

62. The procedure is laid down in the Act that two J.P.s have no powers except those conferred on a Magistrate?—Yes.

63. And therefore you say the wrong procedure was followed?—If the information was not laid before Justices of the Peace then the wrong procedure was followed.

64. The police would not have any right to call in a medical man before calling on J.P.s?—No.

65. Did you visit Waihi in connection with this case?—No, because after I got Dr. Craig's letter I thought there was no necessity. Dr. Craig was the man, from whom I expected to get the information. Then Johnston escaped and that closed the proceedings.

66. From your observation of the case and on the facts before you in the certificates, you felt that before his further detention could be justified you would require to get some further evidence by way of justification?—Yes. I felt that if Johnston was an epileptic he was one of the most dangerous in the Dominion. If not, then he should not be in a mental hospital.

67. Your view turned on epilepsy?—Yes, entirely.

68. *Mr. Payne.*] We have it from you that as far as your observation went you came to the conclusion that Johnston was not an epileptic?—Yes.

69. He was therefore not a dangerous man?—No.

70. In regard to a man under chloroform, would it not be possible for persons to say things under chloroform, the same as people under gas, and not know what they are saying?—Yes. I have heard the most religious men swearing under chloroform.

71. A man would not be under proper control when under chloroform?—Quite so.

72. From what you say a doctor would not be justified in committing a man to a mental hospital upon hearsay evidence?—No, they have no right to do so except on the facts observed by themselves.

73. *Mr. Brown.*] It has been said that Johnston made certain statements when under chloroform. How did he come to know he had made the statements—had he been told?—I think he told me that the nurse told him he had made a certain statement under chloroform.

74. Is it usual for nurses to tell patients that they have made certain statements?—I do not know whether it is usual. I have not had any experience, really.

75. You have stated that you heard religious people swear when under chloroform, and no doubt you have seen people pray who were not religious at all?—I do not know. I think in the vast majority of cases patients have no idea what they have said when under chloroform.

76. Did this man imagine that he had attempted to shoot his wife, which she denied—was it imagination on his part or was it a fact that he had been told what he said?—I think I am pretty safe in saying that he said the nurse had told him what he said.

FRIDAY, 26TH SEPTEMBER, 1913.

ROBERT MARTIN BEATTIE, M.B., further examined. (No. 2.)

1. *Mr. Robertson.*] In the course of the proceedings yesterday some reference was made to the condition of Johnston, and it was suggested that there was probably a mental defect, made manifest by the fact that he made an attempt on his wife's life some time previously. I think it was put to you that the fact that he could make such an attempt showed a defect in Johnston. I want you to state quite clearly to the Committee what is implied in that: would it mean any form of mental disease, or would it be purely physiological?—Of course, there is always a difference of opinion in a matter of this kind amongst medical men, but my own opinion is that in this particular case there was a physiological defect of the brain, but not a pathological defect—that is to say, there was no actual disease; there was to some extent a suspension of brain-function—a suspension of judgment, and so on.

2. *Hon. Mr. Fisher.*] Induced by the circumstances?—Induced by the adverse circumstances. But if there had been a pathological defect he could not have recovered from it in such a brief time.

3. *Mr. Robertson.*] In your opinion he had quite recovered?—Judging from his own statement and that of his wife I certainly think he had.

4. The condition that came about in him at that time, is it a condition that a person whom we would regard as normal would be liable to be in under such circumstances? In other words, is it a condition that would be likely to arise with almost any one under the circumstances?—That would depend very largely on the constitution of the individual, but I think that any one would get exceedingly depressed under the adverse circumstances which Johnston had to face.

5. In your opinion it does not mean that there was mental disease of any kind present?—No. As a matter of fact, I come across many cases of the kind. There is no actual murder or attempt at murder, but it is only averted by circumstances arising.

6. There was also something said yesterday in regard to Johnston's expression concerning his stepfather—that the latter had hypnotized him—and I think you said that in the way Johnston used the word "hypnotized" he did not mean hypnotized in the scientific sense?—That is so. I remember that particularly, because it was the one point in the certificate which would have justified me in detaining him in the mental hospital if it were true. But he led me to believe that his stepfather was a man of powerful build, a clever man, and a man whom, in the first instance, he disliked very much. He did not wish the marriage to take place, but the stepfather had a tremendous influence over him and ultimately got Johnston to like him, and so long as Johnston was in the stepfather's presence he liked the man, but the moment he got away he disliked him—his own judgment came to the front. While he was with the man, however, his own judgment was more or less suspended, and he felt that he was practically hypnotized by the man. I asked him if he meant hypnotized in the ordinary medical sense, and he said no.