

To the Bench: He could hear McCarthy's children talking quite plain from his place on a still evening.

Herbert Clifford Barclay, medical practitioner, Waimate, deposed that he had made a *post mortem* examination of the deceased. The body was that of a very well nourished man, 5ft. 8½in. in height. It was cold. He saw the body about 11 o'clock on Sunday morning. *Post mortem* rigidity was well marked, and the lower jaw was tightly clenched against the upper. There was a patch of greenish discoloration forming in the right groin, while small purple patches were to be seen here and there over the chest and abdomen. There was an abrasion on the left side of the nose which had scabbed over. Over the left temple and eyebrow there was a green and purple lividity, with a clot of blood lying in the deeper tissues. The left leg was discoloured from its middle to the middle of the thigh. The calf of that leg was 2in. larger in circumference than that of the right. The swollen part was quite black, and had nine blisters on it of the size of a shilling. They contained blood-stained serum, which coagulated on the addition of nitric acid. The tissues immediately beneath the blisters were injected with blood. On the back of the calf there was a linear scratch 2½in. long. It had been nearly healed, and there was slight lividity in the neighbourhood. On moving the limb there were signs of fracture just below the knee-joint. Below the swelling on the lower third of the leg there were three abrasions across the front. Wool from the deceased's drawers was sticking in these abrasions. They appeared to run parallel across the leg in the direction of the right knee. The three abrasions together measured about 1in. The left foot was slightly swollen towards the ankle. The lividity at this part was not uniform in colour, and faded into the surrounding skin. The lividity on the thigh which joins the lividity on the leg was confined to the superficial layer of the skin. It was not elevated. There was no flow of blood from the incision made into it, and it had a fairly well defined margin. The lividity in the neighbourhood of the fracture was found to extend into the deeper tissues, and clotted blood was present between the muscular layers. Much brownish-coloured serum together with oil escaped from the incision. The muscles appeared a little softened. Over the inside of the knee the appearances of the incision were similar. At the right of the fracture, above the knee, these appearances faded into the ordinary lividity which is seen after death. Over the upper right half of the chest the tissues were discoloured and were greenish in appearance. In this discoloration there were two parallel lines ½in. apart, and running from the nipple in a slightly curved direction towards the shoulder, 2½in. in length. There was an evident fracture of the right collar-bone. On reflecting the scalp an area of clotted blood, about the size of a five-shilling piece, was found, corresponding to the lividity on the left temple. The skull formation was mobile. The veins running on the surface of the brain were congested, and there was serous exudation beneath the inner tissues. Under the left hemisphere of the brain there was a slight hollow the size of a pea, which appeared to contain altered blood. It did not appear to be recent. Under the previous discoloration in front of the chest blood was found coagulated in the muscles. The diaphragm reached the height of the fifth rib. There was hydrostatic congestion at the basis of both lungs, otherwise they were healthy. The heart was in a normal condition. Its left ventricle was full of clotted blood, partly white and yellow, the remainder blood. The large blood-vessel leaving the heart had a firm patch of degeneration at the exit from the heart. The right ventricle and auricle contained blood which had coagulated, but which was present in a smaller amount than in the left side. The left auricle was full of clotted blood. The heart appeared rather enlarged. The valves were normal. The pericardium was healthy. On opening the abdomen he found the intestine in the neighbourhood of the gall-bladder deeply stained with bile. The gall-bladder was full of bile. The liver was slightly fatty, but otherwise healthy. The spleen was normal. Both kidneys were paler than normal, but the capsules easily peeled off. The kidneys appeared to be slightly fatty. The stomach and intestines were healthy. The stomach contained only a little yellowish fluid. The upper half of the small intestine contained a moderate amount of yellow fluid. The lower half of the intestine was empty, as was also the large bowel, except for a few lumps of fetid matter. The bladder contained 3oz. of urine, which was acid, of the specific gravity of 10·18, and contained albumen. On cutting down into the fracture of the leg extravasated blood was found in considerable amount. The tibia had a piece 3½in. long broken out of it. The fracture extended longitudinally round the bone for 5in., and it ran into the knee-joint. At the upper part of the bone there were several smaller fragments. The fibula was not broken. At the posterior aspect of the break there was a considerable amount of clotted blood at the tissues. The marrow was softened, and the soft tissues of the bone congested. He found the right collar-bone fractured obliquely to the extent of 2½in. The tissues round the break were unhealthy looking. There was a blood-clot in the centre of the bone along the line of fracture. The tissues around were lighter in colour than normal, but there was no trace of pus. With respect to the collar-bone, he was of opinion that very considerable violence must have been used to cause the fracture, which is of a character rarely seen on this part, and is the result of direct violence. The fracture may have taken place two or three days before death, or only ten or twelve hours. He had heard the evidence of the previous witnesses, and he was of opinion that it was almost impossible for a man to go over the ground and fences as he did if the injuries described then existed. He thought that violence, exhibited by the bruises and fractures acting on a man of his age and impaired constitution, was the cause of death. As an opinion merely, he thought the examination of the parts suggested that the injuries occurred between twelve and twenty-four hours before death. The fracture of the leg must have been caused by a severe blow with some heavy substance, and not by a mere struggle in putting a man out of the house.

To Sergeant Gilbert: He thought it highly probable that the man's intellect was deranged. He saw nothing to suggest blood-poisoning. He thought that if a dray or spring-cart had passed over him they might have caused such injuries. He did not suggest that he was run over by a dray, but he could not say that it was not so. He appeared to be a man of about fifty-five or sixty years of age. The fractures were all produced before death.