

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

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

86. Do you not remember Mr. Lundon'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 acceptation 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.