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he; the learned counsel, had asserted and believed, that his unfortunate client was unconscious at the time of what he was doing, or what was going on? In the case of Jalbert the jury were charged to convict, notwithstanding the contradictions in the evidence, but the ten honest men held out to their own opinion, and after years showed they were right. Referring to some expressions he made use of last night, the learned counsel said they might be considered harsh, but he had no time to weigh his words in a case of life and death. He could not find time to pick out choice and elegant expressions of language in which to speak of those whom he regarded as the persecutors, to a certain extent, of his unfortunate client. The great question for the jury to consider was, whether the prisoner did wilfully, and of his malice aforethought, coolly, calmly, and deliberately murder his Sergeant? Judge, the first witness examined, did not say exactly that the prisoner was drunk—soldiers could hardly be ever got to pronounce that word, because, by military law, it was the subject of severe punishment. Soldiers, therefore, preferred qualifying the expression, and would say "a little liquor," or something of that kind, rather than fully express the term. The witness went pretty far, however: he swore prisoner was not sober on the evening of the murder, nay, that he was drunk in the afternoon of that day. He, the learned counsel did not pretend that prisoner had been drunk or drinking at the hour when the murder took place, but that he went to bed under the influence of liquor, which resulted in delirium tremens, and rendered him perfectly unconscious of what he was about. Referring to Lance Corporal Barker's evidence, he put the jury in mind how difficult it was to get anything out of this witness in favor of the prisoner, and again pointed out the contradiction between his evidence before the Coroner and before the Court. The evidence of a witness of this kind was not to be believed at all. Mrs. Gibson, the woman at whose house the prisoner at the bar with Barker, was drinking, had been confined this morning, and could not be here to tell her story, or Barker might have been convicted of yet more flagrant contradictions. As to Sergeant Carroll, he had undertaken to swear to the positive identity of a cartridge, which it was almost impossible to identify; but yet, the doubt might have saved the prisoner, and, therefore the Sergeant entertained none. Turning to Captain Rooke's testimony the learned counsel said, whatever personal regard he might entertain toward that gentleman, or, however much he might respect his position in a case like this, every witness in the box, was, in his sight equal; the law recognised no distinction of persons; whatever a man's rank was, he must be treated like others, and wherever he laid himself open, or could be taken advantage of in his evidence or his manner of giving it, it was the duty of the counsel for the prisoner to do so, more especially in a case of life and death. The gallant Captain had in his evidence before the jury shown such an evident de-

sire at all costs to see a great military example, that his evidence must be looked upon with very great suspicion, nay, it must be rejected altogether. The evidence of Conway showed clearly that prisoner, when brought to the guard-room, was in the horrors—was frantic. If he was so then, what must he have been when he committed the deed? Could the jury believe that in his sane senses this crime was committed? If the prisoner really bore such a grudge against his Sergeant because of what took place at Chambly, why have waited so long to execute it? If he had made up his mind to take the life of Quinn, would he have chosen the barracks as the place to execute the deed, surrounded by soldiers, and certain of being captured? No; it was preposterous to imagine a thing of the kind. If prisoner had wanted deliberately and in cold blood to murder his sergeant, would he not rather have slipped a ball cartridge into his gun when firing blank shot or taken the bayonet of one of his comrades to avert suspicion from himself, and so have stabbed him in the dark? The learned counsel commented strongly upon the evidence of Sergeant Bedson, and said no one but a monster of iniquity would come into Court and say he wished to see a man hung because he believed him guilty. But the Sergeant, not satisfied with expressing his own feelings, went a little further, and determined the prisoner should have no chance. He told them of an extraordinary admission made by the prisoner before Captain Rooke, to the effect that he wished he had killed—another. He the learned counsel would put Captain Rooke in the box to prove that no such admission had ever been made, that he, in short, had never heard a word of it. Private Shepherd also heard an admission which no one else heard, though it was said to be uttered in presence of two of his comrades. The truth was, that the Captain and Sergeant of the Company desired to have a fearful example made; the privates, poor fellows, were afraid to say a word against them, or followed in their wake. The evidence had, for the most part, been given in a vindictive and malicious spirit, and ought to be discarded by the jury. It all showed, however, that prisoner committed the murder, either when labouring under the effect of delirium tremens or mental delusion, and therefore the verdict ought to be one of manslaughter. The learned counsel regretted the absence of some medical witnesses he had meant to call; but the prisoner was poor and unable to pay them, and these gentlemen could scarcely be expected, with all their generosity, to attend here from day to day, for nothing. A verdict of manslaughter, which would confine the prisoner in the Penitentiary for the rest of his natural life, would be amply sufficient to make amends to society, and atone for his offence. Whatever the learned Solicitor General may say upon the case, or the Judge charge on the law, the jury, and the jury alone, were the judges of the fact. If they believed that at the time of the murder prisoner was unconscious of what he was doing, let no power on earth hinder them from say-