

Later on, we find another letter from the Minister of Justice, reading as follows:

Ottawa, November 22nd, 1904.

My Dear Col. Pinault,

Herewith additional letter from Mr. H. R. Fraser re Dr. Worthington.

Yours truly,
(Sgd.) C. FITZPATRICK.

Therefore I say that in the month of November, 1904, it was at the special request of the Minister of Justice that Colonel Pinault, the Deputy Minister of Militia, gave any opinion in relation to the question raised by the hon. member for Sherbrooke as principal medical officer for district No. 6. I have read these two letters to show that no blame is to be attached to the Deputy Minister of Militia in this connection, and that the statement made by Mr. Newcombe, the Deputy Minister of Justice, in his letter of March 15, 1905, is not borne out by the fact.

Mr. R. L. BORDEN. What statement is that?

Mr. GERVAIS. I will read Mr. Newcombe's letter:

Ottawa, 15th March, 1905.

Sir,—I have the honour to acknowledge receipt of your letter of the 6th instant—303-8—and of the letter of the 10th ultimo to which you refer, submitting for opinion the question whether Lt.-Col. Worthington, M.P., who is principal medical officer of military district No. 6, would be disqualified from sitting in parliament if he should draw the allowance of \$300 which is provided for principal medical officers in the Regulations.

In reply I beg to state that the Minister of Justice is of opinion that the \$300 a year provided for by the regulations is an 'allowance' within the meaning of section 17 of chapter 11 of the Revised Statutes, and that the receipt of it by Colonel Worthington would, therefore, not disqualify or render him ineligible to sit and vote as a member of the House of Commons.

Then, this is the statement I refer to:

The minister, however, does not think that the point is entirely free from doubt, and, as it is not incumbent upon you to advise Colonel Worthington in the matter, he thinks that you should not undertake to advise him officially.

As a matter of fact this statement of Mr. Newcombe is not borne out by the letters. When Colonel Pinault advised Mr. Fiset, the general director of medical service, as well as when answering the Department of Justice, he did so at the special request of the Department of Justice. I am making this statement to show the House that no blame should be attached to Colonel Pinault, who has the highest regard for the hon. member for Sherbrooke as a medical man.

Mr. R. L. BORDEN. I was not making any comment on the Deputy Minister of Militia except so far as I read statements

from these letters. I have either read or referred to every letter on this file. Long before there was any letter from the Minister of Justice or from the Deputy Minister of Justice, Colonel Pinault made this memorandum on the 7th of November, 1904, the very first letter on the file to which the hon. gentleman has now referred:

Under the Revised Statutes of Canada, chap. 11, section 9, sub-section (a) this officer would be disqualified if he should accept pay or other emoluments as P.M.O. Sub-section 4 of the same section provides that if it be stated in his commission or other instrument appointing him that the appointment did not carry pay with it, and of course if no pay were issued, the appointment would not invalidate his seat in parliament.

Mr. GERVAIS. If the hon. member for Carleton (Mr. R. L. Borden) will permit me, I would like to ask him a question. Has he allowed for the fact that the letter he has read was addressed to Col. Fiset, who is a fellow officer in the same department with the writer of that letter. It is a letter intended for the exclusive use of the department.

Mr. R. L. BORDEN. What of that? That has nothing to do with what I am talking about. My point is that the deputy minister made up his mind immediately, without consulting the Department of Justice.

Mr. GERVAIS. For the use of his fellow officer, not for the use of the public. As a matter of fact, when Col. Pinault was making that statement to Col. Fiset, he was doing it for the benefit of Col. Fiset; he was not taking the responsibility of deciding whether Col. Worthington was right or not.

Mr. R. L. BORDEN. Surely, the hon. gentleman does not expect that this opinion was not to be acted upon. If he does it can only be because he has not examined the file carefully; for it was immediately followed, on November 14th, by a memo. of Col. Fiset to the same effect, and this was communicated to Col. Worthington on November 16th. The hon. gentleman (Mr. Gervais) need not endeavour to pull the wool over our eyes, even at the instigation of any gentleman who may be making these suggestions to him. I say that without any intention to be offensive. The object of Col. Pinault's memo. on November 11th is perfectly obvious. And I might make some comments upon this, which I did not intend to make, but which I shall make if this discussion is much protracted. Because, there is an evident intention in this correspondence, which can be easily read between the lines. I endeavoured to be very moderate in my remarks, as I do not desire to be unjust to any one. If the hon. gentleman (Mr. Gervais) thinks this