

lent to the private interests of any individuals heretofore connected in any way with the business of said Institution, to the prejudice of the interests of said Institution? If aye, state all the particulars within your knowledge.

Answer.—In my answer to this Interrogatory (so far as I am able to respond to it.) I would refer to the report of the joint committee of the legislature, appointed to investigate the affairs of the Penitentiary in March 1837.—At page 42 of the said report, the committee mention as a misapplication of the funds of the Institution, “the allowance of the Warden more than the act of Assembly seem to authorise,” allowing, as is shown at page 43 of the same report, to the perquisites beyond his salary, that had been enjoyed by the Warden, though prohibited by law. By Dr. H. W. Baxley, one of the persons to whom the committee had propounded Interrogatories, those perquisites were estimated at \$900 per annum.—See testimony accompanying report, pages 105 and 6. By James McEvoy, another witness, they were estimated at \$300 per annum.—See Testimony page 143—and by Joseph Owens, then Warden, they were estimated at \$323 per annum.—See testimony page 51.

The joint committee also refer, at page 41 of their report, to a “misconstruction of the laws relating to the pay of the Executive Committee,” under which, instead of a per-diem allowance, those officers were paid by salaries. The joint committee state that “they (the Executive Committee) received pay when they were absent from the Penitentiary, when the law expressly provides that they shall receive \$2 per day, for every day they shall necessarily attend.

From the books of the institution, it appears that the Executive committee have been paid as salaried officers, since, as well as before the date of the report of the joint committee, and that no charge has been since made in the late Warden’s account, for the perquisites enjoyed by him during the past year as before.

Other irregularities in the pay of affairs, though treated of as in some respects excusable, are referred to in the report of the joint committee, pages 41 and 2.

12th Inter.—Have any person been favored with undue advantages in dealing with the said Institution in any way, or in furnishing supplies to, or making sales for the Penitentiary?—If aye, state all the particulars that have come to your knowledge.

Answer.—In selling to, or contracting with the Institution one of the recent Directors, Mr. Kelso, long held an advantage