

Warden, were reinstated, after having given evidence before the Commissioners against him.

Your Committee also find that two convicts who had given evidence against the Warden, were recommended for pardon by the Penitentiary Commissioners, soon after the close of their proceedings, by letters of Mr. Brown the Secretary ; and that the pardon of one, was recommended not to be intimated to the convict, until after his testimony should have been secured, and it was sworn to by two witnesses, before the Commissioners themselves, that the said convict, had made no secret of his expected pardon.

Your Committee in conclusion, have to express their regret, that Mr. Attorney General Macdonald, although he had made similar charges against Mr. Brown and the Penitentiary Commissioners in 1850 and 1851, in the performance of his duty as a member of Parliament, on information given him by one of his constituents ; should have allowed himself, in the heat of debate, to reiterate them, in the position he occupied in Your Honorable House.

The whole nevertheless humbly submitted.

---

Mr. *Felton* moved in amendment to Mr. *Stevenson's* motion, that the Committee do report to the House the following in lieu thereof ;

The Committee to whom was referred the enquiry respecting the charges made by Mr. Attorney General Macdonald against George Brown, Esquire, a member of Your Honorable House.

Beg leave to report :

That in accordance with the instructions of Your Honorable House, Your Committee have fully and carefully enquired into the aforesaid charges, and respectfully submit herewith, the whole of the evidence received by them, in connection with the subject referred to them.

Having thus fully reported the evidence, Your Committee do not consider themselves called upon to express any detailed opinion, as the result of their deliberations, but they feel it nevertheless, not improper to declare, in general terms, that while Mr. Attorney General Macdonald appears to have acted under a firm conviction of the truth of the charges against Mr. Brown, and to have been justified in so doing, by all the evidence then within his reach, yet, that the testimony annexed to this Report, has, in the opinion of Your Committee, entirely failed to establish the truth of any of these charges against Mr. Brown.

Mr. *Wilson* proposed the following as the report in amendment to Mr. *Felton's* amendment ;

Your Committee find, that the Commissioners appointed to enquire into the condition of the Provincial Penitentiary, before exhibiting any charges against the late Warden, Mr. Smith, or any of the officers of that Institution, determined, that "the most satisfactory mode would be, to conduct the investigation, in the first place, "in private, and after maturing their enquiries, to draw up from the evidence, "formal charges against any officer who might appear to be implicated, and furnish "him with a copy of such charges, and the testimony to sustain them ; and should "such officer deny the allegations made to his prejudice, they determine that he "should have the opportunity of recalling the witness for re-examination, or "summoning such additional witnesses as he might think proper for his defence ; "they conceived that this mode of proceeding would be highly advantageous to the "accused, for though the preliminary evidence would thus be taken in his absence, "the benefit from having the testimony in writing, with time to scan every line of "it, instead of cross-examining at the moment, greatly over-balanced any slight "disadvantage which might attend it ;" which course was communicated to, and