

sent to witness by her, but Mrs. Smith has since told witness that some of them came from Mrs. Pollard.

"Ques. Were these plants not presented to you direct by Mrs. Pollard?—Ans. Not to witness's knowledge; the plants came to witness from the Penitentiary, and witness at the time understood that they were from Mrs. Smith, though he has since heard that part of them were sent to witness from Mrs. Pollard.

"Ques. When were you first told that Mrs. Pollard had sent you those plants?—Ans. Is not very positive; shortly after witness got them.

"Ques. What was it Mrs. Smith told you about them, that she had got the plants from Mrs. Pollard, and presented them to you; or that Mrs. Pollard presented them to you direct?—Ans. Cannot tell which.

"Ques. Why did you not mention this circumstance in your direct examination, in which you state distinctly that "they were a present from Mr. and Mrs. Smith: Mrs. Smith told witness afterwards that she (Mrs. Smith) had got some of the boxes and plants from Mrs. Pollard?"—Ans. Because the question was not particularly put to witness: the plants came as a present from Mrs. Smith, and witness's attention was not called particularly to how they came into Mrs. Smith's possession.

"Ques. Did not Mrs. Pollard personally ask your acceptance of these plants, and were they not sent direct to you by her, as a present from herself?—Ans. Recollects of Mrs. Pollard saying she could give witness a cutting of a rose and some other plants, before the plants in question were sent to witness, but has no recollection of any further conversation with her on the subject.

"Ques. Is the following evidence, given by Mrs. Pollard before the Commissioners, true? "Witness (Mrs. Pollard) personally asked Mr. Hopkirk's acceptance of the plants; he accepted them, and witness sent them up by Thomas Smith, in the Penitentiary cart."—Ans. Cannot say if it is, or is not, true. Mrs. Pollard asked witness to accept some cuttings or plants, and he said he would be glad to have them, but whether these were the plants which came to witness's house, cannot say: has no reason to suppose it untrue; it corresponds with what occurred.

"Ques. How could Mrs. Smith say these plants were from her?—Ans. Cannot tell; is certain that some of them were Mrs. Smith's property.  
By Mr. Smith:

"Witness's sleigh was stored in the Penitentiary at witness's request, as his own stable was being taken down; it was brought to the Penitentiary in Spring, 1848.

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Witness owed nothing to the Penitentiary when he became an Inspector, but the balance of his old account; gave a note for it about three months after becoming an Inspector. If the gross amount of the hay sold by witness to the Penitentiary had been credited to him, the amounts paid out of the sum on witness's account would have appeared in the books as money to him; understood the price of the hay was to include cartage; desired Dr. Sampson to receive £4 10s. out of the proceeds of the hay. Witness was residing at Montreal at the time. The longest time witness has owed any one account to the Penitentiary, since he became an Inspector, is about eighteen months. The first account commenced with witness, after his appointment as Inspector, in December, 1843; witness's account for 1847 was settled by note and cash, on 1st July, 1848; that account was not sent into witness for payment, he applied for it; had to ask for it several times before he got it.

Witness's account for 1848 is not yet rendered; does not know whether it is the custom to render such accounts as that of witness, only once a year; should think such was the custom, as his own account has always been so rendered. Nothing has ever been charged to witness in the Penitentiary at less price, than to other people, to the best of witness's knowledge. In some instances, articles have been charged less than the town price, and in others more. To the best of his belief, nothing has been omitted to be charged to witness that he got; carefully examines