

"Ques. Did you pay Conlan for carting your furniture?—Ans. Yes.

"Ques. Were your own horses employed in carrying the furniture?—Ans. Yes, they took the light articles.

"Ques. Did you ever reside in the Penitentiary in the Warden's House?—Ans. No.

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"Ques. Was your complaint as to the overcharge for shoe-binding made at the first meeting of the Board after you got in your bill?—Ans. Thinks it was.

"Ques. Did you make your complaint on the day in question, because another charge had been entered the same day against M'Garvey?—Ans. Certainly not. Made no complaint against M'Garvey; only complained of the overcharge.

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"The spade, shovel, and two hoes repaired for witness in the Penitentiary in 1847, were purchased by witness in Kingston from different stores; the two hoes from one store, the spade from another; and the shovel from Watkins & Co., for ready money. Has a bill for the hoes from C. W. Jenkins & Co.

"Has returned a garden roller, the property of the Penitentiary, within the last three weeks, which he had the use of."

Ques. 682. Did not the Commissioners conceive "that the Warden, on the contrary, had not explained them satisfactorily," and did the Commissioners, in consequence, as proved by Mr. Brown's letter of 25th September, "afford Mr. Hopkirk a full opportunity of explaining them, as well as any other matters affecting him; which had come under their notice, before reporting to the Head of the Government," or did they, in terms of the Chairman's letter, of 27th November, inform him, "when they deemed it expedient to here his explanations;" or did they not, on the contrary, notwithstanding his oft repeated and urgent requests, to that effect, "close the Commission, and report to the Head of the Government, without having afforded him such opportunity?"—Ans. The Commissioners, never, to my knowledge, expressed any opinion whether the explanation of the Warden was satisfactory or not. There was no charge made against the Warden, on account of them. Mr. Brown's letter does not contain any promise, it merely expressed an intention to afford Mr. Hopkirk full opportunity of explaining anything that might affect him: Mr. Hopkirk did explain fully, in his examination, the matters referred to, and the Commissioners pursued the matter no further; they could not indeed have done so, Mr. Hopkirk having ceased to be an officer of the Penitentiary, a very few days after the return of Mr. Brown and myself from the United States. They took no evidence against him, and as will be observed in the extract included in my last answer, they let him tell his own story, which they communicated to the Government in the Report.

Ques. 683. You have stated in your answer to Mr. Brown's question 611, that the prosecution for perjury against McCarthy, took place while the labors of the Commission were yet in progress, and the Report to the Governor General had not yet been made. Was not McCarthy a very material witness against the Warden, and has not the Warden been found guilty of some of the charges against him, mainly on McCarthy's evidence?—Ans. I have so stated, he gave full and material testimony on all matters relating to the Penitentiary, and some of his evidence was very prejudicial to the Warden. I have no idea, however, that any charge against the Warden was considered as mainly established on the evidence of that witness.

Ques. 684. You have stated in answer to Mr. Brown's question 612, that McCarthy was tried in 1849; was he not tried in October, 1849, and had not the Commission been previously closed in February or March, 1849?—Ans. The Commission closed in April, 1849, and the trial took place in the Autumn of that year.