

7. He was under a stronger personal influence?—That is so—a man who was much stronger-willed than Johnston himself.

8. *Commissioner Cullen.*] I suppose you have not had much experience of the routine followed in Court work in getting patients committed?—I think I know all the circumstances.

9. Do you know that the practice is this: that when the police take a man or a woman into their care for the purpose of examination they go to the Clerk of the Court?—I know that is the usual custom.

10. And that the Clerk of the Court keeps a rota of the medical men who are to be called for such examinations?—That certainly applies in the cities, but not in the country places.

11. And the duty devolves upon the Clerk of the Court of selecting the examining practitioners?—That is so.

12. Have you any reason to believe that that course was not followed in Waihi?—The impression conveyed to my mind was that it was not followed in Waihi.

13. What reason had you for believing that?—I cannot tell you where I got the information from, but the impression was conveyed to me. I am not quite sure that it was not in the statement made by Mr. Robertson yesterday.

14. Are you not aware that there are only three medical practitioners in Waihi?—Yes, I am aware of that.

15. If you took two of these men there would be only one left?—Yes. One of those ought not to have been called because he had been attending Johnston.

16. The Act does not prohibit it?—It is generally understood, and I think the Act implies that if it does not actually state it.

17. You know that the third medical man is the Medical Officer of the hospital, Dr. Hyde?—Yes.

18. You know that he had Johnston under his care the whole time Johnston was in the hospital?—Yes.

19. Then, to follow your views, there would be no one left but Dr. Galligan to examine Johnston?—That is not my position. My contention is that Dr. Hyde's treatment of Johnston was accidental, more or less. Dr. Craig was Johnston's medical adviser, and Johnston came under Dr. Hyde more or less accidentally.

20. But Johnston could not have been long out of the hospital at the time of his committal. He was only three weeks in the hospital. He was out on the 12th November, and he was committed on the 14th December. If you deduct three weeks or a little over from that you will find that he was nearly the whole of that time under Dr. Hyde's care?—But that does not alter the position so far as I am concerned. Dr. Craig was unquestionably Johnston's medical adviser at the time he was certified to be a lunatic.

21. *Mr. Isitt.*] Is a man's medical adviser not supposed to certify to his being insane?—Not usually.

22. *Commissioner Cullen.*] The Act does not exempt him?—I am not quite sure of that.

23. You say that the fact that Johnston shot his wife should not have been included in the medical certificate?—I certainly think it ought not to have been.

24. Why?—Because when you are going to examine a man for admittance to a mental hospital you examine him on his condition at the time, not upon any antecedent condition.

25. But is it not necessary to state, for the information of the authorities at the mental hospital, that the man has homicidal tendencies if he is known to have such?—Yes, but you cannot say that a man has homicidal tendencies because he had them eight months previously.

26. These attacks are recurring, are they not?—Certainly not.

27. You say that a man of homicidal tendencies, who attempts to shoot his wife, would not have a recurring attack?—Quite so. I would scarcely be able to discharge a patient if it were so.

28. *Hon. Mr. Fisher.*] I suppose that is only in certain cases: you do not lay that down as a general rule?—There are cases—for instance, alcoholic cases.

29. I mean, where it recurs?—No, I have never come across a case in my life where a homicidal condition has recurred.

30. *Commissioner Cullen.*] Or suicidal?—I think a suicidal condition recurs very frequently; in fact, I think I may say, once suicidal always suicidal.

31. It was suggested to you, I think, that the medical man who attended Johnston when the operation was performed improperly disclosed the fact that he had shot his wife?—Yes. I did not make any statement to that effect.

32. I think it was put to you, was it not?—It was suggested that some one disclosed the fact, and I said I was under the impression that a nurse had conveyed the impression.

33. Supposing that the doctor disclosed the fact, would there be anything improper in it?—I think it would be a distinct breach of professional etiquette.

34. Are you not aware of the provisions of the Evidence Act of 1908, which only deals with evidence relating to civil matters?—I am not acquainted with that Act at all. I would like to point out that there was no necessity for giving this information.

35. Well, you see now, according to the statement in the report from the Police Department which has been read, that the man himself went voluntarily to Sergeant Wohlmann and others and made this statement?—That is to say, after his secret had been divulged, not previously.

36. There is nothing to show that?—The date of the operation and the date of the admission to the police.

37. Do you know who was present at the operation?—I have no idea.

38. You have no idea who the medical men were who were present at the operation, or if there was any one present except Dr. Hyde himself and the Matron?—I have no idea at all.