

fortunate man, should this be taken in evidence against him in a Court of justice?

The Court—The military authorities knew they had no power over the prisoner because Quinn was dead, as has been proved by Dr. Ferguson. They knew they must hand him over to the civil power, and the Court will take care that whatever the prisoner may have said, nothing will be allowed in evidence that is not exactly and precisely in accordance with the rules of law. The prisoner shall have a full, fair and impartial trial.

Examination continued—Major Garrett read over the charge to the prisoner, and asked him what he had to say; The charge was for shooting Sergeant Quinn.

The Court—Suppose the charge had been for any other kind of offence, would the course pursued have been the same?

Witness—The very same; there was nothing out of the ordinary course.

By the Solicitor General—Did Major Garrett say anything to the prisoner beyond reading the charge to him? A. Not a word; he might have made some remarks, but I did not hear them.

Q. Was any promises made to the prisoner to confess, was any representations made to him to confess, or was any threats held out to the prisoner to induce him to say anything about this affair?

A. Not that I am aware of. Q. State what the prisoner said in answer to Major Garrett? A. The prisoner said that Sergeant Quinn was always down upon him; that is all he said; prisoner was then marched back to the guard-room.

Cross-examined—Only examined one pouch in the room that night—the one pointed out to me as the prisoner's: have been in the army 18 years and 11 months; have seen bullets after striking the target a great deal more damaged than that produced; have seen a bullet that has struck a bank, which is not so hard a substance as the target; swear positively that the bullet in my hand was given me by Barker; it was dented precisely as it is now; the dent in the point shows that it met with a hard substance; the cartridge produced is the ordinary one used in the British army; this is the cartridge taken out of the prisoner's pocket; I recognise it by the dirt which adheres to the greased part, and which is here still; this unfortunate affair has created some excitement in the regiment.

Question—Is it not the general desire of the officers and non-commissioned officers to convict the prisoner and hang him?

The Court would not allow the question to be put.

Mr. Morison argued that if the military witnesses came into the box biased with a determination to send this man to the gallows, it would greatly tell against the value of their testimony.

The Court—Ask the witness if he is biased: You have that in your power, and then the jury will be able to see. Bring it home to the witness if you can, but as to asking him about others, you can't.

Question—Have you not in common with other

officers and non-commissioned officers of the regiment, expressed an opinion that this man should be hung?

The Court—Confine your question to the witness himself.

Witness—I have not formed an opinion in my own mind that this man should be hung, for I don't know if he is guilty or not; know that prisoner has been brought up sometimes and reported for being drunk; never considered the prisoner a dissipated character; always looked upon him myself as a fair man; prisoner was court-martialled once in Ireland for being drunk on duty; I have seen as good a soldier as any in the service get drunk on duty at an odd time; it ruins him for the time, but he may recover afterwards; prisoner began to cry before the irons were put on him.

By the Court—All the accoutrements of the prisoner, including the ball and cartridge produced in Court I handed over to Adjutant Stabb.

Arthur Stabb, Adjutant 16th Regiment—Know the prisoner, and knew the late Sergeant Quinn; he was shot on the morning of the 10th July, between the hours of 12 and 1 o'clock, was called out of bed at the time; went to the room in which deceased slept; prisoner had been removed then to the guard-room, and deceased to the hospital; I went to the guard-room, and received from last witness the rifle now in Court, also a ball cartridge and a rifle bullet, the bullet was an Enfield rifle one, slightly indented at the top, and had been fired; examined the rifle and found it had been recently fired; I took an exploded cap off the nipple; examined the barrel of the rifle with a clean rag; it came out soiled, as if it had been recently fired; Sergeant Carroll also handed me eight rounds of ammunition loose; after the return of this Company from Chambly rounds of ammunition were served out to them, twenty rounds to each man; ten rounds was in each package; no portion of this should have been used; gave the things I received from last witness to the Coroner, having taken them to my room that night and kept them there; saw prisoner on the same evening in the orderly room; there was nothing said or done to induce him to confess, on the contrary; prisoner was brought in, and the charge read to him by the Commanding Officer, Major Garrett; this course is the usual one adopted in all cases when a soldier is accused of any offence; witness produces the black list of the morning in question.

Mr. Morison strongly protested against the document being put in, but the Court allowed it.

Adjutant Stabb—The paper in my hand contains the charge read to the prisoner; it is to the effect, first of shooting Sergeant Quinn in his bed; second, with attempting to stab Private Connell; prisoner said nothing; and was asked if he had anything to say; he replied that Quinn was always down upon him, and had confined him at Chambly unjustly.

Cross-examined: Every charge for which a man is confined will be entered in the charge list, but need not come before the commanding officer;

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