

ing of the 9th July; saw him at Mr. or Mrs. Gibson's tavern or grocery on that evening; it was between five and six; prisoner drank about half a tumblerful of whiskey; after prisoner came into barracks he had a sup more; prisoner and two others drank a gingerbeer bottleful of pure spirits after leaving Mrs. Gibson's on that same evening; prisoner might have drank a second glass at Mrs. Gibson's, but I did not see him; the whiskey he brought with him might have been pure whiskey; I do not know if there was water in it; the liquor was drank out of the bottle; prisoner only took a mouthful of it; he got the liquor from Mrs. Gibson, I did not; Sergeant Quinn came in rear of the prisoner when he was put under arrest at Chamberly; I was reduced from Corporal to the ranks on account of a simple barrack-room report, which reached the ear of my Colonel.

Re-examined; Returned to barracks with prisoner about 6 o'clock; a gingerbeer bottle only holds a tumbler, and if prisoner had drank his share, he would only have had a third of that after he got in; was present when the Orderly Sergeant called the roll at tattoo at nine o'clock that night; Sergeant Gordon called the roll; neither at 6 o'clock nor at 9 o'clock was the prisoner seriously the worse for liquor, but capable of performing any duty that might have been imposed upon him; heard prisoner distinctly answer to his name on the night in question when the roll was called; the answer returned is simply "here."

Sergeant Patrick Carroll:—Is Color-Sergeant in the 16th Regiment of No. 1 Company; knew deceased and prisoner; remember the night Sergeant Quinn was shot; was Sergeant commanding the regimental guard; heard the report of a musket where I was lying in the guard room; was about to get up when the sentry in the door called me, and said there was a shot fired in barracks, and that some one was crying; brought a portion of the guard with me, and went into the room occupied by No. 1 Company; found all was right there, and went up stairs to the room occupied by No. 5 Company; on entering there I heard that Sergeant Quinn was shot, and on enquiring by whom, was told John Mawn; examined prisoner's accoutrements; found two packages in his pouch one of which was open, and two rounds of ammunition missing; examined the rifle No. 732 now in Court, and found it had been recently discharged; took the prisoner to the guard room, and had him placed in irons; spoke to him at the guard room door, and said he was the last man I supposed would have done such a thing to Quinn; he then turned round and cried, and said Quinn confided him at Chamberly, when he need not have done it, and that he told him he would be revenged of him dead or alive; Corporal Barker shortly after brought me a rifle bullet; told prisoner there was a round of ammunition yet missing; he nodded towards the pocket on the left hand side of his trousers, and told me it was there; ordered Private Shepherd to take it from his pocket; he did so, and hand-

ed it to me; it was a round of ball ammunition, what we call a ball cartridge; identifies the rifle now in Court.

The Court adjourned till to-morrow morning at 10 o'clock.

SECOND DAY.

Thursday, October 9.

The Judges took their seats on the Bench precisely at ten o'clock; and in a few minutes afterwards John Mawn the prisoner, was put at the bar. The Court was again densely crowded, and continued so during the day. The Colonel of the regiment, many of the officers and quite a number of soldiers, were present, and regarded the proceeding with great interest. Prisoner when placed in the dock, looked calm and collected as heretofore; a shade paler, and if anything yet more attentive and anxious.

The Solicitor General again appeared for the Crown, and Mr. Morison for the defence.

The first witness called was High Constable Bissonette, who produced in Court the ghastly relics of the tragedy—appeared yesterday

—the ball, the cartridge, the bayonet, the bedding, sheets, shirt, and the ball shown me is the ball which was handed me by the prisoner; the ball is in the room on the morning of the 10th, and was brought before the commanding officer.

Mr. Morison objected to the evidence being taken if it was to prove what took place before a military Court.

Examination continued—Major Garrett was commanding at the time.

Q. Did you hear prisoner say anything respecting the murder?

Mr. Morison—I object to this being answered until I put one or two questions to the witness.

The Court—It is to be done through the Court.

Mr. Morison—I find that what this witness is to prove took place before a military court of enquiry. The learned Counsel contended that if Quinn had not died, prisoner would have been tried by court-martial and would have been committed by his commanding officer to take his trial. What the prisoner said then, on that occasion, ought not to be admitted in evidence. Mawn was then a prisoner and in custody, guarded and in duress, when this conversation is said to have occurred.

The Court—But had the prisoner been in the custody of a police officer, what he said on the occasion would be received in evidence, provided his admissions were legally made. That is, if they were made without threats, or promises.

Mr. Morison—The man had been in irons all night, was brought up in custody of a guard with fixed bayonets, and all the paraphernalia of war before a man whom he is taught to stand more in awe of than his God—his commanding officer; and should any admissions, should any conversation thus extorted from this poor, ignorant, unfor-