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## RETURN

To an Order of the House for a Return showing the reply of Mr. J. P. McLeod to the findings of the Council of Public Instruction, and to the demand for a retraction of charges, and also a copy of the evidence furnished to the Council by the School Trustees of Victoria.

JAMES BAKER,  
*Provincial Secretary.*

*Provincial Secretary's Office,*  
26th April, 1893.

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COPY OF EVIDENCE FURNISHED TO THE COUNCIL BY SCHOOL TRUSTEES OF VICTORIA.

VICTORIA, November 24th, 1891.

*S. D. Pope, Esq., B.A., LL.D.,*  
*Secretary, Council of Public Instruction.*

SIR,—I have the honour to inform you that your communication of the 14th inst., the receipt of which has been already acknowledged, was laid before the Board of Trustees at the meeting held on the 21st inst., and was received and filed, and I am instructed to furnish the the Council of Public Instruction with a copy of all evidence in possession of the Board, and the names of the witnesses examined by them.

The following is an excerpt from the minutes of the Board meeting held on the 28th August, 1891 :—

“Mr. Richards moved that the communication relative to incorrect Latin marks, etc., of Mr. McLeod, previously laid on the table, be now considered.”

The letter is as follows :—

“VICTORIA, July 27th, 1891.

“*R. Erskine, Esq.,*  
“*Secretary, Board of Trustees.*

“SIR,—The last examination for promotion in the High School was conducted by the Department of Education some three or four weeks before the end of the term. The papers were set by the Department, the returns of the examinations were made out by the Department, and their correctness is certified to by the Superintendent of Education. The promotions were made by the Superintendent, and were based on the marks obtained by the pupils at this examination. In this the Superintendent violated two of his own rules, viz:—

“(1.) That the Principal of a school must prepare the questions for the promotion examinations ;

“(2.) That promotions are made by the Principal, with the approval of the Superintendent of Education.

“The Superintendent has the right to hold any examination he may think proper to hold in any school in British Columbia, but I maintain that if he sees fit to deprive me of the power of promoting, he has no authority to confer that power on other teachers in Victoria, be they in or out of the High School. The examination above referred to was not a promotion examination at all.

“To explain :—The pupils of the Third Division received instruction in fifteen subjects. Although they had been attending the school for only five months, yet, in eleven out of the fifteen subjects, they were examined on precisely the same questions as were pupils of the First Division who had been attending the school for years.

“The Latin papers given in by the pupils of the Third Division could not have been examined. No manipulation of marks could have produced such extraordinary results.

"As my action in bringing these and other matters to the notice of the Board of Trustees has been criticised, I wish to state that I am not aware of the existence of any other Board or body of men that has been specially constituted to look after the schools of the City of Victoria.

"I am, &c.,  
(Signed) "J. P. McLEOD."

Mr. McLeod, being present, was asked if he had any further statements to make, and answered "No," whereupon Mr. MacLaughlin and Mr. Richards asked him a number of questions, and received his replies thereto. Mr. Netherby and Mr. Smith were also interrogated by the Board relative to promotions, etc., the general purport of the answers being that promotions could not be carried out in consequence of insufficient room in the higher divisions.

I enclose a typewritten copy of the questions asked and the answers given thereto, taken from the report of a stenographer who was present at the meeting.

I am, &c.,  
(Signed) B. WILLIAMS,  
*Secretary, Board of Trustees, pro tem.*

Mr. Richards moved that the communication from Principal McLeod be taken from the table for consideration, and that Mr. McLeod be asked to attend the Board so as to answer any questions from the members.

As Mr. McLeod came forward, Trustee McConnan remembered that he had an engagement, and retired to keep it.

Mr. MacLaughlin stated in explanation that he wished to ask Mr. McLeod and other teachers certain questions, but if, in their opinion, they considered there was anything in those questions that, in answering them, would in any way interfere with the amicable relations that exist, or ought to exist, between the teachers and the Education Department, it was not necessary for them to answer.

After a few unimportant questions about preparing pupils, Mr. MacLaughlin asked :

Q.—Are the pupils graded satisfactorily ?

A.—No ; they are not.

Q.—Can you explain why ?

A.—Well, in the First Division of the High School there are pupils farther advanced than others. For instance, some come into the High School who are not fit to be there.

Q.—Do you know any reason why the grading was taken out of your hands ?

A.—I know of no valid reason ; none has been given.

Q.—Is it customary for the Principals of schools to grade in other High Schools in the Province ?

A.—This was the only graded High School at the last examination ; now there are two other schools graded.

Q.—Then they had only one teacher in the High Schools ?

A.—That is all.

Q.—Who examined the Latin papers in your school ?

A.—I do not know ; I had nothing to do with the examinations.

Q.—Were the marks such as you judge the pupils were entitled to ?

A.—They were not.

Q.—Did you complain to the Superintendent of Education about this ?

A.—I did.

Q.—Have you any communication from him on that question ? I mean since the 27th of June, or prior to that ? He told this Board he would enter into the subject—that you had made a complaint—but so far this Board has not heard from him as he promised it should.

A.—I have no communications from him with regard to the Latin papers.

Q.—What set of questions did you prepare for the last term examinations ?

A.—None.

Q.—What set of papers did you examine ?

A.—None.

In answer to Trustee Richards, Mr. McLeod stated that he had made out the promotion list by the command of the Superintendent of Education. After some further queries, Mr. Richards asked :

Q.—Did you state to the Superintendent of Education that those papers were not marked satisfactorily?

A.—I did; and he replied that he would look over them and rectify anything that might be wrong.

Q.—Did you mention the names of any pupils that you considered were improperly dealt by?

A.—No.

Q.—Have you any reason to suppose that the Latin papers of the Third Division were examined by Miss Cameron or Mr. Offerhaus?

A.—I was informed by both that they did not examine the Latin papers.

Q.—Have you many scholars in the First Division of the High School that are much farther advanced than the others?

A.—Yes; at the present we have three that are far advanced. They do not take their lessons, though, at the same time as the other scholars.

Mr. Netherby was then asked to come forward. He stated that there was no percentage of promotion in the Public Schools; his promotions were made with the advice of the Superintendent. He examined a number of High School papers, and among them some of the Latin papers of the Third Division.

Q.—Did your order prevail in promotions?

A.—I cannot say; I know nothing to the contrary, nor do I know that my marks were taken. I reported the marks to the Superintendent.

Q.—Do you think it would be in the interest of the school if the half-yearly examination papers and the pupils' replies were in your hands for comment in your school?

A.—I think it would be of benefit to the class. I have heard of such a thing being done, but not here.

Mr. Netherby prepared a full set of questions for each room except his own. The teachers were consulted freely with regard to the promotions. As to the plan of promotion, it was the best that could be adopted under the circumstances. It is the reverse of beneficial to keep a child more than two terms, or even one, in the same class, when the pupil was one of ordinary intelligence.

Mr. MacLaughlin: Were you officially examined in Latin by the Examiners of this Province?

A.—No.

Q.—Do you assist in making the promotions in the Boys' School?

A.—Yes.

Q.—Were you satisfied with the results?

A.—I was particularly satisfied with the result; the percentages were high, especially in my own class.

Q.—Were all the pupils in the different divisions entitled to promotion promoted?

A.—That is a question, and it comes right back to what I have already stated with regard to accommodation.

Q.—So that a pupil may remain in a certain class several terms before the class he is entitled to can accommodate him?

A.—It seems so.

Q.—Did you fix the rate of percentage for promotion or did the Education Department?

A.—The percentage was taken in accordance with the number of pupils leaving one room to be replaced by others.

Q.—Then it all depends on the room?

A.—Exactly.

Q.—Were there some pupils promoted who did not make as much percentage as others?

A.—Yes. I might explain that there were some pupils who made over 60 per cent. in certain divisions who were not promoted, while others who did not make that percentage were not promoted.

Q.—That is not fair to the scholars?

A.—Oh, no; they should have more facilities.

Q.—Do you know how many were promoted in the Boys' School at the last examination?

A.—From the 8th to 7th Division, 15; from the 7th to the 6th, 18; from the 6th to the 5th, 18; from the 5th to the 4th, 17; from the 4th to the 3rd, 27; from the 3rd to the 2nd,

26 ; from the 2nd to the 1st, 20. In these the lowest percentages were respectively as follows :—65, 75, 75, 65, 65, 58, and 45. If a pupil makes 65 per cent., I do not think he should be kept a second term.

NOTES OF MEETING OF THE COUNCIL OF PUBLIC INSTRUCTION HELD IN THE HONOURABLE  
THE PROVINCIAL SECRETARY'S OFFICE, VICTORIA, NOVEMBER 27TH, 1891,  
RE SCHOOL MATTERS.

Mr. Pooley : As I understand it, Mr. Pope, this is an examination to inquire into a statement that has been made that the examinations for promotion for the High School were not properly made ; that the Latin papers were not properly marked ?

Dr. Pope : As well as the general promotions made in the Graded Schools.

Mr. Pooley : Does it go beyond the High School ?

Dr. Pope : It refers to the Graded Schools also. The charge made by the Trustees was that the promotions in the Graded Schools were improperly made ; and also refers to the High School.

Mr. Pooley : That is the complaint which has been sent to us by the Board of Trustees, "the schools have been unsatisfactorily examined and badly graded ; that practices existed calculated to cast reflections on higher grade teachers ; and, generally, that the progress of education was retarded by methods lately adopted in examining and grading schools." This refers to all schools ?

Dr. Pope : Yes. By direction I requested the attendance of Miss Armstrong, Principal of the Girls' School, whom I would like to ask a few questions.

Miss Armstrong, examined :

Dr. Pope : Who prepared the promotion papers used in your school at last June examination ?

A.—The Principal of the Boys' School and myself ; we two in conjunction.

Q.—Who marked the answer papers of the different divisions ?

A.—The Principals and the assistant teachers.

Q.—In preparing the promotion lists was the teacher of each division consulted in order that no injustice might be done to any pupil of her division ?

A.—Well, perhaps I had better explain how the lists are prepared. It has been the custom for the Principal to prepare the list from the examination ; when that list is prepared to then consult the teacher of each division and see whether any injustice has been done, and in case the teacher thinks so, if a child falls below, not in the list, that the teacher thinks ought to be there, we talk the matter over, and in every case, without any exception that I remember, a child that the teacher thinks should be promoted is promoted on her recommendation.

Q.—Should the teacher recommend additional promotions from her division, are such promotions made when valid reasons are assigned ?

A.—Yes, always.

Mr. Robson : Have many such promotions been made, that is by consultation with the teachers, as you have just explained ?

A.—There is an average, I think, of one from each division at the examinations. That would make, say, seven in the school, and it is generally where there has been illness or something of that kind.

Dr. Pope : In addition to written examination, is not consultation with the assistant a safeguard against possibility of injustice being done to any pupil ?

A.—Certainly ; because the teacher knows the standing of her own individual class, and if there has been any injustice it can be rectified.

Q.—Will you explain the manner of consulting with the assistants as to promotions ?

A.—I show the teacher the list of promotions, the teacher reads it over, and then I ask her is there any child that you think ought to be promoted and not on the list, and then if the teacher says such a child (giving the name) we look over the child's marks, and then the teacher tells me her standing during the term, what the child has been doing, and if we think best from that we promote the child.

Q.—Do you know of any improvement that could be effected in the present method of promotion examinations ?

A.—No, I do not. I might say that I inquired this year when I was in Eastern Canada, and that I could find no improvement on our system.

Q.—Is a fixed percentage practicable in all Graded Schools?

A.—No, certainly not. It could not be.

Q.—Do you believe that a fixed percentage for promotion is practicable in your school?

A.—No, I do not.

Mr. Pooley: What position do you hold here?

A.—Principal of the Girls' School.

Q.—Do all of the remarks that you have made apply to the Graded Schools, or to the upper schools only?

A.—They apply to the Graded Schools.

Q.—All Graded Schools?

A.—No. I know most about my own. The remarks in general would apply to all Graded Schools.

Q.—Your remarks apply to the higher school?

A.—No, to the Graded School, to the Public School.

Q.—That is before they get into the High School?

A.—Yes.

Dr. Pope: Miss Armstrong's statements show how the promotions are made.

Mr. Pooley: *In these Graded Schools do practices exist that are calculated to cast reflections on higher grade teachers?*

A.—I cannot possibly see that such is the case.

Q.—Do you consider that the progress of education has been retarded by the methods lately adopted in examining and grading schools?

A.—I do not. The same methods we are working on we have been working on ever since I have been here. Where we see room for improvement we always adopt it; of course it is the same general method throughout.

Mr. Turner: These examinations are from different grades in your school, from one grade to the other? It does not refer to those from the upper grade into the High School?

A.—No, Dr. Pope conducts that examination, we have nothing to do with it whatever.

Mr. Netherby (Principal of Boys' School), examined:

Dr. Pope: Who prepared the promotion papers used in your school at last June examination?

A.—Miss Armstrong, the Principal of the Girls' School, prepared a set, and I prepared a set, and those two sets were brought over to the Education Department, and from these a set was prepared and printed at the Government Printing Office; at least I suppose they were printed there.

Q.—Who marked the answer papers of the different divisions?

A.—The teachers who were appointed to conduct the examination. The teachers of my department (of the boys' department) marked the examination papers belonging to the separate rooms of the girls' department, and the teachers of the girls' department marked those connected with the boys' department.

Q.—The object of this is to avoid collusion?

A.—Yes, that is the object, that is to say there would be no advantage taken in any way.

Q.—In preparing the promotion lists was the teacher of each division consulted in order that no injustice might be done to any pupil of his division?

A.—Yes, they were consulted.

Q.—Should the teacher recommend additional promotions from his or her division, are such promotions made when valid reasons are assigned?

A.—Yes.

Q.—In addition to written examinations, is not consultation with the assistant an additional safeguard against possibility of injustice being done to any pupil?

A.—I think it is. My opinion would be that it was a safeguard.

Q.—Will you explain the manner of consulting with the assistant as to promotions?

A.—May I ask a question, am I to understand that the lists are made out?

Q.—Yes.

A.—The lists of promotions are made out and the assistant teachers are called into the room and in the presence of the Superintendent, or some one from the Education Department,

they are asked with regard to the promotion list, that is to say, the names are read over and they are asked if there are any other pupils that they would like promoted, or whom they may deem worthy of promotion, and if so the matter is taken into consideration, and if the pupils named are found worthy of promotion they are immediately entered upon the list.

Mr. Robson: Are we to understand that if the assistant states that there are some pupils that he (or she) thinks ought to be promoted, that the mere expression on the part of the assistant obtains that promotion?

A.—Not just that, but the matter would be taken into consideration, and the result of their examination taken into consideration also, and if they are found worthy of promotion then the promotion would take place.

Mr. Turner: That is in the event of their true merits not being shown by the written examination?

A.—That is it exactly, if they fall short a few points.

Dr. Pope: Do you know of any improvement that could be effected in the present method of promotion examinations?

A.—I do not know of any improvement that could be made.

Q.—Is a fixed percentage for promotion practicable in all Graded Schools?

A.—No, it is not.

Q.—Are you aware that at the last promotion examination of your school not one pupil of a certain division obtained as high as 60 per cent., while in another division not one pupil obtained less than 62 per cent.?

A.—I am aware of that fact.

Q.—Do you believe that a fixed percentage for promotion is practicable in your school?

A.—No, not as a whole. We cannot reach it.

Q.—You have no fault whatever to find with the general system of promotion?

A.—No. I have considered it in all its bearings, and I have not only considered it in all its bearings as far as my experience and ability would go, but I have compared it with others, and I am unable to see in what way we could possibly fix a percentage, because, you see, there are different subjects, &c.

Mr. Pooley: In your opinion were the schools in June last satisfactorily examined and properly graded?

A.—Yes.

Q.—In your opinion do practices exist calculated to cast reflections on the higher grade teachers?

A.—No.

Q.—In your opinion is the progress of education retarded by the methods lately adopted in examining and grading the schools?

A.—No, rather the contrary.

J. P. McLeod, Principal of the High School, examined.

Dr. Pope reads the following letter:—

“VICTORIA, July 27th, 1891.

“To R. Erskine, Esq.,

“Secretary, Board of Trustees.

“SIR,—The last examination for promotion in the High School was conducted by the Department of Education some three or four weeks before the end of the term. The papers were set by the Department. The returns of the examinations were made out by the Department, and their correctness is certified to by the Superintendent of Education. The promotions were made by the Superintendent, and were based on the marks obtained by the pupils at the examination.

“In this the Superintendent violated two of his own rules, viz. :—

“(1.) That the Principal of a school must prepare the questions for the promotion examinations:

“(2.) That promotions are made by the Principal, with the approval of the Superintendent of Education.

“The Superintendent has the right to hold any examination he may think proper to hold in any school in British Columbia, but I maintain that if he sees fit to deprive me of the power of promotion, he has no authority to confer that power on other teachers in Victoria,

be they in or out of the High School. The examination above referred to was not a promotion examination at all. To explain: the pupils of the third division received instruction in fifteen subjects. Although they had been attending the school for only five months, yet in eleven out of the fifteen subjects they were examined on precisely the same questions as were pupils of the first division, who had been attending the school for years.

"The Latin papers given in by the pupils of the third division could not have been examined. No manipulations of marks could have produced such extraordinary results.

"As my action in bringing these and other matters to the notice of the Board of Trustees has been criticised, I wish to say that I am not aware of the existence of any other Board or body of men that has been specially constituted to look after the schools of the City of Victoria.

"I am, &c.,  
(Signed) "J. P. McLEOD."

Dr. Pope: I wish to call the attention of the Council, in the first place, to the statement contained in this letter, that the Superintendent of Education violated two of his own rules:

"(1.) That the Principal of a school must prepare the questions for the promotion examinations:

"(2.) That promotions are made by the Principal, with the approval of the Superintendent of Education."

The Principal of a High School must prepare the questions for promotion examinations. No such rule, applicable to the Principal of a High School, is to be found. In the School Report, page 148, under the head of "Special Reports on Graded Schools," occurs that rule which he quotes; but the High School is not a Graded School in the sense that Mr. McLeod wishes to make it appear. The schools are divided here into High Schools, Graded Schools, and Rural Schools, and have always been so referred to. On page 69, at the back part of the Report (Annual Report of Public Schools, 1889-90), is a special rule for promotions in High Schools, and here it is specially laid down under "Regulations for Admission, etc., into a High School," separate and apart from the rule laid down for Graded Schools. (Reads rule.)

Mr. McLeod: That does not contradict the other rule.

Dr. Pope: I say this has no reference to High Schools. Every half-year an official examination is held in the High Schools. The regulation "That the Principal of a School must prepare questions for the promotion examinations," does not apply to High Schools. I wish to reply in full to the contents of Mr. McLeod's letter; to explain to the Council that the contents of the letter are not correct.

Mr. Robson: It is not a question of interpretation at all; it is clearly and distinctly laid down.

Mr. Pooley: That is a question we have to consider.

Dr. Pope: The question papers for the promotion examinations in the Victoria High School have, for the past seven or eight years, been made out by the Education Department, with two or three exceptions. In December, 1890, by my instructions, Mr. McLeod made the papers for the examination at that time, and conducted the examination. I requested him to furnish me with a copy of the questions set, and also to return to me the answer papers. Neither of these requests has he granted.

Mr. McLeod: What date was that?

Dr. Pope: I requested you in December, 1890, to furnish me with a copy of the questions set for the examination, and also to furnish me with the answer papers, that I might be able to form an opinion in regard to the standing of the pupils.

Mr. Robson: To form an opinion in regard to the way the examination was conducted?

Dr. Pope: In regard to the manner in which the examination had been conducted. (Reads extract from letter written by J. P. McLeod, and published in the *Times* of December 20th, 1890):—

"The High School.

"TO THE EDITOR:—In your report of the public examination of the High School, I find a statement made by Inspector Wilson, which, in justice to Miss Cameron as well as myself, I deem it my duty to correct. The Inspector is reported as follows:—

"The enrolment in the High School during the past term has been 93, with an average attendance of 77. There will be a very large addition to these figures after the holidays, on

account of the number who have passed, and *that is one of the reasons why so many had been promoted from the third to the second class.*'

"Now, Sir, nothing could be further away from the truth than that portion of the Inspector's remarks which I have italicised, and his motive for going out of his way to make a statement so very unfair and unjust, when he had the full facts before him in black and white, can be gauged only by those who are aware of the kindly feelings which the Department of Education entertains towards such teachers as are not afraid or ashamed to confess that they have opinions of their own. What are the facts? It was I who prepared the examination papers for the junior divisions, looked over the answers, and made the promotions, and neither the Inspector, the Superintendent, nor the Minister of Education knows anything of the fitness of the pupils of these divisions for promotion, except what they can gather from my report."

Mr. McLeod: I was brought here to give evidence in the matter of charges brought by the Board of Trustees. If there is to be any investigation about me I would like to have it properly done. The Council should confine their attention to the matters brought forward by the Board.

Dr. Pope: I am answering the contents of this letter that the Board of Trustees furnished the Council. I am giving the Council information with reference to every statement made in that letter. I am putting the Council in possession of facts in connection with the letter written by Mr. McLeod.

Mr. Pooley (to Mr. McLeod): The first statement made by you is that a Principal of a school must prepare the questions for the promotion examinations?

A.—Yes.

Q.—The promotions are made by the Principal, with the permission of the Superintendent of Education?

A.—Yes.

Mr. Pooley: Dr. Pope has explained to us his view of the matter, by saying that there are two distinct rules. As far as this matter goes, this does seem to me to go behind the charge that is made by the Trustees. What do you think, Mr. Robson?

Mr. Robson: I think this, that it is not only right but the duty of the Department to go into this whole matter, but if Mr. McLeod thinks it would be unfair to proceed in those matters until he has an opportunity of preparing himself, I certainly think we should not press the matter at the present time. We should give Mr. McLeod the fullest opportunity to explain his conduct.

Mr. McLeod: The Superintendent states that there are three kinds of schools—High Schools, Graded and Rural Schools. I submit that the Victoria High School is, and has been for some time, a Graded School. What does the Superintendent mean by a Graded School?

Dr. Pope: A Graded School, in British Columbia, is a school in charge of two or more teachers, in which the English branches alone are taught. That is the meaning of a Graded School.

Mr. McLeod: That may suit very well for the purposes of this investigation, but not for common sense. My definition of a Graded School is a school in which more than one teacher is employed, and where the pupils are promoted at certain times from one division to another. I think, Mr. President, that that was the intention of the Superintendent when he made this rule that is referred to in this letter, that the Principal of a school must prepare the questions for the promotion examinations. This is a very important part of his work. That should apply as well to the High School of Victoria as to the Boys' or Girls' School. I do not see why a distinction should be made with regard to the Victoria High School. More than that, ever since this rule was put in this Report (it was in the Report of the year 1888-89) I had charge of the promotion examinations, I made out the promotion examination papers—at the request of Dr. Pope, of course.

Dr. Pope: In the High Schools the papers are made out by myself, or under my instructions. Twice, I think, I have called upon Mr. Leod and instructed him to make the papers. What Mr. McLeod is saying about the rules applying to the Graded Schools he is using for his own purposes. He is reading from the Graded Schools. (Rules, p. 148.)

Mr. McLeod: It applies to Graded Schools everywhere except here. Victoria High School was the only Graded School in the Province at that time. I see that there is a difference as to the definition of a Graded School. My contention with regard to the first is that

that rule was made by the Superintendent of Education to apply to the Victoria High School at the time it was made, and it was made to so apply. Since this rule in regard to Graded Schools appeared I had charge of the promotion examinations; I made the papers until this last promotion examination.

Mr. Robson: You managed the examination at the request of the Superintendent?

A.—Why, certainly.

Mr. Pooley: How many years have you been in charge of the High School?

A.—Four years.

Q.—During that time you have made out the examination papers on two occasions, at the request of the Superintendent?

A.—Since this rule came into force, on two occasions. I wish to point out that this has reference to the preparation of the questions for the promotion examinations. I always had the examining of the papers until this last examination. The Inspector said I need not examine them unless I wanted to. He placed me on the same level as such teachers as Mr. Netherby and Miss Cameron. You said the same thing to them.

Mr. Wilson: No, I did not.

Mr. Pooley: Was that instruction sent to you from the office in writing?

A.—No. The fact of it is, I would undertake the promotion examinations myself if I had not received instructions to the contrary from the Superintendent. That is the way I look at those things: I am to do the work unless the Superintendent steps in and says I am not to do the work. With regard to the second, that promotions are made by the Principal, with the approval of the Superintendent of Education, I have a letter in his own handwriting where he concedes that the promotions are made by the Principal. That was in a letter the Superintendent sent to the Secretary of the Board of Trustees. I think it was shortly after I brought this matter before the Board. The Superintendent concedes that promotions are made by the Principal, with the approval of the Superintendent of Education, and, strangely enough, although he knew at the time that I had nothing to do at all with the examination in the way of preparing questions or making out marks, he, in that letter, insists that I promoted the pupils. I cannot be doubly false in regard to that charge.

Dr. Pope: I would state that it has always been the custom for Mr. McLeod to come to the office and arrange the promotions in his school. After the examinations are over he has always come to the office and has arranged with me what promotions would be made. It is to that I refer in the letter.

I will now refer to the next part of the letter—"The Superintendent has the right to hold any examination he may think proper to hold in any school in British Columbia, but I maintain that if he sees fit to deprive me of the power of promoting he has no authority to confer that power on other teachers in Victoria, be they in or out of the High School."

I claim that Mr. McLeod has no authority whatever to dictate to the Superintendent of Education as to what he shall do or what he shall not do. I am amenable only to the Council of Public Instruction.

The next complaint is that the pupils of the third division received examination in the same papers as those in the first division. As to the statement that all three divisions were examined on the same papers in eleven subjects, I will say that this is correct; but these eleven subjects were the eleven ordinary English subjects in which pupils are examined for entrance to the High Schools. The pupils of the third division just fresh from the study of these branches alone are better prepared to take these papers than are the pupils of the higher divisions; and as evidence of this I would state that the pupils of the third division at the last examination made an average of over sixty per cent. in these eleven subjects, while the pupils of neither of the other divisions made so high a percentage. This principle of examining upon the same papers pertains in our examinations of teachers. A candidate for third class B takes the same papers in these eleven subjects as a candidate for a first-class Grade A; consequently, I say, there was no injustice whatever in examining the whole school on the same papers in these eleven subjects.

Mr. Pooley: You are putting a different complexion entirely on what Mr. McLeod says; he says it is unfair to those children. It is giving an advantage.

Dr. Pope: I say it is fair.

Mr. McLeod: About dictating to the Department. I have never dictated to the Department; this is a letter written to Mr. Erskine, the Secretary of the Board of Trustees, wherein the action of the Department is criticised. I criticise the action of the Superintendent

adversely. I have a right to do that. I don't want to dictate to any person. The pupils of the third division received instruction in fifteen subjects. Although they had been attending the school for only five months, yet in eleven of the fifteen subjects they were examined on precisely the same questions as were pupils of the first division who had been attending the school for years. The Superintendent claims that no injustice was done in giving the same questions to the pupils of the third division, the second division, and the first division in eleven subjects. Then, I ask, what is the sense of having promotion examinations at all? How can the Superintendent state that this is a promotion examination when the pupils of the third division do better than those of the second and first divisions? The pupils are promoted from the third to the second, and from the second to the first division, and, according to the Superintendent, the lower you go the better the pupils are in the eleven subjects.

Mr. Pooley : You complain that it is an injustice to the junior pupils?

A.—Yes.

Q.—You admit that the statement you have made is wrong?

A.—No.

Q.—I understand that the pupils who had only been in the school five months had been examined on the eleven subjects. You consider that an injustice to those in the third division? Did you state that it is an injustice to those in the first division?

A.—If those papers were set for the pupils of the first division then it would be an injustice to the pupils of the other two divisions; if they were set for the pupils of the third division, then it would be an injustice to the pupils of the other divisions. How is it that the Superintendent of Education can claim that in English Grammar, for instance, the pupils of the third division know more than the first division? The reason is that one examiner examines the pupils of the first division and another examines the pupils of the second division, and a different examiner looks over the papers of third division. No two examiners agree. Take all the pupils of the High School, give them one paper, and the pupils of the first division must come out first. The discrepancy is due to our having so many examiners. The pupils are promoted from the third until they reach the first, and they are supposed to be improving, and it is unfair to give them the same papers if they are improving. It would be like giving Mr. Netherby's room the same papers.

Mr. Turner : Don't you think there are some subjects in which the lower grades are as proficient as the higher, if it is a subject you learn when you first go to school? If it is one of the lower subjects why should not the lower ones know as much?

A.—Like dictation, in the junior division, they might be better than the pupils of the first.

Q.—These eleven subjects are taught from the first grade before they enter the High School?

A.—Yes.

Mr. Robson : I maintain that the third grade is composed of pupils who have recently come into the High School. They are fresh in all the subjects they were taught before coming into the High School. I can quite understand that they would get rusty in the first division, and that in the third division they took higher marks than in the higher division. Those pupils in the third division of the High School are fresh from the study of those eleven subjects and, therefore, have an advantage over the pupils who have been for a year resting upon them.

Mr. Vernon (to Mr. McLeod) : To whom was the injustice done?

A.—Injustice was done to the third division. I never heard of such a thing before. An examiner going into a school and giving the same paper to three distinct divisions.

Q.—You said injustice had been done to all classes?

A.—My meaning is this, if no injustice was done to third class, then injustice was done to the other two; if no injustice was done to the first class, then injustice was done to the other two by giving them the same papers.

Dr. Pope : The next point of the letter is this statement: "The Latin papers given in by the pupils of the third division could not have been examined. No manipulations of marks could have produced such extraordinary results."

Mr. Pooley (to Mr. McLeod) : How did you come to that conclusion, that these papers were not examined?

A.—From the extraordinary marks assigned to the Latin papers of the third division.

Q.—Here you stated the papers were not examined?

A.—No, I said they could not have been examined. I cannot understand how it is that they were examined

Q.—You have stated that the marks were not such as the pupils were entitled to?

A.—Yes, as I know they were not entitled to.

Q.—How many of these papers did you see and examine yourself?

A.—I would not like to say just now.

Q.—How many of these examination papers did you write out yourself?

A.—None of them.

Q.—After the pupils had answered these questions, how many of the contents of the answers did you examine yourself?

A.—I would not like to say.

Q.—How many did you examine; did you examine one or two?

A.—I was in the room the whole time. I was the only examiner in the room.

Q.—You don't know whether you looked into any of these papers or not?

A.—I know how many, but I don't choose to state.

Q.—What set of papers did you examine; you stated none?

A.—None officially.

Q.—In the evidence you gave before the committee you made certain statements; you said there that you examined none of these papers?

A.—I examined none officially. I was not an official examiner.

Q.—Did you go around to each child's seat?

A.—I looked over some of the papers.

Q.—You looked through the whole or one set of papers?

A.—I would not like to state.

Q.—You have made a statement with regard to the Board of Education?

A.—I make the statement and stick to it. The papers were not properly examined.

Q.—I want to know on what grounds you base that statement?

A.—On the Latin papers.

Q.—You decline to answer what set of papers you examined, or what child's papers you examined?

A.—I decline to answer, although I am in a position to answer it.

Q.—You make a statement of that kind and do not substantiate it?

A.—I am prepared to make a statement and substantiate it if the papers are produced.

Q.—You said you examined the papers of one or two of the children; which child's papers was it you examined?

A.—I won't tell.

Mr. Davie: How do you expect us to deal with the papers?

A.—I want all the Latin papers of the third division.

Q.—But suppose the papers you ask for are gone?

A.—They are in the Education Office.

Mr. Robson: I would like to know how you are in a position to make that broad statement?

A.—I looked over some of them.

Mr. Turner: How many did you look over?

A.—I decline to answer that; I refuse to say.

Mr. Pooley: You make charges and refuse to give the Council information to substantiate the same which you say you possess.

A.—I won't tell. I decline to answer.

Mr. Pooley: Then I do not wish to have anything further to do with you. What is your opinion, gentlemen of the Council?

Mr. Davie: I think that is sufficient.

Mr. Vernon: I have heard enough.

(Mr. McLeod retires.)

Dr. Pope: With your permission I wish to make a full explanation in regard to the Latin papers. On Thursday, June 25th, 1891, Mr. McLeod called at the Education Office and stated that he wished to lay a complaint with regard to the marking of the Latin papers of the third division of the High School, remarking at the same time that he considered this the proper place to make the complaint and not to the trustees. In answer to this I stated

that such a complaint should certainly be made to this Department alone, as it was not a matter to be dealt with by trustees. I then stated that not a single paper of the Victoria High School had been marked by myself, but that as soon as time would permit I would look into the matter and rectify any errors found in the papers complained of. Mr. McLeod left the office apparently satisfied in every way with the interview. To my astonishment I read in the public press that Mr. McLeod had, at a meeting of the trustees held two days afterwards, personally made the same complaint to them. The last examination papers of the three divisions of the Victoria High School were marked by Inspector Wilson, Mr. John Anderson, B.A., Mr. E. B. Paul, M.A., Mr. S. B. Netherby, Mr. R. Offerhaus, and Miss A. D. Cameron, each of whom has had practical experience in High School work, and was thoroughly competent to perform the services rendered by them at this examination.

Mr. Netherby recalled :

Dr. Pope : In connection with the examination of the papers, last summer, I have stated to the Council that you were one of the examiners who assisted in marking the papers. Did you mark all the Latin papers of the third division of the High School ?

A.—That question was put to me by the Trustees, and I have there answered that I did not know. I found afterwards, when I made reference to the work I had performed, that there were thirty pupils on the roll, and I think twenty-nine of these had written ; or I thought this : that the whole class consisted of thirty pupils, and if thirty pupils had written I examined them all.

Q.—Is that your record that you returned to me ?

A.—Yes.

Q.—How many Latin papers did you correct ?

A.—Twenty-nine.

Q.—That was the entire number of Latin papers ?

A.—Yes.

Q.—Did you exercise due care in assigning the marks to those papers ?

A.—I did.

Q.—While you were in charge of the third division of the High School, did you teach them Latin ?

A.—I did.

Q.—Have you had any experience as an examiner of Latin papers elsewhere ?

A.—I have.

Q.—How long have you been teaching ?

A.—About thirty-three years. I have been in active work continually.

Mr. Wilson examined :

Dr. Pope : Do you recollect Mr. McLeod calling at the Education Office to complain of the marking of the Latin papers ?

A.—I recollect his calling at the office during the last week of school, and afterwards you told me he had complained about the marking of the Latin papers of the third division.

Q.—What action was taken in the matter ?

A.—On that afternoon, or the following day, the Superintendent handed me the papers with the request that I review the work of the examiner, and determine whether or not it had been satisfactorily done.

Q.—What report did you make to me ?

A.—On the following day I reported to the Superintendent, having examined the papers, that I had carefully reviewed the work of the examiner, and found no particular fault with the values assigned to the various answers.

Dr. Pope : In addition I would beg to lay before you the following letter from Mr. John Anderson, B.A. :—

“VICTORIA, 15th August, 1891.

“DEAR SIR,—In compliance with your request, I have carefully examined the Latin papers of the pupils of the third division of the Victoria High School, handed in at the examination held in June last.

“I have the honour to report that, while agreeing generally with the examiner in the results of the examination, I find that in two or three instances he has assigned higher values

to the answers than I should feel warranted in giving; but as the valuation of such papers is, to a great extent, a matter of judgment, there is no reason to doubt that the original examiner could justify his marking in the cases referred to.

“Yours truly,  
“JOHN ANDERSON, B.A.”

And also a letter from the Ven. Archdeacon Scriven, which reads as follows:—

“VICTORIA, 18th August, 1891.

“DEAR SIR,—Agreeably with your request, I have examined the marking of the Latin papers handed in at the recent examination by pupils of the third division of the High School.

“I have to report that the marks assigned, with two or three exceptions, meet with my approval. In each of the exceptions referred to, I considered that more marks had been allowed than the answers, in my opinion, merited.

“In giving an opinion upon the marking of such papers, due allowance has to be made for individual judgment.

“Faithfully yours,  
“AUSTIN SCRIVEN, M.A. (Oxon.)”

“VICTORIA, 17th December, 1891.

“J. P. McLeod,  
“Principal of High School, City.

“SIR,—By direction of the Council of Public Instruction I have the honour to inclose you herewith, a copy of a Report of the Council of Public Instruction adjudicating upon the charges made by you against the Education Department, and I am instructed to draw your attention to the requirement by the Council of a retraction upon your part, and to state that the same must be delivered at this office within the time specified in the Report.

“Yours truly,  
(Signed) “S. D. POPE,  
“Secretary, Council of Public Instruction.”

#### COUNCIL'S REPORT.

At a meeting of the Council of Public Instruction, held on the 27th November, 1891, for the investigation of the charges preferred by the Board of School Trustees of Victoria against the Education Department, as contained in the resolution of the Board at a meeting held on the 1st of September, ultimo, and as repeated in a resolution passed by the Board at a meeting held on the 20th October, ultimo, to the effect following, viz. :—

“That it was found by the Board, on unimpeachable evidence, that the schools had been unsatisfactorily examined and badly graded; that practices existed calculated to cast reflections on high grade teachers; and, generally, that the progress of education was retarded by methods lately adopted in examining and grading schools.”

The Council was, upon request, furnished with a copy of the evidence referred to as that upon which their charges were based. Such evidence was found to consist of the statements of Messrs. J. P. McLeod and S. B. Netherby, in reply to questions put to them by members of the Board, the statement of Mr. McLeod being supplementary to his letter following:—

“VICTORIA, July 27th, 1891.

“R. Erskine, Esq.,  
“Secretary Board of Trustees.

“SIR,—The last examination for promotion in the High School was conducted by the Department of Education some three or four weeks before the end of the term. The papers were set by the Department, the returns of the examination were made out by the Department, and their correctness is certified to by the Superintendent of Education. The promotions

were made by the Superintendent, and were based on the marks obtained by the pupils at the examination.

“In this the Superintendent violated two of his own rules, viz.: (1) That the Principal of a School must prepare the questions for the promotion examinations. (2) That promotions are made by the Principal, with the approval of the Superintendent of Education.

“The Superintendent has the right to hold any examination he may think proper to hold in any school in British Columbia, but I maintain that if he sees fit to deprive me of the power of promoting, he has no authority to confer that power on other teachers in Victoria, be they in or out of the High School. The examination above referred to was not a promotion examination at all.

“To explain: The pupils of the third division received instruction in fifteen subjects. Although they had been attending the school for only five months, yet in eleven out of the fifteen subjects they were examined on precisely the same questions as were pupils of the first division, who had been attending the school for years.

“The Latin papers given in by the pupils of the third division could not have been examined. No manipulations of marks could have produced such extraordinary results.

“As my action in bringing this and other matters to the notice of the Board of Trustees has been criticised, I wish to state that I am not aware of any other Board or body of men that has been specially constituted to look after the schools of the City of Victoria.

“I am, &c.,

(Signed) “J. P. McLEOD.”

The Council having heard Mr. McLeod in substantiation of his charges, and the other witnesses in relation thereto, finds:—

1. That the rules made by the Superintendent apply to the Principals of Graded Schools and not to the Principals of High Schools, who are otherwise regulated.

2. That the Superintendent did not, and could not, deprive Mr. McLeod of the power of promoting and inconsistently with such action confer it upon other teachers, inasmuch as such power is not conferred upon Principals of High Schools, but is and has been exercised solely by the Department of Education, and in such a manner through such agents as its discretion dictates.

3. That the course pursued by the Department at the last promotion examination of setting the same papers on eleven subjects to all three divisions of the High School is a proper, reasonable, and just one, inasmuch as the subjects upon which such papers were set belong to the elementary English branches upon which pupils are examined for entrance to the High School, and as a practice in accordance with the same principle obtains, and has been found to work no injustice in the examination of candidates for teachers' certificates, applicants for all grades of certificates taking the same papers in these eleven subjects.

4. That the Latin papers given in by pupils of the third division were marked by Mr. Netherby, a competent examiner, and the awards made by him separately reviewed upon the request of the Department by the Ven. Archdeacon Scriven, M.A. (Oxon), Mr. D. Wilson, B.A., and Mr. John Anderson, B.A., who all concur in certifying to their general correctness.

5. That no remediable defects were shown to exist in the method of grading the schools adopted by the Department, nor in the results of such method, nor was any alteration suggested or (except in the case of Mr. McLeod) deemed necessary by the witnesses who appeared before the Council.

The Council, therefore, concludes that Mr. McLeod has failed to substantiate any of the statements made by him in his letter to the trustess, and reiterated on his appearance before that body.

The Council also concludes that the charges made by the Board of Trustees in their two resolutions aforesaid have not been supported or in the slightest degree proved by the evidence which was laid before them, but, on the contrary, the administration by the Education Department of the School Act and the methods which they have adopted, which have been but slightly modified during recent years, is not open to any of the above charges, or to the further charge of tending in the case of Victoria “to nullify the effects of the expenditure of much money, and of the efforts of the teaching ability of the city.”

The Council further finds that Mr. McLeod has been guilty of gross insubordination and unprofessional conduct in the following particulars:—

(1.) In making unfounded representation in regard to school matters and management to the Board of School Trustees.

(2.) In misrepresenting the actions of the Education Department in the public press, and

(3.) In refusing to answer questions put to him before the Council, or to there produce information which he alleged is in his possession, which would prove the charges he had made, or to otherwise substantiate such charges.

In view of the circumstances of the case the Council of Public Instruction recommends that Mr. McLeod be called upon to furnish a full and complete retraction of the unfounded statements herein alluded to within one week from the time of a copy of this report being delivered to him.

REPLY OF J. P. MCLEOD, ESQ., TO THE FINDINGS OF THE COUNCIL OF PUBLIC INSTRUCTION,  
AND TO THE DEMAND FOR A RETRACTION OF CHARGES.

VICTORIA, B. C., December 23rd, 1891.

*S. D. Pope, LL.D.,*

*Secretary, Council of Public Instruction, City.*

SIR,—The receipt of your communication, dated December 17th, 1891, referring to certain charges preferred by the Board of Trustees of the City of Victoria against the Department of Education, and enclosing a report made, in relation to said charges, by the Council of Public Instruction, was acknowledged by me on the date of delivery thereof, and, after a careful consideration of the evidence given by the Superintendent of Education before the Council of Public Instruction, and of the evidence given by other witnesses before the Board of Trustees, and also of the findings of the Council of Public Instruction on such evidence as was laid before it, I have the honour to submit to you, for consideration of the Council, my answer—1st, to the recommendation by the Council of a retraction on my part of the charges made by the School Trustees, and, 2nd, to the charges of gross insubordination and unprofessional conduct laid against me by the Council of Public Instruction. In order that the Council may have the fullest information regarding the matters in dispute between the Superintendent of Education and the Board of Trustees, so far as they affect me and my charges, and in order that it may clearly understand what statements (if any) I retract, and what statements (if any) I do not retract, I find it necessary to refer to all the findings of the Council, and, for convenience of reference, shall consider them seriatim.

1. The Council finds that a certain rule made by the Superintendent of Education, to the following effect, viz.: "That the Principal of a school must prepare the questions for the promotion examinations," applies to the Principals of Graded Schools, and not to the Principals of High Schools.

I beg to point out that, a short time before the first examination held after the rule above referred to had been made by the Superintendent of Education, I was, in accordance with the requirement of said rule, instructed to prepare examination papers for promotion for the second and third divisions of the High School; and Principals of other Graded Schools in Victoria were likewise instructed to prepare similar papers for their respective departments. Acting under such instructions, I prepared the questions as the other Principals did; I received them, when printed, from the Education Office, as the other Principals did; I had the examination of the papers under my supervision, as the other Principals had; and I furnished the Superintendent of Education and the Secretary of the Board of Trustees with a report of the results of the examination, as the other Principals did.

This practice was continued in the Graded Schools of Victoria until June, 1891, when the Superintendent of Education prepared the promotion papers for the High School, while he still allowed the Principals of other Graded Schools to prepare their promotion papers, thus establishing for the first time a distinction between the High School and the other Graded Schools of Victoria, as regarded promotions and the powers of principals in relation thereto.

The Superintendent of Education, while the rule above referred to was in force, and until June, 1891, had always prepared examination papers for the *senior* division of each of the Graded Schools of Victoria (including the High School), and also for the other High Schools of the Province (each of which had, at that time, only one teacher), but for promotion from

one division to another the Superintendent had, by the rule referred to, delegated to the Principals the power to prepare the examination papers, had insisted on the strictest compliance on my part with said rule, and had, in this respect, placed the Victoria High School on precisely the same footing as the other Graded Schools of Victoria.

As, therefore, with regard to the preparation of questions for promotion examinations, there was no rule specially made for the Victoria High School, and as the rule respecting Graded Schools was made to apply to the Victoria High School as one of such Graded Schools, I beg to submit to the Council that the departure, by the Superintendent of Education, from the usual practice was a distinct violation of the rule framed by him respecting Graded Schools, and invariably adopted and followed by him in the case of the Victoria High School; and, further, that any new rule in force since June, 1891 (if such new rule there be), can have no bearing on the determination of questions that arose prior to that date.

2. The Council finds, in effect, that I was not, and could not have been, deprived of the power of promoting, inasmuch as such power was never vested in, and could not therefore be exercised by, the Principal of a High School.

I beg to point out that until June, 1891, I had always exercised the power of promoting, subject, as in the case of the Principals of other Graded Schools in Victoria, to the approval of the Superintendent of Education; and in substantiation of my statement, respectfully direct the attention of the Council to the extracts from a letter sent by the Superintendent of Education to the Board of Trustees, on June 29th, 1891, to the following effect, viz. :—

“Allow me to say that promotions are made by the Principal of the school with the approval of the Superintendent of Education. At the recent public examination of the High School, Mr. McLeod stated, as I am informed by Inspector Wilson, that the promotions read were made by the Principal, with the approval of the Department.

“The matter of making promotions in schools is provided for in the rules and regulations, and if promotions are made in accordance therewith there can be no reasonable cause for complaint.”

The recognition by the Superintendent of this principle in a case where the responsibility for promotion was disavowed and repudiated by me is conclusive proof that the Department of Education held the Principal responsible for promotions, and substantiates the correctness of my charge that the Superintendent deprived me of the power of promoting.

3. The Council finds, in effect, that the course pursued by the Superintendent of Education of setting the same promotion papers on eleven subjects to all three divisions at the examination of June, 1891, was a proper course, inasmuch as pupils are examined in such eleven subjects before entrance to the High School.

I beg to point out that these subjects are, and always have been, taught in the second and third divisions, and the greater number of them is and always has been, taught in the first division; and further that, inasmuch as the public schools of Victoria do not, and cannot, under the present conditions, give advanced instruction in such subjects (the instruction given being, according to the finding of the Council, only *elementary*), it follows that the teaching of such subjects has always formed an essential and a very important part of the work of the three divisions of the High School. The failure, therefore, of the Superintendent of Education to provide promotion papers of varying degrees of difficulty, corresponding to the advancement made in the different divisions, was an injustice to many of the pupils and to some of the teachers of the High School.

The Council states, in effect, that a similar practice obtains and has worked no injustice in the examination of candidates for teachers' certificates, applicants for all grades taking the same papers in these eleven subjects.

I would respectfully suggest to the Council that the want of evidence as to injustice in the particular instance referred to does not prove that no injustice has been done, for no teacher cares to imperil his salary, position, and reputation by calling in question the justice of the acts of the Superintendent, however unjust he may know such acts to be. And I may add that in Ontario, Nova Scotia, New Brunswick, Prince Edward Island, and probably in all the Provinces of the Dominion of Canada, with the exception of British Columbia, the practice is to give to the different grades questions of different degrees of difficulty, the easier questions to the lower grades and the more difficult questions to the higher grades, and that the practice which prevails in British Columbia is unjust and repugnant to common sense.

4. The Council finds, in effect, that the Latin papers were accurately marked, and that the Venerable Archdeacon Scriven, M.A. (Oxon.), the Inspector of Schools, and the Assistant Auditor certify to the general correctness of the marks.

I wish to state to the Council that, before I can believe that the papers were properly marked, I must first disregard the evidence of my senses. Those papers have been in the Education Office for six months, and if the Venerable Archdeacon Scriven examined them, I should, in common justice, have been with him to point out the papers to which I alluded.

In view, therefore, of the foregoing considerations, the Council will see that I cannot be justified in withdrawing any of the above charges, viz.:—

- 1st. That, in June, 1891, the Superintendent violated his own rule respecting the preparation of promotion papers :
- 2nd. That, in June, 1891, I was deprived of the power, though not relieved of the responsibility, of promoting :
- 3rd. That the course pursued by the Superintendent of Education of setting the same promotion papers in eleven subjects for the three divisions of the High School was irregular, unjust, and unreasonable :
- 4th. That the Latin papers were improperly marked.

The Council finds that I have been guilty of gross insubordination and unprofessional conduct, and, in proof thereof, instance the following particulars, viz.:—

“ 1. In making unfounded representations to the Board of Trustees.”

I have already shown that such representations are not unfounded. They can, moreover, with the exception of that contained in the fourth charge, be further substantiated by official documents in the custody of the Superintendent of Education.

“ 2. In misrepresenting the actions of the Education Department in the public press.”

I beg to remind the Council that at the investigation held in the Council Chamber on the 27th of November, 1891, the Superintendent of Education read a communication to the *Victoria "Daily Times,"* of date December, 1890, having reference to a matter that had not been considered by the Board of Trustees, and had not been referred to the Council for adjudication thereon; that, at the time, I pointed out that I was summoned before the Council “to give evidence re charges referred to the Council by the Trustees,” and not on any other charges, and that my objection was sustained by the Council. I have, therefore, not been afforded an opportunity to answer to the charge of misrepresenting the actions of the Department, but am prepared to substantiate any charge, of what nature soever, made by me in the public press since 1888.

“ 3. In refusing to answer questions put to me before the Council of Public Instruction.”

This is the only charge to which I can conscientiously plead guilty. The Council asked me to give the names of the pupils whose papers I claimed were improperly marked. I declined to accede to the request of the Council, as all the papers were in the custody of the Superintendent of Education, but stated, at the same time, that if all the Latin papers were laid before the Council I would give the required names. I am now prepared to point out to the Ven. Archdeacon Scriven the papers alluded to, and to abide by his decision in the matter, and challenge the Council of Public Instruction to produce the papers and convict me of misrepresentation in regard thereto. And whether those papers are produced or not, I beg to point out that there still remain in the Victoria High School living monuments to the carelessness or the incompetence of those who conducted the promotion examinations in June, 1891.

In conclusion, I beg to state to the Council that I am not guilty of gross insubordination, but that, on the contrary, I have ever been careful to obey the commands of the Superintendent of Education, even when such commands were illiberal and unjust; and, respecting the charge of unprofessional conduct, I have nothing to reproach myself with as regards behaviour, towards either the Education Department or to the teachers and the people of British Columbia.

I have, &c.,  
(Signed) J. P. MCLEOD.

LETTER FROM SUPERINTENDENT TO COUNCIL, REPLYING TO MR. McLEOD'S LETTER REFUSING  
TO RETRACT CHARGES MADE AGAINST EDUCATION DEPARTMENT.

VICTORIA, December 28th, 1891.

*To the Honourable  
The Council of Public Instruction.*

GENTLEMEN,—I deem it to be my duty to call your attention to the only points worthy of notice raised by Mr. J. P. McLeod in his printed reply of the 23rd instant to your letter of the 17th instant, requiring a retraction of the charges made by him to the School Trustees of this city against the Education Department.

In the communication, Mr. McLeod persistently ignores the fact that there is one rule for promotions in High Schools and another rule for promotions in Graded Schools, and hence his conclusions are erroneous.

During the past seven or eight years, the question papers for promotion examinations in the Victoria High School have been prepared by the Education Department, with two exceptions. In December, 1890, by my instructions, Mr. McLeod made the papers for the examination of the junior divisions held at that time. Although I requested him to furnish me with a copy of the questions set, and also to deliver to me the answer papers, he failed to comply with either request. This act of insubordination on his part led me to conclude that it was my duty, in the interest of the school, to no longer require him to act in my stead in holding promotion examinations, especially so as in a communication over his own signature to the Victoria "Daily Times," dated December 20th, 1890, he exultingly, if not insolently, states, referring to this examination: "It was I who prepared the examination papers for the junior divisions, looked over the answers, and made the promotions, and neither the Inspector, the Superintendent, nor the Minister of Education know anything of the fitness of the pupils of these divisions for promotion except what they can gather from my report."

The statement is made by Mr. McLeod (referring to the teaching of the English branches) that "the public schools of Victoria do not, and cannot, under present circumstances, give advanced instruction in such subjects (the instruction given being, according to the finding of the Council, only elementary). It follows that the teaching of such subjects has always formed an essential and a very important part of the work of the three divisions of the High School." I would respectfully report that although the Department has urgently and repeatedly endeavoured to impress upon the Principal of this school the necessity of giving his pupils a more thorough training in the ordinary English branches, yet the proficiency attained in these subjects has not been such as could reasonably have been expected. It must be taken into consideration that the examination was not held for the purpose of drawing comparisons between the different divisions, but was intended to determine the actual standing of each pupil in these subjects. Hence the giving of the same papers in these subjects to the three divisions of the school can in no way be considered unfair to teachers or unjust to pupils.

Referring to the examination of the third division held in June, 1891, allow me to call attention to Mr. McLeod's charge, which was that "The Latin papers given in by the pupils of the third division could not have been examined. No manipulation of marks could have produced such extraordinary results." It has been shown, upon the evidence of Mr. Netherby, the examiner, that these papers were carefully marked. In addition to this, the general correctness of his marking has been certified to by three competent gentlemen. Mr. McLeod's claim that he should have been present when the Venerable Archdeacon Scriven examined these papers is certainly absurd. It is preposterous to suppose for a moment that that gentleman required any assistance whatever in the matter. Permit me also to call the attention of the Council to the fact that Mr. McLeod in his original charge stated that "these papers could not have been examined;" while in his reply he declares that the Latin papers were improperly marked, and thus endeavours to answer the charge of misrepresentation by covertly calling in question the probity of four honourable gentlemen.

In regard to Mr. McLeod's denial of his being guilty of gross insubordination, allow me to state that, in addition to the evidence already in your possession in this regard, the following report made to me by Inspector Wilson is evidence that, since the investigation held by the Council, Mr. McLeod has again been guilty of gross insubordination:—

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“VICTORIA, December 16th, 1891.

“S. D. Pope, Esq.,  
“*Superintendent of Education.*”

“DEAR SIR,—I beg to report that, in compliance with your instructions, I called this day at the Victoria High School, and handed to the Principal, Mr. McLeod, the statements of the results of the recent written examination of the second and third divisions of the school, at the same time requesting him, in your name, to call at the Education Office for the purpose of arranging the promotions, as usual. In reply to the request made, Mr. McLeod, in an angry and defiant manner, said: “I will not call at the Education Office. If the Superintendent wishes to see me he will find me here; there is the post office if he wants anything to do with me.

“Yours truly,  
“D. WILSON,  
“*Inspector of Schools.*”

Mr. McLeod's failure to comply with my request was not only a breach of common professional courtesy but a wilful violation of one of the Rules and Regulations, which reads as follows:—

“It shall be the duty of every teacher of a public school to render every assistance required of him by the Superintendent of Education or Inspectors in promoting, examining, or classifying pupils.”

In regard to Mr. McLeod's statement that he has ever been careful to obey the commands of the Superintendent of Education, “even when such commands were illiberal and unjust,” I beg to state that I am not aware of having at any time given an illiberal or unjust command to any teacher, for it has ever been my careful study to treat all teachers as I would wish to be treated myself.

I have, &c.,  
S. D. POPE,  
*Superintendent of Education.*

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VICTORIA, B.C.:

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