

Commissioners also met every day and appointed the witnesses to come and hear their depositions read, but it was not until Monday that it was quite ready. The Commissioners met in the afternoon and again in the evening, until 11.40 when the work was fully completed. Every witness gave attendance and after very unimportant corrections, signed the sheets in the presence of the subscribers.

The terms of the Commission not calling for a judgment, or even for the expression of an opinion on the part of the Commissioners, we have forbore such expression; but if called upon we will be ready to state our convictions, there being, as we believe, no differences between us on the merits of the case.

We have the honour to be,

Reverend and respected Sir,

Your obedient Servants,

J. GEORGE HODGINS,

Chairman,

H. L. SLACK,

P. LE SUEUR.

Commissioners.

The Revd. E. Ryerson, D.D.,

Chief Superintendent of Education,

Toronto.

Ottawa, December 1st, 1875.

The Commission met at the Normal School at 1.30 p.m. Present, Dr. Hodgins, presiding, Mr. Le Sueur and Mr. Slack, Assistant Commissioners. Mr. Borthwick was represented by Mr. A. Gibb, Barrister.

Dr. Hodgins, the Chairman, opened the enquiry by the following remarks:—I desire to say before we proceed with this investigation, that it has hitherto been an unusual thing for the Department (beyond entertaining appeals) to take such serious notice as has been taken in this case of objections that have been raised, and complaints made, in regard to the examination of Teachers; but there seemed to be so much circumstantiality about the facts alleged, and other matters connected with this particular case, that it appeared wise on the part of the Chief Superintendent, to issue a Commission to take evidence under oath, and report the result to him. Although the provision of the law under which the Commission was issued, has been in existence since 1850, yet as it contained no clause authorizing the payment of any parties engaged in such investigations, no action was taken under it. This is the first case therefore which has arisen under the statute as amended, and under authority of the Act the Chief Superintendent has issued a commission which had better be read for the satisfaction of all parties here. He (the speaker) deeply regretted the necessity which appeared to exist for the unusual exercise of authority on the part of the Chief Superintendent. He assured all parties concerned that the inquiry would be conducted with the utmost fairness and impartiality. Mr. Slack then read the warrant of the Chief Superintendent appointing the Commissioners, and also the following charges which were appended thereto:—

1st. That the Rev. H. J. Borthwick, M.A., Inspector of Public Schools for the City of Ottawa, and Chairman of the Board of Examiners, did break the seals of envelopes containing examination papers, before the time appointed by law for doing so.

2nd. That some of these examination papers were given to various teachers before the examination, to enable them to prepare answers to the questions.

3rd. That in one case, at least, he wrote on the blackboard the answers to the questions in Natural Philosophy, to aid teachers in the solution of the same.

4th. That in the same examination he passed slips of paper to various teachers with the answers to the questions in Arithmetic written upon some of them, and with the words "you have passed in English grammar" written upon others (one at least).

5th. That, in the same examination, on some of the teachers expressing a wish to know what kind of questions there would be on the Physiology paper for the next day, he volunteered an answer by proceeding to give hints upon the various questions which were on the paper, to her and to other teachers who were present.

6th. That he extended the time allowed by the regulations for candidates to write upon the subject, to an inordinate degree, in one case to nearly an hour.

7th. That he (the Rev. H. J. Borthwick) has been guilty of several other irregularities which will come out on investigation.

Dr. Hodgins continued:—My colleagues and myself have agreed that the mode of taking evidence shall be as strictly and as nearly as possible according to the rules laid down by legal authorities in regard to the taking of evidence in courts of law. In case any doubt should arise on any question and we do not feel ourselves competent to decide it on the spot, we shall reserve it without dis-

cussion. With regard to the seventh allegation, we shall not enter into it until Mr. McDowall shall furnish the Commissioners a copy of what he alleges under this head, and also a copy to Mr. Borthwick. We shall confine ourselves strictly to the allegations in these several charges from No. 1 to No. 6. In the examination of a witness, all other witnesses will be excluded from the room. The utmost fairness and impartiality shall be observed.

Mr. McDowall, complainant, stated that he was ready to proceed with the investigation of the 3rd, 4th, 5th and 6th charges, and it having been decided to take up these, Mr. Rathwell (one of the city examiners) was called and sworn:

By Mr. Slack, Commissioner:

Q.—Do you know anything of this third charge, that Mr. Borthwick wrote the answers to questions in Natural Philosophy on the blackboard? A.—I do not recollect any time he did that. I may say that I saw some answers a good while after the examination was over.

Q.—Were they in Natural Philosophy? A.—No.

By Mr. McDowall, Complainant (through the Chairman):

Q.—Do you remember the day on which the Natural Philosophy paper came up in the July examination of 1874? A.—I cannot tell you the date.

Q.—Do you remember, at the time the candidates were writing that paper, observing any figuring on the board? A.—I saw a lot of writing usually on the board.

By Dr. Hodgins, Chairman:

Q.—Where did this examination take place? A.—In Central School West.

Q.—Did you observe, when you went into the room, anything at all written on the blackboard? A.—The blackboards are usually full of writing.

Q.—Was the blackboard full on this particular day? A.—I do not remember having seen anything with regard to that particular subject.

Q.—Did you observe anything at all written on the blackboard on that specific day? A.—I did not to my recollection.

By Mr. McDowall, Complainant:

Q.—You are positive there was nothing at all with reference to the questions? A.—I am not positive.

Q.—Was your attention during that day in no way directed to answers written on the board? A.—I cannot specify on the day that Natural Philosophy was the subject, but I may say that one time I saw questions relating to arithmetic on the board.

Q.—What day? A.—I do not know the day.

Q.—Would you be positive they were arithmetic? A.—To the best of my knowledge they were, but I saw no other answers to other questions, to my knowledge, during the whole examination.

Q.—Have you any knowledge of slips of paper being passed to the teachers? A.—No.

Q.—Did you hear any teacher express a desire to know what would be on the physiology paper next day? A.—I do not remember just now.

Q.—Try and be positive? A.—I don't remember.

Q.—You have no recollection whatever of anything of the kind occurring? A.—I don't think so. I have often heard the teachers in the hall laughing and asking Mr. Borthwick what they would have next day, but heard no reply.

Q.—Did you hear him give any hints on physiology? A.—Decidedly not.

Q.—Did you ever hear him say "count your teeth"? A.—Decidedly not.

Q.—Did you ever hear him say "feel your bones!" or words to that effect? A.—Decidedly not.

Q.—Did you never hear anything of the kind? A.—I have heard others speak of it, but never heard it myself.

By Dr. Hodgins, Chairman:

Q.—Have you any personal knowledge of the circumstance? A.—I know nothing of it personally. It did not happen in my presence.

By Mr. McDowall, Complainant:

The sixth charge having been read:

Q.—Will you please, Mr. Rathwell, to state the facts within your knowledge on this point. Have you any knowledge that the time was extended? A.—I have no remembrance of this having been done on any particular day. There were, I know, one or two occasions upon which this was done, but I do not remember what they were.

By Dr. Hodgins, Chairman:

Q.—Was that extension granted by consent of the Examiners as a Board? A.—I think it was. In fact, very probably it was, but I do not remember the occasion.

Rev. Mr. May.—I do not recollect the paper, but I do recollect the circumstance. Some of my teachers wanted to get away, and some