

1913.  
NEW ZEALAND.

---

# PUBLIC PETITIONS A TO L COMMITTEE

(REPORT OF), ON THE PETITIONS OF THOMAS HENRY JOHNSTON AND ELIZABETH JOHNSTON.

(MR. BRADNEY, CHAIRMAN.)

---

*Report brought up 21st October, 1913, together with the Petitions and Minutes of Evidence, and ordered to be printed.*

---

## ORDERS OF REFERENCE.

*Extracts from the Journals of the House of Representatives.*

THURSDAY, THE 3RD DAY OF JULY, 1913.

*Ordered*, "That a Committee be appointed, consisting of ten members, to consider all petitions from A to L that may be referred to it by the Petitions Classification Committee, to classify and prepare abstracts of such petitions in such form and manner as shall appear to it best suited to convey to this House all requisite information respecting their contents, and to report the same from time to time to this House, and to have power to report its opinions and observations thereon to this House; also to have power to call for persons and papers; three to be a quorum: the Committee to consist of Mr. Brown, Mr. Bradney, Mr. Campbell, Mr. Dickson, Mr. Estcott, Mr. Isitt, Mr. Malcolm, Mr. Payne, Mr. Robertson, and the mover."—(Hon. Mr. FISHER.)

WEDNESDAY, THE 6TH DAY OF AUGUST, 1913.

*Ordered*, "That the name of Mr. Malcolm be deleted from the list of members of the Public Petitions A to L Committee, and that the name of Mr. Webb be substituted in lieu thereof."—(Hon. Mr. FISHER.)

---

## PETITIONS.

---

No. 200

To the Honourable the Speaker and Members of the House of Representatives of the Dominion of New Zealand in Parliament assembled.

THE petition of Thomas Henry Johnston, of Moresby Avenue, Waihi, humbly sheweth,—

1. That I, your petitioner, was on the 14th December, 1912, unjustly and unlawfully committed to the Avondale Mental Hospital whilst being in a state of sanity.

2. That in my opinion my committal was cut and dried for the two medical men and the two J.P.s who were called in by the police, and was prearranged by the police.

3. Was detained from about 11.15 a.m. without being able to communicate with my wife. Neither was I allowed to proceed home under escort. Every time I asked the police to send for my wife they told me they had done so. My wife received no information as to my whereabouts until a little prior to my departure.

4. The two doctors and two J.P.s who were called in by the police, in my opinion—I consider the police poisoned their minds by concocted yarns, and also took good care to be present at the interview of Dr. Craig.

5. Was accused of things without a complaint being lodged, nor a written statement, nor a chance of a trial, which I demanded if they had aught against me.

6. Dr. Craig was recognized to be the most excited and unbalanced man in Waihi during the day of the riot.

7. Dr. Galligan has admitted since the 14th December, 1912, that he was sorry for signing my certificate: (1) that he was led away by Dr. Craig; (2) that he was not altogether sober.

8. When Dr. Galligan was called in I refused to answer any questions except two, to both of which he replied "Quite correct."

9. The J.P.s were not sent for until within half an hour of my departure. One turned up a little after 5 p.m., the other at 5.15. I was sent away at 5.30. When I asked the J.P.s to give me a trial on the trumped-up charges, they refused and hurriedly signed the papers, blindly following the prearranged plan of the police without holding converse with me.

10. I consider I did not get a fair deal on the day of my committal on account of (a) the former clauses, (b) that Dr. Craig was an unsuitable person to have been called in to diagnose my case on account of him being the only doctor and the only J.P. who was conspicuously in and out the new union's office prior to and after the riot; the only doctor and Justice of Peace who advocated strife. He was and is still an honorary member of our union, accident doctor for the Waihi Company, and accepted accident doctor for the union, Government doctor in this district, and so was thereby able to play into the hands of each of these forces (or a small section of them) who wished me out of the way. He also made the *post-mortem* examination of Evans.

11. I was adjudged an attempted murderer without a trial, which was refused me, a thing which any Roman citizen could demand two thousand years ago, and a thing which any British subject can demand. Also, I took fits, which was not correct, as I have never had a fit nor a semblance of one, nor have I had any fainting turn in my life.

12. When my wife wrote to the Superintendent of the Mental Hospital, a few days after my admittance, demanding my immediate release, the Superintendent wrote on the 21st December stating that they could not find any trace of insanity in her husband whatsoever. I was mentally examined after being thrown amongst the worst lunatics from Sunday, 7.30 a.m., until Wednesday, 10 a.m., the 18th, and examined on Friday at 11.15 a.m., the 20th instant.

13. Finding that I had no chance of being let out I cleared out, and tested my sanity against the attendants and police by evading them successfully. When I had an opportunity offered me of being granted probation so as to secure outside medical certificates if I came forward, I immediately took the opportunity and met Dr. Beattie in London's (barrister's) office. Dr. Beattie handed my wife, whom he made my gaoler, a letter to Dr. Gray at Avondale Mental Hospital, a copy of which is appended herewith, together with copies of the Auckland medical certificates which were published in the Auckland papers the day after they were obtained.

14. I can describe clearly if given a chance the whole of the events occurring on the day of 14th December, 1912, when I was certified a fit subject for Avondale, and can also describe the rooms I was in and the positions of each doctor and J.P. and the police.

15. When I escaped I hid in gorse until 11 p.m., then I walked from Avondale to Waihi in seventy-two hours, starting at 11 p.m. Saturday night, having nothing to eat since breakfast that morning, one meal on Sunday, and a bit of bread on Monday, and plenty of food on Tuesday. Arrived home that night 11.30; hid between the roof and the ceiling of the house at home in Waihi for seven weeks. During that time I wrote over sixty thousand words of one manuscript and twenty thousand of another. Surely this, following on top of all other trying experiences, was enough to test the strongest-brained man living. Dr. Beattie and the other doctors considered I never was mad, nor never would go mad. Further, also, I was a stone and a half lighter when I secured the three medical outside certificates than I was when the police arranged and obtained my committal to the asylum by securing with outside appearance just sufficient order to make it appear in conformity with the Act.

Now, gentlemen, I herewith pray and beseech that you will see your way clear to grant my petition, and I herewith ask for a grant of £5,000 (five thousand pounds) compensation for the misery, degradation, pain, suffering, loss of prestige caused to my wife, family, and myself, together also with the stain of lunacy unjustly and illegally placed upon me, and the stain of inheritance placed upon my offsprings, and being adjudged an attempted murderer without a complaint being lodged against me nor a written statement from any one, and being refused a just trial, which every Britisher can demand if any person has aught against them. This was the treatment meted out to me by the Government public servants after the stand I had taken in this town. I further demand that my name shall be expunged from the records of the asylum files.

Honourable gentlemen,

I am your humble servant,

T. H. JOHNSTON.

[Copy.]

To Dr. Gray.

Auckland.

I HAVE examined T. H. Johnston this afternoon. I have decided to release him on probation. He and Mrs. Johnston will attend at the Mental Hospital this afternoon. Please see that Mrs. Johnston signs the probation papers, then tell Johnston he is at liberty. I do not propose that he should be longer detained, as in my opinion he is of sound mind. The probation will be for twenty-eight days.

13th February, 1913.

R. W. BEATTIE.

No. 201.

To the Honourable the Speaker and Members of the House of Representatives of the Dominion of New Zealand in Parliament assembled.

THE petition of Elizabeth Johnston, wife of Thomas Henry Johnston, of Moresby Avenue, Waihi, humbly sheweth,—

1. That I, your petitioner, pray for compensation for herself and children for the police circulating around Waihi, Auckland, and elsewhere that my husband was too dangerous for me to live with, and that I put him in Avondale Asylum, which was very wicked and entirely false.

2. For the Government officials taking our breadwinner away and leaving us without support.

3. My husband has never been the least bit insane, and has never even had a semblance of a fit, as stated by the police and Dr. Craig.

4. That my husband is one of the kindest of husbands and fathers, and also one of the cleanest-principled men living.

5. We have a witness in one of Waihi's most influential men, and also in others, that my husband was one of the coolest and sanest men in Waihi at the time he was certified otherwise.

6. That Dr. Craig 'phoned a letter he received from Dr. Beattie to others showing there was no insanity in Mr. Johnston and asked him to get Mr. Johnston out, which he refused.

7. That Dr. Craig was one of the most excited and unbalanced men in Waihi during the riot, which the people of Waihi know.

8. That the shock and degradation of such cruelty has ruined my health for life, and it is only by the grace of God that I have pulled through.

Honourable gentlemen, I do humbly pray and beseech you to compensate the children and myself for the cruelty put upon us last Christmas-time, and for the Government officials circulating such falsehoods about.

Honourable gentlemen,

I am your humble servant,

ELIZABETH JOHNSTON.

## REPORT.

Nos. 200 and 201.—Petitions of THOMAS H. and ELIZABETH JOHNSTON, of Waihi.

PETITIONERS pray for compensation for themselves and their children on account of alleged wrongful committal and detention of T. H. Johnston in a mental hospital.

I am directed to report the Committee has no recommendation to make on these petitions. A copy of the evidence is attached hereto.

21st October, 1913.

J. H. BRADNEY, Chairman.

## MENTAL HOSPITAL REPORT.

*In re* THOMAS HENRY JOHNSTON.

(Excerpt from Mental Hospital File No. 12/1410.)

THE above-named was received at the Auckland Mental Hospital at 7.15 a.m. on the 15th December, 1912, upon an order dated 14th December, 1912, granted by H. W. Moore and H. W. Toy, J.P.s, acting at Waihi in place of a Stipendiary Magistrate, pursuant to section 130 of the Mental Defectives Act, 1911.

The said order was granted on the application of Ward George Wohlmann, Sergeant of Police at Waihi, in pursuance of section 16 of the above-mentioned Act. *Inter alia*, this section places the duty on a constable, who has reasonable cause to believe that any person is mentally defective and suicidal or dangerous and not under proper oversight, care, or control, to forthwith make or cause to be made an application for a reception-order in respect of that person.

In the application Sergeant Wohlmann stated he believed that Thomas Henry Johnston was mentally defective upon the following grounds: "Emotional; excitable and gives readily to tears; melancholy; talks of being hypnotized by his stepfather; admits attempting wife's life with a revolver about last Easter; proposed giving up his employment to-day and wandering away." Among the further particulars supplied by the applicant is the statement that Johnston was epileptic; that he was epileptic as a schoolboy; that he was probably suicidal; and that he was dangerous in that he had attempted his wife's life. It is also stated that Johnston's father was feeble-willed and neurasthenic.

The medical certificates are by Drs. Galligan and Craig. Dr. Galligan certifies that he is of opinion that Johnston is a mentally defective person within the meaning of the Act, and requires detention as such, and that this opinion is based on the following facts observed by himself on the 14th December: "Very erratic; very despondent and melancholic; thinks it better for wife and family to be dead than live in poverty; people despise them because they are poor." Communicated to Dr. Galligan by Mrs. Johnston: "He fired a pistol-shot, but only injured her, to save her and her family from financial trouble. He could die happy afterwards." He further states that Dr. Craig and himself saw the scars of the above wound. Dr. Galligan considers Johnston feeble-minded, epileptic, suicidal, and dangerous, and believes the cause of his trouble was excessive worry over strike affairs and the wound he received in the right leg. He looks upon Johnston as very neurotic.

Dr. George Craig subscribes to the same opinion with respect to Johnston being mentally defective and requiring detention, basing his opinion on the following personal observations: "Emotional and excitable; states that he has been hypnotized by his stepfather, and that since then he has been a different man. He is subject to the *petit mal* of epilepsy, and informs me that about a year ago, under great financial stress, he made up his mind to kill his wife and children. He did shoot his wife as she lay asleep, but made no second attempt. Questioned as to the correctness of his action, states that he can see no wrong in what he did, that it was

to save his wife from poverty and his children from the consequences of their being children of his and inheriting his peculiarities." Communicated to Dr. Craig by others: "Elizabeth Johnston, wife, informs me that he has been depressed lately; that a few months ago he shot her through the arm as she lay in bed." Dr. Craig expresses the opinion that trouble is due to misfortune and financial worry and the excitement due to the strike, and he considers Johnston suicidal and dangerous.

The preliminary statement as to the mental and bodily condition of the patient on admission was signed by Dr. G. Wishart Will, (then) Assistant Medical Officer. It is dated 16th December, and is as follows: "His mental condition confirms the statements made in the certificates. He is despondent and depressed; admits having shot at his wife some time ago, and says that he did so to save her from poverty; says the act was premeditated, and he feels no regret for it; says that some years ago he was hypnotized by a man who subsequently married his mother. No evidence of *petit mal* has yet been obtained. He is in fairly good bodily health and condition. There are no signs of organic disease of the viscera. His face is of a degenerate type. Reflexes are active. There is a scar of a bullet-wound (both entrance and exit) on the right thigh immediately above the knee. This was received at the Waihi riots. There are no evidences that he is suffering from active communicable disease, and no signs of recent injury."

The law requires a second notice of the mental and bodily condition to be sent within fourteen days. This notice, signed by Dr. R. M. Beattie, the Medical Superintendent, and dated 29th December, is as follows: "I, —, hereby certify, with respect to mental state, he is probably sane; and with respect to bodily health and condition, he is in good health and condition."

The Medical Superintendent has the power to discharge any patient whose detention as a mentally defective person is no longer necessary, either for his own good or in the public interest (section 85 (1) (12)); but I can understand any one not acting immediately upon his own opinion and without further observation or making further inquiry in a case like this, where it was alleged that the patient was homicidal, suicidal, and epileptic, and where the certificates were apparently so unequivocal.

On the 4th January, 1913, Johnston escaped. He remained at large until the 14th February, when he was permitted to be absent on a month's leave, and he was discharged on the 15th March under section 80 (5).

23rd August, 1913.

FRANK HAY.

## POLICE REPORT.

SIR,—

Police Department, Wellington, 26th September, 1913.

With reference to the petitions of T. H. Johnston and his wife, Elizabeth Johnston, relative to the former's committal to the Avondale Mental Hospital, I beg to report as follows:—

Johnston first came under the notice of the police shortly after starting work at the Waihi mines. For some days before the 12th November, 1912 (on which date he was shot in the leg during the disturbances in connection with the miners' strike), he was observed going about in a very excitable state, and it was he, Harvey "the Cockney," and Foster who first entered the Miners' Hall when the shooting took place there. After being shot he was removed to the Waihi Hospital, where he was placed under chloroform and the bullet removed, and was discharged after about three weeks. He was subsequently subpoenaed as a witness in some cases arising out of the strike, and the evidence he gave was fairly clear and connected. He appeared, however, to be a highly strung, nervous man, and it was noticeable that his self-control grew less as the cases proceeded. He was also a witness at the inquest of F. G. Evans (a striker who died of injuries received during the strike disturbance), and under cross-examination he reached such an emotional condition that he appeared likely to break down, and an interval was allowed for him to collect himself.

On the 2nd December he went voluntarily to the police-station at Waihi, and, in the presence of Sergeant Wohlmänn and Detective-Sergeant Cooney and other police officers, made a statement to the following effect:—

"My father is dead. He was a chemist in Melbourne and a very able man—so clever that he made a fortune and retired when about thirty-five years of age. He was a very delicate, epileptic, nervous man. He died when thirty-five (I think), leaving several sons and daughters. I inherit my father's weaknesses, and of all our family most closely resemble him. I could not get on with my brothers and sisters, and left home young. My mother is a haughty, selfish woman. I am epileptic too. Sometimes when I am walking along a fit will come on me, but I have a very strong will, and by fixing my eyes on some object ahead and by force of will I can walk straight onward so that any one passing me would not know that I was under an attack. I suffer much from sleeplessness; often I do not sleep for nights. On leaving Australia I came to New Zealand. One day while I was at work I got an impression, a warning, all was not well at home. I knew I was wanted at home, so I immediately ceased work and took the first boat for Melbourne. On arrival I found a man, an adventurer, was courting my mother; he wanted to marry her for her money. My brothers, sisters, and I made up our minds we would frustrate his designs, but he was too strong for us. He hypnotized all of us. I was completely under his control, and he made me do as he liked. He married my mother. Shortly afterwards I met my present wife in Melbourne. I had known her but a few weeks when I proposed to her, and we were married. I was still under hypnotic influence when I married, and it took my wife

three months to get me out of it. I am out of it now. I have a very strong will, and no one could hypnotize me now. My brothers and sisters are all in good positions in Australia. I have always been hard up, but I will be a rich man when I publish a book I have written on horticulture and fruitgrowing. I am an expert in fruitgrowing, but there is not much scope for that in New Zealand. There are very few in New Zealand I could not teach fruitgrowing. My wife's people are well-to-do people beyond Dunedin. About twelve months ago I took up a fruit-farm at Kumenu, near Helensville, and I commenced growing tomatoes. I worked from dawn to dark, and on moonlight nights I worked at night. The crops were a failure. I tried again, and they again failed. I got desperate. I saw the wife and children had not enough to eat and not enough clothing. I often went without food. I saw children coming inheriting my weaknesses—children who could not take their place in the world, and I proposed to my wife I should go away to Australia—West or South Australia—and that I should send her money and keep away from her, but she would not agree. My wife sleeps badly too. When her monthly illnesses are on she does not sleep for nights, and we are both sitting up in bed. Well, seeing no hope of making a living, and having failed to get assistance from the wife's people and from the person who owned the farm, I determined to end it all and wipe the whole family out. I planned it all. I went to Auckland and bought a revolver and cartridges, and tried it until I understood how to work it. My wife saw no change in me. I determined to shoot her and all the children and then go and give myself up to the police. I determined not to shoot myself. I would let the world know how badly, how cruelly we had been treated—I would show them up. So one night I sat up pretending to read. My wife went to bed, and I waited until I was sure she was asleep and I crept to her bed in my stocking feet. She lay on her right side close to the edge of the bed. I saw all the children were asleep. Very slowly and gently I slipped my left hand over her heart to feel where it was beating. I had the revolver in my right hand. Then I brought the revolver over her until the muzzle pointed over her heart and I fired. The wife jumped up screaming—there were no neighbours anywhere near. The blood was streaming down her night-dress. I was still determined to finish it. She asked me why I had tried to kill her, and I told her because she and the children had not enough to eat and I had made up my mind to shoot her and the children. She pleaded with me for hours to save her life—she stood with the blood still running down her clothes, but I would not give way. She promised she would never tell on me if I spared her, but I would not give way. At last when I was about to fire again I felt a presence come between us like a wall or a shield, and I knew I was done. I knew I could not fire through that presence. It was some unseen presence that had come between us. So I agreed not to shoot. She made me promise I would never try it again, and I promised. She would not let me keep the revolver, and I had to give it to her. She hid it. Although I was very young when I left home when my father died, I had a good knowledge of doctoring, as he was a chemist. I found the bullet had gone through her left arm at the elbow-joint—she must have moved her arm just as I fired. After passing through the arm it passed through her side, but not deep, and I found the bullet in the bed. It cut an artery in her arm, and I stopped the bleeding and bandaged her up. The wound in the side soon healed, but the wound in the arm showed signs of inflammation. I feared the bullet had driven some cloth into the wound and that it mortified. I had been afraid to send for a doctor in case anything should leak out. However, I made up a tale that I knew little of revolvers and that I had been testing one, and it had accidentally gone off and struck the wife. She agreed to this, and I sent to Helensville for Dr. Meinhold. He asked how it happened and I told him about the accident. He complimented me on the skill I had shown in dressing the wound, and prescribed for the wound, which got well, but the scar is still there. I tried to get the revolver from the wife afterwards, as I wanted to shoot rabbits and other things, but she would never give it to me, and when we left the house I believe the wife threw the revolver down between the lining and outer wall. It was last Easter when I shot the wife. While in the hospital here I am sure I gave away my secret under chloroform. I heard the nurses talking about it. I have worried about it and do not know what to do. I still think I will clear out to Australia, but I would send money to the wife. I am sure others know about the secret; the doctors will know, and I have come to give myself up. Could I be hung for this? The wife would not give evidence. You will get nothing out of her."

Sergeant Wohlmann states that Johnston appeared very agitated, cried, and seemed to be thoroughly run down. It was ascertained that he was being treated by Dr. Craig, who said he thought Johnston was improving. It was evident that he was becoming more and more distressed as the inquest on Evans proceeded, and he referred to his mental strain and anxiety on several occasions. At the conclusion of the inquest, on the 14th December, he met Sergeant Wohlmann and asked for his witness's expenses; he said he was going away "Katikati way"; that he had no friends there, had never been there before, and did not know what he was going to do when he got there. The sergeant pointed out that he had sure work at the mine, but he said he was tired of the mine and that he might go to South Australia later on. Feeling satisfied that Johnston required attention, and on the pretext of settling his witness's expenses, the sergeant took him to the police-station and arranged with the Clerk of the Court to have him medically examined, with the result that Doctors Craig and Galligan were communicated with. Johnston again repeated his account of being hypnotized, of the shooting, and of his epileptic attacks to Dr. Craig, but not to Dr. Galligan. The doctors paid a visit to Mrs. Johnston and satisfied themselves of the reality of the attempt to murder her. Sergeant Wohlmann had previously interviewed Mrs. Johnston, and although she would not admit that she was shot she would not deny it, but said that if any charge was made she would deny her husband had made any attempt to harm her.

The sergeant states that he has no doubt as to Johnston's mental disorder at the time of his committal to the mental hospital, that Johnston's mind was overwrought with his secret, and that the strain of the previous few weeks acting on his highly strung and emotional temperament

rendered it advisable in the interests of himself, his family, and the public that he should be placed under restraint where a repetition of the temptation to homicide, to which he had already succumbed, could not be given effect to. Section 16 of the Mental Defectives Act, 1911, places the duty on a constable who has reasonable cause to believe that any person is mentally defective and suicidal or dangerous, and not under proper oversight, care, or control, to forthwith make or cause to be made an application for an order for his reception and detention in a mental hospital. Sergeant Wohlmann made application accordingly, and Drs. Craig and Galligan both certified that Johnston was a mentally defective person within the meaning of the Act and required detention as such. He was therefore committed to the Avondale Mental Hospital on the 14th December, on an order signed by Messrs. W. H. Moore and H. W. Toy, Justices of the Peace, acting at Waihi in place of a Stipendiary Magistrate, pursuant to section 130 of the Mental Defectives Act, 1911. On his admission to the mental hospital the Assistant Medical Officer (Dr. G. W. Will) gave a certificate to the effect that Johnston's mental condition confirmed the statements made in the certificates signed by Drs. Craig and Galligan.

On the 4th January, 1913, Johnston escaped from the mental hospital and remained at large until the 13th February, when he gave himself up at Waihi. He was returned to the mental hospital, but was immediately released on probation until the 15th March, on which date he was discharged as recovered.

The petitions are returned herewith.

I have, &c.,

J. CULLEN,

Commissioner of Police.

The Chairman, Public Petitions A to L Committee, House of Representatives.

---

## MINUTES OF EVIDENCE.

THURSDAY, 25TH SEPTEMBER, 1913.

ROBERT MARTIN BEATTIE, M.B., examined. (No. 1.)

1. *The Chairman.*] You are in charge of the Auckland Mental Hospital?—Yes.

2. Will you state briefly to the Committee what you know about Johnston's case?—Thomas Henry Johnston was admitted to the Auckland Mental Hospital on the 15th December, 1912, on the certificates of Drs. Craig and Galligan and the order of two Justices of the Peace—Messrs. Moore and Toy. Would it be right at this stage to read the certificates—the original medical certificates—I have them with me.

3. I think so?—Dr. Galligan states, under the heading "Facts observed by me on the occasion of the examination," "Very erratic, very despondent and melancholic; thinks it better for wife and family to be dead than live in poverty: people despise them because they are poor." Then, "Never examined *re* mental condition before." His wife is reported to have stated to Dr. Galligan, "He fired a pistol-shot (but only injured her) to save her and family from financial trouble, and he could die happy afterwards. Both Dr. Craig and myself saw scars of said injury." Dr. Galligan also says that the patient is "feeble-minded and epileptic (minor)," and that the cause of his mental condition was "excessive worry (strike affairs). Was shot in right leg." He also states that he regards Johnston as suicidal and dangerous.

4. *Hon. Mr. Fisher.*] Is Dr. Galligan a Waihi doctor?—Yes.

5. And Dr. Craig?—He also is a Waihi doctor. In his certificate Dr. Craig states, under "Facts observed by me on the occasion of the examination," "Emotional and excitable. States that he has been hypnotized by his stepfather, and that since then he has been a different man. He is subject to the *petit mal* of epilepsy, and informs me that under a year ago, under great financial stress, he made up his mind to kill his wife and children. He did shoot his wife through the right arm as she lay asleep, but made no second attempt. Questioned as to the correctness of his action, states that he can see no wrong in what he did; that it was to save his wife from poverty, and his children from the consequences of their being children of his and inheriting his peculiarities." These, I may point out, are not "facts observed by himself" at all, although they are given under that head. These facts with regard to the shooting could not have been facts observed by Dr. Craig at the time. Johnston's wife also states to Dr. Craig, "He has been depressed lately. A few months ago he shot her through the arm as she lay in bed." Dr. Craig says that the cause of Johnston's mental condition is "misfortune and financial worry, also excitement due to the recent strike." He does not state anything about epilepsy. He states that he regards Johnston as suicidal and dangerous.

6. *The Chairman.*] That shooting was some time prior to the Waihi affair?—Eight months previously. There is nothing unusual in the committal order—just the ordinary committal order.

7. *Hon. Mr. Fisher.*] What is the date of it?—The 14th December, 1912.

8. *The Chairman.*] What was the mental condition of the man when he came under your charge?—After I examined him I came to the conclusion that he was sane. There was no evidence to justify the statement that he was epileptic, and I thought the facts with regard to the shooting which took place eight months previously should not have been inserted in the medical certificate. After Johnston had been with me some time I wrote to Dr. Craig, who was a fellow-student with me and a personal friend—I wrote a private letter asking him to give me any evidence with regard to Johnston's mental condition which he had acquired in Waihi, and also any facts he could with regard to an epileptic condition. Unfortunately, just at that time a statement appeared in the Auckland *Herald* in the nature of an interview. Dr. Craig concluded that I had given an interview to the *Herald*, and in reply to my correspondence snubbed me—gave me no information. I then wrote to him again telling him that I knew nothing about the interview, directly or indirectly, and asking again for information. To that letter I got no satisfactory reply. I then examined Johnston again very carefully on the 3rd January, and came to the conclusion that he was perfectly sound, that there was no evidence to justify the diagnosis of epilepsy at any time in his history, and I told him that I would take a trip to Waihi and make all possible inquiries there. Unfortunately, Johnston the next day took the law into his own hands and escaped. In the meantime I had been in communication with his wife, and ascertained from her also that there was no epilepsy, and that the shooting had taken place eight months prior to his committal. In the interval Johnston had been perfectly sane, but was at times slightly depressed owing to financial trouble and the difficulty in getting work. She stated also that he was not unusually depressed after the accident at Waihi, but he was sometimes nervous of the consequences of his action in becoming what he called a "strike-breaker." She stated that she knew nothing at all about the epileptic condition, and no reason at all to justify Johnston's committal to a mental hospital. She also stated with regard to the shooting of herself that it was a pure accident, and that none of the doctors had examined her and seen the scar, as recorded in the paper. I think those are the main facts.

9. *Hon. Mr. Fisher.*] How long was it after the examination by these two doctors that you saw the patient?—I saw him the following day. He was examined on the 14th, and I saw him on the 15th.

10. Is it possible that conditions existed on their examination of him that had ceased to exist when you examined him?—It is possible, for the reason that when they examined him he had just come out of hospital after the operation, and was probably a little depressed, and emotional, and perhaps excitable.

11. Do you think if that was the case that the change from emotional and excitable to normal could have taken place in those few hours?—I think it is possible, but I would not like to say it is probable.

12. Would you say, after his release from the hospital, when he was emotional and excitable, that any amount of emotion and excitement could produce signs of epilepsy?—No.

13. I think you said that only one of the doctors stated there was epilepsy?—That is so. [NOTE.—The certificates show that both doctors certified to epilepsy—Dr. Craig's in the body of the certificate, and Dr. Galligan's on the second page.]

14. Did the two doctors examine him together?—It does not state in the certificates.

15. When Johnston was under your protection were there any abnormal signs about him at all?—I saw no abnormal sign from the day of my first examination of him until my last—that is to say, from the 15th December until the 3rd January.

16. Nearly three weeks?—Yes.

17. I conclude, then, that in your own mind you are satisfied he was committed on certificates that should not have been given: that is your opinion?—Yes, to a large extent; but I have had a great deal of experience in cases of this kind, and I think that when medical men are brought to a case of the kind and find a man emotional and excitable, as they state Johnston was—and they had some reason, evidently, for coming to the conclusion that he was epileptic—and knowing the previous history, they were justified in taking some action. It may not have been justifiable to send him to a mental hospital, but I think they were justified in placing him under observation until he became in their opinion normal.

18. Do you think that as a result of your general experience or as a result of your observation of this particular case?—It is from my general experience, not from my observation of this particular case.

19. You saw nothing unusual about Johnston when he came to you the next day?—No.

20. Did you make an immediate examination of him?—It would probably be the next day. I would not be certain.

21. Was there any other medical man with you?—No. He was examined by Dr. Will, my assistant, the day he was admitted, and I have Dr. Will's evidence here.

22. Will you let us know what that is?—It is from my case-book. This is with regard to Johnston's mental condition: "He does not display much excitement, and talks quietly and calmly, although he requires a good deal of persuasion to say much about himself. He was born in Tasmania, and came to New Zealand at an early age, and has since worked at any general labouring work he could get. He was married eleven years ago, and has seven children. He has always been hard up, and sometimes almost destitute. Last Easter he got tired of always being in poverty and his wife having to struggle to keep things going, and decided that in her own interests it would be better if her life ended, and determined that he would be doing her a good turn if he shot her. This he attempted to do, but she moved and spoilt his aim, and he only wounded her. Later he took a prominent part in the strike trouble and was shot in the leg. He says that when under chloroform he talked and gave away the fact that he had attempted to shoot his wife, and as a result of that he was taken charge of by the police. He says that he is quite willing to stand his trial before the Magistrate, and would much prefer that to being here, as once discharged the fact of his having been here would always be held up against him. With regard to his being hypnotized by his stepfather, he says that this man is a bad man, but exercised some influence over him so that he imagined he liked him and withdrew his opposition to the marriage." The position is that his stepfather wanted to get married a second time, and Johnston was very much opposed to the second marriage, but the stepfather was a very strong man apparently, and exercised considerable influence over him. "The marriage turned out very badly. The patient is disinclined to talk much about himself, saying that he prefers to say what he has to say in front of a Magistrate. His education is obviously deficient. His memory is good. He is correctly orientated"—that means, knows his position in time and space. "He denied ever having had fits or fainting attacks, and no evidence of anything pointing towards epilepsy could be obtained." That is dated the 16th December. Then on the 28th December: "Since his admission he has shown no signs of epilepsy, either major or minor. He has been interviewed by Mr. London, solicitor, of Auckland, acting on behalf of his wife. In the absence of satisfactory evidence to corroborate his statement it is difficult to arrive at a correct estimate of his sanity or otherwise." Then, on the 5th January: "Yesterday morning (4th) this patient was working stooking oats in charge of Attendant King. The attendant turned away to get some flax for binding, and Johnston disappeared. The next paddock"—not belonging to us—"contains a lot of tall gorse which would afford an excellent hiding-place. . . . A thorough search was at once made and the police were informed, but so far no trace has been discovered." The next is really an opinion of Dr. Will's: "It is thought that Johnston knew it was intended to discharge him, and, fearing arrest by the police on the charge of shooting, has escaped either with the view of committing suicide or getting out of the country." That is an opinion which subsequent events proved there was nothing in. "There is always the danger that he may attempt again to harm his wife." That is also an opinion. "On February 14 he gave himself up at Waihi and returned to Auckland under police escort, it having been arranged by Dr. Beattie, through Mr. London, that this could be done, and then Johnston released on probation, to be discharged on production of statements by two medical men certifying as to



his sanity. Johnston was interviewed at Mr. Lundon's office by Dr. Beattie, who, satisfied that he was as sane as in his last interview at the hospital, discharged him on probation for twenty-eight days, Mrs. Johnston signing the necessary papers at the mental hospital." Then, on the 15th March, after the expiration of his probation, "Discharged to-day on expiration of twenty-eight days' probation." Then I have the original certificates of the three medical men which brought about the discharge—Drs. Lindsay, Gore Gillon, and Clive Low. Dr. Gore Gillon states, "I certify that I have this day examined Mr. Thomas Henry Johnston, and find that he is perfectly sane." That is dated the 12th March, 1913. Dr. Low states, "This is to certify that I have most minutely examined Mr. Thomas Henry Johnston, and have conversed with him for one hour. I find—(1) No trace of epilepsy; (2) no suicidal tendency; (3) no homicidal tendency; (4) no history of any madness in his family, no matter how remote; (5) Mrs. Johnston tells me that Mr. Johnston has never on any occasion assaulted her or attempted her life; (6) in my opinion I do not consider that Mr. Johnston will become insane. To every question put to him his answers have been all most lucid and clear, and he conducts himself under rigid examination as any normal sane man should. I have no hesitation in saying that I can detect no indications of insanity in Mr. Johnston." Dr. Lindsay says, "I certify that, after a prolonged interview with Mr. Thomas Henry Johnston, whom I have never seen before, I have found no trace of anything in the way of unsoundness of mind. To me he appears a very clear-headed, intelligent man, much above the average of his class in mental attainments. His conduct and demeanour occasion no remark."

23. From your experience what would be the state of mind of a man who would take up a revolver and attempt to shoot his wife?—At that time I have no doubt at all the man was very much mentally depressed. He related the whole circumstances to me. I do not know whether I am supposed to relate them to the Committee or not. He told me that his wife had had child after child, that she had no mattress but only a bed to lie on, that they were destitute; any money that he got had to go out in doctors' or nurses' fees, and for a long period he had had to live on swede turnips or anything he could pick up from outside. He became enfeebled in health, and was able only to get casual work in consequence. Once or twice he attempted to start some work on his own account, and in several instances met with misfortune: for instance, he started to grow tomatoes at one time, and the frost killed the whole lot—several acres. He had been struggling for such a long time against poverty and adverse circumstances that he thought the best thing was to shoot his wife and children and then destroy himself.

24. You do not think there was any madness about that? That was the last resource of a desperate man?—It is the last resource of a desperate man, but still it is not pathological; it is a physiological condition. I do not think that any man in a country like this would get into a condition like that unless there was some mental defect; but that mental defect had passed away long before Johnston's committal to the mental hospital.

25. So far as the suggested divulgence of a communication which was made by him when under the influence of chloroform is concerned, that, presumably, would be made by the doctors: would there be any one else present at that operation?—There were nurses present.

26. Would not there be an obligation on the nurses as well as the doctors not to divulge anything?—I should think so. I do not think that nurses or doctors have any right to divulge information got from a patient during the chloroform state.

27. He did make a statement to you about this shooting business, but by that time the circumstances had been published, had they not?—No, I do not think so. It was known in Waihi, but I do not think it appeared in the Press.

28. Were the circumstances known to you?—Not until he told me.

29. Did Mrs. Johnston ever admit to you that he did try and shoot her?—No; she told me it was an accident, and she also denied that the doctors had seen the scar which was on her arm. Johnston told me there was a scar on the side of the arm, but she said there was no scar there, and that neither Dr. Craig nor Dr. Galligan had ever examined her or knew anything about the scar, although it was stated that they saw the scar.

30. To Dr. Clive Lowe she denied that the shooting incident took place?—Yes, I think so.

31. Well, you think Johnston was a man, from an insurance point of view, who was a first-class life?—Yes, without knowing his history. I think, knowing his history, no one would give him a first-class life.

32. Why?—Because the assumption is that if a man would attempt murder once he might do it again and be of suicidal tendency, and I would not give him a first-class life. The circumstances which produced that condition of affairs might again occur; but under the normal conditions of success in life I think the probability of recurrence is very remote but not altogether non-existent.

33. But you would say there was a screw loose somewhere?—I think at that time there was—at the time he did it.

34. Was it possible for that condition of affairs, that suicidal tendency, to suddenly develop, to come like a wave and then disappear and leave no trace behind?—I do not think so.

35. In plain language, the suggestion is that these two doctors had made false certificates. I want to know whether it is possible for that condition to have existed the day they certified, and that that condition should entirely disappear in twenty-four hours and leave no trace behind. You do not think that is likely?—No, I do not think so.

36. *Mr. Isitt.*] In regard to the evidences of epilepsy, are they very definite and unmistakable?—Yes, in major epilepsy, but in *petit mal* it is not so. It then passes away, and it would not then be obvious to a layman.

37. You think that the doctors' evidence should have been based upon other facts?—Yes, more facts than I could ascertain.

38. There is nothing improbable in a man recovering from the effects of chloroform being in a dazed condition and making wild statements?—No. A patient may be dazed for days after chloroform.

39. *Mr. Robertson.*] In regard to epilepsy, there is a statement here to the effect that Johnston had been an epileptic subject since childhood?—I can find no evidence at all to support that statement.

40. If that had been the case would the signs of it not have been quite visible?—He could not have had minor epilepsy all that time. If he had minor epilepsy in childhood he must have had major epilepsy later on, and that would be apparent to any one.

41. Though the doctor who made out the certificate stated that he had epilepsy since childhood?—I think the statement is that he had epilepsy in childhood but not since.

42. If that had been true would you say the signs would be quite visible?—If he had had it since childhood the signs would be quite visible.

43. But the question is of his having it in childhood?—It would have been visible then, but it might show no evidence subsequently.

44. Now, in your opinion, was his condition such on the 14th December as to justify his being put under restraint or control?—Well, I am not supposed to know what his condition was on the 14th. He was committed to me on the 15th, but you do get cases of ephemeral mania where a man might be insane one day and sane the next.

45. Your observation dates from the 15th onwards: would it lead you to think that his condition on the 14th would be such as to lead you to believe that he should have been put under restraint?—No.

46. In addition to the shooting affair at Waihi, when he was shot through the knee, he met with an accident in the mine some little time previously and it was hushed up—there was an explosion of gelignite in which he was injured. Taking those two facts together, and the worry and a certain amount of anxiety on account of the strike and his position in connection with the strike, would that account for a depressed condition mentally?—Unquestionably. I attributed his condition to the worry he had gone through prior to his committal.

47. Was his physical condition low at the time?—Not unusually low, no.

48. Taking those facts together, if he on going to the police-station on an ordinary errand had been detained by the police, and discovered that it was intended if possible to commit him to a mental hospital, do you think that would account for the condition of emotionalism and his being easily given to tears as stated in the certificate?—Yes; I know as a matter of fact that that did occur in Johnston's case. Getting into the police's hands worried him considerably, because he thought he was going to be brought up on a charge of shooting his wife previously. He thought that once he got there he would be there for life.

49. Do you think the circumstances of his detention there brought about his condition?—His arrest brought about the condition.

50. I mean his arrest and detention in the police-station?—I would not say that; I think his arrest was the main thing.

51. On what evidence manifest during the examination could the doctor have said he was of suicidal tendency? From your observation of the case would there be any evidence observable by the doctor?—Well, there is nothing in the medical certificates to show he was suicidal, and afterwards I saw nothing to justify a suicidal diagnosis.

52. In regard to his making a statement while under chloroform, would it constitute a gross breach of professional etiquette to disclose any statements made by a patient under chloroform?—I should say so, yes.

53. In regard to making out a certificate, a medical man usually makes it out under three headings—first, his statement of the facts indicating insanity observed by examination; second, the facts observed by the medical man prior to that; and, third, the facts communicated to him by others. The first of those is regarded as the most important?—It is the only one of any consequence at all—the facts observed by the medical man himself. The rest is only hearsay and may amount to nothing.

54. Would you say that any medical man would be justified in giving a certificate of insanity based on the facts observed prior to the date of the examination and the facts communicated to him by others?—No. He is not justified in giving any certificate except on the facts observed by himself at the time of the examination.

55. Is it usual or would it be right for a police constable to arrest a man and then, without making application to a Magistrate, to call in a medical man himself for the purposes of examination?—No.

56. The usual and correct procedure would be to make the application first to the Magistrate?—Yes.

57. And then to call in the medical man?—Yes.

58. And if the police called in a medical man themselves without reference to a Magistrate they would be taking the wrong procedure?—That is my opinion.

59. You would consider under certain circumstances that if such a procedure became common it might be dangerous so far as the liberty of the public in general are concerned?—Yes. I think the police have no right at all to call in a medical man to examine a person as to his mental state. In the case of a man suffering from some physical disability they could do so.

60. If it was a question of committing a man to a mental hospital?—They have no right to call in a medical man in such a case. I am not sure whether it is different in the case of Justices of the Peace.

61. Section 130 of the Mental Defectives Act, 1911, provides for a reception order being issued by two J.P.s when there is a statement to the effect that to the best of their knowledge and belief there was no Magistrate within ten miles?—Yes, that statement was made.

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.

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.

39. You have heard read out the statement which Johnston made about his attempt to shoot his wife and about this unseen presence coming between himself and his wife and preventing him from shooting her: do you think that was the statement of a sane man?—I think that the man's condition was abnormal but not pathologically abnormal. I do not think there was any actual disease.

40. You think it was only a passing condition?—A passing depression.

41. I think your experience will show you that many people are committed to the mental hospital who are found after their admission to be in a normal condition?—That is not my experience.

42. You have some, is it not so?—Very rarely.

43. But there are cases?—Perhaps there have been two or three in the nineteen years that I have been connected with a mental hospital.

44. They were discharged, I supposed, almost immediately?—I am referring to cases like Johnston's that I certified as sane almost immediately after their committal. In two or three cases I have certified patients as being sane after they have been committed to the mental hospital as being insane.

45. Have you any recollection of a case occurring where the patient was admitted to the institution and was discharged as sane and suicide followed within a few days?—Yes. I think we have a fairly wide experience of cases of the kind.

46. Discharged soon after their admission?—I would not say that.

47. Has no such case come within your own knowledge at any time?—It is quite possible, but I do not recollect the particular time. I know that patients have committed suicide after they have been discharged, but I cannot recollect how long after.

48. After a very short detention in the mental hospital?—If you could mention a name I would probably be able to recollect.

49. With reference to the action taken by the police in connection with the committal, do you not think they were justified in having Johnston examined?—Unquestionably. You seem to be under the impression that I have a complaint against the police. I made no complaint at all.

50. The suggestion has been made that the police did act wrongly in having him examined?—That may be so.

51. Do you think they acted properly in having the man examined?—Yes, if they went about the thing properly they were justified in having him examined.

52. With reference to the medical men, you do not suggest that they acted other than in good faith and with proper care in making the examination?—No, I am not prepared to say that either. I have had more experience than they have had, and under the circumstances I would not have committed Johnston.

53. What you may consider a fit and proper person to be set at large another medical man may not, is that not so?—I have stated that.

54. It is well known that doctors differ?—That is the public impression.

55. *Hon. Mr. Fisher.*] You do not admit that?—No.

56. *Commissioner Cullen.*] I think on the 20th December you made some entry yourself relative to Johnston's condition, and you said then he was probably sane?—That is on my certificate.

57. Therefore on the 29th December you would not say definitely he was sane?—I would say he was sane, but I was waiting for evidence in regard to epilepsy. Not being epileptic, he was sane.

58. Then when he surrendered himself you were not quite satisfied to let him go at large and you put him on probation?—Yes, I thought that was a wise precaution.

59. Then there was some reservation on your part as to his condition?—No, not so at all.

60. Then why did you not discharge him?—I discharge patients on probation as frequently as I can, because I want to know after they are discharged that they are carefully looked after. I did not know when I discharged Johnston that he would get his position back in the Waihi Mine, and I did not know what would happen to him, so I thought under the circumstances I should take extra precautions.

61. In regard to Sergeant Wohlmann taking Johnston from the street to the lock-up on the day he was examined on the pretext of settling his witnesses's expenses, do you not think that was a more humane way than telling him he was there on a charge of lunacy?—No, I do not think so. If a man is going to be committed to a mental hospital I think it is as well to tell him.

62. But if Johnston was openly arrested in the street and charged with lunacy it might have excited him?—Possibly.

63. Then do you not think it was the best and quietest way to take him to the lock-up in that way?—I do not find any fault with that at all.

64. *Hon. Mr. Fisher.*] Had you at the time seen this statement that was made by Johnston to the police that was read this morning?—No, I had not seen it.

65. Now, if he made this statement—I am assuming the statement is accurate: "My father was a very delicate, epileptic, nervous man. I am epileptic too. Sometimes when I am walking along a fit will come on me, but I have a very strong will and by fixing my eyes on some object ahead and by force of will I can walk straight onward so that any one passing me would not know I was under an attack": would you think if Johnston made that statement he was insane, or what would be your view of it?—I would think Johnston was not telling the truth if he made a statement of that kind. I do not think it is possible for a man to set aside an epileptic fit by any force of will.

66. You do not think it possible for him to have epilepsy without your being able to discover it?—Yes, a man may have a *petit mal* form of epilepsy without another discovering it.

67. Then is it possible that when the two doctors examined him at Waihi he had *petit mal* but did not have it when you examined him later?—No, I do not think it possible. If he had had it would be repeated subsequently.

68. You would say, then, that Johnston's own statement that he is epileptic, and the Waihi doctor's statement that he detected epilepsy, that both these statements are wrong?—Both Johnston and his wife told me that he had never had an epileptic fit in the whole of his history.

69. In his statement he said, "One day while I was at work I got an impression, a warning, all was not well at home. I knew I was wanted at home, so I immediately ceased work and took the first boat for Melbourne. On arrival I found a man, an adventurer, was courting my mother—he wanted to marry her for her money." Would you say that statement was the statement of a man who was normal?—Yes. I think warnings of that kind come to any person. It is quite common.

70. You have his impression about the hypnotic influence?—I think the hypnotic influence as explained to me was the statement of a normal man.

71. Did he tell you that he had always been a poor man, but that he would be a rich man when he published a book on horticulture?—No. He told me that he had written a book on horticulture, but had not enough money to get it published.

72. Had you even seen the book?—No, but I understand he is an expert in fruitgrowing.

73. Do you think, when he went to shoot his wife, that he carefully felt the position of the heart and fired, that his wife woke up, and then he felt a presence intervene between himself and his wife—do you think that is the statement of a man of normal brain?—That is a statement of a man with an ephemeral mind. One often finds statements made like that. I think the deliberate way in which Johnston went about this matter, and the way he considered the matter, and his subsequent conduct, showed that he was not mentally defective.

74. *Mr. Isitt.*] Do you regard as evidence that a man is abnormal the fact that he believed that some spirit interposed between himself and his cause of action?—Mr. Stead would have been quite insane in a case like that.

75. *Hon. Mr. Fisher.*] You look upon that as an act of a man with a normal mind?—No, I would not say that. There was a certain amount of abnormality, but certainly not a diseased brain. Any pathological condition did not exist. If a pathological condition was sufficiently serious as to produce a result like that it would be more or less permanent.

76. Was not that condition introduced by what you may call a brain-storm which existed at that particular time?—Yes.

77. Is it not possible that a similar brain-storm recurring would produce the same condition?—No, not necessarily.

78. You said that you had certified to patients being sane shortly after their committal?—Yes, in one or two instances.

79. Were those committals procured by the police?—Yes, in every case.

80. Do you suggest in those cases the medical certificates were wrong?—I suggest in those cases that the examination by the medical men was not sufficiently good, or else the facts brought before them were not accurate facts. I can give you a particular instance. A patient was committed to the Mental Hospital in Auckland about three weeks ago. Two doctors certified to the patient as fit for detention.

81. Do you remember the name of the patient?—Mrs. McKenzie. I did not think the certificate sufficiently strong to enable me to detain the patient. I rang up Mr. Kettle, the Magistrate, and asked what could be done in the matter, and he said nothing. I tried to get her into the Costley Home, and then handed her over to the police for further examination. Two other medical men refused to give a certificate, and the woman is now at large.

82. Where is she now?—At Rotorua.

83. You considered her sane?—I considered her an old woman suffering more or less from senile decay, but not sufficiently insane to be detained.

84. Do you know of any case in which you have certified to a person as being sane after committal and the patient has been released and subsequently proved to be insane?—I have no experience of any case of the kind excepting where insanity has supervened a long time after the discharge.

85. Have you ever certified to a patient as being sane and released him and he has been subsequently returned to the institution as insane?—Yes, but not immediately. I have never discharged a patient who has been immediately rearrested and committed to a mental hospital except in alcoholic cases.

86. Then your certificate that a man is sane does not mean that there is nothing the matter with him—he may be a recurrent mental subject?—No, I do not think that exactly, but you cannot say that when once a man has been discharged from a mental hospital that insanity will never recur. It may not recur for thirty years.

87. Have you ever had a patient in the Auckland Mental Hospital who has reached that stage of insanity when it could not be detected without the doctor knowing the history of the case?—No, I do not think so, if a doctor knew his work.

88. Do you think the two doctors who certified to the committal of Johnston at Waihi did not know their work?—I could not say that, because Dr. Craig was assistant at a mental hospital for some years.

89. Then he is practically an expert?—Yes.

90. Then you suggest by your evidence that he has either wilfully signed a committal form for some improper purpose or that he is ignorant of his work?—No. My contention is that he has

brought into play in connection with those certificates information that ought not to have been used at all in connection with the examination. He must rely entirely on the facts observed by himself at the time of the examination. If he is going to commit a man to a mental hospital I maintain that all facts in the case relating to the antecedent history of Johnston should be considered.

91. Who was the other doctor who certified to the insanity of Johnston?—Dr. Galligan.

92. Do you consider it was not possible for Dr. Galligan to certify to epilepsy in Johnston?—Not unless he had an epileptic fit in his presence.

93. Would you say that the examination of a mentally afflicted person by two doctors prior to committal is ever final?—No, I think that finality must rest with the Superintendent of the mental hospital.

94. And do you continue the examination process from time to time?—Oh, yes.

95. Would you say with absolute certainty that there is no sane person in your institution?—No, I would not. There are a few patients now ready for discharge, but there are 98 per cent. of the patients there now who are insane.

96. Do you think the police are justified where there is a doubt about a man's insanity in placing him in an asylum?—I think the police had a difficult task to perform in this case, but they are not justified in placing a man there without having him examined by a Magistrate and two doctors.

97. Do the police place a man in?—No.

98. Supposing two doctors certified that a man was insane and the police did not put him in, would the police be doing their duty?—No, they have no option.

99. Do you say the police had no option in the matter?—No. I say nothing against the police. I say they had no option in the matter.

100. The fault you find is with the doctors?—Yes, in bringing in irrelevant matters.

101. *Mr. Isitt.*] Would the police be warranted in bringing before the two doctors who had to certify as to this man's sanity the statement that they say he made to them?—I could not say. I do not know what the police functions are in the matter, but it should not have been brought in in any case until the doctors examined him.

102. If you had been examining the man you would have put resolutely on one side any evidence of this kind and confined your examination and your judgment absolutely as far as possible to the condition of the man at that time?—I think any medical man is bound to do that. His mind should be absolutely unbiassed.

103. You said just now that the only ground on which a doctor could come to a conclusion that a man was an epileptic was if he had a fit. The *petit mal* stage—what are the symptoms?—*Petit mal* is just the condition in which a man has a slight turn—nothing more. For instance, one man I have in the mental hospital had *petit mal* frequently and he stood still for a second.

104. Could you think of any possible happening that would lead Dr. Galligan into the belief that Johnston was an epileptic?—My impression is that Dr. Galligan formed his judgment from the facts reported to him.

105. When a man stands still how is it detected that he has *petit mal*?—We see the case under constant observation, and he had these turns several times a day. When he is having his meals he would simply drop his knife and fork. We knew then he had a *petit mal* effect. Very often you see nothing but the rolling of the eyes.

106. We have had several cases of men being wrongly committed to a mental hospital. Can you think of any additional safeguards that could be taken?—No. I think the Superintendents at the present time are fully alive to the position, and if they think a patient has been wrongly committed they do not refuse to act.

107. The very fact of a person being committed is a tremendous shock. Do you think the committal is sufficiently safeguarded by two doctors?—There is always some doubt about that, of course.

108. Many mistakes have been made?—Yes, mistakes have been made.

109. You said the police were absolutely right in getting Johnston quietly to the police-station by the method they adopted; but ought he or ought he not to have been told that he was being committed to a mental hospital?—I think a man should be told that. It is a tremendous shock to be told you are going to a sanatorium and then find you are taken to a mental hospital.

110. Do you think his wife should have been told?—Yes, I think so. Every facility should be given in that case.

111. *Mr. Robertson.*] In regard to the method of committal, when Commissioner Cullen was cross-examining you he said it was the practice for the Clerk of the Court to get a rota of the medical men on whom they could call. Now, under the Act is it not the duty of the Magistrate, or whoever is acting for the Magistrate, to call the medical man through the Clerk?—Yes, that is the position.

112. And in this case, according to the police report, they themselves called in the medical men and had the examination carried through before they communicated with two J.P.s. Would you say that was right?—When getting the Justices of the Peace I think they were not justified without getting authority.

113. Their first action should be to make proper application on a proper form to a Magistrate or two J.P.s, and then he takes the responsibility?—Yes, that is so.

114. In your opinion that is practically the only safeguard that the public have under that section of the Act so far as committal is concerned?—It is the best safeguard we have at the present time.

115. It is a safeguard?—Yes.



116. And it might be dangerous if that procedure were departed from?—It would be wrong if that procedure was departed from. It might lead to collusion and corruption.

117. So when you replied to Commissioner Cullen that the police could not be held to blame in any way if they went about it in a proper way, it all hinges on that—as to whether they went about it in a proper way?—Yes.

118. Now, in regard to the question of professional etiquette about revealing anything that may be said by a patient when under anæsthetics, even although the law only extends the privilege in regard to civil matters, you regard it as a matter of professional etiquette to reveal nothing?—I have revealed nothing except when compelled to by the Supreme Court.

119. You would not think it right to make a voluntary statement?—No.

120. And that would apply to nurses?—It ought to, certainly.

121. You have seen Johnston's statement as given in the police report, and I think the question was put to you that if a man would go voluntarily and make a statement like that it was evidence of an unbalanced mind?—It was evidence that the man was under great mental stress.

122. Would that stress be accounted for by the statement he made—"I am sure others know about the secret—the doctors will know and I have come to give myself up"?—That was possible.

123. It was well known what he had said under the influence of an anæsthetic?—Yes.

124. And it was that which was producing the state of worry and depression at the time?—Yes, and the surrounding circumstances as well. He said to me, "Now I have got to account for the position up here. I will be put into a gaol or mental hospital, and what will happen to my wife and family?"

125. There has been a good deal of evidence led in regard to the question of the man's condition, and the probability of the recurrence of homicidal tendencies, and so on. I understand you take up the position that the police are not responsible for anything in the certificates?—Yes.

126. Their responsibility entirely rests on the method by which they went about getting the certificates?—That is so.

127. Now, it has been said if the police adopted the method of quietly enticing him to the police-station on the pretext of getting his witnesses's expenses that that was a quieter way of getting him there than if they had arrested him openly with the avowed intention of committing him as a mental defective. If this man knew there was certain money due to him as expenses in connection with his giving evidence in Court, and that he was told to go on a certain date and get his expenses, and voluntarily went to the station for that purpose, and found while there that he was detained and that the intention was to commit him to a mental hospital, that would produce the condition of mind in which you found him the following day, the 15th December, at Avondale?—I think it would on me, at any rate.

128. In fact, if it had not produced that condition it might be evidence of insanity?—I would not say that.

129. It would tend to produce that condition of mind?—Yes, at any rate, on a man who had a history like Johnston.

130. If a man makes statements which contain no internal evidence of insanity, would that very fact not lead the police to take statements in regard to other happenings with a great deal of care: in other words, would it not make them suspect the reliability of the statements?—Certainly, it ought to do so.

131. Therefore, if they committed a man on the assumption that he attempted his wife's life and the other statements as related in this report, the truth of them should have been examined before the committal was made?—That is really a matter of opinion. Different men have different methods of dealing with cases.

132. Supposing that this man had this history and was of such unbalanced mind, would the police have been justified in accepting his evidence in a Court of law forty-eight hours prior to his committal?—I do not think so. That is a matter of opinion, again.

*Commissioner Cullen:* The police do not accept the evidence: the presiding Justice or Magistrate does.

133. *Mr. Robertson.*] Would the police, knowing these facts, have been justified in subpœnaing him as a witness in the Court?—If they knew these things prior to the examination I think they ought not to have done so.

134. He made this statement to the police on the 2nd December, and he was a witness in Court on the 12th December—ten days afterwards. He was subpœnaed by the police. In your opinion that would be highly improper had they attached importance to this statement?—They might have had the man examined by a doctor before he went into the witness-box.

135. If there was any question he should have been examined?—That is my opinion.

136. *Mr. Payne.*] The police evidently did not follow the regular course in having this man committed. I understand they got the certificates made out first and then made their application afterwards?—I have no knowledge that they did so, but if they did so it was irregular.

137. It says in the Act that the application must be made to a Magistrate. Would it be in order to make application to a Justice?—Yes, if there was not a Magistrate within ten miles.

138. *Mr. Dickson.*] You were asked whether you had had any cases discharged from the mental hospital as sane who were subsequently proved to be insane?—Yes.

139. I think you had a case that you discharged from the mental hospital—a man at Helensville or Dargaville—who, the day after he arrived back home, rushed out and killed some one with an axe?—That is so.

140. And then he committed suicide?—No, he did not commit suicide.

141. That was a case that I was referring to?—That was an alcoholic case. He was out for at least three weeks, and was drinking during the whole of that time.



142. *Hon. Mr. Fisher.*] What was the name of that man?—I cannot remember. That is a case with which I took special precautions. I warned the relatives. I got some of the relatives who were living in Avondale to take a special interest in the case, and I also warned the police at Newmarket and Auckland to watch the man's drinking habits, and if he drank to report to me. No report was ever made to me.

143. *Mr. Dickson.*] I suppose the fact of Johnston escaping from the mental hospital cast a kind of reflection on your staff?—I do not think so. If there is any reflection at all it is on myself, because I was so satisfied the man was sane that I put him in the charge of an attendant who had a lot of duties to perform, and who could not possibly supervise that gang of patients thoroughly.

144. Did you enter into any agreement with any one that if Johnston would return you would discharge him as sane?—No, I did not. I knew where the man was—at least, I had suspicions—and communicated with his friends through Mr. Landon, the solicitor, saying that I thought Johnston ought to give himself up, and if he gave himself up and I had an opportunity of examining him thoroughly and was convinced after my second or third examination that he was sane I would release him on probation.

145. Did you visit Mr. Landon's office on any occasion in connection with that case before Johnston was produced?—Yes, on one occasion.

146. You say that you did not promise Mr. Landon to discharge him as sane if he produced Johnston?—Certainly, I did not.

147. You knew that Mr. Landon knew where he was all the time?—No, I did not know that. His wife wrote to me saying that she could get him after advertisement in one of the local papers. I suspected that Johnston was in his wife's keeping somewhere or other. But Mr. Landon led me to believe that he did not know where Johnston was.

148. At that last meeting that you had with Mr. Landon at 4 o'clock in the afternoon in his office—that was prior to Johnston being produced—did he not tell you where Johnston was then?—No, he told me that he did not know. I met Mr. Landon on only two occasions—one the occasion when he asked me to go in and see him, and the other the occasion after Johnston had given himself up. I went to the wharf and met Johnston and took him over from the police, and took him straight to Mr. Landon's office and examined him there.

149. *Mr. Campbell.*] This *petit mal*—is it a minor form of epilepsy?—Yes.

150. Is it at all likely to recur with a patient who is suffering from it—recur at regular intervals?—My experience is that epilepsy, either minor or major, is practically never recovered from, and I think the minor epilepsy more frequently recurs than the major.

151. At regular intervals, I mean?—No epileptic condition recurs at regular intervals.

152. You cannot form any idea when another attack is coming?—No. A man may have thirty or forty in a day and not another for weeks.

153. What is the longest interval likely to be?—I could not tell you.

#### THURSDAY, 2ND OCTOBER, 1913.

WARD GEORGE WOHLMANN sworn and examined. (No. 3.)

1. *Mr. Robertson.*] You are sergeant of police at Waihi?—I am.

2. You have been there for some time?—For two years past.

3. You were in charge of the police when the late strike commenced at Waihi?—Yes.

4. Were you in charge to the end?—Under the superior officers who were present.

5. That was some time after the strike had been in progress?—Yes.

6. You know the petitioner Johnston?—I do.

7. When did he come under your notice in any conspicuous manner in connection with the strike?—I had seen him fairly frequently after work was resumed, standing about in the street and with other workers.

8. He took a prominent part with the workers?—Not very prominent. He was one of the crowd who went to work first: that was all.

9. He was one of the first to go to work when the mine was opened?—Yes.

10. He was a witness at the time of the inquest on Evans?—He was.

11. What was the date of that inquest: do you remember?—No, I do not.

12. Could I suggest to you the 20th November?—Just about that date.

13. Was Johnston present that day when the inquest opened, do you know?—I cannot speak definitely as to that day, but he was present at the inquest. There were a number of adjournments. I do not think he was present at the start.

14. You remember my being present at the inquest?—I do.

15. That was on the 20th November—the morning it opened: would you say that he was not present that day?—I have no recollection of his being present.

16. You would not swear definitely that he was not?—No, but I do not think he was. To the best of my recollection he was not sufficiently recovered at the beginning of the inquest from his wound. He was wounded and taken to the hospital.

17. He was wounded on the 14th?—Yes.

18. Could you tell the Committee at what date Johnston appeared before the Coroner as a witness at that inquest?—He was there just about the close of the inquest—I think the last day. He was there the day before the last. I have not the dates with me, but I know he was there at the end of the inquest.

19. Did you not see him going about the Courthouse with a stick and walking lame for some time before?—I know that he had a stick when I saw him.

20. You would not like to be definite as to how long Johnston was in the hospital, I take it?—No. He was there two or three weeks. It was not a serious wound. The bullet was taken out, and he made a very good recovery.

21. At the inquest Johnston was an important witness?—No, not very important. It was just by accident that he happened to be opposite the door when the shot was fired. He could speak with knowledge as to the actual shooting.

22. As having been opposite the door when the shot was fired he would be an important witness as to those responsible for the firing of the shot?—In that sense, yes.

23. Was there anything particularly noticeable about Johnston's demeanour when giving evidence at the inquest?—Yes. He was very highly strung. He was subjected to a lengthy and stringent cross-examination, and it was telling on him considerably.

24. Of course, you know that physically he had been in a weak condition?—I do not think he is a robust man.

25. At that time particularly, just having come from a hospital, he would probably be in a somewhat low physical condition?—It might have affected him a little, but he made a very good recovery and had been well treated in the hospital.

26. You know that some time prior to the rioting, when the shooting took place, Johnston met with an accident in the mine?—I was told of it, but I do not know anything about it of my own knowledge. I think he told me so himself.

27. Having met with that accident, and then the excitement and worry of the strike, and the shooting later, and being in the hospital, do you not think that all that combined at that time to account for his emotionalism and nervousness in the witness-box?—It would to some extent, added to his natural mental and physical condition.

28. You had other witnesses at that inquest who became excited also, I believe?—Yes.

29. Harvey, for instance?—He did.

30. He became very excited?—He did.

31. Harvey, as a matter of fact, was later, on trial for perjury?—He was.

32. And his excited condition at the time was cited as a defence—that he did not quite know what he was doing, and had no intention of misleading the jury?—That is so.

33. Did Johnston seem at any time to get excited to such a point that he would not be responsible for what he was saying?—There were occasions when he appeared to be on the point of breaking down. He was so highly strung that I and some others who were watching him and knew the circumstances—knew what had happened in the past—were expecting a breakdown.

34. A physical breakdown?—Combined with a mental breakdown.

35. You do not mean that you could judge accurately as to whether it was a mental condition that was produced or a physical condition?—The strain was a mental strain. It was the mental strain which would act on the body. If he collapsed in the witness-box it would be evidence that the strain on his mind was more than his body could stand.

36. This man was perfectly clear while he was answering questions?—He gave fairly clear evidence.

37. He was not excited to the extent that he was inclined to become hysterical and make irresponsible statements?—I do not remember any irresponsible statements that he made.

38. His evidence seemed to be quite clear, and he had a full knowledge of the responsibility attaching to him when he made the statements?—His evidence was fairly coherent. Nevertheless, he was obviously under a considerable strain.

39. In the police report there is a statement to the effect that on the 2nd December Johnston voluntarily went to the police-station at Waihi, and in your presence and in that of Detective-Sergeant Cooney made a certain statement. Was that statement taken down at the time?—The detective-sergeant made a report immediately afterwards.

40. To whom?—To the Inspector.

41. Which Inspector?—Inspector Wright.

42. The statement was not taken down at the time?—Not verbatim, no.

43. Johnston was never asked to sign the statement?—No.

44. Or look over it?—No.

45. The contents of that statement, dealing with certain incidents in Johnston's past, were known to you prior to his making that statement?—No, not in detail. I only knew that Dr. Craig, who was his private medical adviser, told me that in his opinion the man was of unsound mind. Johnston had consulted him privately, and he thought we ought to keep an eye on Johnston—he did not think he was safe to be at large.

46. Did not Detective-Sergeant Cooney tell you that Johnston had made a statement to him a day or two prior to that?—I have no recollection of that. I know that the detectives brought Johnston in, and he made his statement in front of both of us. To the best of my recollection that was the first I heard of the details.

47. In the course of the report it states that Johnston said his father was epileptic?—Yes; he said so.

48. He himself said that?—Yes.

49. Did Johnston seem to be excited or labouring under a strain when he made that statement?—His mind seemed to be full of his attempted crime, and he was evidently anxious to unburden himself. He ran through the whole thing with the greatest detail and minuteness, describing the conditions under which the act was attempted.

50. And he finished up by saying that he was sure others knew his secret?—He was afraid that under the anæsthetic he had allowed his secret to escape, and perhaps some of the hospital attendants had heard it.

51. After Johnston made that statement, when was it that it was put into writing? Did the sergeant put it into writing and give it to the Inspector?—He did. He made an official report, and it went to the Inspector.

52. Was it the intention of the police to take action on the information contained in that statement?—It was.

53. What kind of action?—To bring him before two medical men and have him examined: that was the action that was directed to be taken.

54. When did you come to that decision?—As soon as he read the report. That was the minute on the report immediately after his reading of it—either that day or the following day.

55. You are quite sure of that? It was not after the 12th that the report was made to Inspector Wright?—No, I am quite positive.

56. Before the 12th December you fully intended to have him examined as to his mental condition?—That was my definite instruction in writing.

57. From Inspector Wright?—Yes.

58. *Hon. Mr. Fisher.*] I suppose those documents can be produced?—They can.

59. *The Chairman.*] Have you got them with you?—No. I have no correspondence here.

*Commissioner Cullen.* They are on the file here.

60. *Mr. Robertson.*] The first time the police knew of Johnston's attempt to shoot his wife was from his own statement on the 2nd December?—That was the first detailed information; but, as I said, I had a hint from Dr. Craig that the man had made extraordinary statements to him, and from his observations as a medical man he had come to the conclusion that Johnston should be committed to an asylum.

61. Will you swear that Detective-Sergeant Cooney did not tell you, prior to the 2nd December, that Johnston had made a certain statement to him?—I have no recollection of it. My distinctest recollection is that Detective-Sergeant Cooney brought Johnston into the office after he had made the statement. He met him at the gate, I think.

62. He made the statement to Cooney, and Cooney regarded it as being so serious that he brought Johnston into the police-station and got him to make it again before you and himself?—That is so.

63. You swear that that is what happened?—I do, to the best of my belief.

64. This report of Detective-Sergeant Cooney's is not the report that is contained in the police report?—I made a report myself.

65. You made a subsequent report?—Yes.

66. That is, there were two reports made to Inspector Wright on the matter?—There were several reports. Detective-Sergeant Cooney did not go into very great detail. He simply stated the general outline, sufficient to give the Inspector an idea of the man's mental state and the circumstances under which Johnston had made the statement. It was later on that I made a report in further detail.

67. At what date did you make that report in detail?—I cannot give you the date; some time afterwards.

68. When you say that Detective-Sergeant Cooney reported immediately to Inspector Wright, you mean a day after Johnston made the statement to the two of you together?—I would not say that. I think in the natural course of events he would make the report that day.

69. Will you have a look at the report contained in the police report [shown to and read by witness]?—Yes.

70. Is that the report that you made?—It is.

71. That was written out, then, after Johnston made the statement to you and Detective-Sergeant Cooney?—It was.

72. How long after?—Some weeks after.

73. Did you rely on your memory as to what had been said?—Yes.

74. That would be after Johnston was committed?—It was.

75. On the 12th December there was a case in the Waihi Police Court in which a man named Barfoot was charged with assault or having firearms in his possession?—With firing a loaded weapon.

76. You subpoenaed Johnston as a witness in that case?—I do not recollect it.

77. Surely there would be some record to show?—There would be if such was the fact.

78. He was a police witness in the case?—I do not recollect that.

79. You do not recollect Johnston giving any evidence at all in the case against Barfoot on the 12th December?—That was some time after the conclusion of the inquest on Evans. He was committed to the asylum very shortly after the inquest.

80. He was committed to the asylum on the 14th December. This was two days before he was committed?—I have not a distinct recollection of his giving evidence. My impression is that Johnston was committed immediately after the inquest on Evans.

81. You cannot give the Committee the date when that inquest concluded?—No, I do not recollect the date.

82. You do not recollect his being a witness in the case against Barfoot?—No, I have no distinct recollection of it. The case was conducted by the Crown Solicitor, and I do not distinctly recollect. I may not have been present in the Court. I was in part of the time. I do not remember this man giving evidence.

83. Do you not remember that it was out of Barfoot's case, as well as the inquest, that the charge against Harvey for perjury originated?—No, it was chiefly on account of his evidence at the inquest. It arose through his statement that he was driving through Karangahake and drew a revolver. He denied it.

84. The same statement was made on several occasions by Harvey?—That was the primary cause of his prosecution.

85. You remember Mr. Lunden appearing to defend Barfoot?—Yes.

86. Do you not remember Mr. Lunden's cross-examination of Johnston?—I do not think I could have been in the Court at that time.

87. With regard to the 14th December, the day on which Johnston was committed, you remember the incidents of that very well?—Quite well.

88. Did you take Johnston to the police-station that day?—I did.

89. Where did you meet him?—Outside the Court gate. He had just concluded giving evidence, and he asked for his expenses.

90. How long before had he concluded giving evidence?—That day. That was what made me think the committal was after the inquest. He had just concluded giving his evidence, and he wanted his expenses in a great hurry. He said he was leaving the place and wanted to go away. I asked him where he was going, and he said he was not sure. I said, "Are you leaving your job at the mine?" "Oh, yes," he said, "I am throwing that up." I said, "Have you any job to go to?" He said, "No." I said, "It takes a day or two to get expenses for witnesses, and if you will give me your address I will send you the money." He said, "I thought of going Katikati way." I asked, "Why Katikati?" He replied, "I do not know. I will just go there—change of scene, and so on." I said, "Are you taking the family with you?" He said, "No." I asked, "How long are you going to stay at Katikati?" He answered, "I do not know. I might go to Adelaide." I asked, "What about your wife and children?" He said, "Oh, they will be all right." As his evidence had been given, and in view of my instructions, I then thought it would be better to have him examined right away. The man appeared to me to be out of his mind.

91. Is it your impression that the case in which he was giving evidence that day was the inquest?—That is my impression.

92. By the time you met him had you your mind made up that he should be examined?—By my instructions I had to have him examined, and I was to do that as soon as possible; but there was a reason for not complying with those instructions immediately.

93. What was the reason?—It was this: Johnston was a witness at the inquest on Evans, and the Department was subjected to all kinds of criticism by the Federation of Labour, and it was thought that if this man was immediately committed to an asylum before he could give his evidence it would lay the Department open to all kinds of unjust imputations as to motive. Therefore the risk was taken of keeping him under what observation was possible and allowing him to give his evidence. When that was done he was brought before the doctors who committed him to the asylum.

94. Do you think that the right way to prevent reflections on the Department was, after having a statement made such as you have here on the 2nd December, that you should then have got Johnston to give evidence, and then have him committed to an asylum?—It was for the Court to judge as to the weight of his evidence.

95. Is it not usual, when a witness is considered a fit subject for committal to a mental hospital, to have him examined prior to giving evidence?—The circumstances of this case are peculiar. Some months had elapsed since his attempt to wipe out his family, and there had been no subsequent attempt that we knew of. He was not a lunatic in the common acceptance of the term. He was not raving or showing signs that would be noticeable to an outsider. He was in a passable condition at the time, and it was thought better to take the risk and keep him under observation and see how his malady developed rather than send him away and throw the Department open to this imputation of improper motives.

96. As a matter of general procedure if a man comes to the police-station and makes a confession of attempted murder the first thing you would do would be to lay a charge against him of attempted murder, and leave it to the accused to bring forward the defence of insanity?—As a general principle; but there were exceptional circumstances in this case.

97. What were the exceptional circumstances?—The offence was alleged to have been committed against his wife, who was not available as a witness. There was no witness, then, to his attempt. There was no absolute proof that he had committed the offence. The only thing is this: if it was true, he was insane at the time, and probably was still affected by that insanity. If the statement was untrue, the man was obviously insane at the time he made the statement.

98. You do not consider that every man who attempts murder is insane at the time?—I would not like to answer that question.

99. Why did you assume that this man was insane when he attempted to murder his wife?—The man could not be considered in any other light than insane if he did such a thing from the motives which he said he was actuated by—in cold blood, after consideration—to wipe out his sleeping wife and children simply because he thought there was poverty ahead.

100. Do you not think, after Johnston's experience of poverty and the frightful time he had had—living on stolen turnips and that kind of thing—he would be equally justified in doing that as, say, British soldiers were justified at the time of the Indian Mutiny when they determined to shoot their wives and children rather than let them fall into the hands of the enemy?—In the one case it was a matter of honour, which is dearer than life. In New Zealand we pride ourselves on the belief that there is no great poverty—that a man need never starve. He may be hard up, but is there necessity to wipe out his wife and family?

101. At any rate, in this instance he was reduced to poverty to the extent of having to live on stolen turnips?—I do not believe that.

102. Take your second hypothesis, that if it was not true that he had attempted to shoot his wife he was insane. Do you think in that case he was a fit subject to give evidence at an inquest?—As to facts. It was laid down by law that a lunatic in his lucid moments can give evidence, and substantial evidence, on facts which do not affect his period of insanity.

103. But who was to be the judge, without a medical examination, as to whether he had lucid moments or not? Would you assume, as a sergeant of police, that you are a proper judge as to mental diseases—that you are an authority on mental diseases?—No.

104. Would you yourself, with respect to an act committed eight months previously, judge the man's mental state at the time he did the act? Would you say that you were a competent judge of his mental condition at the time he committed that act?—As competent as any layman would be, on the evidence.

105. A man whom you considered was so insane on the 2nd December that he could give utterance to a whole string of illusionary or delusionary statements: do you think that you would be a sufficient judge of his mental condition to say that his condition had so changed a few days subsequently that he could give clear, accurate evidence on other matters?—It is found by experience, I think, that a man can be insane on one subject and practically sane on others. This man's mind, apparently, was filled with his attempt on his wife. In that respect he was insane in my opinion. As to the actual acts that happened at the hall, they were not connected with that attempt, and I think he gave perfectly good evidence as to what he saw and heard on that occasion.

106. If the same circumstances were to arise again do you not think it would be your duty to have the man first of all medically examined before you would put him into the witness-box?—No. I think if the thing was gone over again I would do just exactly the same as I did then.

107. But in the light of what has happened since do you not think it would have been wiser to have him examined first?—No. I think the proper course was followed. The man was kept under observation as far as it was possible to do so. It gave us a little more information as to how he should be treated. The doctor—his own doctor—saw him since, I believe, privately.

108. In your opinion as a sergeant of police, when a man is known to be mentally diseased the police are competent judges as to his mental condition in regard to events prior to and at the time of his suffering from that disease?—No, I do not make any such claim.

109. I put it to you that that is what your statement involves?—No. We simply bring the man who is believed to be insane before the doctors. The responsibility is on them as to whether he should be committed or not. It had nothing to do with us. We had no motive or interest in the matter whatever. Here was a man who made extraordinary statements, and it was for the doctors to say whether he was a sane man or whether he was mentally affected. He was unimportant to us. We had no interest in Johnston whatever. He was simply a worker in Waihi, and it was our duty to safeguard him and his wife and children. The motive in bringing him before the doctors was to prevent a terrible scandal. Supposing that that man, with his mind full of this dreadful crime, had reattempted it and it was shown that the police knew or had cause to believe that he had made a previous attempt—we would have been "slated" from one end of the country to the other. That was the only motive in bringing the man before the doctors—to safeguard him and his wife and family.

110. Could you place before the Committee the records of the Court in regard to the trial of Barfoot for the purpose of giving us definite information as to whether or not Johnston was a witness in that case?—I have nothing with me.

111. During the trouble in Waihi Johnston was one of the first men to go down the mine, and was a fairly prominent member of the arbitrationists' union?—I do not think he was in any way prominent. He did not come under my notice very much, except that he happened to get in the road of the bullet.

112. That very fact shows that he was right in the front, does it not?—He was in the crowd of two or three hundred men.

113. But all the others missed it and he got it?—He happened to be opposite the door when the crowd stopped.

114. You say the police had no motive whatever in committing Johnston except to protect himself and his family?—That is so.

115. Let me put it to you in this way: for some time prior to the 12th December, we will say, because I place that as the date of Barfoot's trial, it was known to the police that Johnston had attempted to commit murder?—Known from his statement.

116. And that on the 12th, during cross-examination, the solicitor who was defending Barfoot, the federationist striker—the solicitor who was acting for the Federation of Labour—in his cross-examination of Johnston, made statements to Johnston that would have conveyed the impression that he, and therefore the Federation of Labour, knew that Johnston had attempted murder?—I have no knowledge whatever of that.

117. I am putting a hypothetical case. If this was so, and the police were then in the position of having as a witness a man who was an attempted murderer and against whom they had brought no charge, do you not think the police might be subject to grave criticism on that ground, leaving his mental condition out of the question for the moment?—I do not know that I feel qualified to answer that question.

118. Supposing that the police have a man as a witness—a principal witness in some cases before the Court—and it is afterwards discovered that while that man was giving evidence the police knew that he was a murderer by intent but had brought no charge against him, do you not think that that would put the police in the position of facing a very grave charge on the part of the defendants?—Perhaps your hypothetical case is not in accordance with the facts, because we did not know that Johnston was an attempted murderer. We only knew that he had said so, and we had no evidence other than his wild, extraordinary story.

119. I am putting that to you in the meantime as a hypothetical case. In that case you would say that the police were open to a grave charge?—So much depends on circumstances. I could not say.

120. Might it not supply a motive for getting the man out of the way—the man who was guilty of attempted murder?—What would we want to get him out of the way for?

121. If this man is still free and the police know that he is guilty of attempted murder and yet bring no charge against him, does it not supply a motive for wishing to get him out of the way?—The police have always a motive to put criminals where they ought to be, but if a man is more a lunatic, instead of putting him in gaol we put him in an asylum.

122. Quite so, if he is proved to be a lunatic; but at this date he was not proved to be a lunatic; he was not proved to be a lunatic till his examination on the 14th December by the medical men—indeed, it has not been proved yet?—The evidence of two medical men is always regarded as conclusive.

123. I want you to be very careful on the question of getting Johnston to the police-station. Will you swear that it was on Saturday, just at the conclusion of a case, that Johnston asked for his expenses, and you took him into the police-station?—It was just at the conclusion of a case. I would not swear that it was Saturday or Friday.

124. That was the day he was committed?—Yes.

125. The 14th was a Saturday?—That would be so, because we did not want to keep him over Sunday and we wished to get him away by the evening train.

126. You say that the case concluded that Saturday—the same day?—He had completed his evidence.

127. On the Saturday?—On the day he was committed to the asylum.

128. If Johnston were to say that he had completed his evidence a day or two previously, and that he went to the police-station two days after to get his expenses, would you say he was wrong?—I should say that it is contrary to my belief of the incident. I do not pretend to speak absolutely, but I know I met him outside the Court. I had come out from the Court. He asked me for his expenses, and to the best of my belief he had some business at the Court and had finished it.

129. I suggest that the day you refer to was Thursday, the 12th, and that Johnston did not get his expenses that day; that you told him to come in any time he liked afterwards and get them, and that he came back on the Saturday and was committed that day. Would you say that that is wrong?—To the best of my belief it is wrong. I met him coming from the Courthouse, near the Courthouse, on the footpath. He then wanted his expenses because he had finished giving evidence.

130. How long after the committal would it be when you furnished this report which you were showing this morning?—Some time afterwards—two or three weeks, I think.

131. It would be some time, perhaps, in the beginning of January: he was committed on the 14th December, you say?—Yes.

132. In fact, it would be after Johnston's escape from Avondale?—I could not say distinctly. I suppose my report will have a date on it.

133. If I suggest to you that he escaped on the 4th January it would probably be after his escape that you furnished this report?—It is possible. I could not say. My report is dated.

134. It would be after the statement had appeared in the Press that Johnston had been wrongfully committed?—I did not take much notice of what the Press said. It did not influence me at all.

135. Were you asked to furnish this report?—No, I did so voluntarily, to the best of my belief.

136. Will you swear that you were not asked to furnish it?—It was my duty to furnish it. I have no distinct recollection of getting a definite instruction. The man was committed from Waihi, and he escaped, and he was afterwards taken back to Auckland, and it was my duty to put all the facts before my Department.

137. But in case of committing mental patients to mental hospitals do you only make reports when they escape?—Whenever circumstances arise which render it desirable that the officer in charge should know what is going on it is the duty of the officer in charge of the case to make a report.

138. Would it not be your duty to furnish a report immediately after the committal?—The Inspector was sufficiently cognizant of the case, and it was looked on as simply an ordinary committal. There was nothing extraordinary about Johnston's committal. He was an ordinary man committed in the ordinary way.

139. I suggest to you that this report was furnished after Johnston escaped and after statements were made public to the effect that he was wrongfully committed: I suggest that this report was furnished after that, as the result of these statements?—I am not sure. If the accuracy of the statements is challenged there are any number of witnesses to his statements. There are half a dozen men to whom he stated those things.

140. I am not speaking as to that in the meantime. You will not swear that the report was not furnished after the matter had become public property?—No, I will not swear. I have not seen the files. I do not recollect the date of my report. I have not seen it since I made it.

141. *Hon. Mr. Fisher.*] Did you make a report and antedate it?—No, certainly not.

142. *Mr. Robertson.*] We can get the date. I presume, from the Department. To whom did you furnish the report?—To Inspector Wright.

*Hon. Mr. Fisher.*] It is on the file here. The report is dated Waihi, 4th March, 1913.

143. *Mr. Robertson.*] That was after Johnston had procured his final discharge. I want to know whether you were asked to furnish that report?—I know that I made more than one report.

144. The report that you made, then, embodying Johnston's statement of the 2nd December was made on the 4th March?—That was the final report. I then reviewed everything within my own knowledge.

*Hon. Mr. Fisher:* The Commissioner points out that on the 1st March Dr. Hay asked for a report, and a memorandum went to Inspector Wright asking him to get a report from Sergeant Wohlmann as to all the incidents that led up to action being taken with a view to having Johnston committed.

145. *Mr. Robertson.*] "You say it was the duty of the police to get two medical men and have Johnston examined if you had reason to believe that he was mentally defective?—That is so.

146. Is that your reading of the Mental Defectives Act, 1911? I am referring to section 16 of the Act, under which your report states that he was committed. It is your duty as sergeant of police to get the medical men to examine a man whom you believe is mentally defective?—The usual and proper course is for a man to be examined by two doctors, and it is our duty to arrange that that is done: that is all.

147. Let me read section 16 to you: "Every constable who has reasonable cause to believe that any person (a) is mentally defective; and (b) is neglected or cruelly treated by any person having the care or charge of him, or is suicidal or dangerous, or acts in a manner offensive to public decency; and (c) is not under proper oversight, care, or control, shall forthwith make or cause to be made to a Magistrate an application for a reception-order in respect of that person in accordance with the provisions of section four hereof." There is provision in the Act for two Justices of the Peace acting if a Magistrate is not within ten miles at the time. Then, section 4 provides that the Magistrate shall call to his assistance two medical men, who shall make an examination?—That is so.

148. Do you consider, then, that it is your duty to call in the medical men, or do you not think the Act is quite clear about it that it is your duty to make application to the Justices first and give them the responsibility of calling in the medical men and of saying what medical men shall be called?—We are all in the Justice Department, and we act in conjunction with the Court. The Court is the office of the Magistrate. Copies of the application form and copies of the doctors' certificates go to the Court. We are the servants of the Court in that respect. We simply do as we are told.

149. But in this case you did not do as you were told—you did it without being told: you called in the medical men?—How do you know?

150. I am taking your own statement in the report?—You must remember the circumstances. The Court was extremely busy, and it has been the custom to assist the Clerk of the Court and the Court officials. The Clerk cannot go out to look for doctors and Justices, and he relies on the police to do so. The ordinary custom was followed.

151. Do you not see that the object of placing this responsibility on a Magistrate is to safeguard the public against any collusion between the police and medical men in order to get a man committed to a mental hospital?—I never heard of a suspicion of collusion between the police and medical men before.

152. I can assure you that officials of mental hospitals do have that suspicion. This is what Dr. Beattie said in reply to my questions: "Q. The first action should be for the police to make proper application on a proper form to a Magistrate or two Justices of the Peace, and he or they take the responsibility?—A. Yes, that is so. Q. In your opinion that is practically the only safeguard the public have under that section of the Act so far as committal is concerned?—A. It is the best safeguard we have at the present time. Q. It is a safeguard?—A. Yes. Q. It might be dangerous if that procedure were departed from?—A. It would be wrong to depart from it: it might lead to collusion and corruption." You see the position you place yourselves in by acting in that way, which is contrary to the Act?—I saw a letter of Dr. Beattie's in which he said that under no circumstances would he be guided by statements of the police—that he thought so little of the police that any statement made by them he would disregard altogether. I gathered from the tone of his letter that he had very little time for the police.

153. This is your application for a reception-order [produced]?—That is so.

154. To whom did you make this application?—It is written out to the Justices who were there to commit, in the absence of a Magistrate.

155. Then the Justices, being satisfied from the evidence of the medical men, would naturally make out the order for reception?—Yes.

156. Here is the order for reception [produced]: that is also in your handwriting?—Yes.

157. The Justices did not make it out?—No.

158. You made it out, and asked them to sign it?—They signed it. They interviewed the man; they saw the doctors' certificates; they had a talk to Johnston. They felt satisfied, apparently. They had no motive.

159. Were they present during the medical examination?—No.

160. That examination was conducted in the presence of the doctors and the police only?—Yes.

161. Yet the Act distinctly states that the examination shall be made on the order of the Magistrate or the Justices, who shall call in the medical men?—It does not say that the Justices must be present while the doctors are examining.

162. Section 5 says this: "On the presentation of the application the Magistrate may examine the person alleged to be mentally defective at his abode or elsewhere, and for the purpose of further inquiry shall call to his assistance two medical practitioners . . . and such medical practitioners shall either together or separately examine that person"—That is exactly what was followed in this case.

163. You consider, therefore, that it was quite a proper procedure for the police to detain a man at the police-station, bring in medical men, have him examined and certificates made out, and then ring up a couple of Justices and bring them in to sign the committal form?—It is the customary procedure in country districts.

164. You stated to Johnston when you detained him that you had some thought of sending him to a sanatorium: you did not mention a mental hospital?—My object was to get him as cool as possible; I did not want to upset him; so I did not tell him we were committing him as a lunatic.

165. Was there any particular reason why you did not wish to excite him?—No, but it is the usual thing, in dealing with a person of unsound mind, to get things along smoothly. You do not want to get the man ruffled up. You have to do these things diplomatically.

166. Do you not think that if you get a man committed under that pretext, when he discovers what has actually happened to him there is a chance of very dangerous excitement on his part?—Then he is in a place where he can be properly looked after. If a man gets upset in an asylum he is in the best place to get upset in.

167. In this case you did not succeed in concealing it from him. He knew before he left the station where he was going to?—He knew quite well, I think.

168. How did he find out?—I told him he was going to a sanatorium where he would be looked after. I said, "Your mind is upset; you have had a big strain," and he was quite agreeable.

169. Did he pick up the committal form and read it?—Not that I saw.

170. Did you not leave the room for the purpose of ringing up a Justice of the Peace, and when you came back he told you where you were sending him, and you asked him if he had read the committal form?—I do not remember that.

171. Do you swear that it did not happen?—I will swear that to the best of my belief it did not happen.

172. Did you notify his wife where he was going?—Yes.

173. When?—As soon as he was committed, and it took a long time—at least, it was pretty late. I sent a man to tell her, and I believe she came down, and to the best of my belief she just missed the train. At any rate, she had very little time to see him, but she arrived at the station. As soon as we knew he was going to be committed we sent word.

174. At what time did you commence the examination of Johnston that forenoon?—3 or 4 o'clock, I think. It was pretty late in the afternoon. I know there was a great rush, and he said he had not had any tea, and I sent across and got some food for him, and he had to be hurried off.

175. Was it not before 12 noon?—Certainly not.

176. Did he not say to you that he had not had his lunch and wanted to go home for lunch?—He may have said he had not had lunch, but it was in the afternoon. It was after lunch when he was brought in. It was some time in the afternoon, because we had very little time to spare.

177. What time did the train leave?—At ten minutes past 6.

178. You would leave the station at about fifteen minutes before that?—Yes.

179. You say that you think his wife just missed the train?—That is my recollection. I think I was told she just about missed it.

180. If Johnston said that she arrived at the station just as the train was leaving and spoke to him from the window you would not contradict him?—I think that is probably quite right.

181. That was the only time he saw his wife from the time he left home in the morning?—I believe that would be so. We did our best to bring them together, but we had not much time.

182. You say you heard from Dr. Craig, prior to Sergeant's Cooney's statement to you about Johnston, that Johnston was mentally affected?—To the best of my belief it was before.

183. Did Dr. Craig say anything to you about statements that Johnston made under the anæsthetic?—No. He said he had been consulted by a man named Johnston as to his health, and from the conversation with Johnston and his medical examination of him he concluded that the man needed looking after.

184. *Mr. Isitt.*] He made wild statements?—Yes, I think he told him something about his attempt on his wife. That is my impression. He said the man had made extraordinary statements to him, and he thought he ought to be sent to an asylum.

185. *Mr. Robertson.*] You knew that Dr. Craig took an active interest in affairs connected with the strike at Waihi?—No very prominent part. I think it was at his house that Barfoot was caught. He came in contact with the matter in that way.

186. You do not know any other way in which he came in contact with it?—I know that he had no time for the disorder and other unseemly things which happened there: he did not like it.

187. Did you of your own knowledge know that Dr. Craig was a member of the new union that was formed there?—Not to my knowledge. I have no knowledge of it.

188. When Johnston was in the hospital at Waihi Dr. Craig did not attend him there to your knowledge?—No.

189. Did any one besides Dr. Craig say anything to you at all about Johnston having made any statement while under chloroform in the hospital?—No.

190. When did you hear that he made the statement under chloroform?—Johnston told me himself that he thought he had.

191. You had never heard anything about it till Johnston told you?—That is so.

192. Do you remember the man telling you that he believed others knew of it?—He did. He believed that some of the nurses may have overheard him.



193. *Mr. Isitt.*] You said that he was fairly coherent in giving his evidence. Was he at all incoherent? What do you mean by "fairly coherent"?—He repeated his expressions. He was obviously highly strung, almost on the point of breakdown—a nervy, overwrought man. That was his appearance in the box.

194. He did not make any such wandering statement as would lead you to think his mind was affected in any way?—No. He stuck to his point. He was closely cross-examined, and when he made a statement he stuck to it.

195. *Mr. Robertson.*] You stated that you could not remember Johnston's being at the inquest on the opening day?—No, I could not.

196. Could you remember his being there the second day?—There was an adjournment for a week.

197. I made a slight error in my first question. I said the inquest opened on the 20th. It opened on the 19th, and was continued on the 20th, and was adjourned on the 20th for a week?—I know there was an adjournment for a week.

198. Here is the *Waihi Daily Telegraph* of Wednesday, 20th November: "The inquest concerning the death of Frederick George Evans was continued yesterday afternoon. . . . Thomas Henry Johnston deposed that he was with the procession," &c. Johnston, then, gave evidence at the inquest on the 20th November?—Quite probably.

199. He therefore could not have been in the hospital three weeks, as he was shot on the 14th?—Then he was not so long there. I thought he was there two or three weeks. I know he made a very good recovery.

200. If he went to the hospital on the 14th he could not have been there more than six days?—That is so. Evidently his stay in the hospital could not have affected his physical health.

201. So if I say that I saw Johnston on the first day of the inquest at the Courthouse you would say it was not improbable?—No, I think it would probably be right.

202. *Mr. Isitt.*] A good deal of importance attaches to the police-report account of what Johnston said. It was not taken down at the time?—No.

203. Not taken down at all?—No.

204. You said it was not taken down verbatim. That would lead one to believe there was some taken down?—Sergeant Cooney took some of it down.

205. He did not take it all down?—No.

206. You said, as a justification for asking this man Johnston to give evidence when you were suspicious of his sanity, that he was insane on one point. Then in the report you say that he professed to be under the influence of hypnotism—an epileptic?—Yes. That was some years before. He said that was when he went to his home in Australia and found that his mother was being courted by an adventurer. This adventurer, he said, hypnotized him and so prevented any obstruction to the marriage. He met his wife then, and he was under the influence of hypnotism for some period afterwards, and she brought him out of it. That was the reference to the hypnotism. That was before he came back to New Zealand.

207. About that report: is it a fact that it was not put into writing till the 4th March?—It is a fact that those details were not put into writing until the 4th March.

208. *Mr. Payne.*] How do you account for the discrepancy between your report and Detective-Sergeant Cooney's: his report gives only a meagre outline, whereas yours goes into a whole lot of matters regarding epilepsy and hypnotism, and so on?—Simply because the case was regarded as unimportant. The bare facts were stated, and it was thought that that would be enough.

209. Johnston never had any chance of seeing your report or in any way verifying it, nor, I presume, did he see this other one?—Mental patients very rarely see correspondence.

210. Had you made any private notes at the time that you and Detective-Sergeant Cooney heard this story from Johnston?—No.

211. Your report was on the same story that you two had heard together?—Yes.

212. And you had nothing but memory to go on?—I heard his story two or three times over.

213. Between the 2nd December and your making your report—three months later—you heard a lot of rumours about the town, I suppose. It is said that the rumour was current—the talk about Johnston having shot his wife, and all the rest of it?—I was not aware that it had got about town. We certainly did not divulge the matter.

214. *Mr. Robertson.*] The police knew it?—They knew it when he first told the story.

215. *Mr. Payne.*] I want to ask you whether in making your report you were guided not only by your own recollection, but by a confusion of ideas? Have you got in your report rumours that were spread about the town with regard to the man being epileptic and with regard to his saying he had been hypnotized?—Absolutely, No. I have the distinctest recollection of all he said. And not only have I, but a number of others to whom he repeated the story.

216. That was before you made the report?—Yes.

217. You knew he had repeated that to several people before you made the report?—I do. They were police officers.

218. The statements that you have down in your report were common report among the police officers?—Johnston made that full statement—and I have put it down as fully as I could—to Detective-Sergeant Cooney and myself. He made it, in the presence of myself, again to Dr. Craig.

219. When was that?—On the day he was committed; and I am not sure if there is not one of the constables to whom he made a statement also.

220. Why did you not make your report until three months after the original report had been made?—The reason was that it was regarded as just an ordinary committal. There was nothing out of the way to cause me to make the report until Johnston escaped.

221. When did he escape—in January?—That is so. He escaped, and we had some trouble in locating him, and then it was my duty to report all the facts within my knowledge, and I did so.

222. That was in March?—Yes.

223. That was some time after the whole thing had blown over?—My superior officers wanted to know what had been done, and there was that special application from Dr. Hay. That was the immediate cause of that particular report.

224. *Hon. Mr. Fisher.*] It has been suggested that you had everything readied-up for the Justices of the Peace—I am referring now to the committal order: is it the usual practice for the police to fill the form in ready for signature?—In country districts it is usual for the police to act as Clerk. They take down the man's statement. It is the duty of the police to make application. That is the practice that has been followed.

225. It is the usual practice?—Yes.

226. When the doctors came along did you make any suggestion to them about Johnston ever having suffered from epilepsy?—Absolutely, No.

227. Where did you first hear of epilepsy?—From himself.

228. Was that prior to the examination by the doctors?—Yes, when he told me about the strange things.

229. Did you state to the doctors that he told you he had epilepsy, or did they discover that themselves?—Dr. Craig learned it from him.

230. Without any suggestion at all from you?—That is so. He knew as much about it as I did.

231. There was no report by the police shown to the doctors before they examined him?—I have no recollection of it.

232. Did you write any report on Johnston's case prior to the examination by the doctors?—No.

233. Did anybody else?—Detective-Sergeant Cooney made a short report. That was the only report in existence at the time.

234. So the suggestion by the doctor that there was epilepsy in Johnston's case was not a suggestion which came from the police?—No.

235. When did you first hear of Johnston's attempt to shoot his wife?—When he made the statement in the presence of Detective-Sergeant Cooney and myself. Prior to that I had heard from Dr. Craig that the man had made extraordinary statements, but I did not know any details.

236. You do not know when they were made?—To the doctor privately when he was examining Johnston as his medical adviser. Johnston selected Dr. Craig from the three doctors at Waihi for his own doctor, and while he was under Dr. Craig he made these statements, I understand.

237. At the time of the examination of Johnston by the doctors the police knew nothing about Johnston having epilepsy in his family or having committed himself?—I knew of it from his statement to me, but I made no such statement to the doctors, and there was nothing in my report that the doctors saw.

238. And you were present when the doctors examined him?—I was.

239. You had heard nothing at all about epilepsy up to the time of the medical examination?—No.

240. When did you first hear that Johnston had fired at his wife?—When he told me.

241. Did you first hear of Johnston having epilepsy from Johnston himself or from the doctors?—From Johnston himself—his statement that he had these seizures.

242. Did you suggest to the doctors or tell the doctors that Johnston had told you that he had epilepsy?—I did not.

243. They discovered that for themselves?—Yes. Dr. Craig knew it before I did.

244. Both doctors knew he had epilepsy?—I think Dr. Craig did.

245. Here is the certificate of Dr. Craig, and he says, "He is subject to *petit mal* of epilepsy, and informs me that about a year ago under great financial stress he made up his mind to kill his wife and children." In the certificate of Dr. Galligan he says, "In my opinion the said persons may be properly classified as being of unsound mind, feeble-minded, and epileptic"?—Yes.

246. Do you happen to know that when he was taken to Auckland he was certified to by Dr. G. Wishart Will, Medical Officer at the mental hospital, and he certified that Johnston's mental condition conforms with the statements made on the certificates of committal?—I heard that was so.

247. There are three doctors certifying as to his mental condition. Did you approach any of the doctors and suggest that it was desirable they should certify to the man's insanity?—I did not. I do not know Dr. Will and never saw him, so far as I recollect.

248. What did you know about Johnston's condition up to the time of the medical examination: did you ever observe anything unusual?—That he was erratic, nervy, and a highly strung man.

249. He gave evidence in the Barfoot case?—Yes.

250. Do you remember his evidence in that case?—I do not remember his giving evidence there, but I remember his giving evidence in the case of Evans.

251. Did he give his evidence clearly?—Yes, except that he appeared to be under a great strain.

252. Was there an adjournment on account of his mental condition?—There was an adjournment, and I think it was in order to give him a spell.

253. The case was adjourned at the request of Mr. Mays, Crown Prosecutor?—That is so.

254. Were you present at his examination at the inquest?—I was.

255. Was he in a very excitable condition then?—He was in a highly excitable condition.

256. Was there an adjournment of the case on account of the excited condition of the witness?—Yes, there was an adjournment. Mr. Mays asked for an adjournment, but I am not prepared to say at what stage of Johnston's examination it was, but it was considered advisable to ask for an adjournment owing to his condition.

257. Did ever the doctors divulge to you any statement made by Johnston when under the influence of an anæsthetic?—No. Dr. Craig does not visit the hospital, and he was not in it at any time during the time Johnston was there. The only doctor who could come in contact with him was Dr. Hyde and the nurses, and I have had no communication whatever with Dr. Hyde or any of the nurses, or from any source at the hospital.

258. Did you ever hear it suggested by anybody that information about Johnston having attempted to shoot his wife was divulged by the medical men who performed the operation on him?—I never heard of it until to-day.

259. You say that when Johnston was committed you sent for Mrs. Johnston?—I did.

260. You could not find her?—I believe she was found at the house or somewhere near. She got a message, at any rate, just in time to reach the station.

261. When Johnston was being taken to the station did you pass his wife on the way?—I was informed that the trap passed near her as she was going up to the station. I was not there.

262. Johnston states that he passed his wife on the way and wanted to speak to her but was not allowed?—We had to get to the train, and she saw him at the train.

263. The reason of your producing that report of the 4th March is that you were asked to report the circumstances of the case by Dr. Hay?—Yes.

264. It is not usual in cases of this kind to record all the details that have since been recorded in this case?—Certainly it is not.

265. You had no knowledge at this time that this case was going to prove a matter of subsequent inquiry?—I had no idea. It was just an ordinary committal done in the ordinary way. Of course, the escape made it somewhat different, but up to that period we looked upon it as an ordinary everyday occurrence as far as mental patients go.

266. It has been suggested that it was the desire of the police to get Johnston moved away from the district: had you any reason to get him out of the way?—There was absolutely no reason whatever. There was no motive. He had given his evidence, and his cases were finished with. I never heard it suggested that he knew anything, and, even if he had, no officer at all would dream of interfering with a man's liberty for an unworthy motive. It was just that the man was regarded as dangerous, and in his own interests and that of his wife it was thought the responsibility should be removed from the police to the doctors to say whether he should be continued at large. The doctors thought he should not be continued at large, and he was sent to a mental hospital.

267. The date of the examination was the 14th December: was that the earliest date you could have had him examined?—By then he had completed all his evidence in all the cases that were in view.

268. What would have been the effect from the police point of view if he had been committed before he gave evidence?—We would have been laid open to the charge of smuggling away an important witness. They would have said it was done with the ulterior motive of shutting out evidence from the Court and prejudicing the inquiry, and as it was important that all the evidence should be laid before the Court the risk was taken of allowing him to remain at large till after the inquest.

269. Did you keep him under observation during that period?—Yes, as close as possible.

270. Was there anything seen during that period of observation which impressed you with the necessity of going on with the medical observation?—Yes, in so far as his general demeanour was that of an excited man, he was liable to go off and do something at any time, and with my previous instructions I saw no justification for doing other than complying with them.

271. Was he drinking at all?—Not that I know of.

272. Just that state of nervous excitement?—Yes, that is so.

273. *Mr. Isitt.*] The statement made by Johnston to the police was on the 2nd December, was it not?—On the date of Detective Cooney's report.

274. And the examination took place by the doctors on the 14th December?—Yes.

275. As far as we can gather there was no evidence of epilepsy in the course of the examination by the doctors. The doctors' report practically duplicates the statements made by Johnston to you. Are you prepared to swear that the doctors received no information from you or any other officer of police as to what statements had been made on that occasion?—I am, so far as my knowledge goes. I know that in the case of Dr. Craig he was Johnston's medical officer, and he knew as much or more than I did, because I understand that Johnston had previously unburdened himself to him.

276. Every doctor knows something about the epilepsy: where did they get the information from?—I do not know.

277. You have just stated that you knew Dr. Craig as Johnston's medical officer. Is it not a fact that a doctor who is a man's medical adviser is the last man who is supposed to give any evidence as to insanity for his committal to a mental hospital? Is he not the man who is excluded and that you have to get two other men than the man who is his medical adviser?—No. There is no reason to doubt the doctor's *bona fides*.

278. We had a definite statement from Dr. Beattie that it was an impropriety for any such man to certify to a man's insanity?—How are you to get on if there is no other doctor? There are three doctors in Waihi. One is in charge of the hospital, and owing to his duties there he does not care to come down in the case of lunatics, and it is almost impossible to get him.

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.

305. Seeing that seven witnesses succeeded Johnston before the adjournment took place, do you not think it absurd to say that the adjournment took place on account of Johnston's excitable condition?—

306. *Hon. Mr. Fisher.*] I wish to put in a telegram from Selwyn Mays, as follows: "*Re T. H. Johnston's petition: I had several interviews with Johnston at Waihi, and on last occasion when he gave evidence he became very strange in witness-box, and I had to get Court adjourned until he was fit to continue.*" In regard to the question put to Sergeant Wohlmann, subsection (2) of section 5 of the Act of 1911 says, "Unless in the opinion of the Magistrate there is sufficient reason to the contrary, one of the medical practitioners called to his assistance shall be the usual medical attendant of the person alleged to be mentally defective"?—If I might be permitted to say, there is a matter on which I think I gave a wrong impression, and that is in relation to my status in Waihi at the time. I spoke from a departmental point of view, but the Commissioner was in charge at the time. Inspector Wright was in charge most of the time during the strike, and above me was Sergeant McKinnon. I was in charge before the strike and after, but I was a subordinate officer and reported everything to my superiors, and did all I was told. There is one other matter, which negatives a suggestion that there is something improper about the motives of the doctors. The Waihi Hospital was controlled by Dr. Robertson; he left, and his practice was sold to Dr. Hyde. Dr. Craig objected to his patients going in and his having no control over them. Dr. Galligan, the other doctor, threw in his lot with Dr. Hyde. In consequence there was a strained feeling—in fact, I believe they did not speak except on official matters. Therefore, to suggest there was possible collusion between these two doctors and the police seems to me to be rather far-fetched. I instructed somebody to call in Dr. Craig and told him to get another doctor. I did not suggest Dr. Galligan, but he was got by the constable at the telephone as one that was most handy, and he was called in. There are but three doctors at Waihi, and the one who was not called is in charge of the hospital, where his duties render him somewhat adverse to attending to these matters, and it is sometimes difficult to get him.

307. *Mr. Brown.*] It has been suggested that the police were apparently wishing to get this man out of the road for certain reasons. The doctors must have been in collusion if there was anything of that sort?—I have already denied that.

308. Supposing there were no J.P.s in a small place like Waihi and a man suddenly became demented, under those circumstances the police would have to take some action?—Yes, we would.

309. *Mr. Payne.*] You stated that by the 14th December you had got all the evidence from Johnston and then committed him. You therefore considered Johnston quite capable of giving evidence on the 14th December?—He was capable of giving evidence on what he had seen and heard.

310. Right up to the day of the committal?—That is so.

#### THOMAS HENRY JOHNSTON sworn and examined. (No. 4.)

1. *The Chairman.*] What are you?—I am employed in the Waihi Gold-mine.

2. *Mr. Robertson.*] On what date did you go to Waihi?—I went to Waihi the last Saturday in September, 1912.

3. When did the mine reopen?—On the 2nd October.

4. Did you go to work then?—I was the first one that went to work.

5. The first man who signed on?—Yes.

6. During the strike, of course, there was a good deal of excitement?—Yes.

7. You were working in the mine when you met with an accident through an explosion?—Yes, that would be the first Monday or Tuesday the mine was working.

8. It was a week or so after you had gone to work?—Inside a week.

9. That shook you up a good deal?—Yes.

10. Will you describe the accident?—It was along No. 9 level, known as Richards's stope. There were four men working, and in the first pass they had put in a charge of gelignite. One of the shift bosses was with them, because they were not miners, but new-chums. It was just about knock-off time, and the shift boss came up to the junction of the two drives and sang out "Fire, fire!" It sounded like "Mick, Mick!" as Mick was the name of the man who was working with me about 3 chains up the drive. We then started to go out—I was in the lead and was hurrying. When I got practically within a yard of the chute I could smell powder. I stopped my pace and took a whiff, and then I saw the charge was burning. It then went off and I was rolled up in a heap. I struggled out as quick as I could, and found that the shock had affected me in the kidney, the side, and the upper part of the leg.

11. Notwithstanding your injuries you continued going to work in order to prevent any talk on the part of the strikers about new-chums handling explosives?—Yes.

12. And also that it would have frightened other men?—Yes, it would have done so, because it was circulated round town that there were spies in the mine.

13. That happened about the first week in October?—Yes, about the 7th or 8th October. The men were all in the chamber alongside the shaft.

14. You continued going out to work although suffering a good deal, and, of course, there was the usual excitement and the general "ructions" in connection with the strike and the worry?—Yes, I considered I had my share as well as any one. I consider I had as much to put up with as others who had the police stopping at their houses.

15. Now we come to the 14th November, the morning of the riots when the shooting took place?—That was on the Tuesday.

16. Evans was killed that morning?—Yes.
17. You were shot in the knee?—Yes, right through the leg.
18. You were able to go about for the remainder of that day?—I went about for over an hour.
19. When did you go to the hospital?—About an hour afterwards. I was going home, but my leg gave way under me.
20. When were you operated on?—That same morning. I was operated on just after they brought Evans into the hospital.
21. Who operated?—Three doctors were there.
22. Galligan, Hyde, and Craig?—Yes.
23. Were there any representatives of the police there?—The representatives of the police were there just a little while before. Commissioner Cullen and others saw Constable Wade, who was in the next bed to me. That was just before I was operated on, and two detectives took down my statement when the wife was there.
24. The statement you refer to was in connection with your account of the proceedings that morning?—Yes.
25. When did you leave the hospital?—I left the hospital within four days. I should have been in considerably longer, but I went out on my own responsibility.
26. The Evans inquest opened just after that?—Yes.
27. Do you remember the date?—I could not remember the exact date, but it was soon after I came out of the hospital, because they drove me down in a cab, and then there was an adjournment.
28. You gave evidence before the adjournment took place?—Yes.
29. You had completed your evidence?—Yes.
30. You were a witness in what other cases besides the inquest on Evans?—Barfoot's.
31. Do you remember the date of that case?—The case was going on on the Tuesday and Wednesday, at any rate before I went away, and I went away on the 14th December. It would be about the 10th or 11th December.
32. Then on the 10th or 11th December you were giving evidence in the case of Barfoot's?—Yes.
33. Do you remember getting excited when giving evidence?—I do not think I was excited. I may have spoken a little heatedly, but I do not think I was excited, but not in comparison with what Harvey was. I never swore in Court.
34. Did Harvey?—Yes, he did on more than one occasion.
35. You knew what you were saying all the time?—Yes.
36. Was there an adjournment to give you time to get cool?—Mr. Mays asked me if I would like a spell, and I said that as far as I was concerned I did not require it. He said he thought I should have a rest, so it was agreed I should have a rest for ten minutes.
37. You were in a somewhat low condition physically?—Extremely.
38. You had had an accident, and then the shooting on top of that and the general excitement in Waihi and the anxiety?—Yes.
39. And you think his object was to give you a rest?—Yes. I took it, out of sympathy on account of his knowing what I had gone through in Waihi.
40. And that he was sympathizing with you and making things easy for you in Court?—Yes.
41. You do not think it was because you were getting excited and did not know what you were saying?—No, certainly not.
42. How long had you been under cross-examination before the adjournment took place?—Fully two hours and a half.
43. Standing in the witness-box?—Yes.
44. Standing on a lame leg for all that time in the witness-box?—Yes.
45. Do you remember going to the police-station and making a statement to Detective-Sergeant Cooney about yourself?—I spoke to Sergeant Cooney privately.
46. What was your object in seeing him?—My object in seeing him was to have a private conversation with him as a gentleman.
47. For what purpose?—Owing to the fact of my having been under chloroform in the hospital.
48. Did you hear outside that you had said certain things under chloroform?—I heard outside that I had said certain things as I came out of chloroform or as I got over the main effects of it.
49. And did you feel worried about that?—I was a little worried. I considered that if anybody had anything against me it might be advisable for me to stand a trial.
50. In your opinion how did these statements get abroad?—I have no conclusive proof of their getting abroad, but I considered, and I am firmly convinced in my own mind, that they got abroad through Dr. Craig and also through the police.
51. Have you any reason to place before the Committee for coming to that conclusion?—Only by the way events have turned out since that time.
52. At the time you were not able to form any definite opinion?—No, not at the time.
53. After you made the statement to Detective-Sergeant Cooney did he give you any advice?—Most decidedly.
54. Did you see Dr. Craig after that?—Yes. Sergeant Cooney told me I had better get a tonic and to call and see Dr. Craig, and I did so.
55. Had you been under Dr. Craig's care prior to that time?—No, I had not.
56. The 2nd December was the first time you came under Dr. Craig's care?—I could not say that was the first time.

57. It was the 2nd December you made that statement, and it was after that you first came under the care of Dr. Craig?—Yes. I wish to add also that when I saw Sergeant Cooney there was nobody in the room, and he had neither pencil nor paper.

58. Did Dr. Craig tell you anything in particular as to what was the matter with you?—Dr. Craig told me all that was the matter with me was what he would call neurasthenia. He said that was only a trifling thing, and that I was to take a bottle of medicine and let him know how I got on.

59. Did Dr. Craig say anything to you about epilepsy in your family?—No, that was not mentioned. He asked me if my father was a strong man, and I said, No, he was an invalid. He also asked me what was the matter with my father, and I said, Only weakness. He asked me to describe it to him, and I said he died when I was eight years old. My father was a man who could hardly walk about; he would walk along to church or anything like that. I also told him that when my father was coming from church I have seen him take hold of a picket and say to us little boys, "Get a cab," and five minutes afterwards he would get out and walk the rest of the way. My father never lost his speech once, and I told Dr. Craig that.

60. Did you relate anything more of your family history?—No, I was not there more than five minutes.

61. When did you first hear anything mentioned about epilepsy in connection with yourself?—The first I heard of it mentioned in connection with myself was when I first read the application form for my committal to the mental hospital—the day that Sergeant Wohlmann wrote it.

62. You read it on the day you were committed to the mental hospital?—Yes.

63. Dr. Craig was the only medical man who had examined you in any way prior to the 14th December?—Yes.

64. The last case on which you gave evidence in Waihi was Barfoot's case?—Yes.

65. Your evidence at the inquest was given some time prior to the 19th November. On the day you were at the police-station and the committal took place, what was your object in being there?—Because Mrs. Johnston and I had been talking in the morning about it being just as well for me not to go back to work until the beginning of January, because the holidays would be coming on and that I could well do with a fortnight's holiday. We had the house fairly stocked with groceries, but we did not have enough money for me to take a holiday and for her to have a little money to pull through unless I got all my money. I left home about 10.30 with that object, and I told Mrs. Johnston I would be home to dinner. She pleaded with me not to go, because she said, "I have a presentiment of evil." I promised faithfully that I would be home to dinner at 12 o'clock, and I would go to the mine and the police-station. I said if I could not get to the two places before dinner I would leave the mine till afterwards. I was delayed going to the police-station.

66. You went to the police-station in the forenoon?—Yes. I arrived there about 11 or a quarter past. I met Harvey on the way.

67. If Sergeant Wohlmann says that the day you were committed you had just concluded giving evidence in a case, and that he met you outside the Courthouse and took you back on the pretext of giving you witness's expenses, would that be right?—It would be far from the truth.

68. It would not be correct?—No, it would not be correct.

69. When were you told to go to the police-station to get the money due to you?—I had had a conversation with Sweeney and Kelly, who were strongly advising me not to go to work: that was during the week.

70. Detective Sweeney and Constable Kelly both spoke to you?—It was a very common thing for the arbitrationists to confer with the police while evidence was being taken.

71. You fraternized?—Yes. We talked more with one another than the miners do down the mine.

72. Their advice to you was, what?—Their advice to me was, "Johnston, if I were you I would not hurry back to work, on account of what you have gone through. Your best plan is to take a holiday," because they knew I was anxious to get back to work as soon as I could get back from the Court. I said I would have to draw my money, and they said, "You can get that at any time."

73. Was that between your appearing in Barfoot's case and going to Court?—Yes.

74. Between the Wednesday and the Saturday?—Yes. I saw Detective Sweeney at one time and Constable Kelly another time. They both gave me the same advice at different times.

75. When you went to the police-station on the Saturday whom did you meet?—The first man was McWilliams, the bailiff. I spoke to him through the window at the rear of the Court.

76. What did you say?—I asked him if he thought there was any chance of my getting my money as a witness in the recent cases, and he said "Certainly." He said, "Are you stuck for it," and I said, "No, I am going for a holiday." He told me to go round to the front and that I would see Sergeant Wohlmann. I went round and saw Sergeant Wohlmann in the passage busy talking with some one, so I waited in the witnesses' room. About a minute later Mr. MacWilliams came round and I told him Sergeant Wohlmann was engaged, but he told me to speak to him. He spoke to the sergeant, and he came into the witnesses' room and closed the door behind him. I asked the sergeant if there was any chance of my obtaining my money as a witness in the recent cases, and he said, "What do you want it for, Johnston?" I said it was none of his business. He said, "Are you going away?" and I said, "I might." I will admit I was very sarcastic with him. I then said I might go to Katikati or Tauranga, so then he turned on a different tack altogether. He said, "Very well, Johnston. You go along to the other office. You will get your money. I will follow so that it will not be conspicuous. I

will be with you in five minutes. You wait outside." So I went along and waited outside in the garden. He came along and we went inside. We passed right through the outer office into the rear office, and Constable Kelly was sitting down at the table writing. The matter that he was writing was about witnesses' expenses. I know that because the sergeant asked if he had added it up yet, and he said, "No, not yet." There was something mentioned about £100-odd. The sergeant turned and rang up the Court on the telephone and said he had got Johnston there, and said he would like to see Inspector Wright and Mr. Mays in the lunch-hour; that he would send a messenger or else he would go along himself. I asked the sergeant if I would have to wait very long for the money. He said, "No, you will get it in a few minutes." I said, "If I shall have to wait long I will go home to dinner." The sergeant went out and cashed the cheque and handed me 12s. I asked him, "What about the other moneys connected with the inquest and waiting about the Court?" He said he would get that money in a few minutes for me.

77. He handed you the 12s. which was due to you as expenses in the Barfoot case, and the other money that you asked for was what was due to you for attending at the inquest?—Yes. He said I would get it shortly. I looked from the inner office, and the two doors corresponded with the passage of the new building erected in front. As I happened to look from where I was sitting through the office in front of me I saw Mr. Mays, Inspector Wright, Sergeant Wohlmann, Sergeant Cooney, and Constable Kelly all go into the first room in the new building on the right-hand side coming from the street.

78. What significance, if any, did you attach to those men all being in conclave in that way?—This: I thought they were clubbing together, as Sergeant Wohlmann had already mentioned he was going to do something for my good, to get the townspeople and the company and the union to put together the money to provide me with a holiday at their expense instead of my taking a holiday at my expense when I could not afford it very well.

79. What had led you to expect that?—Sergeant Wohlmann had already told me that he would see the union and the townspeople and see if I could not have a holiday at their expense. Sergeant Wohlmann knew all that I have been through in Waihi.

80. You believed that his statement in that respect was quite a probable thing, because you believed you had gone through a good deal in order to have the mines working again?—Yes.

81. You had better go on with what happened after that?—Detective-Sergeant Cooney came in and picked up a paper and looked at me and said, "Good day, Johnston." That was all that was said. That meeting would not have lasted more than five minutes. Sergeant Wohlmann shortly after appeared again, and when I asked about my money he mentioned to me that he was going to do something for my good, and he mentioned about going round to see Dr. Craig, and repeated what he had previously said about seeing the union and the mines, and so on.

82. Was anything said at that time about a sanatorium?—No.

83. Was it mentioned later?—Yes. He brought Dr. Craig. Dr. Craig was held in very high estimation by the arbitrationists—in higher esteem than any man in Waihi.

84. On what account?—Rumour had it that Dr. Craig had handed a £50 cheque to a union official to pay all fines and expenses connected with the fights during the riot. Dr. Craig certainly was in favour with the arbitrationists, because he was in and out of the office during the time, and prior to this day Dr. Craig had also been in the union office and told us that the strikers were going to have a meeting on such-and-such a night, and that all those who were members of our union and members of the other union should attend that meeting and he would be outside, and if they whistled he and they would raid the hall.

85. Dr. Craig said that?—Yes.

86. *Mr. Isitt.*] In your hearing?—Yes. In our own hall, next to the Academy.

87. *Mr. Robertson.*] You, of course, were a member of the arbitration union?—Yes.

88. What was Dr. Craig's connection with that union?—He was an honorary member.

89. How do you know he was?—He was an honorary member before I went away. I was elected one of the committeemen of that union. I was not on the preliminary committee. When I was elected it was the first meeting that our union held in the miners' union hall. I went down to a committee meeting—the last there. I was in Waihi, and Rudd at the meeting stated that he considered that all those men who were contributing to the support of the union should be made lifelong honorary members, especially Dr. Craig.

90. He was president of the union when he made that suggestion?—Yes.

91. Was Dr. Craig then elected an honorary member of the union?—I would not swear that he was elected straight away an honorary member, but I am firmly of the belief that he was an honorary member of that union when I was committed. He was an honorary member of that union, say, at about the 5th May.

92. What makes you believe that?—It was on a Friday—the first Friday in May—when I went down to the miners' union—the first union meeting I attended since my committal; and when I was there I had two motions in my pocket. One was that this union demand the resignation of Dr. Craig as an honorary member on account of his having committed me to the Avondale Asylum while of sound mind.

93. What happened to that resolution of yours?—I was howled down. Many of the arbitrationist section howled me down.

94. Let us get back to that day, the 14th December, in the police-station. You said that the sergeant said something to you about seeing Dr. Craig. Just go on from there?—He returned with Dr. Craig. Prior to that I got up to leave that office—to go home—and was told to sit down and wait awhile, that Sergeant Wohlmann would not be long. When I mentioned



about going home for dinner I was told, "Oh, no, Johnston, just wait." I said, "The wife will be worried. If you want me I do not mind waiting, but send word to the wife, because she is not in very good health." I had also asked the sergeant before he left for leave to go home for dinner and I would return immediately after, and he said he would not be long. I may also state that there were a couple of constables outside the door, and there were two inside.

95. To put it briefly you reckoned that they were not going to allow you to leave the station—you were practically in custody?—Yes. I began to think then that I was in custody, for what I did not exactly know.

96. When did Dr. Craig arrive on the scene?—Some time about 2 o'clock. Sergeant Wohlmann started the conversation.

97. After Dr. Craig arrived?—Yes.

98. Who were present?—There were only Sergeant Wohlmann and Dr. Craig and myself. As soon as Sergeant Wohlmann came in he said, "Johnston, I have brought Dr. Craig along. I told you we were going to do something for your good, and I have brought Dr. Craig along, and we between us are going to see the company and the union and the townspeople and send you away for a holiday owing to the stand which you have taken in this town." And Dr. Craig said, "Yes, Johnston, that is correct. We are here as friends to send you for a holiday, but it is no good your going for a holiday unless you have a tonic. I am a medical man and will prescribe for you, and the prescription and medicine will not cost you anything." I thanked him. He said, "So that I may thoroughly diagnose your case tell me the main incidents of your life, and also your father's and mother's." I said, "That is a thing I have never done." He said, "Well, do it this time. It is strictly private." Sergeant Wohlmann sat down to the writing-table in the office there, and Dr. Craig sat at one end of the table and I sat at the other end. Sergeant Wohlmann was a silent listener to the conversation which took place. After Dr. Craig had asked me that question I related to him the main incidents of my family history—about my grandfather Nelson; how, the last I heard of him, he was practically a hundred years of age, and how he had made money, and how my father's father had made money and was able to leave money to every member of the family. I went on like that, and told him how my father at the age of eighteen was manager of a chemist's shop in Melbourne, and retired at twenty-seven, and died at forty-one. Then he asked me about my mother. I told him there was nothing the matter with her except her heart.

99. Did you then make any statement about epilepsy?—No. Then he asked me if my mother was still living, and I told him I did not know. He said, "Why? Do you mean to say you do not communicate with her?" I said, "Yes." He asked, "Why?" and I related how she had got married again. He asked, "Why do you not communicate?" I said, "Owing to certain things."

100. That she married a man to whom you objected?—Yes.

101. And you made a statement that you went over there owing to a presentiment there was something wrong at home?—Yes.

102. You found this man courting her?—Yes.

103. And you objected?—I objected to it.

104. Did you use the expression that he hypnotized you?—That is how I put it to Dr. Craig. I was working in the South Island, and I was engaged, and I had a presentiment that something was wrong at home. I threw up my work straight away, drew my money, and went over to Australia. When I got there one of my sisters told me that my mother was going to be married again within a week. I prevented the marriage for about three months. Everywhere that man went I went. If he went in for a drink I went, if he slept in a room I slept there. I threw myself in that man's company. This is the way I put it to Dr. Craig: at the end of that time I turned round and had no objection to the man marrying her. Dr. Craig said, "How do you account for that?" I said, "I do not know anything about hypnotism, or mesmerism, or anything of that sort, but it might have been possible for him to have hypnotized me." That was the way I put it.

105. You mean he exercised some strong influence over you?—Yes. That was all that was mentioned on that point. After that Dr. Craig asked, "Do you and your wife live happily together?" or something to that effect. I said, "Yes." "Do you quarrel?" "No." "Tell us about your married life," he said. I told him we had ups and downs—how quickly we had got on at times and how quickly we had come down at others. For instance, I narrated how Mrs. Johnston had a miscarriage, and we sold every stick of furniture and had not got anything in the house, and I did all the work myself. He said, "Did you ever have a revolver?" I said, "Yes, perhaps I did." "When?" he asked. "In West Australia." "What did you have it for?" he asked. "For shooting kangaroo rats, and so no." Then he said, "Did you ever have one in New Zealand?" I said, "That is none of your business." "Did you ever have one in Waihi?" he said. I said, "No." Then he asked me if I had ever attempted my wife's life. I said, "No." Then he asked me if I had ever attempted it with a revolver, and I said "No." He had his arms on the table and he looked straight at me. "Johnston," he said, "Will you deny that?" I said, "Certainly." He asked, "Did you ever attempt your wife's life with a revolver?" I said, "No, I never did." He said, "If any one said that would it be correct?" I said, "If any one said that it would be false." He said, "You emphatically deny it?" I said, "Yes, I deny it. I never at any time used a revolver in any way on my wife or on anybody else." He turned round to Sergeant Wohlmann and said, "What do you make of that?" Sergeant Wohlmann then spun him a yarn.

106. In other words, he related an incident which was supposed to have occurred before you came to Waihi?—Yes, a good while before. After he had spun the yarn to Dr. Craig the latter

asked me again, "Do you deny that?" I said, "Yes." He turned round to Sergeant Wohlmann, and the pair of them looked at one another for a while. Then Sergeant Wohlmann turned to me and said, "Will you deny attempting your wife's life?" I said, "Most decidedly." After that I would not have anything to say.

107. Did not the doctor say to you that it was a mad act?—Yes. Dr. Craig said, "If any one did anything of that description it would be an act of madness." I replied, "No, certainly not; if a person could relate clearly and distinctly anything that happened and all that took place both prior to its happening and afterwards, and at the time, that person is not insane." I said, "If a person could not relate for a certain time anything that took place, then that person might be mad during that blank."

108. What did he say to that?—He turned round and said something like this: "No, Johnston, any person who could do an act of that sort would be mad." I remember now that it did last a little while after that, but I got pretty sarcastic.

109. And then you refused to answer any more questions?—I refused to answer anything, and told them they were traitors and I had fallen into a trap. I said, "I consider you are here for the express purpose of sending me to Avondale." He said, "Rot." He went on in this strain: "Do you ever feel yourself going along the road and do not know how you got there?" I said "No." "Do you ever find yourself suddenly running?" I said "No." He then asked, "Do you have headaches?" I said "No, only a bilious headache." He said, "Are you sure they are bilious headaches?" I said, "Yes," and he then asked me to describe them. I told him how my eyes began to swim and a pain come across the head above the eye, and vomiting afterwards. He also asked me if I ever had a fit. I said "No." He also asked me if I ever fainted. I said "No; but I will tell you this: if I work double shifts for sometimes six months and even nine months. For instance, when the wife was ill, as soon as ever I got her better after having nothing I used to be up at 5 o'clock attending to gardens in Auckland. Then I would go away out to Orakie and do my eight hours."

110. Where were you working there?—At the drainage-works. Then I would be ready for any overtime in unloading boats, and to do that overtime I had even carried blankets down and had thrown myself on the bags of cement in the shed. The only effect it had was this: that suddenly I would find that I was not able to work. I would be weak. I would feel that I had hardly strength to life my arm. Then if I rested for about a week or a fortnight I would be all right. I told him all this, and I said, "That is why I want to take this holiday, because I feel a little bit weak." That was my motive for getting this money. I could not go and work two shifts again at the present time.

111. Weaknesses like that, you think, would be induced by excessive physical strain?—Certainly. For instance, when I was at Kumeu I did all my ploughing by moonlight, and planted thirty thousand strawberries, thirty-five thousand vine cuttings, and fifteen hundred cherry-trees, and put in fifteen rows of peas 30 chains long, and did the whole lot in eighteen weeks, all by my own labour. I did all my ploughing at moonlight.

112. That was at the place where you had the bad luck?—Yes. For three months before I left there I and the wife and children lived on turnips.

113. You once or twice, in the course of this examination, said that you would like to get away and see your wife?—Yes.

114. And in each case you were told she was coming?—Yes. Every time they told me that Mrs. Johnston would be there in a minute. Sergeant Wohlmann, even after this interview with the doctor, said, "We have sent for your wife, and we cannot make out why she has not arrived."

115. *Mr. Isitt.*] At what time was that?—Somewhere about half past 2.

116. *Mr. Robertson.*] From about a quarter past 11 in the morning?—Yes, and every time I asked to get away for dinner I was not allowed to.

117. After that Dr. Galligan saw you?—Yes. I was told to wait a little while. Sergeant Wohlmann said I could go out into the outer office and look at the papers. Never at any time before I went to Waihi would I let anybody know my business. For instance, when my wife and children were starving if any one asked me "How are you, Johnston?" I would say "All right." And if any one went to the house the wife would not ask them inside. When I went into that outer office another policeman in plain clothes came in and said, "Hello, Johnston, what are you doing here?" I said, "I am only waiting for a little while." "Who for?" he asked. "For the sergeant," I said. That is all I said. Just a minute or two before that I had tried to leave where I was and went to the door, and another policeman who was there told me to sit down, that the sergeant would not be long; and I saw another couple of policemen outside. I knew it was of no use my showing violence or making a dash out; the quieter I kept the better. That may have been a mistake. After that Constable Kelly came in and told me that they wanted me in the front for a little while. I went out, and as I went out of the door between that building and the new one Dr. Galligan was there. He was between the two buildings, and he came up and said, "Hello, Johnston, how are you to-day." I ignored him. We went into the building.

118. Dr. Galligan then cross-examined you?—We went into the same room as the Inspector and Mr. Mays.

119. Who was there when Dr. Galligan was present?—No one. Constable Kelly went to the door with us and we went in. There was a table there and two chairs. Dr. Galligan sat at the end of the table and crossed his legs; he put a piece of paper on the table and took a pencil out of his pocket. Dr. Craig had had no pencil or paper. Sergeant Wohlmann had a pencil, though, and was writing the whole time. Dr. Galligan was quite nice in his speech, and all that. I refused to answer any questions whatsoever. I got up several times from the chair and turned my back on him and treated him with contempt, and looked out of the window.

I told him it was no good his putting any questions to me. He asked why. I said, "For the simple reason that you are here for the express purpose of sending me to Avondale." He said, "Rot, Johnston." I said, "What would you two doctors be here for and I be detained at the Police Court and be kept without dinner if there was not something of that description in it?" I said, "For that reason I decline to answer any questions whatsoever." He said, "We are friends, Johnston." This took place a little before that, when we first entered the room. He said, "We have met before. We are friends, you know." I said, "Yes. I have passed you once or twice in the street, when you have only nodded." I said, "I saw you in the hospital: that is where we spoke." He said that was so. After I had turned my back and went to the window and told him the interview was at an end he said, "One question, Johnston, and one only. Will you do me a favour and answer it?" I said, "I will not promise. Tell me the question and I will see." He said, "When you were in the hospital tell me the day it was that you gave me a message to deliver."

120. What you did then was this: you gave him a complete account of all that occurred on the day referred to?—Yes.

121. And described minutely everything that had happened?—Yes.

122. And he agreed that your account was a correct one?—Yes, he said, "Quite correct."

123. You believed that he was attempting to test your memory of events?—Yes; I told him so at that time.

124. Then you persisted in your refusal to answer further questions?—Yes.

125. Then you were left for some time?—No. Dr. Galligan went out. I went to follow him. Constable Kelly was still in the passage. When I got about half-way down Constable Kelly said, "Wait a minute." I said, "Cannot I go?" He said, "No"; and we returned to the same room that I had come out of, and we sat in the same position. I asked Constable Kelly why I could not go, and he said, "We want you a little longer." I said, "Why?" He was mute for a second. So I told him that I considered the two doctors were there for the express purpose of committing me to Avondale. He said, "Nonsense." I said, "It is of no use telling a lie. I thoroughly understand your position." He said, "Let us hope for the best. The two doctors will meet and we will await their report, and as soon as we get it you can go."

126. Later on you were called into another room?—I was called from there later on. While I was there Sergeant Wohlmann and a carpenter had a barney over a book-case, about putting the moulding round. Later on I was taken into the front office again, and Sergeant Wohlmann and the two doctors came in. I was taken from the front building to the rear building, and shortly after Sergeant Wohlmann and Drs. Craig and Galligan went into the other room, and as they went in they pulled the door after them, but the door did not quite close, and I heard something to this effect: "We will send him there. He cannot possibly stand any more after what he has gone through. The shock will fix it." The door then was closed by one of them. It was only a few minutes and I was called in, and then they told me they would send me to a sanatorium for a month's complete rest and quietness; instead of my taking the money myself and going for a holiday at my expense they would give me a holiday at the Government expense, and they would look after my wife and children while I was away for the month. Needless to say I would not believe it.

127. You refused to believe it?—Yes, and I should also say that I had a good cry. I saw the game was "goosed." To be in that position was worse than standing at the graveside and burying all your family. That is how I felt.

128. You felt that it meant ruin for the whole family?—Yes.

129. What happened after the doctors left?—After the doctors went Sergeant Wohlmann was busy writing. I asked him if I could go. He said "No." I said, "What about sending for the wife and children?" I had asked Constable Kelly before this to send for the wife so as to block the little game, and I had also asked the other constable and the sergeant, but no. I asked the sergeant again. I waited for a little while, and had a bit of a cry first. I might have been a quarter of an hour crying. At any rate, I pulled myself together again and reviewed my position. Sergeant Wohlmann was writing the whole time, and I asked him if he would get me something to eat.

130. After the doctors left Sergeant Wohlmann did some writing?—Yes.

131. And then he left you alone?—He only left me alone for a few seconds to go into the other room.

132. You picked up off the table something he had been writing on?—Yes. While he went out and spoke to a constable to tell him to get me something to eat I stepped up to the table and picked up the application form for my committal, and turned over the leaf on the first side. There is a blank space to be filled in. That was filled in. I read what was there, and had just finished when Sergeant Wohlmann came back.

133. Can you tell the Committee from memory what was on that?—Yes. I will not say now that it exactly followed the way I am saying it to you, but this is what was on it: Epileptic; easily given to tears; talks about being hypnotized; and has already attempted his wife's life.

134. At that point the sergeant returned?—Yes, and I asked him what he wanted to trump up such lies for. I said, "If you have anything against me give me a trial." I told him he was sending me to the Avondale Asylum, and he asked what right had I to read it.

135. Is that the form of the document you saw [produced]?—Yes. [Reception-order produced to witness.]

136. Would you say this is what you read. "Emotional, excitable, gives readily to tears, melancholy, talks of being hypnotized by his stepfather, admits attempting his wife's life with a revolver about last Easter, proposed giving up employment to-day and wandering away"?—No, that was not on it—the last part was not on it.

137. Do you remember reading the remainder?—What I read was not exactly like that. There was nothing about wandering away.

138. The sergeant returned and saw you put it back on the table, and asked you if you had read it?—Yes. I told him what was on it, that I had read it, and that it was all false.

139. He told you you had no right to read it?—Yes. I said I had a perfect right when he left it there, and that I wish I had torn it up.

140. You pleaded with him?—I asked him half a dozen times to give me a trial.

141. You meant a trial in Court?—I said, "If you have anything against me give me a trial, but don't send me there."

142. Were you present when he rang up the two Justices?—Yes. Before he rang up the Justices he asked my family's names. First I declined to give them, and then I thought if I declined he might put it down to madness. I gave all the names. After that he asked me if I had any money on me, and I said "Yes." I told him of my belongings. He asked me if I would like to take them with me or send them home. I said I would like to give them to my wife myself, and he said, "You may not see her." He asked me to sign an order to give them over, and I signed three papers on top of one another. The matter was rushed. I could not then read what was on the papers. One was supposed to be for my money from the mine, the other was supposed to be for the money from the inquest on Evans, and the third one was for handing over the money I had on me. I think I had about £2 8s.

143. You heard the sergeant ring up?—Yes, he rang up the Justices at three minutes to 5. I noticed the time by the clock on the mantelpiece.

144. Did you hear what he said over the telephone?—Yes. He rang up the J.P. asking if he could call round, but the man must have said he could not get round. I asked him if he would send for Mr. Toy. I said, "He will stop your little game." He rang up for Toy and also for Moore, and told them he would like to see them there before half past 5. It was only to sign a paper before the train went away, and that it would do providing they were there before or at 5.15. Moore arrived at 5 o'clock and Toy arrived at twelve minutes past 5. I did not speak to Moore, and I waited for Toy till he had glanced through the paper. I could see he was reading the paper, and when he had finished I said, "Toy, it is all false. If you have got anything against me give me a trial, but do not send me there." Sergeant Wohlmann turned round in his chair and said to Toy, "Sign it, Toy; everything is in order—the doctors have been here and have already seen his wife." I then pleaded again with Toy. I said, "Give me a trial if you have anything against me, after all you have said to me before to-day." We had had many conversations. He spoke to me on many occasions about getting me into jobs, and that is why I asked for Toy to be sent for. Toy's words to me were to this effect: "Johnston, you will thank us for what we are doing." I said, "I know where I am going, to the Avondale Asylum. Don't send me there—I will never thank any one for sending me there, and do not send me there, but give me a trial." He signed it, and I shed a few more tears then.

145. You felt broken up?—Yes, the game was up. They brought me in a bit of lunch, and then hurried me away to the train.

146. You saw your wife?—Yes, on the way to the station we passed the wife. I said to Detective Sweeney in the cab, "There is the wife." He was sitting opposite to me in the cab, and when I saw the wife through the window of the cab I jumped up, and he put his hand on me immediately, so I sat down. I said, "Pull up the cab," and he said "No"; and I said, "More trouble for the poor girl."

147. Was there any room in the cab for your wife?—Yes, any amount of room.

148. How far were you off the station?—We were about 200 yards from the station. He said he would get Paddy the cabman to go back, and I said to him that the less the wife walks the better, because she is in delicate health. We arrived at the station, and my wife appeared shortly after. We went into the carriage, and when the wife appeared I was watching, and I told her to come into the carriage. We started talking, but I was not the man to turn round then and tell my wife where I was going, so I did my best to cheer her up.

149. *Mr. Payne.*] How long were you at the station before the train started after that?—A full ten minutes. We left the police-station just a minute or two before the half-hour.

150. What time did the train start?—Five or ten minutes past 6. We were there a good while, because the carriage was empty when we first went into it.

151. *Mr. Robertson.*] The police-station is some distance from the railway-station?—Yes.

152. How long would it take to drive there?—About a quarter of an hour, because they drive slowly.

153. What distance would the wife be living away from the station?—The wife would have farther to walk than she would have from the police-station.

154. How long after you passed her in the cab?—A few hundred yards. Mrs. Johnston brought down my pyjamas, collar, and shirt, and one or two other things. I told her I would not need them where I was going, and she said, "Nonsense, you are going to a sanatorium." She said, "You must look nice, but if you are not dressed well and look after yourself as well as others you will be snubbed, and you know as well as I do dress is everything in this world." I said, "If it pleases you I will take them, but I do not require them." She said she would send my suit down. She said, "I did not know till 5 o'clock that you were going—at 4 o'clock or about that two doctors came and told me that you had had dinner up town and that you were going to a sanatorium for a month's complete rest."

155. *Mr. Payne.*] Had you any meal at all?—No, not since the morning. I said to her, "How long were they there?" and she said, "Only a few minutes." She said, "A constable came up about 5 o'clock and told me that you would like to see me on the train, and to meet you there." She said, "I thought it was very funny going on, Harry, because you have not done anything like that before." She said, "Where did they tell you you was going?" and I said,

"To a sanatorium"; and when I pressed the matter they said I was going to a sanatorium near an asylum. I told the wife that I thought it was an asylum, and they said it was not, but it was a sanatorium adjoining. I knew she would ferret things out for herself afterwards.

156. *Mr. Robertson.*] You escaped later on, about the 4th January, and made your way back to Waihi?—Yes.

157. You arrived at Waihi about 2 o'clock in the morning?—At about half past 11 at night.

158. Then you hid between the ceiling and the roof of your house for how long?—Until we got a reply from Mr. Massey. Dr. Beattie saw Mr. Landon, and Mr. Landon wrote and said that Dr. Beattie said if I liked to meet Dr. Beattie any day in Landon's office he would grant me twenty-eight days' probation.

159. For how long would you be in the roof of your house?—About seven weeks. I never came out from there, and the police were searching the house for me without producing a warrant.

160. After that you got a letter from your solicitors asking you to give yourself up into custody, and you went to Auckland?—Yes.

161. You got twenty-eight days' probation, and before the twenty-eight days had expired you visited three doctors separately, the certificates from whom have been put in?—Yes.

162. To the effect that you were mentally sound?—Yes.

163. *Mr. Isitt.*] What distance is your home from the police-station?—It would be between a mile and a mile and a quarter.

164. What time do you say you were at the police-station that morning?—About a quarter past 11.

165. What time do you say the medical examination took place—when you finished up with the second doctor?—Somewhere about 4 o'clock.

166. When did the first doctor examine you?—Somewhere about 2 o'clock. Dr. Craig arrived at 2 o'clock and the other doctor arrived somewhere about 3 o'clock.

167. Did you tell Sergeant Cooney anything about hypnotic influence?—No.

168. Did you tell him anything about epilepsy?—No.

169. *Dr. Hugh Gribben* (Deputy Superintendent, Mental Hospitals).] With reference to these attacks that you had, would you describe them to me as well as you can. First of all, with what frequency did you have those bilious attacks?—I have no bilious attacks now. I have not vomited bile for a space of about twelve months.

170. When you were in the habit of having these attacks, did they occur frequently or seldom?—When I was a boy I would have them at the space of a week if I ate fat.

171. And did they increase or diminish or alter as you grew older?—They diminished all along.

172. Could you tell that certain articles of diet would affect it?—If I was to eat a lot of fat I would naturally be bilious.

173. That was always the case even when you grew up to manhood?—Yes, if I was to eat a lot of fat.

174. Did these attacks occur at any particular part of the day?—No, it just depended on what I had eaten.

175. How long did the attacks last, from the time you first felt yourself a little out of sorts until the time you were back to your ordinary condition again?—They would only last for the space of about an hour or an hour and a half. Perhaps longer at other times; it might be according to the food.

176. You would say the attacks would last from an hour to two hours?—Yes, from an hour and a half to two hours.

177. You do not remember any attacks that got better in under an hour and a half—you did not have frequently a passing sickness for two or three minutes and right again?—Oh, no. By the way you are putting these questions, I do not know what you mean by "passing sickness."

178. I mean, indisposition of any sort?—No, I have always been in what you call good health. If I was to rush over breakfast or dinner and not chew my food properly I would have a bilious attack.

179. Will you tell me how the attack came on: first of all you felt, what?—A little swimming of the eye—not exactly swimming, but just as though the eye glared a little. It occurred to the right eye more frequently than the other.

180. A glare before both eyes, sometimes more marked in front of the right?—And also a pain in the forehead.

181. A pain more frequently over the right eye?—Yes, not a pain, but a headache.

182. Was it a constant or jumping headache or any particular character, or an ordinary headache?—I have only had one sort of headache.

183. Is it a throbbing pain?—No, not like toothache—a steady headache. That would increase until I would feel sick. It was just exactly similar to sea-sickness.

184. That increased till you vomited?—Yes, until I put my fingers down my throat and made myself vomit.

185. Did that vomiting correct your condition?—Yes, I immediately got right.

186. Did you ever see any lights in front of your eyes—flashes, with headache, and so on?—No. If I had a bilious attack come on I would not be able to see Mr. Payne at the end of this table.

187. For how long?—I suppose it would last for about half an hour, and then as soon as the headache came that would go away.

188. Did you know what was going on during the time of these attacks?—Yes.

189. Quite certain?—Yes.

190. You did not lose account of anything?—No; I could always converse and know what was going on.

191. Have you ever fainted?—No. I have always kept on at my work till I put my fingers down my throat and forced the vomit up.

192. You have never left work through it?—No, never once.

193. Were there any other symptoms you have known?—No, nothing else.

194. *Hon. Mr. Fisher.*] Were you not in the Auckland Hospital once?—Yes, once.

195. What for?—I might say that I stole some apples with a lot of other fellows working there. We ate the apples, and I had also strained myself. I was working long hours, and I was levelling up on concrete pillars, and in lifting up the frame I got a twitch on the left side. I then went on with my work, but two hours after that I felt a tightening round the loins towards the front, just as if you put a rope round and screwed it up. When I felt it coming on and as it tightened up I could not speak with the pain. I beckoned to the boss and he came up, and said, "Johnston, you are looking bad—you have cramps." By that time I got my breath again. Then I got another twitch, and then as soon as the pain stopped I swore, and I swore for two hours like that. There were half a dozen fellows there, and they said, "Don't swear because you may die any minute." I said, "Yes, if I die I will go to hell, and no man has ever fought so hard for his wife and children as I have done." I then went up on to the hill out of the water, and they brought me some brandy and hot water, and I asked for more after drinking it. They then got me a flask of whisky, and I drank the whole bottle, which stopped the pain. I had never had whisky before. They brought a stretcher, but I said I would walk. The pains then came on again, and I said that if they came on any severer I could not stand them much longer—I was getting weak. I told them not to speak to me, because if I did not have a sleep I would never pull through, and I could always sleep at a moment's notice. They took me into a house and put me on a double bed in a room. A nurse appeared shortly afterwards, and I was left alone most of the time, but I heard every movement in the house. The nurse came and looked at me and laid her hand on my heart, and she said, "He's dead." Just then the doctor came in and she said, "Hope is all gone, doctor, he is dead." The doctor looked at me, felt my pulse, laid his hand on my heart, and then he felt my chest and stomach. He then went to the telephone and rang up the hospital and said, "I will be sending Johnston along in an ambulance shortly." He said, "I do not know exactly what is the matter with him, but he is either poisoned or in an epileptic fit." I may tell you, gentlemen, that I left the hospital again on my own responsibility. When I was in bed I got better and stronger, and I asked one of the people there to drive me home, but they would not send for the cab. At the head of the bed I saw the board and saw what was on it, and I said to my wife, "If you want me to live get me out of this hospital, or if not I will die."

196. What was on the board?—"Bromide, light food" or "diet." That was sufficient for me. I asked for more food. I said to the nurses, "If you want me to get out of this give me more food and I will be all right."

197. What did the board say was the nature of your complaint?—I did not read it. "Bromide" was one word.

198. How long were you in the hospital?—About three days. I had a row with the nurses and doctors before I could get out, and I went out on my own responsibility. By the look of the nurses there I thought that they found out what was telephoned through, that I had either been poisoned or had had a fit, but I was rather inclined to think by the manner in which they treated my wife that they thought she had poisoned me. I never saw a woman treated more like a dog than my wife when she came to see me. When I got home I sent for Dr. Kinder, who sent me there. I never paid him, and do not intend to. As soon as he came to the house I said to him, "What did you diagnose that I was suffering from at the hospital—as having had a fit?" I told him about the strain, and how I had worked long hours in water, and spoke in regard to the abdominal cramp. He put a lot of questions to me about my father, and he certified to that effect. He asked me if I had ever had an epileptic fit or if my father had, and he said, "I am a firm believer that you have never had an epileptic fit and won't have an epileptic fit." He said what was wrong with me then was abdominal cramp. The insurance company in Auckland can produce the papers to show that he certified I had abdominal cramp.

199. How long were you in the hospital?—From memory, about three days.

200. Are you certain about it?—It may have been four days.

201. Were you conscious during the whole time?—Yes, except when I went to sleep.

202. How long ago is it?—It was before we went up to Kumeu.

203. Were you examined for life insurance?—Yes, twice.

204. And passed?—Yes. I was accepted at first rates and examined by two different doctors in the space of thirty days.

205. Did you take out a policy?—Yes, one for £300 and another for £250. The first doctor that examined me was Dr. Gore Gillon for a £250 policy. I had to get examined on account of a land transaction and get insured, and I handed the policy over as part security. Then I took out another insurance policy for Mrs. Johnston on my life, which I gave to her as a present. Both policies were taken out in the Government Life Department, and they were both at the cheapest rates with the bonuses forfeited. The Department wrote me to go up to Helensville to see Dr. Meinhold for the second.

206. Both those policies were taken out?—Yes.

207. Did you keep the policies running?—I have kept my own of £300 running.

208. What happened to the other one?—I do not know.

209. Are you not keeping the payments up?—Buchanan, who was in the land transaction, had to.

210. *Mr. Isitt.*] Have you got steady work?—Yes, steady work at 9s. 6d. a day in the Waihi Mine.

211. Is that likely to be continued?—Yes, but no chance in a contract to earn more.

FRIDAY, 3RD OCTOBER, 1913.

THOMAS HENRY JOHNSTON further examined on oath. (No. 5.)

1. *Hon. Mr. Fisher.*] When the Committee concluded yesterday I was examining you about your admission to the Auckland Hospital, and we had a statement from you about it I think you said you had been three or four days in the hospital?—Yes.

2. What were you treated for?—At that time Dr. Kinder, I believe, rang up and told them that the muscles of the chest were contracted, and that I had either been poisoned or else had had an epileptic fit.

3. You heard him say that?—Yes, through the telephone.

4. Did anybody in the hospital ever say anything to you about epilepsy?—Nobody.

5. Were you conscious the whole time in the hospital except when asleep?—Yes.

6. You knew all the food you were getting?—Yes.

7. You complained of the treatment of your wife at the time you were in the hospital?—Yes.

8. In what respect?—The way they looked at her.

9. You might give the Committee some better idea than that?—They did not speak to her roughly, but there was a difference in the way in which my wife was treated when she came in as compared with others in the same ward. Mrs. Johnston had a great difficulty in seeing me in the first place.

10. Did they attempt to stop her seeing you?—Yes.

11. Who attempted to stop her?—She told me that the people you see as you go into the hospital—both the doctors and the nurses.

12. What did you think was the reason of that?—I think the reason of it was because Dr. Kinder had telephoned. That is why I mentioned having stolen the fruit.

13. Have you ever suffered at all from loss of consciousness?—No, never at any time.

14. Except when under an anæsthetic?—Yes.

15. Have you ever lost your speech?—No, never.

16. Have you never told any one that you had lost your speech?—No.

17. Is there anything the matter with any of your children in that respect?—There are none of my children who have lost their speech at any time, but my second boy is broken-winded, but that is only since we sent him to school and he got knocked about. He is a very nervous boy—a nervous disposition like myself.

18. I am going to read to you a telegram from the Superintendent of the Auckland Hospital, and you can contradict it if you like. It states, "Patient Thomas Johnston in Auckland Hospital three days, 13th, 14th, and 15th April, 1911. Had history of epileptic convulsions." Where did the hospital doctor get that from—did you tell him?—No.

19. You did not have an epileptic fit?—No.

20. Mrs. Johnston does not know of your having an epileptic fit?—Mrs. Johnston knows that I never even fainted in my life.

21. Where do you think the doctor got that from?—The only way he could have got it was from what I told him about my father's health when he asked me. I told him my father was an invalid, and I described it as I did to you yesterday. I might say he used very nearly the same words as Sergeant Wohlmann did after the two doctors left—that is, epilepsy.

22. Then, listen to what the doctor says further: "No fits in hospital; seemed rather dull mentally. Gave a history of having been deaf and dumb for seven months seven years before." Is that so?—No.

23. Do you suggest the doctor has invented that statement?—I do not suggest he invented it at all, but I suggest that the doctor who was there was only a mere lad—a student. It was well known by the nurses and by the patients in the beds adjoining. I told that doctor that I put together a work when I was lying ill in bed—not only a novel, but also another book—and was offered £2 10s. per thousand in Melbourne; and I told him that I had a huskiness in my voice.

24. The telegraphed statement also says, "Gave a history of having been deaf and dumb for seven months seven years before admission, and had been attended by fifteen different doctors in Australia with no improvement." Did you ever tell him that?—I did not tell him of fifteen doctors.

25. How many did you tell him of?—Five.

26. What did the five doctors treat you for?—Well, every doctor treated me for something different.

27. What did you go to the five doctors for?—Because I was not satisfied with any of them.

28. What was the nature of your complaint?—I considered it was a severe cold and weakness.

29. Was it loss of speech?—No, it was not; it was huskiness of the voice and being run down in the system.

30. And you went to five doctors for the same trouble?—Yes.

31. And none could cure you?—Each of them gave me a bottle of medicine but I would not take it. I would take two or three doses, but I considered it would not do me any good. It was similar to Dr. Craig's medicine—I have it at home. I wrote to a Sydney doctor, filling in a form, and my brother-in-law paid, and what I got from the doctor cured me within a week.

32. What did you put in the form?—What I told you yesterday about my father and grand-father and my mother.

33. Do you know what your father died of?—No. I was eight years of age at the time and do not know. I could describe to you the way my father died.

34. What was the nature of the death?—My father went dead at the toes first, and at the fingers, and no matter how they were rubbed they could not keep life in him. It crept right

up and closed in at the hips and at the shoulders; but my father had his mental faculties right up to the last minutes before his death, and as soon as his mental faculties went his breath stopped.

*Mr. Robertson* objected to this line of cross-examination.

*The Chairman* ruled that the Minister was in order in going into past history.

*Resolved*, That the Speaker's opinion be obtained in regard to the Chairman's ruling.

WEDNESDAY, 8TH OCTOBER, 1913.

*The Chairman*: According to the resolution passed by this Committee at its last meeting I reported to the Speaker of the House for his ruling, and he upheld my ruling as to the relevance of certain questions.

*Mr. Robertson*: I would like just formally to put this letter in which I have here. As a result of Johnston's statement the other day about having been examined for life insurance, I asked the Chairman to apply to the Government Insurance Department for a copy of any certificate in their possession as to Johnston's health, and this is the reply:—

"Government Insurance Department, Head Office, Wellington, 7th October, 1913.

"SIR,—

"Petition of T. H. Johnston.

"I am this moment in receipt of your letter of the 7th October relative to the above petition, and requesting a copy of the certificate supplied to this Department by Dr. Gore-Gillon in connection with his examination of the above petitioner on 20th July, 1911. In reply thereto I beg to advise you that no certificate in the ordinary acceptation of the term was supplied by Dr. Gore-Gillon on that occasion. He made the ordinary investigation into applicant's family and personal history, and also examined him physically. There was nothing in the papers reflecting in any way adversely upon Mr. Johnston, and in the summing-up the doctor reported that Mr. Johnston's constitution and health were satisfactory, and recommended his acceptance at first-class rates. He was accepted, and a policy issued accordingly. I may state that medical reports of this kind are regarded by the Department, and all other life insurance institutions, as of a most confidential character. I understand, however, that the information is desired in the interests of Johnston's petition, and that Dr. Gore-Gillon, having been applied to on the subject, has asked that the matter may be referred to this Department.

"I am, &c.,

"W. B. HUDSON, Deputy Commissioner.

"The Chairman, Public Petitions A to L Committee, House of Representatives."

THOMAS HENRY JOHNSTON further examined on oath. (No. 6.)

1. *Hon. Mr. Fisher.*] When we finished up the other day I think you had just told us about the manner of your father's death. You said you remember it when you were quite a child—you were about eight years old, I think?—Yes, I was eight years of age.

2. Do you remember what he died of?—Considering my age at the time, that is a question which I would not be able to answer in a thorough manner.

3. When you were examined by Dr. Craig and Dr. Galligan in Waihi, did you give them any information at all about your family history?—I have already stated that I gave certain information about my family history.

4. What was the nature of the information which you gave at the time?—That my grandfather, Nelson, as far as I know, is still alive, and if he is still alive he will now be 108 or 109 years of age. That is my mother's father. I also told him that my father's father and all the ancestors as far back as we could trace, also on my mother's side and my father's father's wife's side, all died between the age of sixty and seventy.

5. Did you tell either Dr. Craig or Dr. Galligan that there was any epilepsy in the family?—Certainly not.

6. Can you suggest any reason why they should have certified to that effect—both of them?—Yes, I can suggest a reason.

7. What is it?—Sergeant Wohlmann that day asked me about the time I went to the hospital in Auckland. He asked me what that illness was. I said it was abdominal cramp and also a heart-strain. Sergeant Wohlmann asked me who the doctor was, and I told him Dr. Kinder. He rang up on the telephone. Sergeant Wohlmann said that was epilepsy. I said, "Certainly it was not." I said I had never had epilepsy nor had any member of my family. That was the first of epilepsy that was ever mentioned in my case.

8. Was this conversation between Sergeant Wohlmann and yourself before the doctors examined you?—It was after the doctors first interviewed me.

9. Can you fix the precise time of that interview?—Yes. It was the second time the doctors came.

10. You suggest, then, that Drs. Craig and Galligan both certified to epilepsy on the suggestion of Sergeant Wohlmann?—Certainly.

11. How do you know that Sergeant Wohlmann mentioned epilepsy to the doctors?—I do not know that he did.

12. Then how do you think that the doctors both arrived at the same decision on the question of epilepsy?—Because Sergeant Wohlmann spoke to them privately outside the door.



13. Did he know that you had been in the Auckland Hospital?—I had said so.
14. You had told him before that?—I told him at that time that when I went to the Auckland Hospital I had abdominal cramp and a strain of the muscles of the heart.
15. Did you tell the story of your experience in the Auckland Hospital to Dr. Craig?—I did not.
16. Did you tell it to Dr. Galligan?—I did not.
17. They had never heard of it before then, presumably?—Not as far as I know.
18. And you did not tell it to Sergeant Wohlmann?—No, I did not.
19. When you were examined did you tell Dr. Craig or Dr. Galligan the details of the incident with your wife, about the shooting business?—I did not.
20. You swear that you told neither Dr. Craig nor Dr. Galligan?—Yes, I swear it.
21. Did you tell Sergeant Wohlmann?—I did not.
22. Did you tell anybody about the shooting?—Must I answer that?
- The Chairman:* You must answer the question.
23. *Hon. Mr. Fisher.*] I want to know if you told anybody else: whom did you tell?—If I answer that question—
24. It is not incriminating. It does not incriminate you in the slightest. I want to find out how this information got out?—As honourable gentlemen I will answer you, if it is not incriminating. I mentioned that in a private and confidential conversation with Sergeant Cooney, within closed doors.
25. Was that before the doctors examined you?—Certainly.
26. Do you suggest that the knowledge of the shooting incident came out through that sergeant, or because you spoke when you were unconscious in the hospital?—I suggest that all that came out after I had the chloroform in the hospital.
27. What makes you think that?—Because I can remember clearly when I came out of that chloroform. I came out of it, I suppose, for a second. I just remember that there were three women standing over, and one of them said, "He is coming to now." Then I remembered no more for a while. Preceding that and after that it was like one horrible nightmare.
28. You heard them discussing what you had said under chloroform?—I did not hear them discussing what I had said under chloroform. That was all I heard. It was only a couple of seconds, I suppose, that I became conscious. But I will tell you what I did hear in the hospital: I heard one of the nurses and a patient talking about the Melbourne Cup and something else which I had said in that dream.
29. You heard the nurse and another patient discussing that?—Yes. It was not then. It was a couple of days after, when I awoke in the morning.
30. You related the whole of the circumstances of the shooting business to Detective-Sergeant Cooney, did you not?—Yes.
31. Why did you tell him?—Being a man that never had a father since the age of eight; being a man who has studied his mother; who was always honourable right through; did all I could for the younger members of the family and right on, and also always did things as regards my own family in the manner which I considered to be right and the most honourable and faithful. And I consider also that I have not only been a father to my children, but I have also been a mother to them. On many other points also I spoke to Sergeant Cooney in a confidential manner, and wanted advice. It was only on that understanding that I spoke to Sergeant Cooney and that Sergeant Cooney spoke to me, and knowing also, as I mentioned once before here, that the police in Waihi and the arbitrationists mixed together and spoke to one another in such a sociable manner, as the miners in the mine at the present time do not do. I considered that Sergeant Cooney would be a suitable man with wordly experience to thoroughly advise me as to the course which I should pursue, and also as I had been notified that I would be the main witness in Barfoot's case. I would have declined to be a witness in Barfoot's case only that I wanted to get at the truth of the matter. Before I go any further I will tell you that about all the events in Waihi the truth has never come out, and probably will not come out. No one knows the information on all points in such a manner as I do. There has not been a more honourable man in Waihi than I myself. I fought that battle cleanly. I never did any mortal thing in Waihi that I was ashamed of.
32. I want to find out how this information became public. You told Sergeant Cooney the whole of the circumstances?—Yes.
33. You ultimately told Dr. Craig?—I did not tell Dr. Craig.
34. Did you tell Dr. Galligan?—I did not.
35. Did you tell Dr. Will?—No.
36. Did you tell the policeman who took you in the train?—No.
37. Did you ever make a statement to Dr. Craig, Dr. Galligan, Dr. Will, Dr. Beattie, or Dr. Kinder that you had epilepsy in your family?—I did not at any time tell any of those doctors that there was epilepsy in my family. I will take one of them. Dr. Beattie asked me the first Friday that I was in the Avondale Asylum whether there was any epilepsy in my family, and I said "No." Dr. Beattie also asked me if my father was an invalid, and I told him practically what Dr. J. P. Ryan, of Melbourne, said, as far as I could remember. The next question was, "Did you ever have a fit, Johnston?" I said "No." "Did you ever have any semblance of a fit?" I said "No." "Did you ever have a fit?" he asked. I said "No." I said, "I will tell you this"; and I told Dr. Craig, in Waihi, that when I have worked double shifts for a considerable length of time I have suddenly felt my strength going and have had to knock off work, feeling exceedingly weak. That was about the severest cross-examination I had on the epileptic point.

38. Were you ever asked a question as to whether there was epilepsy in your family or not when you visited those five doctors in Australia?—Yes. That is a question which, considering the length of time that has elapsed, I decline to answer.

39. Will you tell us what you wrote to the doctor in Sydney who supplied you with the medicine that ultimately cured you?—I cannot tell you.

40. What did you tell him you suffered from?—I could not tell you.

41. Do you know what you suffered from?—The number of questions which I had to answer on that occasion is too large for me to answer.

42. Can you not tell us whether it was heart-disease, or stomach trouble, or head trouble, or what it was?—It was not head trouble. My heart was the worst part of me, as it is at present.

43. Was that the same trouble upon which you consulted the five doctors?—Yes. But I want it to be quite plain that it was not heart-disease. I considered that my heart was weak, as I told Drs. Craig and Galligan.

44. Did you ever tell any one of these doctors that you had to sit up all night sometimes, because you found it impossible to sleep?—Certainly not.

45. You have never made that statement?—No.

46. Did you make it to Detective-Sergeant Cooney?—No. I made it to nobody.

47. The statement would not be true if it had been made?—It would not be true.

48. *The Chairman.*] Why did you decline to answer Mr. Fisher's question just now?—Because the time is so long.

49. Do you remember, or do you not remember?—I do not remember at all.

50. Has anybody advised you not to answer that question?—Certainly not.

51. *Mr. Robertson.*] When you were committed to Avondale your weight was taken?—Yes.

52. What was your condition as indicated by your weight at the time of committal?—11 stone 7 lb.

53. Later on, after your escape and having been in hiding for about seven weeks, you were examined by three medical men in Auckland, who gave certificates to the effect that there was no trace of insanity. What was your weight then?—9 stone 10½ lb.

54. So, if anything, your physical condition then was lower than it was at the time of your committal?—Certainly.

55. *Hon. Mr. Fisher.*] You said when you consulted the five doctors in Australia it was on account of heart trouble: is that right?—Yes.

56. I see that in your evidence given on Friday last you said this: "Q. What did the five doctors treat you for?—A. Well, every doctor treated me for something different. Q. What did you go to the five doctors for?—A. Because I was not satisfied with any of them. Q. What was the nature of your complaint?—A. I considered it was a severe cold and weakness." What was it—was it cold and weakness, or was it heart trouble?—The trouble that I considered it was I decline to answer.

57. *Mr. Robertson.*] There has been something said about your excitement in the witness-box when giving evidence—Sergeant Wohlmann said at the inquest, but you state that it occurred in Barfoot's case. Taking your statement that it was in Barfoot's case, do you remember the defending counsel, Lundon, putting a question to you in regard to these firearms?—Yes, he did.

58. It was in connection with that that you became excited?—Yes, that was the time.

59. He asked you, had you used firearms?—Yes, at any time.

60. You believed, when Lundon put the question, that he was aware of what you believed you had told under chloroform about the shooting at Kumeu?—Yes, I was quite convinced in my own mind that he was in possession of that information.

61. And that he was putting the question for the purpose of putting you in a difficult position as a witness?—Yes.

62. That was the reason for the confusion you showed in the witness-box at the time?—If I appeared to be confused or excited that would account for it.

63. That evidence was given on 12th December?—Thursday, 12th December.

64. The statement you had made to Sergeant Cooney was made prior to that, on the 2nd December?—Yes, it was made prior to that. I do not know the exact date.

65. In other words, the police were in possession of the knowledge that you thought Lundon was in possession of when he put the questions?—Yes.

66. Why, in your opinion, did they carry out this committal?—Because the other side were pressing for a charge against me. There were many other points. The other side were pressing for a charge to be brought against me, and I could not see that they could get any charge against me.

67. In other words, you were in this position: you believed that the other side—Lundon and the Federation of Labour—were in a position to press the police to have you prosecuted for attempted murder?—Certainly, and would do all in their power to have the charge pressed.

68. And you believe that as a way out of the difficulty the police decided to commit you?—Yes, and also to make it appear to the public of New Zealand that they did not take sides in putting down the strike at Waihi. There were various other points.

69. *Mr. Dickson.*] Are you aware now that Mr. Lundon did not know anything about this shooting business when he asked you that question?—No, I am not aware of it now.

70. Did Mr. Lundon not tell you, since that date, that he did not know anything about it at the time?—No.

71. Did he not tell you that it was just a chance shot?—No. Mr. Lundon and I never conversed on that subject.

72. When you arrived in Auckland after you gave yourself up, who met you?—Dr. Beattie.

73. Where did Dr. Beattie take you to?—To Mr. Lundon's office, as prearranged by letter after I had written to Mr. Massey. Dr. Beattie interviewed Mr. Lundon. Mr. Lundon wrote to my wife telling her that if at any time her husband came forward and liked to meet Dr. Beattie in Mr. Lundon's office he would grant me the full limit which the law allowed. I, knowing the law, came forward so as to be examined.

74. What was the limit allowed by the law?—Twenty-eight days.

75. In the second letter that Mr. Lundon wrote to your wife did he state that he had arranged with Dr. Beattie to get you discharged as sane if you came along to his office?—Certainly not.

76. I mean the second letter—not the first letter to Mrs. Johnston?—Mr. Lundon wrote many letters to Mrs. Johnston.

77. I am speaking of the letter that you received after he had seen Dr. Beattie—after the first interview he had with Dr. Beattie?—Speaking from memory, I do not think Mr. Lundon wrote to Mrs. Johnston after that letter.

78. Did you have any communication from Dr. Beattie forwarded on by Mr. Lundon to you or Mrs. Johnston?—No.

79. Mr. Lundon forwarded you certain statements that Dr. Beattie made, or wrote to you in regard to conversation and arrangements he had made with Dr. Beattie?—I wish to state that that was a very short letter, and there was nothing stated in it about any statement which Dr. Beattie had made to Mr. Lundon. It ran like this: "I have interviewed Dr. Beattie in my office to-day. Dr. Beattie told me that if your husband likes to come forward at any time and meet him in my office he will grant you twenty-eight days' probation." That is as nearly as I can remember that letter.

80. Did Dr. Beattie examine you when he took you to Mr. Lundon's office that day when you arrived?—Certainly.

81. What did he say then? Did he say you were sane or insane, or did he state he was going to keep his promise to Mr. Lundon?—I decline to answer that question, but I will say this: Dr. Beattie said I was perfectly sane, and in a public place Dr. Beattie also said, "Fancy this man ever having been committed to a lunatic asylum!"

82. Did Dr. Beattie mention his confidential report, then, in your presence in Mr. Lundon's office—the confidential report that he made out when you arrived in Avondale?—No; I never knew that Dr. Beattie had made out a confidential report of any description.

83. *The Chairman.*] What induced you to petition the Government: were you advised to do so?—I was advised by nobody.

84. *Mr. Webb.*] You stated that the whole truth was never told concerning the doings at the Waihi strike and as to whether the police took sides or not, and probably it never would be told?—Yes.

85. Do you think that your being taken to the asylum had anything to do with your having such a knowledge of the whole position? Do you think that had anything to do with your arrest?—I am firmly of the belief that that is one of the many points.

#### Dr. GEORGE CRAIG sworn and examined. (No. 7.)

1. *The Chairman.*] You are a medical practitioner, practising in Waihi?—Yes.

2. *Hon. Mr. Fisher.*] You are one of the doctors who signed the committal certificate in Johnson's case?—Yes.

3. Would you tell the Committee the whole transaction as you know it from beginning to end?—Yes. I was called to the police-station on the day the certificate was signed to examine Johnston with regard to his mental condition. I did so. I examined him, and I formed the opinion that he was mentally defective within the meaning of the Act and a person to be taken care of. I had attended Johnston previously—about three weeks, as nearly as I can remember, prior to his committal to the asylum; and from the symptoms he described I thought then that he was actually suffering from a nervous breakdown, and I treated him accordingly. I suppose I had not seen him for some little time before I saw him at the police-station, and did not know how he was getting on.

4. Will you tell us what you were treating Johnston for for the three weeks prior to signing the certificate?—For nervous breakdown and what I considered to be the minor form of epilepsy—*petit mal*.

5. What form did the *petit mal* take?—It took the form of mental aberration—forgetfulness and losing himself. His description to me, as far as I can remember, was that he would absolutely lose all recollection of where he was, and after a short interval would recover himself and recover his train of thought, and go on. These attacks occurred at varying intervals—not every day, but there was nothing to govern the frequency of the attacks.

6. You have been in charge of a mental hospital, have you not?—I was Assistant Medical Officer at Seacliff and afterwards at Avondale.

7. You know something about mental diseases—something about the brain?—Yes.

8. When you signed that certificate in which you stated that Johnston was subject to *petit mal*, did you write that from your own observation or from hearsay?—Absolutely from my own observation, on the data furnished by Johnston himself when he consulted me in my consulting-room.

9. Did the police ever suggest to you that that was the trouble?—No, never mentioned epilepsy to me.

10. Did Dr. Galligan ever have a conversation with you on the subject?—Only after the examination.

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

produce authorities to contradict that. A man may suffer from a minor form of epilepsy all his life. I can quote an instance. I dare say you have heard of lightning calculators. That is a minor form of epilepsy. The lightning calculator is, as a rule, epileptic. A man makes a rapid calculation and sums up four columns of figures at once—that is a minor form of epilepsy. He need not go on and have severe attacks. He may go on for a long time being a lightning calculator.

39. It is possible for *petit mal* to exist for a long time without developing into the major form?—Without developing into the grand form.

40. Dr. Beattie says that if he had had minor epilepsy in childhood the signs of it must be quite visible now: do you agree with that?—I would like to know what the visible signs of epilepsy are between the attacks.

41. You do not agree with that statement?—I cannot agree with it because I do not know what he means by it. What does he say the signs of epilepsy are? Does it leave its permanent imprint?

42. You do not agree with the statement?—No, except that a person suffering from the *petit mal* of epilepsy is usually a man of a high-strung nervous temperament, and you can often spot that in looking at a man, whether he is of a high-strung nervous temperament or not.

43. Is that form of minor epilepsy always dangerous?—Some minor forms of epilepsy are; in fact, with qualifications, you may say that any man with epileptic tendencies is dangerous, because you never know what form his epilepsy is going to take. You never know whether it will spread from one part of the brain to the other.

44. Did the police intimate to you that there was any necessity for you to make out a committal certificate to get Johnston out of the way?—No, certainly not.

45. Had you any object in getting Johnston out of the way?—No object, beyond the fear that he might do harm to himself and his wife and children.

46. You were a sympathizer with what were called the arbitrationists?—Yes.

47. It has been stated by Johnston that you subscribed £50 towards their funds: is that true?—No, I did not subscribe £50 towards their funds. I did subscribe, but I do not see why that concerns anybody at all.

48. It has been suggested that when the arbitrationists went to a meeting in the Miners' Hall you supplied some of them with whistles and told them that you would get there, meaning that if they blew the whistles you had a crowd outside and were prepared to rush the hall: is there any truth in that?—It is absolutely untrue; it is absolute imagination.

49. So far as this commitment is concerned you did it on observation and without any antecedent history at all?—I said that I attended him at the time and observed epilepsy. That is the only antecedent history I had.

50. Did you every try to get any antecedent history?—I got it then, at the time. I asked him about the shooting.

51. I am talking about family history?—Oh, no, I did not, beyond what he gave me himself. You do not put down a family history. You may mention it as a fact, but not as a fact indicating insanity. A man's father may be insane, but it does not necessarily follow that the son will be. Therefore you do not put it down as a fact absolutely indicating insanity; you must go on the data you have got, and not commit a man to an asylum on account of his family history. If I were treating the case the family history would be of more importance.

52. *Mr. Campbell.*] If a man is once an epileptic is it possible for him ever to recover?—Yes.

53. He can absolutely recover?—He can recover.

54. The same, I suppose, applies to *petit mal*—he can more easily recover?—No. I will tell you why. *Petit mal* is more often due to hereditary trouble, but the *grand mal* may be due to a distinct lesion of the brain. For instance, a man gets a blow on the head and gets a depressed fracture and develops epilepsy. By removing that depression the patient may recover: the cause of the irritation is removed.

55. You would be fairly positive that if a man had *petit mal* to-day, although it might not be positive to-morrow, still it would be there?—He would be liable to an attack.

56. There would be no possibility of its absolutely disappearing?—There is a possibility of its absolutely disappearing, but it is impossible to say whether it will or not.

57. You cannot really tell?—You cannot really tell.

58. When Johnston gave you the history of the shooting did you ask him about it or did he volunteer the information?—As far as I remember he had spoken to Sergeant Wohlmann about the shooting.

59. You heard of it from another source?—Yes, and he admitted it when I spoke to him about it.

60. *Mr. Brown.*] How long had you been attending him?—I think, about three weeks.

61. All your observations as to what his trouble was were confined to three weeks' knowledge of the case?—Confined to the time I was attending him and the time I saw him in the police-station.

62. How often during that time would you see him to discuss anything with him?—I want you to remember that at the time I was attending Johnston I was not attending him with a view to committing him to a mental hospital. I was attending him in the hope that he would pick up and recover his mental balance, which was just wavering. He was suffering from nervous breakdown, and we all know that a man who is suffering from nervous breakdown may at any time become insane. I was hoping that with treatment and rest he would get well, and really thought he had improved. I suppose I had not seen him for about a week till I saw him in the police-station.

63. Was his physical condition all right?—No; he was run down.

64. Was he going down in weight?—He seemed to be, and he was not sleeping.

65. You did not notice appreciably that his weight was going down?—I had seen very little of Johnston prior to that.

66. Had you formed any impression before you went to the police-station from your previous attendance on him that he was likely to become insane?—Yes, I had formed the impression from the fact that he was suffering from nervous breakdown, and any man suffering from nervous breakdown may become insane.

67. And you said he might recover?—He might recover.

68. What circumstances would lead him to recover?—Rest.

69. You attended him there and were watching him?—I advised rest and freedom from mental worry. I prescribed sedatives—bromides—in order to soothe his nervous system, and advised him to take good food and not to work too hard.

70. Did he mention his financial troubles?—Not at that time, as far as I remember.

71. You were then sent for in the ordinary way to certify?—I was sent for to certify because he was showing signs of mental aberration. The police sent for me.

72. If you had had no previous knowledge of his condition through having attended him privately would you have formed the conclusion that day that he was insane?—I would.

73. You had sufficient evidence before you that day?—Yes, sufficient to satisfy me that the man ought to be taken care of.

74. *Mr. Payne.*] When you first commenced to treat Johnston you were treating him for nervous breakdown and *petit mal* for three weeks?—Yes.

75. On the day you examined and committed him was he any worse from the *petit mal* point of view than you had observed previously?—No, I saw no signs of *petit mal*. But why lay such stress on the *petit mal*?

76. But you saw signs of *petit mal* the day you committed him?—I never saw *petit mal* at any time that I was seeing him. He had not an attack.

77. Not during the whole time?—Not during the whole time I was attending him.

78. Nor on the day you committed him?—He may have had an attack. I do not know whether he had or not.

79. You did not see any sign of *petit mal* at all on the day you committed him?—No; but he was not committed to the asylum on the ground of having *petit mal*. You seem to be running away with the idea that every man who stands still in the street for a minute ought to be committed to the asylum. I merely mention in my certificate that "he is subject to the *petit mal* of epilepsy, and informs me that under a year ago under great financial stress he made up his mind to kill his wife and children. He did shoot his wife through the right arm as she lay asleep, but made no second attempt."

80. He was suffering from nervous breakdown when you first commenced to treat him?—Yes.

81. What were his signs of insanity the day you committed him?—It is stated in the certificate: "Emotional and excitable. States that he has been hypnotized by his stepfather, and that since then he has been a different man."

82. What you committed him on, then, was his personal statement, was it?—His personal statement and my own observation that he was emotional and excitable, and the statement that he shot his wife.

83. On the day you examined him, then, he was simply emotional and excitable?—Yes.

84. Nothing further than that?—Oh, yes. There is the statement of his wife confirming the statement that he had shot her. From the fact of his being emotional and excitable plus the fact that he had previously attempted murder, I felt that I would not be justified in letting that man loose on the community.

85. Was he emotional and excitable when you first started to treat him?—Yes.

86. He was a dangerous man then?—I would not say that every emotional and excitable man is dangerous.

87. But why did you come to the conclusion that he was a dangerous man when you committed him?—Because he admitted shooting his wife.

88. The first time you got that knowledge was in the police-station?—Yes.

89. It has been suggested that he talked about shooting his wife when he was under chloroform. You had not any knowledge whatever of his shooting his wife before you examined him in the police-station?—I do not think so.

90. During the period you were treating him you had no knowledge whatever of that fact?—I do not think I had. I had none that I can remember.

91. All that you committed him to the asylum on, then, was that he was emotional and excitable: the only facts observed by you were those?—When a man states that he has been hypnotized by his stepfather—

92. But you are supposed to find on the facts observed by yourself?—The facts observed by myself included the fact that he stated that he had been hypnotized by his stepfather. He might have stated that he was a tea-kettle or a poached egg. They would all be facts observed by myself.

93. You take each statement made as a fact observed?—I do take it as a fact observed by myself.

94. He has put a different construction on the word "hypnotized": he merely meant that his stepfather had influence over him. Did he convey that impression to you?—Yes, the impression that his stepfather had some serious power over him.

95. If I said that I had been hypnotized would you regard that as a fact observed by yourself?—If it concerned me at all I would feel justified in investigating your mental condition a

little further. You might state that you had been hypnotized, and it might be perfectly true; but if you came to me in a state of great excitement and were trembling, and so on, and told me excitedly that you had been hypnotized by somebody, and that you had not been the same man since, I should begin to ask a few questions, I think. I should want to know whether you had not been taking enough water with your daily allowance, and so on. I would like to find something else probably, and if I found enough to justify me I would consider these facts observed by myself, and would commit you.

96. He was simply excitable and told you about hypnotism, and on this you committed him?—No. I committed him because he was emotional and excitable, and because he stated he had been hypnotized by his stepfather plus the statement that he had attempted, under a previous emotional and excitable strain, to shoot his wife.

97. At no time did you notice, from your own observation, any sign of *petit mal*?—I would not put that statement down, because that conveys a wrong impression. You may pass a man in the street—you may be sitting down to dinner with people any day and they may be epileptic, and you will not see them have *petit mal* or any other form of epilepsy. Because I do not see any sign it does not say it is not there.

98. What I want to get at is that you yourself did not see *petit mal*?—I did not see him have an attack of *petit mal*.

99. Up to the time of the committal?—Up to the time of the committal or afterwards: I never saw it.

100. *Mr. Robertson.*] You said that you knew nothing whatever about the alleged attempt on the part of Johnston to shoot his wife until the 14th December—the day you committed him?—Yes.

101. If Sergeant Wohlmann states on oath that you communicated to him a statement to the effect that Johnston had made a statement of that nature to him, would that be true?—I do not know. Perhaps my memory wants refreshing. I have not looked into this matter. It is possible that I have been confusing it.

102. I will read you what Sergeant Wohlmann said: “Q. The contents of that statement, dealing with certain incidents in Johnston’s past, were known to you prior to your making that statement?—A. No, not in detail. I only knew that Dr. Craig, who was his private medical adviser, told me that in his opinion the man was of unsound mind. Johnston had consulted him privately, and he thought we ought to keep an eye on Johnston. He did not think he was safe to be at large.” Then, further on: “Q. The first time the police knew of Johnston’s attempt to shoot his wife was from his own statement on 2nd December?—A. That was the first detailed information, but, as I said, I had a hint from Dr. Craig that the man had made extraordinary statements to him, and from his observation as a medical man he had come to the conclusion that Johnston should be committed to an asylum.” That is what Sergeant Wohlmann said?—Something comes back to me now—what led up to Johnston coming to me. I had forgotten that. There is no reason for concealing it; in fact, it has a very important bearing on the case, and if you will allow me I will explain it. There is absolutely no need for concealment in anything. I am quite willing to stand or fall by my certificate. There is a matter that had slipped my memory, and I think the Committee ought to know it. Detective Cooney came to me some time prior to Johnston telling me. He did not mention anybody, but he put the case in front of me. He said, “A man has come to me and told me that he shot his wife.” Now, that was what led up to Johnston coming to me. Detective Cooney said that he did not know what to do about it, but he had advised this man to come to me for treatment, because he seemed run down; and Johnston did come to me, but I never mentioned that to Johnston. I never tried to get the fact of his shooting his wife from him. I never mentioned that. I remember that now.

103. The first time that Johnston came under the care of yourself as a medical man was subsequent to Cooney’s telling you?—Yes, subsequent to that—probably very shortly afterwards.

104. Detective-Sergeant Cooney, as a matter of fact, in his statement states that he rang you up about this man and told you he was sending him round to you?—He rang me up. I advised him to get the man to come to me.

105. He says, “I thought his nerves were somewhat 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 Johnston was coming to see him. I subsequently saw Dr. Craig, who considers he is an epileptic, which is a dangerous form of lunacy”?—Yes, I remember that now.

106. Johnston did not come under your care till some time subsequent to the 2nd December?—Yes, some time subsequent. I think I saw him about twice or three times altogether.

107. And he was committed on the 14th?—Yes.

108. So he could not have been under your observation for more than twelve days?—No. Of course, you cannot expect a man to remember all these details.

109. Sergeant Wohlmann had a similar statement made to him as was made to Sergeant Cooney on the same day, the 2nd December. I asked him this question: “The first time the police knew of Johnston’s attempt to shoot his wife was from his own statement on 2nd December?” and he replied, “That was the first detailed information, but, as I said, I had a hint from Dr. Craig that the man had made extraordinary statements to him.” So it must have been prior to the 2nd December that Johnston made the statement to Sergeant Wohlmann?—I think Sergeant Wohlmann is wrong there, because Johnston made no statement to me with regard to shooting his wife, but he did make extraordinary statements.

110. My point is that you were evidently in a position to make statements about Johnston’s condition prior to the 2nd December?—Possibly I was, but at the same time I did not, as far as I can remember. As a matter of fact I did not mention to Johnston any knowledge of the shooting.

111. In other words, you did not reveal to him when he came to you anything you had heard?—No; in fact, I was very sorry for the man. He seemed very much run down and ill.

112. Did he look worse then than he does now?—Yes, I expect he did.

113. Would you believe that he was almost a stone heavier in weight then than he is now?—I do not know. A man may be a stone heavier and yet his mental condition not be good; in fact, very often when a man's mental condition is bad he gains in weight, and it is often a very bad sign.

114. You had heard, then, prior to the 2nd December something about Johnston's attempt at shooting?—Yes, I must have heard, not prior to the 2nd December. Is that the first time he is supposed to have seen me, or was it the 2nd December that Sergeant Cooney rang me up?

115. It was when Sergeant Cooney rang you up?—I am not certain about the ringing up. I rather think that Sergeant Cooney saw me in the street and put the case before me, but did not mention a name. That is the position.

116. It would not be the time subsequent to that that he refers to?—No. I am not quite clear as to what my first knowledge was of that, but I think Sergeant Cooney saw me in the street and put the case in front of me. I said, "Perhaps the man had better be seen to; you had better send him along and let me see him." I concluded that the strike had got on the man's nerves, and treated him accordingly; and I think I had finished with him. He had not seen me for a day or two previous to that. The next I saw of him was in the police-station.

117. When you were asked to examine him?—Yes.

118. You say you do not remember Sergeant Cooney ringing you up?—I remember Sergeant Cooney speaking to me about it.

119. You cannot remember his ringing you up?—I cannot remember the ringing-up part of it; in fact, I do not think it is likely. Is it likely that a detective would trust to the telephone in a matter of that kind?

120. He says he did so?—Perhaps he did.

121. He said he rang you up to tell you that Johnston was coming to see you?—I think that was it. Anyhow, I never discussed the matter with Johnston.

122. We may take it that prior to the 2nd December you knew something or had heard something about Johnston's attempt to shoot his wife—the day on which Sergeant Cooney rang you up?—No, I did not know anything about the shooting.

123. Then Sergeant Wohlmann is absolutely wrong if he says that you made a statement to him to that effect?—I do not remember it. I have no wish to hedge on this matter. I remember Sergeant Cooney talking to me about it and putting a hypothetical case. He did not mention any name.

124. Do you think it likely that you stated to Sergeant Wohlmann prior to the 2nd December that in your opinion Johnston was not safe to be at large?—If I knew of the shooting it was very likely that I would do so.

125. It would only be if you heard of the shooting that you would make such a statement?—Yes.

126. A man suffering from the *petit mal* of epilepsy is not necessarily dangerous?—No.

127. You tell us that you could only make the statement that Sergeant Wohlmann tells us you did make had you known of the shooting. Therefore the shooting must have been known to you prior to the 2nd December?—Yes, but the first I knew of the shooting must have been through Sergeant Cooney. The point is this: when did Sergeant Cooney give me the information?

128. That is his statement—on the 2nd December?—I think it is a most likely thing that, knowing of the shooting, I would quietly say something to the police; but it is quite possible that Sergeant Wohlmann's memory may not be reliable. Unless he had notes I should say he is mistaken as to dates. I should say he is making a mistake, because I knew nothing about it before Sergeant Cooney spoke to me.

129. You will swear positively that until Sergeant Cooney spoke to you you knew nothing about Johnston's shooting?—Before Sergeant Cooney spoke to me I knew nothing about Johnston at all. I saw him on the day he was shot, and naturally he was very much upset. I think that was the first time I ever came into close contact with Johnston. He was on my verandah at the time some of the strikers were taking refuge in various parts of my house. Johnston was trying to get in. He had to be controlled then.

130. Dr. Beattie in his evidence was very emphatic in stating that only the facts observed by yourself were of any real value in making out a certificate for committal to a mental hospital: do you say he is correct in that?—No, I do not say he is correct in that at all. I would leave the word "only" out.

131. Here is a paper read by Dr. Gray Hassell, of the Porirua Mental Hospital, before the Wellington Division of the Medical Association, and in it he states—"According to the new Mental Defectives Act of 1911, the facts indicating insanity in the medical certificate come under three headings, as follow: (1) Statements of facts indicating insanity observed at the examination; (2) facts observed by yourself prior to date of examination; (3) facts communicated by others. It is quite obvious, although too often overlooked, that the only essential and valid part of the certificate comes under the first of these headings. The facts observed prior to the examination, or those communicated by others, only serve to strengthen or confirm the statement of facts observed at the time of the examination, and by themselves cannot legally justify your issuing a certificate of insanity." Do you agree with that?—I have just pointed that out to Mr. Fisher. I have not read that paper, but substantially that is my statement.

132. The facts observed by you at the examination, as stated in your certificate, are: "Emotional and excitable. States that he has been hypnotized by his stepfather, and that since



then he has been a different man. He is subject to the *petit mal* of epilepsy, and informs me that under a year ago, under great financial stress, he made up his mind to kill his wife and children. He did shoot his wife," &c. Dealing with his being emotional and excitable, do you not think that the facts of his being somewhat low in health and having come through an exciting and worrying time, and then finding that he was going to be committed to a mental hospital, must have produced a degree of emotionalism and excitability?—Yes.

133. He broke down and cried, did he not?—Yes.

134. That was part of the emotionalism referred to?—Yes.

135. Do you think it is fair, then, to consider those as signs of insanity? Would not a normal man who was sane behave in the same way?—Many a normal man would.

136. Those facts, therefore, would not necessarily be proof of insanity—of mental disease?—No one would commit a man to a mental hospital because he was emotional and excitable only.

137. In regard to your statement about Johnston suffering from the *petit mal* of epilepsy, did you put that in the certificate on Johnston's own statement in regard to that?—On his description of his condition, which he could not himself have known to be the *petit mal* of epilepsy; but he described the condition to me, and I diagnosed it from his statement. For instance, suppose you knew nothing about epilepsy and you came to me and said, "I suddenly fall down without any warning sometimes; I bite my tongue. My friends tell me that I have convulsions, and that afterwards I am a long time drowsy and unconscious." I would say, "You have got epilepsy." I might never see you in an attack of epilepsy, but how could you describe that to me if you were not having those attacks? I assume that a layman coming to me has no previous medical knowledge, and on his description I base my opinion of a man's condition very often.

138. You based your opinion on his condition, then, on experiences that he related to you?—Yes.

139. Were those experiences along the lines that you have just related?—It is the *grand mal* that I am describing. I only took it for the sake of argument.

140. Will you tell us what Johnston said?—I have just done so. He said he was subject to lapses of memory, that he would be going along the street and everything would become a blank, and he would stop still confused. Then he would recollect himself and go on. Sometimes he would feel the condition coming on, and by a great effort of will he could control it. That is quite consistent with some forms of epilepsy.

141. Assuming Johnston's description of his own experience to be correct, do you take it for granted that the shooting incident referred to occurred during one of those attacks?—I could not say so. I do not think so. I do not think it would be likely to occur during one of those attacks, because if it occurred during an attack of epilepsy it is very likely that Johnston would have no memory of it, that it would be like a dream to him. There are some epileptics who do commit crimes, but it is more due to their general condition.

142. Was it owing to his being epileptic that you considered he was dangerous to be at large?—Partly, but partly owing to the fact that he had previously attempted murder.

143. You are inclined to the belief, at any rate, that that was not attempted while in an epileptic seizure?—I am inclined to believe that it was not an epileptic seizure that made him commit the crime. I am of opinion that in all probability it was under the stress of great emotion and mental strain that he committed that crime.

144. Would you agree with Dr. Beattie that the causes of that condition were purely physiological at the time he made that attempt?—Did he say "physiological"?

145. Yes, I think that is in his evidence. He drew a distinction between a pathological and a physiological condition?—I should say No.

146. Would you consider it was a pathological condition?—I did not consider it was a natural condition.

147. It was the result of mental disease?—It was the result of mental disease at the time.

148. And likely to recur?—And likely to recur.

149. Therefore Johnston sitting there now is a dangerous man to be at large?—I do not know anything about him now.

150. But if it is liable to recur would you not say he is a dangerous man to be at large?—Yes, given similar conditions. Under other conditions Johnston might not be a dangerous man to be at large.

151. Does that not point to its being physiological?—It is not physiological. Physiological applies to health. There was nothing healthy, either morally or physically, in a man shooting his wife.

152. But the condition that brought about the attempt to shoot his wife was a matter of health, was it not? He had been suffering from dire poverty; he had been living for weeks on stolen turnips—he and his family; and the condition induced under those circumstances and the hopelessness of seeing any improvement in front of him caused him to make up his mind to do this?—Yes, but other people are subjected to far more trying conditions and do not shoot their wives, which is the physiological condition. Do you not know that a man who is mentally healthy faces trouble like a man, if he has got a brain able to bear that trouble? Johnston's brain was not able to stand that trouble.

153. A man who is liable to a brain-storm under extraordinary conditions is not dangerous under normal conditions?—Did you ask Dr. Beattie where he draws the line? A man may come home and kick the cat, or he may come home and thump his wife, or he may commit murder. Where are you to draw the line? There is no distinct line of demarcation between sanity and insanity in some forms. A brain-storm may take the form of a man saying "Dam," or of a curate saying "Bother," but he means as much as a man who blasphemes.

154. What is your opinion in Johnston's case?—That his brain was not built to stand the strain, and he wanted rest, and change, and treatment; and then, he was dangerous. As a result of rest and change and treatment he may get better; but given the same strain he may commit the same crime again.

155. The certificate was made out principally on facts communicated to you by Johnston?—The certificate was made out on facts observed by myself, and these facts observed by myself were facts communicated by Johnston.

156. With regard to the your connection with the Waihi Mine Employees' Union, you are an honorary member of that organization?—I am.

157. Did you, as the Hon. Mr. Fisher suggested, on one occasion advise members of that union who were also members of the Federation Union, when attending a meeting to take whistles and blow them and you and others would rush the hall?—I have already denied that.

158. Do you remember sticking a wooden Union Jack up in the union office?—[The Chairman ruled this question out].

159. Were you in the Court at Waihi when Johnston was under cross-examination in any of the cases?—No.

160. You were there during the Barfoot case?—No.

161. You would hear something about his excitability in the witness-box?—No, I do not remember.

162. In regard to the method of committal, did a constable go to your residence to bring you to the police-station that day?—I do not remember. I do not think so. I think he rang me up and asked me to go to the police-station.

163. When you went there you found Johnston and Sergeant Wohlmann?—Yes.

164. You had a talk with Johnston?—Yes.

165. You told him he was going to a sanatorium?—I believe I did.

166. In your opinion is it a good plan to conceal?—Most decidedly; but I did not conceal. You are jumping at conclusions. I put it as nicely and as mildly as I could.

167. In your opinion there was no difference between telling a man he was going to a sanatorium and telling him it was a mental hospital he was going to?—I may have used the words "mental hospital"; I may not have used the word "sanatorium" at all; but I certainly would not think of telling a patient that he was going to an asylum. It is a very ugly word, and conveys only one meaning to a patient.

168. Would you say how you told him he was going to a sanatorium?—I believe I did tell him, either a sanatorium or a mental hospital.

169. Do you not think the use of that word "sanatorium" was calculated to conceal from Johnston his actual destination?—I suppose it was.

170. You believe, as a matter of fact, that it is a good plan to conceal it?—Most decidedly I think it is.

171. You in your time have given a certificate for the committal of many patients to mental hospitals, I presume?—A good few.

172. In regard to the procedure followed, is it not usual for the Magistrate, or the Justices acting on behalf of the Magistrate, to call the medical men to their assistance?—They do.

173. Did they in this case?—The police called me.

174. You do not know whether the Magistrate or the Justices instructed the police or not?—I could not tell you.

175. All you know is——?—That the police called me.

176. After your examination of Johnston you retired and Dr. Galligan came along?—Yes. I did not examine Johnston with Dr. Galligan. I do not know whether Dr. Galligan had seen him prior to me or not.

177. You were not present during Dr. Galligan's examination?—No.

178. Afterwards you and Dr. Galligan, with the sergeant present, met and discussed the result of your examination?—I could not tell you that at all. I remember this: I thought it would be a good plan to get a statement from Mrs. Johnston with regard to the shooting. The only time that Dr. Galligan and I examined together was when we went up and saw Mrs. Johnston together and asked her about the shooting, and got a circumstantial account of the shooting from her.

179. You got that account of the shooting from her?—Yes.

180. Did you make a statement at any time to the effect that it was on her initiative that you got him confined in the mental hospital?—No. I never made any such statement that I know of.

181. You remember Dr. Beattie writing you from Avondale about this case?—Yes.

182. You refused to give him any information?—No, not that I know of. The correspondence is here, is it not? I read his letters, and I suppose he read mine. You will see that at the end of Dr. Beattie's letter he says, "This closes the correspondence so far as I am concerned." He closed the correspondence; I did not.

183. This is his letter, dated 3rd January: "DEAR CRAIG.—I shall be glad if you will kindly let me know *re* Johnston, recently committed here from Waihi, how you learned that he was subject to *petit mal*. He himself and his wife deny it. I am anxious for any other information you can give me respecting his mental history. Personally I think he is not epileptic and not insane.—With kind regards, yours sincerely, R. M. BEATTIE." I will ask you to read your reply—you will read it more readily than I?—This is it (see Appendix A): "Waihi, 16 January, 1913. —MY DEAR BEATTIE,—Thanks for your letter. I am sorry to know that you have not been well. *Re* Johnston: The main points in your letter seem to me to be (1) the fact that you have seen no

signs of the *petit mal*, and (2) that you do not consider the man to be insane. Both may be quite true, but as I am the man who certified Johnston I consider I have a right to question the advisability of your action in writing to Mrs. Johnston as you did, and, secondly, in allowing yourself to be interviewed on the subject by a Press reporter. Surely you might have avoided the limelight for a little, even if you couldn't do so altogether—at least until the latter was cleared up, for we are all liable to be wrong sometimes, you as well as the rest of us. Now for the logic of your letter. I quote from it verbatim: 'With regard to the *petit mal*, I have the medical statement on the one hand and his flat denial on the other, and I must give him the benefit of the doubt.' Your position, therefore, is, I take it, as follows—viz., that you put the flat denial of an alleged lunatic, who in his anxiety to be free makes accordingly a biased statement, and the statement of his wife, whose anxiety to free her husband makes her statement biased also, before the unbiased statements of two medical men who, as any thinking person will admit, have a grave responsibility in view of the fact that Johnston had once attempted murder, and that not long previously. Surely, in view of the statements on the certificates the public is entitled to the benefit of the doubt, if any exists. As for making a pilgrimage to Waihi to investigate, the police can furnish you with data by letter. Did you write to the police before writing as you did to Mrs. Johnston or before you allowed yourself to be interviewed by a Press reporter? Putting it mildly, it is not nice to read of Press interviews regarding the private affairs of one's patient, even if you happened not to share the opinions of the men who sent him to your care. I have not the slightest doubt that Johnston was insane, and dangerously so, when I signed him up, and I think that in all probability he is insane still.—Yours sincerely, GEORGE CRAIG."

184. That letter was written?—On the 16th January.

185. Johnston in the meantime had escaped from Avondale?—I think he escaped after that, did he not? I did not know he had escaped then, I think.

186. He escaped on the 4th. As a matter of fact, the Press interview that you refer to is on the subject of Johnston's escape, and is the result of his escape and writing to the Press?—I am not so sure of that.

187. Are you aware that Dr. Beattie denied before this Committee having given that interview?—No. All I know is that I saw a report of an interview between a Press reporter and the Medical Superintendent of Avondale regarding that patient.

188. I think Dr. Beattie said that an article had appeared in the *Auckland Herald* and that you apparently had jumped to the conclusion that he was responsible for it?—There was no jumping to a conclusion. The *Herald* can be produced to show that it was a Press interview.

189. This, at any rate, was long subsequent to Johnston's escape?—I do not know that it was.

190. Johnston's escape took place on the 4th January?—I may not have known of that at the time.

191. After that had you any further communication with Dr. Beattie?—Rather. There is a letter there. I think it called forth a reply from Dr. Beattie in which he closed the correspondence. The letter contained more abuse than argument. I think I replied to him, and he did not acknowledge the receipt of my letter. It was quite a nice one, too.

---

Dr. THOMAS JOSEPH GALLIGAN sworn and examined. (No. 8.)

1. *The Chairman.*] You are a medical practitioner, practising at Waihi?—Yes.

2. *Hon. Mr. Fisher.*] Will you make a statement with regard to your committal of Johnston?—On the 14th December I was sent for by the police to come over to see this man, Thomas Henry Johnston. I found him in the police office; he was walking up and down the room that I went into. He was very upset and irritable-looking and wild; he was clenching his hands, his eyes were moving about, and he was biting his lips. I asked him what brought him there. He said that I knew perfectly well. He continued walking up and down. I said, "What are you walking up and down for?" He said, "I have a lot of worry on me"—in fact, he said he had financial worry enough to make any fellow very despondent, or something to that effect. Then he told me he would tell me no more, that it was something clubbed between us, or something to that effect. I went out, and thought it was safer to see his wife. I went up with Dr. Craig and saw his wife. At the beginning she would not give us much information. Later on she became more talkative. She told us that her husband had been very upset lately: that on one occasion some time before they had had a fruit-farm, and the season turned out a bad one and Mr. Johnston lost a lot of money by it, which worried him a good deal, and he kept on worrying daily over this. One night late, between 11 and 12, while she was asleep in bed, she was suddenly awakened by a shot in her right arm.

3. To put it in a nutshell, you went up and saw Mrs. Johnston, and she made a statement to you about the shooting incident?—Yes.

4. Did she give you any information about Johnston himself—as to his mental condition or his antecedents?—Yes.

5. What did she tell you?—She told us there was some trouble with his family.

6. What was the nature of it?—Some marriage business.

7. That would be the marriage of his mother with his stepfather?—Something like that.

8. Did she tell you anything about his father or his grandfather?—She said there was something wrong with him—that he was more or less inclined to take some kind of queer fits, and that it would be transmitted to the family.

9. After the interview what did you do—go back to the police-station?—Yes.

10. Did you see Johnston again?—Yes.

11. What happened?—I spoke to Johnston. He was still walking up and down in an irritable condition, and he said it was enough to make a man end himself, as he was worried and had financial difficulties.

12. What did you do: did you make a medical examination of him?—Yes. I asked him all the questions I could think of, and took everything down to see whether it corresponded with what I had already heard from his wife.

13. And you made out the certificate?—Yes.

14. You state in your certificate that you detected signs in Johnston of *petit mal*?—Yes, I did, from the irritable way in which he was walking up and down and from the statements he made—that life was not worth living because of financial troubles and because he was poor.

15. Did you think, then, that he was in a dangerous condition?—Yes.

16. Do you think that if he had been allowed to go he might have been a source of danger to his wife or children?—Yes, because a person suffering from that disease might do it unconsciously and forget all about it. From the history, and taking all things into consideration, I thought it was advisable for him to be kept under restraint for some time.

17. Did any one ever suggest to you that Johnston had signs of *petit mal*?—No.

18. There was no suggestion by the police to that effect?—None whatsoever.

19. Was there any suggestion made to you by Dr. Craig when you went up to see Mrs. Johnston that he had *petit mal*?—No, not going up.

20. Coming down?—He may have.

21. That would be as a result of the conversation with Mrs. Johnston?—Yes; that indicated more the *petit mal* than anything else.

22. Did she describe any particular form of attack to which he was subject?—She said that he was sometimes in a humour when he would not speak and would keep rather quiet.

23. Then you signed the certificate for committal?—Yes.

24. If the same circumstances occurred again to-morrow would you sign that committal?—Certainly.

25. You think that the committal certificate which you signed was *bona fide* and warranted?—Yes, absolutely. Before I signed it I took a good deal of trouble to go out and see the wife so as to make sure that I should really sign it.

26. *Mr. Robertson.*] With regard to Johnston being epileptic, you were afraid that he might, in a fit of unconsciousness, make another attempt on his wife and children?—Yes.

27. Do you believe that the previous attempt he made on his wife was made in that way?—Yes.

28. Did you not test his memory as to what occurred on that occasion?—No, because he was not inclined to give much in the way of answer to me.

29. If he did remember clearly all that occurred when he made the attempt to shoot his wife it would be evidence that he was not seized with an epileptic seizure at the time?—That is very doubtful. I could not answer that. Sometimes they may remember and sometimes they may not.

30. Clouston says, with regard to the *petit mal* of epilepsy, that “The epileptic suddenly loses his normal consciousness, and does strange acts in a state of false consciousness, or commits crimes of violence, and after a few days, or in some cases in a minute or two, the normal consciousness returns”?—Yes.

31. That would indicate that he would lose consciousness?—Temporarily. In passing a fork up to his mouth he might let it fall and not know anything about it.

32. He would not be able to remember later what had occurred during that period of unconsciousness?—No.

33. If he did remember it he could not have been unconscious, and therefore not under an epileptic seizure?—After he was told about it he might have a faint recollection.

34. Were you in the hospital at Waihi when Johnston was operated on and the bullet taken from his knee?—Yes.

35. Were you there all the time?—I only visit when I am required.

36. Were you present during the operation?—Yes.

37. You were there during the whole operation?—Yes.

38. Did you hear him talking under the anæsthetic?—Yes.

39. Did you hear him describe this shooting incident?—I do not remember hearing it, because I generally give the anæsthetic and keep the mouth closed.

40. If you did hear him describe the incident you would keep it private?—Yes, what you hear there is strictly private.

41. Will you swear you did not hear him?—I could not swear that. He may have and he may not. I do not remember everything I hear.

42. You swear that you did not communicate it to any one if you did hear it?—Yes. I never tell anything I hear in the hospital.

43. You found Johnston in a very excited condition that day you went to the police-station to examine him?—Yes.

44. Did you know that Johnston had previously been examined by Dr. Craig?—No, not till afterwards.

45. If Johnston knew at that time that the intention was to commit him to Avondale, do you think that might have been the cause of his despondency?—I do not know about that.

46. Take a normal person, for instance, who is sane: suppose he suddenly finds himself in custody by an artifice?—I should think he would be cooler than Johnston.

47. You do not think that would produce a state of excitability?—He would not be so erratic as Johnston was.

48. *Mr. Webb.*] Were you an honorary member of the union—the arbitration union?—Not at the time of Johnston’s committal. It was afterwards, I think.
49. You would not swear to that?—I cannot state at what time I joined.
50. You are a member now?—An honorary member. They collected a subscription from me: I know that.
51. *Mr. Robertson.*] There is a statement in Johnston’s petition to the effect that he had heard since that Dr. Galligan had said up the town that he could not have been sober at the time he signed that committal?—I tell Johnston that he is telling a deliberate lie.
52. You mean to say that if he did hear such a thing it would not be true?—It is not true.
53. *Hon. Mr. Fisher.*] I should think the doctor’s writing should satisfy anybody on that point?—I can bring as many witnesses as you like who saw me that day.
54. You did not see Dr. Craig’s certificate before you filled in your own?—No.

APPENDIX A.

RE CORRESPONDENCE.

I WOULD like it pointed out to the Committee that my letter printed as a reply to Dr. Beattie’s printed letter is not so. It is a reply to another letter altogether, and Mr. Herdman has, I believe, the whole correspondence. If not, I will see that the letters are forwarded to the Committee.

I think this unfortunate, as Dr. Beattie states in evidence that I snubbed him, and the correspondence produced seems to verify this.

I deny that I snubbed Dr. Beattie, and wish the whole correspondence produced.

GEORGE CRAIG

APPENDIX B.

Inspector-General’s Office, Wellington, New Zealand, 16th October, 1913.

Memorandum for the Clerk, Public Petitions A to L Committee.

RE T. H. JOHNSTON.

I FORWARD herewith the records received from Auckland General Hospital *re* the above, together with a typewritten copy as instructed by the Chairman.

ST. L. H. GRIBBEN.

[Copy.]

DR. DUDLEY.

Reg. No. : 116.

Name: Thomas Johnston. Age: 31 yrs. Occupation: Labourer.

Address: 2 Karaka St. Nationality: Australian.

Diagnosis: Epilepsy. Result of treatment: No alteration.

Ward. Bed.

Admitted: 13/4/11.

Discharged: 15/4/11.

Religion: Protestant.

Date.		Diet.	Date.		Extras.	Date.		Prescription.
Ordered.	Dis-continued.		Ordered.	Dis-continued.		Ordered.	Dis-continued.	
13/4/11		Farinaceous				13/4/11		Calomel, grs. iv, stat. foll. by saline aperient. Mist. pot. brom. ʒs.s. 6 hrly. P. A. A.

[Copy.]

## AUCKLAND HOSPITAL.

*Schedule IV.*

I, the undersigned, a patient in the Auckland Hospital, hereby declare that I am leaving the Hospital at my own desire, and contrary to the advice of the Honorary and Resident Medical Officers, under whose care I have been treated in that institution, and that I absolve the Board and its officials from all responsibility for any injurious effects I may suffer therefrom.

T. H. JOHNSTON.

*History.*—Patient was sent in with a history of “epileptic convulsions.” Patient says he was working this morning and suddenly got pain across chest and his breath went away from him. He lay down on a board. He says his strength left him, and his friends obtained a stretcher and carried him to a house near at hand. While being carried he had another severe attack of pain across the chest. He went to sleep after arrival at the house. Was brought to Hospital about three hours later, and on arrival was rather dull. Appetite has always been good, and bowels have been regular, once or twice a day. Says he also often gets a sudden severe pain in the rectum. Is frequently troubled with “bilious” headaches, and sometimes has “a swimming feeling in the eyes,” also vomits if he eats fat, bread-and-butter, &c. Sleeps very well at night, but always dreams a lot. Never had convulsions as a child, but used to walk in his sleep sometimes.

*Past Illnesses.*—About seven years ago was “deaf-and-dumb” for seven months. Says he was living in Australia then and was attended by about *fifteen* different doctors without result. He then wrote to Dr. Carter-Watson, who sent him a lot of different medicines. At that time says he used to have a frequent slimy urethral discharge (? spermatorrhœa).

*Family History.*—Has been married ten years. Six children, all living and healthy. The eldest boy had a few convulsions, but prior to this had a fall on his head. Says children are all “weak-nerved” and stutter frequently.

*Present Condition.*—T.<sup>o</sup> 96·8. P. 64. R. 16. Feels rather weak and has slight headache. Patient seems rather dull.

*Alimentary System.*—Appetite good. Tongue dirty. Bowels regular. No abdominal pain.

*Circulatory System.*—Pulse slow and regular. Heart sounds clear.

*Urinary System.*—At present is unable to micturate although feels desire to do so. Has never before had any such trouble. Sometimes when micturating the first of the stream contains “slimy material.”

15/4/11. Discharged.

P. A. A.

*Approximate Cost of Paper.*—Preparation, not given; printing (1,500 copies), £54.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1913.

Price 1s. 3d.