

Ques. 827. Were the charges preferred in 1850 and 1851 against the Commissioners at all of the same character as those launched at Mr. Brown by Mr. Attorney General Macdonald in the House of Assembly, in the debate of February last, and referred to the Committee?—Ans. I think some of the charges, if not so pointed, were of the same description, but more against the Commissioners; some of the charges were made by Mr. Macdonald, but I cannot say that all of them were.

Ques. 828. Did you act as Crown Counsel at the Kingston Fall Assises of 1849, and among the cases tried on that occasion, was there a prosecution against James McCarthy for alleged perjury in evidence given by him before the Penitentiary Commissioners?—Ans. Yes.

Ques. 829. Did Mr. Brown give evidence at the said trial, and was McCarthy acquitted?—Ans. Yes.

Ques. 830. Do you recollect of Mr. Brown consulting you on that occasion as to the best course for him to pursue (as Inspector of the Penitentiary) in reference to a witness named Manuel, who was expected to give evidence for the prosecution at the said trial?—Ans. I have a recollection of Mr. Brown speaking to me at the British Hotel, with reference to the name of a witness for the prosecution on my list, Mr. Brown having mentioned the man as one of my witnesses, remarked that, "that man had been ordered to be dismissed by the Inspectors some time before." Mr. Brown then put it to me under the circumstances, whether as he was to be dismissed, he ought to be dismissed before or after the trial then pending. I remarked, "that if I was in his place and intended to dismiss him, I would do so before the trial," and in point of fact, as far as I recollect, the man was dismissed before giving his testimony.

Mr. Brown closed his examination of this witness.

Ques. 832. [*By Hon. Mr. Macdonald*].—Did not the Counsel for the Defendant at that trial in his address to the Jury admit the fact of McCarthy's having sworn untruly before the Penitentiary Commissioners, but argued that such untrue statements had not been made wilfully?—Ans. I believe the Counsel did make some such admission, but argued that the necessary ingredient to constitute perjury, was not to be inferred by that admission.

[Witness withdrew.]

The Committee adjourned until 10 o'clock A. M., to-morrow.

Wednesday, 21st May, 1856.

Committee met,—

MEMBERS PRESENT:

JAMES MOIR FERRES, Esquire,

(Chairman.)

Mr. Wilson,—2.

Mr. Brown was present.

The Committee adjourned at half-past 11 o'clock A.M., from want of a quorum, until 10 o'clock A. M., on Friday next.