

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 cringe 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 cautious 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.

Oh she's sure. Any (L)

(14) [L]

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, putting aside the question of 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.

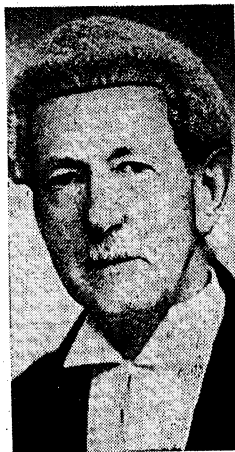
Indeed, Parker's 1953 diary had been put in not by her counsel but by counsel for Hulme. There was no need therefore to separate out the evidence and consider how much was admissible only against one of the accused, and how much was admissible against the other.

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 the statements made by the two 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 is well 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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