

not know such charges had been made in the *Globe* newspaper, as stated by Mr. Smith in his petition?—Ans. I have no knowledge on that point.

Ques. 621. In your answer to question 430, you give the names of several gentlemen who gave valuable information, which led to further enquiry by the Commissioners; did those gentlemen or any of them, point out to the Commissioners the convicts in prison; the discharged convicts; the officers in employ, and the officers dismissed, who were examined by you as witnesses, and if so, name the witnesses so pointed out, and the person or persons by whom they were named?—Ans?—I cannot pretend to say whether these gentlemen named the particular individuals, who subsequently appeared before the Commissioners, whether convict or other witnesses, but I am sure some of them must have named witnesses as suitable to be called; it may be necessary to add also that the information obtained from these gentlemen was followed up by information obtained from numerous officers of the Institution, I know that one of the gentlemen (Mr. Manahan,) formerly an Inspector of the Penitentiary, furnished the Commissioners with a memorandum, which I think led to some enquiry, I may mention also that the commissioners received information from every person who offered to give it, one of the witnesses, formerly a convict, named Maurice Phelan was brought before us through the instrumentality of Mr. Manahan, referred to before in my answer.

Ques. 622. By question 441 you are asked as follows, “of the remaining four witnesses, was not Mr. M. B. White, a merchant in Carbondale, Pa., and Maurice Phelan, a hand on an American steamer, and might not both have been produced, had the Warden so requested,” and you reply as follows; “I know no reason why they might not have been.” Was not Maurice Phelan examined by the Commissioners at the request of Mr. Manahan, contrary to the arrangement made by the Commissioners; as they were informed that the said Phelan was to leave town on the American war steamer, on which he was employed, on the following morning?—Ans. With regard to Maurice Phelan, the examination was not contrary to any arrangement made by the Commissioners, the only change was that at the time the examination was taken, he was about to leave the place, and it was deemed advisable to postpone, until after his examination, such other matters as the Board was then occupied in.

Ques. 623. Did not M. B. White mentioned in the last question, state in his examination, that he was then merely on a visit to his friends in Canada?—Ans. He did state so, I will mention with reference to the examination of the two individuals referred to in the last two questions, that at the time they were examined, no charges were preferred by the Commissioners against any of the officers of the Penitentiary, and they were engaged merely in the preliminary enquiries into the conduct, discipline, and economy of that Institution.

Ques. 624. Was not the evidence of M. B. White and Maurice Phelan, quoted by the Commissioners in their report in support of the charges against Mr. Smith?—Ans. I do not recollect of any thing more than a passing observation, in which their names are introduced, Maurice Phelan's testimony is quoted with reference to the nature and manner of the punishments inflicted, and the following remark is made upon it, and the testimony of others, which show clearly that the Commissioners founded no charge upon the testimony which he gave:

“The foregoing statements were merely given in the charges to enable the Warden to offer any explanations he desired, as the nature of the punishments must be taken into account in considering the extent to which they have been carried.”

As remarked in my examination in chief, no charge whatever was by the Commissioners predicated on the testimony of these two individuals.

Ques. 625. Was not the evidence of Maurice Phelan extensively used in support of the charges against kitchen keeper, Francis W. Smith?—Ans. No doubt it did form a considerable part of the evidence transmitted to kitchen keeper, Francis W. Smith, for his answer.