said, "The poor man can't walk"; and when they were in the field McCarthy said, "The man must be out of his mind.") It was important to notice that this conversation took place in the presence of Davies, and it was important to notice that the deceased made no statement about injuries inflicted by accused. Two hours after that conversation the boy Davies, going that way again, said the man had crossed the road. There was no further evidence until the following day, when Davies, the father of the boy and girl, with his daughter were driving along the road at 5.30 p.m. on Saturday, and saw an object lying on the roadside, some chains away from where Davies had seen the deceased the day before, and so much further from accused's house. They did nothing to the object then, but on driving back two hours later they saw the same object, and going to it they found it was deceased, lying dead. At midnight the same day the police went out and brought the body to Waimate. On medical examination it was found that deceased had been considerably injured—there was an injury on the temple, one of the collar-bones was broken, and the left leg was badly broken below the knee. The doctor said the injuries must have been inflicted during life, and could not have been self-inflicted, and that the fractures could not be the result of a fall, but were the result of direct violence. The doctor added that the man was so ill or diseased that he would probably have died shortly, but that he believed the injuries he described hastened the death of deceased. He also said it was impossible for the man to have gone the distance from where he was seen by the boy Davies and the place where he was found dead. The accused was examined at the inquest and made a statement. His Honour read accused's statement, and then proceeded to say that it was important to notice that there was not a particle of evidence directly connecting the accused with the deceased's injuries, except that deceased went to accused's house on Thursday night, and that the accused fed him, as shown by Davies, at 2 p.m. on Friday. But for this there would be nothing but conjecture to connect the accused with the matter. He need not say that a man's liberty is not to be jeopardized on conjecture. The theory of the Crown must be that the man must have made a row on Thursday night at accused's house; that accused struck him blows which afterwards proved fatal; and that accused, ignorant perhaps of the extent of the injuries, fed him, and afterwards, finding him dead, removed him to the place where he was found. That must be the theory of the prosecution. He would not now pause to consider whether this theory meant murder or manslaughter. The first question was, Is there evidence to justify a jury in saying that the proved facts were such as to lead to no other inference than that which the Crown suggested? This was a plausible and, indeed, a probable theory. The facts did seem to point that way. It was not enough for a theory to be plausible or probable. It had to me more than a theory. It had to exclude all other reasonable explanations. The accused had given a point-blank denial. The Grand Jury were entitled to ignore that denial, and all the evidence of accused and his family. The accused was not even called upon to deny the act; it was for the Crown to prove that he did it. There were many ways in which the man might have been injured—by some accident or by some other person. There was nothing to connect accused with the injuries, except the facts that the deceased was seen going towards his house, and that he fed him. Were these facts sufficient to make a *primâ facie* case? The feeding of the deceased was done in the presence of a witness, and he entered into conversation with deceased in presence of the witness. It might be supposed that deceased would have said something to connect the accused with his injuries if he had caused them. The accused seemed to have invited that risk in going before him with a witness. But the man said nothing. The accused in his own statement seemed to suggest some roughness, but that might be consistent with a mere ejectment. They had nothing to do with subsequent neglect of the man while he was on the road. There was no legal duty upon any person to do anything for any man he meets on the road, whatever may be his moral duty. His Honour briefly referred to the evidence given by accused's family, and concluded that this did not help the theory of the police. Another question was this: Supposing a *primâ facie* to be made out, what was there to bring the injuries home to the accused individual? There was at the house, besides accused, a young man of eighteen, accused's son, at least as likely to lose his temper and commit acts of violence, and the evidence was not inconsistent with the guilt of either of them more than the other. However unsatisfactory the result may be, no one could be convicted on such evidence. Exclude the family and there was no evidence at all of what took place after the man was seen going to the house of accused. The evidence at the best only pointed to some violence by a member of the family. Circumstantial evidence must be a number of circumstances all pointing in one direction, the weight of the total result being such as to exclude any other explanation. Here there were only one or two circumstances, of which it was impossible to make a rope of evidence to drag a man to his trial. If the same evidence and no more were laid before a petty jury, he would have to direct them that they could not convict upon it. It was remarked at the committal that it would be better for the accused that he should go to trial. But these proceedings were not instituted for the sake of the accused; and a man's character was better guarded by refusal to commit, as acquittal in this Court might merely mean that the charge was not proved. Besides, acquittal was a bar to further proceedings, and if there was a difficult matter it would be better left open to further investigation. There was in this case a total absence of evidence directly connecting the accused or any of his family with the transaction—nothing but conjecture—no direct evidence at all; and it would be an exceedingly unsafe thing, to his mind, if the liberty of any man were to be put in jeopardy on such evidence. He would have to direct the petty jury that they ought not to convict; and this was just the sort of case in which it was the duty of the Grand Jury to interpose between the Crown and the accused.

The Grand Jury returned "No true bill."