

PORT LINCOLN POISONING CASE. EILEEN JOHNCOCK DECLARED INSANE.

ORDERED INTO CUSTODY.

After medical evidence had been called in the Criminal Court on Thursday, Eileen Maud Johncock, who had been committed for trial for the murder of a child at Port Lincoln, on May 31, was declared by the jurors to be insane, and was ordered into strict custody.

Eileen Maud Johncock (25), a single woman, formerly of Port Lincoln, was arraigned before Mr. Justice Richards and jurors, in the Criminal Court on Thursday, on a charge of having at Port Lincoln on May 31 murdered Lorna Fay Tyrrell, aged 1 year and 11 months.

Mr. R. R. Chamberlain, who prosecuted for the Crown, said he had reason to believe that the accused was not in a mental condition to understand the nature of the charge, to instruct counsel to challenge jurors, or to understand the nature of the evidence.

The Public Solicitor (Mr. C. A. Sandery), who appeared for the accused, said he desired a jury to be empanelled to enquire into the sanity of the prisoner.

His Honor ordered that a jury should be sworn in to decide whether the accused was of sound mind and capable of understanding the details of the trial.

Mr. Sandery called Dr. Michael Henry Downey, the superintendent of the Parkside Mental Hospital, who said that he had examined the accused at the Adelaide Gaol on July 6 and July 31, regarding her mental condition.

Mr. Sandery—Did you examine her for the purpose of ascertaining whether or not she was able to understand the nature of the charge of murder in order to make a proper defence?—Yes. In my opinion she was not able to understand the nature of the charge. She has a rudimentary knowledge of the meaning of murder, but does not understand the difference between a charge of murder and a charge of manslaughter, and cannot distinguish either of these things from what might be termed a justifiable homicide. After carefully describing the difference between murder, manslaughter, and justifiable homicide, I asked what a person would be charged with who, when protecting himself against armed robbers, killed one of them. She replied "murder."

Mr. Sandery—Would you consider the accused of sufficient intellect to challenge a juror?—In my opinion she does not understand that principle. When questioned she knew nothing of the meaning, the composition, or the functions of a jury. I explained the right of an accused person to challenge a juror to whom she might object, but I am satisfied that she did not know what I meant.

In answer to further questions by Mr. Sandery, Dr. Downey said although the accused might be able to follow and understand separate details of evidence she would not be able to place these details in their proper sequence, nor would she be able to draw conclusions from details or facts, either

quence, nor would she be able to draw conclusions from details or facts, either favorable or unfavorable to herself, and would not be able properly to instruct counsel for her defence. The mother of the accused had been admitted to the Parkside Mental Hospital in 1899, when she was 20 years of age. In 1901 she was discharged, but was readmitted in 1907. During the interval between 1901 and 1907 she married, and the accused was a child of the marriage. The mother was still in the Mental Hospital and was chronically insane. The accused's mother had a sister who was insane, and was a patient at Parkside.

In answer to his Honor, Dr. Downey said that the insanity of the mother would be a predisposing course of insanity or any kind of mental disorder in the child.

In response to Mr. Chamberlain, Dr. Downey said it did not appear to him that the accused had any real appreciation of the seriousness of a charge of murder. She had told him that she realized the charge against her was serious, because "they tried to blame me for it, and I feel it." For the first few days of her stay at the Adelaide gaol the accused was depressed, and informed the witness that the reason for her depression was her fear that she was going to be hung straight away by a person who was not the official hangman.

Asked individually by his Honor whether they were satisfied that the accused was insane, all the jurors answered in the affirmative.

His Honor then ordered that the accused should be kept in strict custody until the Governor's pleasure was known.