

It may be dealt with by the Captain of the man's company; according to our military impressions, this is no military Court; Courts of Inquiry are held for different purposes; never saw in books of military jurisprudence this tribunal called the Commandant's Court; there is nothing very different in the cartridge produced to that of other Enfield cartridges; a new round of ammunition would not have the marks of dirt upon it this cartridge has; have no personal knowledge that any rounds of ammunition were given to the prisoner; was not at Chambly with the Company.

Mr. Morison produced a manual of Military Law approved of by the Horse Guards, where, in chapter third, "the Court of the Commanding Officer" its powers and duties are treated of.

The Court while taking note of the authority produced, said it would like to see what the Military Act had on the subject.

Private Robert Lee, belongs to No. 5 Company in which is prisoner; prisoner slept in the next bed to me on the night of the murder; when I awoke, I saw the prisoner lying at the foot of my bed; could not say what time it was; two men were on the top of him holding him down; could not say who they were; saw Sergeant Carroll in the room after prisoner was taken; he was looking for the prisoner's accoutrements; he asked me where prisoner's ammunition was, and I showed him; the Sergeant examined his pouch, and took 18 rounds of ammunition out of it; it was out of the prisoners pouch this was taken.

Sergeant Kelly: Was on guard on the 7th July last, at Molson's Barracks for about 24 hours, or till 10 o'clock on the 8th; knows the prisoner who was on my guard; on dismounting guard, examined prisoner's pouch; found in it 20 rounds of ball ammunition complete in every respect.

Cross-examined: That was on the 8th.

Captain Rooke: Is Captain of No. 5 Company in which prisoner and Sergeant Quinn were; we were at Chambly in the month of June for ball practice; we returned on the 24th of June; prisoner was confined for being drunk while going down for ball practice; Sergeant Quinn, in charge of the party, sent him back; he was confined in the guard room till next morning, when he was brought up before me; confined him for seven days to barracks; part of the punishment was in Chambly, part in Montreal; about three days after the Company returned from Chambly, twenty rounds of ammunition were served out to each man; there was no occasion between the serving out of this and the shooting of Quinn, on which any of this ammunition could have been legitimately used; was in the orderly room on the morning prisoner was brought up; heard the charge of shooting Sergeant Quinn read to him; no threats or promises to induce him to make any statement were held out; prisoner said Sergeant Quinn was always down upon him, or words to that effect.

Cross-examined: Never heard this Court called the Commanding Officers Court, it may be so, but we always speak of it as the orderly room;

it certainly is my desire that the prisoner should be hanged, and I am thoroughly convinced he is the murderer of Sergeant Quinn.

Court adjourned for recess.

ON RE-ASSEMBLING,

Private James Conway was called for the prosecution: Heard Sergeant Carroll say to prisoner after the murder, while he was being put in the guard-room, "Mawn, Mawn, you was the last man in the 16th Regiment I thought would do the like of that;" prisoner replied, "Oh, Sergeant Carroll, I know my own know; I promised him that at Chambly, if it ran to the end of 12 months I would shoot him;" prisoner said no more outside the guard room door, only what he said inside; prisoner said when walking up and down the guard room, that when Quinn was a private soldier, he had often given him many a pint and pot of beer, and that he thought he should be the last man in the 16th Regiment who should drink on him; now, said he, I've shot him and I hope the beer is dead and damned.

Cross-examined: Was on guard this evening; when the conversation I have related took place, prisoner appeared to me to be like a man in the horrors; I said so at the inquest; prisoner appeared to be in the horrors, but witness did not know if he was excited at the deed he had done or not; prisoner was under the influence of liquor at the time—you could smell his breath—but I could not say strong; prisoner's eyes were rolling in his head, and he had a frantic look about him; I belonged to No. 1 Company, prisoner to No. 5.

Re-examined: Prisoner walked up and down the guard-room and staggered a little; he appeared to me very curious at the deed he had done; should think he would; it was nothing extraordinary that he should appear curious.

Private John Bracken, 16th Regt., No. 6 Company:—Was in the guard-room on the night of the murder when prisoner was brought in; a round of ball cartridge was found on him by private Shepherd.

Cross-Examined: Assisted in putting handcuffs on the prisoner; I was perfectly sober, and could judge of the state that prisoner was in; prisoner was in liquor, but did not appear to be desperately drunk; smelled the liquor upon him when putting on the handcuffs; could not say prisoner was in the horrors.

Colonel-Sergeant Samuel Bedson, of No. 5 Company 16th Regt: Proved the number of prisoner's rifle and accoutrements to be No. 732, and was present when Sergeant Carroll examined the pouch. Witness also corroborates the evidence of former witnesses as to what took place in the orderly room, and what the prisoner there said; prisoner said at his first examination before his own Captain, that he had shot Sergeant Quinn, and he was sorry he had not taken another.

Cross-examined: Prisoner said, in answer to Captain Rooke's enquiry, that he was sorry he had not shot another. Q. You have a very anxious desire to see the prisoner executed, have you