

1924

Case of Supposed Sadism

William Renwick Riddell

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

William Renwick Riddell, Case of Supposed Sadism, 15 J. Am. Inst. Crim. L. & Criminology 32 (May 1924 to February 1925)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

A CASE OF SUPPOSED SADISM

WILLIAM RENWICK RIDDELL¹

Nearly half a century ago when a student of Medicine, I had occasion to examine into the facts of a horrible murder committed by a man of eccentric habits upon his intimate friend without any apparent motive.

A *post mortem* examination furnished conclusive evidence that the deceased had been a confirmed pathic pæderast; the survivor strenuously denied playing the active rôle; he denied the murder *in toto*, and escaped trial by his death mysterious and sudden.

I have often regretted not having kept my notes of this case, particularly since a psycho-pathological sexual condition called Sadism² has become well known through the works of von Krafft-Ebing, Fritz Leppmann, Albert Moll and others.³

A case tried before me in Toronto in January, 1922, has such noticeable features both from a legal and medical point of view that I think it well to give a full account of it for the information of both professions. I have gone into somewhat minute detail, as it is impossible in our present state of knowledge to be certain what may and what may not be of importance.

On Saturday afternoon, August 7, 1920, about 4:30 o'clock, a Mr. McM., walking easterly through a vacant lot adjoining the large High Park in Toronto, noticed a boy (afterwards identified as P. G., aged 8) lying on a path, almost hidden by weeds. The weeds were patted down in the vicinity; but there was no indication of a struggle. The

¹LL. D., Justice of the Supreme Court of Ontario, President National Council for Combating Venereal Diseases (Canada), F. R. Hist. Soc.

²It cannot be said with perfect accuracy that instances of what are now called sadistic crimes were unknown, but those afflicted with the morbid urge of cruelty towards objects of their love were looked upon simply as monsters of cruelty.

The word "sadism" is comparatively modern. The infamous Count (commonly called Marquis) de Sade, himself wholly vicious and once condemned to death at Aix for an unnatural offense and poisoning, wrote obscene novels and plays at the very end of the eighteenth century containing scenes of cruelty toward loved objects, especially his "Crimes de l'amour" (1800). From his name the French writers invented the word "Sadisme" which came into our language about 35 years ago. The works on sexual psycho-pathology have made the terminology familiar.

³Dr. R. v. Krafft-Ebing, "Psychopathia Sexualis." I use the authorized English adaptation of the 12th German edition, New York, 1906.

Dr. Fritz Leppmann, "Die Sittlichkeits-verbrecher," and Dr. Albert Moll's "The Sexual Life of the Child," Dr. Eden Paul's translation, London, 1912, are perhaps the best known of these works.

boy was still breathing, the respiration very slow, the mouth opening and shutting and his eyes were fixed and staring; he was bleeding and apparently insensible. Two buttons of his small clothes, "knickerbockers," were unbuttoned; and his right knee protruded from a hole in his torn clothes. Seeing a person (afterwards identified as Frederick L. Davis) moving slowly away easterly, some 40 or 50 feet away. McM. called to him; he quickened his speed, but was overtaken by McM. running. When overtaken Davis had his hands in front of his person, apparently closing the flap of his trousers. McM. said to him: "There is a little boy fell, will you stay by him till I get help—" Davis interrupted: "I didn't do nothing; I was just urinating." McM. asked him to stay by the boy till he got help; and Davis went toward the boy: on McM. returning with help, Davis was nowhere to be seen. The clothes of the boy had been buttoned up; but the boy was dead.

A *post mortem* examination showed the skull fractured, the throat cut from ear to ear, the trachea and interior jugular vein severed by some bluntish instrument and a number of small wounds on the left side of the head and body. The rectum was gaping and patulous, without sphincter pressure; three gloved fingers could be introduced without difficulty, and the perirectal fat was absent. There was a tear about one-third of an inch long in the mucous membrane of the posterior wall of the rectum, indicating recent violence; the other conditions irresistibly suggested a long course of pæderasty.

Davis had got liquor at the G. House on the day before, and had been seen with the boy on Saturday; but there is no evidence that he was familiar with him, and he himself says he was not, although he had met him not long before and had been with him all that Saturday afternoon.

On Saturday evening, Davis talked freely about the tragedy (an account appeared in the evening papers): he remained in his boarding house all day Sunday, and asked his landlady to call him early Monday morning, as he had to go to work. Going to his room to call him, she found he had gone. He did not go to his work, although he had regular employment as a mechanic in a machine shop at \$6.60 per day. On Tuesday he pawned his tools and a stolen bicycle; and left the city without his wages due, \$6.60. He went by boat to Rochester, N. Y., where he committed burglary and theft of machinists' tools, for which crime he was sentenced to the Auburn Prison, N. Y. He was extradited and brought to Toronto for trial. Tried before

me, at the Toronto Criminal Assizes, he was found guilty of murder, January 22, 1922.

Being called upon in the performance of my duty to make a Special Report for the information of the Honourable the Minister of Justice, I availed myself of the kind assistance of the Surgeons of the Auburn Prison and the Toronto Gaol.⁴

Davis is about 46 years of age⁵ and was born at Plymouth, England, the only child of his parents. The father was a bricklayer, a total abstainer from alcohol, somewhat unsocial and given to petty gambling;⁶ he died when Davis was about 6 years old, and the mother married again, Davis going to live with his father's father for four years. After her second marriage, she went to Syracuse, N. Y., with her husband; there Davis joined them and later went with them to Chicago. They had six children, three of each sex, one of whom had "spasms," but she was not epileptic or insane; no history of abnormality appears in grandparents or other relatives.

Davis received elementary education in England and attended school in Syracuse and perhaps Chicago until he was 15 years old; reaching the Eighth Grade; he was dull but had a retentive memory; fond of drawing, he did not like the other subjects.

Leaving school, he went to work in a boiler shop (his stepfather's trade); disliking this, he went into machine shop work as a tool maker. He was a good workman and thought himself better than he actually was, "a genius at his trade," as he says; euphonic complacency in this respect characterizes him still.

His mother died (following an operation for ovarian tumor) when Davis was about 19 and following that event he began a wandering life. He had already, at the age of 18, been initiated in sexual intercourse by a prostitute, and in 1896 at the age of 20 he contracted syphilis. A history is given of chancre and body rashes; he began treatment about nine weeks after infection (probably with mercury and potassium iodide) which continued for a year, produced an abatement of the symptoms, an apparent "clinical cure"; he was treated for syphilis again in 1900, 1904 and 1918, the last treatment being eight injections of diarsenol.

⁴Dr. Frank L. Heacox of Auburn Prison, Dr. W. T. Parry, M. R. C. S., of Toronto Gaol.

⁵It should be said that his accounts of his age and of the exact place of his birth Davis gives differently at different times—the age stated in the text seems the most probable.

⁶Davis himself does not seem to have been a gambler. He was, however, all his life, a solitary, averse from company and taking his pleasure alone, visiting music halls, "movie picture shows," etc., by himself: as will appear later in the text, he was much given to drink.

He married at 27 a girl of 19, who miscarried at six months in her first pregnancy, apparently from syphilitic infection. Davis claims, however, that his wife did not become syphilitic, and that she bore him a healthy child in her second pregnancy, three years after the marriage. After seven years of married life he and his wife separated, each being tired of the other; the boy is still living, the woman is lost sight of.

Davis contracted gonorrhœa in 1905 and again in 1911. In 1917 he attempted to enlist in the Canadian Army, but was rejected for varicose veins and general unfitness.

A wandering mechanic in Canada and the United States ever since his wife left him, his delinquency record began at Detroit in 1919 when he was arrested for intoxication; a little later he was convicted there of burglary and larceny and served five months in the Workhouse; next year he was arrested in Toronto for intoxication.

His statements as to sexual perversion have been conflicting; to the Surgeon in the Auburn Prison he denied sexual perversion of every kind, but to the Gaol Surgeon at Toronto, he was very frank in admitting his sins in that direction. He says that when a boy in England under 10 years of age he was initiated in homo-sexual practices by a grown man⁷ and that he has continued these practices as a pathic from time to time throughout his life (except during the seven years of marriage) whenever occasion offered; he also admits taking the active rôle at times. He preferred boys to grown men, as he says he "has the idea of youth." He never enjoyed the society of women; and although he had normal sexual relationship with women, he always preferred that which was homo-sexual.

He began to drink at 18, when he became intoxicated on hard cider; and for fourteen years or more he has been addicted to excessive drinking, preferring brandy but using other kinds when brandy is not available. He had had numerous drinking bouts and has had delirium tremens at least six times. In these attacks, he has had auditory hallucinations of persons plotting against him and threatening to kill him; but on recovery he recognizes these threatening voices as unreal. Under the influence of alcohol, his sexual passion is exaggerated, he loses self-control and caution—there is, however, no history of sexual or other crime of violence in such periods. During the last four or five years his reaction to alcohol has markedly increased; when intoxicated he is quarrelsome and abusive, but has proceeded no further than to threaten physical violence.

⁷Chiefly as it would appear *fellatio* and manipulation, but no doubt also *pæderasty*—as to *fellatio*, see note 11 post.

On his admission to Auburn Prison he showed minor physical defects, carious teeth, pyorrhœa, nasal ulceration, nasal spur and bronchitis; the Wassermann test A & C 4+ satisfactorily established syphilis⁸ indicated by a badly scarred pharynx and Argyll Robertson pupillary reaction.⁹ The neurological examination gave Rhomberg symptoms, difficulty in breathing, slight spasticity of lower extremities, speech difficulty (labials and sibilants), increased tendon reflexes of upper and lower extremities, intension tremor of upper extremities, no Babinski clonus. Paresis was not diagnosed, but the Prison Surgeon at Auburn on my request has reviewed the case and admits the possibility of the prodromic stages of paresis.

The mental tests shows subnormality, the intelligence quotient being 73.9, the mental age 11 years 10 months (Terman Revision of Binet-Simon series), Pinter and Patterson 10½ years. There was a noticeable slowing up of the mental activity, considered to be the result of alcoholic deterioration; and he was classed as a chronic alcoholic.

When he found he was to be arrested for the Toronto murder he sought an interview with the Prison Surgeon; he then denied all knowledge of the crime, but said that it was possible that he had committed it when drunk; the Surgeon was of the opinion that, if committed by Davis, it was the result of alcoholic intoxication.

On being taken in charge by the Toronto detectives he denied all knowledge of the crime, but after some consideration he said: "I am not a bad fellow; whiskey is the cause of it all." Later on he confessed to the murder, saying that he killed the boy with a knife he had made of a hacksaw which he had made himself; but that he did not know what made him kill the boy, as he had no ill will towards him. He refused to sign the confession, saying that would be putting a rope around his neck, but spoke freely of the facts. He gave a history (afterwards confirmed) of obscene but not criminal practices with young boys and men in Toronto, handling the pudenda¹⁰ (active and

⁸I had written "conclusively established," and for the present case the phrase is sufficiently near absolute accuracy, but it should be borne in mind that the most recent investigations somewhat shake, if they do not actually shatter, our confidence in the inerrancy of the Wassermann test; for example, Drs. Symmers, Darlington and Bettmann of Bellevue Hospital tell us that the Wassermann reaction in the living subject gave them a negative result in 31% to 66% of cases in which the characteristic anatomical signs of syphilis were demonstrated at autopsy and that the Wassermann reaction in the living patient is positive in at least 30% of patients in whom it is impossible at the autopsy to demonstrate any of the anatomical lesions characteristic of syphilis. See an article "The Wassermann Reaction," 68 National Hygiene and Public Welfare (January, 1922), Toronto, p. 12.

⁹This is an early symptom of *tabes dorsalis* or locomotor ataxia, a myotic pupil responds on accommodative effort, but not to light.

¹⁰"Manipulation" not infrequently accompanied by or a stage in mutual masturbation.

passive), fellatry,¹¹ etc. No abnormal relations with the other sex have come to light. On conviction he said: "Under the eyes of God, Your Lordship, to the best of my knowledge, I am innocent."

¹¹Fellatry, fellatio, fellare (penem in os mulieris aut hominis arrigere), the practice of the fellator or fellatrix of the Latin satirists.

In preparing my paper, "The Origin of the Word Syphilis," *New York Medical Journal* for May 4, 1921, I re-read the Greek and Latin comedians and satirists and was startled to find the fellator "sucker" referred to so frequently. The practice—like pæderasty—was extremely common in the whole Mediterranean basin and it is by no means extinct. Martial for example is full of references to the vice, which does not seem to have been much more reprobated than (say) bridge on Sunday would in our day and country.

The poet, Lib. ii, 33, declines to kiss Philaenis because she is "bald, red-haired, one-eyed and O Philaenis, who kisses you is a sucker" (at second hand).

Lib. ii, 50, Lesbia, whether she receives the member by the mouth or the normal opening, makes no mistake in drinking water—as the note says, "cur enim fellatione ora pollueris, ideo recte facis si aquam potas, et ex more aliarum, foeminarum, quae a coitu lavant *ta aidōia*." This reminds one of Naeaera, the Greek lady of Demosthenes' (?) oration, who made her living by her "three holes," and of her of Juvenal's Sixth Satire, v. 301, quae, "Inguinis et capitis quae sint discrimina, nescit." I do not agree, however, with these commentators who refer vv. 50, 51, of this terrible satire to fellatio. "Paucae . . . Quarum non timeat pater oscula"—it was the ardent passion of the daughter manifested by her burning kisses which the father feared to find, not the stink of the fellatrix. To return to Martial, Lib. ii, 73, Lyris sucks drunk or sober; ii, 89, Gaurus who "vitium Catonis habet," also "fellat"; ii, 61, an anonymous foul-mouthed slanderer who had graduated from fellatry to calumny is told that his vile tongue was cleaner in its former trade, "Nam cum fellaret, purior illa fuit." In the amusing but smutty Lib. iii, 82, on the banquet of Zoilus—

"Digiti crepantis signa novit eunuchus

"Et delicatae suscitator urinae

"Dominini bibentis ebrium penem" (i. e., in metallam).

The poet, however, cannot say a good word for Malchio, for "fellat"—"etenim impuri hominis os valde timendum." Thais, who had been calling him old, was reminded that no one was old "ad irrumandum," for sucking purposes—Lib. iv, 50—as to which vice of the ageing and aged Roman see Suetonius' Life of Tiberius, c. 44, and Juvenal, Sat. X, v. 208; and Lib. iv, v. 85, it was bluntly said, "immo fellat." Lib. vii, 10, Olus, who having nothing himself, abuses others for squandering their means, is asked what business it is of his if Eros is a paedicator, Linus a fellator and Matho seduces women by the hundred thousand. Philaenis is attacked again, Lib. vii, 67—a Lesbiast who "undenas vorat in die puellas," "non fellat, putat hoc parum virile" (a subtle touch), and so by decree of the gods she comes "cunnum lingere quae putas virile." Lib. ix, 5, Aeschylus is taunted about his Galla who sells her virtue in the normal way, for two gold coins, but demands ten from him to close her mouth and he does close her mouth. Lib. xi, 30, Zoilus, who has charged that the mouth of lawyers and poets stinks is reminded that that of the fellator stinks worse "sed fellatori, Zoile, pejus olet." Lib. xi, 66, the poet wonders why on earth Vacerra, who is a spy and a traducer and a swindler and a dealer and a fellator and a trainer of gladiators, has no money; Lib. xi, 85, Flaccus so many times enjoys the kisses of the fellators that he had better put his head in the bath tub. (Zoilus in Lib. ii, 42), is told that if he did that he would make it dirtier. In the amusing skit, Lib. xii, 59, Catullus' Lesbia and the kisses demanded of her are brought to mind. Martial tells us that Rome gives . . . one (perhaps Bassus, see Lib. xi, 98) more kisses than Lesbia refused to Catullus; all the neighbours, the weaver, the fuller, the cobbler, "the lord of the lousy beard," the one-eyed and eke the blear-eyed, and the fellator and the cunnilingus. Atticilla, the importunate and ever asking girl is rebuked, Lib. xii, 80, "I have given you much which you have asked for; I have given you more than you asked, but you never cease

He still denies pæderasty with the G. boy, but admits improper though not criminal practices. When recently asked by the Gaol Surgeon why he killed him, he first said that he did not know; after thinking a few minutes, he said that, standing near the boy, the thought came to him that the Jews killed Christ and would rule the world, and that the idea suddenly came to him that he would decrease the Jewish race by killing the boy. He gives no other explanation and this is probably wholly false.

He now says that on reading of the crime in the evening paper, it seemed unreal to him, and he could not realize that he had done it himself. Crossing on the boat from Toronto to Rochester, he thought he heard a man say: "I am following you"; on his moving away, the voice said: "I know where you are, you can't hide from me." He realized that he was in a state of delirium tremens and the voice was the result. He never was haunted by the murder of the boy.

He does not pretend that there was an irresistible impulse. He makes no claim to being insane in any respect; he has heard of sadism and of crimes of violence committed on persons against whom the criminal had no grudge but whom he loved.

Davis is undersized and stooped, his face is very pale and asymmetrical. His expression is generally vacuous; but sometimes during the trial he seemed alert; he rather impressed me as being of a low mental type.

The Gaol Surgeon at Toronto informs me that he enters readily into conversation; he is in good touch with his surroundings, and understands and answers readily and to the point any questions that may be put to him. He is well oriented; knows how long he has been in the Gaol and can name the days of his trial; he knows the different officials whom he has seen, and understands the nature of their positions. He does not show delusions or hallucinations.

The mental symptoms are not of a gross character but comparative:

asking me—he who refuses nothing, Atticilla, he's a fellator." Perhaps the most curious passage in its connotation is the last I quote, Lib. xiv, 74—an address to Corvus, Mr. Crow, "why are you considered a fellator, Corvus? No penis has entered into your head." The crow was popularly considered a fellator because as Pliny says, Lib. x, c. 12, "Corvos ove coire et concipere credit vulgus foeminae rostro maris inserto"—"Sed" says the learned Salmasius "Aristoteles negat et deridet hoc ab Anaxagora proditum, lib de Animal. Quod ore coirent corvi pervulgatum fuit . . . Inde fellator corvus vulgo habitus." Salm. Not. ad Mart. XIV, 74.

Juvenal has many references open or obscure to this vile practice; D. Ansonius a few and the Priapeia, many. Aristophanes, if edited by a classical scholar who was also a psychopathologist, would startle the learned, classical and medical.

1. He has a lack of proper feeling tone; he tells with practically no shame of his homo-sexual practices; he is not depressed or apprehensive when speaking of the situation in which he is placed.

2. His memory is defective; he is not certain even of his own age; he is unable to give dates, even approximately, for the various events of his life or for his residences in the cities where he has lived; he thinks for a long time and then has to give it up. In his own words his memory is "very short"; his shopmates commented on this different times when he had forgotten where he put his tools.

3. He is very suggestible—so much so that care has to be taken in asking leading questions when examining him.

4. Signs of Mental Reduction—His manner of telling his story and his use of words are very simple and childish. He states that he is no longer able to "scheme on a job"—meaning that he is able to do only simple work which is mapped out for him.

5. Expression—The right side of his face is very smooth and the naso-labial fold has almost disappeared.

6. Eyes—Both pupils are somewhat contracted, and the left pupil is much larger than the right. Both react sluggishly to light, direct and consensual, and the excursion is very small.

7. Speech—A speech defect in pronouncing test words and sentences is very marked. It is impossible for him to say "Methodist Episcopal" and in the test sentences he slurs in pronouncing and also misplaces words.

It is thoroughly established that Davis has suffered from syphilis for many years—cerebro-spinal syphilis was certainly well established long before the commission of the murder. I think that Paresis or General Paralysis of the Insane had begun and that some of the phenomena attributed to alcohol were really caused by the brain lesion due to syphilis. In any case the brain was not functioning normally.

That cerebral syphilis will produce a state of mental disorder leading to sexual offenses against children is as well recognized as the similar effects of chronic alcoholism.¹² That in the early stages of paresis such sexual perversions often make their appearance at a time when there are no other definite signs of the brain disease is equally well established. Sexual inclinations towards children are especially apt to be associated with sadistic acts and in a comparatively large proportion of cases children are the victims of lust murder.¹³ More-

¹²See for example Moll, *op cit.*, pp. 219-220.

¹³See for example Moll, *op. cit.*, p. 231. Perhaps in no other department of medical science have such advances been made in recent years as in syphilography. In Dr. John Ashurst's "International Encyclopedia of Surgery," pub-

over, the adult homo-sexual will sometimes conceal a perverse inclination directed towards children under the cloak of friendship.¹⁴

The present case has features in common with some of those mentioned by Krafft-Ebing. For example, Case 15, a man who was born of a mother who exhibited monthly abnormality, and who avoided women, killed a girl of four years of age. He expressed no remorse. Case 19, a man from youth, moody, silent, shy of people, killed a girl of twelve after violating her. Arrested, he first lied, but finally confessed his crime with cold bloodedness. He listened to the sentence of death with seeming indifference (as did Davis).¹⁵

I cannot think it doubtful that the cerebro-spinal syphilitis had already got so far as to produce a lesion in the brain, that there was already some degree of paresis and that this produced a psychopathic condition conveniently called sadism.

So much for the medical side—from the legal and even from the moral point of view there is no difficulty. The man was wholly competent to understand the nature and quality of his act and to know that it was wrong. He did so understand and know and there can be no possible doubt of his responsibility in the law.

Nor is it suggested that the sadistic impulse was more than an impulse which could be resisted; there was nothing in the nature of "irresistible impulse" even if that were a defense in our law, which it is not.¹⁶

Osgoode Hall, Toronto, February 16, 1922.

lished by William Wood & Co., New York, 1882, Dr. Arthur Von Hartingen, an acknowledged master of his subject and thoroughly *au courant* with all that was being done in America, England, France, Germany and Austria, says, p. 554, "Is there such an affection as general paralysis like the well-known general paralysis of the insane due to syphilitic cerebral diseases? This question has not yet been decided." On p. 555 he says, "The question has been discussed of late years whether syphilis can give rise to locomotor-ataxia . . . No pathological evidence of the existence of syphilitic locomotor-ataxia has been brought forward, but on the other hand the indirect clinical evidence in its favour is of the strongest. The question must for the present be considered *sub judice*."

Now the only doubt is whether there is even any other cause for either affection.

Sir William Osler was undoubtedly right when he said "Know syphilis in all its manifestations and relations, and all other things clinical will be added unto you." Schaudinn, Hoffmann, Ehrlich, Wassermann saved and will save as many lives as the Great War killed.

¹⁴Moll, *op. cit.*, p. 314.

¹⁵Krafft-Ebing, *op. cit.*, pp. 89, 94. Krafft-Ebing's treatment of the relation of syphilis to such psychopathological conditions is meagre and unsatisfactory.

¹⁶When at the bar I argued a murder case before the former Queen's Bench Division on the "irresistible impulse" defense, the court dismissed my motion on the spot, holding the law to be too clear for doubt that irresistible impulse (so called) is not a defense.

In *R. v. Creighton* (1908), 14 Can. Cr. Cas. p. 350 (a murder case), I said in charging the jury:

"It is the fact that in certain states, the law has been laid down that if a person, when he commits an act which would otherwise have been a crime, so commits the act under an uncontrollable impulse, he is not guilty. That is not our law. Under our law, if a man, when he commits an act is not by reason of insanity, or disease of the mind or imbecility, incapable of appreciating the nature and quality of the act and of knowing that it is wrong, he is responsible. The law says to men who are afflicted with irresistible impulses, 'If you cannot resist an impulse in any other way we will hang a rope in front of your eyes and perhaps that will help.' No man has a right under our law to come before a jury and say to them, 'I did commit that act, but I did it under an uncontrollable impulse,' leave it at that and then say, 'Now acquit me.'"

(The prisoner was convicted of murder; but died in prison before the day set for his execution.)