

The place where he was lying was grass, and did not appear to have been disturbed in any way. Witness went to McCarthy's the same night, and in answer to his inquiries McCarthy told witness similar to what he had said in the Court that day. McCarthy helped to lift the body into an express, and he took it to the hospital morgue. Witness saw no marks on the body except a slight scratch on the nose, which had evidently been done some days. The left leg was much swollen, nearly filling the leg of the trousers. Witness examined the spot by daylight, and there were no marks of a struggle having occurred where the body was found. Witness did not know the man, and up to the present time he had been unable to find out. The clothing consists of a pair of white mole trousers. They were clean at the time. He had on an old dark coat. Inside he wore a white shirt, which was nearly new; the outside one was a check shirt, and was also good. There was no swag, and no marks of any kind whereby to identify him. He was an aged man—perhaps between fifty and sixty.

John C. Henderson, groom, Glencoe Hotel, Waitaki North, deposed that he recognised the deceased. He saw him on Wednesday last at the Waitaki North Railway-station. It would be about midday. The deceased came over to the Glencoe Hotel. He had some telegraph forms in his hand. He asked witness to write out a receipt. Witness said, "You mean a telegram?" and he said "Yes." Witness asked where he wanted it telegraphed to, and he replied to Oamaru. Witness asked him what he wanted to say in telegraphing, and he said "I want to say that I want £10." Witness said "What address?" He did not appear to understand him, and seemed as if he were silly or something like it. Witness again asked, "Who do you want to send the telegram to?" and he said, "Joe Downs." Witness asked if he lived in the town, and he said, "No; he lives five miles out." Witness said he would have to pay for the delivery of the telegram if he wanted the money at once, and he said, "Send it to the post-office—Joe Downs, Post-office." Witness asked him to sign it, and he said he could not write, and asked witness to sign his name for him—he would put a cross. Witness wrote the telegram now produced. That was deceased's mark which was on it. When witness was signing his name, he (witness) said "Thomas Sullivan, late of Seacliff," in a jesting way, and he said, "Yes." After writing the telegram, witness read it to him, particularly emphasising the words "late of Seacliff," and he said, "That is right." Witness gave the telegram to him before he left. He went towards the railway goods-shed.

To the foreman: He was not walking lame when witness saw him.

Cecilia Seaman, wife of Josiah Seaman, platelayer, Waihao, deposed that she saw deceased on Thursday afternoon, between 2 and 3 o'clock, going to the goods-shed tank to get a drink of water. Witness did not notice whether he was walking lame, but he was walking slowly. He had a small parcel in his hand, which appeared to be a towel with something tied up in it, which witness took to be food. He then went on to the platform. Witness asked her son what he was doing, and he said he thought he was having something to eat. He afterwards left the platform, and went over to one of Mr. Allan McLean's haystacks. Then she noticed that he was walking very lame, as if he had very sore feet. He came back with a bundle of hay in his hand. He had no stick. He laid the hay down by the railway-shed, and went over to Mr. Scott's, the schoolmaster, but he did not appear to go in. Witness afterwards saw him get over a fence and go to Mr. Burke's place. Witness never saw him alive again. The hay is still where he put it.

To Sergeant Gilbert: Mr. Crowe has Mr. Burke's place, and the house is empty.

To the foreman: McCarthy's place is about two and a half miles away from the station.

Michael Crowe, labourer, Waihao, deposed that he saw the deceased on Thursday evening about half-past 4. He was in an empty house belonging to father of witness. The house was not far from the station. He was lying on the floor, and had all his clothes off except his shirt and drawers. His head was resting on an old mattress. Witness did not speak to him then, but left him there. Witness was passing there about half an hour afterwards, when the deceased came out on to the road. He inquired for Sullivan's place. Witness replied that he knew no one of the name of Sullivan about there. He then asked for McCarthy's station. Witness told him he did not know McCarthy had any station, and he said, "He has two farms." Witness said he would show him where Mr. McCarthy lived, and he replied, "All right," and went away. He did not say any more. He thought the man was not right in his senses.

To Sergeant Gilbert: He knew the Doctor's Road. His father's land was near there; but he was not past the spot on Saturday, Friday, or Thursday. He saw the place on Sunday. He did not hear the men in his father's employ speak of the man.

George Kilworth, shepherd, Waitaki North, deposed that he saw the deceased for the first time on Thursday evening about half-past 7. He was coming along by a gorse fence, crying very loud to himself. He came straight to the house. The back door was open, and he walked right into the middle of the house. Witness was reading a paper at the time, and just got up and stopped him. He said, "What's up; is this McCarthy's?" Witness told him "No; this wasn't McCarthy's." He said "It's McCarthy's I want; where's McCarthy's?" He went to the end of the house with witness, and he pointed out McCarthy's to him. He then left there and went in the direction of McCarthy's house. He was a bit weak on the legs, but he did not walk lame for all that. About a chain from the house there is a water-race about 2ft. wide and 8in. deep. He tried to step over, but apparently stepped short, and slipped into the water. The fall did not seem to hurt him. He saw him cross the paddock, about 21 chains. That was the last witness saw of him.

To the sergeant: The distance to McCarthy's place from witness's was about half a mile, across the paddock. Had there been any noise or quarrelling at McCarthy's that night he would have heard it. The night was very still. Witness saw something strange in the man, and thought he was under the influence of drink. The distance to Crowe's house from that of witness was quite four miles. He would have to go over several fences on his way to the house of witness.

To the foreman: He went to bed about half-past 9 on Thursday night.