

## REPORT OF SELECT COMMITTEE

Appointed to enquire into the claims of R. M. Clemitson, ex-Deputy Superintendent of Education, and British Columbia Express Company, as per Statement No. 2, issued by Audit Office, and to enquire into the reasons why the Report of the Committee of last Session was not carried out by the Government, and why the Report was not published in the Journals of the House or Sessional Papers.

### MR. SPEAKER :

Your Committee appointed to enquire into the claims of R. M. Clemitson, ex-Deputy Superintendent of Education, and British Columbia Express Company, as per statement No. 2, issued by Audit Office, and to enquire into the reasons why the report of the Committee of last session was not carried out by the Government, and why the report was not published in the Journals of the House or Sessional Papers, have the honour to report as follows, as to the claims of Mr. R. M. Clemitson:—

On the 17th March, 1882, the following motion was resolved by the House:

1. That a Committee be appointed to enquire into the claims of the late Deputy Superintendent of Education, Mr. R. M. Clemitson, for services rendered as Deputy Superintendent of Education, and subsequently.

2. That such Committee being appointed, on the 20th April brought in the following Report:—

*"Report of Select Committee appointed to enquire into the claims of Mr. R. M. Clemitson, the Deputy Superintendent of Education, for salary during the month of June, 1878, and as remuneration for services rendered in connection with the examination of School Teachers in July, 1878.*

### "MR. SPEAKER:

"Your Committee appointed to enquire into the claims of Mr. R. M. Clemitson, the late Deputy Superintendent of Education, for salary during the month of June, 1878, and as remuneration for services rendered in connection with the examination of School Teachers in July, 1878, have the honour to report as follows:—

"With regard to the first recited claim,—That an Act was passed by this House abolishing the office of Deputy Superintendent of Education, which Act received the assent of His Honour the Lieutenant-Governor on the 10th April, 1878.

"That the late Provincial Secretary, the Hon. Mr. Elliott, in a letter dated Victoria, 30th April, 1878, notified Mr. Clemitson that his office of Deputy Superintendent had been abolished by Statute, and that he would be entitled to receive his salary up to the 30th June in that year.

"That this notification from the Provincial Secretary was delivered to Mr. Clemitson at Kamloops about the middle of May, 1878, and that on the receipt thereof he repaired without unnecessary delay to Victoria.

"That Mr. Clemitson, in consideration of the assurance of the Provincial Secretary that the salary attached to his office of Deputy Superintendent would be paid up to the 30th June, 1878, worked in the office of the Education Department during the month of June, and also during that month visited and inspected sundry public schools, as is shown by the 7th Annual Report of the present Superintendent of Education [Report of Inspection of the North Cowichan and Craigflower schools.]

"That the item of Deputy Superintendent's salary appears on the Superintendent's Requisition for the month of June, 1878, and was approved by the present Provincial Secretary, the Hon. T. B. Humphreys, but was subsequently objected to and disallowed.

"That in the 7th Annual School Report, Table H, the salary of the Deputy Superintendent appears as paid to 30th June, 1878, but this is corrected in the 8th Annual Report.

"That with regard to the second recited claim, your Committee find that at the 122d meeting of the Board of Education, held on the 14th May, 1878, Mr. Clemitson was appointed by the said Board to prepare papers for the examination of teachers at New Westminster.

"That Mr. Clemitson prepared examination papers accordingly, and performed all other duties appertaining to the office of an examiner of candidates for the office of school teacher.

"That the Board had full control of the fund voted for education purposes.

"That no specific sum as remuneration was mentioned at the time of engagement, it being stated by the Board, through their representative, Mr. Jessop, the then Superintendent of Education, a member of the Board, that the proper amount to be paid for the service had not yet been decided on.

"That very shortly after this date the Board of Education was abolished, and Mr. Clemitson has never received any remuneration for the above-named service.

"That the examiners appointed to act with Mr. Clemitson were the then Superintendent of Education and the then head master of the public school.

"That Mr. Clemitson, unlike the other examiners, was not in Government employ in July, 1878, when the examinations took place.

"That at similar examinations held subsequently, the examiners have been appointed by the Government, and the amount of remuneration has been in one case \$100, and in another \$150.

"PRESTON BENNETT, *Chairman.*"

3. Your Committee have found nothing at variance with the facts found by the Committee, on the contrary, the claim made by Mr. Clemitson appears to be just, and no valid reason has ever existed for its non-payment.

4. The Report, on coming before the House on the 20th April, 1882, was read and adopted and ordered to be printed.

5. The Report of Parliamentary proceedings on the 20th April, as published in the *Colonist* of 21st of April, is as follows:—

"Mr. Bennett presented the Report of the Select Committee on the claims of Mr. R. M. Clemitson for salary during the month of June, 1878, and remunerations for services as examiner at the annual examination of teachers for that year. He moved that the Report be adopted and printed in the Sessional Papers.

"Hon. Mr. Beaven objected to one statement of the Report.

"Adopted and ordered to be printed."

6. The report in the *Standard* of the same date, is as follows:—

"Mr. Bennett presented a Report from the Select Committee appointed to enquire into the claims of Mr. R. M. Clemitson, late Deputy Superintendent of Education.

"The Report was adopted."

7. The Votes and Proceedings of the 20th April, 1882, as laid before the House the next day, in reference to the said report read as follows:—"The report was read and adopted and ordered to be printed." The Clerk also has produced the original report, bearing his endorsement, made at the time, that the report was adopted.

8 The House was prorogued on the 21st April, 1882, and some time after the day of prorogation, Mr. Fell, the Clerk of the House, instructed the Government Printer, in writing, to alter the Votes and Proceedings so as to make the same read, "The Report was read and received and ordered to be printed." The Votes and Proceedings were altered accordingly, and the Government did not pay the claim, and it remains still unsatisfied.

9. Mr. Fell cannot recollect by whose authority he directed the alteration, but that he must have had authority from some one.

10. The then Speaker, Mr. Williams, denies that he ever authorized the alteration, or any other alteration, in the Votes and Proceedings, except those of a mere clerical character.

11. On 24th April, 1882, the Provincial Secretary, Mr. Humphreys, directed the Government Printer, Mr. Wolfenden, not to publish the report in the Sessional Papers or the Journals. This day being the first occasion of the Printer being directed not to publish reports of Select Committees which had been ordered to be printed, the same apparently appeared to him to be so unusual that he made a note of it in writing at the time.

12. Mr. Humphreys, being requested by this Committee to attend and give evidence, made an appointment but did not keep it.

13. Appended is the evidence taken before the Committee and the original and altered Votes and Proceedings.

Victoria, 22nd March, 1883.

GEO. B. MARTIN,  
*Chairman.*

## EVIDENCE.

COMMITTEE ROOM,  
March 19th, 1883.

Minutes of meeting of Committee ordered to enquire into claims of R. M. Clemitson, and reason for non-publication of Report of Committee at last Session. Held at Library Hall, James Bay.

THORNTON FELL, sworn:—I was Clerk of the House last Session; produce bound volume of Journals containing votes in Assembly, 20th April, 1882; they are supposed to be correct; I send over my manuscript to the Printer in every case; the following day I get it in print; I then revise and see it is correct and correct any errors; I never see it again until it is in the Journals; the document marked A I believe to be the correct record of the Votes and Proceedings of that day as settled by me; I do not remember making any alteration; the document marked A was the one which was laid before the House; as far as my recollection goes the report was adopted, and Mr. Bennett, instead of making three distinct motions to read, receive and adopt the report, made simply the one motion that it be read, received and adopted; I can remember, in fact I am positive, I received no order to alter the report from the way in which it was settled; from my recollection the respective reports in the *Colonist* and *Standard* of the 21st are correct; it is my duty to settle the documents to be published in the Sessional Papers under directions from Mr. Speaker; following the order contained in the document A, the document B (the Report) would have been selected by me to be placed upon the Journals; I believe it was sent in; I have no means of telling why it was not bound up; I left it in the Printer's hands for the purpose of being struck off and bound up; referring to document C, my present impression that the Report was adopted must be incorrect, or else I had instructions from the Speaker to make the alterations; I do not now remember any instructions being given me.

Q. On the supposition that the document A is a faithful transcript of your manuscript, must you not have had directions from some one to make the alteration which now appears in the Votes and Proceedings which have been bound up with the Journals? A. If it was right I certainly would not make it wrong; I was not responsible in any way for the Report not being entered on the Journals.

By Mr. Armstrong,—

If ever I see any inaccuracy in the Votes and Proceedings I correct it without any order from anyone.

Q. The supposition is the alteration being made that the document A was wrong? A. Either it was wrong or I had instructions from the Speaker to make the alteration; remember no conversation with Humphreys relative to the alteration.

THORNTON FELL.

RICHARD WOLFENDEN, Government Printer, sworn, says:—I can give no explanation why the words "and received" were inserted in the Journals of the 20th April, 1882, and the words "and adopted and" struck out; I simply received the order from Mr. Fell and acted upon it; I have no doubt whatever that the uncorrected version of the Votes and Proceedings, *i. e.* the document A, as laid before the members on the 21st April, was an accurate transcript of Mr. Fell's manuscript, as the manuscript was read and compared by me with the proof, and I must have been satisfied of its accuracy; I can call to my mind the particular occasion of the order for the alteration being sent to me; It was sent to me after the prorogation, after the day of the prorogation, and on or before the 25th April, 1882; the sheets were finally struck off for binding on the 25th; the reason I did not publish the Report of the Committee in the Journals was that I received an order not to do so from the then Provincial Secretary, Mr. Humphreys; it was a verbal order given in the presence of Mr. Elwyn; it has always been the practice to publish every document, which is ordered to be printed, in either the Sessional Papers or the Journals of the House; the order not to publish this report was given me by Mr. Humphreys in the Provincial Secretary's office, in Mr. Elwyn's room, on the 24th April, 1882; I made a note of it at the time as this day was the first occasion of my receiving instructions not to publish reports of Select Committees which had been ordered to be printed.

By Mr. Armstrong,—

Mr. Humphreys gave as a reason for the Report not being published, that the Report had not been adopted and it was therefore unnecessary; I should have published the report, as a matter of course, had I not been ordered otherwise; Mr. Humphreys spoke about the report of his own accord without any mention of the matter by me; he simply told me not to publish the report, and giving the above reasons.

R. WOLFENDEN.

TUESDAY, 20th March, 1883.

JOHN A. MARA, sworn:—Was a member of the House last Session; my invariable habit was to read the Votes and Proceedings of the preceding day; any deviation from what actually transpired I would notice; I took considerable interest in the Clemitson matter, and frequently discussed it with the late Mr. Bennett; I was in my place in the House when the Report was read by him, and, to the best of my recollection, the Report was adopted; I feel confident that if a mistake had occurred in the Votes and Proceedings, with regard to this Report, I would have observed it at the time; I believe that the copy of the Votes and Proceedings marked A is correct.

By Mr. Armstrong,—

I cannot say why four sessions transpired before this claim was brought up; some mistakes of a trifling character have occurred in the Votes and Proceedings this year; one was an error in a date; mistakes have occurred before of a trifling character; I have called Mr. Speaker's attention to such; the difference between the receiving and adoption of a report is not one of a trifling character.

J. A. MARA.

MR. FELL, recalled:—I cannot recollect any other instance of any alteration such as the striking out the adoption of a report, but important alterations have been made; very few such; they have been made by the Speaker's directions; if I did not make the alteration when the proof came in I must have made it under directions from some one.

THORNTON FELL.

March 21st, 1883.

FREDK. WILLIAMS, sworn:—Was Speaker during the Session of 1882; I did not authorize the alteration as to the adoption of the Clemitson Report, which now appears in the Journals of the House, from the original Votes and Proceedings of the 20th April; I observe the difference between the Votes and Proceedings as originally printed and those bound up in the Journals; that alteration never took place with or by my knowledge or consent; I never authorized the alteration in question, or any other alteration of the Votes and Proceedings other than mere clerical alterations; I knew nothing of the alteration until shewn it to-day.

FREDERICK WILLIAMS.

March 22nd, 1883.

THORNTON FELL, recalled, says,—I produce the original manuscript report of the Select Committee on the Clemitson claim of last Session, marked D. A pencil memorandum made by me as Clerk at the time the Report was presented appears endorsed upon the Report and is part of the data from which the Votes and Proceedings were compiled. They agree with and confirm the accuracy of the document A which states that the Report was read, adopted and ordered to be printed. My said memorandum reads "read," "ordered to be printed," "ordered to be adopted." I cannot, in any way, call to my recollection the circumstances which led to the alteration. After perusing my memorandum, endorsed as before mentioned, I have no doubt that the Report was adopted.

THORNTON FELL.

MR. ROBERT BEAVEN,—I think Mr. Clemitson wrote to me after the report of the Committee asking for payment of his claim, but it was not resolved to pay it.

Q. What was the reason of the refusal to pay the claim after the House had adopted the report? A. I suppose for the same reason that the Government at first decided not to pay it; if the Government had wished to pay it, or had thought the claim a proper one, they would have paid it; I am not aware that the report was adopted.

ROBERT BEAVEN.

#### EXHIBIT A.

(EXTRACT.)

No. 31.

#### VOTES AND PROCEEDINGS

OF THE

Legislative Assembly of British Columbia.

Thursday, April 20th, 1882.

ELEVEN O'CLOCK, A. M.

Prayers by the Rev. C. Watson.

Mr. Bennett presented a Report from the Select Committee appointed to enquire into the claims of R. M. Clemitson, the late Deputy Superintendent of Education, for Salary during the month of June, 1878, and as remuneration for services rendered in connection with the examination of School Teachers in July, 1878. The Report was read and adopted and *Ordered* to be printed.

#### EXHIBIT B.

Printed Report of Select Committee of 1882. [Embodied in Report of present Committee, page 1.]

#### EXHIBIT C.

(EXTRACT.)

No. 31.

#### VOTES AND PROCEEDINGS

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and received and

"Make the above alteration.

"T. FELL."

#### EXHIBIT D.

Manuscript of Report of Select Committee of 1882.

ENDORSEMENT BY CLERK OF THE HOUSE.

"Read."

"Ordered to be printed."

"Ordered to be adopted."