

brought into play in connection with those certificates information that ought not to have been used at all in connection with the examination. He must rely entirely on the facts observed by himself at the time of the examination. If he is going to commit a man to a mental hospital I maintain that all facts in the case relating to the antecedent history of Johnston should be considered.

91. Who was the other doctor who certified to the insanity of Johnston?—Dr. Galligan.

92. Do you consider it was not possible for Dr. Galligan to certify to epilepsy in Johnston?—Not unless he had an epileptic fit in his presence.

93. Would you say that the examination of a mentally afflicted person by two doctors prior to committal is ever final?—No, I think that finality must rest with the Superintendent of the mental hospital.

94. And do you continue the examination process from time to time?—Oh, yes.

95. Would you say with absolute certainty that there is no sane person in your institution?—No, I would not. There are a few patients now ready for discharge, but there are 98 per cent. of the patients there now who are insane.

96. Do you think the police are justified where there is a doubt about a man's insanity in placing him in an asylum?—I think the police had a difficult task to perform in this case, but they are not justified in placing a man there without having him examined by a Magistrate and two doctors.

97. Do the police place a man in?—No.

98. Supposing two doctors certified that a man was insane and the police did not put him in, would the police be doing their duty?—No, they have no option.

99. Do you say the police had no option in the matter?—No. I say nothing against the police. I say they had no option in the matter.

100. The fault you find is with the doctors?—Yes, in bringing in irrelevant matters.

101. *Mr. Isitt.*] Would the police be warranted in bringing before the two doctors who had to certify as to this man's sanity the statement that they say he made to them?—I could not say. I do not know what the police functions are in the matter, but it should not have been brought in in any case until the doctors examined him.

102. If you had been examining the man you would have put resolutely on one side any evidence of this kind and confined your examination and your judgment absolutely as far as possible to the condition of the man at that time?—I think any medical man is bound to do that. His mind should be absolutely unbiassed.

103. You said just now that the only ground on which a doctor could come to a conclusion that a man was an epileptic was if he had a fit. The *petit mal* stage—what are the symptoms?—*Petit mal* is just the condition in which a man has a slight turn—nothing more. For instance, one man I have in the mental hospital had *petit mal* frequently and he stood still for a second.

104. Could you think of any possible happening that would lead Dr. Galligan into the belief that Johnston was an epileptic?—My impression is that Dr. Galligan formed his judgment from the facts reported to him.

105. When a man stands still how is it detected that he has *petit mal*?—We see the case under constant observation, and he had these turns several times a day. When he is having his meals he would simply drop his knife and fork. We knew then he had a *petit mal* effect. Very often you see nothing but the rolling of the eyes.

106. We have had several cases of men being wrongly committed to a mental hospital. Can you think of any additional safeguards that could be taken?—No. I think the Superintendents at the present time are fully alive to the position, and if they think a patient has been wrongly committed they do not refuse to act.

107. The very fact of a person being committed is a tremendous shock. Do you think the committal is sufficiently safeguarded by two doctors?—There is always some doubt about that, of course.

108. Many mistakes have been made?—Yes, mistakes have been made.

109. You said the police were absolutely right in getting Johnston quietly to the police-station by the method they adopted; but ought he or ought he not to have been told that he was being committed to a mental hospital?—I think a man should be told that. It is a tremendous shock to be told you are going to a sanatorium and then find you are taken to a mental hospital.

110. Do you think his wife should have been told?—Yes, I think so. Every facility should be given in that case.

111. *Mr. Robertson.*] In regard to the method of committal, when Commissioner Cullen was cross-examining you he said it was the practice for the Clerk of the Court to get a rota of the medical men on whom they could call. Now, under the Act is it not the duty of the Magistrate, or whoever is acting for the Magistrate, to call the medical man through the Clerk?—Yes, that is the position.

112. And in this case, according to the police report, they themselves called in the medical men and had the examination carried through before they communicated with two J.P.s. Would you say that was right?—When getting the Justices of the Peace I think they were not justified without getting authority.

113. Their first action should be to make proper application on a proper form to a Magistrate or two J.P.s, and then he takes the responsibility?—Yes, that is so.

114. In your opinion that is practically the only safeguard that the public have under that section of the Act so far as committal is concerned?—It is the best safeguard we have at the present time.

115. It is a safeguard?—Yes.