

ance with the evidence, and with justice?—Ans. I continue to believe, that the conclusions are generally in accordance with the evidence, and with justice, and I concurred in the Report accordingly.

Ques 713. It having been alleged by Mr. Smith, that he was condemned by the Commissioners on convict testimony; will you please say, if this is true, or if the Commissioners did not state truly in their Report, page 106, "As to convict testimony, it was only used in the charges to complete the evidence of other witnesses; and even then to so small an extent, that had it been expunged altogether, the charges would not have been materially affected"?—Ans. I believe that the charges would have been fully made out, if the convict evidence had been expunged.

Ques. 714. Were the charges preferred by Mr. Smith against the Commissioners; and by Mr. Macdonald in 1849 1850, and 1851; at all, of the same character as those levelled at Mr. Brown by Mr. Macdonald, in the House of Assembly, in the debate on the Speech from the Throne, of the present Session?—Ans. I do not remember the character of those charges, they never made any impression upon my mind, not conceiving that they affected my character or conduct.

Ques 715. Mr. Macdonald having charged Mr. Brown with "falsification of evidence," on the ground that it is stated in the printed Report, on page 189, that 'as many as twenty, thirty, and even forty men have been flogged in one morning, the majority of them for offences of the most trifling character;' will you please say if the statement was true, and on what authority it was made?—Ans. I cannot speak of the number of men flogged, but I have the best reason to know that the flogging was excessive, and calculated to destroy proper discipline; I am satisfied that the tables of punishment are correct.

Ques. 716. Mr. Macdonald having charged Mr. Brown with obtaining the pardon of murderers confined in the Penitentiary, to induce them to give false evidence, and Mr. Smith having stated before this Committee that convicts Cameron, De Blois and Hennessy were pardoned, but he did not know by whom; will you be good enough to state, if any one of these convicts were pardoned at the solicitation of Mr. Brown, or of the Commissioners, or of the Inspectors, while you were a member of the Board?—Ans. I do not remember any circumstance connected with the pardon of these parties. I do not think that any action, in relation to such pardons, was taken while I was in attendance upon the Commission.

Ques. 717. Mr. Macdonald having brought Mr. Warden Smith before this Committee, to prove that the words "but if she had been a quiet woman, the punishment would not have hurt her," were omitted by Mr. Brown, in recording the evidence of Dr. Sampson, on page 879 of the original record; please refer to the passage, and say who recorded the evidence in question, and whether Mr. Brown was in Canada at the time it was so recorded?—Ans. I recorded this evidence, Mr. Brown being at the time in the United States. I have no reason to believe that the words quoted, formed a portion of Dr. Sampson's evidence before the Commissioners on the 4th December, 1848; if such words were used, the omission on my part was unintentional. I observe that the Minute Book states, "the foregoing evidence was read aloud, the ex-Warden declared the same to be correctly taken down, the witness did the same, and signed it."

Ques. 718. Was the evidence of Dr. Sampson correctly recorded on that occasion?—Ans. I desired it to be correctly recorded, and I believe that it was so.

Ques. 719. Mr. Smith, in reply to question 251 quoted a passage from the evidence of Hugh Manual, given before the Commissioners, in which the following words occur: "Keely has told witness that officers who gave testimony in favor of the Warden would be dismissed, and more than he have said so; Skynner has said so; he said Pollard and Manual, and a good many others