

Mr. A. Smirle, recalled and examined on the first charge by *Mr. McDowall*. Complainant :

Q.—Have you any knowledge of any examination in 1871 or 1875 in which anything of the kind specified in the first charge occurred ?
A.—I have no recollection of ever seeing *Mr. Bothwick* break the seals.

Q.—That is not the point. Have you any knowledge that it was done ? A.—I do not think I could give a direct answer to that question.

Dr. Hodgins—You can surely give an answer “Yes,” or “No.”

By Mr. Slack, Commissioner :

Q.—Did you see a paper before it should have been presented to the candidates ? A.—I saw a paper.

Q.—What was it ? A.—An examination paper.

Q.—How long before the examination did you see it ? A.—I could not swear.

Q.—Did you see it the same day it was given out ? A.—No.

Q.—While the second-class candidates were being examined ? A.—I could not swear.

By Dr. Hodgins, Chairman :

Q.—Have you any knowledge of what time it was ? A.—I cannot say anything other than I have said.

By Mr. Slack, Commissioner :

Q.—Was it before the commencement of the first-class examination ? A.—I cannot swear.

By Mr. McDowall, Complainant :

Q.—Was it in the second-class examination ? A.—I cannot swear as to the exact time.

By Dr. Hodgins, Chairman :

Q.—How did you come to see it ? A.—*Mr. Borthwick* showed it me.

Q.—What was the subject ? A.—English literature.

Q.—And you cannot say how long it was before the examination ? A.—I cannot say.

Q.—Was it more than one day before the examination closed ? A.—It was.

Q.—Had you asked to see the paper ? A.—No, sir.

Q.—It was voluntarily shown you ? A.—Yes.

Q.—Why were you shown it ? A.—I do not know.

Q.—Were you a candidate, or had you friends who were candidates ? A.—I was not personally interested.

Q.—The papers having been shown you at least one day before the close of the examination, had you no opinion that the seals were broken ? A.—They might have been taken out without the seals being broken. I have seen mixed papers come in the same envelope.

Q.—If you can make a statement of that kind, you ought to be more particular as to the event ? A.—At the last County Board examination some papers and the time-table came in one envelope, and the time-table was required early in the examination.

Q.—But these might be papers which would contain no possible information. Was one of the papers along with the time-table an examination paper ? A.—I do not know.

Q.—That is important. Some papers might contain matter material to the examination, and it would make a great difference were they along with the time-tables ; but there are others that might contain no possible information whatever, and of course that would have no relation to this inquiry. You are not prepared to say that one of the mixed papers you refer to were examination papers ? A.—I am not.

By Mr. Gibb (Counsel for Mr. Borthwick) :

Q.—It may have been a mistake on the part of some of the clerks in the Department ? A.—If they had been examination papers, it would have resulted from such a mistake.

By Dr. Hodgins, Chairman :

Q.—Did you communicate the contents of the paper shown you to any one ? A.—Yes, to two.

Q.—Who were they ? A.—*Mr. E. W. Parlow* and *Miss E. Living*.

Q.—Was *Mr. Parlow* a candidate ? A.—No.

Q.—Was *Miss Living* a candidate ? A.—No.

Q.—Did you state to them the purport of the paper ? A.—A very small portion of it. I simply had a glance at the paper, and I may have mentioned two or three points, but I should think not more.

Q.—Then you did communicate some information as to the contents of the paper before the examination ? A.—I did.

Q.—Were either of the two persons to whom you did communicate this information going up ? A.—No, but *Miss Living's* sister was.

Q.—Can you give any reason why you communicated that information ? A.—I think it was given in answer to a question.

Q.—Then either of the two persons asked you, and you answered them ? A.—*Mr. Parlow* did not ask me.

Q.—You say he did not ask you anything about it ? A.—We talked about it.

Q.—Did you give him any information about it ? A.—If you call it information to talk about the paper, I did.

Q.—You did communicate facts to *Miss Living* about the paper ? A.—*Mr. Parlow* and I talked about it. The lady happened to ask me something about papers.

Q.—And in reply you communicated to her some facts regarding them ? A.—I said I had seen a paper, and communicated to her some of the contents.

Q.—Why did you do so ? A.—I cannot answer that question. I would have done the same to anybody. As a rule, students discuss anything of that kind, and we do not feel ourselves bound to protect the rights of the examiners, or anything of that kind.

Q.—Had you been a candidate yourself at this time, would you have communicated this information ? A.—I suppose I could object to that question, but I believe if I had information as to what was in the paper, I would have done so.

Q.—Did you think the information you gave to *Miss Living* would have been to anybody's advantage ? A.—That did not cross my mind at the time.

Q.—Would you have considered it of importance to yourself if any person under similar circumstances had given you similar information ? A.—If any person was to tell me, and I should afterwards see the paper, I think it would have been of importance. I think I mentioned the subject of Composition.

Q.—Of course you can say, if that information was given you by the Inspector, that it was scarcely the information to receive in the first place ; and in the second place, it was scarcely the kind of information which it was proper to communicate ? A.—I feel it would have been better not to have received it, and having received it, better not to communicate it ; but I think I did nothing but what the majority of the students would have done under the circumstances. I did not communicate it to any one of the students going up for examination.

By Mr. Gibb (Counsel for Mr. Borthwick) :

Q.—Was it with that intention you talked about it ? A.—I had no particular design.

Q.—Just as two persons naturally interested in one matter would, *Mr. Parlow* and yourself, having met, spoke about the character of the paper ? A.—Just so ; *Miss Living* asked me if I had seen the paper ; I answered that I had, and communicated one or two points.

Q.—You did not communicate it with the intention of letting parties going up for examination know what they should have to write about ? A.—No.

Q.—Was it shown to you by *Mr. Borthwick* with the object of conveying the information to any particular person ? A.—I do not think so.

Q.—Nor that you should convey the information to any others ? A.—No.

Q.—You do not know why it was communicated to you ? A.—I do not.

Q.—You do not know where *Mr. Borthwick* got the paper shown you ? A.—It was not in the envelope when I saw it.

By Mr. Le Sueur, Commissioner :

Q.—Where were you when the paper was shown to you ? A.—I was in the hall, and passed into *Mr. Parlow's* room.

Q.—How did you come to be there ? A.—It was about the examination time, and teachers are usually moving round then, because we feel an interest in them, and sometimes we go to get papers that have been left.

Q.—Were all the papers kept in that room ? A.—I do not know.

Q.—The examinations were conducted in that room ? A.—They were.

Q.—Were there any other papers about the table ? A.—I only saw that one.

Q.—Did you read the paper there ? A.—I do not think so ; I just glanced briefly through it.

Q.—Had you any intention of becoming a candidate at that examination yourself ? A.—I had not.

Q.—Where did you see *Miss Eliza Living* after that ? A.—In the hall.

Q.—On the same day ? A.—I think so.

Q.—Were you aware her sister was going up for examination upon that particular paper ? A.—I cannot say I was.

Q.—Were you not aware that she was going up ? A.—I had spoken to her about the matter, but I was not sure she was going up.

By Dr. Hodgins, Chairman :

Q.—Was her name mentioned in that connection ? A.—Not that I recollect.