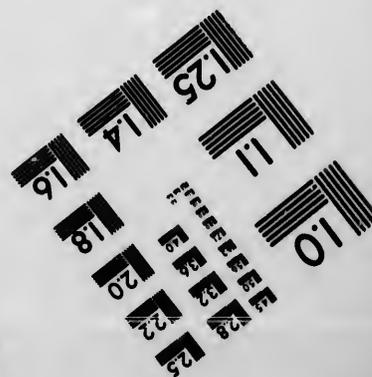
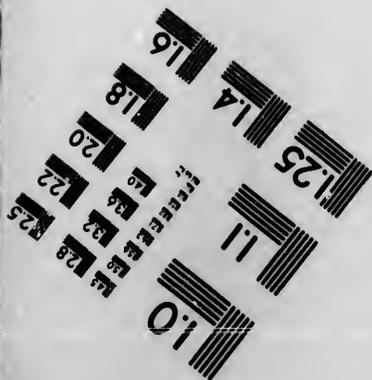
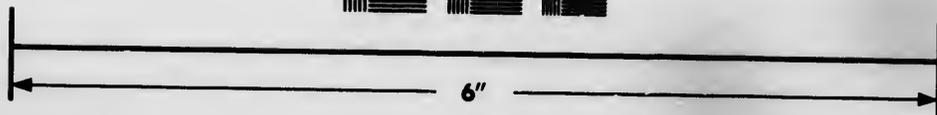
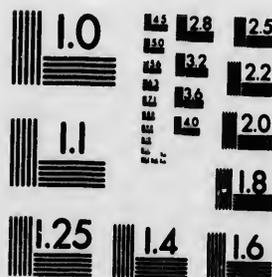


**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

**CIHM  
Microfiche  
Series  
(Monographs)**

**ICMH  
Collection de  
microfiches  
(monographies)**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

**© 1993**

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

Coloured covers/  
Couverture de couleur

Covers damaged/  
Couverture endommagée

Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée

Cover title missing/  
Le titre de couverture manque

Coloured maps/  
Cartes géographiques en couleur

Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)

Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur

Bound with other material/  
Relié avec d'autres documents

Tight binding may cause shadows or distortion along interior margin/  
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure

Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.

Additional comments:/  
Commentaires supplémentaires:

Coloured pages/  
Pages de couleur

Pages damaged/  
Pages endommagées

Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées

Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées

Pages detached/  
Pages détachées

Showthrough/  
Transparence

Quality of print varies/  
Qualité inégale de l'impression

Continuous pagination/  
Pagination continue

Includes index(es)/  
Comprend un (des) index

Title on header taken from:/  
Le titre de l'en-tête provient:

Title page of issue/  
Page de titre de la livraison

Caption of issue/  
Titre de départ de la livraison

Masthead/  
Générique (périodiques) de la livraison

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

The copy filmed here has been reproduced thanks to the generosity of:

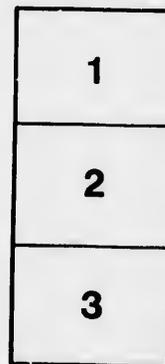
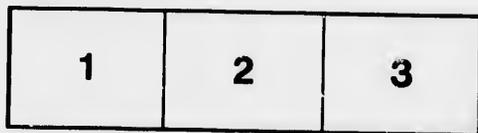
National Library of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Bibliothèque nationale du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

qu'il  
cet  
de vue  
ge  
ation  
ués

THE STRATFORD CASE IDINGTON vs. McBRIDE.

REPORT OF THE COMMISSIONER

APPOINTED BY THE HONORABLE THE MINISTER OF EDUCATION

ENQUIRE INTO AND REPORT

UPON CERTAIN CHARGES MADE BY MR. JOHN IDINGTON, Q.C.  
AGAINST MR. WILLIAM McBRIDE, M.A., HEAD MASTER  
OF THE COLLEGIATE INSTITUTE, STRATFORD

WITH A PRELIMINARY MEMORANDUM BY THE COMMISSIONER, J. GEORGE HODGINS, LL.D.,  
DEPUTY MINISTER OF EDUCATION FOR ONTARIO



Toronto:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT STREET WEST  
1887.

THE STRATFORD CASE—IDINGTON vs. McBRIDE.

REPORT OF THE COMMISSIONER

APPOINTED BY THE HONORABLE THE MINISTER OF EDUCATION,

TO

ENQUIRE INTO AND REPORT

UPON CERTAIN CHARGES MADE BY MR. JOHN IDINGTON, Q.C.,  
AGAINST MR. WILLIAM McBRIDE, M.A., HEAD MASTER  
OF THE COLLEGIATE INSTITUTE, STRATFORD.

---

WITH A PRELIMINARY MEMORANDUM BY THE COMMISSIONER, J. GEORGE HODGINS, LL.D.,  
DEPUTY MINISTER OF EDUCATION FOR ONTARIO.



Toronto :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT STREET WEST,  
1887.

## COMMISSIONER'S PREFATORY NOTE.

---

The Investigation, of which a Report will be found on page 16 and the following pages, commenced at Stratford on the 23rd of November and closed on the 11th of December, 1886.

The Complainant in the case was Mr. John Idington, Q.C., County Crown Attorney for Perth, and Member of the Board of Collegiate Institute Trustees. The Defendant was Mr. William McBride, M.A., Head Master of the Institute. Mr. John Idington and Mr. J. E. Harding, were Counsel for the Prosecution. Mr. James Fleming, M.P. for Peel, was Counsel for the Defence.

Thirty-seven witnesses were examined, and their evidence was taken under oath by the Commissioner. The number of Charges was twenty-nine. The Commissioner's notes of the Evidence given extended to 218 pages of foolscap, and the number of "Exhibits" put in was 124.

The names of the witnesses, with the pages of the report on which their evidence is quoted, will be found on reference to the Table of Contents.

The Report of the Commissioner on each of the charges not ruled out will also be found on reference to the same Table.

The list of Exhibits will be found on pages 57-61.

## TABLE OF CONTENTS.

	PAGE.
Prefatory Note .....	2
Preliminary Memorandum on the Case by the Commissioner .....	5
Copy of Commission issued by the Minister of Education.....	9
List of Witnesses furnished by Mr. John Idington.....	9
List of Witnesses furnished by Mr. William McBride.....	10
List of Witnesses who gave Evidence at the Investigation.....	10
Mr. Idington's Statements and list of Charges against Mr. William McBride .....	11
Amendments to Charges Nos. 6, 9 and 13 (ruled out).....	15
Interim Report of the Commissioner to the Minister of Education .....	16
Report of the Commissioner to the Minister of Education .....	16
<b>THE FIRST CHARGE: Evidence quoted of Peter S. Idington, Samuel R. Robb, William McBride, David Scringeour, John Idington, John M. Moran, Charles A. Mayberry, John B. Wilson, Mrs. McBride, Leonard Newbold and Hugh A. Jameson.....</b>	17
<b>THE SECOND CHARGE: The "Card Case." Evidence quoted of John Idington, Peter S. Idington, Jonah Johnson and William McBride .....</b>	29
<b>THE THIRD CHARGE: Omission to Deny a "Wicked Falschood." Evidence quoted of John Idington.....</b>	31
<b>THE FOURTH CHARGE: Peter Idington's Deficiency in Latin and Arithmetic.....</b>	31
<b>THE FIFTH CHARGE: Reducing Peter Idington's Credit Marks.—Evidence of John B. Wilson, William McBride, Flora C. Idington and Georgina McNaughton .....</b>	31
<b>THE SIXTH CHARGE: Circular Announcement of 1884. Ruled out by Commissioner.....</b>	33
<b>THE AMENDED SIXTH CHARGE: The Announcement Circular. Ruled out by Commissioner.</b>	33
<b>THE SEVENTH CHARGE: Registrar Baker's University Certificate. Ruled out by Commissioner</b>	33
<b>THE EIGHTH CHARGE: Mr. McBride's use of the University Certificate. Ruled out by Commissioner .....</b>	33
<b>THE NINTH CHARGE: Mr. Mayberry's University Standing. Ruled out by Commissioner.</b>	34
<b>THE AMENDED NINTH CHARGE. Ruled out by the Commissioner .....</b>	34
<b>THE TENTH CHARGE: Mr. McBride's University Standing. Evidence quoted of William McBride.....</b>	34
<b>THE ELEVENTH CHARGE: Hostility to the Literary Society. Evidence quoted of William McBride, John H. Gordon, Henry F. Gadsby, Thomas Stoney and James O'Loane ...</b>	34
<b>THE TWELFTH CHARGE: Furnishing Newspapers with Lists of Pupils. Evidence quoted of Alexander Mathewson and Thomas D. Niven .....</b>	35
<b>THE THIRTEENTH CHARGE: "Globe" and "Mail" Advertisements. Ruled out by Commissioner .....</b>	37

	PAGE.
THE AMENDED THIRTEENTH CHARGE. Ruled out by the Commissioner.....	37
THE FOURTEENTH CHARGE: "Puffing Notices in the Stratford <i>Beacon</i> ." Evidence quoted of Alexander Mathewson and Thomas D. Niven.....	37
THE FIFTEENTH CHARGE: Want of Material in the "Upper School." Evidence quoted of William McBride.....	38
THE SIXTEENTH CHARGE: Failures in Arithmetic. Evidence quoted of William McBride.	39
THE SEVENTEENTH CHARGE: "Intermediates," sent up in 1884. Evidence quoted of Flora C. Idington, Georgina McNaughton, Polly Codd, and William McBride.....	39
THE EIGHTEENTH CHARGE: The "Seath Incident," (No. 1). Evidence quoted of William McBride, John Seath, and Charles J. McGregor.....	42
THE NINETEENTH CHARGE: The "Seath Incident," (No. 2). Evidence quoted of William McBride and John Idington.....	43
THE TWENTIETH CHARGE: The "Seath Incident," (No. 3). Evidence quoted of John Idington, William McBride, and John Seath.....	44
THE TWENTY-FIRST CHARGE: The "Seath Incident," (No. 4.).....	44
THE TWENTY-SECOND CHARGE: The "Seath Incident," (No. 5). Evidence quoted of Charles J. McGregor, James P. Wood, and William McBride.....	44
THE TWENTY-THIRD CHARGE: "Fraud on the Department." Evidence quoted of John Idington, Ambrose De Guerre, John M. Moran, and William McBride.....	45
THE TWENTY-FOURTH CHARGE: "Mr. De Guerre's Subjects," (No. 1). Evidence quoted of John B. Wilson, William McBride, Ambrose De Guerre, and Charles J. McGregor....	47
THE TWENTY-FIFTH CHARGE: "Mr. DeGuerre's Subjects" (No. 2).....	49
THE TWENTY-SIXTH CHARGE: "Mr. DeGuerre's Subjects" (No. 3). Evidence quoted of William McBride and Charles J. McGregor.....	49
THE TWENTY-SEVENTH CHARGE: Class of Two Pupils—Evidence quoted of Charles J. McGregor, William McBride, John M. Moran, Charles A. Mayberry, and John B. Wilson.....	50
THE TWENTY-EIGHTH CHARGE: Registers and Records of the School. Evidence quoted of John C. Monteith.....	52
THE TWENTY-NINTH CHARGE: Departmental Report. Evidence quoted of Wm. McBride.	53
Remarks on the Case by the Commissioner.....	54
List of Exhibits put in.....	57

PAGE.  
37  
d  
37  
of  
38  
29  
a  
39  
n  
42  
n  
43  
n  
44  
44  
of  
44  
n  
45  
of  
47  
49  
f  
49  
f.  
3.  
50  
d  
52  
53  
54  
57

IDINGTON vs. McBRIDE.

REPORT OF THE COMMISSIONER IN THE STRATFORD CASE.

PRELIMINARY MEMORANDUM BY THE COMMISSIONER.

At the instance of Mr. John Idington, Q.C., of Stratford, an investigation was held as to the truth, or otherwise, of certain Charges of "gross and repeated falsehood," etc., brought by him against Mr. Wm. McBride, Head Master of the Collegiate Institute there. The following is a brief introductory narrative of the case :—

In a letter from Mr. Idington to the Honorable the Minister of Education, dated 20th October, 1884, he preferred several Charges of alleged untruthfulness against Mr. McBride. The Minister intended to have seen Mr. Idington on the subject, but was unable to do so.

On the 26th of September, 1886, Mr. Idington, in a letter to the Minister, renewed his charges, with the addition of some others. To this letter the Minister replied. From his reply the following extracts are made, viz. :—

"I thought best to leave the question of an investigation for the time being in abeyance, in the hope that the irritation referred to would subside. Furthermore, your complaints were of such a character as might very well be investigated by the Board of Trustees, and if sustained would justify action on their part.

"On a re-perusal of your charge I am still of opinion that the proper place for an investigation such as you request, is before the Board of School Trustees, and would respectfully submit that you ask their intervention if, on second thought, you are determined not to let the matter rest."

From Mr. Idington's reply, dated 11th October, 1886, the following extract is made :—

"The suggestion to ask the trustees to investigate, I believe, is made in good faith, and I hope in ignorance of what really has transpired.

"The Trustees, then, and some of them still remain so, were equally guilty with Mr. McBride in making some of the representations complained of, and all were then charged with neglect of duty in failing to notice the charges as made from time to time.

"I must decline such judges passing [judgment] on me."

"In speaking of the Trustees, I must be understood as referring to them in their corporate capacity, for they have changed so, that some of the men now constituting the Board are not to be reproached with what I have dealt [with] herein. And it is quite possible when it comes to a question of re-engaging him [Mr. McBride] they may not act as did their predecessors.

"Even if they do not, the duty that devolves on you in dealing with such a man will remain, and if they do, all the more so."

Before deciding to hold an investigation into the charges preferred by Mr. Idington, the Minister, on the 13th October, addressed the following note to C. J. McGregor, Esq., as Chairman of Collegiate Institute Board. He said :—

"I send herewith a copy of the charges made by Mr. John Idington against Mr. William McBride, Head Master of your Collegiate Institute. I am informed that the charges were in-

quired into by your Board some time ago, but as no report was made to me as regard to them I am anxious to ascertain what decision, if any, was arrived at. This copy is sent that you might determine whether the charges previously investigated were similar to those herein contained. An early reply will much oblige."

To this note the following reply, dated the 29th October, was received from Mr. John C. Monteith, Secretary to the Collegiate Institute Board :—

"In accordance with a resolution passed by the Stratford Collegiate Institute Board, I beg to acknowledge the receipt of your letter of the 13th inst., addressed to C. J. McGregor, Esq., with a copy of the charges preferred by Mr. Idington against Mr. McBride enclosed. In doing so I am instructed to give you a copy of the Minutes of the Board, in relation to these charges, which I enclose herewith. And I have also to intimate that the latter part of your letter, (viz., whether the charges previously investigated were similar to those you have transmitted to the Board), will be replied to later on."

(ENCLOSURE.)

COPIES OF EXTRACTS FROM THE MINUTES OF THE STRATFORD COLLEGIATE INSTITUTE BOARD.

*Special Meeting, April 25th, 1884.*

A special meeting of the Board called to consider Mr. Idington's complaint regarding the Head Master's treatment of his son. Present, the Chairman, Messrs. Jameson, Scrimgeour and Steet. After hearing Mr. Idington's statement and Head Master's reply, Mr. Wilson and Mr. Mayberry made statements regarding Master Idington's conduct and general department in school. Motion by Mr. Jameson, seconded by Mr. Steet :—

*Resolved*, That having heard Mr. Idington's charges against the Head Master, as well as reports from other Teachers, we can find no fault with Mr. McBride's action in the matter, and that we are satisfied his course was justifiable. Carried.

*Regular Meeting, June 4th, 1884.*

*Resolved*, That no meeting of the Musical and Literary Society be allowed in the meantime in the High School building.

*Special Meeting, August 22nd, 1884.*

Moved by Mr. Steet, seconded by Mr. Trow, that the following be inserted in *The Toronto Globe and Mail*, two in each, Wednesday and Saturday :—

"Stratford High School will re-open Sept. 1st, with a staff of eight Teachers, classes for Local Examination for women for Junior and Senior Matriculation with Honors in all departments, for III. II. and I. Class Departmental Examinations, Drawing, Painting in Oils and Water Colors, Vocal and Instrumental music, taught by specialists in these departments. Number attending last half-year, 215; average attendance, 172. 1884 Record at Toronto University: Passed 29 out of 32, and obtained 13 First Class Honors and 11 Second Class Honors; at Departmental Examinations obtained 16 II., 12 II. and 14 Intermediates. Carried.

*Regular Meeting, February 4th, 1885.*

Mr. Idington gave notice that at the next meeting he would move that the charges preferred by him against the Principal in the Circular addressed to the Municipal Electors of the County of Perth, and same produced and read, be referred to the Honorable the Minister of Education, with a request that he cause them to be investigated by an Inspector, or other competent authority, whose duty it shall be to inquire whether or not the several statements therein alleged to have been made by Mr. McBride were made or not, and whether or not, if so made, any and which of them are untrue.

*Regular Meeting, April 1st, 1885.*

Mr. Idington moved his resolution, of which notice was given at the February meeting, but there being no seconder no action was taken.

*Regular Meeting, June 3rd, 1885.*

It was decided that Mr. Idington's resolutions, of which notice was given at the February meeting, should be taken as the first order of business at next meeting.

*Special Meeting, June 11th, 1885.*

Mr. Idington moved his resolution, of which notice had been given. After some discussion the matter dropped. In consequence of the resolution not being seconded, it was then moved by Mr. Woods and seconded by Mr. Scrimgeour, that Mr. McBride be requested to make an explanation to the Board of Clauses Nos. 1, 2, 3 and 4, in the Circular addressed to the Municipal Electors by Mr. Idington. Carried, Mr. Steet, only, dissenting.

STRATFORD, October 20th, 1886.

Certified, JOHN C. MONTEITH,  
Sec'y, Collegiate Institute Board.

(NOTE.—No further letter was received, as intimated at the close of Mr. Monteith's letter.)

The Minister, having taken all the circumstances of the case into consideration, decided to hold an investigation into the charges made by Mr. Idington, and by that means determine whether or not these charges would be sustained by the evidence of witnesses taken under oath. He, therefore, directed that the following letters should be addressed to the parties concerned. In one of them pointed out the principles on which that investigation would be conducted. The first letter was addressed to the Complainant:—

(Copy.)

"EDUCATION DEPARTMENT,  
"TORONTO, 2nd November, 1886.

"DEAR SIR,—With a view to afford you every opportunity of substantiating your statements and charges against Mr. McBride, Head Master of the Stratford Collegiate Institute, the Minister of Education has decided to issue a special Commission, to investigate and report to him in regard to these statements and charges.

"In order to enable the Commissioner, whom the Minister will appoint, to deal with distinct and specific charges, apart from inference or comment, he requests you to briefly formulate those charges, and number them for reference.

"You are also requested to send the names in full of any witnesses which you may desire to have examined under oath by the Commissioner, and whether or not you desire the subpoenas for such witnesses to be *duces tecum*.

"The Minister desires that the investigation should be as thorough and exhaustive as possible. Your compliance, therefore, with the request contained in this letter, at your earliest convenience will greatly facilitate that object.

"It would expedite matters if you would furnish Mr. McBride with a copy of the specific charges which you desire to make.

"I have, etc.,  
(Signed,) "ALEX. MARLING,  
"Secretary."

"JOHN IDINGTON, Esq., Q.C.,  
Stratford."

(Copy.)

"EDUCATION DEPARTMENT,  
"TORONTO, 2nd November, 1886.

"DEAR SIR,—The Minister of Education desires me to inform you that it is his intention to issue at an early date a special Commission to investigate and report to him in regard to the charges preferred against you by Mr. Idington, one of the Trustees of the Stratford Collegiate Institute.

"I will thank you to inform me if you desire to have any witnesses examined on your behalf. If so, please submit their names in full, and whether or not you would require any, (and which) of them to produce books, or documents in the case.

"I have, etc.,  
(Signed,) "ALEX. MARLING,  
"Secretary."

"WM. MCBRIDE, Esq., M.A.,  
"Collegiate Institute, Stratford."

Subsequently, in answer to an inquiry on the subject, the following intimation was given to Mr. McBride:—

"The Minister cannot deal with the question of paying any of your expenses until he has decided the case, on the report of the Commissioner. He will settle that point on the merits of the case, and in the interests of the public."

(Copy.)

“ EDUCATION DEPARTMENT,  
“ TORONTO, 2nd November, 1886.

“ DEAR SIR,—The Minister of Education desires me to inform the Stratford Collegiate Institute Trustees through you, of his intention at an early day to issue a special Commission to investigate and report to him in regard to the charges preferred by Mr. Idington, a Collegiate Institute Trustee, against Mr. McBride, the Head Master of the Institute.

“ In a matter of this kind, involving the professional standing and character of the Head of the Institution over which the Trustees preside, and to which they cannot be indifferent, the Minister hopes that the members of the Board will give every assistance in their power, with a view to render the investigation as thorough and exhaustive as possible.

“ He will thank the Board to provide and name a suitable place in which the investigation can be conveniently held.

“ I have, etc.,

(Signed,) “ ALEX. MARLING,  
“ Secretary.

“ JOHN C. MONTEITH, Esq.,  
“ Secretary, Collegiate Institute Board, Stratford.”

NOTE.—On the same day that these letters were written, the Collegiate Institute Board, by resolution, requested the Minister to hold an investigation into the truth of the charges. The following is a copy of the letter received from the Board :—

(Copy.)

“ COLLEGIATE INSTITUTE BOARD,  
STRATFORD, November 4th, 1886.

“ SIR,—Acting under instructions from the Stratford Collegiate Institute Board, I beg to furnish you with a copy of a resolution passed by said Board on the 2nd inst., viz :—

“ Moved by Mr. Macgregor, seconded by Mr. Idington and resolved, That the Minister of Education be requested to investigate all the charges made by Mr. Idington against the Principal.

“ You will observe that the Board desires you to investigate the charges, copies of which, as handed in by Mr. Idington, are enclosed herewith.

“ I may also state that it appeared to be the wish of the Board that the investigation be held at an early date.

“ Yours truly,

(Signed,) “ JOHN C. MONTEITH,  
“ Sec’y, Collegiate Institute Board.

“ HON. G. W. ROSS,  
“ Minister of Education, Toronto.”

(Copy.)

STRATFORD, November 8th, 1886.

“ DEAR SIR,—I have just seen Mr. Steet, Chairman of our Collegiate Institute Board, and he instructs me to inform you that the Board will gladly render any assistance it can in connection with the investigation, and do anything that lies in its power to facilitate matters, with a view to have a thorough investigation.

“ The Board has named the Council Chamber in the City Building as a suitable place in which to hold the investigation of charges made by Mr. Idington against Mr. McBride, and it will be secured for such purpose.

“ Yours respectfully,

“ JOHN C. MONTEITH,  
“ Sec’y, Collegiate Institute Board.

“ ALEX. MARLING, Esq.,  
“ Sec’y, Education Department.

The following letter was addressed to Mr. Idington :—

(Copy.)

“ EDUCATION DEPARTMENT,  
“ TORONTO, November 11th, 1886.

“ DEAR SIR,—The Minister has received a statement of the charges which you make against Mr. McBride, and also a list of the names of witnesses in the case.

“ The Minister desires to call your attention to the fact that in connection with a large proportion of the names of the witnesses, you give no reason why they should be subpoenaed. For

those who are requested to produce papers, etc., a subpoena *duces tecum*, will be issued. These subpoenas will be sent to you to have them served, and you can then notify each person to bring the papers, etc., required.

"In regard to the advertisements of the Collegiate Institute sent to the *Globe*, etc., the Minister must assume that they were authorized by the Board, and therefore witnesses from the paper to which they were sent are unnecessary.

"The Minister notices that many of your charges practically involve an inquiry into the state and efficiency of the Collegiate Institute by the Commissioner. As the Inspectors have already performed this duty on behalf of the Department, the Minister is of opinion that such an inquiry cannot be entertained; but the Commissioner will have copies of the reports of the Inspectors with him, so that it will not be necessary to have the Inspectors subpoenaed.

"The same may be said of the Registrar of the University, who need not be subpoenaed, especially as the certificate issued by him is quoted by you and speaks for itself. Particulars of each case you mention will be obtained from the Registrar by the Commissioner.

"The attendance of the Minister is also entirely unnecessary, as the Commissioner will have with him all the documents in the case on the files of the Department.

"In submitting so extensive a list of witnesses, you may possibly assume that the Minister will defray their expenses. This he cannot engage to do, although, after the case is decided, he will consider the question on its merits, and in the interests of the public.

"With the exceptions named, the Minister will obtain subpoenas from the High Court of Justice for each party as you have named, as being required to be examined by the Commissioner.

"I have, etc.,

ALEX. MARLING,  
"Secretary."

"JOHN IDINGTON, Esq., Q.C.,  
"Stratford."

NOTE.—Subsequently, subpoenas were issued for all of the parties named below by Mr. Idington.

COPY OF THE COMMISSION.

"EDUCATION DEPARTMENT, ONTARIO.

"TO ALL TO WHOM THESE PRESENTS SHALL COME :

"I, THE HONORABLE GEORGE WILLIAM ROSS, LL.B., MINISTER OF EDUCATION FOR ONTARIO, SEND GREETING :—

"Under and by virtue of the powers and authorities conferred upon me by the Statutes of Ontario in that behalf, and upon the petition of John Idington, Q.C., of the City of Stratford, that an investigation be held, I do hereby appoint—

"JOHN GEORGE HODGINS, Esq., LL.D., DEPUTY MINISTER OF EDUCATION,

"A COMMISSIONER, to enquire into and report to me upon certain allegations and charges, chiefly of gross and repeated falsehoods and misrepresentation, on the part of William McBride, M.A., Head Master of the Collegiate Institute at Stratford.

"I further direct the said Commissioner to proceed, upon proper notice on that behalf to the parties concerned, and to take the evidence of parties summoned as witnesses in the said inquiry upon oath or solemn affirmation (as the case may be) under the Statutes in that behalf.

"As witness, my hand and seal of office at Toronto, this twelfth day of November, A.D. 1886.

(Signed,) "GEO. W. ROSS, [L.S.]

"Minister of Education.

(Signed,) "ALEX. MARLING,

"Secretary."

LIST OF WITNESSES FURNISHED TO THE DEPARTMENT BY MR. IDINGTON.

John Idington, Peter S. Idington, William McBride, John C. Monteith, John B. Wilson, John M. Moran, Carlos A. Mayberry, Ambrose DeGuerre, Thomas Stoney, Alexander Matheson, Henry Thomas Butler, James Robb, Daniel R. McPherson, Charles W. Young, Samuel Robert Robb, John Mason, Frank Pratt, Cornelius Tracey, James Steet, James Peter Woods, David Scrimgeour, Charles John McGregor, John Brown, William Blair, Major Gray, Robert Hamilton, J. J. Crabbe, William Bradley, D. Munro,

James O'Loane, Thomas Nevin, Richard Merrick Huston, John Henry Gordon, Henry Fenwick Gadsby, Robert A. Kennedy, Robert John Huston, William Walker, Lydia K. Commander, Alexander Ferguson, Mary E. Commander, Isabella Gibson, Thomas Watson, John Buchan, Robert W. Carrall, John P. Kennedy, James Kennedy, Mary Kennedy, John McLennan, Edward E. Bailey, Polly Codd, Robert Eby, Herman Schmidt, Samuel Stubbs, Robert McFarlane, John A. Fraser, Wm. Hamilton, Robert T. Harding, James H. Kellar, William H. Harvey, Maurice O'Loane, Alfred Maclin, David McLennan, Jessie Brown, Flora C. Idington, Georgina McNaughton, Florine Hamilton, Gilbert Robertson, Maud McFadden, Maggie Hamilton, Arthur Deacon, Professor McGregor, and John McLellan.

LIST OF WITNESSES FURNISHED TO THE DEPARTMENT BY MR. McBRIDE.

James Trow, M.P., Hugh Alfred Jameson, Samuel R. Hesson, M.P., John Schmidt, George J. Waugh, Leonard Newbold, Mrs. Lilly McBride, William Alexander, Jonah Johnson, Malcolm McFarlane, all of the City of Stratford; Edward Mullins and John McLaughlin, of the City of London; William Stanley Hodgins, of Waterloo, and Thomas Mulvey, of the City of Toronto. (NOTE.—There were other names given to the Department by Mr. McBride, but as they were already in Mr. Idington's list, they are not repeated here.)

LIST OF WITNESSES WHO GAVE EVIDENCE AT THE INVESTIGATION, VIZ.:

1. John Idington, Q.C., County Crown Attorney.
2. Ambrose DeGuerre, B.A., Master Collegiate Institute, Stratroy.
3. John Seath, B.A., High School Inspector.
4. John C. Monteith, Secretary, Collegiate Institute Board, Stratford.
5. John B. Wilson, B.A., Master, Collegiate Institute, Stratford.
6. John M. Moran, 1st A Master, Collegiate Institute, Stratford.
7. Charles A. Mayberry, B.A., Master, Collegiate Institute, Stratford.
8. Peter S. Idington, ex-pupil, Collegiate Institute, Stratford.
9. James O'Loane, Police Magistrate, Stratford.
10. John Brown, Trustee, Collegiate Institute.
11. David Scrimgeour, Trustee, Collegiate Institute.
12. Charles J. McGregor, M.A., Mayor of Stratford and Trustee.
13. Samuel R. Robb, ex-pupil, Collegiate Institute.
14. Mrs. Mary Kennedy.
15. Polly Codd, ex-pupil, Collegiate Institute.
16. Alexander Mathewson, Proprietor Stratford *Beacon*.
17. Thomas D. Niven, on staff of *Beacon*.
18. Florine Hamilton, ex-pupil, Collegiate Institute.
19. Flora C. Idington, ex-pupil, Collegiate Institute.
20. Georgina McNaughton, ex-pupil, Collegiate Institute.
21. James P. Wood, Trustee, Collegiate Institute.
22. Henry F. Gadsby, ex-pupil, Collegiate Institute.
23. Robert A. Kennedy, ex-pupil, Collegiate Institute.

24. John H. Gordon, ex-pupil, Collegiate Institute.
25. Edward O'Flaherty, Trustee, Collegiate Institute.
26. Jessie Brown, ex-pupil, Collegiate Institute.
27. George G. Ewart, Accountant.
28. Margaret Hamilton, ex-pupil, Collegiate Institute.
29. Maurice O'Loane, ex-pupil, Collegiate Institute.
30. William G. Walker, Teacher, School No. 8, Ellice.
31. Mrs. McBride.
32. Thomas Stoney, Ex-Chairman Collegiate Institute Board.
33. Hugh A. Jameson, Trustee, Collegiate Institute.
34. James Steet, Chairman, Collegiate Institute Board.
35. Jonah Johnson, Caretaker, Collegiate Institute.
36. Leonard Newbold, on staff of G. T. R.
37. William McBride, M.A., Head Master.

#### MR. IDINGTON'S STATEMENT AND LIST OF CHARGES AGAINST MR. McBRIDE.

In the matter of the enquiry into the complaint of John Idington that William McBride the Principal of the City of Stratford Collegiate Institute is untruthful, and of the enquiry into the truth of the charges made in support thereof by the said John Idington to the Honorable the Minister of Education.

The following are the particulars of certain charges upon which the said Complainant will rely, to support the said complaint before the special Commissioner appointed, or to be appointed, to enquire into the said complaint.

1. On the 15th of April A.D., 1884, Peter S. Idington, then, and for fifteen months previously, a pupil in the third form of said school, declined to tell the said William McBride on others, and told him he had not come to school to be a detective and would not make himself one. Mr. McBride thereupon, within a few minutes, ordered him back from the third form to the second, ostensibly for defective lessons. Upon being charged with doing this as a punishment, he asserted that it was not as a punishment but carrying out a decision arrived at before that morning, and as the result of a consultation with and reference to the pupil's other teachers. He reiterated the substance of this before the Board on the 2nd May 1884, adding that the third form was for intermediate candidates, and this said pupil had no chance to pass. I charge that these several statements in answer to said charge were untrue.

2. The Complainant, having made complaint to the Board of the treatment of Peter S. Idington by said William McBride, on the occasion firstly above named, appeared before the Board and the said McBride asserted then and there on said third of May in the strongest possible manner, that on one occasion he went to the basement of the school, found a number of boys there who had evidently been playing cards, but those engaged in the play got the cards out of sight before he reached them; and that the said Peter Idington was one of the boys there.

This accusation against Peter Idington, was entirely false, and the Complainant charges said Mr. McBride with having made such false accusation knowingly, or recklessly, not caring whether true or false.

3. Although Complainant charged said Mr. McBride, through the press, with this being a wicked falsehood, and he saw fit to combat other of the statements made as to his integrity, he has never, to the Complainant's knowledge, either denied or explained this charge.

The Complainant claims, that in any event if the statement thus characterized had been made through honest error and not of malice as alleged it became the duty of said Mr. McBride thus charged to have enquired into and withdrawn the statement and that his allowing his late pupil to remain under such a false accusation publicly made by him was most dishonorable and uncandid and impossible for any honest man or teacher.

4. On the same occasion he asserted that said pupil had never got but one of his lessons in Latin and that he had never solved a single question at the board in Arithmetic.

The register or records kept in the school will prove how false the first of these statements was and the second was not only false in fact but wilfully deceptive and misleading for the facts were he had not asked him on more than three occasions to do so and the design of telling it was to lead to the belief that it had occurred from day to day.

5. On the same occasion said Mr. McBride stated that the said pupil's marks for March 1884 were only one hundred and eighty-nine out of a certain total whereas they were two hundred and twenty-nine after deducting demerits.

This statement was made without qualification or explanation and was wilfully and deliberately false for he had refused to allow the Complainant to see the register after promising to do so, but had promised an abstract therefrom showing the boy's marks, was accused of not keeping his promise, tried to excuse his breach of faith, asserted he had gone over the register and then had the figures therefrom.

The Complainant claims, not only that the main statement here complained of was wilfully false but that the several facts leading up to the proof thereof disclose much untruth on the part of said Mr. McBride and want of integrity in him.

6. In April 1884 he issued a circular on behalf of the school wherein he spoke of himself thus: "During his college course he obtained first class honors in Classics and Mathematics at Toronto University."

The Complainant charges this to be a piece of chicanery the evident purpose of which was to mislead the public as to the scholarship of said Mr. McBride.

7. The Complainant having, through the press incidentally referred to this and charged said Mr. McBride as being guilty of such a piece of chicanery he replied to the charge and amongst other things said: "The passage quoted is absolutely true as is attested by the following letter from the Registrar of Toronto University whose duty it is to keep a record of every student's standing throughout his whole course"—

"I have much pleasure in testifying to the scholarship of Wm. McBride. Though excelling in his favorite department of Classics he stood very high in first-class honors in Mathematics and has not by any means neglected other branches.

ALFRED BAKER, B.A.,  
Registrar of Toronto University."

The Complainant charges that this letter is in the face of his poor standing in Mathematics if meant to refer to his standing at Toronto University a most dishonest and improper document for the Registrar to have given and that the procuring of it and use of it as above was also improper and dishonest.

8. The Complainant charges that this Baker certificate of standing was used in his (Mr. McBride's) application for his present position and alleges that its use was not an honest act.

9. In the same circular Mr. McBride refers to Mr. Mayberry as "having obtained first-class honors in Classics Mathematics and English during his course at Toronto University."

This is the reverse of truth as the standing given by the Registrar said "Mayberry, B.A., is as follows: 'Took 1st and 2nd years together (Pass) at supplemental examinations 1880. In his third year he obtained an *agrotat* and in his 4th year he stood 1st in Class II in Classics.'

10. On his Mr. McBride's University standing being questioned he stated through the press—"I took the full course prescribed and passed every examination in the usual way."

This is untrue the facts being that he failed at his fourth year's examination did not pass it in the usual way but got his degree by being granted an *agrotat*.

11. The school had a literary society referred to in the above mentioned circular and his (Mr. McBride's) conduct had so aroused the animosity of the scholars that he felt it might be well for his sake to suppress the society and his course of double dealing throughout in relation thereto was such as led many of his pupils to disbelieve him. For example he professed that the Board in discontinuing the meetings from being further held in the school was not acting in accordance with his wishes when, in fact they moved as he directed and in one of the steps to amending its constitution he called the meeting without notifying certain members whom he designed to exclude from the society and when he had called the meeting for four o'clock one day let school out half an hour before the time and called the meeting of the society together then thus depriving some of its members from having a chance of being heard.

12. After the Departmental Examinations of 1884 he furnished the newspapers with a list of pupils from the Stratford High School who had succeeded thereat and claimed that forty-two had passed and that they had obtained sixteen second-class certificates, twelve third-class certificates and fourteen intermediates.

Of this list five were not Stratford High School pupils during his time and the Complainant believes four never had been there at any time.

13.  
inserting  
half-year  
class hon  
B's 12 11

The  
follows  
"Th  
worse ki  
29 pass  
32 candi  
that ther  
the Ladi

14.  
pupils' e  
notices o  
of the s  
especiall  
honest r  
McBride

15.  
plainant  
plainant  
school b  
from the  
mislead  
his repor  
for the h  
average

16.  
Eith  
and misl

16.  
mental  
follows  
failed in  
by the S  
as havin

The  
corrected  
the said

17.  
ments r  
to Inter  
over sev  
them so  
them fit  
thought

In  
and tha  
each an  
McBride

18.  
somewh  
responsi  
such a r  
compose

The  
ing Mr.  
believes

19.  
attacked  
part of  
McGreg

13. Though one of the Stratford newspapers partially corrected this yet he was a party to inserting an advertisement in the *Daily Globe* of 30th August stating "Number attending last half-year, 215. 1884 record at Toronto University passed, 29 out of 32 and obtained 13 first-class honors and 11 second-class honors. At Departmental examinations obtained 6 A's 10 B's 12 III's and 14 I's."

The Complainant adopts the language of the *St. Marys Argus* and characterizes this as follows

"The advertisement of the Stratford Institution in the *Globe* is also a fraud of the very worse kind. The advertisement gives the record of the school for 1884 at Toronto University as 29 passed out of 32 with a whole string of honors thrown in. The inference is of course that 32 candidates wrote at the Matriculation Examinations and all passed but three. The fact is that there was not a solitary matriculant at all. The 29 referred to were simply candidates at the Ladies' Local Examination."

14. In considering this question of dishonest puffing of the school and of the results of its pupils' examinations the Complainant will ask the Commissioners to investigate each of the notices of that character published in the *Stratford Beacon* ever since Mr. McBride had charge of the school and determine how far he is responsible for the misrepresentation therein and especially the notice of the last June Matriculation Examination which was replete with dishonest representations of the kind complained of and for which the Complainant believes Mr. McBride is responsible.

15. In replying in the month of September 1884 to some criticisms made by the Complainant upon the results of the then last examinations he (Mr. McBride) said of the Complainant: "He thinks the number passed should be proportionate to the number attending school but he forgets (?) that the influx last half year was into the junior forms and pupils from these forms are not sent up to Departmental or University Examination" thus trying to mislead the public that he had not the material in the Upper School to draw from whereas in his report to the Board at their July meeting he states that the attendance in the Upper School for the half year is 36 or 33 in excess of the first half of 1883 or more than half the reported average increase for the whole school for the past half year."

Either statement must the Complainant submits have been knowingly and wilfully false and misleading.

16. The Complainant had called attention to the fact that the failures at the 1884 Departmental Examinations were largely in Arithmetic taught by Mr. McBride and he replied as follows on 17th September 1884. "Further on he says 34 failed in Mathematica and of these 16 failed in Arithmetic. I have before me the report from the Educational Department signed by the Secretary in which I find he is quite astray in his 35 and that 14, not 16 are reported as having failed in Arithmetic."

The Complainant charges that this was a dishonest statement that he (the Complainant) corrected it publicly shewing he had under-estimated instead of over estimated the failure but the said Mr. McBride never withdrew his misrepresentation.

17. The complainant will also ask the Commissioner to investigate fully the following statements made by Mr. McBride in his letter published on the 17th September 1884: "In regard to Intermediate he says I sent up 37 as fit. Again he is wrong. I did not send up 37; moreover several of those whose names were entered I did not think fit and I did not hesitate to tell them so but of course had not power to prevent their applying. 'Tis true I thought some of them fit and in fact induced them to write but these either passed or came so near it that we thought most of them justified in appealing."

In the face of the facts that his report as published claim 37 as sent up for Intermediate, and that the whole third form was Complainant believes distinctly to be by him a school that each and every of them must go up or go back to the second form. These statements of Mr. McBride are I submit most disingenuous and furnish formidable evidence of want of integrity.

18. In July 1885 the Board were considering Inspector Seath's report which reflected somewhat severely on the teaching in the Classical Department of the School and the teachers responsible therefor being Messrs. Mayberry and McBride they represented to the Board that such a report was unfair as Mr. Seath had really only inspected one class in classics and that composed of only three pupils.

The Complainant claims that Mr. McBride in making this false representation and allowing Mr. Mayberry who was the chief spokesman of the two ignorantly as the Complainant believes to urge it on the Board as he did was guilty of a most mean and dishonest act.

19. Thereupon at that and a subsequent meeting a number of members of the Board attacked Mr. Seath in the strongest manner and denounced such supposed misconduct on his part of reporting thus on such slight inspection or means of knowledge and instructed Mr. McGregor and the Complainant to bring this under the notice of the Minister of Education

when waiting on him in regard to other matters relating to the school. Mr. McBride sat there at the table, round which the members were thus denouncing Mr. Seath heard all that passed and never opened his lips to explain or asked leave to explain the facts well known to him and of those present him only [knew] that he (Mr. Seath) had not acted on such insufficient or slight knowledge but had also examined a very much larger class whilst Mr. Mayberry was absent from the school and which class had been taught by Mr. McBride.

The Complainant charges this was such grossly dishonorable and dishonest conduct that the actor is unfit to be a teacher of youth.

20. At the meeting of the Board on the 2nd September 1885 Mr. McGregor and the Complainant having reported these facts as appears by their written report a discussion followed and Mr. McBride's conduct in the matter having been reflected on by the Complainant he offered an untrue and if by a play upon words held to be true—most disingenuous explanation to the effect that he had understood the Examinations of this Intermediate Latin Class was not an inspection.

21. On the Complainant proposing a resolution to report the matter to the Department of Education the following more friendly course and resolution were adopted: "That the Secretary send a copy of Mr. McBride's statement to Mr. Seath Inspector and state that Mr. McBride intends communicating with him and that the Board will be glad to have Mr. Seath's remarks upon the statement at its next meeting."

The statement or statements in question are entered by the Secretary or taken down then and appear in his minutes as follows—App. number three:—

2ND SEPTEMBER, 1886.

"Mr. McBride's statement that on the occasion of Mr. Seath's visit in May he stated to Mr. McBride, who at the time was sick and only at school for the day to meet the Inspector—that he did not owing to the disorganization of the School through sickness of teachers &c., consider this an inspection in Classics or Mathematics although he did hear shortly the Latin Class Intermediate.

"On the occasion of Mr. Seath's visit in June from a conversation he (Mr. McBride) had with Mr. Seath which he thinks he can recall to Mr. Seath's memory it will be shown that the subsequent report as to Classics was based on his examination of the one pupil or class then examined by him."

These statements the Complainant believes and alleges to be untrue and dishonest attempts to mislead the Board.

22. Instead of communicating by letter as expected by the Board he went to Toronto to see Mr. Seath but missed him. Mr. Seath's reply did not bear out his statement and when the matter on receipt of Mr. Seath's reply came up at the October meeting of the Board he told the Board for the first time that he had really desired and intended in the first place when the members were complaining of Mr. Seath to have explained it but had no opportunity. The Complainant charges this to be a manifest falsehood.

23. In the same report by Mr. Seath the teaching of Natural Sciences at this School having been condemned and Mr. Moran the teacher of Chemistry and Botany declared not to be a Science teacher within the meaning of the Act Mr. McBride before the Board whilst dealing with this asserted that Mr. DeGuerre had been engaged as a specialist in Natural Sciences in compliance with the requirements of the Department when making the School a Collegiate Institute but that Mr. Moran had in effect by his persistence forced himself into possession of these classes against the wishes of the Principal; at the same time intimating that Mr. DeGuerre being a First Class Honor man was better fitted for this work.

The Complainant in this matter charges as follows: (a) that in this Mr. McBride misrepresented Mr. DeGuerre's qualifications (b) that if true as stated by him that Mr. DeGuerre had been engaged as a specialist in Natural Sciences he was guilty of practising a fraud upon the Department in setting him at entirely different work leaving this to others not so specially qualified and (c) that if not true he made the statement for the purpose of misleading the Board and did mislead them into passing on the 11th July 1885 the following resolution:—

"That in view of the Inspector's report and the explanation that Mr. DeGuerre was represented to the Department of Education as a specialist in Physical Science he should be allotted the work in Physical Science throughout the whole school but allowing discretion in the Principal as to Botany." The latter part as to Botany having been modified expressly to meet his views.

24. When the subject of re-engaging the Principal and his staff and fixing their salaries was before the Board in the month of November 1885 the Complainant pointed out that the school was in a most inefficient state that it was badly organized, that the teachers had unhappily not been so assorted in their qualifications as to make a good school possible but that even of the material we had the best use was not made that especially in the case of Mr. DeGuerre who

possessed the highest University rank of any on the staff we were not getting the full benefit of his work in Mathematics in which he was most proficient or his time was taken up otherwise. And when it came to the fixing of Mr. DeGuerre's salary repeated that part of his observations as to Mr. DeGuerre not giving us all his time in Mathematics that he was best fitted to teach and that Arithmetic was taught by Mr. McBride who notoriously could not teach that whatever else he could teach. Therefore Mr. McBride made the statement to the Board that Mr. DeGuerre's time was wholly engaged in teaching Mathematics except in taking the class in Calisthenics which none of the others knew how to teach, whereas Mr. DeGuerre had been and was then engaged in teaching spelling reading and French as well as Mathematics indeed a very considerable proportion of his time was thus being taken up.

25. Having armed himself with proof at next meeting of the falsity of this statement the Complainant then brought it up and insisted on an explanation when Mr. McBride falsely alleged that he had been misled by the time table being then new.

26. And this being then challenged at the next meeting he disclosed in further explanation that the falsehood had been stuck to in spite of Mr. Wilson one of the staff who sat beside him at the time correcting him on the spot.

27. Two pupils of the school were preparing for Senior Matriculation and being taught in different branches lessons given for their exclusive benefit or almost so for great part of the time from fall of 1885 to spring of 1886 and attention being drawn to it in different ways, Mr. McBride sought to conceal and misrepresent the facts as follows

(a) Mr. McGregor the Chairman of the Board at one of its meetings in January, 1886 called attention to the fact that on a visit to the school he had found a teacher teaching a class of two only. Mr. McBride denied that there was any such class and explained that others belonged to the class.

(b) In April 1886 the following resolution aimed partly at getting the facts established was passed: "That the Principal be instructed to produce at next meeting of the Board a copy of the time table in force in the school showing the teacher taking each class and a table or column showing the number in each class appearing in such time table and whenever the class does not exceed five in number, the names of each pupil in each class."

Mr. McBride objected very strongly to this resolution being passed and never obeyed it. The Complainant brought the matter up at different meetings of the Board.

At its passage Mr. McBride pretended he had not the time without abandoning some of his school work to make such a return. At a later meeting he pretended he did not know and could not understand what was called for by the resolution. At a later meeting he declared there was no class of only five or less than five in the school. At one meeting that the Senior Matriculation Pass Work was the same as the Honor Work of Junior Matriculation. And at another meeting in effect representing that these pupils for Senior Matriculation did not cost more than other pupils.

All of which statements and representations the Complainant charges as either absolutely false or disingenuous and all as designed to mislead.

28. The Commissioner will also be asked to investigate the facts as to what register or records of any kind shewing the standing of pupils existed in the school for the first six months of 1884 and compare the facts with the representations made to the Secretary of the Board when demanding same on the order of the Chairman.

The Complainant believes the foregoing particulars each correctly represent the substance and effect of each charge he desires specifically to present but claims that if through mistake of memory misinformation or inaccuracy of the verbal statements used to describe the offence the same should be amended by the Commissioner to meet the facts in the like manner as would be done by a judge in trying a case so that justice might be done.

(Signed) JOHN IDINGTON.

NOTE.—The first part of Charges, Nos. 6, 9 and 13, having been ruled out by the Commissioner, for reasons given in the Report, the following amendments were, by consent, substituted therefor, viz. :—

*Proposed Amendment to first part of Charge No. 6.*

In 1884 having been instructed by or on behalf of the Board upon his own suggestion to be so instructed to prepare a circular advertising the school he prepared and submitted to the Board such a circular which the Board relying on his integrity as to the facts therein set forth by him adopted and he in the preparation thereof in describing his own attainments spoke of himself thus "During his college course he obtained first-class honors in Classics and Mathematics at Toronto University."

*Proposed Amendment to the first part of Charge 9.*

In the preparation of the said circular he spoke of Mr. Mayberry as having obtained first-class honors in Classics Mathematics and English during his course at Toronto University.

*Proposed Amendment to the first part of Charge 13.*

Though one of the Stratford newspapers partially corrected this yet he prepared an advertisement for insertion in the daily *Globe* and *Mail* which stated amongst other things as follows: Number attending last half year 215. 1884 record at Toronto University passed 29 out of 32 and obtained 13 first-class honors and 11 second-class honors at Departmental Examinations obtained 6 "A's" 10 "B's" 12 "III's" and 14 "J's" and handed same to members of the Board or to the Board to procure its adoption.

*New Charge, No. 29.*

And an amendment making an additional charge had recently before the Board when they desired the Departmental Report on Examinations he neutrally alleged it was private and confidential for his use and that the Board had no right to demand it.

## INTERIM REPORT BY THE COMMISSIONER.

To the Honourable GEORGE W. ROSS, LL.B.,  
Minister of Education.

DEAR SIR,—My report on the result of the investigation, which I recently held in Stratford, in the case of *Idington vs. McBride*, is nearly ready for your consideration.

In the meantime, I desire to inform you that, upon a careful analysis of the voluminous evidence in the case, my conclusions are that the evidence presented has not sustained any of the Charges brought by Mr. Idington against Mr. McBride.

I am, dear Sir, very sincerely yours,

TORONTO, 4th January, 1887.

J. GEORGE HODGINS,  
Commissioner.

NOTE.—A copy of the foregoing was sent to the Chairman of the Board, also to Mr. John Idington and Mr. William McBride, on the 6th January, 1887.

## REPORT OF THE COMMISSIONER

TO THE HONORABLE THE MINISTER OF EDUCATION, IN THE MATTER  
OF *IDINGTON vs. McBRIDE*, STRATFORD.

In terms of the Commission issued to me to enquire into certain complaints preferred against William McBride, M.A., by Mr. John Idington, Q.C., of Stratford, I opened the Commission in the Town Hall Council Chamber of that city on Tuesday, the 23rd November, and closed it on Saturday, the 11th December, 1886. Mr. Idington was, for part of the time, represented by Mr. J. E. Harding, as Counsel, and Mr. McBride during the whole of the investigation by Mr. James Fleming, M.P.

The case was an unusually protracted one. This arose partly from the gravity of the Charges preferred—"gross and repeated falsehoods and misrepresentation"—and partly also from the fact the Complainant repeatedly pressed upon the notice of the

Commissioner various details, chiefly narrative and personal. These details in his evidence, as well as the opinions and inferences of the Complainant, I felt could not, with any fairness, or justice to the Accused, be regarded as evidence of "gross and repeated falsehood and misrepresentation," in the absence of specific proof to that effect. Nevertheless I took down, as fully as I could, the whole of the Complainant's statements and evidence, and submit both herewith—pages 1 to 54 of my notes.

The whole difficulty arose originally out of a personal matter; and throughout the investigation that feature of it was never lost sight of by the Complainant.

#### THE FIRST CHARGE.—REDUCTION OF PETER IDINGTON TO A LOWER FORM.

The strongest personal charges against Mr. McBride were contained in the first and second, as formulated. In substance the First Charge was that Mr. Idington's son was, by Mr. McBride, (on the occasion of a refusal to give information in regard to pupils who had damaged the school-rooms on Good Friday, 1884,) put back by way of punishment from a higher to a lower form.

What evidently added greatly to Mr. Idington's feeling of personal hostility to the Head Master, was the fact, (as was apparent from the evidence on the subject,) that his son, after he had been taken from the Institute, was refused admission as a boarder to Upper Canada College, owing, as Complainant alleged, (Evidence, page 19), to the unfavourable report of the Head Master to the Principal of the College. The correspondence on the subject, and the resolutions of the Board in regard to the matter, will be found in *Exhibits Nos. 31-37*.

Mr. Idington's own evidence-in-chief, on the first of these personal charges, was, in effect, a recital of the circumstances and events connected with, and designed to set forth, that Charge more fully—his son's report of what the Head Master said to him, and did with him, on the 15th April, 1884—his report of the circumstance to the Chairman of the Board of Trustees (*see Exhibit No. 1*), and his demand for an investigation by the Board of Trustees—of his letter to, followed by two interviews with, the Head Master and their unsatisfactory termination—of a meeting of the Board, held on the 25th April, 1884, etc. Several letters on the matter, which had been published in the local newspapers by Mr. Idington, and the Head Master, were put in as Exhibits. (*See Exhibits Nos. 17, 18, 19, 20, 21 and 22.*)

In his cross examination by Mr. Fleming, M.P., (Counsel for Mr. McBride) Mr. Idington stated that, except from his son, he had made no inquiries on the subject from anybody, nor did he ask the Head Master for an explanation before writing to the Chairman of the Board, (*Exhibit No. 1*). (See Evidence, page 16). He further stated that at a meeting of the Board, held (as stated) on the 25th April, 1884, his letter was read and he then also strongly objected to the system of espionage by the Head Master. Statements, or explanations, were also made at that meeting by the Head Master and two other Masters. One of the latter (Mr. Mayberry) Mr. Idington said, went back on old scores as to his son, but the Board did not, he thought, want to investigate the case, because the Teacher had gone over the previous history of the boy, and they did not like Mr. Mayberry

to go into that history, (Evidence, page 16.) As a result of the consideration of the complaint and explanation, the Board passed the following resolution:—

“Having heard Mr. Idington's charges against the Head Master, as well as reports from other teachers, we can find no fault with Mr. McBride's action in the matter, and that we are satisfied his course was justifiable. (Evidence, pages 16 and 17).

NOTE.—Mr. Idington's Counsel objected to this resolution being brought in as part of the case, but the Commissioner overruled the objection on two grounds:—

1. That Complainant had sought the intervention of the Board, and could not, therefore, object to a record of its finding in the case.

2. That it was part of the *res gestæ*, and of the proceedings of the Board.

The further evidence of Mr. Idington related to proceedings of himself and the Board affecting Mr. McBride. In his statement he re-affirmed in fuller detail his Charges against the Head Master.

I did not feel it to be my duty, in the terms of the Commission, to inquire into, or to report upon, the internal economy of the Collegiate Institute, nor as to the right of the Head Master to remove pupils from a higher to lower form. I felt, however, that in order to understand the whole case, and thus to ascertain the truth, or otherwise, of the Charges preferred, I would have to inform myself of the details of management and discipline in the Institute. As the Charges were so largely personal, I also felt it desirable to ascertain something of the career of Peter Idington while attending the Institute, and also to see how its management and discipline affected him under the circumstances.

With these objects in view, I received evidence on the following matters, viz:—

1. Peter Idington's relative rank in his form.
2. The process by which that rank was determined.
3. His actual status as a pupil in Latin and Arithmetic, in March, 1884.
4. Peter Idington's conduct while a pupil of the Institute.
5. The opinion, or report of the Teachers on his progress in study.
6. Nature of Mr. McBride's consultation, or conversation, with Teachers, etc.

I felt that evidence which covered these points would be necessary in order to understand the whole of the circumstances which led to Peter Idington's reduction.

My first analysis of the evidence taken, refers, therefore, to—

#### 1. PETER IDINGTON'S RELATIVE RANK IN HIS FORM.

It was alleged by Mr. Idington that the rank which Peter had attained in the Institute at the time he was put back in April, 1884, as compared with his rank in January, February and March, did not justify that act on the part of the Head Master. His rank in April was not mentioned.

It was stated in evidence by Mr. Wilson that in a class, or form, of 48, Peter's rank in January was 28; in February 19; in March 11, (Evidence, pages 71, 140, 142); but it was not shown, although it appears in *Exhibit No. 77*, that in April, 1884, when Peter was reduced, his rank in the third form had fallen from 11 in March, (in a form of 49,) to 35 in April, in a form of 42, while Carrall had risen from 48 in March (out of a form of 49) to 36 in April. Even admitting the ordinary fluctuations in the form, to which I refer in

this connection, and the frequent unreliable results of the examinations, Peter's seemed to be a rapid descent from his rank of the previous month.

It does not appear in evidence, although it was mentioned by a witness, that changes in the form may have taken place in the months of February and March, (and April) which would, of course, of itself alter the relative places of those who remained in it. Mr. Wilson, in his evidence, stated that reductions were being constantly made, (Evidence, pages 70 and 71). Mr. McBride stated that promotions were made chiefly as the result of the monthly examinations. (Evidence, page 209.)

## 2. THE PROCESS BY WHICH THIS RANK WAS ATTAINED:—

As to how this rank was determined, the evidence showed that it was arrived at by taking the number of marks given at the weekly and monthly examinations, after deducting the demerit marks of the pupil. (Evidence, pages 70, 119 and 209.)

It came out in evidence, however, that the marks given at these examinations were not always honestly obtained. Peter Idington gave the following testimony on this point:—

"There was copying done in the weekly and monthly examinations. . . . I have asked questions from other pupils, and would compare answers with other pupils under examination. I know it was not the proper thing to do. I would ask a date. It was always a common thing at the weekly examinations. It was not carried on at the promotion examinations, but it was practiced at the monthly examinations. The results of the weekly and monthly examinations were made up from the answers." (Evidence, page 119.)

Again, *Mr. Samuel R. Robb* said:—

"I was not in the habit of copying or asking questions at examinations. Have seen the practice. I have done it once or twice, and had trouble about it with Mr. Clarke, teacher." (Evidence, page 133.)

From these sworn statements of the pupils concerned, it is clear that the marks obtained at the weekly and monthly examinations were not always to be relied upon as evidence of the real standing of a pupil, although Peter Idington makes a distinction as to "copying" at a weekly or monthly and a "promotion" examination. The distinction cannot be relied on in all cases, where the practice was admitted to be "common" at the weekly and monthly examinations. Indeed, even if this were not so, the examinations were not regarded by the Head Master as conclusive evidence of the true standing of a pupil. He said:—

"The monthly report was not one of the best tests [of pupils' work]. . . . I relied on the records to a certain extent. . . . I would not be guided by the results of examinations in all cases. . . . My judgment was founded on my own personal knowledge, and the reports for February." (Evidence, pages 203 and 205.)

## 3. PETER IDINGTON'S ACTUAL STATUS, AS A PUPIL, ON HIS BEING REDUCED.

FIRSTLY, AS TO LATIN. Peter Idington's testimony on this point is as follows:—

"I objected to being reduced because I had stood 11 in the last monthly report. There were other boys worse than I was in the form. These reports were made up from the weekly ones after deducting the demerits. On the day of the 'card case,' Mr. McBride said to me: 'You will have to go back to the 2nd form.' I asked him, 'What for?' 'You do poorly in your lessons. . . . You were bad in Latin at your last weekly examination.' I told him that he had had 'declensions' at that examination, and that I had not gone over that part of that work since the beginning of last term. . . . I went to the second form [to which I was put back]. When I was going to that form Mr. McBride pointed out to me that I was last in Latin at the weekly examination. . . . The examination [which Mr. McBride] gave us was in Latin Grammar, and more particularly in declensions. I had not been studying that branch.

When Mr. McBride took the [Latin] class, he started us to read Seath and Henderson's *Latin Primer*. . . . It was a new work, and difficult to get up. . . . He got disgusted at the progress or want of progress, and gave up Seath and Henderson. . . . I was reading Cato Major with Mr. Mayberry. . . . Have been reading Latin since I was in the Collegiate Institute. For that subject alone I might have been put back into the first [or lowest] form for 'declensions.' . . . I thought that [the Principal] could not put me back for Latin. I was certainly weak in declensions." (Evidence, pages 112, 113, 114 and 117.)

*Mr. McBride*, in his evidence, said :—

"I mentioned . . . [that Peter] had never satisfactorily prepared his lesson in Latin, except in one instance. I had the Latin class six weeks before Easter. . . . Mr. Mayberry had it before." (Evidence, page 180.)

*Mr. Scrimgeour*, Trustee, in his evidence, in reply to Mr. Idington, said :—

"Was present at the Board meeting in April, 1884. . . . Mr. McBride said your son was getting his Latin lessons very poorly. He had only got one or two perfect." (Evidence, page 123.)

*Exhibit No. 3*, handed in by Mr. Idington, gives the result of the Examination in Latin (1884) as follows:—Hamilton, 59; Baily, 45; J. McLellan, 45; Carrall, 36; Frazer, 25, and Peter Idington 19, out of possible 100.

SECONDLY, AS TO ARITHMETIC, Peter Idington said :—

"I had arithmetic with Mr. McBride. . . . I was called up to the blackboard but three times from January to March. About forty were in my class. One question I did he told me the method was right, but I had not got the right answer. . . . I tried for Intermediate Examination in July, 1883. I failed in arithmetic and composition. . . . As a rule, Mr. McBride would take the best [to go to the blackboard] so that they could show the rest how the work was done. . . . I was weak in arithmetic. It was always a hard subject." (Evidence, pages 114, 115, 117 and 119.)

I find, on reference to *Exhibit No. 77*, that in January, 1884, Peter Idington got 60 marks in the first class in arithmetic (as entered in the report), so did Robert Carrall and John Kennedy; in the second class in arithmetic, Peter got 10 marks and Robert Carrall 30. (J. Kennedy not entered). In February, arithmetic was not a subject entered in the report. In March, Peter got 36 marks in arithmetic, Carrall 46, and Kennedy 60; so that the falling off of Peter in this necessary subject was more serious than that of either Carrall or Kennedy, who were reduced at the same time with him. In other subjects his marks, in March, were higher than theirs. The marks in Latin are not given. In April, Peter's marks in arithmetic were 45, while Carrall's do not appear. Peter's rank this month was 35, and Carrall's 36, in a form of 42. (Kennedy's name was not entered.)

*Mr. McBride*, in his evidence, said :—

"Peter never solved a single question satisfactorily on the blackboard in the Arithmetic class. I had sent him to the blackboard three or four times. There were about sixty pupils in the class. . . . The average was about forty-five. . . . A pupil's turn would not come very often in a large class like that. While a pupil is working at the blackboard other pupils are working on their papers. I go about the room to see how they did their work. . . . I took close observation of their work. My object was to find out what were the difficulties and defects, and then to help myself or send some of the better pupils up to the blackboard to explain them. The statement about the Arithmetic of Peter Idington was absolutely correct." (Evidence, pages 182 and 183.)

*Mr. Idington*, referring to this matter in his evidence, said :—

"As to Arithmetic, the only subject compulsory for the Intermediate, and which Mr. McBride was teaching my son. . . . he never asked him, but on two or three occasions, to do any questions publicly in school. . . . And as to the results of the examination in school in Arithmetic, I don't think that they warranted such a statement [as that made by Mr. McBride]. (Evidence, page 32 and 33.)

*Mr. Fleming, Counsel for Mr. McBride, said to Mr. Idington (witness) :—*

"I produce the report of the Intermediate Examination. I find that your son, Peter, obtained 31 in Arithmetic out of a possible 160. Is that so? *Ans.—'Yes.'*" (Evidence, page 36).

*Mr. John M. Moran, teacher in the Collegiate Institute, said :—*

"I heard [Mr. McBride] say that Peter did not do more than one or two problems correctly at the blackboard. . . . He said that Arithmetic was a subject that he taught himself and that Peter acquitted himself very poorly. He said that out of a certain number of questions, Peter had only done a very small number." (Evidence, pages 74 and 91.)

#### 4. PETER IDINGTON'S CONDUCT WHILE A PUPIL OF THE INSTITUTE.

In his own evidence, Peter Idington said :—

"I had trouble with Mr. Mayberry in the Latin class. I had not been paying attention in the class and had lost the place. He asked me to parse a word and I was trying to find out what the word was. He thought I did not know how to parse it; another did it. Words ensued and Mr. Mayberry sent me out of the class. Mr. McBride advised me to write an apology which I did. . . . Mr. Munro was a teacher in the school in 1883. I had trouble with him. It was of the same nature. . . . Mr. McLaughlin was a teacher in the school in 1882 and 1883. I remember an incident with him, but it was settled in the class. He called me a liar. Mr. Hogarth was a master. I had trouble with him. . . . He could not keep order and the boys commenced tramping and hissing at him, and snow-balling. I had been tramping and he saw me, and I stopped. He tried to find out apparently who was tramping and came down on me. . . . I had another row with him." (Evidence, pages 117-119.)

*Mr. McBride, in his evidence, said :—*

"I had the Latin class six weeks before Easter; Mr. Mayberry had it before. He could not control Peter Idington. . . . Peter was insolent to him. He reported the matter to me. . . . I wanted to settle the matter amicably if possible. I asked Mr. Mayberry about it in presence of Peter. Peter was angry when Mr. Mayberry came in and became more so as Mr. Mayberry was talking. He used some objectionable language in my presence. I saw that Mr. Mayberry's presence was calculated to irritate Peter and I beckoned to him (M.) to leave the room, which he did. . . . I reasoned with the boy for some time and he broke down. . . . He wrote an apology, which I handed to Mr. Mayberry; it was not satisfactory to him, but I induced him to let the matter drop, as it was a concession from the boy. Soon after that his conduct was unsatisfactory. I took the class myself . . . for this sole reason." (Evidence, pages 180-182.)

*Mr. Charles A. Mayberry, (Teacher), in his evidence on this subject, said :—*

"I had trouble with Peter while he was in the [Latin] class. I can't remember any others with whom I had trouble. I had some difficulty with him in the class. It arose from a little misconduct on his part. I sent the boy outside the room and told Mr. McBride. It was settled immediately after that." (Evidence, page 110.)

#### 5. REPORT OF THE TEACHERS ON PETER IDINGTON'S PROGRESS IN STUDY.

In his evidence on this matter, *Mr. Mayberry* said :—

"I remember Peter Idington in my class in Roman History. . . . I think there was improvement in Peter in Roman History up to the time he left school. . . . I do not remember that Mr. McBride ever spoke to me as to his improvement in Roman History. . . . I can't remember what he said to me about the Latin lessons. (Evidence, pages 104 and 105). Mr. McBride spoke to me on one occasion about Peter's work." (Evidence, page 120.)

*Mr. John B. Wilson, (Teacher), speaking of Peter Idington's progress, said :—*

"I do not remember Mr. McBride saying anything to me about the Latin . . . Every time he spoke to me about Peter, I said he was improving with me . . . Mr. McBride came in [to my class room] and read out the names of those he proposed to put back and spoke encouragingly to them." (Evidence, page 86.)

*Mr. John M. Moran*, speaking on the same subject, said :—

"I remember that Peter was doing fairly well in Euclid—that was his best subject. Can't say as to Geography, but can't recollect any complaint on any of the subjects. He was doing better in February and March in German—just a little." (Evidence, pages 87 and 88.)

*Mr. McBride*, in his cross-examination by Mr. Idington, said :—

"I don't remember telling Mr. Jameson (Trustee) or the Board that Peter was improving. I said to the Board on the 25th April that Mr. Wilson informed me that he was improving a little in his (Wilson's) subjects. I may have told Mr. Jameson and I may have told others." (Evidence, page 199.) In reply to a question put by Mr. Idington, as to a conversation between himself and witness, *Mr. McBride* said :—

"I have no distinct recollection that you were showing that Peter had made such improvement that he should not have been put back, or of that question being raised at all." (Evidence, page 204.) In another part of his cross-examination *Mr. McBride* said :—

"It was only on the one occasion that he had his lesson well. I complimented and encouraged him and said, 'Now Peter, if you get your lesson like that I shall not be finding fault with you.'" (Evidence, page 182.)

#### 6. NATURE OF THE CONVERSATION, OR CONSULTATION, (AS THE CASE MIGHT BE) WITH THE TEACHERS AND OTHERS, AS TO THE REDUCTION OF PETER IDINGTON.

In his First Charge, Mr. Idington states that Mr. McBride asserted that the reduction of his son was the "carrying out of a decision arrived at before that morning, and as the result of a consultation with, and reference to the pupil's other teachers." He alleges that this statement is "untrue."

The substance of this Charge is that the reduction of Peter Idington was an impromptu act, done without previous consideration, and was in the nature of a "punishment" inflicted upon Peter, because that, on the day he was reduced, he had refused to answer certain questions relating to damage done to the school on Good Friday by pupils, or, as he stated, "to be a detective" in the school.

Evidence in rebuttal of this Charge, and designed to prove that the matter had been under consideration for some time, and that it was known to others to whom Mr. McBride had previously spoken, was received by me from one or two of the teachers, and from others. The Charge was also denied under oath by Mr. McBride himself. The evidence taken in this matter I give in the following order, viz. :—

- |                              |                             |
|------------------------------|-----------------------------|
| 1. Mr. McBride's evidence.   | 3. Mrs. McBride's evidence. |
| 2. Evidence of the Teachers. | 4. Mr. Newbold's evidence.  |

5. Mr. Jameson's evidence.

*Mr. McBride* said :—

"About the 15th of April on the first day of the term, I sent Peter Idington from the third to the second form. I think I finally determined to do so two weeks before, but I had it in my mind for a considerable time before. I gave him and some other pupils warning about the first of February that they would be put back if they did not show some improvement in their work and their conduct, especially their work. I renewed that warning the beginning of the next month (March) . . . I spoke to all the other teachers at some time about the matter. I remember especially referring to Peter. Although I consulted the other teachers, I was guided principally by my own knowledge of his work in my own classes. . . . The Board passed a resolution [on 25th April, 1884] after hearing our explanation, unanimously acquitting me, [See exhibit No. 110, quoted on page 3] I asserted at the Board and to Mr. Idington, that the reduction of Peter was not in the way of punishment, but was the carrying out of a decision arrived at before that morning, and after having consulted other teachers." (Evidence, page 177 and 178).

In reply to Mr. Idington, *Mr. McBride* in the cross-examination said :—

"I had a conversation with Mr. Mayberry (Teacher) a few days—three or four—before Easter vacation, about Peter. I informed him on that occasion that I would have to reduce Peter. I did not refer to Peter alone. I referred to Carrall and Kennedy also. Can't tell that Mr. Wilson [another teacher] was so informed. I had a conversation with him about school matters and Peter and other pupils. I don't know that I informed Mr. Moran, or Mr. De Guerre. I exercised my own discretion as Head Master. I told Peter I was considering the matter and had serious intentions of reducing him." (Evidence, page 200.)

*Mr. John B. Wilson*, one of the Masters, in his evidence, said :—

"I remember some boys reduced from the third form to the second : Robert Carrall, John Kennedy and Peter Idington, were all reduced at the same time—two on the same day and, I think, the three—the first day after Easter vacation and first day of term. Heard of Carrall in the afternoon from Mr. McBride and from Peter himself in the forenoon, and from Mr. McBride sometime in the afternoon or morning recess. . . . Was not consulted by Mr. McBride just before reduction of Peter. Was consulted by Mr. McBride two or three times : Once sometime in the beginning or middle of March and in the beginning of February and may be in January. He often spoke about pupils. He asked if Peter had been making progress ? I said yes." (Evidence, page 69.)

"Mr. McBride spoke to me about sending Peter back. Peter was not the only one. I intimated to the class generally that those whose names were read out by Mr. McBride would be put back if they did not improve, and Peter was one of them. This intimation was given early in February. Peter rather objected to going back. . . . He said he wouldn't go back—that we couldn't put them back, because they had been admitted to Form III on promotion examination. I do not remember that anyone else replied. About eleven names were read out as those to go back, unless they improved. He (Mr. McBride) said he would give them a month to try to improve until the next examination." (Evidence, pages 84 and 85.)

*Mr. John M. Moran*, one of the Masters, in his evidence, said :—

"Mr. McBride occasionally consulted the teachers collectively as to pupil's standing and Peter's may have been referred to. . . . I thought at one time that Mr. McBride had not consulted me. I can't say that he did or did not. My impression was at the time that he did not consult me." (Evidence, page 88.)

*Mr. Mayberry*, one of the Masters, in his evidence, said :—

"Mr. McBride spoke to me on one occasion about Peter's work. I had the Latin class that Peter was in. Mr. McBride took charge of it afterwards." (Evidence, page 110.)

*Mrs. McBride*, in her evidence, said :—

"I came to Stratford early in March, 1884. Mr. McBride had been here from the beginning of the year. . . . Saw Mr. McBride on several occasions before coming here. Told me how he was getting on. He mentioned the names of Bob, Carrall and Peter Idington. He spoke to me early in March about Peter. Spoke of putting the boys back into the second form. The boys he mentioned were Peter Idington and Robert Carrall. . . . He spoke of both of these boys and of putting them back before I came here. I asked him, both before and after I came here, to give both of the boys a chance. I was in Mr. McBride's private room when Mr. Idington came to see him after the trouble arose. I attempted to make a statement to Mr. Idington, when he said that the decision had been arrived at that morning. I attempted to make the explanation that I do now, but he would not let me, and answered me in a rude way." (Evidence, pages 157 and 158.)

*Mr. McBride*, in his evidence on this interview, said :—

"Mr. Idington come to the school house after I had seen him at his office. Mr. Wilson, Mr. Mayberry, Mr. Moran, Mr. McBride and I were there present. Mrs. McBride began to explain, but Mr. Idington said 'I don't want to speak to any woman,' so I beckoned to her, and she ceased to say anything." (Evidence, page 184.)

*Mr. Leonard Newbold*, in his evidence, said :—

"Was in Stratford the beginning of 1884. Mr. McBride boarded in the same house with me here before Mrs. McBride came to Stratford. I taught school in England. Mr. McBride

discussed school matters freely with me. He mentioned to me several times that he would be obliged to move some of the scholars back to a lower form at the end of the first term of his *regime*. He named Peter Idington. I remember Peter well. He talked to me soon after he took charge of the school about the matter. We were, I think, together over two months (January and February, 1884). (Evidence, pages 175 and 176.)

Mr. Hugh A. Jameson, Trustee of the Collegiate Institute, in his evidence, said :—

“Mr. McBride had spoken to me before Easter vacation about sending boys back. He spoke to me on more than one occasion. He said that Peter Idington got his work poorly and that he was a hard boy to manage. He was impertinent to the teachers and used very offensive remarks to Mr. Mayberry. He on more than one occasion expressed his belief that he would have to put Peter back. This was during the winter time, and all this conversation refers to the time before the Easter vacation. I did not give any advice on the subject. (Evidence, page 163.)

From the foregoing evidence it will be seen that the following facts are established :—

1. That Peter Idington's relative rank in his form, and on which he chiefly based his claim to remain in the third form, was somewhat titular and uncertain, from the fact that changes in the *personnel* of the form were being constantly made, and that the examinations themselves, on which that rank was determined, were somewhat unreliable, by reason of the common practice of “copying,” etc., as admitted by Peter Idington, and stated by Samuel R. Robb, on page 19 of this report. (See also Evidence, pages 119 and 133.) I find, from *Exhibit No. 77*, that the number in the third form in January, 1884 was 33; in February, 42; in March, 49; and in April, 42.
2. That Peter Idington's standing in his classes of Latin and Arithmetic was quite below the requirements of a pupil in the third form of a Collegiate Institute. In Latin he admitted that he was “weak”; and in “declensions” he felt that he “might have been put back to the first [or lowest] form.” He also admitted that he was “weak” in Arithmetic. His standing in that subject has already been given—page 20.
3. That Peter Idington's conduct, while at the Institute, was not satisfactory, as he had a “difficulty” with no less than five Teachers (Messrs. McBride, Mayberry, Munro, McLaughlin, and Hogarth, twice). The conduct of a pupil, as stated by Mr. McBride, was taken into account in promoting or reducing him, or her, from one form to another. (Evidence, page 177).
4. That the intention of the Head Master to reduce Peter Idington and nine or ten other pupils was communicated to them, in the months of February and March, 1884, before the reduction took place.
5. That this intention was communicated to two or more of the Teachers of the School, and to other parties, some time before it was carried into effect.
6. That Peter Idington was not the only pupil put back on the 15th of April. Mr. Wilson says, in his evidence (page 69), that Robert Carrall, John Kennedy and Peter Idington were all reduced at the same time—two on the same day, and he thinks the three—on the first day of term after the Easter Vacation.
7. That the evidence on these points is conclusive as against the statements in the Charge of the Complainant, and exonerates the Head Master from the charge of untruth.

It was contended by the Complainant that, in putting Peter Idington into a lower form, the Head Master was acting contrary to the decision to which he had come during

the preceding month in regard to putting pupils back, and as reported to the Board. In his Report to the Board for March, 1884, the Head Master said:—

“Notwithstanding the fact that additional help has recently been secured, the work is still heavy, partly in consequence of the fact that the forms have not in the past been properly graded. There were several pupils in forms for which they were not prepared, and the work of which they could not get up. As some of these were in those forms for two or three terms, and would feel too keenly a degradation to a lower form, we thought it advisable to give them special assistance to enable them to keep up with the work of their form.” (*Exhibit No. 57, Page 3*).

It should be noted in this connection, that at the very time when Mr. McBride penned this Report to the Board (*Exhibit No. 57*), he informed ten or eleven of the pupils, thus retained in their form, that they would be reduced “unless they showed signs of improvement.” The leniency, therefore, pointed out in that Report was clearly intended as a tentative act (as the succeeding paragraph quoted from the Report shows); and the continued exercise of that leniency was evidently dependent upon the “improvement and conduct” (as shown in the evidence) of the pupils concerned.

This is clear, for *Mr. McBride*, in his evidence, says:—

“There were several I intended to put back unless they showed signs of improvement. . . . I intended, in March, on putting Peter back (judging from his work then) and Carrall, unless they showed signs of improvement.” (*Evidence, page 205*).

Again, in further proof, he said:—

“I gave him and other pupils warning, about the first of February, 1884, that they would be put back if they did not show some improvement in their work and their conduct, especially their work. I renewed that warning the beginning of the next month (March). I reported the cases generally to the Board before the Easter Vacation, . . . I think in the March Report.” (*Exhibit No. 57*). (*Evidence, page 177*).

Thus, before and about the time of writing the Report for March, the Head Master had decided that he would not retain ten or eleven pupils, including Peter Idington, in the forms they were then permitted to remain in, as reported to the Board, “unless they showed signs of improvement in their work and in their conduct.”

But, in order to understand the whole case more fully, I make the following extracts from Mr. McBride's March Report to the Board. (*Exhibit No. 57*.) This Report was strongly emphasized by Mr. Idington, in his argument on summing up the case, with a view to prove by it that Mr. McBride was inconsistent in reducing Peter Idington, after writing the paragraph already quoted. But immediately after that paragraph follows an explanatory statement of the condition of the forms when he took charge of the school, and a reference to the difficulty which he had experienced, and would hereafter experience, in properly classifying the pupils. The Report, speaking of the future, says:—

“It will be some time before the pupils can all be graded satisfactorily, inasmuch as there seems to have been little uniformity in promoting pupils from one form to another. The Head Master found some in the III. and IV. forms who, when put back, could not keep up with the work in the I. and II. forms respectively; and on the other hand he found some in the I. and II. forms who should have been, and are now in the II. and III. forms respectively. In English subjects generally he has found the pupils on the whole somewhat deficient. In Mathematics, most of the pupils seem to have been satisfying themselves with getting the answers, without paying much attention to theory, style or neatness.” (*Report, pages 3, 4, Exhibit No. 57*).

In his argument on this Report, and on the evidence in the case, Mr. Idington sought to establish the alleged inconsistency to which he had referred, and held that the Head Master's statement in the Report as to his leniency to the pupils virtually barred him from reducing Peter. He said :—

"From that witness box he [Mr. McBride] says that he had arrived at the decision to reduce Peter Idington about two weeks before he did it. It was done on the 15th April. Two weeks carries us back over that Report. Which statement is true—the report of his intentions at the time, or the statement made now?" (Argument, page 8.)

The answer to this question is given in the following evidence. Mr. McBride said :—

"I gave him [Peter Idington] and some other pupils warning about the first of February that they would be put back if they did not show some improvement in their work and their conduct, especially their work. I renewed that warning the beginning of the next month. (Evidence, page 177.)

In his cross-examination by Mr. Idington, Mr. McBride said :—

"I intended in March in putting Peter back, judging from his work then. . . . There were several I intended to put back unless they showed signs of improvement." (Evidence, page 205.)

Mr. Wilson, referring to this warning, said :—

"I intimated to the class generally that those whose names were read out by Mr. McBride would be put back if they did not improve, and Peter was one of them. This intimation was given early in February. . . . About eleven names were read out as those to go back unless they improved. He [Mr. McBride] said he would give them a month to try to improve until the next examination." (Evidence, pages 84, 85.)

Thus, it will be seen that there was no inconsistency between the words and the acts of Mr. McBride, in the matter of Peter Idington's reduction. The very extracts which I have quoted (and on which Mr. Idington relies to prove Mr. McBride's inconsistency) show that while Mr. McBride did not wish to reduce any pupil at once to a lower form, or without due notice, and the application of the improvement and good conduct test.

Mr. Idington, in his argument, also spoke of this part of the March Report as declaring what were Mr. McBride's "intentions." And then adds :—

"I am amazed at Counsel [Fleming] presuming to refer to that Report as sustaining his [Mr. McBride's] position. It destroys it most completely."

But in uttering these words, Mr. Idington, in my judgment, entirely mis-stated the tenor of this part of the Report, in reply to Mr. Fleming's contention. It simply pointed out what had been done, not what would be done. The Report said :—

"There were several pupils in forms for which they were not at all prepared. . . . We thought it advisable to leave them where they were."

This statement clearly referred to a past act, not to a future one. Again, the Report stated that the Head Master—

"Found some in the I. and II. forms, who should have been, and now are, in the II. and III. forms respectively."

Pupils were found in the I. and II. forms and were transferred to the II. and III. forms. Was this an act done, or yet to be done? How Mr. Idington could construe and declare the language of this part of the report which I have quoted, to be expressed in the future, and not in the past, tense, I am at a loss to understand.

Apart from this, I think that no experienced teacher will assent to the doctrine virtually laid down by Mr. Idington in the whole of his statements and arguments against the reduction of his son to a lower form. If a Head Master, out of consideration to the feelings of his pupils, on taking charge of a school, leaves them for the time being in the forms in which he finds them, it is nevertheless his duty to classify his school as speedily as possible afterwards—giving notice beforehand, as did Mr. McBride, that those who showed no signs of improvement, and whose conduct was not satisfactory, would at a time fixed, be reduced and the whole school classified—in other words, reduced or advanced, as the case might be. The second paragraph which I have quoted from the March Report (page 25 of this Report) clearly foreshadowed this future classification.

To lay down, as a rule, the doctrine which underlies the whole of Mr. Idington's contention on behalf of his son, (and which was illustrated in Peter Idington's refusal to go into the lower form, for the reasons given by him on page 23 of this report), would be to tie the hands of a Master, and to make the pupils the judges of their own attainments and the tribunal by which their status in a school should be determined.

I have thus sought, not only to point out how untenable is Mr. Idington's argument, but also to illustrate the mistakes, in professional opinion and judgment, which those, who are not experts in school management and discipline, are liable to make. If this case were reversed, it would place Mr. McBride in the position of one setting himself up as "learned in the law," and competent to advise Mr. Idington on rules of procedure, or on the practice of the courts.

#### 7. MR. MCBRIDE'S PREDICTION AS TO PETER IDINGTON NOT PASSING THE "INTERMEDIATE."

Mr. Idington, in his cross-examination by Mr. Fleming, said :—

"One of my Charges against Mr. McBride was, that he stated to the Board that my son had no chance of passing the Intermediate Examination. He did pass, however. . . . In the first report my son's name did not appear as having succeeded. The same report contained the list of failures, according to numbers, and in it my son's name did appear." (Evidence, pages 23 and 24.)

In Mr. Idington's cross-examination, Mr. Fleming put the following questions :—

*Question.*—"If it is disclosed that the Regulations existing in April, 1884, was the highest standard, and that a copy of that regulation was sent to you from the Department, will you withdraw the allegation that Mr. McBride, in saying that your son had no chance to pass the Intermediate, had made a false statement?"

*Answer.*—"No; most certainly not."

*Ques.*—"Mr. McBride, when he said that your son had no chance to pass the Intermediate Examination, predicted the true result?"

*Ans.*—"Yes."

*Ques.*—"And having predicted the result, you say that Mr. McBride's declaration to that result was false?"

*Ans.*—"I say that the statement that he had no chance to pass the examination was false; and I also repeat that, in my judgment, he did not take the proper steps to find out."

*Ques.*—"You swore that he did not take the proper steps; do you know what steps he did take?"

*Ans.*—"Only by the information conveyed to me by others and in no other way." (Evidence, page 33.)

*Ques.*—"Had Mr. McBride any means of knowing the probabilities of Peter's success or failure?"

*Ans.*—"He certainly had some; he taught Arithmetic, but his information was slight, as I have information as to his practical work in his own class."

*Ques.*—"Who informed you that Mr. McBride had very little knowledge of your son's chances of success?"

*Ans.*—"My son told me that he had only asked him on three occasions to do work at the Board."

*Ques.*—"I produce the report of the Intermediate Examination. I find that your son obtained 31 marks out of a possible 150. Is that so?"

*Ans.*—"Yes." (Evidence, pages 34, 35.)

*Ques.*—"If the standard then in force (at the time of the Board meeting, April, 1884), would your son have passed the examination?"

*Ans.*—"I don't know, because I don't know what the standard was; my belief was that at the time of the Easter vacation the old [40 %] standard was in force. (Evidence, page 24.)

*Ques.*—"You believe the old standard was in force in the beginning of April, 1884?"

*Ans.*—"I believe it was changed in April, 1884." (Evidence, page 27.)

*Ques.*—"You have told us that your present impression is from the result of enquiries as to the standard in force at the beginning of April, 1884?"

*Ans.*—"The impression left on my memory is the result of these enquiries and discussions at the time."

*Ques.*—"Then you found that the standard at the time of the examination was the higher standard" [50 %]?

*Ans.*—"Yes."

*Ques.*—"Did your son pass the Intermediate Examination by reason of the standard being reduced?"

*Ans.*—"Yes, by the old standard." (Evidence, page 29.)

*Mr. McBride's* evidence on this subject is as follows:—

"I used the words that 'Peter had no chance to pass.' I firmly believed that statement at the time. I knew at that time the number of marks required to pass the Intermediate was 50 %. It was 40 % in the former year. . . . I was aware of [this] before the Easter vacation. I think I got [the information] from the Department, as I was down at the Department a few times on the subject of the Collegiate Institute." (Evidence, pages 178, 179.)

"I was informed before Easter vacation that the standard was raised from 40 % to 50 % for the Intermediate Examinations." (Evidence, page 205.)

"Upon lowering the standard from 50 % to 40 %, about twenty more passed the Intermediate than did under the higher standard. About thirty-five or forty wrote for the Intermediate; fourteen passed according to the higher standard, so that thirty-four passed in all, including some that had tried for the second or third and failed." (Evidence, page 209.)

*Mr. Wilson*, in his evidence on this point, said:—

"Sometime in the winter Mr. McBride was informed as to the Intermediate Examination by circular, or pamphlet, from the Department. I remember seeing it. (*Exhibit No. 108*). He would show it to the teachers." (Evidence, page 75.)

It would appear from the preceding evidence—

1. That, when he made the prediction of failure to pass the Intermediate, Mr. McBride knew what Peter Idington's standing was as a pupil.
2. That he also knew that the standard to be reached was 50 %, and not the old standard of 40 %.
3. He felt assured, when he made the statement, and from these two facts, that Peter Idington "had no chance to pass" the Intermediate.

THE SECOND CHARGE—THE "CARD CASE."

The second charge is to the effect that Mr. McBride, at a Board meeting on the 3rd May, 1884, asserted "that on one occasion he went to the basement of the school, found a number of boys there who had evidently been playing cards, . . . and that Peter Idington was one of the boys there."

*Mr. Idington*, in his evidence, denied that his son was in the basement at all, but added:—"I do not swear that he was not there." (Evidence, page 2.)

*Peter Idington*, in his evidence, said:—

"I was not present at the time the cards were played. I was not in the basement when Mr. McBride found the boys playing cards. I never went into the basement during prohibited hours—a quarter to eleven. . . . and from half-past one to a quarter to three o'clock we were not allowed. We were allowed in at the intermission, and after four o'clock. . . . I never was in the basement when classes were going on. . . . When this occurrence took place I was in the Botany class. . . . Some were absent from the Botany class. . . . Mr. Moran (teacher) went out in the hall to enquire about the missing boys." (Evidence, page 116.) "I was in the third form class-room before the Botany was started. I went from the third form class-room to the first form class-room. I went directly; I did not go down the stairs towards the basement, nor near the stairway at all; I did not meet Mr. McBride nor see him at all. . . . I was not in the basement that day out of hours, that is during school hours." (Evidence, in cross-examination, page 213.)

This evidence is carefully expressed and is quite non-committal. It is no doubt true (as that was not the statement) that Peter Idington was not "present," or "in the basement when Mr. McBride found the boys playing cards." It is also no doubt true that he was "in the Botany Class" "when this occurrence took place," for Mr. McBride says he met Peter going up when he was going down the stairs before he caught the boys. And no doubt it is quite true that at that time he "did not go down stairs towards the basement, nor near the stairway at all." All of this is no doubt quite consistent with the after time facts of the case, but it had no reference to the exact time in the day to which Mr. McBride's evidence refers. This is clear from the following subsequent statements and admissions which in his after cross-examination by Mr. Fleming, Peter Idington made:—

"I never was in the basement in prohibited hours in Mr. McBride's time; I am positive of it. I remember I was in Mr. McGregor's time. I went in immediately after the bell rung to the Botany class—3 or 3:30 p.m. I think that it was immediately after intermission. Altogether likely I was in the basement. I would come up the east end stairs to the cloak-room of the third form and from there to the third form room and then to the Botany class. We go from the cloak-room to the third form room without going into the corridor. I went from the third form to the first form room immediately after recess. At intermission I was in the basement. I don't remember whether I came from the basement to the third form before going to the Botany class. I don't remember seeing any one when crossing from the third to the first form. I did not see Kennedy or Walker. A bell is rung to change or break up classes. . . . I don't remember the bell being rung that day, . . . or being rung to assemble in the Botany class. I remember that I was early in the room. . . . Robert Dewar was there; I spoke to him. Mr. Moran was there; it was his form. . . . It would likely be five minutes from the time I was in the basement to the time I came to the third form. I don't remember the particulars of that day. There may have been an interval after the bell rung and my going to the Botany class. . . . Mr. Moran had not been out very long—four or five minutes. I think the boys came in after him or before him." (Evidence, pages 213-215.)

*Mr. Jonah Johnson*, caretaker of the Collegiate Institute, in his evidence said:—

"Peter Idington was one of the boys that sometimes came to the basement during the classes. He was down in the basement one morning with John and Robert Kennedy. They were down the first hour that morning. They wanted to sell watches. John Kennedy wanted

to sell a watch to Peter Idington. I told them to leave, as I would not allow them down there. They left in a minute or two. . . . I have seen Peter down on other occasions as well." (Evidence, page 171.)

In his cross-examination by Mr. Idington he said :—

"I did not report Peter and the Kennedy boys to any of the teachers, as they left when I told them." (Evidence, page 173.)

*Mr. McBride's* evidence is as follows :—

"I found cards in the possession of boys in the basement about the last of January (on or about the 24th.) That subject was mentioned at the Board meeting in reply to the charge of espionage. I gave it as an example of justifiable espionage, though I did not regard it as espionage. I mentioned Peter Idington. I referred to the fact of boys going down to the basement during prohibited hours. . . . I said :—'And Peter Idington was down in the basement on that particular day, or on the stairway.' I was informed that there was something up in the basement. A few minutes after I walked along the corridor and down the stairs at the east end, and going down the stairway to the basement and turning round the corner, I met Peter Idington a step or two below the landing; another boy was immediately after him. I said nothing to these two, but let them pass up. I walked along on tip toe till I got near the furnace where the boys were. I don't think I knew the other boy behind Peter Idington. I knew Peter Idington then. There were some boys came to the top of the stairs. Two of them came down. . . . The two boys did come down after I came down. . . . I was standing there looking on. Some of the boys were with their back to me. . . . If Peter Idington went to his class after he went up past me he would be in time for his class, for the gong did not ring until after I had gone down, or until I was at the bottom of the stairs. I did not accuse Peter as one of the boys playing cards. I said, no, I did not make the statement given in charge No. 2. I firmly believe that the statement of Peter Idington being in the basement is true. I mean by basement anything below the first floor." (Evidence, pages 179, 180.)

In his cross-examination by Mr. Idington, *Mr. McBride* said :—

"During the times of the ringing of the gong the boys had no right to be on the stairway of the basement. There was one boy on the corner of the stairway (Peter Idington) and another boy following him at some distance. I did not enforce any penalty on Peter Idington for being on the stairs; and, as I did not intend to impose any penalty on the other boy, I did not find out who that second boy was. . . . I considered Peter's being on the stairs a minor offence, while I was after a major one. I wished to get quietly down to catch the boys whom I suspected guilty of the major offence, hence I spoke to no one, so that I might get down as quietly as possible. . . . I punished all that I caught down in the basement. . . . I believed that Walker and Kennedy had to do with the card playing and knew about it, and, therefore, they were punished. . . . I did not make the explanation in detail to the Board that I do to-day, as I was not questioned about particulars as I am to-day. I am satisfied that I did not inform the papers of it. I saw it in your complaint in the newspapers. Peter was going upstairs pretty rapidly, but the second boy was not."

A plan of the basement and school, corridors, etc., (*Exhibit No. 120*), was shown to witness. He said :—

"I met Peter a step or two below the landing, half-way down. The other boy was either on the floor below, or on the first step." (Evidence, pages 210 and 212.)

From this evidence it is clear that Peter Idington, as he admits in his cross examination, was in the basement in the afternoon of the day in question, but, as he says, not "during prohibited hours." He also said in his cross-examination: "At intermission I was in the basement. . . . It would likely be five minutes from the time I was in the basement to the time I came to the third form room." (Evidence, pages 213 and 215.)

*Mr. McBride* says that he met Peter on the stairs that day. Peter says that he "did not meet *Mr. McBride*, nor see him at all." Both statements are made under oath. Peter also says that he "never went to the basement during prohibited hours." *Mr. Johnson, Caretaker*, says: "Peter Idington was one of the boys that sometimes came to the base-

ment during the classes. He was down in the basement one morning with John and Robert Kennedy . . . They were down the first hour that morning . . . I have seen Peter down on other occasions as well." (Evidence, page 171.) As in the other case, Peter's denial and Mr. Johnson's affirmation are both made under oath.

THE THIRD CHARGE—OMISSION TO DENY A "WICKED FALSEHOOD" CHARGED AGAINST HIM.

The third charge is that Mr. McBride, being charged through the Press "with a wicked falsehood," saw fit to combat other statements made as to his integrity, and has never to the Complainant's knowledge either denied, or explained this charge.

On this Charge Mr. Idington was examined by Mr. Fleming, as follows:—

*Question.*—"Do you say that when you write a letter in a newspaper, charging a man with any crime or misdemeanor, it is his duty to rush into print and answer it?"

*Answer.*—"Under certain circumstances it might be his duty, or, in others, a matter of taste."

*Ques.*—"Is it your contention in promoting this charge that anything stated in the newspapers and not denied by him is true?"

*Ans.*—"When Mr. McBride combatted in the newspapers certain allegations and failed to combat other charges that appeared either side by side with those charges, the failure to combat the more serious charges is strong evidence of its truth."

The alleged "wicked falsehood" in this Charge was not proved—for Peter Idington admitted that he was in the basement at intermission, on the day in question.

THE FOURTH CHARGE—PETER IDINGTON'S DEFICIENCY IN LATIN AND ARITHMETIC.

This Charge is to the effect that Mr. McBride falsely declared before the Board that Peter Idington had never got but one of his lessons in Latin, and that he had never solved a single question at the blackboard in Arithmetic.

I have gone fully into the subject of this charge in dealing with the status and conduct of Peter Idington under the head of the *First Charge*. (See pages 17–28.) Mr. McBride's evidence will be found there; and also a report of what he said to the teachers on the subject of Peter's status and studies. The Complainant produced no witness to disprove the evidence there quoted in rebuttal of these two-fold charges. Besides, it was shown in evidence that not only were the reports of the results of the weekly and monthly reports of the pupils' standing not in all cases correct, but the weekly and monthly examinations were tainted and unreliable, owing to the common practice of copying and other dishonorable acts on the part of some of the pupils when under examination. On this latter part, see the evidence of Peter Idington and Samuel R. Robb, quoted in this report, page 19.

THE FIFTH CHARGE—REDUCING PETER IDINGTON'S CREDIT MARKS.

This Charge is to the effect that Peter Idington's marks for March, 1884, were stated by Mr. McBride to the Board to be 189, out of a possible 500, whereas they were entered as 229 in the monthly report.

*Mr. John B. Wilson*, Teacher, in his evidence on this charge, said:

"Mr. McBride said:—I had not given a sufficient number of demerits [to pupils]. He instanced Peter Idington's case as one. He said that Peter's demerits were not enough; that I had given three or four, as he thought, whereas the other teachers would give five. One purpose he had in speaking to me was with a view to introduce uniformity as to the system of marking in

the school. The other purpose was to get at Peter Idington's correct number of bad marks according to the standard adopted by other teachers. . . . I adopted their system afterwards. I found that Peter Idington had a number of bad marks more than was recorded on the monthly report, by increasing the value on the system followed by the other teachers. The number of times he received bad marks was not increased. The entries were correct, but not as to their value, in carrying them into the class register. . . . I said to Mr. McBride it may be better to review other persons' marks. He said his object was not to find the relative marks, but to find the exact number of demerit marks that Peter should have. (Evidence, pages 72, 73.)

*Exhibit No. 77*, page 3, Report for March, was shown to witness. He said:—

"I don't remember having seen the alteration in Peter Idington's marks. The marks are changed from 229 to 189, and, in the margin, the words 'imperfects not deducted, otherwise he would be much less' are inserted, and over the discredit marks is written the words: 'not correctly added and recorded.' . . . The decrease in Peter Idington's marks from 229 to 189 was not made solely by increasing the demerit marks up to 5, [the common standard for each ordinary demerit then adopted in the school], but we found that the demerit marks for each increase made 40 more than were recorded in the class register, or monthly reports, so that the conclusion we came to at the time was that the person who had made up the demerit marks had omitted some of them in the total. . . . We had decided to make the demerit marks 5 [up to the common standard] i.e., 5 for 'home work neglected,' 'imperfect recitation' and 'misconduct.' Marks for 'late' were given by 'inserting the number of minutes late. We went over it together. . . . We found that the number of demerit marks in the class register were not enough, because some of these demerit marks . . . were not 5, and we increased such to 5, because we found that some must have been omitted. . . . The result of our proceeding was that 40 more marks were made against Peter Idington than are recorded in this [class] register. We took the demerit register as a basis for arriving at this, the correct result. . . . We found that 64 demerits should have been the correct number of marks, instead of 24. It (64) was found by increasing those marks that were not up to 5 to 5, and by allowing those that were 5 to remain as they were. There were no omissions in the demerit register. . . . There were no fresh records made in the demerit register. There were no 'recollected' demerit marks added. . . . There is no doubt that the pupils, [Flora Idington and Georgina McNaughton], who made up that register, allowed the value of the marks in the demerit register to remain the same as they were. . . . They transcribed them into the class register. . . . I think the new system as to 'lates' was adopted in February and carried through March, and in April, up to the time my attention was called to the matter by Mr. McBride. In making up the 64, the number 5 was given for each 'neglected home work.' . . . There was 24 in the class register and 64 in the demerit register, according to our calculation, as explained. . . . We thought that the pupils [named] had made a mistake in their counting or reckoning. . . . I have no other reason for saying that the pupils made a mistake in their counting and reckoning than that we had carefully made the calculation. I felt that ours was correct at the time." (Evidence, pages 78, 81, 82 and 83.)

In his cross-examination, *Mr. Wilson* said:—

"Mr. McBride and I examined the register and found that Peter's demerit marks should be 40 more—or 64, instead of 24. The total marks on the register were 229. The true number would be 40 demerits less, or 189." (Evidence, page 84.)

*Mr. McBride's* evidence on this matter is as follows:

"The statement I made to the Board, (25th April, 1884,) as to Peter's marks was correct. Mr. Wilson and I went over the register that evening of the Board meeting, as I wanted to make sure of my statement. We found that the balance of marks should have been 189 and not 229, as in the monthly sheets. I have examined the monthly reports and have found them very inaccurate. Mr. Wilson and I went over the demerit register and credit marks and found that they should be 189, instead of 229; and I made that statement to the Board. Mr. Wilson was . . . at the Board meeting when I made the statement. (Evidence, page 183).

The following evidence shows how "inaccurate" the ordinary report of marks was. Miss *Flora C. Idington*—one of the compilers of the register of marks,—on being shown the class register, *Exhibit No. 74*, page 2,—said:—

"In the case of Bedford Richardson in that class register, I have added the demerit marks and find them 177, and in the book, page 2, they are entered 207. . . . In the case of Maud MacFadden, the number of merit marks adds up 158. In the register it is 160. . . . Peter's rank [in his form] in February, as I now find it recorded in the Teacher's monthly list, or

report, is 19; in January he was reported as 21. In the register it is 28. After the rank was reported as 14, the report of another examination was added in, which made his rank 19. I find, on reference to the register, page 1, that there is no record there of the report of any other examination being added in. A change has been made in the marks opposite to two other names." (Evidence, page 142).

Miss *Georgina McNaughton* (the other compiler of the Register) was shown *Exhibit No. 74*. She was pointed to *Minnie Weir's* name, and said:—

"This pupil has 133 credit marks entered in the book; 20 demerit marks, balance 143. . . . In the monthly report (*Exhibit No. 77*) it is entered as 205. It ought to be 143—difference 62. *George Marshall's* . . . credit marks 124, demerit marks 37, difference 87. The number of demerit marks should be 33, instead of 37. The balance of marks to which he is entitled is entered as 122, instead of 84, the correct number." (Evidence, pages 144 and 145.)

From the foregoing evidence it will be seen:—

1. That Mr. McBride's report of Peter Idington's marks, as carefully made up by himself and Mr. Wilson, was correctly stated to be 189, instead of 229.
2. That the entry of marks in the monthly reports was unreliable from two causes:—
  - (a) Errors in making up the marks themselves, and
  - (b) Results of the examination being vitiated, by reason of "copying," etc.
3. That the Fifth Charge of the Complainant was not sustained.

#### THE SIXTH CHARGE—CIRCULAR ANNOUNCEMENT OF THE SCHOOL,

Was ruled out by the Commissioner, on the ground that the Circular was issued by the authority of the School Board, over which action of the Board the Commissioner had no jurisdiction. See Resolution of the Board, (*Exhibits Nos. 52 and 97*), and also the evidence of Police Magistrate O'Loane, a member of the Board, quoted below.

#### THE AMENDED SIXTH CHARGE—THE SCHOOL ANNOUNCEMENT CIRCULAR,

Was also ruled out by the Commissioner, so far as the first part of it was concerned for the reasons given before, and those given by Mr. O'Loane in his evidence, as follows:—

"I was personally aware of what was in the Circular. I don't remember that we verified the statements in it. It was issued by authority of the Board. I would rely entirely upon Mr. McBride. We did not see anything in it inconsistent with the facts of the case. There was no difference of opinion among the members of the Board associated with me in the adoption of that circular." (Evidence, page 120).

#### THE SEVENTH CHARGE—REGISTRAR BAKER'S UNIVERSITY CERTIFICATE.

This Charge relates to the issue of a certificate of Mr. McBride's standing in the Toronto University, attested by Mr. Registrar Baker. *Exhibit No. 43* was put in as an answer to this Charge. The Commissioner ruled that he had no jurisdiction in the case, or over the Registrar, in his issue of the certificate, especially as the Registrar had assumed the entire responsibility of his act.

#### THE EIGHTH CHARGE—MR. MCBRIDE'S USE OF THE UNIVERSITY CERTIFICATE.

The Commissioner ruled that Mr. McBride's use of the certificate, lawfully obtained by him, and his laying it before the Board of Trustees, was a matter entirely personal between the Board and himself, over which the Commissioner had no jurisdiction. The Eighth Charge was therefore ruled out.

THE NINTH CHARGE—MR. MAYBERRY'S UNIVERSITY STANDING.

This Charge related to a statement in the Circular issued by authority of the Board as to Mr. C. A. Mayberry's University standing. It was also ruled out by the Commissioner,—the Board having, by resolution (*Exhibits Nos. 52 and 97*), assumed all responsibility in regard to the matter.

The amended Ninth Charge was also ruled out for the same reason.

THE TENTH CHARGE—MR. MCBRIDE'S UNIVERSITY STANDING.

This Charge ought to have been ruled out by the Commissioner, as the fact of having a degree from the Toronto University implied that the necessary requirements prescribed by the Senate, in regard to the examinations, had been duly complied with. However I received evidence on the subject, and also several exhibits. (*See Exhibits Nos. 40, 41, 42, 43, 44, 55, 112 and 116*).

*Mr. McBride*, in his evidence on the subject, said :—

"I attended the examinations from matriculation to the end of the fourth year, and passed at all of them. I remember the difficulty about my honor examination. There were two Examiners in Classics, Mr. S. Arthur Marling and Rev. F. H. Wallace. Mr. Marling said I had spelled graciously with a 'd.' There were two other trips in spelling. The Examiners had not met when the class lists were published. Mr. Marling's objection was overruled when the Examiners met. Their recommendation was for an honor degree. I now find it was a pass degree conferred after I passed the examination." (Evidence, page 185.)

In his cross-examination by Mr. Idington, Mr. McBride said :—

"I spoke to Mr. Falconbridge, Registrar, about my examination. He advised me to go to the Examiners. I did so—to Mr. Wallace,—and he gave me the certificate shewn in *Exhibit No. 116*, as follows :—

"The Examiner in Classics recommended Mr. Wm. McBride for the degree of B.A., with honors in Classics. (Signed) Francis Huston Wallace, Toronto, August 2nd, 1879."

"I sent my petition to the Senate a few days after." (Evidence, page 205.)

The Exhibits put in answer to this Charge showed that Mr. McBride did pass each of the four prescribed examinations of the University "in the usual way." The certificate of the Rev. F. H. Wallace, M.A., B.D., Examiner of the fourth year, quoted above, shows that Mr. McBride was recommended for a "degree of B.A. with honors in Classics," which shows that he did pass in Classics with honors, but by reason of mistakes in spelling, he only got a pass degree, instead of an honor degree, upon his application by petition.

THE ELEVENTH CHARGE—HOSTILITY TO THE LITERARY SOCIETY.

This Charge was to the effect that Mr. McBride's conduct in regard to the Literary Society of the school had so aroused the animosity of the scholars that he felt it might be well for his sake to suppress the Society—that his course of double dealing in relation thereto led many of his pupils to disbelieve him—that he professed that the Board, in discontinuing the meetings of the Society, was not acting in accordance with his wishes—that he called the meeting to amend the constitution without notifying certain members whom he designed to exclude from the Society—that when he called the meeting for four o'clock he let out the school half an hour before the time and called the meeting of the Society then—thus depriving some of its members from having a chance of being heard.

*Mr. McBride's* evidence on this charge is as follows :—

"I was always favorable to the continuance of the Literary Society. My influence kept the Board from suppressing it. (See resolution of the Board suspending the Society 'in the meantime.') I was one of a deputation to interview the Board with a view to get a room for the Society meetings in December, 1884. . . . Resolution passed granting the room." (Evidence, page 185.) (See *Exhibit No. 123*.)

Minutes of the School Board of the 5th November 1884, were shown to witness. In these minutes was pointed out a record that a deputation of the Society asked for a room for its meetings. The matter was laid over till next meeting, when, on the 3rd December, 1884, a resolution was passed granting the room under certain conditions. (*Exhibit No. 111*.) The witness said :—

"The Society was reconstructed, and its first meeting held December 8th, 1884. There is no truth in the statement in the Charge, 'that the meeting was called by me.' I never called a meeting of the Society, as I had no power to do so." (Evidence, pages 185, 186.)

In his cross-examination, by Mr. Idington, he said :—

"The whole school was let out to go to the Assembly Room before four o'clock one afternoon to organize a new Literary Society. . . . I believe I was a member of the committee appointed to consider the new constitution. Some members wished to suppress the society. I was opposed to this, and was in favor of suspending the operations until after the examinations. This the Board agreed to. I was asked by Bradley to announce a meeting of the pupils. I approved of the meeting." (Evidence, pages 205, 206.)

*Mr. John H. Gordon*, an ex-pupil, testified as follows :—

"Mr. McBride led the Literary Society to believe that he favored the continuance of the Society, and said that the meetings of the Society were disorderly; and although he was not exactly favorable to the manner in which the Society had been carried on, he would use his influence with the Board to have the Society continued, although they might require a change in the constitution."

*Mr. Idington* proposed this question to the witness :—

"Was there any feeling of hostility towards Mr. McBride on the part of the Society on account of his action or supposed action?"

NOTE.—The Commissioner overruled the question, and declined to allow it to be put, on the ground that no member had been authorized, or could speak on behalf of others but that the witness might answer this question for himself.

Ans.—"My opinion was unfavorable to him after the occurrence in the basement [card playing]. I was unfavorable to him on account of the change in the constitution which he said the Board would require. I had no feeling of animosity against him on account of the Literary Society. I differed with him in regard to the matter of a piano. There was no feeling of animosity to him in the matter." (Evidence, page 151.)

*Mr. Henry F. Gadsby*, an ex-pupil, gave the following evidence :—

"I was Recording Secretary of the Library Society. I had a feeling against Mr. McBride because he professed to be a mediator between the Board and the Society. I heard afterwards that the Board had made no objection to our having meetings, hence my feeling against Mr. McBride." (Evidence, page 147.)

In his cross examination, after describing certain disorderly proceedings by members of the Society in the School Rooms on Good Friday, the witness said :—

"Was member of the Literary Society in the winter of 1884. I felt animosity to Mr. McBride. I was suspended once by him. . . . I made an apology to the Board. My father also made an apology. Leniency was extended to me three times. Mr. McBride stated that the Board understood the meetings to be disorderly." (Minutes of the Society shown witness.)

"It appears that the Board would prohibit the meetings of the Society if order was not better kept. . . . I don't remember that Mr. McBride ever presided. On December 8th, 1884, teacher and pupils met at 4:20 in fifth form room to appoint officers and amend constitution, confining the membership to actual pupils." (Evidences, pages 148, 149.)

*Mr. Thomas Stoney*, Chairman of the Board in 1884, in his evidence, said :—

"The matter of the Literary Society was brought under the notice of the Board by me. The caretaker told me that the members of the Society acted as though they had control over the whole building; that they had broken a lock and had taken off another. He had locked the rooms, but they had got into them. The Board asked me, as Chairman, to enquire into the matter, and to see what could be done to induce them to conduct matters in an orderly way.

Mr. Mayberry told me that the difficulty was that outsiders were allowed in. The feeling of the Board was not to allow outsiders. I attempted to explain this, but the boys would not hear me, and even said they would whip me if I came out [of the school]. They were throwing gravel at the windows and I warned them not to do it. I reported these things to the Board. Mr. McBride said that as the examinations were near, it would be better to suspend operations then. Some of the members wished to suppress the Society, as things were. Mr. McBride, in conversation with me, was always in favor of having a Literary Society in connection with the High School." (Minutes of Board shown witness.) "On December 3rd, at the Board, it was moved that the Society be allowed a room provided the teachers be present—*Exhibit No. 111* put in. (Evidence, pages 159, 160.)

*Mr. James O'Loane*, Police Magistrate, and a member of the Board in 1884, said :—

"The question of the Literary Society came up at a Board meeting. Some complaint was made. . . . It was discussed. Mr. McBride was present. . . . He was much disgusted at the damage done in the school [on Good Friday]. Mr. Stoney, I think, was asked to enquire into the matter. He reported certain facts about it. On the 4th June the Board passed a resolution "That no meeting of the Music and Literary Society be allowed in the main time in the High School building." (*Exhibit No. 123*.) I was present. I discussed the matter privately with Mr. McBride, and we were both in favor of its continuance. Mr. McBride concurred in a recommendation of a suspension rather than a suppression of the Society." (Evidence, page 158.)

Thus the evidence of Police Magistrate O'Loane, Chairman Stoney and the other witnesses, went to prove :—

1. That Mr. McBride never favored the suppression of the Society.
2. That its proceedings were most disorderly.
3. That the meeting was not held until 4.20 p.m. on the 8th December, 1884.
4. That the meeting was not called by Mr. McBride, but merely announced by him, at the request of an officer of the Society.
5. That the only "animosity" proved was not on account of Society matters, but was due to other causes.
6. That Mr. McBride had nothing to do with notifying members.

In no case, therefore, was the Eleventh Charge sustained by the evidence given before the Commissioner. It was rather disproved in detail.

#### THE TWELFTH CHARGE—FURNISHING NEWSPAPERS WITH LISTS OF PUPILS.

This Charge was to the effect that Mr. McBride furnished the local newspapers with a list of pupils from the Stratford High School, who had succeeded in the Departmental Examinations of 1884, etc.

*Mr. Alexander Mathewson*, Proprietor of the *Stratford Beacon*, in his evidence gave the names of the writers (as far as he could recall them) of the several articles named by Mr. Idington which appeared in the *Beacon*. In no case was Mr. McBride named as the writer of any one of them. (Evidence, pages 135 and 136.)

NOTE.—After Mr. Thomas D. Niven, Reporter for the *Beacon*, had been sworn, the Commissioner ruled that without the consent of Mr. Mathewson, the proprietor, he would not require the witness to disclose his identity, as the writer of any article named by Mr. Idington, nor that of any other person. He held that the relations of proprietors of newspapers and their editors, reporters and correspondents were well known to be confidential. Having been referred to on the subject by the Commissioner, Mr. Mathewson gave Mr. Niven full permission to make any statements he pleased. In his evidence Mr. Niven avowed himself the writer of several articles named by Mr. Idington. In regard to others he could give no information. But in regard to an article in the *Beacon* of July 30th, 1886, he said :—

“The whole article was compiled by me, with the assistance of Mr. McBride and the Toronto papers. Mr. McBride did so at my request. Mr. Mathewson furnished ten lines of the heading (as he generally does.) The names were in the Toronto papers. Mr. McBride did not see the introduction written by Mr. Mathewson. The article, as it appears, was the one which he and Mr. McBride compiled with the Toronto papers and as it left their hands for the printer's.” (*Beacon*” newspaper of July 30th, 1886, put in an *Exhibit No. 100.*)

Cross examined by Mr. Jameson, on behalf of Mr. Fleming :—

“When the article in the *Beacon* of 30th July was compiled, Mr. McBride did not bring any document with him. We compiled it from the Toronto newspapers, and he did not interject anything. It is a reproduction of the article in the Toronto papers, *Globe* and *World*, but with a local application. (Evidence, page 138.)

(Toronto *World* of July 8th, 1886, having been shown to witness he said) :—

“The school to which each pupil belonged is set opposite each name in the *World* report shown to me.”

Re-examined by Mr. Idington :—

“Am aware that those examined in Stratford might be partly from the Collegiate Institute, and partly from outside places, or schools. (Evidence, pages 137 and 138.)

The evidence submitted to the Commissioner did not sustain Charge Twelve but, on the contrary, disproved it, as the only aid given to the Stratford papers was to assist Mr. Niven in localizing the report in the Toronto *World* and making out a list of Stratford pupils from it.

#### THE THIRTEENTH CHARGE—“GLOBE” AND “MAIL” ADVERTISEMENTS.

This Charge was ruled out by the Commissioner, on the same ground that Charge Six was ruled out, viz., that the Board, by resolution, (*Exhibit No. 50*) had adopted these advertisements, and had ordered their insertion in the *Globe* and *Mail* newspapers. The Commissioner had, therefore, no jurisdiction in the matter.

The amended Thirteenth Charge was also ruled out by the Commissioner for the same reason.

#### THE FOURTEENTH CHARGE—“PUFFING NOTICES IN STRATFORD ‘BEACON’.”

This Charge was to the effect that Complainant believed Mr. McBride to be responsible for the “dishonest puffing of the School” “in the Stratford *Beacon*” newspaper ;— and that “the notice [in it] of the last June Matriculation Examinations . . . was replete with dishonest representations,” etc.

This evidence on this Charge was given by Mr. Alexander Mathewson, proprietor of the *Beacon*, and by Mr. Thomas D. Niven, a gentleman on the staff of that paper.

Mr. Mathewson's evidence was to the effect that the several articles pointed out by the Complainant were written by members on the staff of the *Beacon*; and that, in regard to none of them, had he any conversation with Mr. McBride on the subject of the articles in question. (See Evidence, pages 135 and 136.)

Mr. Thomas D. Niven, who was on the staff of the *Beacon*, was the next witness. With the consent of Mr. Mathewson, the proprietor of the *Beacon*, as explained in the Note on the Twelfth Charge, Mr. Niven gave the following evidence:—

(*Beacon* for July 11th, 1886, shown witness.) "I prepared the article headed 'University Examinations.' Not sure where I got the information. Mr. McBride did not give it. . . . (The *Beacon* for July 30th, 1886, shown to witness.) The whole article, headed 'University matriculants,' was compiled by me, with the assistance of Mr. McBride and the Toronto papers. Mr. McBride did so at my request. . . . The article, as it appears, was the one which I and Mr. McBride compiled with the Toronto papers, and as it left our hands for the printers." (Evidence, pages 136-138.) The paper was put in as *Exhibit No. 100*.

Toronto *World* of 8th July, 1886, shown witness and identified by him. Put in as an *Exhibit No. 102*. The *Beacon* of June 13th, 1884, was also put in as *Exhibit No. 101*. The *Beacon* for August 13th, 1886; August 27th, 1886; September 3rd, 1886, and October 29th, 1886, were also shown to witness, but in no case was it stated that Mr. McBride had anything to do with writing or furnishing material for the articles pointed out by the Complainant.

From the foregoing evidence it is clear that the Fourteenth Charge was not sustained.

#### THE FIFTEENTH CHARGE—MATERIAL IN THE "UPPER SCHOOL."

This Charge of the Complainant was to the effect that a "knowingly and wilfully false and misleading" statement was put forth by Mr. McBride in regard to the material which he had, (or rather had not), in the "Upper School." This statement, so characterized, was made in a reply to a letter from Mr. Idington, written in September, 1884. The letter and reply were published in the *Stratford Times*. *Exhibits Nos. 5 and 6*.

The report of the Board of Trustees and Head Master to the Education Department for the half-year, ending 30th June, 1883, was shown to Mr. McBride, (witness). He said:—

"I find that in it the average attendance for the Upper School is set out as 3 $\frac{4}{5}$ ."

A similar report to the Department for the half-year, ending 30th June, 1884, was shown to witness. He said:—

"I find in it that the average attendance for the Upper School is recorded as 37. . . . In the report to the Department for the half year ending December 31st, 1883, I find that the number of pupils recorded as in the Upper School is 41, and the number recorded in the Lower School is 121, making a total of 162. In the half-yearly report for the period ending June 30th, 1884, I find the number recorded as in the Upper School to be 43, and in the Lower School 176; total 219. The influx into the school for the first half of 1884 would be 210, minus 162, on 57. Of these the influx into the Upper School was only 2, while, in the Lower School, it would be 55, so that both of my statements are correct." (Evidence, pages 186, 187.)

The half-yearly reports were put in as *Exhibits Nos. 113, 114, and 115*,

The figures, as stated by Mr. McBride, were taken from the official reports of the Board of Trustees and the Head Master to the Department.

No evidence in rebuttal of Mr. McBride's evidence was submitted to the Commissioner, so that the Fifteenth Charge of the Complainant was not sustained.

NOTE.—In his argument at the close of the investigation, Mr. Idington pointed out to the Commissioner that in February, 1884, Mr. McBride stated that the number in the Upper School then was 47. The report to the Department for the half year ending 30th June, 1884—four months afterwards—gives the number as 43, and the average attendance as  $36\frac{2}{3}$ . In a memorandum attached to the same report, the Head Master gives the average attendance as 38. (*Exhibit No. 114*)

#### THE SIXTEENTH CHARGE—FAILURES IN ARITHMETIC.

This Charge related to alleged failures of pupils to pass the Departmental Examination of 1884 in Arithmetic.

*Mr. McBride's* evidence was as follows :—

"I have the report of the results of the examination, 2nd and 3rd Class and Intermediate Examinations of 1884. (*Exhibit No. 117.*) From this report I find the number of pupils recorded as having failed in Mathematics to be 33 according to my addition of the number of pupils in the report. These 33 were pupils of the High School just before the examinations. In Mr. Idington's letter to the *Stratford Times*, September 10th, he says: 'Yet cannot forbear remarking that 35 failed in Mathematics, and of these that in the 3rd Form 16 failed in Arithmetic, having been taught by the Head Master.' In the report of the Department, from which I have already quoted, I find that those pupils who are recorded as having failed in Arithmetic I know that 12, and 12 only, were pupils of the 3rd Form of the High School, who had been attending just before, and up to, the time of examination. When the standard was lowered from 50% to 40% only 9 of these 12 of the 3rd Form pupils previously mentioned failed in Arithmetic. I base my information on that part of the report headed 'Subjects of Failure.'" (*Evidence*, page 197, 198.)

In his cross-examination by Mr. Idington, Mr. McBride said :—

"I cannot vouch for the reports in the Stratford High School Entrance Register. It is used by the Board of Examiners. I can't tell when I got from the Department the result of the Second and Third Intermediate Examinations. I have looked at the column of figures under the head of 'Arithmetic,' but I never scrutinized the column to find how many had fallen below 45, or any minimum number. I did not go over 'Euclid,' or any other columns." (*Evidence*, page 206). *Exhibit No. 117* was put in in connection with this charge.

No evidence in rebuttal was submitted to the Commissioner; but the Complainant pointed out that the column in the report headed "Arithmetic" should have been consulted by Mr. McBride, instead of the one headed "Subjects of Failure," and that the number of those whose marks were below 45, given. The number of such failures in that column was not added up, nor was the matter gone into as a matter of evidence. I have gone over the column indicated by Mr. McBride and find in it that 26 failed in Arithmetic, and 7 in Algebra—total 33. Of this number 12, out of the 33, passed under the old or reduced standard of 40%. The Sixteenth Charge of Complainant was not sustained, therefore, as the number of failures in Algebra and Arithmetic, in the column headed: "Subjects of Failures," to which Mr. McBride referred was 33.

#### THE SEVENTEENTH CHARGE—"INTERMEDIATES" SENT UP TO EXAMINATION IN 1884.

This Charge relates to the number of pupils sent up to the Intermediate Examinations of 1884, and to the alleged "threat" to put them back if they did not go up.

*Miss Flora C. Idington*, in her evidence, said:—

"I attended the Intermediate Examination in July, 1884. I belonged to the third form, and before the examination the third form were told by Mr. McBride in the class that they should either go up to the Intermediate Examination, or go back to the second form. I went up to the examination and passed. Most of the form went up. . . . I am pretty sure that those who failed were allowed to remain in the form they were in before." (Evidence, page 141).

*Miss Georgina McNaughton*, in her evidence, said:—

"I was at the Institute till the Intermediate Examinations, 1884. Mr. McBride stated to the class that they should have to go up to the Examination, or go back to the second form. He said this to the class quite a while before the Examination. A great many went up. Those that did not go up were not put back, as far as I know. I thought he wanted us to work better, from the way he spoke. In giving this intimation to the class he spoke for a length of time, and rather encouragingly than as threateningly." (Evidence, page 143).

*Miss Polly Codd's* evidence was to the effect that Mr. McBride told her that she should either go up to the Examination, or go back to the second form; and if she would do neither, that she should leave the school. She had been absent, she said, for two or three months, and left the school. (Evidence, page 135).

*Mr. McBride*, in his evidence, said:—

"The Public School Inspector receives the applications of Intermediate Candidates. In this case the Inspector made me his Deputy. I received the applications and the money both of which I handed to Mr. Alexander. I had no discretion in receiving the applications. I recommended most of the 37 to go up for Intermediate Examination. . . . There were some four or five in the class who, I thought, had no chance at the Intermediate Examination. On the other hand there were four or five who had every chance, and who, I had been informed, did not intend writing at the Examination. The ones last mentioned were brought to me in my room one evening. I talked to them about the matter and strongly urged them to write at the Examination, and they did write and all got through, except one, who came near it. About the same time, in the third form, we had a friendly discussion about the Examination, and in urging them to make a great effort during the remaining two or three weeks, and, in pointing out to them that a good deal of cramming had to be done at the last, which, in my estimation, was an objectionable feature of the school work. I said that those who were not going up for the Intermediate Examination should evade the cramming process and go back to the second form, where the work would be taken up thoroughly and systematically. I did not send any of them back, and there was no threat to them. I merely emphasized as strongly as possible that they should go back. There was no threat, and none of them were forced, or sent back. All in the third form did not go up, and none were sent back for not going up, or for failure." (Evidence, pages 188, 189).

In his cross-examination by Mr. Idington, he said:—

"I spoke to three or four about going up to the Intermediate Examinations—Maud McFadden, Jessie Brown and Emily McDonald. Robert Evey did not go up. I advised Carrall to go up. He went up and passed well. He was the one I put back the same day that I put Peter Idington back." (Evidence, page 206.)

No evidence in rebuttal to the foregoing was submitted to the Commissioner; nor was any evidence adduced in regard to the numbers sent up. The Seventeenth Charge was, therefore, not sustained by the evidence.

The Head Master, as he asserts, had no power to prevent pupils from going up to the Intermediate Examination, while, of course, as he and others stated, he did seek to induce such of them as he thought were prepared, to go up. The two things are perfectly compatible, and, as a matter of fact, are so. In this case, as he states in his evidence, Mr. McBride merely acted on behalf of the County Inspector, in receiving names and fees of candidates for the Intermediate Examination. He says:—"I had no discretion in receiving the applications."

Judging from the proceedings in regard to the eleven pupils in the third form, who were notified that they would be sent back to the second form if, in their studies and conduct, they did improve, I must assume that among them were the four or five which Mr. McBride, in the foregoing evidence said "had no chance at the Intermediate." It is not likely he would have allowed them to go up, (had he the power to prevent them,) and thus have increased the number of possible failures, to the detriment of the standing of the Institute, as one of the higher schools of the Province.

As a matter of fact three pupils were mentioned by Miss Georgina McNaughton as having gone back, or as having been put back, to a special class. From her evidence, already quoted, it is clear that the pupils put back were not sent to the Second Form—the form referred to in the Seventeenth Charge. Speaking of them, she says:—

"A great many went up. Those that did not go up were not put back, so far as I know." (Evidence, page 143.)

But speaking of other pupils who were put back, she says:—

"Jessie Nichol, Mary Kelly and Georgina McNaughton, (the witness) are the names of those who were put back. They were put back to the class preparing for third-class certificates. It (Mr. McBride's) was a general conversation about the examination. The effect on myself was that I thought it my duty to go back. I thought it was not of my own free will at the time. Mary Kelly went back before I did. Jessie Nichol went back the same time I did." (Evidence, page 144.)

There would seem to have been, all through this case, a singular confusion, if not a series of cross purposes between the Complainant and the Accused in regard to the facts, circumstances and proceedings connected with the whole affair.

Mr. McBride was the primary actor. He knew all about the matters, with which he had daily and hourly to do. Outsiders could, after all, be only superficial observers. And Mr. Idington, as one of these, although apparently keenly alive to every movement of Mr. McBride, and as keenly on the watch, was so at a great disadvantage. He often had to depend upon hearsay for his information. He saw the act, or heard of it, but knew little or nothing of the special causes which led to it. Besides, he watched the proceedings with a personally embittered feeling. No doubt he felt that he had reason for this feeling. He thought that his son had been unjustly, and, as a punishment, lowered in the school before his fellows. And when this alleged indignity had been resented, by the withdrawal of his son from the school, he was unexpectedly and decisively met by a refusal of admission of his son to residence in Upper Canada College. That refusal too, he attributed to the alleged unfavorable report of Mr. McBride to the Principal of the College. In his evidence he put this in a strong light and expressed his conviction that Mr. McBride, by his action, or influence, in the matter, had "reached" the head of the College. This sinister remark, on being challenged by the Commissioner, was explained to mean that the Principal, (although he "had confidence in his integrity") had been "imposed upon," as to his son.

This, and other incidents of the case, only showed how strong was the personal animus of the Complainant; while the whole of the facts brought out in evidence showed that he really was not fully acquainted with all the details of the internal economy, management and discipline of the school—against the chief controller of which he had brought his charges.

THE EIGHTEENTH CHARGE—THE "SEATH INCIDENT" (No. 1.)

This Charge refers to Mr. McBride's conduct when Mr. Seath's report was discussed by the Board of Trustees.

*Mr. McBride's evidence on this charge is as follows:—*

"I was present at the Board meeting in July, 1885. Mr. Seath's report was criticised by members of the Board, but not by me. I was asked questions and I answered all the questions put to me. There was one class of one boy examined in Latin. I thought at the meeting that that was all that Seath had reported as inspected. I looked over the report very carefully, and I found the figure '1' after the word 'Latin.' The heading was 'list of classes inspected.' Mr. Seath visited the school first on the 5th May. When he was going away, he said he wouldn't, (or couldn't) consider this an inspection of Classics, or Mathematics, owing to the absence of the teacher, but would return some convenient day if I would let him know when the teacher would be better and back to work. Mr. Mulvey of Toronto was taking Mr. De Guerre's classes during his illness. I asked him if he (Mr. Seath) would go in and inspect Mr. Mulvey's classes. I had been speaking to him before about teachers being absent and others taking their places, and he asked me if Mr. Mulvey was the regular teacher. I said 'no.' He said:—'I don't intend to inspect classes that are not taught by the regular teachers, but I'll drop in for a few minutes and see how he is doing his work.' We went in and spent a little while there. He came out and did not take any notes while in. In regard to Latin, I was ill and had been for some time, though attending to my duties. That day I told Mr. Seath that I was very ill and would not be attending to my duties that day. I felt a little better about 3 o'clock and went in to take a Latin class (Virgil.) Mr. Seath came with me. I had had this class for eight or ten recitations. (It was Mr. Mayberry's class.) I was not the regular teacher. He stayed for a little while and then left, and said to me what I have already stated. Hence I did not consider my class inspected, any more than Mr. Mulvey's. I can't tell whether, or not, he took notes at the examination of the Virgil class. I could not see the text of the book I was so ill. On the 5th June he visited the school again. After he had examined this one boy in Latin he came out of the Board room—Mr. McGregor had been with him—and I said to him:—'Mr. Mayberry is going to hear a large class in Cato Major and would like you to go in and examine that class?' I said I thought it would be only fair to Mr. Mayberry, as the boy examined was very nervous and had not got on very well. He declined to go in as he said he had heard enough, and he spoke disparagingly of the Latin and of the teacher too of the boy." (Evidence, pages 189-191.)

In his cross-examination he said:—

"I heard part of Mr. Seath's report on the 16th July; and I had read parts of it before it came up for discussion." (Evidence, pages 206, 207.)

*Exhibit No. 10,* (Mr. Seath's report) was shown to witness, and several questions were put to him and answered, which the Commissioner held were not relevant to the case.

Mr. Seath's evidence, after explaining his mode of inspection, is as follows:—

"The official report is my estimate of the school. Mr. McBride was present I think all the time, as was Mr. Mayberry and Mr. McGregor. I had conversation with Mr. McBride in St. Mary's on the subject of my inspection. . . . The conversation was in regard to the examination or inspection, and this difficulty. . . . I met you (Mr. Idington) and Mr. McGregor at the Queen's, Toronto, sometime during the vacation. I don't remember that I said that I did not regard the examination on that day as an inspection. Very likely I did. I said I would come back. Mr. McBride's telegram was before the letter. It was asking to see me in Toronto. Secretary Monteith's letter was dated 5th September. My letter to him is dated 29th September, and Mr. Marling's 1st October. (See *Exhibit No. 54*.) I received Mr. McBride's letter before sending in the explanatory report, dated 29th September." (*Exhibit No. 54*). (Evidence, page 58.)

In his cross-examination Mr. Seath said:—

"I inspected a class (Anabasis) and the Odyssey (three classes in Greek). Only one boy reading the Odyssey. . . . They were examined one after another and in the same room, so far as I recollect. One of the teachers was ill on the second day. The classical master was not there the first day." (Evidence, page 58).

*Mr. Charles J. Magregor*, Mayor of Stratford, and member of the Board of High School Trustees, former Head Master of the High School. His evidence was as follows:—

"Had been present with Mr. Seath at the examination of the young man in classics preparing for matriculation. I stated to the Board that I thought it unfair to the teacher and to the school to report adversely on the examination of one class, and that a very small one. I spoke from my knowledge. Mr. McBride and Mr. Mayberry confirmed my opinion. The Board generally agreed with me that it was not fair to send in such a report. I left when Mr. Seath began examining three boys—one in one class and two in the other. Do not know anything of the May examination. Was at the June examination of one class of one boy. I never heard of the examination of the larger class till I saw Mr. Seath in Toronto. The discussion at the Board was conversational and the teachers took part in it. . . . I was surprised when Mr. Seath told me that he had examined a large class before that. Had I known that I would have expressed a different opinion at the Board. . . . A discussion took place and Mr. McBride took part in it. . . . It next came up when Mr. Seath's reply was submitted. Mr. McBride stated that he had not had an opportunity, when the Report was first under discussion, to explain to the Board as to the previous inspection of this class of 12. He said he intended to see Mr. Seath, and had telegraphed or written him, but could not see him or get an appointment." (Evidence, pages 125, 126.)

Further evidence of a similar kind was received by the Commissioner. I have examined Mr. Seath's report, and, had I not heard his explanation as to the meaning of the figure "1" after the word "Latin," I should also have come to the same conclusion that Mr. McBride says he did—that only one class in Latin was inspected as entered. That must have also been the interpretation put upon that figure "1" by the Board, for the report itself was before them; and it spoke for itself. Mr. McBride says he answered all questions put to him by members, but did not volunteer any statement in regard to the inspection. In his charge, Mr. Idington says that Mr. McBride in, July (16th), represented to the Board that "Mr. Seath had really only inspected one class in classics." No evidence as to what he actually did say was given by any witness, or that, what Mr. Mayberry said, was not borne out by the face of the report itself. The meaning of figure "1" after the word "Latin" in the report, was evidently misunderstood, as I have indicated, by the members of the Board who saw it at the time, and also by Mr. McBride and the Teachers.

The Eighteenth Charge, therefore, was not sustained by any evidence given before the Commissioner.

#### THE NINETEENTH CHARGE—"SEATH INCIDENT" (No. 2).

This Charge is an enlargement of the preceding one, and is one of the counts in the indictment of that Charge, but it is expressed in stronger language. Mr. Idington states in it that Mr. McBride was present at "a subsequent meeting," (held on the 24th July, when it was decided to appoint a deputation to the Minister,) and never opened his lips to explain, or asked leave to explain," etc.

True; for he was not present at the meeting and could not therefore do so. This is his sworn statement. (Evidence, page 191.) Mr. Idington's own evidence does not strictly comport with this part of his Charge, for he says:—

"Mr. McBride . . . was present at the meeting of 16th July; but I am not sure as to the other meetings." (Evidence, page 43.)

The Nineteenth Charge, therefore, so far as the meeting of the 24th July is concerned rests upon no evidence at all, or rather has no foundation in fact. The other part of the Charge has already been disposed of in Charge Eighteen.

## THE TWENTIETH CHARGE—"SEATH INCIDENT" (No. 3).

This Charge is the third count in the indictment, and is to the effect that at a Board meeting held on the 2nd September, 1885, Mr. McBride "offered an untrue, and—if, by a play upon words, held to be true,—most disingenuous explanation," etc.

*Mr. Idington's* examination by Mr. Fleming on this Charge was as follows :—

*Question.*—"What did Mr. McBride say at that meeting?"

*Answer.*—"That he did not regard the examination of the Latin class an inspection?"

*Ques.*—"Did he consider it an inspection?"

*Ans.*—"He professed that he did not so consider it."

*Ques.*—"If he did not consider it an inspection, what is there untrue in his statement?"

*Ans.*—"If it were true, it could not be untrue; but I think it would be impossible for him not to consider it an inspection." (Evidence, page 43.)

*Mr. McBride's* evidence on the charge is as follows :—

"I had understood from Mr. Seath that the inspection of the 5th May of the particular Latin class was not an inspection. This is the way I understood Mr. Seath at the time. I have heard Mr. Seath's explanation [when he was here.] My interpretation of what Mr. Seath said was a misunderstanding of his meaning and the statement which he has since made." (Evidence, page 191.)

*Mr. Seath*, in his evidence said :—

"I met you (Mr. Idington) and Mr. McGregor at the Queen's, Toronto. . . . I don't remember that I said that I did not regard the examination on that day as an inspection; very likely I did. I said I would come back." (Evidence, page 58.)

No evidence of the untruth and disingenuousness alleged in this Twentieth Charge was submitted to the Commissioner. Mr. Seath said that "very likely" he had said that the Examination was not an inspection. The Charge was, therefore, not sustained.

## THE TWENTY-FIRST CHARGE—"SEATH INCIDENT" (No. 4).

This Charge is the fourth count in the Seath indictment, and alleges that certain "statements" made to the Board by Mr. McBride on the 2nd September, 1885, and recorded on the minutes, are "untrue and dishonest attempts to mislead the Board."

The evidence offered in regard to this Charge was simply a narration of the act of recording Mr. McBride's statement, and of its being sent to Mr. Seath. No evidence of anything untrue, or dishonest in this matter was offered. The Twenty-first Charge was not therefore, sustained by any evidence submitted to the Commissioner.

## THE TWENTY-SECOND CHARGE—"SEATH INCIDENT" (No. 4).

This Charge is the fourth count in the same indictment, and is to the effect that Mr. McBride "uttered a manifest falsehood" when he stated to the Board in October that he had no opportunity to explain in regard to the Seath inspection.

*Mr. C. J. McGregor* in his evidence said :—

"When Mr. Seath's reply was submitted, Mr. McBride stated that he had not had an opportunity, when the report was first under discussion, to explain to the Board or to the previous inspection of this class of 12. He said he intended to see Mr. Seath and had telegraphed, or written him, but could not see him, or get an appointment." (Evidence, page 126.)

Mr. James P. Wood's evidence contains a brief summary of the proceedings of the Board (of which he was a member), on this subject, and also of Mr. McBride's explanation. I quote it as follows:—

"The subject of classics came up some night when Mr. Seath's report (*Exhibit No. 10*) was being considered. Mr. Mayberry was called upon to explain this report of Mr. Seath: 'Work done, poor in classics.' He explained that Mr. Seath had only examined one scholar and that there was no notice of the Inspector that they were overworked. . . . Mr. McBride did not dissent from anything that Mr. Mayberry said. . . . On the report of the deputation to the Minister (*Exhibit No. 11*) Mr. McBride was asked for an explanation of allowing the Board to be placed in a false position in regard to Mr. Mayberry's class and Inspector Seath's report (*Exhibit No. 10*). . . . I took down Mr. McBride's statement and moved the resolution (*Exhibit No. 13*). . . . Mr. McBride made another explanation—personal in its character. He said that he was going to make an explanation, which would have cleared the matter up, but something had prevented him. I pointed out the inconsistency to him." (Evidence, pages 145, 146.)

Mr. McBride, in his evidence on this charge, said:—

"I never told the Board that I 'desired and intended in the first place,' [as stated in the Charge]. I never said so, and was never called on while the discussion was going on. I stood up to make an explanation but sat down, as a member was speaking. I had no desire or intention to conceal." (Evidence, pages 191, 192.)

No evidence in rebuttal of these positive denials under oath was submitted to the Commissioner. The Twenty-second Charge was, therefore, not sustained.

#### THE TWENTY-THIRD CHARGE—"FRAUD ON THE DEPARTMENT."

This Charge also arises out of Mr. Seath's Report, and relates to an alleged "fraud upon the Department," in regard to a specialist in Natural Sciences. . . . The Charge ought to have been ruled out by me, as it was the Board that made the representation to the Department, although Mr. McBride was a party to it. However, as it was *No. 5*, or the fifth count in the indictment arising out of the "Seath incident," I felt that it would be well to hear whatever evidence might be offered on the subject.

In regard to this Charge Mr. McBride's Counsel examined Mr. Idington. I quote the salient points in his evidence as follows:—

Question.—"What did Mr. McBride say as to Mr. De Guerre's qualifications?"

Answer.—"Mr. McBride said that Mr. De Guerre was a first-class honour man of Toronto University, and passed (I think he said) a few marks behind the medallist, I forget in which, it may have been Natural Sciences. For my part, I considered that he was as a first class man in Physical Sciences, or rather, *Physics* was, I think, the word used by Mr. McBride. There is no distinction in my mind between Natural and Physical Science. . . ."

Ques.—"So far as you know, you swear now that the statement was not incorrect?"

Ans.—"Under the circumstances in which it was stated, it was most incorrect and most improper. We were only interested in knowing his qualifications for teaching Physical Sciences."

Ques.—"Is Mr. De Guerre a first-class honour man in Physical Sciences?"

Ans.—"I can't know a thing of the kind."

Ques.—"So you can't know whether Mr. McBride's statement was true or not?"

Ans.—"I think I can from what was stated at the Board meeting, either by Mr. McBride, or in his presence that Mr. De Guerre was not a first-class man in Chemistry and Botany. I believed that 'Physics' covered Chemistry and Botany. That was my belief at the time."

Ques.—"In (a) of your Charge, what representation to the Department do you mean?"

Ans.—"In making a High School into a Collegiate Institute. the promoters must show to the Department that they have a specialist in natural science; and that if Mr. De Guerre was represented by Mr. McBride to the Department as a specialist on the staff, in compliance with that

requirement, and then the work was assumed by another who was not a specialist, it was a practical fraud on the Department. And Mr. Seath, reported to the Department that Mr. Moran was not a specialist."

*Ques.*—"If Mr. Moran was represented to the Department a Teacher of Natural Sciences no fraud was perpetrated?"

*Ans.*—"No; certainly not."

Mr. Fleming showed to witness the Circular "Announcement for 1884," (*Exhibit No. 29*), which was transmitted to the Department, in a letter (*Exhibit No. 45*) from Mr. McBride, dated 30th August, 1884; and in it Mr. Moran is named as Teacher of German and Natural Science, and Mr. De Guerre as Teacher of Mathematics.

*Ques.*—"It appears that Mr. De Guerre was not represented to the Department as a Teacher of Natural Science?"

*Ans.*—"As far as Counsel Fleming has read from papers in *Exhibit No. 45* it would not appear that Mr. De Guerre was represented as a specialist in Natural Science."

*Ques.*—"You believe that he had been?"

*Ans.*—"My charge is founded entirely on Mr. McBride's own statement, as you have already given."

*Ques.*—"What did Mr. McBride say about Mr. De Guerre's position in the school, or represent to the Government?"

*Ans.*—"He said that 'Mr. De Guerre had been engaged with a view to complying with the regulation in regard to making the High School a Collegiate Institute, in order that he might have a specialist in Natural Science'—are his exact words, as near as I can remember. Mr. McBride on the same occasion stated, as to Mr. De Guerre's position in the school, that he had desired that Mr. De Guerre, who had been engaged for the purpose stated, should have had or taken these classes—that Mr. Moran had resisted strongly and he had allowed him to take them and Mr. De Guerre others."

*Ques.*—"He also said what you have already told us, and at the same time that Mr. De Guerre was a first-class man in Mathematics and Physics?"

*Ans.*—"Yes."

*Ques.*—"At that meeting (16th July, 1885) you moved a resolution?" (*Exhibit No. 14.*)

*Ans.*—"Yes—that the work in Physical Science be allotted to Mr. De Guerre."

*Norm.*—Counsel Fleming put in Inspector Hodgson's Report dated 10/11 November, 1886, as *Exhibit No. 46*. Also a certificate from Mr. Baker, Registrar, Toronto University, as to Mr. De Guerre's University standing. (*Exhibit No. 44.*)

*Ques.*—"Had you at the time of the meeting, (16th July, 1885), possession of the Circular handed in by you as *Exhibit No. 29*" [also attached to *Exhibit No. 45*]?"

*Ans.*—"I had not the one handed in, but a copy of it from Easter vacation of 1884, (when I got it) till October, '84, when I mailed it to the Department of Education, in support of the charges against Mr. McBride. I did not make myself acquainted with its contents in relation to the subjects we were discussing. I made myself acquainted with its contents in October, 1884, in regard to the University standing of Mr. McBride and Mr. Mayberry." . . . (Evidence, pages 45-48.)

*Mr. De Guerre*, in his evidence, said:

"Nothing was ever said to me by Mr. McBride about taking Chemistry. Mr. McGregor, after Mr. Seath was here, did not speak to me about it. Was not spoken to about taking Botany. I said I had rather not take Chemistry, as Mr. Moran had taken it and had made special preparation for it, while I had not." (Evidence, page 55.)

*Mr. Moran*, in his evidence, said:

"I remember the Board discussing Mr. Seath's report in July, 1885, and how Chemistry and Botany were taught. . . . I remember Mr. De Guerre's qualifications were referred to by Mr. McBride and others. . . . The import of what Mr. McBride said was, that Mr. De Guerre was an honor graduate in Mathematics and Physical Science. Mr. Idington, from his language, seemed to jump at the conclusion that that meant that he was qualified to teach Chemistry and Botany. He said to me that he thought it strange that I thought myself as well

qualified to teach these subjects as Mr. De Guerre. I explained to him that my certificate entitled me to think that I was as well qualified to teach Chemistry as Mr. De Guerre; but he was impatient, and I don't think he understood what I said, because he turned round to the table and began to accuse people in a general way (and I knew he meant me, as well as Mr. McBride), that we had 'practised a fraud upon the Department.'" (Evidence, pages 96, 97.)

Mr. McBride, in denying the truth of the Twenty-third Charge, said:—

"I made no such statement as in this Charge. I said *Physical Sciences*. I knew that Mr. De Guerre was not an honor man in *Natural Sciences*. He was not represented to the Department as a teacher of *Natural Sciences*, but Mr. Moran was. Mr. Moran's action related to *Physical Sciences*, and he insisted upon having *Physical Sciences*, as well as *Natural Sciences*, and I yielded to him for peace sake. Mr. De Guerre was not thrust out of the *Physics*, but Moran insisted upon having them when Mr. De Guerre should have entered into such classes." (Evidence, page 51.)

Mr. McBride replied to the sub-divisions of Mr. Idington's 23rd Charge as follows:—

(a) "I said Mr. De Guerre was a first-class honor man in *Physical Sciences* and *Mathematics*."

(b) "He was so represented to the Department."

(c) "I did not say at that meeting that he was a specialist in *Mathematics* and *Physics*. After that resolution was passed, Mr. De Guerre took charge of all the classes in *Physical Science*. The Chairman, (Mr. McGregor,) gave Mr. Moran charge of the *Natural Sciences*. This arrangement was in accordance with the intimation sent to the Department on creating the Collegiate Institute. The Inspector spoke very highly of Mr. Moran's work and qualifications. I did not mislead the Board except by my silence, and that in regard to Chemistry. Mr. Moran had been reported against by the Inspector, and Mr. De Guerre was not specially qualified. I saw a difficulty, and did not know how to get out of it. I thought Mr. Moran had not had a fair chance, as he was not well. I went to Mr. Seath and asked him if he had any objection to give Mr. Moran another chance. He said he had no objection, if the Board and the Minister had none. I saw the Minister. He said if: 'the Board and I had no objection, he would give him another chance.' I asked Mr. Moran to come to the Board meeting. He did, and the Board left the matter in the hands of the Chairman. The Chairman came over and interviewed Mr. Moran, Mr. De Guerre and myself. The matter was settled and the Chairman gave Mr. Moran permission to teach Chemistry, and the Board afterwards confirmed the Chairman's action. Mr. Moran has done well, and I think the Chemistry class one of the best in the school." (Evidence, pages 192, 193.)

From the evidence here presented it is quite clear that no "fraud was practiced upon the Department." If there had been, the Inspectors would have long since discovered it. Beside, in every case their suggestions in regard to the departments of the school in question were carried out, and matters were adjusted to the satisfaction of the Board by the Chairman.

I have given the evidence in large detail in regard to this Charge, but in none of it was that Charge sustained. In point of fact, Mr. Idington clearly shifted the charge from Mr. McBride, and made the members of the Board parties to the alleged "fraud," for, speaking of the meeting, at which it was agreed that Mr. McBride should have discretion as to the Botany class, he said:—

"I was not making my remarks at that time with the view of charging Mr. McBride specifically with anything, but that the effect of which had been done by those who were responsible [for getting the High School advanced to the status of a Collegiate Institute] was a fraud upon the Department." (Evidence, page 7.)

#### THE TWENTY-FOURTH CHARGE—"MR. DE GUERRE'S SUBJECTS" (No. 1.)

This Charge was to the effect that Mr. McBride did not, when asked, mention to the Board the whole of the subjects taught by Mr. De Guerre.

*Mr. John B. Wilson*, speaking of the Board Meeting of November, 1885, said:—

"I was present at a Board meeting when Mr. McBride was asked to give a list of the subjects taught by Mr. De Guerre. I think he was making general remarks in reply to Mr. Idington. While so doing I noticed that he omitted to give 'Spelling' and I prompted him on the subject. Mr. McBride was addressing the Board at the time. He nodded to me, and said 'yas,' and proceeded with his remarks to the Board. I can't say it was a whisper—it was in a low tone I spoke and it was not intended for others to hear." (Evidence, page 85.)

*Mr. McBride's* explanation is as follows:—

"Some one asked me what subjects Mr. De Guerre taught. I replied Algebra, Euclid, Trigonometry, Physics and Callisthenics. I may have grouped Mathematics together and Physics and Callisthenics, and said that the Time Table would show. I had handed in a Time Table some time before, marked with the teachers and subjects. While I was speaking Mr. Wilson, who sat some little distance from me, interjected 'Spelling.' I did not conceal—as Spelling is one of the ragged-edge subjects. It would not come under any of the sub-divisions of the Time Table. I did not repeat it, as I thought that the members heard it. French and Reading were taught by Mr. De Guerre. I did not know about the Reading, as Mr. De Guerre and Mr. Mayberry had exchanged, but I did not think that they had then arranged it. I had forgotten French being taught by Mr. De Guerre. There are 200 recitations on the Time Table, and I was speaking in the absence of it. I had no desire to deceive, and no object in deceiving the Board on the subject." (Evidence, pages 193, 194.)

*Mr. De Guerre*, in his evidence, said:—

"Nearly all my time was taken up with Mathematics and Physics. There are special classes put in the Time Table and left out, owing to the clashing of classes on the Time Table. The Time Table is, and was, more frequently changed in the minor classes. . . . It was the practice to divide these classes among the teachers. This is the reason why I had Spelling and Dictation. Remember a change made about Reading at Mr. Mayberry's request." (Evidence, pages 56, 57.)

Two members of the Board afterwards testified that they heard Mr. Wilson prompt Mr. McBride as to spelling. As a matter of fact it seemed to be a common subject among all the teachers, and not one assigned to Mr. De Guerre alone. Mr. Moran, in his evidence (page 87) said: "I taught in the early part of 1884, Euclid, Arithmetic and Algebra and odds and ends of things, such as Spelling and Dictation." Mr. Mayberry said that "Mr. McDougall takes a class in Spelling." Also: "There are fag-ends of subjects which have to be taken up by teachers" (Evidence, pages 109, 110). It appears therefore to be a "fag-end subject" which all of the teachers have to take, and not Mr. De Guerre in particular.

*Mr. McBride's* explanation of his omission to mention the three subjects named in Mr. Idington's charge is to the effect that:—

1. He thought that Mr. Wilson's interjection of the word "Spelling" was heard by members of the Board. (Two of them did hear it, as they testify under oath).
2. He did not know at the time that Reading had been transferred to Mr. De Guerre by Mr. Mayberry.
3. He had forgotten French.
4. He had no desire or intention to mislead or deceive the Board.
5. He had already furnished the Board with the information asked for in a Time Table sent to the Chairman in October—the month before this meeting was held.

*Mayor McGregor*, then Chairman of the Board, thus reports this latter fact:—

"I got a Time Table from Mr. McBride (*Exhibit No. 15*). . . . I remember investigating it afterwards [*i. e.* after the meeting of November 1885] and found that Mr. De Guerre took French, Reading and Spelling." (Evidence, page 128.)

These were the very subjects—the names of which Mr. Idington charges Mr. McBride with having concealed from the Board. But he did not accept the offer to get the information. For Mr. McGregor told him and other members of the Board that he, as Chairman, had in October, received a Time Table containing the names of the Masters and all of the subjects which they were teaching—that it was in his office. He even offered to go for it, and let them have the information desired by Mr. Idington, but Mr. Idington did not respond to Mr. McGregor, and did not seek to get the information in an authentic form, as he might have done had he accepted Mr. McGregor's offer. It was not till the meeting of the 2nd December that he produced the Time Table which had been in the Chairman's possession since October, (*Exhibit No. 15*), and the use he then made of it is detailed in his evidence as follows:—

"At [this] meeting I brought the matter before the Board that, according to this Time Table Mr. DeGuerre was engaged in teaching other branches, and that the statement made [by Mr. McBride] was untrue. Mr. McBride at that meeting, on my making representation as to the untruth, gave the explanation that the Time Table had only recently come into force and, on that account, it had not been present in his mind that Mr. De Guerre had been teaching anything else than Mathematics and Calisthenics. I questioned that, and pointed out that he had been ordered a month before by the Board to produce a copy of the Time Table, making the remark in an ironical way that 'of course no one would accuse him of not knowing anything about his own Time Table.'" (Evidence, page 8).

And yet, Mr. McGregor, the Chairman, had the whole of the information which Mr. Idington brought before the Board two months before the meeting at which Mr. Idington made these ironical remarks, and a month before the matter first came before the Board.

The evidence, therefore, produced shows that the charge of concealment by Mr. McBride of the names of the three subjects named in the Twenty-fourth Charge was not only not sustained, but that he had placed that very information in the hands of the Chairman in October—the month before the meeting was held which is specified in the Charge.

THE TWENTY-FIFTH CHARGE—"MR. DE GUERRE'S SUBJECTS" (No. 2),

AND

THE TWENTY-SIXTH CHARGE—"MR. DE GUERRE'S SUBJECTS" (No. 3),

These Charges grew out of, and are in fact the second and third counts of the indictment contained in the original Twenty-Fourth Charge, although varied in form.

Mr. McBride's explanations in regard to these Charges are as follows:—

*Charge No. 25.*—"The Time Table is made up at the first of the Term. We run on it for a few weeks to see how it will work. I spoke of the Time Table being new. I had no Time Table before me" [at the meeting in November].

*Charge No. 26.*—"I cannot cover the whole work and confine each teacher to his own work, and the 'rag-end subjects' have to be divided up as well as we can. Mr. DeGuerre's time was almost wholly devoted to his own department of Mathematics and Physics. An exceedingly small portion of his time was devoted to these special subjects. I stated to the Board, or members of it, that the reason I had not mentioned Spelling when Mr. Wilson prompted me was, that I thought they had heard it." (Evidence, pages 194, 195.)

On cross examination by Mr. Idington, he thus deals with the three-fold Charge:—

"I remember that the Chairman (Mr. McGregor) asked for the Time Table, (*Exhibit No. 15*.) Some of the figures are in my handwriting. One of the pupils in the school made a copy. I got the post card at 1 o'clock that he wanted the Time Table at 3 p.m. It was finished in a hurry and sent to him. The main body of the time table was in force in October. Did not know if Mr. DeGuerre was teaching French before that term. You were making wild statements in regard to the

internal management of the school. One was that Mr. DeGuerre was devoting a very large part of his time to subjects other than Mathematics. I said that the Board had a copy of the Time Table, and that it would show how his time was taken up. You pressed the question and I replied that he was teaching Calisthenics, Mathematics, Algebra Euclid and Trigonometry. I said that no one else in the school could teach Calisthenics. Mr. Wilson then mentioned 'Spelling,' and I said 'yes,' while I was standing on the floor, answering your questions. I was combatting other statements of yours about the distribution of work in the school. One time it was brought up and you gloated over the discovery of a mare's nest." (Evidence, pages 207 and 208.)

*Mayor McGregor*, referring to the Time Table which Mr. McBride sent to him, said:—

Before the meeting of the Board in November, and some time in October, I got a Time Table from Mr. McBride. I identify it as *Exhibit No. 15*. The list of teachers is in my handwriting, with numbers attached in red ink. . . . The Time Table was returned to me with numbers prefixed to the subjects, and (from the note at the bottom) I presume by Mr. McBride. When the question of Mr. DeGuerre's salary came up, he expected an increase. But it was objected that he was doing work that a lower priced teacher would do. . . . Mr. Idington said he understood Mr. DeGuerre had other extra work besides Calisthenics. The Time Table was in my office and I offered to get it, but the Board did not ask for it. I remember investigating it afterwards and found that Mr. DeGuerre took French, Reading and Spelling." (Evidence, page 128.)

From this evidence, as already intimated, it is clear that the Board had in its possession, through its Chairman the month before, the very information which Mr. Idington was asking from Mr. McBride. The Chairman (as he stated in evidence) even offered to submit that information to the Board, but this offer was not responded to or accepted by Mr. Idington, or by any other member of the Board; and it was not until the meeting of December 2nd that Mr. Idington produced the Time Table which he had got from Mr. McGregor, the Chairman, and that was two months after Mr. McBride had sent it to Mr. McGregor.

The evidence offered clearly disproves the Twenty-Fifth and Twenty-Sixth Charges and no witness sustained them.

#### THE TWENTY-SEVENTH CHARGE—CLASS OF "TWO PUPILS."

This Charge arose out of a statement made by the Chairman of the Board, Mr. McGregor, that on a day he visited the school with Rev. Mr. Smith of Galt, he noticed a teacher with a class of only one boy in it. The Charge itself deals with a matter of fact on which alone the Head Master and Teachers could give correct and certain evidence.

*Mayor McGregor*, in his evidence, on this charge, said:—

"In the early part of this year, . . . Rev. J. K. Smith . . . and I went into the Principal's room and found him teaching a class of one. That, and remembering the class of one or two examined by Mr. Seath, I urged the Board to devise some measure by which the time of the teachers should not be taken up by such small classes. As far as I can remember Mr. McBride said that there were four or five in the school that might work together. (Evidence, page 129.)

*Mr. McBride*, in his evidence on the sub-divisions of the Charge, said:—

(a) "The day Mr. McGregor and Mr. Smith of Galt, called, one boy was present in the class of five or six boys well up in all their subjects, but not in Latin. They were doing junior work in Latin, and I wished them allowed up to catch up with another class. Mr. McGregor reported the matter to the Board. I explained to the Board that there was no class of one. That class had nothing to do with the class of two boys."

(b) "Mr. Idington brought the matter up several times. At the meeting before I promised to bring a Time Table. I did so, and laid it on the table. Mr. Idington picked it up, looked at it for a very short time and said something like this—'This is all Greek to me.' That was at the meeting [April, 1886] at which the resolution (*Exhibit No. 16*) was passed. I suggested a number of bases of a Time Table, but Mr. Idington would not give me any satisfaction. The

meet  
(5th).  
presen  
June 1  
There  
be true  
never r  
195, 18

M  
"T  
and Ke  
said:  
was wit

On  
(*Exhibi*

"H  
Harvey,  
days. W  
in the cl  
submitte

Mr.

"I h  
(*Exhibit A*  
Time Tabl  
Christmas  
witness.)  
were candi  
which was  
from me.  
Hardon to  
Table (*Exh*  
fall of 1885,  
boys [Harv  
Brydone).

Mr. W

"I did  
Forbes was i

In a le  
certain subj

"I take  
you that no l  
nations"

"The sta  
to be given to  
I should be m

In "Me  
he combats at  
Board. The

In this c  
by Mr. Idingt  
That resolution

meeting mentioned in *Charge No. 27* was held on the 7th April, 1886. At the May meeting (5th). Mr. Idington was not present, nor at the special meeting (19th May). He was present June 2nd, and a resolution was passed about the Time Table. The next meeting was June 16th, 1886. Early in April the boys preparing for senior Matriculation left the school. There were not, I think, any classes of less than five. I so stated at the meeting and believed it to be true. I never made any representation to the Board in regard to the cost of classes, and never made any calculation on the subject. My estimate was as to time." (Evidence, pages 195, 196.)

Mr. Moran, in his evidence, said:—

"There was a portion of my time, specially last winter or spring, with the boys (Harvey and Keller, Senior Matriculants)." (A Time Table, *Exhibit No. 78*, was shown to witness.) He said: "This Time Table was in use when Harvey and Keller were here. . . Miss Maclin was with them."

On reference to private Time Tables of his own (September, 1885 and January 1886) (*Exhibits Nos. 92 and 93*) witness stated that:—

"He devoted from 9.55 to 10.30 on Mondays, Wednesdays and Fridays the instruction of Harvey, Keller and, occasionally, Miss Maclin, and from 3.25 to 4 p.m. on Tuesdays and Thursdays. When we had grammar Miss Maclin was with us. . . There was no one else there in the class than the three mentioned. It was an ordinary class of the School. . . I never submitted my private Time Tables for the approval of the Principal." (Evidence, pages 102-104.)

Mr. Mayberry, in his evidence, said:—

"I have been teaching Harvey and Keller all the year before they went away" (*Exhibit No. 15*, Time Table for fall of 1885, shown witness) "cannot tell that I was led by that Time Table. Forbes was in the class. Crossen read Horace, Keller and Harvey read Livy after Christmas. . . I followed the Time Table. . . in the hall (*Exhibit No. 78* shown witness.) I cannot identify it as the one hung up in the hall. . . These two boys. . . were candidates for Senior Matriculation. The other boys were candidates for the first year, which was the same work. I do not notice any difference in the work. They took nothing more from me. Forbes and Hardon and, I am not sure, Brydone took the Olynthias Forbes and Hardon took Latin prose. . . I do not remember of any other class of two." Time Table (*Exhibit No. 15*) shown witness. "Assuming that this was the Time Table in force in the fall of 1885, the class marked 'honor' Latin. . . would be the class in which these two boys (Harvey and Hardon) were in Horace, with four others (Forbes, Hughson, Crossen and Brydone)." (Evidence, pages 108 and 109.)

Mr. Wilson, in his evidence, says:—

"I did teach William Harvey and James Keller in the English Department. . . . Forbes was in part, if not the whole, of the time. (Evidence, page 77.)

In a letter to the Board, dated 13th July, 1886, Mr. McBride thus pointed out that certain subjects for Junior and Senior Matriculation in the University were identical:—

"I take the liberty of quoting from the University Curriculum (*Exhibit No. 109*) to show you that no less than 19 of the sub-divisions of Matriculation work are common for both examinations."

"The statement that Senior Matriculation classes are taking up the time that ought to be given to other pupils is absolutely incorrect. If they require special attention of teachers I should be most decidedly adverse to their attending our Institute," etc.

In "Memo. of Argument," sent to me by Mr. Idington, on the 29th of December, he combats at length, the statements and position of Mr. McBride in this letter to the Board. The "Memo." is appended as *Exhibit No. 122*.

In this connection I may state that *Exhibit No. 121* is the copy of a resolution moved by Mr. Idington, and adopted by the Board, virtually prohibiting these classes in future. That resolution fixes the fees for such classes at \$60 per annum.

From the foregoing evidence it is clear that there were three small classes in the School, viz.:-

1. The class in Latin—one member of which was seen by Mr. McGregor. This class Mr. McBride states in his evidence was a temporary one, made up of five or six pupils well up in other subjects but deficient in Latin. In such a class such pupils were put from time to time, with a view, as Mr. McBride says, to have them "shoved up to catch up with another class." Such a class is almost always a necessity in a High School. Other teachers refer to this kind of a class in their evidence, and Mr. Idington thinks that his son ought to have been put into such a class, instead of being put back to form two. But it is in evidence that his son was deficient in other subjects too.

2. A class of three taught by Mr. Moran. He gives their names Harvey and Keller and adds: "When we had Grammar Miss Maclin was with us."

3. A Matriculant class of five or six, taught by Mr. Mayberry, viz., two "candidates for senior matriculation" and then adds: "Honor Latin . . . would be the class in which these two boys were in Horace, with four others—Forbes, Hughson, Crossen and Brydon. Mr. Mayberry gives three additional names, viz., Keller, Harvey (also in Mr. Moran's class) and Hardon; but says:—"Harvey and Keller went away last winter." That would leave a class of five. Mr. Wilson states that Harvey and Keller were in his English class, but adds: "Forbes was in part, if not the whole of the time."

In his "memorandum" on *Exhibit No. 79*, Mr. Idington mentions the names of Gadsby and McBrien, but I have no evidence on the subject of their being members of any of these classes.

The evidence shows that the Twenty-Seventh Charge was not sustained.

#### THE TWENTY-EIGHTH CHARGE—REGISTERS AND RECORDS ASKED FOR.

This Charge is virtually a request to the Commissioner that he would "investigate the facts as to what register or records of any kind, showing the standing of pupils, existed in the school for the first six months of 1884 and compare the facts with the representations made to the Secretary of the Board when demanding the same on the order of the Chairman."

As to the representations made to the Secretary when demanding these the Register and records, I quote his own evidence as follows:—

"I remember an order from the Chairman of the Board (*Exhibit No. 62*) on Mr. McBride being brought to me by Mr. McDonald, student . . . 24th November, 1886, to the effect that he Mr. McBride was to deliver up the registers from 1884 to date of the order. I went at once to the Institute, presented the order to Mr. McBride and got from him two registers—attendance register from 1st July 1884 to 1st July 1886, and one for the present term. . . . I went afterwards . . . as these were not satisfactory to Mr. Idington. I told Mr. McBride it was the class register I required to get. . . . He replied that the class register was not kept, and that he had only the one for the present term. I also asked him for the demerit registers. He produced a demerit register for one form which commenced on the 20th May, 1884. He did not object to my taking them, tho' he did not like to let them go out of the

school. I asked him if he had the demerit registers before 1884. He said that he might possibly have slips which would give the aggregate of the monthly merit and demerit marks. . . . I decided to wait for further instructions from the Chairman before taking them. There was nothing to show demerit marks except the monthly summary. There was something said about the weekly and monthly reports that they would contain the demerits, but they were on separate sheets. I asked him if he would let me have them. He said the order did not cover them. . . . The next thing was the meeting of the 5th November, 1886, when it was moved by Mr. McGregor seconded by Mr. Brown "that the Secretary procure all books and papers connected with the school for the first six months of 1884 for the purpose of laying them before the Commissioner at the investigation, the same to be accessible to the members of the Board—Carried." . . . I took a copy of this resolution to Mr. McBride and handed it to him. He looked at it and said that he thought 'the Board ought to have been more specific as to what they wanted. Here is my Secretary and Desk. You can rummage them and take what you can get.' I said it was not my place to rummage his Desk and Secretary and that there might be other books, etc., in the Institute which were not there. I got three bundles of what purported to be weekly reports. (They were put in as *Exhibits Nos. 63, 64 and 65*). That is all I got on Monday. Mr. McBride did make a search, but did not find any more at that time. . . . I went next day at noon and got a daily attendance register from the beginning of 1884 to July 1885 for form one. I received from the Principal on the 9th (November) monthly reports for the first, second and fourth forms—all for the first half of the year 1884. (Put in as *Exhibits Nos 66, 67 and 68*). I got from Mr. Moran on the 9th a rough private copy of the monthly reports, not dated. (Put in as *Exhibits 69-73 inclusive*). . . . I went with him [Mr. McBride to the Library] and got these five books of registers, or reports in use in McGregor's time from the Library. . . . (Mr. Idington put in class registers, forms 3 and 4) of 1882 (September and 1883 obtained from the Library as (*Exhibits Nos. 74 and 75*). At the time I got these registers I received from him on the 11th, the monthly reports for the third form which he had promised to look for. . . . Nothing further was said that I remember beyond what I have already reported. On that occasion (11th) I received this book (*Exhibit No. 76*) from Mr. Wilson. It had been used as a demerit register of 1884. (Mr. Idington put in monthly reports from January to June 1884: *Exhibit No. 77*). Mr. McBride . . . gave me the Inspector's report of 1884 and some Board accounts which he had got from me. . . . I asked him specially for the demerit register of the third form, and he remarked that possibly the demerit registers were destroyed with other papers by the caretaker. I did not get it. No other reason for the disappearance of these registers was given. . . . When handing me the monthly reports of the three forms he said: 'This is all I know of except the other monthly forms,' which he afterwards gave me." (Evidence, pages 60-63.)

In his cross-examination by Mr. Fleming, the Secretary said:—

"Mr. McBride did not show any reluctance to let me have the registers on the order of the Board. . . . He said the order was not sufficiently explicit and told me I could rummage the place and take what I wanted. He said one was a private book and asked if Mr. Idington wanted it. He said he was not the judge of what the Board wanted. I got the class books and demerit. Mr. Idington was in constant communication with me about the getting of these reports and registers." (Evidence, pages 68 and 69).

I have here given the evidence of the "representations" made to the Secretary in regard to records of the standing of the pupils during the first six months of 1884. I see in them nothing to call for either remark or judgment, especially as No. 28 is really a request and not a Charge. Everything in possession, or could be found, was given that was asked for, and the records not given were accounted for as non-existent, or destroyed.

#### THE TWENTY-NINTH CHARGE—DEPARTMENTAL REPORT.

This Charge was formulated after the Commission was opened. It is to the effect that when the Board desired the Departmental Report on Examinations, Mr. McBride declined to give it, on the ground that it was private and confidential. His evidence on this Charge is as follows:—

"I was asked at the Board meeting if I had the results of the recent Departmental Examinations. I said I had. A resolution was under discussion—5th October—moved by Mr.

McGregor, seconded by Mr. Idington, requesting the Principal to submit copy of Report from the Department (*Exhibit No. 117*). I said I considered this report private and confidential. Mr. Jameson asked if it were so marked. I said 'no,' but that I considered it so and gave reasons for it at that time. . . . I never received anything from the Department to be laid before the Board. I considered and asserted as a matter of judgment that some documents are marked for the information of the Head Master and the Board. . . . When the report was asked for I had made some memorandum on it about the candidates. I marked the candidates who had appealed and succeeded. I wished to get these changes annotated by Mr. Marling and gave the report to Mr. Jameson to post for me to the Department as I was sick. He reported that he had lost it." (Evidence, pages 196 and 197).

Mr. McBride, from his evidence, it is clear, believed what he stated. He was in error in his contention, however, as these reports are neither private nor confidential.

NOTE.—I took evidence in regard to a matter which came up incidentally in connection with *Charge No. 13*. Mr. McBride had been authorized to insert an advertisement in the *Globe*. In the *Globe* office he added the necessary words: "For circular and information apply to William McBride." During the investigation he had access to the original advertisement, as approved by the Board, in the hands of Secretary Monteith. He then tore off the words "William McBride." In his explanation of this act he said:—

"I removed . . . my name, because, as a document of the Board, it had no right to be there, as it was no part of the original resolution of the Board." (Evidence, page 197).

This act the Commissioner declared to be unwarrantable, as the document returned by him to the Secretary was, as it stood, the property of the Board, and he had no right to deal with it in any way. His Counsel, Mr. Fleming, concurred with the Commissioner.

On closing the Investigation, after a session of about three weeks, the Counsel for Mr. McBride and the Complainant addressed the Commissioner on the evidence in the case for about two hours or more each. After a few complimentary words at the close from each of the Counsel, the Commissioner declared the Investigation closed.

#### REMARKS ON THE CASE BY THE COMMISSIONER.

I cannot close this Report without making a few remarks upon some special features of the case itself.

I have, during the last ten years, conducted many an investigation under commissions from the Department, most of them of an unpleasant character, but I never had to deal with one so intensely and persistently personal as this one proved to be. It was quite evident at every stage of the investigation that personal feeling was the main feature in every charge, if it did not dictate the very wording of each one.

As an illustration, I refer to the fact that, while the case was still *sub-judice*, Mr. Idington published in the *Stratford Times* of the 8th December, a highly sensational letter, headed: "The Head Master Caught Mutilating a Document." This referred to the removal of his name from an advertisement in the *Globe* and *Mail* by Mr. McBride, as detailed in the preceding "Note." When the matter was brought under my notice, as Commissioner—having taken evidence explanatory of the incident—I declined to look into the paper, or to read the letter until after the investigation was closed. I have placed it among the Exhibits in the case (No. 124).

The personal animus displayed so conspicuously by the Complainant was a source of constant irritation to the parties concerned. It was also one of inconvenience and regret to me as Commissioner. Acts, or circumstances, that could reasonably bear two constructions, were more or less strongly presented in a light adverse to the Accused. Rarely, if ever, was anything presumed in his favor. And little or no allowance was made for a man's fallibility, or errors of judgment. Opinions and inferences of the Complainant were emphasized, with a view to discredit the Accused, or to exaggerate the questionable character, which the Complainant attached to the circumstance, or incident, under review. Such a proceeding virtually assumed the principle that a man was guilty, on the strong assertions of another man, and before he was proved to be so.

Common sense and common justice were in revolt against such prejudgment and so unprecedented a course of procedure. And common justice and fair play demanded that a prosecution conducted in such a spirit, and on such a system, by a Complainant, who also acted as Counsel, should be carefully watched in the details of its progress by the Commissioner, and be by him subjected to the strictest rules of evidence, so that no injustice should be done to either party.

I felt that no man's acts and conduct, watched as Mr. McBride's had been for over two years by Mr. Idington,—without a knowledge of all the circumstances and surroundings of the case—could pass unchallenged, or be unscathed, while undergoing such an ordeal as that to which Mr. Idington was subjecting those of Mr. McBride.

I never saw either of the gentlemen concerned before. I knew nothing of their differences until early in the month of the investigation. I had no personal feeling in the matter and could have none. I sought, therefore, to conduct the enquiry as fairly and as justly as possible, under the adverse circumstances of the case.

In a personal matter of this kind, I could not assume, without clear proof, that everything alleged against the Accused was true as a matter of course, and as a matter of fact, simply because it was strongly and most emphatically declared to be so by the Complainant. No doubt it was so viewed by him, from the extreme point of embittered feeling at which he stood, and, as it appeared, of morbid dislike to Mr. McBride.

But the very object of the enquiry was to divest the alleged facts of their prejudiced and distorted surroundings, and to distinguish what were the real facts from what was mere opinion, or assumption, or inference, and to bring them out into the clear light by the aid, and under the solemn sanction, of an oath, and the truthful statements of the witnesses.

I was compelled, therefore, more frequently than ought to have been necessary, to reject as evidence against the Accused not only the narrative of what the Complainant, or individual members of the Board, said or did, but also the personal opinions and inferences of the Complainant himself—the very foundation for which had yet to be established.

In the discharge of a duty so onerous as this, I felt the full responsibility of my acts, both to the Complainant and to the Accused. I was aware too that my rulings were being subjected to the criticism of two, and often three, gentlemen—skillfully trained and experienced practitioners at the bar. I must do the Complainant, who was a Queen's Counsel, the justice to say that, although he objected in many cases to my

ruling, yet he always courteously acquiesced in the right of the Commissioner to exercise his judgment, according to his interpretation of the rules of evidence governing the case.

I make these remarks, because the facts to which they refer greatly protracted the enquiry. They also led to strong and constant dissent from the statements and language of the Complainant, on the part of the Counsel for the defence. This the Commissioner had no power to prevent—especially in the way in which it occurred. The interjected remarks were often impromptu, and, as a general rule, were confined to a few words, or to a short sentence. This privilege the Counsel for the defence claimed to be his right in the interests of truth and justice, and on behalf of his client.

Strictly speaking, many more of the Charges should have been ruled out by me than those which I did rule out. The matters which came especially under the jurisdiction of the Board, or had been dealt with by it, ought not really to have been subjects of enquiry before the Commissioner. I refer more particularly to Charge 1, (as the Board had passed judgment upon it); also to Charges Nos. 11, 18 to 22, inclusive, and to Nos. 24, 27 and 28.

The only reason why it was thought desirable to receive evidence on these Charges was, that they involved questions impeaching the character and conduct of a certificated Teacher. In such cases, it is right and proper for the Department to make enquiries, especially when charges are formally made by responsible parties.

It will be seen, on reference to my remarks in summing up the evidence in connection with each Charge, that I have expressed no opinion, (as I took no evidence,) on the expediency, wisdom, or propriety of anything said or done, by the Head Master and Teachers, in matters relating to the administration, or discipline of the School. I had no jurisdiction in matters of that kind. My duty was simply to ascertain, by the aid of clear and specific testimony, under oath, whether or not certain alleged facts and statements in the Charges were sustained by evidence, as against the Accused. And it was my further duty to apply the facts, thus proved, to the Charge to which they referred, and, in doing so, to be guided by the rules of evidence governing the matter in hand.

It would have been better, I think, had the Complainant refrained from acting as Counsel in the case. That, however, is a matter with which I have no concern. I have no personal complaint to make against Mr. Idington. He treated me as Commissioner with all due courtesies. I may also state that Mr. J. E. Harding, who on three or four occasions acted as Counsel for the prosecution, was both courteous and considerate. So was Mr. James Fleming M.P., the Counsel, who conducted the case for the defence. The Chairman, Secretary and Members of the Board, gave every facility to the Commissioner in the discharge of his duty in conducting the case.

To this Report I have appended a list of 124 Exhibits put in, and relating to the Investigation. I also append my notes of the evidence taken down in writing, and extending to 218 pages of foolscap.\*

J. GEORGE HODGINS,  
*Commissioner.*

TORONTO, 8th January, 1887.

\* By the direction of the Minister, the notes of evidence are not printed, as they are so fully quoted in the Report. C.

## LIST OF EXHIBITS,

RECEIVED BY THE COMMISSIONER *re* IDINGTON *vs.* McBRIDE.

- No. 1.* Letter from Mr. John Idington to Mr. Thomas Stoney, Chairman of the High School Board, Stratford. (Dated 15th April, 1884.)
- No. 2.* Letter from Mr. Idington to Mr. William McBride, M.A., Head Master of the High School, Stratford. (17th April, 1884.)
- No. 3.* Memorandum of Examination in Latin, Form III., 1884, Stratford High School.
- No. 4.* "Notes on Teaching staff" from High School Announcement, 1884.
- No. 5.* Letter from Mr. Idington published in the *Stratford Times* of the 10th of September, 1884. (Not dated.)
- No. 6.* Reply to the foregoing letter by Mr. McBride, published in the *Stratford Times*, of the 17th September, 1884. (16th September, 1884.)
- No. 7.* Reply to the foregoing letter of Mr. Idington, published in the *Stratford Times* of the 24th September, 1884. (22nd September, 1884.)
- No. 8.* Head Master's Report to the High School Board for June, 1884. (Not dated.)
- No. 9.* Ditto. Ditto. for May, 1884. (Not dated.)
- No. 10.* Inspector Seath's Report of the inspection of the Stratford Collegiate Institute on the 5th of May and 5th of June, 1885. (10th June, 1885.)
- No. 11.* Report to the Board of Messrs. Idington and McGregor, a deputation from the Trustees of the Stratford Collegiate Institute to the Honorable the Minister of Education. (1st September, 1885.)
- No. 12.* Mr. McBride's statement to the Collegiate Institute Board *re* Inspector Seath's visit to the Institute in May and June, 1885. (2nd September, 1885.)
- No. 13.* Resolution of the Board, directing that Mr. McBride's statement be sent to Mr. Seath for his remarks thereon. (Same date.)
- No. 14.* Resolution of the Board, directing that Mr. DeGuerre be allotted the work in Physical Science, and giving direction to the Head Master as to Botany. (July, 1885.)
- No. 15.* Time Table of the Stratford Collegiate Institute. (Not dated.)
- No. 16.* Resolution of the Board, directing the Head Master to furnish the Board with information as to any class under five in number. (7th April, 1886.)
- No. 17.* Letter from Mr. Idington published in the *Stratford Beacon* of May 2nd, 1884. (Not dated.)
- No. 18.* Letter from Mr. Idington, published in the *Stratford Times* of May 7th, 1884. (Not dated.)
- No. 19.* Letter from Mr. Idington, published in the *Stratford Beacon* of May 16th, 1884. (Not dated.)
- No. 20.* Two Letters from Mr. Idington, published in the *Stratford Times* of the 14th May, 1884. (Neither dated.)
- No. 21.* Letter from Mr. McBride, published in the *Stratford Times* of the 21st May, 1884. (Dated 19th May.)
- No. 22.* Letter from Mr. Idington, published in the *Stratford Beacon* of the 30th May, 1884. (Not dated.)
- No. 23.* Letter from Mr. Idington, published in the *Stratford Beacon* of the 6th June, 1884. (Not dated.)
- No. 24.* Letter from Mr. McBride, published in the *Stratford Beacon* from June 13th, 1884. (Not dated.)

tioner to exercise  
governing the case.  
y protracted the  
ts and language  
e Commissioner  
The interjected  
a few words, or  
l to be his right

out by me than  
e jurisdiction of  
jects of enquiry  
ard had passed  
. 24, 27 and 28.  
these Charges  
of a certificated  
make enquiries,

ences in connec-  
idence,) on the  
nd Master and  
chool. I had  
, by the aid of  
ts and state-  
. And it was  
y referred, and,  
hand.

om acting as  
rn. I have no  
missioner with  
four occasions  
ate. So was  
defence. The  
Commissioner

relating to the  
writing, and

NS,  
issioner.

fully quoted in

- No. 25. Letter from Mr. Idington, published in the *Stratford Beacon* from June 13th, 1884. (Not dated.)
- No. 26. Letter from Mr. Idington, published in the *Stratford Beacon* of June 27th, 1884. (Not dated.)
- No. 27. Circular from Mr. Idington to the Municipal Electors of the County of Perth. (Not dated.)
- No. 28. Notice of motion by Mr. Idington at Board Meeting of Trustees. (Not dated.)
- No. 29. Stratford High School Announcement for the year 1884. (April 9th, 1884.)
- No. 30. Resolution of the Board, exonerating Mr. McBride from Mr. Idington's Charges. (April 25th, 1884.)
- No. 31. (Letter from the Principal of Upper Canada College.)
- No. 32. Question to Mr. Idington in cross examination by Mr. Fleming, in regard to an appeal to a High School Inspector which Mr. Idington refused to answer. (November, 1886.)
- No. 33. Letter to Mr. Idington from Principal Buchan. (21st April, 1884.)
- No. 34. Letter to Mr. Idington from Principal Buchan. (23rd April, 1884.)
- No. 35. Resolution of the Board, directing the Head-Master to furnish the Secretary with a copy of any certificate, or report, of the character and conduct of any pupil, or ex-pupil. (April 1st, 1885.)
- No. 36. Resolution of the Board, directing the Secretary to write to Principal Buchan for Mr. McBride's certificate of Peter Idington's standing. (April 1st, 1885.)
- No. 37. Letter from Principal Buchan stating that he cannot furnish the Board with Mr. McBride's letter, as it was destroyed. (13th April, 1885.)
- No. 38. Page 210 of the School Law Compendium of 1878.
- No. 39. Note from Private Secretary Alley to Mr. Idington, enclosing Statement of Peter Idington's marks at Examination. (29th August, 1884.)
- No. 40. Letter from Registrar Baker to Mr. Idington, re Mr. McBride's University Standing. (May 30th, 1884.)
- No. 41. Letter from Registrar Baker to Mr. McBride, re his University Standing. (May 30th, 1884.)
- No. 42. Certificate of Registrar Baker, re Mr. McBride's University Standing. (November 17th, 1886.)
- No. 43. Statement of Registrar Baker, re University Certificates, and endorsing the one formerly sent by him to Mr. McBride. (November 20th, 1886.)
- No. 44. Certificate of Mr. DeGuerre's University Standing, and Memorandum of Registrar Baker, explanatory of the word "College." (November 20th, 1886.)
- No. 45. Letter of Mr. McBride to Minister of Education, re Collegiate Institute question, and enclosing "Announcement for the year 1884." (*Exhibit No. 29.*) (August 30th, 1884.)
- No. 46. Inspector Hodgson's Report to the Department on the inspection of the Stratford Collegiate Institute. (15th November, 1886.)
- No. 47. Report of Central Committee of Examiners on Second Class non-professional Examination, Stratford Collegiate Institute. (July, 1886.)
- No. 48. Stratford High School Time Table, Easter and Mid-summer Terms, 1884.
- No. 49. Inspector Hodgson's Report to the Department on inspection of Stratford Collegiate Institute. (10th June, 1884.)
- No. 50. Resolution of the Board, adopting an advertisement of the Collegiate Institute for insertion in the *Toronto Globe and Mail*. (Not dated.)

- No. 51.* Resolution of the Board, directing the Head Master to prepare a Circular of the Institute for the approval of the Board. (2nd April, 1884.)
- No. 52.* Resolution of the Board adopting Circular of Collegiate Institute. (5th April, 1884.)
- No. 53.* Secretary Marling's letter, enclosing Inspector Seath's Memorandum on Mr. McBride's Statement. (1st October, 1885.)
- No. 54.* Inspector Seath's Memorandum enclosed in the foregoing letter. (September 29th, 1885.)
- No. 55.* Telegram from Registrar Baker to the Commissioner, *re* Mr. McBride's University Standing, and reply thereto by Commissioner. (November 24th, 1886.)
- No. 56.* Telegram from Registrar Baker to the Commissioner, *re* Mr. McBride's University Standing and reply thereto by Commissioner. (November 25th, 1886.)
- No. 57.* Head Master's Report to the Board for March, 1884. (Not dated.)
- No. 58.* Head Master's Report to the Board for September, 1884, pages 3, 4 and 5. (Not dated.)
- No. 59.* Note from Minister of Education, enclosing High School Inspector's Memorandum, *re* Collegiate Institute, July, 1885. (15th July, 1885.)
- No. 60.* Note from Mr. McBride to Secretary Monteith, *re* cheques for salary. (10th April, 1885.)
- No. 61.* Report of result of the Intermediate, etc., Examination, held at Stratford on the 3rd-7th July, 1885. (Not dated.)
- No. 62.* Resolution of the Board, directing the Head Master to deliver up to the Secretary the School Register and Records. (November, 1886.)
- No. 63.* Report of Weekly Examinations in Stratford Collegiate Institute for May, 1884.
- No. 64.* Report of Weekly Examinations in Stratford Collegiate Institute for June, 1884.
- No. 65.* Report of Weekly Examinations in Stratford Collegiate Institute for July, 1884.
- No. 66.* Report of Monthly Examinations in Stratford Collegiate Institute of Form II, for January and February, 1884.
- No. 67.* Report of Monthly Examinations in Stratford Collegiate Institute of Form II, for March and April, 1884.
- No. 68.* Report of Monthly Examinations in Stratford Collegiate Institute of Form II, for May and June, 1884.
- No. 69.* Daily Attendance Register of Stratford Collegiate Institute.
- No. 70.* Daily Attendance Register of Stratford Collegiate Institute.
- No. 71.* Daily Attendance Register of Stratford Collegiate Institute.
- No. 72.* Register of Form I, Collegiate Institute.
- No. 73.* Demerit Register: "Lates," "Imperfecta," etc., of Form I, Collegiate Institute.
- No. 74.* Class Register, Form III, Collegiate Institute.
- No. 75.* Class Register, Form III, Collegiate Institute.
- No. 76.* Demerit Register, Collegiate Institute.
- No. 77.* Report of Monthly Examinations, Form III, Collegiate Institute, for January, February, March, April, May and June, 1884.
- No. 78.* Time Table, Stratford Collegiate Institute. (Not dated.)
- No. 79.* Head Master's Report to the Board for July, 1886. (July 13th, 1886.)

- No. 80. Resolution of the Board, appointing a deputation to the Minister of Education, re Inspector Seath's Report. (24th July, 1885.)
- No. 81. Resolution of the Board, appointing a Librarian. (10th July, 1885.)
- No. 82. Resolution of the Board appointing a Librarian. (3rd January, 1886.)
- No. 83. Head Master's Report to the Board for January, 1886. (February 3rd, 1886.)
- No. 84. Head Master's Report for March, 1886. (March 3rd, 1886.)
- No. 85. Head Master's Report for December, 1885. (December 2nd, 1885.)
- No. 86. Head Master's Report for April, 1885. (Not dated.)
- No. 87. Head Master's Report for May, 1885. (June 3rd, 1885.)
- No. 88. Head Master's Report to the Board for June, 1885. (July 4th, 1885.)
- No. 89. Resolution of the Board, appointing Mr. De Guerre Mathematical Master in the Collegiate Institute. (21st February, 1884.)
- No. 90. Post card to, and letter from Head Master to Mr. McGregor in reply—sending him a copy of the Time Table of the Collegiate Institute. ("Monday morning" and "Monday noon"—October, 1885.)
- No. 91. Resolution of Board, directing the Head Master to leave School Registers for the past year and Time Table with Secretary, for members of the Board. (July 6th, 1886.)
- No. 92. Mr. Moran's private Time Table. (16th January, 1886.)
- No. 92. Mr. Moran's private Time Table. (12th September, 1885.)
- No. 94. Mr. McGregor's Daily Register, while Head Master of High School.
- No. 95. Result of Collegiate Institute Examinations for 1884. (Not dated.)
- No. 96. Report of Head Master to the Board on Mr. Moran's classes and work. (June 5th, 1885.)
- No. 97. (Duplicate of *Exhibit No. 52*.)
- No. 98. Note from Secretary Marling to Mr. McBride, enclosing *Exhibit No. 47*. (21st October, 1886.)
- No. 99. Note from Mr. McBride to Secretary Monteith, re Report of the Examinations for 1886. (October 26th, 1886.)
- No. 100. *Stratford Beacon* newspaper of 30th July, 1886.
- No. 101. *Stratford Beacon* newspaper for June 13th, 1884.
- No. 102. *Toronto World* for July 8th, 1886.
- No. 103. Minutes of the Collegiate Institute Literary and Musical Society.
- No. 104. Form of application by Candidates for Departmental Examination, May, 1886.
- No. 105. Letter from Secretary Marling to the Secretary of the Collegiate Institute Board, Stratford, re Report on results of Examination. (9th October, 1886.)
- No. 106. Schedule, showing standing of Pupils in Form III, Stratford Collegiate Institute for January, February and March. (Year not stated—1884.)
- No. 107. Schedule, showing standing of Pupils in Form III, Stratford Collegiate Institute for January, February and March. (Year not stated—1884.)
- No. 108. Department Regulations, re Certificates of Qualification, etc.
- No. 109. Curriculum, Faculty of Arts, University of Toronto, 1885.
- No. 110. Report of result of Stratford Departmental Examinations, July, 1884.
- No. 111. Resolution of Board, granting room to Literary Society. (December 3rd, 1884.)

*No. 112.* Memorandum to, and letter from, Registrar Baker to the Commissioner *re* Mr. McBride's University standing. (27-30 November, 1886.)

*No. 113.* Half-yearly Report of Board and Head Master, Stratford High School, to the Department. (30th June, 1883.)

*No. 114.* Half-yearly Report of Board and Head Master, Stratford Collegiate Institute. (30th June, 1884.)

*No. 115.* Half-yearly Report of Board and Head Master, Stratford High School. (31st December, 1883.)

*No. 116.* Rev. Francis H. Wallace's recommendation of examiners in classics "for degree of B.A. with Honors in Classics" for Mr. McBride. (August 2nd, 1879.)

*No. 117.* Resolutions of the Board, *re* Report on result of examinations, 1886. (5th October, 1886.)

*No. 118.* Rules and Regulations of the Stratford High School, 1880.

*No. 119.* Letter from Registrar Baker to McBride, enclosing list of pupils of the Collegiate Institute, that has passed University examinations. (October 21st, 1884.)

*No. 120.* Plan of basement and first floor of Stratford Collegiate Institute building. (December, 1886.)

*No. 121.* Resolution of the Board, fixing scale of fees for pupils taking matriculation work, and for non-resident pupils. (23rd August, 1886.)

*No. 122.* Memorandum of Mr. Idington's argument on the statements in *Exhibits No. 79.* (December, 1886.)

*No. 123.* Resolution of the Board, suspending the meetings of the Musical and Literary Society of the Collegiate Institute. (June 4th, 1884.)

*No. 124.* Letter of Mr. Idington, published in the *Stratford Times* of December 8th, 1886, *re* "mutilation of document."

or of Educa-

1885.)

1886.)

3rd, 1886.)

85.)

1885.)

al Master

n reply—  
morning"

Registers  
July 6th,

ol.

l.)

nd work.

No. 47.

Examina-

n, May,

nstitute

llegiate

llegiate

84.

r 3rd,

