

miners come together and consult what they would do in regard to it? A.—I don't think it.

Q.—Are you not aware that some marks were deducted from some of the candidates on the Physiology paper? A.—I am not aware of that.

Dr. Hodgins asked Mr. May if this was the point referred to on the first day of the investigation?

Mr. May—Yes. Mr. Borthwick really did nothing to blame in it. It was the fault of our Board. A majority of our candidates urged our Board very strongly to allow them to take this paper. There were not many candidates writing, or they wanted to get away with the train. We, as I now think foolishly, consented, and asked Mr. Borthwick's Board, and they said they thought it was all right—that it was a little variation from the regular hour, and there was nothing wrong about it. I was distributing the papers when one of our candidates decidedly objected to it. Then I said this must stop. I do not think my candidates had time to read it, and I immediately took them up and reported to Mr. Borthwick.

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

Q.—What year did you say, Mr. Pratt, this alleged irregularity took place? A.—Either in 1871 or 1872.

Q.—It was not the first year, you are certain of that? A.—I think it was in the first year.

Q.—Was that the first year of the present regulations? A.—

Yes.

Q.—So that this style of examination was a new thing? A.—Yes.

Q.—Was it on the first occasion of an examination under the new regulations? A.—I think it was the first or second examination.

Q.—How late, do you say, were you coming in then? A.—I was a very few minutes. I don't think I was more than five or six minutes.

Q.—By what time were you five or six minutes late? By your own time, town time, or what? A.—I cannot recollect.

Q.—Do you remember when you should have been there? A.—I cannot recollect.

Q.—Was there any town time there? A.—There was a time generally understood in the room.

Q.—What did you go by? A.—I cannot recollect.

Q.—What you mean to say is, that by the time you were keeping you were five or six minutes late? A.—I was not guided by my own time, but by the time in the room.

Q.—What time do you go by now? A.—I generally go by the gun.

Q.—Was there a gun then? A.—I cannot recollect that there was, but I think there was.

Q.—Is the gun always regular? A.—I cannot tell that. I think it is pretty nearly so.

Q.—Of course you cannot say if any other Examiner besides Mr. Rathwell was there? A.—There was no other there when I came in.

Q.—With respect to the Regulations, is there any time fixed on these envelopes, or any particular way by which it is to be determined? Is it by the gun, or the Catholic clock, the Protestant clock, or anything else? A.—Not that I am aware of.

Q.—I suppose you know there is a discrepancy between the watchmakers' time? A.—Yes.

Q.—Who were present on the second occasion when you say this envelope was taken out of its place? A.—I cannot tell you.

Q.—Were there any other Examiners there before you? A.—I am satisfied there were other Examiners in the room.

Q.—Were they there before you? A.—I was there before the proper time myself.

By Dr. Hodgins, Chairman:

Q.—Were you there before the proceedings were commenced? A.—We were.

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

Q.—Were you there before any other persons were there? A.—The door was locked, and we all went in together.

By Dr. Hodgins, Chairman:

Q.—You were there before the presiding Inspector took his place; before the envelope was broken and the papers were distributed? A.—I was.

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

Q.—Did you see the envelope opened? A.—I saw him unlock the door and take it out.

Q.—Did you examine it? A.—No. It did not strike me that there was anything wrong about it.

Q.—Did you examine it sufficiently to see whether the papers had been taken out of it at all or not? A.—I did not.

Q.—Was it possible for you to see in that cursory glance whether it was broken designedly? A.—The seal was broken, and the envelope torn.

Q.—Was the seal broken across? A.—Yes.

Q.—Did you notice whether there was more than one seal broken or not? A.—I cannot recollect.

Q.—Can you tell whether there was more than one seal on it? A.—I cannot. The only thing that struck me at the time was that the envelope was open.

By Dr. Hodgins, Chairman:

Q.—Was it completely open? A.—Yes, sufficiently to allow the papers to be taken out without any more breaking.

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

Q.—Do you mean to say it was open all the way from one end to the other? A.—I cannot say.

By Dr. Hodgins, Chairman:

Q.—Did it not occur to you that you had some responsibility in that case? A.—I felt the responsibility on the first occasion, but not the second time.

By Mr. Le Sueur, Commissioner:

Q.—Why did you object to speak of the matter? A.—Well, my name had been mentioned as an applicant for the position, and I felt a delicacy about speaking of the matter.

By Mr. Hodgins, Chairman:

Q.—Do you think as an Examiner you can rid yourself of responsibility in that way? A.—No, I think I could not. I felt it was wrong at the time.

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

Q.—Did Mr. Borthwick ask you not to speak of it? A.—He never spoke to me on the subject.

Samuel Rathwell, recalled and examined by Dr. Hodgins, Chairman:

Q.—You have been an Examiner from the first? A.—I am not positive about 1871, but I think I was.

By Mr. McDowall, Complainant:

Q.—Are you aware, at any of the examinations of 1871, 1872 or 1873, that the envelopes containing the examination papers were opened before the proper time to do so? A.—I think I remember one time seeing the seals broken.

Q.—Please state what time? A.—I am not positive, but I think it was the examination of 1874.

Q.—Do you remember none in 1871, 1872 or 1873? A.—I cannot say.

By Dr. Hodgins, Chairman:

Q.—How did you know they were opened? A.—I had heard rumours about it outside, and I took particular notice of it when I came in before the time, and I think it was while they were being brought out I noticed the paper in Arithmetic had been opened.

Q.—When was that? A.—I think in July, 1874.

Q.—Was that before the assembling of the candidates and the Inspector taking his seat? A.—Yes.

Q.—Was it completely open? A.—I think so.

Q.—Did you examine it? A.—No.

Q.—How do you know it was open? A.—I could see it, and it seemed as if it had been broken open.

Q.—When did you see it? A.—I think it was when Mr. Borthwick took it down from the cupboard.

Q.—There was no further fracture in taking the papers out? A.—I think not.

Q.—Are you not sure? A.—It is my impression.

Q.—Did you make any objection to it? A.—I did not.

Q.—Did you feel no responsibility for the seals being broken open? A.—I did.

Q.—And you said nothing about it? A.—I said nothing.

Q.—Why? A.—I felt a delicacy about it.

Q.—Did you say anything about it to him—the Inspector? A.—No.

By Mr. McDowall, Complainant:

Q.—Did you speak to any of the other examiners about it? A.—I might have done so, but I don't know.

Q.—Do you remember any other examiner speaking to you about it? A.—I heard rumours about it.

Q.—Did Mr. Pratt (examiner) call your attention to it? A.—I think he spoke to me about it outside.

Q.—Did he not, in 1871 or 1872, ask you whether you were present when the seal was broken? A.—Not that I remember.

By Dr. Hodgins, Chairman:

Q.—Did this occur at any other time than 1874? A.—I heard rumours of it, but never saw anything of the kind, to my personal knowledge.

Q.—Did you feel that you became a party to the opening of the seals by saying nothing about it? A.—I did. I explained it in this way: I knew Mr. Borthwick was anxious to see those papers. He and I were standing one time—I think at the noon recess, about ten minutes before the time of commencing—and he made a remark: "By the way, what is our next subject?" I drew over the