

Q.—Have you any wish to repeat what Mr. McArdle said at any other time on that subject? A.—I do not know anything particular—nothing vitally affecting this inquiry.

Q.—When you gave this opinion to Miss Eliza Living, were you aware that she had written on that very examination for the second-class certificate? A.—I have given it upon oath that I have no recollection of it.

Q.—Do you know that she actually had? A.—I do not.

By Mr. Le Sueur, Commissioner:

Q.—You said you had no positive knowledge that the candidates had these papers five or ten minutes beforehand. You emphasize the word "positive." Do you know that they did have them? A.—I heard some of the candidates say that they had papers opened a few minutes before the time. I think the knowledge came from Mr. Martin.

Q.—Did he see it? A.—I do not think he saw it. I think he went in and saw candidates writing before the hour.

A. SMIRLE.

Signed in presence of

J. GEORGE HODGINS,

Commissioner.

Mr. David McArdle, sworn and examined by Mr. McDowall, Complainant:

Q.—When did you write in this city as a candidate for a first-class certificate? A.—In July last.

Q.—Have you any knowledge of anything of the kind referred to in the first charge taking place during that examination? A.—I can tell you in a few minutes what I know about the matter. On the morning of the examination in Grammar, I was reading a little work on Milton's "Paradise Lost," in the hall, when I came across a piece which I thought would be nice for analysis; and I made a remark to that effect to Mr. Martin, Mr. W. A. Duncan, his brother, and Mr. Lee, saying I would bet it would be chosen for that purpose. Mr. Borthwick, I believe, inquired what I did say, and some of them told him. He said I was mistaken. As a matter of fact, the piece selected was from Shakespeare. With reference to the time, I cannot remember, but I know we then got our papers in the hall, and we went in immediately and started to work.

By Dr. Hodgins, Chairman:

Q.—When did you get your papers? A.—Two papers were distributed in the hall before we went into the room.

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

Q.—How many candidates were there? A.—The two Duncans, Mr. Lee and myself. Mr. Martin was there, but he wrote upstairs.

Q.—Were these all the candidates in the room? A.—There was another gentleman, but he was not present then.

Q.—Do you know whether he was not in the room before you went in? A.—I do not.

Q.—Did you see the seals of your paper broken? A.—I did not. The fact is, I did not take any notice. I commenced writing as soon as I got them. I suppose it was my own fault if I did not see them broken.

By Dr. Hodgins, Chairman:

Q.—How long before you commenced writing did you get these papers? A.—Just before we went in. I could not say exactly the time.

By Mr. McDowall, Complainant:

Q.—Did you see the seals broken? A.—I did not.

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

Q.—Were the examiners in the room before you went in? A.—I do not know. I have no recollection of seeing them.

Q.—You or any other was not placed at a disadvantage? Was any preference shown? A.—None. I suppose the time was up, and we commenced writing immediately.

Q.—The piece you offered to bet would be in was not in? A.—It was not.

By Mr. McDowall, Complainant:

Q.—Had you any conversation with Mr. Smirle with regard to the papers being passed out? A.—I have conversed with Mr. Smirle on the subject, and told him what I have stated here.

Q.—You did not speak to him about it at the time? A.—I do not remember. I may have done so.

By Mr. Le Sueur, Commissioner:

Q.—You have been employed elsewhere than in Ottawa? A.—

Yes.

Q.—You have been present at other examinations? A.—I was at two.

Q.—In different counties? A.—Yes, in Prince Edward and Perth.

Q.—What did you observe to be the practice, and was it rigidly observed, with regard to breaking the seals in the presence of candidates? A.—In Prince Edward County, I did observe that such was the practice. In the County of Perth I do not remember what was

the custom, but I believe it was so while I was there. I wrote at Toronto a year ago last July—that is, the County of York. There, also, my recollection is that all the papers were opened in the presence of candidates.

Q.—In the presence of the examiners and candidates in every case? A.—I would not say upon oath that every examiner was present, but my recollection is that in all cases this was the practice.

DAVID McARDLE.

Signed in presence of

J. GEORGE HODGINS,

P. LE SUEUR,

Commissioners.

Miss Anna Maria Living recalled, and examined by Mr. McDowall, Complainant:

Q.—In the December examination of 1872, you were the only first-class candidate? A.—Yes.

Q.—Have you any recollection of Mr. Borthwick leaving you alone any day? A.—I have.

Q.—What paper were you engaged on? A.—I do not remember what I was doing, but I remember it was the morning after I commenced work.

Q.—Mr. Borthwick gave you out one paper? A.—Just one.

Q.—Did he go out in company with any one, or do you remember any one calling upon him? A.—I do not remember.

Q.—Do you remember Mr. Lee going out? A.—I do not remember his going out, but I remember that he was in twice.

Q.—How long did Mr. Borthwick remain out? A.—I do not remember.

Q.—Would you have had time to answer to three or four questions? A.—I do not know; he was not very long.

By Dr. Hodgins, Chairman:

Q.—You were alone in the room? A.—Yes.

Q.—Absolutely alone? A.—Yes.

Q.—For how long? A.—I cannot say.

Q.—Five minutes? A.—More than five minutes.

Q.—Did you say he went out of the building? A.—I did not see him go out, but I remember his coming in.

ANNA M. LIVING.

Signed in presence of

P. LE SUEUR,

Commissioner.

Mr. Archibald Lee sworn, and examined by Mr. McDowall, Complainant:

Q.—During the December examination, 1872, of first-class candidates, did you enter a room in which the candidate was being examined? A.—I did enter the room.

Q.—How many candidates did you see writing? A.—One.

By Dr. Hodgins, Chairman:

Q.—Could you enter the building without seeing her? A.—I could not. I entered before the examination was commenced. I wanted to obtain a copy of the first-class paper, which I believe I did. Mr. Borthwick gave Miss Living one, and he gave me one also. I got the paper, put it in my pocket, and I think went away.

Q.—What paper did he give you? A.—I do not remember.

Q.—Did you look at it afterwards? A.—I did. I think it was a paper in Euclid. I had another paper in my pocket, and I mixed them up.

Q.—Could you tell what both papers were? A.—I could not.

Q.—But one was in Euclid? A.—I am aware just of that.

By Mr. McDowall, Complainant:

Q.—You went down town? A.—Yes.

Q.—Who accompanied you? A.—I cannot swear. I think Mr. Borthwick went. I think he said to Miss Living that he had to leave the building for a short time, but I cannot swear that he left the building with me. If he was with me, he would not have been more than ten minutes. I think he went to the Post Office.

ARCHIBALD LEE.

Signed in presence of

J. GEO. HODGINS,

P. LE SUEUR,

Commissioners.

The Commission resumed the investigation at 8.30 p.m., when Rev. Mr. Borthwick was asked if he had any statement to make.

Mr. Borthwick said—In the first place, I would hand you the books belonging to the Examining Board. I noticed that you had the reports here, and in conjunction with Mr. McMillan, the only other examiner I have been able to see since, we decided that the records of our Board, from the commencement, should be handed in. Mr. McMillan has been our official secretary ever since the