

11. Did you tell Dr. Galligan, before Dr. Galligan examined Johnston, that you had discovered signs of *petit mal*?—No, not that I remember. I do not think I spoke to Dr. Galligan about the case until he had examined Johnston himself.

12. You have had experience in a mental hospital. Is it possible for you to have detected signs of *petit mal* on the 14th December and for these signs to be absent on the 15th? Is that possible?—Quite possible.

13. You mean that the man might have an attack of *petit mal* on the 14th and not have it on the 15th?—Yes.

14. It is possible that no trace of it would be left?—That is so.

15. Is it likely?—Yes, because it varies so much. A man, for instance, might have *petit mal* on the 14th because he had eaten something that disagreed with him. A slight reflex cause like stomach-irritation or confinement of the bowels might bring on an attack of either major or minor epilepsy in an epileptic.

16. With a man who was subject to minor epilepsy would a form of indigestion induce the symptoms?—Yes.

17. Did Johnston ever tell you about his parents?—Yes.

18. What did he tell you?—He told me that his father was an excitable and nervous man. He told me really more about his stepfather. I have it in my certificate—"States that he has been hypnotized by his stepfather."

19. Did he tell you anything at all about his father? Did he suggest to you that there was epilepsy in his family?—No.

20. Did he ever tell you he had been treated by any doctors in Australia?—No.

21. Your pronouncement on the subject of epilepsy, then, was entirely the result of your own observation?—Entirely.

22. Mrs. Johnston never told you that her husband had anything wrong?—No.

23. Did you conduct the operation in the hospital?—No; I was not there.

24. By whom was it conducted?—By Dr. Hyde. I was away. He just came in at the time I left.

25. It was conducted by Dr. Hyde?—Yes, and Dr. Galligan.

26. Do you know what the law is upon the question of the medical attendant of a person certifying to his sanity or otherwise?—Yes.

27. Is it a proper thing for the regular medical attendant of a person to certify to his sanity or otherwise?—Quite proper; in fact, it is desirable that he should.

28. You did not think you were disqualified from giving a certificate by virtue of the fact that you had been attending Johnston?—No; it never entered my head.

29. It has been stated by Dr. Beattie that if Johnston was an epileptic he was the most dangerous man in the Dominion?—Yes.

30. You say he is an epileptic?—I say he is an epileptic. He was an epileptic when I examined him, and he is probably an epileptic now.

31. Did he ever tell you the circumstances of the incident when he fired the revolver at his wife?—Yes, I have it here in my certificate: "Informs me that under a year ago, under great financial stress, he made up his mind to kill his wife and children." He told me that, and I have it down here.

32. Do you regard that as being the action of a man who was perfectly sane?—No. Of course, the question of criminal responsibility comes in. A man may be sane in the eyes of the law and shoot his wife and be hanged for it. I say that if Johnston had shot his wife it would have been due to his mental condition, and he should not be hanged for it. My reason for saying that is the perverted reasoning that he gave. I asked him how he justified killing in his own mind. He then told me that his wife would be left in poverty if anything should happen to him, and therefore she was better dead. His children also would be better dead, as they inherited his tendencies. I concluded that Johnston was a dangerous man owing to that perverted reasoning, and I considered that if I allowed Johnston to go free I would be doing a criminal thing—that in all probability he might go and kill his wife and children.

33. Did he make a statement to you that he was afraid this inherited tendency might develop or had developed in his children?—Yes.

34. Do you know the children at all?—No. I have seen them casually.

35. Never attended them professionally?—No, not as far as I am aware.

36. Would you pass Johnston as a first-class life for an insurance company?—No.

37. We have been told in evidence by Dr. Beattie that a doctor is not justified in giving any certificate except upon the facts observed by himself at the time of the examination. Do you agree with that statement?—If that is the case why have this B clause in the certificate: "The following facts concerning the said person, indicating mental defect, have been communicated to me by others"? A man may certify a person insane entirely on facts observed by himself, and may not have any other evidence; but he is not justified in certifying a man to be insane on facts communicated to him by others and nothing more. It does not matter whether it is at the time or not. A man may show evidences of insanity at times, and you cannot make up your mind to certify him insane. You have only got to read the papers to see that. Very often it takes weeks to find out whether a man is really insane or not, and sometimes you find it out at once. Every lunatic is not trying to bite people or climb up the chimney-stack. It is often very hard to find a man's weak points. You must have time very often, and very rightly.

38. Dr. Beattie says that if Johnston had minor epilepsy in childhood he must have had major epilepsy later, and that would be apparent to any one?—Not necessarily. I think I can