held. It is evident that the unfortunate prisoner was then totally unconscious of passing events, as he told me he was, and must have been labouring under influences which had destroyed his reason, and only thus could the story be credited that two men, themselves unarmed accomplished what they did. Every man who has mixed in society or with the world, after taking more than his habitual convivial glass and having a short sleep wakens with wild ideas, in bewilderment, and often not knowing where he is, nor what has passed. What must have been the state of the poor soldier who, drinking this horrible stuff, which is well known to contain some of the most violent and poisonous narcotics, awakes from some horrid dream; and commits an act of which he is wholly unconscious, as is proved by the evidence? Will you gentlemen by your verdict say that he is guilty of cool, wilful and premeditated murder and ought to be made a victim to that odious and barbarous law of which I have already spoken? It had not been proved that one cartridge was ever delivered to the prisoner; they had proved that 18 was taken out of his cartridge box, never that one was put in it. Nor was the identity of the one cartridge or the bullet produced in Court in any way proved. The feelings of the regiment was the same as evinced in the witness borne by Captain Rooke—they thirsted for the death of this unfortunate man. Private Barker taking his cue from his superiors swore in the box that the prisoner was sober on the night of the murder; before the Coroner he swore he had seen the prisoner that night and he was drunk at tatoo. The learned counsel condemned the proceedings in the orderly room. He contended that the admissions there elicted from the prisoner were admissions which could not go to the Jury, because the proceedings was before a court having limited jurisdiction—a court known to every one who knew anything of military affairs to be established by the military act and her Majesty's regulations for the army, and called by all writers upon military law the commanding officers court. It was only necessary for any one to look at an elementary work published by Colonel Pippon under the sanction of the Duke of Cambridge entitled manual of military law where the jurisdiction of the commanding officers court was specially defined, to prove his The arraigning of the prisoner before that court upon the charge of murder was an act beyond its jurisdiction and any admission which the unfortunate prisoner at the bar might have made when dragged before that court fettered, unarmed and surrounded by the drawn bayonets of the guard whom he in his ignorance may have supposed had power to put him to instant death, was not legal evidence to be admitted or taken notice of before this Court and Jury; they were admissions made in terror, in bodily fear and while under duresse, and he hoped no Court sitting under the broad arms of England would admit such testimony. Had the prisoner been brought before a magistrate having competent jurisdiction to commit him, he would have been cautioned that he was not bound to make any answer—that any answer he made would be evidence against him. No caution was used on this occasion; dragged from the dungeon and in chains before that great autocrat his commanding officer, any admissions he made were not the free and voluntary admissions that our criminal law would recognise as sufficient to make evidence against the prisoner especially in a case of life and death. Looking at the whole case, and the evidence brought to support it, the learned counsel thought a verdict of manslaughter would be ample punishment for the prisoner at the bar. He could not imagine that the jury would, after the evidence given in the box, and the spirit in which it had been given, find him guilty of murder. The object of society was to suppress crime and punish the offender, and this end would certainly be answered by a verdict of manslaughter. Even a verdict of temporary insanity would have this effect. The man would be sentenced to the Penitentiary for life, and surely that would be punishment severe enough. The prisoner was only twenty-seven years of age; it was a long life he would have to prepare for in the Penitentiary, and society would never again be troubled with him. The learned counsel was about to comment upon the testimony of Captain Rooke when,

The Court said, it was five o'clock, and unless Mr. Morison was nearly finished, an adjournment must take place.

Mr. Morison would not finish for some time, and the Court adjourned till ten o'clock the following day.

THIRD DAY.

Friday, Oct. 16th.

Mr. Morison on the opening of the Court resumed his defence of the prisoner. Refering to the case of Jalbert, which the learned Judge had incidentally alluded to last night, he said the closing scene of that trial was disgraceful to the populace of Montreal. A mob had entered the chamber of justice, and endeavored to coerce an honest conscientious jury—like those in the box—to return a verdict of guilty against the prisoner, against their conscientious convictions to the contrary. Ten honest men of that jury sat out from day to day until the last hour of the term, and then being brought into Court declared they could not agree with the other two, and the Judges and the jury had to fly for their lives. Years after it was discovered that poor Captain Jalbert was innocent of that murder, and yet the infuriated mob would have sent him to the scaffold. In this case it was not exactly a mob that was against the prisoner, but a body of men with whom he was connected—his comrades in the army that clamoured for his death. Not all of them, indeed, for he believed some of them would tell the truth; but dared not, afraid of being marked and punished for it by their superior officers. How would the jury feel, if some eight or ten months hereafter, one of the witnesses they had heard should, on his death-bed, make a declaration bearing out what