

was not an Inspector at the time; does not know the annual expense to the public for maintaining the gardens; believes the Warden is not charged for the labour put on his garden; it is kept by convicts; understood the Board sanctioned his so employing convicts; alludes to the order passed by the late Board which has been in force ever since.

"Expects to be charged for the time employed by the officers in killing the cow, the property of witness, which was sent into the Penitentiary to be killed; knew nothing personally about the transaction.

"Has a cart, the property of the Penitentiary, now in his possession; has had it several months, since March or April, 1848; sent a note to Warden Smith for the cart; asked him to send any cart not in use; nothing was said to the Warden about paying for the use of the cart, but witness expected to pay for the use of the cart, as of course it will be deteriorated; never spoke to the Warden on the subject of the hire of the cart; it has never been asked back from witness; it was a good second-hand cart; is not aware that another cart has been made in the Penitentiary, in the room of the one in witness's possession; does not know if it is a usual practice for Penitentiaries to hire out carts or other articles, but thinks they might as well have something for idle property; is not aware whether the cart in question has been wanted while witness has had it; presumes that if it had, it would have been sent for; is not aware whether any memorandum of the transaction has been handed to the clerk, to charge witness with it, as it was not witness's business to inquire.

"Never had any garden tools, but the roller, from the Penitentiary; never borrowed, hired, or received any garden tools from the Warden; has sent garden tools into the Penitentiary to be repaired, on several occasions; some of them was repaired by Keeper McCarthy; never had garden tools repaired in the Penitentiary, which were not charged, except it may be this year, of which he can as yet say nothing, not having got the account.

"Since the Commission has sat in Kingston, witness has written no article for any newspaper, upon Penitentiary matters. Dr. Barker of the 'British Whig,' has several times conversed with witness on Penitentiary matters, and witness has answered some of his questions. The first time he spoke to witness, was in reference to an article which alleged that the Commissioners had given insolence and annoyance to the Inspectors. Witness told Dr. Barker that they had received neither. Witness never gave any written memorandum or date, in reference to Penitentiary matters, for publication in any newspaper, directly or indirectly, since the sitting of the Commission, to the best of his knowledge and belief. Witness did write one article for the 'Whig,' and one for the 'Argus,' on Penitentiary matters, in his own defence, but it was prior to the assembling of the Commission; never gave any written memorandum to any one, on Parliamentary matters, since the Commission sat.

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"On the same day that the Warden complained to the Inspectors about the boots, against M'Garvey, witness preferred his own complaint to the Board as to the overcharge made against him personally, for binding boots. That complaint was not made against Mr. M'Garvey, but merely with a view to having the charge reduced. M'Garvey was keeper of the shoe-shop, but witness had reason to believe that Hooper the tailor made the overcharge for binding. Witness was not present at the investigation, and speaks only from what he thinks he heard afterwards from some member of the Board. It has always been the habit for each keeper to fix the price of work done in his own shop, and witness thinks he heard the binding was done in Hooper's (the tailor's) shop, but he speaks from memory.

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"Ques. The plants you have testified to as having been presented to you by Mrs. Smith,—are you certain they were presented to you by her?—Ans. They were