

279. Did you know it was not a proper thing for you to get a man's own medical adviser?—No, I thought it was the better course. I thought he was the best man to judge.

280. *Mr. Robertson.*] You said that so far as you know no communication made either by yourself or any one else connected with the police to the doctors in regard to the statement that Johnston made to you?—That is so, so far as I can recollect.

281. Have you read the report of Detective-Sergeant Cooney?—Yes, I have read it.

282. Do you remember reading this in it: "I thought his nerves were shattered, and, not believing his story, I sent him round to Dr. Craig's to get something for his nerves. I 'phoned to Dr. Craig telling him that Johnston was coming to see him. I subsequently saw Dr. Craig, who considers he has epilepsy, which is a dangerous form of lunacy." In view of that statement you would not consider that Dr. Craig was not communicated with in regard to the statement?—Dr. Craig had already seen him prior to that. I understood that Johnston went to him in his private capacity to be treated for some complaint, and Dr. Craig sent a message down to the police that he had seen this man and that he thought he ought to be looked after.

283. I understood you to have said this morning that the first you knew of Johnston's condition was his statement to you in December?—No, I said that Dr. Craig sent a message down, but I knew nothing of the details until he made his statement. I knew nothing of the details of the attempted murder until Johnston made the statement.

284. The first you knew of Johnston's condition was what Dr. Craig told you?—It was just about the time of the statement. My impression is that I heard it just before Johnston's statement. I knew a report was sent to the police.

285. Before Johnston made his statement to you you had heard something in regard to his mental condition?—I heard a hint that he was not all right in his mind.

286. Did you not, in reply to Mr. Fisher, state that at the time of the medical examination the police did not know of any epilepsy?—I said I did not know of any epilepsy.

287. Had you never heard of Johnston being an epileptic?—No, not at that time. He did not use the phrase that he was an epileptic. He said that fits came over him, and that by exercising his will and fixing his eyes on something he could walk along without attracting attention. I have seen people in epileptic fits.

288. You would not contradict Dr. Beattie's statement that it is impossible to overcome epileptic fits in that fashion?—I could not put myself up against Dr. Beattie. I know there is *petit mal*, which is a minor form of epilepsy, which does not cause a man to collapse in the street, and he may overcome it.

289. With reference to Dr. Will's examination of Johnston the day after he was committed, and in which Dr. Will said that his mental condition bore out the facts stated on the certificate, do you know that Dr. Will also stated that there was no sign of *petit mal* of epilepsy? So far as that is concerned, there is no agreement between the three doctors that there was epilepsy?—Apparently.

290. In regard to the committal, you said it was customary in the country, where there was no Clerk of the Court, for the police to call in the medical man?—Yes.

291. How long does your experience extend in regard to the committal of lunatics?—I have a general knowledge extending over the last eighteen years.

292. The practice you followed you said was the usual practice?—Yes, in country districts.

293. Would you say it was the usual practice where there was no Clerk of the Court?—The policeman has to do it all there.

294. But at Waihi there is a Clerk of the Court?—Yes.

295. And he did not call in the medical men?—No, and he has not done so since I have been there. In no committal from Waihi during the last two years has any other practice been followed.

296. This Act came into force in 1911?—Yes.

297. And you are aware that the practice you followed is contrary to the practice laid down by section 16 of the Act?—I am not prepared to say so.

298. If the Act states definitely that the duty devolves upon the Magistrate or those acting for him, then you were acting contrary to the Act when the police called in the medical men without reference to the Magistrate?—At any rate, the Justices of the Peace would not go to the trouble; they would ask the police to get the doctor for them. You would not get the Justices to ring up the doctors. They think they have done enough if they come along and see the man and sign the certificate.

299. You said, I think, that the inquest was adjourned on account of Johnston's excitable condition?—That is my impression.

300. Do you know that Johnston gave evidence at the inquest on the 19th November?—I cannot speak as to the dates.

301. If the Waihi *Daily Telegraph* reports that you would not say it is wrong?—No, I would not. [Newspaper report handed to witness.]

302. The inquiry was adjourned for a considerable time after Johnston's evidence was given?—There were several adjournments.

303. The adjournment was granted on the application of Mr. Holland, who was representing the Federation of Labour, to enable the Federation to procure counsel?—There were several adjournments. Nearly every afternoon the Magistrate adjourned for a while.

304. Can you show any adjournment that took place during the hearing of Johnston's evidence—Johnston's evidence was completed when the adjournment took place?—It may be so according to the Press, but there was an adjournment during the evidence, and it was explained that it might give the witness a chance to quieten down.