

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.