

Catherine McCarthy, wife of Jeremiah McCarthy, deposed to remembering Thursday night, the evidence of witness regarding the arrival of the man at the house and his leaving it being the same as that given by previous witnesses. The witness's evidence as to her husband, daughter, and herself hearing the man crying was also similar to that given by her daughter; the only difference being that she could not say when the noise ceased, and that she did not say anything to her husband while they were standing at the door. She could not say when her husband went to bed that night. He was never out of the house that evening. She could not be sure whether her daughter was asleep that night when she called her, but she thought she was; she got up at once. About 5 o'clock on Saturday afternoon, 12th January, she saw a man lying at the cross-roads. He had his hands up to his head. She drove to the railway-station, picked up her husband and returned, passing the same place again. She did not look to see whether the man was there. She had not told her husband that she had seen the man there. She did not know that her son Michael gave food to the man who was on the road near the gate. Her husband told her that he had seen a man there on the road on the Friday, and that he gave him some tea. She did not think the man she saw lying at the cross-roads on Saturday was the same as had been at their place on Thursday night. She had never spoken about the case.

Jeremiah McCarthy (recalled) said he remembered going to the back door, which the deceased was kicking at the time. He was never nearer to him than four or five yards. The witness reiterated the statements he had made in the Courthouse at the previous sitting. He never heard on Friday morning that Michael had given deceased any food that morning. He had not spoken to Michael about it. His daughter never said anything about giving Michael food for him. The boy Davis told him on Friday morning there was a man sitting on the road. He saw him on the north side of the road. He was not in the way of the dray; he was off the road a bit. He gave the deceased some meat and tea, but he did not remember giving him scones. Coming back he asked him how he was getting on, and he said "Fine." He did not think that he stopped the dray, but spoke without stopping. Next morning deceased was about two chains higher up than the water-race. Three-quarters of an hour afterwards he saw him at the cross-roads, about five or six chains further up. He did not see the deceased walking after Thursday. He did not see the deceased on his knees. About 9 o'clock on Saturday morning, when he saw deceased lying at the cross-roads, he thought he was on his side. His eyes were open. He thought his arms were across his chest. His eyes were moving about, and he was alive. He let the dogs loose, as he thought the man might come back again. When he saw the things—bottle, towel, &c.—near the man he was not astonished, as he had never given the matter a thought. If he had his leg broken and his collar-bone broken it would be strange if he went so far afterwards.

The inquiry was then adjourned to yesterday morning, at 10 o'clock, when the following further evidence was heard:—

Detective Livingstone deposed that on the 15th of the present month he went to McCarthy's house. While he was there McCarthy came home from Waimate. He pointed out the marks which he said had been made by the kicks of the deceased. He described how the deceased went round the house. A few yards from McCarthy's back door he noticed a quantity of firewood, an axe, and a blacksmith's hammer. At witness's request McCarthy pointed out the place deceased had been lying on the Friday previous. That was on the north side of the road. He pointed out the two places he saw him on Saturday. On Friday last, in company with Detective O'Brien, he measured the distances between these places. The distance from near McCarthy's where he was shown deceased lay on Friday morning to the cross-roads where the body was found on Saturday evening was 40 chains 9 feet. The distance from where he was first seen on Saturday morning to where deceased was found is 10 chains. The distance from McCarthy's house to the gateway was 17 chains 19 feet. The distance from the gateway to where the man was lying on Friday was about 2 chains. Witness did not take measurement of this last distance. Constable Field and witness drove McCarthy back to his gate after having pointed out these places to them. He complained of a bad leg from sciatica. He said to them, "I want to know what I am to do in case a man comes round and kicks up a row like this man has done." He replied, "Order him to leave your place, and, if he doesn't go, send for the police." He said, "It's a great trouble getting the police out here such a distance. I would not like to give a man a chance."

Dr. Barclay (recalled) deposed that he gave evidence last Tuesday. He wished to make a correction in respect to his evidence in regard to the deceased's left leg as to the fracture of the smaller bone. He stated that "the fibula was not broken." He was misled by quoting from his notes, and, finding the discrepancy, he examined the left leg of deceased the next morning. He dissected the bone out, and found a fracture right across it. The fracture of the tibia was just below the other injury. The two bones being broken indicated that the injury sustained by the deceased was more severe. He heard the evidence of the boy Davis. The attitude of deceased as described was consistent with the injury he received. He also heard the evidence given by Johanna McCarthy about deceased sitting in the dray-track, and getting out of the way by getting on his knees and supporting himself on his hands so as to get clear of the dray. The deceased could not have knelt on both knees with such injuries, and could not have propelled himself by using the right arm. The man could not have propelled himself half a mile all alone when suffering from those injuries. He did not believe it was possible for the deceased to have moved himself unaided in three-quarters of an hour the distance spoken of by McCarthy—since ascertained to be 10 chains—from the spot where he was first seen on Saturday morning to the cross-roads. The only movement of this kind a person so injured could be capable of would be a painful dragging of himself a few yards at most, and to have carried the food and other belongings which it has been stated were found beside the deceased at these different places was quite impossible. The trousers produced showed no signs of his having dragged himself along the ground, though they showed that he had lain on his left side. There was no indication that deceased had dragged himself through