# 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: You were questioning you concerning entries in the diary but we will leave that for a moment. You referred to the poem, "Those That 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.

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 sonnets?—Yes, they were full of bloodshed, murder, and sudden death.—Yes.

And he wrote of sexual love?—Yes.

Have you read "The Rape of Lucrece"?—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 had a lot of the things he did, didn't they?—Yes, they had. In comparison, But I agree their ideas had a little foundation in fact.

**Accusedr' 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 planes.

Haven't some famous churchmen believed that? Have not some churchmen after death?—Yes. But not on different planes.

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

At the preliminary 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 sane person 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 emphasise 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. This 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 came the matter of the murder. To me that was the final thing that was conclusory of the diagnosis of paranoia. But I do not suggest there was no evidence of paranoia apart from 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?—I understand it 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 there?—

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 was the actual murder and that 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 were 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 affect the article.

Why did they do it?—They were acquiring experience for the fictional paranoia they were doing. 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 intelligent woman and they forced 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 don't—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. Did you not add that they had to deceive her into thinking they were resigned to Juliet leaving New Zealand without Pauline? 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.

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

Was that not based on a foundation of their desire to remove her?—Yes

So their desire to remove her was founded on a false belief?—Yes.

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"**

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 putting on an act when they ran to the tearooms 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 not the breathless and gasping part of it putting on an act?—Yes. If it was so it was acting it could be.

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

Now I suggest to you Landy and Bannister would be?—I don't think Bannister would. (Laughter and 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 Parker's actions been calm and callous right up to committing the crime? On the surface, yes. But not in their own minds. I doubt if any same 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 Judas.

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 consider 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 not the guilt of 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 calm 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, when striking the actual blow?—No. She was out of the room.

Mr Brown: Doctor, that is the medical question arising out of your Macbeth and her activities?

Mr Brown: I am 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 were off it.

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

You believed that?—Yes.

Now as to the word molder. You said they told Juliet and 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 believe it is clear they regarded murder far less seriously than the average person.

By using the word molder?—Yes.

But isn't it well known in American crime circles? 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. Is it not a fact they explained B as the same way as they changed murder to molder 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 a most convincing the complete state of pulsive force of the delusion." You said she was distraught at the time.

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

That was her desire?—Yes.

Why do you use the word delusion? Is not that a delusion was led by their being together and if they were to be separated for any length of time that would be a delusion?—Some of the 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 the extent of the compulsive delusion.

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

So there was no delusion about her distress?—There was no delusion about her desire to get to Juliet. In that itself there is no delusion. Still, it emphasises the intensity 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. It was one evidence of a state necessary for the preservation of a delusion and that all convinced me how profound 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 law but nevertheless it is an 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.

Do you not for the benefit of the jury, you say the obeying of the law is a purely intellectual thing. Is that correct?—Yes, 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 question. 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 these 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 are suffering 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 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 in the legal procedure that I suggested they are suffering from.

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?—Yes.

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 standards of the community, but not against their own moral standards.

His Honour: Then may your view be summed thus: It is 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. They were quite unremorseful.

Dr. Haslam: You said you had the highest opinion of the standings of Dr. Hunter, Dr. Saville and Dr. Stallworthy as psychiatrists and as men?—I have the highest opinion of them.

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

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

## 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 severest 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 accused and 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 accused. In the initial examination we are concerned primarily with arriving at a decision whether there is a disease of the mind, and then with the question of 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 stage 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 the 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. At the conclusion of my examination, I do not consider that either has any disease of the mind. I have read both Parker's diaries and various written things. 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 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 crime they knew the nature and quality of their act? Have you formed the opinion that they knew, "It is wrong to murder"?—Yes, I have knowledge of the rightness or wrongness of the act as far as they were concerned—I am of the opinion they both knew at the time that their action was wrong. They had a knowledge of breaking the law.

The diary entry says: 'I have made no definite plans yet. The last fate I wish to meet is one in a Borstal.' This shows that at the time of writing Parker knew she was breaking the law and realised she was in for 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 of her act. She: 'I would not expect them to approve.' And she went on: 'But we suited our own convenience.' That is all that I remember."

"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 to know murder was against the law.'"

**"Intelligible Motive"**

Dr. Stallworthy, continuing his evidence, said that from his interviews and views 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: Have 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 expressions 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 to 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 best for them.

"I gained a very definite impression they wanted to be found insane if in that way they could regain their liberty at an early stage than if they were convicted," said Dr. Stallworthy. "Persons in my experience have been convicted have been most anxious to be found sane. It is extremely rare for an accused 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 paranoia in mental hospitals and scores outside. I have known paranoics charged with crime and 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 the wrongness of their conduct to the law. Further they were more indignant at being considered insane than they were at being charged with crime.

"Some paranoics think they are being persecuted by members of the public and that leads them to taking steps to stop that supposed persecution, by damaging the persons themselves or their properties. In some 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 to be 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 or persecution in the presence of an overwhelming conceit. I does not constitute a delusion of grandeur. Most of the evidence for delusion of persecution comes from Parker's diary. I have some experience of adolescent behaviour and I do not think the language and in their diaries are recorded thoughts and conversations 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 appreciating difficult questions and a sensitiveness in answering them more like that of an older, sophisticated person. Parker is well above average intelligence. I do not think they have much