

SOLICITOR SUES DOCTORS, "INSANE" RULING

A Sydney solicitor had made statements about guns, cartridges and letting people have "bursts," a psychiatrist told the Supreme Court today.

The psychiatrist, Dr. Horace Layton Spearman, with Dr. William Henry Norman Randall, is being sued by Oliver Darcy Johnston, 42, solicitor and military pensioner, of Collaroy, for having certified him as insane.

Johnston asks for heavy damages.

Both doctors practise in Macquarie St.

The two doctors asked Mr. Justice McClemens to stay the action against them on the grounds that they had acted in good faith and with reasonable care.

Their applications were supported by affidavits by themselves, by police Sgt. George Davis, Dr. Gordon Bruce Roy Wooster, Supt. of Callan Park, and Dr. Desmond William Arnott, psychiatrist.

Johnston claimed that

Spearman and Randall caused him to be forcibly seized and taken to a lunatic asylum, where he had been detained for a long time.

He alleged he suffered great pain of body and mind.

He also suffered nervous and mental shock, became sick and injured in his credit and was prevented from carrying on his professional and business affairs.

Barrister J. H. Wootten (for the two doctors) said the Lunacy Act provided there could be no action

against any person who acted in good faith and with reasonable care.

The Act, he said, provided for the apprehension of anyone thought to be insane and wandering at large.

It was alleged Johnston was arrested by a constable while wandering at large, Mr. Wootten added.

Johnston, the court was informed, was taken to the Reception House, subsequently certified and admitted to Callan Park where he remained for six months.

"Foolish in behavior"

An affidavit by Dr Spearman stated that Johnston was a complete stranger to him before he examined him at the Reception House on June 4, 1951.

Dr. Spearman said that he treated Johnston and formed the opinion he was insane and a proper person to be detained under care and treatment.

Dr. Spearman said he believed Johnston suffered from phases of mental or emotional instability for 18 to 24 months, prior to June, 1951.

Dr. Arnott had told him that Johnston had long previous mental history, had been a patient in a private psychiatric institution and at the Repatriation General Hospital, Concord.

Mr. Tarn, SM. has

made an order for Johnston's conveyance to Callan Park on June 12, 1951.

The judge was told that Dr. Spearman's certificate, in part, read:

"Strange in attitude and foolish in behavior... hides himself away on medical rounds, and has to be found..."

"Makes statements about guns, cartridges, letting people have 'bursts'; and a day or two later varies or denies his own statements."

"I have observed him acting strangely toward his sister and, at times, staring toward the sky, winking and with his lips moving..."

"He admits he has pointed a double-barrelled gun at people and has threatened them."

Dr. Spearman's certificate stated that a Reception

House attendant had said that Johnston was irrational in behavior, silent, solitary and absorbed in foolish and senseless ideas.

Johnston, who conducted his own case, then cross-examined Dr. Spearman.

Dr. Spearman admitted that Dr. Arnott had told him prior to the hearing before Mr. Tarn that he had been threatened with legal proceedings by Johnston.

Johnston: Did Dr. Arnott tell you I had threatened him with a gun?

Monday chaos

Dr. Spearman: Yes, but not in those words. As far as I can remember, he said you had made a veiled threat, and as you were carrying a gun, he feared the worst.

When Johnston, in a question, said he had objected to Dr. Arnott's being present at the hearing before Mr. Tarn "because he might prejudice his case", Dr. Spearman said he remembered Dr. Arnott being excused from the proceedings.

Dr. Spearman said there was a tremendous amount of work at the Reception House on the Monday he had seen Johnston.

He added, "On Mondays it is chaos. There are only two of us, and we have three days' admissions to attend to."

Johnston: Yet you stated that you gave me a thorough examination on the Monday?

thorough examination on the Monday?

"Foolish"

Dr. Spearman: I did not say thorough. I said I gave you an examination.

Did you know Dr. Arnott and I had been at loggerheads for some time? — I did not know then. I know now.

An affidavit by Dr. William Henry Norman Randall said he was assistant certifying officer at the Reception House since 1948.

Dr. Randall said he had found Johnston foolish in his manner and conversation and made a provisional diagnosis of alcoholism.

Later he formed the opinion Johnston was insane and a proper person to be taken charge of and detained under care and treatment.

(Continued on Page 4)



SOLICITOR Oliver
Darcy Johnston



Dr. Gordon Bruce Roy
Wooster.



Dr. Horace Layton
Spearman

Man sues doctors

(Continued from Page 3)

Dr. Randall's certificate, in part, read, "He is observed wandering aimlessly . . . stooping frequently to pick up matches and cigarette butts . . . he is vague, evasive and suspicious in his replies and questions, and does not give a satisfactory account of himself or his behavior . . ."

Dr. Gordon Bruce Roy Wooster, Callan Park superintendent, said Johnston was admitted in June, 1951, given shock treatment with the approval of his mother in July and August, showed marked improvement and was discharged in December the same year.

After Johnston's admission he had certified he was suffering from manic depressive psychosis, with a paranoid personality.

With four other doctors he had diagnosed a manic state in a paranoid personality.

Johnston's sister, according to Dr. Wooster, said he had developed the idea he had healing hands, and had cured a man of dermatitis.

The sister told him her brother wanted to cure various neighbors and one young woman was horrified when he wanted to rub her leg, which had something wrong with it.

Dr. Wooster said Johnston's sister also said there had been complaints about her brother going with a gun to people, who were terrified, as he looked strange and ill.

It was reported to him that Johnston was a potentially dangerous per-

son. that Johnston was a potentially dangerous person.

Hearing is unfinished.