

Q.—In the examination of December, 1872, have you any knowledge of papers being opened before the proper time? A.—I am not sure whether it was the examination of 1871 or 1872. I did not go there on the first day; but the second morning I did, and Mr. Borthwick and Mr. Rathwell were present. I saw the seal of an envelope was broken, and the papers were out. I said to Mr. Rathwell, "Were you present when these seals were broken?" I may state I was a few minutes after the time. Mr. Rathwell said he did not see them broken. I said: "This is a very important matter."

Q.—What did he say? A.—He seemed to think it was.

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

Q.—Was Mr. Borthwick present? A.—He was not.

Mr. Gibb objected to a conversation which took place in Mr. Borthwick's absence being accepted as evidence.

Objection sustained.

By Dr. Hodgins, Chairman:

Q.—Are there any other Examiners besides yourself, Mr. Borthwick and Mr. Rathwell? A.—Yes, Mr. McMillan; but he was not in.

By Mr. McDowall, Complainant:

Q.—Was not Mr. Ross, now Judge Ross, an Examiner? A.—I think he was.

By Dr. Hodgins, Chairman:

Q.—Did you speak to Mr. McMillan on the subject? A.—No.

Q.—Did you see a package open on any other occasion? A.—I did.

Q.—When was that? A.—The second time was in the afternoon, at the time when it should have been taken out and broken in our presence.

By Mr. McDowall, Complainant:

Q.—Were the candidates present? A.—No; they were coming in.

By Dr. Hodgins, Chairman:

Q.—What are the regulations with regard to breaking the seals? A.—The Examiners should be present.

Q.—The regulation is that two Examiners should be present. Do you know whether anybody was present when Mr. Borthwick broke them open? A.—No.

Q.—Were they broken in your presence? A.—No.

By Dr. Hodgins, Chairman:

Q.—In regard to the second occasion what is your statement? A.—I saw the door of the place where they are kept, open, and the package was broken when it came out.

Q.—In whose custody were the papers? A.—In Mr. Borthwick's.

Q.—Had he any particular place for keeping them? A.—He had.

Q.—Did you examine the envelope to see whether the time for opening it was stated on the back? A.—I did not.

Q.—Then it is your impression merely that the rule was violated? A.—I felt that it was broken before the time.

Dr. Hodgins—It is a pity you did not look at the envelope at the time, because it would have shown at once whether the rule was violated or not.

By Mr. McDowall, Complainant:

Q.—Were the teachers present when that took place? A.—I cannot say.

Q.—Have you any recollection what Mr. Borthwick did with the package or envelope? A.—I have not.

By Dr. Hodgins, Chairman:

Q.—Can you tell as a matter of fact whether the envelope was opened before the proper hour? A.—I was on time that morning, and the package was broken.

Q.—You mean the package from which the papers were taken to be distributed? A.—Yes.

Q.—And you were there at the proper time of opening? A.—I was a little late.

By Mr. Le Sueur, Commissioner:

Q.—Were any other Examiners present when you saw this? A.—I am under the impression there were. I did not think it was done for any purpose.

By Dr. Hodgins, Chairman:

Q.—Did you feel any responsibility in connection with it? A.—The first time I did, but the second I did not feel any responsibility.

By Mr. Le Sueur, Commissioner:

Q.—Did you express any disapprobation to Mr. Borthwick? A.—I did not to Mr. Borthwick himself, but I did to Mr. Rathwell. I mentioned it to him, and he did not feel as if he wished to say anything about it. I had implicit confidence at that time that there was no desire to tamper with the examination.

Q.—Did you see the directions? A.—I saw they were directed

to the Inspector. I may say that Mr. Borthwick being Chairman of the Board, and Mr. McMillan being a member, I had such confidence in them that I did not take an active part.

By Dr. Hodgins, Chairman:

Q.—You say when the envelope was broken it was in some place where it was usually kept. It was not in the hands of the Inspector in the act of distributing the papers to the candidates? A.—It was in a small cupboard, and he unlocked it and took it out.

Q.—And the seal was broken when he took it out? A.—It was.

Q.—Are you sure? Did you examine the envelope to see whether the seal was broken accidentally, or whether it showed it had been broken by manual act? A.—I did not examine it particularly, but I saw the seal was broken.

By Mr. McDowall, Complainant:

Q.—Did you see if the envelope was broken at all? A.—I did not examine it.

By Mr. Le Sueur, Commissioner:

Q.—Did Mr. Borthwick express any surprise that it was broken? A.—No.

By Mr. McDowall, Complainant:

Q.—When was the first time? A.—In 1871 or 1872.

Q.—How many examinations were there in the year? A.—Two.

By Dr. Hodgins, Chairman:

Q.—You cannot state positively when this occurrence took place? A.—I cannot be positive. I think it was either the first or second examination I was at.

Q.—The second occurrence took place, when? A.—I cannot be positive.

By Mr. McDowall, Complainant:

Q.—Was it before 1873? A.—I think it was.

Q.—You were an Examiner in 1875? A.—Yes.

Q.—And attended pretty regularly? A.—Yes.

Q.—Are you aware that one of the papers was taken up before the proper time, some arrangement having been made between the inspectors, that some one objected to it, and the papers were re-collected and returned to the envelope? A.—The Physiology paper was distributed in our room, and, I expect, in the other rooms as well, and a few moments afterwards Mr. May came in and said some teachers who were to stand examination objected to it. The result was, the papers were re-collected.

Q.—Was that the proper time for the Physiology paper? A.—No.

By Dr. Hodgins, Chairman:

Q.—Was that done at the instance of Mr. May? A.—I think it was. I heard the person who came in (I am not sure whether it was Mr. May or not) stating the reason why they were to be taken up was that one or two of the young men undergoing examination objected to that paper being taken up.

Q.—Then it was on Mr. Borthwick's concurrence they were taken up? A.—Yes.

Q.—Should that examination have gone on? A.—It should not. It was taken up in advance.

Q.—How long was it after the paper was distributed that it was taken up? A.—About five minutes.

Q.—They had time to read it? A.—Yes.

Q.—And that paper was afterwards distributed again? A.—Yes.

Q.—When? A.—The afternoon of the same day.

By Mr. McDowall, Complainant:

Q.—The paper was first distributed in the morning? A.—Yes; I may say I do not attribute any fault to Mr. Borthwick at all on that matter. It was to facilitate the examination.

By Dr. Hodgins, Chairman:

Q.—Did you concur in its distribution out of its order? A.—I rather think I did. I left a good deal to Mr. Borthwick and Mr. McMillan.

Q.—What reason was assigned? A.—I cannot recollect exactly, but I know it was to facilitate the examination.

Q.—Don't you know that taking it up after the candidates had time to read it, was wrong? A.—I know it was done with good intentions, but when the objection was raised we had no other remedy but to take it up. I felt they had received a certain advantage.

Q.—Didn't it occur to you that the pupils in your room would have an advantage? A.—I understood it was distributed in the other room too.

Q.—It was not Mr. Borthwick's act alone? A.—No. I may state that it was with the concurrence of all the examiners, and I concurred in it. I left a good deal to Mr. Borthwick and Mr. McMillan.

Q.—Then it was an irregularity in which you were all concerned? A.—Yes.

By Mr. McDowall, Complainant:

Q.—You found out that these teachers objected; did the Exa-