Bennett about the girls' use of the word 'moiler' instead of murder. He did not know that moiler is a slang term for murder. He said they used it for a fancy name and it had not the ugly significance of murder. I asked him about another play on words. The girls called Mr Perry 'Mr Bloody Perry' and the doctor said it was a change of Perry's christian name, Bill. But he did not seem to realise that it was the substitution of an ordinary, decent word by an ugly one.

"I submit, Mr Foreman and gentlemen of the jury, that you will say to yourselves: 'If that is the standard of the doctor's reasoning we must be very doubtful if his opinions are entitled to very great weight.' Dr. Bennett did not give his evidence in the way evidence is usually given in a Court of law," said Mr Brown. "He appeared to have his speech to you written out and seemed to refer to it. He was corrected on one occasion on his use of the word 'final'. He said the murder was final proof of insanity. When cross-examined he said he had not used the word. But he had used it, as the record showed, and as his Honour's own note showed. I leave it to you, the jury, to judge. You are men of the world and of common sense.

Cross-examination Recalled

"Now let me bring you to this. The doctors called by the defence agreed entirely with the most important conclusions come to by Dr. Stallworthy, Dr. Hunter, and Dr. Saville," said Mr. Brown. "Dr. Stallworthy, in his evidence, said that, from all the information he had gained he had no doubt that both accused knew the nature and quality of their act and they knew it was against the moral code of the community. He said there was nothing to lead him to believe that they were insane at the time they killed Mrs. Parker. Now I turn you to Dr. Medlicott's evidence. I asked him: 'Did they know what they were doing?' His answer was: 'Yes.' I asked: 'And they knew the nature and quality of their act?' His answer was: 'They did.' I asked: 'Did they know the law of the country?' His reply was: 'Yes.' I then asked him: 'Did they know their act was wrong according to the law?' The doctor saw he was in a spot and he said: 'They knew, but they did not recognise the law.' I put the question to him again and he said: 'They knew it was wrong in the eyes of the community.' That is precisely what Dr. Stallworthy and Dr. Saville said," Mr. Brown said.

"Dr. Bennett would not answer yes or no to questions. He always wanted to qualify it in case he might be shown to be wrong," said Mr. Brown. "Dr. Bennett, in reply to his Honour, said in more roundabout words what Doctors Stallworthy and Saville said for the Crown. That was that the accused knew that what they did was against the moral standards of the community, though he added that it was not against their own moral standards. It is impossible for you, the jury, to have any doubts about it that the conclusions reached on the mental condition of the accused by both the witness for the Crown and the defence is the same. "In the course of the trial you have learned a great deal about these young people in the dock. I won't give you the list of things showing they are depraved. You have already heard it," said Mr. Brown. "Notwithstanding their depravity they are not insane. The evidence proves that these two young people have most unhealthy minds, but the unhealth is badness and is not insanity at all. "I will conclude with the words I

used at the opening of this trial," said Mr. Brown. "This plainly was a coldly, callously planned and premeditated murder committed by two highly intelligent and perfectly sane but precocious and dirty-minded girls. Now add: And who have been proved to have been sane at the time they killed Mrs. Parker. They are not incurably insane. My submission is they are incurably bad."

HIS HONOUR SUMS UP

His Honour, beginning his summing up, said he was conscious of the fact "that the time you have to devote to listening to me and the time you may have to devote to your own deliberations may deprive you of certain pleasures you may have had today. I am sure you will agree, however, that nothing must interfere with the due fulfilment of your duties." Their oath as jurymen required, first, that they should disregard anything they might have learned about the case from any source other than the evidence put before them in the Court. He was referring in particular to the fact that this case had been much reported in the papers both before this trial and during the trial, said his Honour.

It was the duty of the jurymen, as honest and responsible citizens, to use their knowledge of the world and affairs in arriving at their decision and they were entitled to bring to bear on it their common sense.

The members of the jury must cast aside any feelings of pity for the dead woman, for members of her family, or for the two accused. Their function was solely to decide whether the Crown had proved its case and whether the defence of insanity had been proved, said his Honour.

It had not been denied in this case—subject to the defence of insanity—that the two accused were guilty of the crime with which they were charged. Nor was it denied that they conspired to murder Mrs. Parker. These admissions rendered it unnecessary for him to warn the jury to look for sufficient onus of proof, as was usually done by the Judge in a murder trial. There did not appear to be any doubt in this case that the Crown had established its case.

Burden of Proof

The burden of proof that rested upon the defence in regard to the ground of insanity was a different one, his Honour said. "It is for the defence to satisfy you that the allegation of insanity of the required kind and degree has been made out. If you cannot make up your minds on that question your duty would be to decide against the defence."

When two accused persons were tried jointly it was always necessary that the jury should consider the case of each accused separately, and to consider in regard to each only so much of the evidence as was properly relevant to that particular accused. "In this particular case there does not appear to be any need for severance of the evidence."

His Honour said counsel for the two accused had endeavoured to draw no distinctions as between evidence applicable to one accused or to the other. Dr. Haslam and Mr. Gresson, asked by his Honour if he had correctly interpreted their submissions, agreed that this was so.

The crime of murder consisted in the killing of a person "by an unlawful act, meaning to cause the death of the person killed," his Honour continued. "There can be no doubt that if this person's death was caused as alleged by the Crown, it was caused by an illegal act." Where there were two or more persons jointly concerned in the commission of a crime the law did not make any distinction between them; it did not matter in this case who struck the first blow, or who struck any particular blow.

"Any person who, in pursuance of a common design to commit a crime, does any act in furtherance of the commission of the design, is guilty of the crime involved," said his Honour, quoting from the Crimes Act.

It was usual in murder cases for the Judge to explain the law as to manslaughter, but he saw no facts which would render it proper for the jury to treat this crime as manslaughter.

Alternatives for Jury

"The gravamen of this case is the defence of insanity. If you find that defence established to your sufficient satisfaction of the case your duty will be to return the following verdict: 'Not guilty, on the ground of insanity.' "If on the other hand you find the defence not established you must bring in either a verdict of 'guilty' or a simple verdict of 'not guilty.' As I have explained, counsel for the defence have already invited you not to bring in a verdict of not guilty. Your proper choice lies between 'guilty' and 'not guilty on the ground of insanity.'"

"Under section 43 of our Crimes Act everyone must be presumed to be sane at the time of doing or omitting any act until the contrary is proved. That is the onus that rests on the defence. It is also laid down that 'no person shall be convicted of an offence on the ground of insanity omitted by him when labouring under natural imbecility or disease of the mind to such an extent as to render such person incapable of understanding the nature and quality of the act or omission and of knowing that such act or omission was wrong.'"

There was no suggestion of natural imbecility in this case, said his Honour. "Disease of the mind" was what was normally termed insanity. It was a matter of fact—and hence one for the jury to decide—what was insanity or disease of the mind. The jury was entitled to have the views of medical men on this matter.

"In this case you have the evidence of the two doctors called for the defence who have expressed the opinion that these two accused are insane. On the other hand you have the evidence of three doctors called for the prosecution in rebuttal, who have sworn that both of the accused are sane and neither suffers from any disease of the mind."

The learned Crown Prosecutor, a few moments ago, quoting an old Latin tag, suggested to you that you might well claim that these two were not possessed of healthy minds. It may well be that they suffered from some degree of mental disorder, that to some extent and in some way their minds are unusual and abnormal. I don't think anyone can listen to this case without coming to some such conclusion.

"The question remains whether this abnormality of mind does or does not amount to 'disease of the mind,' these being the words of the statute. I suppose that must be a matter on which doctors will often differ, because it depends on the degree of mental aberration, and there must be borderline cases where one man would say this is insanity and another would say, 'This is not insanity.' It may well be that in this case you have just that sort of picture before you; the case where there is mental abnormality which some doctors are prepared to classify as insanity whereas other doctors are not prepared so to classify it. Such a view involves no reflection on any of the medical men concerned."

"I do not propose to go in detail over the evidence on this question of insanity. You have heard it at great length and I am sure that the relevant aspects of it will have impressed themselves already upon your mind. . . . "If you are not satisfied that insanity is proved, that is the end of this defence," said his Honour. "You need not go any further. On the other hand, disease of the mind is not of itself a sufficient defence. The law does not relieve persons of criminal responsibility merely because they are insane. It requires them to be insane, but it requires more than that."

"The insanity which is to relieve a person from criminal responsibility must be, in the words of the act, such as renders the person in question incapable of understanding the nature and quality of the act or omission, of knowing that such act or omission was wrong." Sane people are punished by the law because they know the nature and quality of their acts and know that their acts are wrong. If a person suffering from disease of the mind knows the nature and quality of the act and knows that it is wrong in the eyes of the law, he stands on the same footing as the ordinary sane person.

"No Mystery"

"There is no mystery about this—

no conflict between the medical and legal views," said his Honour. "This is a law that has been in force for many years and one that you and I are bound to be guided by in this case."

"You will observe that in addition to insanity there are two elements to be considered. It will be sufficient if the defence satisfies you that the accused did not know the nature and quality of the act, and equally sufficient if they satisfy you that even if the nature and quality of the act were known the accused did not know that the act was wrong."

"There are therefore, two alternatives, either of which will suffice. The first is that the accused did not know the nature and quality of the act. Now that reference is to the physical quality of the act. Did they know that they were killing a woman? All the medical men who were examined on that point—that is to say Doctors Medlicott, Bennett, Stallworthy and Saville—have sworn to you that in their opinion these accused persons did know the nature and quality of their act. Dr. Hunter was not examined on this point."

"As I have understood the case, that has not been in dispute. There has been no attempt by cross examination or by argument or in any other way to suggest to you that they did not know the nature and quality of the act, and as far as I can see, on the evidence there is no ground upon which you could properly hold that either of the accused did not know the nature and quality of the act."

"If that be the view that commends itself to you, then you have only to consider the other alternative: were they by disease of the mind rendered incapable of knowing that the act or omission was wrong?" said his Honour. "You will observe in the first place that our law does not exonerate on the ground of irresistible impulse or on the ground that a person knowing the wrongness of the act is by disease of the mind led nevertheless to commit the act."

"Grave crimes are almost invariably committed by persons knowing that they were doing wrong but nevertheless by some perversity of the mental processes are led to commit the act," said his Honour. "In such cases the only question is, did the accused know that the act was wrong? What I have just said would require qualification in other cases. . . . but so far as this present case is concerned it conveys an accurate statement of the issue."

"On this matter, also, there are four doctors who have said first that both of the accused knew, in their opinion, that what they did was wrong in the eyes of the law and further that they knew that what they did was wrong according to the generally accepted moral standards of the community. . . . There is no doctor who has said or even suggested that either of the accused did not know that what they did was wrong. In such cases else in the evidence any material on which you can properly conclude that either of the accused did not know that the act was wrong? If not, your duty is plain: the proper verdict is a simple verdict of guilty."

What he had just said, said his Honour, bore on a question of fact. . . . "and on questions of fact it is your decision and your decision alone that is to prevail. . . ."

Two Important Words

"In that connexion I ask you to consider, the addresses of learned counsel," said his Honour. "Have they put before you any reasons for supposing that either of these girls did not know that the act in question was not wrong? There are two important words in this particular phrase 'incapable of knowing that act or omission was wrong.' One is the word 'knowing' and the other is the word 'wrong.' As to the word 'wrong,' I tell you, as a matter of law, that a person knows a thing can be wrong if he or she knows it to be contrary to the law of the land and contrary to the moral standard accepted by ordinary, reasonable members of the community. It is not sufficient to suggest that an accused person has erected some peculiar moral standard of his own. It is not permissible to say, 'I knew this was a breach of the law and a breach of the moral code, but I thought I was above or beyond the law and that although it was illegal or immoral I might commit it without infringing my own code of morality.' That is no defence in law."

"In considering, therefore, the word 'wrong' in that connexion, you will accept it as including whatever is wrong in law and wrong in accordance with the moral standards which are commonly accepted in the community. "The other important word is the word 'knowing.' It has to be considered at the very moment of the commission of the crime. There are some forms of disease of the mind such as may make it very difficult to tell whether at the crucial time the person in question was able to perceive things so clearly as to know that there was a breach of the law and morality. . . ."

"The particular type of insanity suggested in the evidence in this case does not appear to me to be one which raises a difficulty of that kind. The four doctors examined on this question have all told us that the two accused knew the act was wrong, in the sense of being illegal and contrary to accepted moral standards.

"Is there anything in the evidence apart from these medical views which would lead you to a different conclusion? Have you any ground for supposing that these girls did not know the moral standards and that their act was contrary to these standards? Were their minds so confused that they did not know; or are the doctors—four of them—right in saying that they knew the act was wrong?"

In his review of the evidence, his Honour quoted from the cross-examination of Dr. Medlicott, who admitted the girls knew their act was wrong "in the sense in which I have defined it," his Honour said. "If you accept that passage as correct, then it is your duty to conclude that both accused are guilty of the offence, and the defence of insanity is not made out. There was a 'somewhat similar passage' in the notes of Dr. Bennett's evidence which, if the jury accepted, 'really left them no option but to hold both accused guilty of murder, as the required degree of insanity had not been proved.'"

The members of the jury might read

the whole of the diaries produced during the trial, "but you will probably feel that you have, from witnesses and counsel, received a sufficient picture of the documents."

His Honour concluded his summing-up at 12.40 p.m. The jury returned at 2.55 p.m. with their verdict of guilty against each accused.

Age of Accused

His Honour said to counsel that they might recall that he drew their attention to the fact that the question of the ages of the accused might arise. It had now arisen. This concerned the sentence of a young person convicted of murder.

Mr Gresson said there had been clear evidence by Mrs Hilda Marion Hulme, mother of Juliet Hulme, that Juliet Hulme was well under the age of 18.

Dr Haslam said that Mr Rieper had given evidence that Pauline Parker was under 18.

Mr Brown, speaking under stress, said he did not think the parents should be recalled to give evidence on the ages of the girls. The relevant matter formed part of the evidence.

His Honour said it was a question whether it was a matter for the jury or for the Court. It was a question of fact. He proposed to submit to the jury to decide on the evidence and then submit his own decision.

"Mr Foreman and gentlemen, in view of the verdict it is required to be ascertained if each prisoner is under the age of 18," said his Honour. "I now ask you to answer it in regard to each prisoner on the evidence. Parker's father has sworn to her age. Mrs Hulme has sworn to the age of her daughter and according to that she is well under the age of 18. I suggest, Mr Foreman, you may be able to answer that issue after a short conference with your fellow jurors in the box."

The foreman consulted the other jurors and then said they found both Parker and Hulme to be under 18.

"Not knowing whether that is a matter properly for the jury or for the Judge, I now add my own decision that both prisoners are under 18," said his Honour.

The Registrar (Mr G. E. Pollock) then addressed each prisoner in turn: "You have been indicted for the murder of Honora Mary Parker to which indictment you pleaded not guilty and placed yourself upon a jury of your country. That jury has found you guilty. Have you anything to say why sentence should not be passed upon you according to law?"

Dr Haslam, on behalf of Parker, said he had no further submissions to make.

Mr Gresson, on behalf of Hulme, said there was nothing he could add to what was already in the evidence.

His Honour, Prisoners at the bar, the sentence to be passed on you is that fixed by law, namely Section 5 of the Capital Punishment Act, 1950. The sentence of the Court is a sentence to detention during Her Majesty's pleasure.

Star Sun 31st Aug

Detention of Murderesses Is Problem

Wellington Correspondent

Following the conviction for murder of Pauline Yvonne Parker and Juliet Marion Hulme, the greatest problem faced by the authorities is what to do with the girls.

Senior officials of the Justice Department are in two minds as to whether existing places of detention can adequately deal with the situation, unique in the annals of New Zealand crime.

The difficulties are such that though the broad decision must be made before the Minister of Justice (the Hon T. C. Webb) leaves New Zealand for S.E.A.T.O. conference in Manila on Thursday, an announcement on where they will be confined and the conditions of their incarceration may not be made until later.

Not Suitable

Points uppermost in the minds of the Minister of Justice and department officials are understood to be as follows:

Firstly, a Borstal institution is designed as corrective treatment, and is not designed for holding perpetrators of this type of crime, however young.

Secondly there is a real danger in possible contact between these girls and other inmates in a reform school or prison farm type of institution.

Thirdly, the youth of the girls is one argument against their being confined in a regular prison.

Fourthly, a permanently-shutted existence in a cell is not regarded as a solution—but almost any form of work entails contact with other prisoners.

Fifthly, the insistence in certain quarters that the girls be separated whatever form of imprisonment is adopted doubles the problem.

At present the girls are being held at Paparua Prison, but almost certainly this will not be where they will serve the bulk of their sentence.

GIRL MURDERERS' SENTENCE

Place Of Detention To Be Decided

TALKS TODAY BY MINISTERS

(From Our Parliamentary Reporter)

WELLINGTON, August 31.

Cabinet Ministers tomorrow will discuss where Pauline Yvonne Parker and Juliet Marion Hulme, who have been convicted of murdering Parker's mother, will serve their sentences of detention.

The Ministers are expected to discuss the matter after the weekly meeting of the Executive Council. The Minister most directly concerned is the Minister of Justice (Mr T. C. Webb).

As Minister of External Affairs, Mr Webb will leave on Thursday for Manila, to attend the talks on the proposed South-east Asian security organisation.

Where the two girls will be detained has been exercising the minds of senior officials of the Department of Justice and the Minister since sentence was pronounced last Saturday, because it is generally held that the girls should be separated. There is only one girls' Borstal institution in the country, and the policy is against sending girls of Parker's and Hulme's age to the Mount Eden Prison.

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GIRL MURDERERS' SENTENCE

Decision On Place Of Detention

TALKS TODAY AT WELLINGTON

Consultations on the question of separating Pauline Yvonne Parker and Juliet Marion Hulme, who were found guilty on Saturday of the murder of Parker's mother, Honora Mary Parker, will be held today by the Secretary of Justice (Mr S. T. Barnett) with psychiatrists and physicians. Mr Barnett, who is also Controller-General of Prisons, gave this information in a telephone conversation with "The Press" last evening.

Mr Barnett said that the questions of the place of detention for the girls and their health would also be discussed. Recommendations would then be made to the Minister of Justice (Mr T. C. Webb) as to where the girls could be detained.

Under Section 5 of the Capital Punishment Act, 1950, relating to persons under 18, Parker and Hulme were sentenced to detention during Her Majesty's pleasure. A person sentenced to detention during Her Majesty's pleasure, according to the act shall be liable to be detained in such place and under such conditions as the Minister of Justice may direct.

A person detained pursuant to the directions of the Minister of Justice under this section shall, while so detained, be deemed to be in legal custody. This means that a person to whom the section applies does not necessarily have to be detained in a prison or Borstal institution.

At present there are three institutions under the control of the Prisons Department where Parker and Hulme could be detained. They are Papanui Prison, near Christchurch, the Auckland Prison at Mount Eden, and the Arohata women's Borstal institution at Porirua, near Wellington.

Under Section 5 of the act the Minister of Justice may at any time discharge on licence any person detained pursuant to his directions. The licence shall contain such conditions as the Minister may direct, and may at any time be revoked or varied by him. Where a licence under this section has been revoked the person to whom the licence relates shall return to such place as the Minister of Justice may direct. Failure to obey this condition may result in the person being arrested without warrant and taken to the place.

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Star San Aug Sept 2nd 1954

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