

Ques. 626. You mean to say that the evidence of Maurice Phelan was only used against the Warden in the one instance you name?—Ans. I do not recollect any, and should be happy to have any pointed out to me for explanation.

Ques. 627. Was or was not the evidence of M. B. White used against the Warden, and quoted in the report?—Ans. I am satisfied no more than the incidental reference, to which I have alluded, is made to it.

Ques. 628. In answer to question 442, you say you have no reason to doubt that James Brennan and Eustache Coté might have been produced, had the Warden so requested. Have you any reason to believe they might have been so produced?—Ans. I have no reason to doubt; on the contrary, I believe they could have been produced without difficulty.

Ques. 629. Do you not know, or were you not informed, that Eustache Coté had committed a larceny shortly after having been examined before the Commissioners, and that he had absconded, in consequence thereof?—Ans. I certainly am not aware that any such circumstance occurred prior to the closing of the Commission. I have heard since that time that such was the case, but how long after he was examined before us, I have not the slightest reason of speaking from recollection.

Ques. 630. Was not the evidence of Eustache Coté quoted in the Report, as evidence against Mr. Smith?—Ans. I have no doubt it was quoted, but whether for or against Mr. Warden Smith, I cannot, without reference to the particular passages, state; and with reference to his testimony, and to that of other convicts examined before the Commissioners, I unhesitatingly repeat the assertion made in my examination in chief, that no absolute reliance was placed by the Commissioners in their conclusions, on convict testimony, unsupported by the reliable testimony of other witnesses; on this subject, I will quote the following paragraph from the printed Report, page 106: "And as to convict testimony, it was only used in the charges to complete the evidence of other witnesses; and even then, to so small extent, that had it been expunged altogether, the charges would not have been materially affected."

Ques. 631. Did the Commissioners, in their Report, quote evidence of any witnesses that they considered to be material?—Ans. I have no doubt they did; they felt it their duty to give a *resumé* of the testimony brought before them, leaving it to those to whom the Report was submitted, to judge of the reliancy of that testimony, and of the correctness of the conclusions to which the Commissioners arrived.

Ques. 632. Do I understand you then to say, that the Report contains a *resumé* of the evidence adduced before the Commissioners?—Ans. I do, on the several points you referred to in the Report.

Ques. 633. Did not Mr. Hopkirk, in your presence, frequently object to the way in which his evidence was taken down, and did you reprove him for his language?—Ans. Mr. Hopkirk objected, or caused alterations in the manner in which his evidence was taken down, perhaps as frequently as I do in the manner in which my testimony is taken down at the present time, that is to say, he frequently suggested alterations; most of these were really of a very trifling character, and it was, I considered, very difficult to put down his answers in such a form as to make them comprehensible. I certainly never reproved him for desiring to change his testimony, but it is more than probable that I did reprove him, though I have no distinct recollection of having done so, for his language and bearing towards the Commissioners.

Ques. 634. Did not Mr. Smith frequently complain that his witnesses were brow-beaten and intimidated by Mr. Brown?—Ans. I never knew him to make such a complaint.

Ques. 635. Did not Mr. Amiot, while acting as President, object to witnesses being brow-beaten and intimidated by Mr. Brown?—Ans. He certainly did not.