

“they deem it expedient to hear them” (his explanations)?—Ans. There is a letter in the following terms, which apparently was substituted for the letter of the 26th November, which was cancelled:

PROVINCIAL PENITENTIARY COMMISSION ROOM,
Kingston, 27th November, 1848.

“SIR,—In the confusion of yesterday, the Commissioners have neglected to reply to your communication of the 24th instant.

“I have now to inform you that the Commissioners propose to postpone the explanations which you desire to make, and will acquaint you when they may deem it expedient to hear them.

“I am, Sir,
“Your obedient servant,

“ADAM FERGUSON,
“Chairman.

“To James Hopkirk, Esq.,
“&c., &c., &c.”

Ques. 678. Did not Mr. Brown and you return to Kingston a few days after the date of this last letter, 27th November, 1848; and did you not refuse to allow Mr. Hopkirk an opportunity of making the explanations desired by him, and promised by the Commissioners?—Ans. We returned on the 10th December, 1848. I am not aware of any communication with Mr. Hopkirk on the subject after our return; during our absence there had been some differences between the Commissioners, who were then in Kingston, and the then Inspectors of the Penitentiary, which led to the resignation of the Inspectors, and the acceptance of it by the Government; after that resignation, the Commissioners had not the duty imposed upon them to examine the conduct of those Inspectors, with relation to all the points referred to in that part of the evidence which appeared to affect Mr. Hopkirk, he told his own story, in his evidence given in favor of the Warden.

Ques. 679. Refer to the Commissioners' Letter Book, and state if the Commissioners ever did acquaint Mr. Hopkirk, when they “deemed it expedient to hear his explanations,” as promised in the Chairman's letter of the 27th of November, 1848?—Ans. I believe the Commissioners did afford him such an opportunity, but those matters occurred during the absence of Mr. Brown and myself in the United States; I will add also, that all those letters between the 6th and 29th of September were written by Mr. Brown, as Secretary only, there being no quorum at the time, he being alone left in Kingston whilst the other Commissioners took a temporary recess.

Ques. 680. Did the extracts or statements alluded to in the foregoing correspondence, materially affect the Warden as well as Mr. Hopkirk; and were they not prejudicial to them both?—Ans. The Warden was furnished with full extracts of any portion of the evidence taken before us, affecting him, and on these alone we predicated our inquiries as respecting his conduct; I have already stated the reason why we did not proceed further in the inquiry into Mr. Hopkirk's conduct. Where improper conduct was imputed to either, in the statements made, they of course affected his character.

Ques. 681. Did the Warden, in the opinion of the Commissioners, explain satisfactorily the transactions with which Mr. Hopkirk's name was connected, as anticipated in Mr. Brown's letter of 25th September, 1848?—Ans. I should say, in reply, I do not feel bound to express my opinion respecting Mr. Hopkirk's conduct further than what has been already expressed in the Report made by the Commissioners; the following extracts will be found to give a full narration of the relations between Mr. Hopkirk and Mr. Warden Smith.