

commencement, and they are all in his handwriting. [Here Mr. Borthwick handed in the books.] With regard to the charges concerning which I have made no statement as yet, I would say that in going to my room after recess, this afternoon, I found that I had not a copy of the evidence with me, and no very good way of remembering what had been said by the different parties. If I had had the evidence with me, I could have written a statement. I am willing to make an oral statement, as in the first case. I will commence with what my accuser calls "B" of the second lot:—"That in the December examination of 1872 he left the first-class candidate, who was being examined in the room, alone for an extended time, writing answers to questions on one of the examination papers, no other examiner being left in charge." Now, with regard to this charge, I may say that there was only one candidate being examined on that occasion, who was present to-day as one of the witnesses; that the other members of the Board were Mr. McMillan, I think, and Mr. Rathwell; and it was the custom in those days that the Board in general should take charge of the second and third classes. It was supposed to be the exclusive province of the Inspector to look after the first class, and that is the reason, I suppose, there was no other examiner present at the time. Now, there is no doubt that this, in one sense, is substantially correct, that I left her alone.

Dr. Hodgins—I would just ask you was it at all practicable for you to have one of your co-examiners present?

Mr. Borthwick—No; because they were not there. As stated to-day, she had to sit in the hall, where we had a stove. Our heating apparatus was very poor at the time, and the large room, I remember quite well, was very cold. I provided her with a table in the hall, and put that table and a chair near the stove. The door would be open into the large room, where I sat and wrote a great deal. I remember I wrote many private documents of my own, and in that sense I may have been said to have left her alone. I have no doubt also, that, during the whole week she was there, I might have gone to the door for a few minutes. On this particular occasion referred to by Mr. Lee, I remember distinctly of his coming there, but I am positive I did not go down town with him. I may have gone to the door with him, and stood there and talked to him. I don't remember what he came to me about; I think it was either going to Toronto, or about some certificate or other, or something of that kind.

Dr. Hodgins—Did it occur to you then that it was possible for a third party to come in and furnish information regarding the questions?

Mr. Borthwick—It was impossible. No one could have entered, because I was in the hall, except during the two or three minutes I may have gone to the back-door in case of necessity. No man could have sat there for a week without doing so.

Dr. Hodgins—Quite likely; but the Regulations provide that somebody should be there. Did it not occur to you that some party might come in and furnish information while you were not in the hall?

Mr. Borthwick—It did not occur to me that such a thing could be done.

Dr. Hodgins—You see it would be practicable?

Mr. Borthwick—I had no idea it would be done; none whatever.

Mr. McDowall—These examiners were not there. State why they were not.

Mr. Borthwick—The examiners besides myself were Messrs. May, Kennedy, and McMillan. This was the first Board appointed under the new regulations.

Dr. Hodgins—Have you any minute to show who were present during the examination under consideration?

Mr. Borthwick (on referring to the record)—No.

Dr. Hodgins—As a matter of convenience, you divided the work among yourselves, you reserving the duty of examining first-class certificates?

Mr. Borthwick—No; I don't think there was any special arrangement. It was an understood thing.

Mr. Le Sueur—How many examinations were going on that day?

Mr. Borthwick—That one alone. You know this was the first class. The second and third classes were held one week, the first class another week.

Mr. Le Sueur—Then the other examiners did not attend?

Mr. Borthwick—They might have been in and out.

Dr. Hodgins—But they were not on duty?

Mr. Borthwick—I think not.

Mr. Le Sueur—You undertook the whole duty yourself?

Mr. Borthwick—Yes.

Dr. Hodgins—Was there no record of how the examination was conducted?

Mr. Borthwick (referring to the book)—No reference whatever to the first-class candidate, except that she applied for permission to write.

Dr. Hodgins—And you are certain you did not leave the building during the whole time of the examination?

Mr. Borthwick—No, I am not certain. I must have left the main building to have gone to the rear, to the other buildings, but I am perfectly certain I did not leave the building and walk down town with Mr. Lee.

Mr. McDowall—At the time referred to of leaving the school, did you not go down to the post office and back—not, perhaps, with Lee, but didn't you go?

Mr. Borthwick—Most decidedly not.

Mr. Le Sueur—You remember Miss Living said you went out at the front door?

Mr. Borthwick—I went to the front door to speak to Lee. I remember that distinctly, but it was only a few minutes.

Dr. Hodgins—I suppose you thought, there being only one candidate, the advantage your absence might give her would not be so great as if there had been two?

Mr. Borthwick—Of course if there had been two there might have been some advantage.

Dr. Hodgins—You did not go further than the door?

Mr. Borthwick—I know I was not far away, and she could not have left her place at any time I was absent. The desk was a common school desk with two lids, and I know it was empty when she was put there.

Dr. Hodgins—You are certain of that?

Mr. Borthwick—Perfectly certain.

Dr. Hodgins—That is all with regard to that question.

Mr. Borthwick—The second charge of the first series is that some examination papers were given to the teachers. I have nothing to say to that except that I most emphatically deny it. I have no knowledge whatever of it.

Dr. Hodgins—There were no examination papers given by you to any of these candidates, and they did not leave your custody so that they could have got into the hands of other parties?

Mr. Borthwick—No.

Dr. Hodgins—Were the contents given by you to any person?

Mr. Borthwick—No.

Dr. Hodgins—How did it get into Mr. Smirle's hands?

Mr. Borthwick—I don't know. He spoke of it to me this afternoon. I think it was when I mentioned it to him when he went down stairs, and I have no recollection whatever of that circumstance. I have no doubt that he came into the room. I am perfectly sure he would not state anything untrue. He may have come into the room, and that paper must have been there, but how I cannot tell. I know for certain that I did not take it from the envelope before the proper time.

Mr. Le Sueur—That paper must have been taken out of the envelope before the proper time.

Mr. Borthwick—I don't know about that.

Mr. Le Sueur—The contents were communicated to the young lady before the proper time, and she made use of the information she received, and got it second-hand from her sister.

Mr. Borthwick—It is the first I heard of it.

Dr. Hodgins—Mr. Smirle says you showed it to him.

Mr. Borthwick—I have no recollection of it, and I stated so to him to-night.

Dr. Hodgins—It seems extraordinary, when he can remember it so clearly.

Mr. Borthwick—You must remember it has been talked of by them over and over again, while this is the first I have heard of it, and, besides, it happened some years ago.

Dr. Hodgins—There is no doubt the contents were communicated.

Mr. Borthwick—I admit that, but I have no recollection of it, and I was perfectly astonished when it was referred to by Mr. Smirle.

Mr. Le Sueur—Mr. Parlow says he saw it for a moment.

Mr. Borthwick—Yes, but this charge implies that I did so to various teachers to enable them to prepare answers to questions. That could not be done in the case of Mr. Smirle and Mr. Parlow, because they were not candidates.

Dr. Hodgins—But you see, although you did not directly communicate them, these gentlemen were in a position to do so, and in the case of Smirle he did communicate them, not directly, but through a third party.

Mr. Borthwick—Very true.

Dr. Hodgins—It seems singular that the highest class papers should have been so entirely out of your own control.

Mr. Borthwick—They were not out of my control.

Dr. Hodgins—Mr. Smirle said distinctly that you showed him the paper. It did not come up for examination until the next day, quite time enough for him to communicate it to this young lady, and she to her sister, and enable her to prepare her answers from the information she received. And you cannot recollect anything at all of the circumstances?