

the ball had passed through the abdomen and intestines, wounding in five different places; the left kidney and spleen were wounded; the ball passed through the diaphragm into the pleura, fractured the tenth rib, passed beneath the integuments to beneath the seventh and eighth rib, and there made its exit; the organs were generally healthy, except that there was a slight adhesion between the pericardium and heart; the cause of the death of Sergeant Quinn was a gunshot wound; I gave evidence at the inquest; deceased must have been shot from the hip; the rifle must have been held about there; from the direction of the ball I imagine so; the rifle could not have been raised; the wound was such as would have been produced by the ball before me.

By the Court—The ball before me has been denied by coming in contact with a foreign body—probably against the wall.

Lance Corporal William Cook—Knows prisoner, and knew deceased; was in the barrack-room the night Quinn was shot; heard the report of a gun, raised up my head and looked towards where deceased was lying; thought it was a shot from one of the steamers going up the river; looked for some time and saw the prisoner; he was standing over deceased's bed with the rifle at charge; smelt burnt powder, and then attempted to get out of bed; saw prisoner come to the left about; he then had his bayonet fixed on the rifle; laid down in bed again; was between four and five yards distant from the prisoner; it was moonlight, but the moon was shining very dim; could not recognize the prisoner.

Mr. Morison—Then why did you say you saw him?

Witness—I saw a man coming towards the foot of my bed; he came within one yard of it; did not know him; he turned to the right and went up the centre of the room towards the door; witness jumped out of bed and shouted that there was a man shot, and for some one to shut the door; then followed the man for about six yards; Judge, Connell and Conquest came up; they were struggling with the prisoner, and had him down; I went to get a light, but struck several matches before they would light; saw it was the prisoner with whom Judge and Connell were struggling; never lost sight of prisoner until I struck the light; prisoner had on a smock frock, blue trousers, but was without his hat and belt; looked at Quinn's bed and saw the marks where the ball had passed through it.

The Solicitor General here called upon the High Constable to produce the bed and bedding in his custody upon which deceased lay on the night of the murder.

Adolphe Bisonette, the High Constable, accordingly produced two linen shirts, one straw linen palliase, marked W. D., 1862, 1 cotton shirt, No. 2335, 16th Regt., September, 1860, 1 flannel shirt, a rifle, marked 1 Bn. 16, 732, 1 bayonet, marked 16, and under 732; the articles were handed to witness by Sergeant Lenahan, Hospital Sergeant of the 16th Regt., on the 12th

July last, and had been until now in his possession.

Mr. Morison saw no necessity for making an exhibition of this kind in Court.

The Solicitor General—This was a case of too much importance and too much solemnity to omit anything necessary to convict the guilty or deliver the innocent.

Cook re-called—Examines the bedding produced; it is like that slept on by deceased; points out the hole and the blood of which he had spoken.

Cross-examined—Has been in the regiment four years and a half; was at the Curragh of Kildare with the Regiment; knows the prisoner drinks rather freely and gets tipsy; it was the only vice to which he was addicted; prisoner is peaceable unless when in his cups; did not see him on the evening previous to the murder; don't know that he was ever drunk on duty; have seen him at Chambly drunk; though I could not see the prisoner on the night of the murder, I knew Judge and Connell by their appearance and talk; while I was striking the matches my back was turned to the parties who had hold of each other; have heard no orders given not to speak of the state of the prisoner on the night in question.

The Court—It would not be for the interest nor conducive to the honor of the regiment that any such order had been given.

Mr. Morison—It has been insinuated to me, nay stated broadly, that such is the case, and I thought it due to the prisoner to put the question. I am very glad to find there is no truth in the story.

Cross-examination continued.—Prisoner is a very unfortunate fellow when he gets drunk.

Private John Conquest—On the night of the murder heard the report of the shot, and corroborated the evidence of Connell and the other witnesses as to what took place in the barrack-room; witness identifies the rifle in Court as that belonging to the prisoner; on the nipple is an exploded cap; [the rifle was shown to the jury, witness picked up the bullet now produced under the deceased's bed; gave it to Corporal Barker; witness also gave testimony as to the drunkenness of the prisoner at Chambly, and his being confined; as to the serving out the rounds of ball cartridge, and how they were put up.

Cross-examined—Has seen the prisoner the worse for drink; on the night of the murder, when the light was brought into the room, prisoner appeared sober enough; he was not very much excited; he was cool, calm and collected; he was not in any way ruffled or excited.

Corporal John Barker proved that the ball in Court was given to him by Private John Conquest; identified the rifle, and generally corroborates the testimony of the witness who preceded him; he was present when Sergeant Carroll examined the rifle after prisoner had been arrested.

Cross-examined: Prisoner was tried by Court martial at the Curragh for being drunk on duty; saw him drunk at Chambly, but can't say how often besides; saw prisoner drink on the even-

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