

ing so. If they had even a doubt on their minds in the case, let the prisoner have the benefit of it, for far better that ninety-nine guilty persons should escape than that one innocent man should suffer. Remember the evidence in this case was given by those who are anxious to see the prisoner hung. And remember this, and with what hesitation such evidence should be received; he asked at the hands of the jury such a verdict as would satisfy the ends of justice and satisfy their own consciences.

The learned Counsel proceeded to call

Private Thomas Rice, 16th Regt.—Knows prisoner; knows private John Barker; remembers the night of the murder; was in company with prisoner and Barker that evening; we were at Mrs. Gibson's, about 200 yards from the barracks; prisoner drank out of a glass, but he did not finish it all while there; it was whiskey I think that he drank; he drank it out of a tumbler, which held near a noggin; this was between five and six o'clock in the evening; it was after supper, which we had about five o'clock; prisoner brought into the barracks a small bottle with him containing whiskey; could not say how much he drank; I could only see the bottle to his mouth; saw prisoner laying on his elbows on the table as I was passing at tattoo; could not say if the whiskey was pure or diluted; prefers the Irish whiskey to what is got here, because a glass of it would be of more service to a man when he is cold than a pint of what we get in Canada; the whiskey we get in this country is not, I think, so good for the health as that we get in Ireland; did not take much notice of Mawh as I passed him on the evening in question; saw prisoner drink no liquor before five o'clock of the day in question.

By the Court—Prisoner is not a habitual drunkard; he gets drunk every now and then, but is not still drunk; the whiskey he took into the barracks was in a ginger-beer bottle; the three of us drank out of it; its a ghost that does not often appear to me is whiskey.

Cross-examined—The kind of a noggin I mean would hold about a pint; the tumbler was not half full; prisoner only drank a sup out of it; the ginger-beer bottle would hold the full of a tumbler, and this we had between three of us.

Dr. Robillard: A man of the appearance of the prisoner with a tendency to blood in the head, would be sooner affected by drink than another; if he drank a large quantity of liquor his symptoms would be more of an apoplectic kind than anything else; it might also have the effect of producing a temporary delirium.

By the Court: The whiskey said to have been drunk by the prisoner prior to the murder, in my opinion, would have had no effect upon him at the time the murder was committed; prisoner must have been so sufficiently refreshed by sleep at the time the murder was committed, that the drink could have had no effect upon him.

Cross-examined: Saw prisoner at the bar on the morning of the inquest; there was nothing extraordinary about his appearance.

Captain Rooke: Prisoner never made any direct admission to me respecting this murder—what I heard took place in the orderly room; prisoner never said to me he had shot Quinn, and was sorry he had not shot another; I asked him what he had to say in the usual way, and he answered nothing at all, but as he turned away, I fancied I heard him mutter something.

Cross-examined: Sergeant Bedson was present when prisoner was brought before me; I was nearest the prisoner at the time I investigated the crime; one of the escort guard must have been nearer to prisoner than any one when he was brought before me; the guard was nearer still than Sergeant Bedson to the prisoner.

John Gibson proved the sickness of his wife, and her inability to attend.

This was the case for the defence.

The Court adjourned for recess.

AFTER RECESS.

Prisoner was again placed at the bar. His countenance is as determined and set as before, but he has clearly lost hope. During the charge of the Judge he leant motionless over the dock, his brows contracted, and his eyes bent on the ground.

The Solicitor General addressed the jury. He said:

Gentlemen of the Jury,

You have had occasion during the present term to dispose of many important cases, involving that right which every British subject possesses, of being protected from injury to his person, and of being secured in the free use of his property. But grave and important as those cases have been, that which has occupied your patient attention during the last three days is incalculably more grave and more important; for you have been investigating the circumstances under which one of your fellow men met a bloody and premature end; and upon the result of your enquiries depends the life of another.

It is a striking proof of the leniency of the laws under which we have the happiness to live, and of the right feeling of those who administer them, that upon a charge like that upon which the prisoner is upon his trial, not only is every reasonable latitude allowed to a counsel, in the course he may think proper to take for the defence, but if the prisoner be poor and unable to pay for legal assistance, the Bench uses its influence to procure it for him gratuitously—and the Bar take a pride in placing their services at his disposal. In the present instance, the learned counsel for the defence assumed his duties at the request of the learned judge now presiding—and he did so without fee or reward—when, as he has told you, the state of his health might well have justified him in declining so onerous, and so responsible a task. And you yourselves have seen with what zeal and industry he has performed his duty. But making every allowance for that zeal—and conceding to the learned counsel all the latitude to which he was entitled in defending a man upon his trial for his life, I must be

permitted to say that the prisoner has permitted to have the most extensive interpretation of the law of the Bench. The Bench were "muttering" in the way of canteens at so much and his awards for and granted either defence. one of the vice—it ago—and part in the great continent of inscriptions victories vailed, the names of the narde, a their day the grati the bright achievement of the R sword h that the later vic here in t defence. more for the peni engaged sion by the unhar rise to t was at occasion my learn wholly arly un advoca are found ment ha own cou The prevaili unfound to the n which are sim of the fa thought have ta there is subject, as that