

5 cords from the Penitentiary stores. Warden declined, but agreed to lend witness 5 cords. Keeper Gleeson measured the 5 cords off, and teamsters employed by witness removed them to his house. In February following, witness delivered 5 cords to the Penitentiary, in return for what he had received and he has Gleeson's receipt for the same, and the receipt of the owner of the wood who delivered it.

"The cord-wood returned was the best quality, better than that received. Witness never got cord-wood from the Penitentiary on any other occasion but that."

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"By Commissioners :—

"Witness never had any private money transactions with Mr. Warden Smith. Witness's furniture was not removed into the Penitentiary, prior to witness's removal from Kingston to Montreal; never had any furniture in the Penitentiary, but a sleigh, which is there now, as witness has no room on his own premises.

"Witness frequently corresponded with Warden Smith, privately and officially, while witness was at Montreal; not so much privately, as officially. Part of witness's family resided some four or five days in the Penitentiary, when witness removed to Kingston from Montreal.

"Mr. Henry Smith, Junior, is one of witness's securities as Collector of Customs for the Port of Kingston, and Mr. John Ewart, of Toronto, is the other.

"When witness removed from Kingston to Montreal, he was indebted to the Penitentiary, principally for a carpenter's account; the whole debt was under £60.

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"Shortly after he was appointed Inspector, being desirous of settling the balance of the debt, got the account made up, and gave a note for it, including interest, which was retired when due.

"Several payments were made in cash on account, while witness was in Montreal; incurred no new debt to the Penitentiary while in Montreal.

"Witness paid part of the debt in hay; it was sold to the Penitentiary by Dr. Sampson, who was then acting for witness. Warden Smith wrote witness that it would have been better for witness had witness sold the hay elsewhere, as he could only give the contract price, which was, at the time, under the market value. The hay was delivered at the Penitentiary at witness's expense. The value of said hay, was £17 17s. 6d. The Warden paid (of this) £4 10s., to Dr. Sampson, on witness's account, by witness's desire, and over two pounds for cartage, and the balance was placed to witness's credit.

"Witness settled up his old account with the Penitentiary in full, by note, in March, 1847. The note was given at twelve month's date; did not pay interest on the account, there being none due on an open account, but included the year's interest on the note. The note was for £40 or £50. This sum covered the whole of witness's old balance of account; paid this note in cash, at maturity.

"Witness gave a note, when he left Kingston for Montreal, covering the balance of his old account, for £59 odd; it was payable on demand, it never was demanded; was nearly three years in Montreal; this note was paid by the hay, £11 12s. 6d., a stove £2, the twelve month's note for £40 odd, and cash for the balance, as far as witness recollects. The Board of Inspectors never demanded payment of the £59 note, as they knew witness would pay it as soon as he could, and he did so.

"After witness's return to Kingston, and before he gave the twelve month's note, and while it was running, witness incurred a new account to the Penitentiary. The amount of this new account, up to 31st December, 1847, was somewhere about £70. Thinks it very likely that no money was paid by witness, either on the old or new account, until the note for £40 odd was retired in March, 1848, which