

Mr. Borthwick—I cannot, since these charges have been put in my hands, recollect this circumstance.

Mr. McDowall—I would call your attention to the fact that was brought out by one of the witnesses, that two papers were given out at one time to Mr. Parlow, which proves the case.

Dr. Hodgins—It proves the seals were broken. I would not class that with Mr. Smirle's case. (To Mr. Borthwick.) Could you explain the fact that these two papers were given at the same time to the candidate?

Mr. Borthwick—I can not. It may have been done.

Dr. Hodgins—I fancy you must have done so from the fact that the candidate did not leave the room until the papers were answered; but the fact was alleged, and it shows that the seals of the second paper were broken.

Mr. Borthwick—Yes, I was going to admit that the seals were broken, but I most emphatically deny that they were given to the candidates to enable them to prepare their papers.

Dr. Hodgins—But the information was given indirectly, and you can see yourself that a man might have two papers put before him and have an advantage. Suppose it was one of those essential papers, one that it were necessary to get fifty per cent., he might have taken that and made the most of his time on it. You did not insist upon him doing the one first upon the programme?

Mr. Borthwick—I suppose not.

Mr. McDowall—I would call your attention to Mr. McArdle's evidence establishing the fact that papers were given to him before he went into the room.

Mr. Borthwick—The whole of the candidates were there. They must have been either in the room or in the hall coming in. After Mr. McArdle's evidence to-day, I remember his speaking to me about Milton. These papers must have been opened in the presence of the examiners when the candidates were coming in. Just at the time of opening them I called them to come in. I cannot see any collusion.

Dr. Hodgins—No collusion and no harm done, but it was contrary to the Regulations.

Mr. Borthwick—No; they were opened in the presence of the candidates and examiners.

Dr. Hodgins—You can see yourself even that trifling irregularity can be raised as an objection to the examination.

Mr. Borthwick—But the candidates could have had no advantage.

Dr. Hodgins—But it might be fatal to one entitled to the highest prize. That examination might have been protested against. It is absolutely necessary to follow the strict letter of the regulations. You can see the objection.

Mr. Borthwick—An objection could not have been raised that any advantage was got from it.

Dr. Hodgins—That is true. I don't see how it could be proved, but if it could be proved that the papers were opened before the right time—

Mr. Borthwick—That I deny, except in the case where the two papers were given at one time instead of two separate times. The seal of the envelope containing the second paper must have been broken before the time.

Mr. Le Sueur—Can you account for the fact stated by Mr. Pratt, that on two occasions at least the seals were broken in advance?

Mr. Borthwick—I have no hesitation in mentioning that in the cupboard to which Mr. Pratt and Mr. Rathwell refer, I kept papers. The unopened envelopes and opened envelopes were, among others, in them. I put them in there, and I can only account for it in this way, that I may have taken out one of those opened papers, and Mr. Pratt may have thought it was an examination paper, but I cannot account for the fact as he states it. I have no recollection whatever of having opened papers there or keeping opened papers in there. I would have no object in view in doing it.

Mr. Le Sueur—I don't say you had, but it is very easy to imagine an object.

Dr. Hodgins—You must have had some reason for handing round the two papers at one time. Either you did not think the regulation was important, or you may have thought your own personal custody was sufficient. Did you at all discuss in your own mind such questions?

Mr. Borthwick—I don't think I did. These gentlemen never took any custody of the documents. I think I did on one occasion give Mr. Rathwell the key when I was obliged to be absent. The time the two papers were alleged to have been put out, I could have had no object in it.

Dr. Hodgins—No; in showing the paper to Mr. Smirle there might have been an object.

Mr. Borthwick—But I have no recollection of having shown him a paper. With regard to our enforcing the Regulations, I am certain my colleagues and myself have to a large extent followed out the Regulations. We have never wilfully or knowingly done anything which would cause disadvantage to any one.

Dr. Hodgins—How could you be officially in possession of information that certain candidates had passed?

Mr. Borthwick—From the documents in the hands of the other examiners.

Dr. Hodgins—Yes; but that information was informal. As Inspector you were in possession of information which was not confirmed by the Board.

Mr. Borthwick—The examiners had determined the fact. They had finished their work as far as that was concerned.

Dr. Hodgins—Do you think there was no impropriety in conveying information of that kind?

Mr. Borthwick—Most decidedly not. I had intended to call all the members of the Board of Examiners that ever sat with me, and all the teachers that had ever been before the Board, to state their idea of the manner in which things had been conducted, but I do not see any necessity for it. I am quite willing to rest my case on the evidence.

H. G. BORTHWICK, I. P. S.

Signed in presence of

J. G. HODGINS,

P. LE SUEUR,

Commissioners.

December 6th, 1875.

Dr. Hodgins—I would like to say a few words in bringing the proceedings of this important investigation to a close. I should wish all parties concerned,—those in this city who are friends of Mr. Borthwick,—to understand that the Department which I have the honour to represent in this matter very reluctantly undertook a painful duty of this kind. It is, as I have already stated, the first examination or formal inquiry which we have ever instituted into the conduct of any gentleman connected with the administration of the School Law in Upper Canada, or Ontario. However, in justice to Mr. Borthwick, I do not mean to say that it is the first occasion which has arisen; but the machinery of the law did not afford us the same facilities for doing so as now. Cases have occurred in which it would have been very desirable to have inquired into the conduct of officers entrusted with the local administration of the law. This is, however, the first case which has arisen under the amended School Act of 1871, which empowers the Chief Superintendent to inquire into such cases, and to authorize payment to be made for the services of those engaged in the investigation. The Chief Superintendent thought, as so many objections had been made to the Rev. Mr. Borthwick's conduct, and strong statements had been made in regard to the integrity of the examinations in the City of Ottawa, it would be desirable, in the interests of the Public Schools and of the teachers in the Province, to appoint gentlemen who would carefully examine all the statements made and investigate the alleged facts, and report to him the evidence which they had taken under oath. The Department felt, of course, a delicacy in appointing a clergyman of another denomination to a position of this kind, or a Local Inspector. It was therefore decided to take a brother Inspector from an adjoining County, who was a layman, and another gentleman at Ottawa, who was also a layman and a Dominion official, and therefore somewhat different in his relations from an ordinary resident here; a gentleman, too, who was chairman of one of the Sub-Committees of the Board of School Trustees, whose officer Mr. Borthwick was. Having a high appreciation of the value of Mr. Le Sueur's experience as a public officer, I took the liberty of suggesting his name as a proper person to associate with Mr. Slack and myself in this matter. I had the pleasure of knowing Mr. Borthwick before, as I do nearly all of the Inspectors; and knowing the nature of their responsible duties, I could sympathize with them in the difficult and delicate position in which they were often placed at these examinations. Having a good deal to do with the details of the Department, I was anxious to familiarize myself to some extent with the actual working of the Regulations for the Examination of Teachers, and the granting of these certificates. There have been a number of appealed cases which have come up from the various County Boards, and some of them have been very difficult to decide. I had, therefore, wished in the present case to have an opportunity of inquiring into the actual working of the system of examinations, and of seeing if these Regulations unduly pressed either on the Inspector and Examiner or the candidates, and, if possible, by the experience gathered here, to suggest such a modification as would meet the reasonable wishes of all parties concerned. This commission has been appointed in the interests of the public, and the whole of the inquiries made here have been solely prompted by a desire to conserve and guard those interests. The Commissioners did not at all press any personal question with a view to giving pain to any one; and probably the gentleman who is promoting this prosecution might be disposed to think that in our desire for impartiality we were rather inclined to shield parties; at the same time, we could not agree with the gentleman