

Ques. 636. Did not Mr. Amiot, while acting as President, express his opinion on that subject in writing, and is not the paper, now placed in your hand, such an opinion?—Ans. I never recollect having seen such a paper as this, and I do not know the hand-writing. I never heard any such opinion as expressed therein, being made by Mr. Amiot. (By order of the Committee, the paper exhibited was marked E.) I may mention that in all cases where questions of any description were objected to by any of the Commissioners, or anything occurred between any of the Commissioners and a witness, which rendered mutual explanations advisable, the Court was cleared, and the Commissioners consulted among themselves as to the matter.

Ques. 637. Did not Mr. Amiot, as President, clear the room at any time, in order to discuss an alleged intimidation of witnesses by Mr. Brown?—Ans. I have no recollection of any clearing of the Court on any such grounds.

Ques. 638. In answer to Question 467, you say: "The only questions I remember being over-ruled, apparently had for their object, to impeach the Commissioners;" On what principle did you hold the conduct of the Commissioners as free from impeachment?—Ans. I am not aware that the conduct of the Commissioners could be considered free from impeachment, but I certainly do not consider it consonant with a Court of Justice or Inquiry, that parties whose conduct is under examination, should be at liberty to examine the parties who formed the Court, as to their conduct in matters relating to the inquiry, such matters having no connection with the subject of the inquiry.

Ques 639. Were not the following questions proposed to be put to the witness, James Hopkirk, Esquire, and over-ruled:

"Were you told by Mr. Secretary Brown, that you must be mistaken in your impressions that 'acts of violence' were mentioned in Dr. Sampson's letter to the ex-Warden, respecting the convict, James Brown?"

"Did not the Secretary show you a letter in the Book of Charges, against the Warden, to prove that you were mistaken?"

"Did not the Secretary assure you that he made that copy from the original letter of Dr. Sampson?"

"Did not the Secretary say that the copy shown to you in the book, had been carefully compared by him with the original, and that it contained the whole of the letter?"

"Do you think it was Dr. Sampson's wish that he should be bound over to keep the peace?"

Ans. They were.

Ques. 640. As a matter of fact, were not several discharged officers examined against Mr. Smith, and as a matter of fact, were not several of such officers restored after having given their evidence, by the Commissioners, as such, or in their capacity of Inspectors?—Ans. Several witnesses of that character were examined by the Commissioners on matters relating to the conduct, discipline and management of the Penitentiary; portions of their evidence did incriminate Warden Smith; the cases of those officers to whom I allude, will be found particularly narrated in the Report of the Commissioners, and in my evidence in chief, and the grounds of the re-instatement in the offices of which they had been unjustly deprived are there also given.

Ques. 641. Then several discharged officers were so restored, after having given their evidence?—Ans. I have already stated so, and the time at which their restoration was made, I think was subsequent to the drawing of the report, but at all events, subsequent to the time of inquiry.

Ques. 642. Were not several officers of the Penitentiary, who gave evidence for Mr. Smith discharged, and ordered to be discharged after having given their evidence, by the Commissioners, acting as such, or in their capacity of Inspectors?—Ans. There were several, and each of them on sufficient grounds.