

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 Ilam. 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 kiosks. 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.

A 10.

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

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.

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, Seaciff 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 28 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.

Sun 27th Aug, 19



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