

approved of by Mr. Smith. That in pursuance of this determination, the Commissioners held a preliminary, and *ex parte* examination of a number of witnesses on oath.

That upon the closing of this preliminary enquiry, Mr. Smith was served with the extracts of it, affecting his character and conduct, and he was thereupon informed, that he should have "every assistance in the production of witnesses which the Commissioners could give him, and he should be entitled to re-produce the same witnesses if he thought proper, or any other witness he might think proper. That should it be found impossible to procure the attendance of any of the witnesses who had given testimony against him, which was not anticipated, the evidence of such parties, would be only used against him as corroborative testimony."

That the examination of all the witnesses, after the preliminary enquiry, was conducted in the presence of Mr. Smith, who was allowed full opportunity of cross-examination. That the written evidence was subscribed by every witness, and before it was subscribed, it was read over aloud to each of them, and this memorandum was made to the testimony of every witness called against, and by, Mr. Smith. "The foregoing evidence was read aloud, Mr. Warden Smith declared the "evidence correctly taken down; witness did the same, and signed it."

That after the evidence affecting Mr. Smith had been finished, he was allowed to call any witnesses he chose in his defence, and so extended was it, that he occupied, from the ninth to the twenty-eighth of October, 1848, and from the tenth of November, to the nineteenth of January following, which periods included the cross-examination of his witnesses.

That the whole written testimony, exclusive of papers and exhibits put in, and exclusive of 336 pages of the preliminary evidence, filled one thousand pages of royal sized paper, no part of which, has been in any way falsified, altered, or added to, since it was signed by the witnesses, but remains as it was.

That after the whole case against, and for Mr. Smith, and other parties accused, was closed, Mr. Brown, at the request of the Commissioners, and with the partial assistance of some of them, prepared a draft report, which was submitted to all the Commissioners, discussed by them, clause by clause, and modified, so as to embody their unanimous opinions.

That in the draft report it was pointed out, what parts of the testimony were to be embodied in the report, as sustaining the particular charges; found that the whole evidence was not so quoted, but such parts only as the Commissioners in the exercise of their judgment, considered as necessary to sustain their finding, on the several charges.

That the report made to the Government on the Commission was the report of all the Commissioners, and agreed to, and adopted by them all, to whom it was competent in their discretion to report their finding, with all the evidence, or with such parts of it, as in their opinion sustained it, or to have made a report, without quoting the evidence at all.

That from the manner in which the evidence was quoted, it is quite evident, that it was not intended that it should be understood to have been all quoted; that there is no evidence of Mr. Brown, or any one else, having suborned any witness to commit perjury; that the pardon of no murderers or other convicts, was obtained by Mr. Brown, or any one else, to induce them to give evidence.

Your Committee therefore find,

*Firstly.* That in no instance, did Mr. Brown record falsely the evidence of witnesses examined before the said Commissioners, nor was any evidence falsely recorded in the matter.

*Secondly.* That the written testimony given by witnesses, after their evidence was closed and subscribed, was, in no case, altered by Mr. Brown, or any one else.

*Thirdly.* That no Convict was suborned by Mr. Brown to commit perjury.