

test them with the answers sent from the Department; Mr. Fergusson, in consequence, broke open the package and drew forth two papers, and remarked that it was a matter of confidence between Mr. Whitney and himself; at the same time Mr. Elliott walked forward to the platform where they were, and took the paper which was in Mr. Fergusson's hands, looked at it, folded it up, and put it in his pocket, while Mr. Whitney got three papers in all, including Arithmetic and Algebra; these papers were alleged to be in one package; in distributing the papers the seals of the envelopes having been opened in this way, Mr. Whitney cannot explain how they got over the difficulty of the regulation which prescribes that the seals must be opened at the time of each examination, in the presence of two examiners and of the candidates; he (Mr. Whitney) states that the paper taken away by Elliott was that referred to by Mallen in his evidence; he does not think the Natural Philosophy paper was opened; he is confident that Flannigan could have succeeded in obtaining the certificate without the assistance received from having seen these examination papers.

6. Reverend William Fergusson, M.A., School Inspector for the County of Dundas, was examined in respect of this examination, and also in connection with certain proceedings relating to the third-class Certificate and the permit granted to Archibald Loucks, the complainant. As to the first question he states that until he heard the evidence he was under the impression that the examination papers had got into the hands of the candidates through carelessness of another party; he states that the Department on the 23rd November, 1874, had the subject of this examination under review, but solely on literary grounds; he states that when he heard that, in some way, the candidates had got information he thought it had been derived from Mr. Elliott's having possession of one of the papers and that he had complained to Mr. Elliott, the witness, of his namesake ransacking his chest; that W. M. Elliott, since the examination, has ceased to be examiner; he states this to have been the first and only occasion in which any irregularity occurred; the opening of the package was for the purpose of expediting the work of the examiners; that the circumstances are exactly as Mr. Whitney stated, and he relied upon them with perfect confidence as honourable men; he considered there was nothing wrong in opening the papers for this purpose; he claims that it was impossible for him to have exercised greater care. Mr. Fergusson was examined at great length on the subject in dispute between him and Mr. Loucks as to the third-class certificate and teacher's permit.

7. A. Loucks, formerly holder of a third-class certificate, and the complainant, states all the circumstances connected with his dispute with Mr. Fergusson relating to his third-class certificate and permits; and Mr. Whitney was also examined on the same subject, as well as Arthur Brown, M.A., one of the County Board of Examiners, as well as Jacob Hanes, a Trustee of School Section No. 1, Williamsburg.

8. Charles E. Hickey, M.D., one of the examiners in July, 1874, states that he knew the rule that, at the time fixed for the examination, the papers were to be opened in the presence of the examiners and of the candidates, and that their attention should be called to the fact that the papers were opened in different ways, and that, in fact, very many of the seals came to them broken in the larger packages, from their tumbling about; there were times when the witness was not present at the opening proceedings; he noticed at the time that the paper on Arithmetic was opened before the time of the examination; he says we talked about the matter as being beyond the law, but considered among honourable men it was not wrong, as we knew that the secrecy of the papers would be as conscientiously observed by Mr. Fergusson as if they had not been touched; it had been the experience of the Board that some inaccuracies had been found in the answers sent by the Department, and business might be facilitated by their being opened; he thinks this was the only paper opened; that the paper had been opened without his being a party to it; he yielded his consent afterwards; he held afterwards that the paper had been taken advantage of; he then felt that they had done wrong, but it seemed difficult to rectify the evil, and he did not know how to proceed; he only knew by inference of any candidate having got assistance, and it was not until long after it had been done that he inferred this; he feels sure that Flannigan could have obtained his certificate without any aid.

9. Mr. Irwin Stuart, Head Master, High School, Morrisburgh, states that, when acting with Mr. Fergusson in conducting the High School entrance examination, he has on all occasions been careful and conscientious, and has conformed on each occasion to the Regulations, which require the packages to be opened at the time set forth therein, in the presence of all the candidates and examiners.

10. Reverend E. Robson states that he has known Mr. Whitney for twenty years, and speaks favourably of his character.

11. Allan Weagant, candidate for a third-class certificate in July, 1874, examined by Mr. Whitney, states that Mr. Whitney had a large number of pupils there at the time, and that he was as strict with the one as with the other.

The conclusions of the undersigned from the whole evidence are as follows:—

1. That Mr. Whitney intentionally procured the examination paper on Arithmetic and Algebra from Mr. Fergusson, in order that candidates might receive aid from seeing this paper before the examination thereupon.

2. That Mr. W. M. Elliott took the paper with the intention of aiding candidates in the like manner.

3. That Mr. Fergusson was innocent of any such intention, and was evidently misled by Mr. Whitney's plausible reasoning for opening the package.

4. Dr. Hickey cannot be considered, in any sense, as a party implicated.

The duty of the undersigned under these circumstances, therefore, is to recommend to His Honour the Lieutenant-Governor in Council that the certificate of qualification of Mr. Whitney as an examiner be cancelled, and Mr. Whitney to cease to be an examiner accordingly.

That the certificate of the qualification of Mr. Elliott as an examiner be cancelled, and Mr. Elliott cease to be an examiner accordingly.

That Mr. Fergusson is censurable for having assumed, under any pretext, or for any reason, to violate the plain letter of the Regulations, and is censured accordingly. His otherwise careful and conscientious discharge of duty has been considered in dealing thus leniently with his case. From recent occurrences and information brought to the attention of the Department, it is plain that irregularity and laxity in the examination of Public School Teachers are getting too prevalent, and, if it had not been clear that Mr. Fergusson had been innocently misled in this matter, it would have been the duty of the undersigned to have suspended Mr. Fergusson's certificates of qualifications as an inspector and examiner.

With reference to the dispute as to Mr. Louck's certificate, it is not proposed to deal with that question in the present memorandum.

It will be necessary that all of the candidates for second-class certificates at the examination in July, 1874, excepting Flannigan and Mallen, be re-examined on the subject of Arithmetic and Algebra. The exception is made in the cases of Flannigan and Mallen on account of their candour and straightforwardness before the Commissioners, and it being also manifest that they were fully competent to have passed the examination in Arithmetic and Algebra.

(Signed) ADAM CROOKS.

FURTHER MEMORANDUM respecting the investigation on Public School Teachers' Examination for County of Dundas in July, 1874.

1. It now appearing from the further statement of the Reverend William Fergusson, M.A., Inspector, that only three candidates passed for a second-class at such examination, viz.:—D. Cheney, James Flannigan and William Elliott; and that Robert McEwen, failed on that occasion, and took a Third-class at the examination in the year 1875; my decision can only affect the standing of D. Cheney and Wm. Elliott, who are now engaged as teachers. Mr. Fergusson vouches for Mr. Cheney, and Mr. Elliott having in no way been connected with the improper practices brought to light by the recent investigation, I have therefore to exempt Mr. Cheney, and Mr. Elliott as well, from the necessity of any re-examination.

2. I also find that those improper practices were confined to candidates for second-class candidates, and that those for third-class are in no way implicated therein. I have therefore to exempt all of those who obtained third-class certificates at that examination from any re-examination.

ADAM CROOKS,
Minister of Education.

Education Department, June 19th, 1876.

The parties concerned in this case were:—

1. Rev. Wm. Fergusson, M.A., who holds a certificate as a Public School Inspector for the County of Dundas, an *ex-officio* Examiner.

2. W. A. Whitney, Esq., M.A., Head Master of the Iroquois High School, who holds a certificate as Inspector and Examiner.

3. Wm. M. Elliott, Esq., M.A., Head Master of the Kemptville High School, who holds a certificate as Examiner.

The witnesses examined were:—

1. Mr. Archibald Loucks, who held a third-class certificate as a Public School Teacher. His certificate has expired. Complainant: Mr. Loucks received a "permit" from the Inspector last