

went down to the house with another son. When he arrived there deceased was kicking the back door, which was locked. Witness asked, "What are you doing that for?" and he replied, "That is my own house." Witness asked his name, but he would not tell him. Witness told him to leave the place. He then left and went towards the stable. Witness told him not to go there, that he might set fire to the place. He told him to go on to the road, that there were any amount of places to sleep there. He then went to the road, going by the track leading from witness's house. They called the road Dr. Frankish's Road. The road led from the Main South Road to the beach. The deceased appeared to be lame both when coming and going away. Witness thought he kicked the door with the right foot, but he would not be positive. Witness did not see the deceased again that night. Witness heard his dogs barking about the middle of the night, being awakened out of his sleep by the noise. Witness got up and went to his front door. He heard a man either singing or crying from the road. The sounds appeared to be coming from half a mile away. Witness heard the crying or singing for about a quarter of an hour. It then ceased, and witness went back to bed. Witness did not see deceased again till the afternoon of next day, between 1 and 2 o'clock. Deceased was sitting on the north side of the road about half a mile from witness's house. He had only his shirt and trousers on. Witness spoke to him and asked what was the matter with him. He said, "I had a leg poisoned about three weeks back." Witness was going up the road with his children to thin turnips. They had tea and other food with them. Witness asked if he would have a drink of tea. He said "Yes," and he drank it. He had a pannikin from which he drank the tea, drinking all the bottleful they had. They were about two hours away. When they came back he was sitting on the south side of road. He then had all his clothes on except that he had one boot off. Witness asked him how he was getting on, and he said he was getting on fine. Witness saw no more of him until the following morning, then about 8 o'clock on Saturday morning. Witness was going round the paddock on the road, when witness found the deceased. He was sitting on the north side of the road and nearer the railway-line than he was the night before. Witness asked him how he was getting on, and when he was going to shift out of that. He said he would soon shift if the Fenians were coming for him. Witness passed on. About three-quarters of an hour afterwards witness was passing the same place on his way to Oamaru and saw him again. He was on the same road, but near the railway, at the cross-roads. The deceased was lying down. This was the last time witness saw him. He did not speak to him. He was awake and looked at him. As witness went to the Waihao Railway-station he met Thomas McDonough, and he told him there was a man on the road, and that he was very weak. Witness thought that he would pass him on his way home. Witness never saw the deceased again. Witness had no trouble in getting deceased to go away from the house on the Thursday night. Deceased looked to witness to be either out of his mind or drunk.

To Sergeant Gilbert: Witness did not know McDonough was camping near the Waihao. The distance from where witness saw McDonough, and where the man was lying, was about a couple of miles. McDonough did not say anything to make him think that he would pass the man; it was merely his own thoughts. Witness came back by the last train from Dunedin, and passed the place about half-past 6. Witness's wife and children were with him. He did not look to see if the man was there, as he forgot all about him. Mrs. McCarthy was driving. Witness never mentioned about the man to Mrs. McCarthy. Witness heard the deceased swearing; trying to get in, but when witness and his boy went down he stopped swearing. He did not kick the door hard. Witness threatened to send for the police, but he went away. No one of witness's family touched the man in any way or pushed him. Witness did not think it necessary to communicate with the police.

John Davies, labourer, Waitaki North, deposed that on Saturday last, 12th instant, he was driving up the Beach Road to the Main South Road. It was about half-past 5 in the evening. He intended to go to the Waitaki North Railway-station. As he came to the cross-roads he saw something lying in the grass on the north side of the road near the fence. Witness then did not take particular notice, but drove on to Glenavy Store. Witness returned about half-past 7 by the same road. On passing the same spot he again saw this object lying on the side of the road. He saw it was a man. Witness hailed him, and, getting no reply, he got down and went to him. At first he thought he was asleep, but on going close to him he saw that he was dead. Witness came straight on to Waimate and reported the matter to the sergeant. The deceased was lying on his back, fully stretched out, his hands uplifted, and the elbows bent. There was a towel and pannikin near him. His eyes and mouth were open. The deceased was a stranger to him. He had all his clothing on except one boot. He could not say with certainty which boot it was, but he thought it was his right one. His clothes were all unbuttoned. He was lying about 20 chains from the railway-line. Witness returned with the sergeant a little after 11 the same night.

To Sergeant Gilbert: Witness saw it was a man when going to Waitaki the first time. Witness's boy told him on the previous day that there was a man up the road with a poisoned leg. Witness turned the deceased over on his face, and he was in that position when he went back with the police. He looked just the same as when he first saw him.

To the foreman: There was no appearance on the ground of a struggle having taken place.

William Gilbert, sergeant of police, deposed that between 10 and 11 on Saturday night last he accompanied last witness to the Waihao, to a road known as the Doctor's Road. Witness there saw the body of deceased lying flat on his belly on the side of the road. There was no hat, and only one boot and sock. The other boot was lying by his side. The boot was off the left foot. Davis was with him. The man was dead and stiff, and appeared to have been dead some hours. The mouth was closed, but the teeth could be seen quite plain. Witness saw the body with the aid of a lantern. His trousers were unbuttoned, and his waist-belt was lying by his side. There was also a towel, pannikin, and a table-knife. There was some bread and cooked mutton.