

made; wherefore in that there is manifest error.

"Wherefore he prays the judgment of the Court here upon the premises, and that the judgments and proceedings aforesaid should be reversed and made void; and that the said T. K. Ramsay should be restored to all things which by reason of the judgments and proceedings aforesaid he could have lost."

We understand that the case will not be in a position to be argued before the full Court till the March Term.

#### THE QUEEN AGAINST JAMES MACK.

The case of JAMES MACK, who was convicted of murder at the last term of the Court of Queen's Bench, and executed on the 23rd of November, may well arrest our attention for a few moments.

The prisoner was a young man, a driver in one of the Batteries of Royal Artillery, stationed at Montreal, bearing a fair character, not addicted to intemperance, who, one evening in July last, cut the throat of Corporal SMITH, of the same Battery, and then proclaimed himself the doer of the deed, in the hearing of those who hastened to the spot. It appears from the evidence of a comrade, named BURTON, the only one in the Battery who seems to have been in the confidence of the prisoner, and to have sympathised with him in his troubles, that the corporal was in the habit of reproofing and reporting MACK, for alleged acts of negligence, and breaches of discipline; that he would frequently take advantage of an officer being within hearing to find fault with the prisoner, for something wrong about his horses or his harness, though in the opinion of his comrade, MACK kept everything in as good order as any other driver in the Battery. It must be difficult, nay, impossible, for persons mixing in active life, and having their sensitiveness dulled by contact with men of all classes and characters, to conceive the degree of irritation created in the mind of a man bound down to the routine of a monotonous service, with no escape from the petty tyranny of one only a step above him. We can but judge of its intensity by the terrible results. Not to speak

of the hideous suspicions entertained that in battle many officers fall by the hands of their subordinates, we have the constantly recurring fact of non-commissioned officers being murdered by their men, for causes inconceivably trifling—murdered recklessly, by men not caring for escape, like the murderer who springs with his victim from the height of a precipice, and perishes with him in the fall. And where this gnawing rage and exasperation do not end in murder, there is ample room to believe they frequently lead to suicide.

In the case before us, the driver MACK had been labouring under a sense of wrong and injury for many weeks previous to the commission of the deed. While out with the "flying column," during the Fenian raid, the prisoner was, in his own opinion, led the life of a dog. He had the care of six horses, and Corporal SMITH, by constantly finding fault, and subjecting him to punishment, seems to have harassed him beyond endurance, though the corporal was probably ignorant of the deadly hatred he was exciting. Half an hour before the murder, MACK had just been ordered to do extra pack drill. The evidence of BURTON, to which we have already referred, shows that the prisoner reasoned with himself that if he struck the corporal, the punishment sure to follow would be so disproportioned to the pain inflicted on his persecutor, that it would be no satisfaction to him, and thus at length he came to the dreadful resolution to be on equal terms with his adversary, by taking his life, and allowing his own to be the forfeit.

This is one view of cases of this class. But there is another possible view. We all know that it is a common, every-day occurrence, when a man cuts his own throat, or terminates his existence in any other way, for the Jury to say that he did it while labouring under temporary mental derangement. This verdict passes unquestioned in the case of a soldier, as well as of any other person. And it is by no means an unfrequent occurrence for a soldier to commit suicide. We have heard of several cases in this city within a few years; and, rather strange to say, the very day we were writing these lines, our eye was attracted by the following paragraph, in a newspaper, of date October 17th. "Quebec,