

able to give my hon. friend an answer beyond what is there, but I am quite prepared to say, speaking for myself, that I cannot see any reason why it should not apply to the case of a surgeon who happens to be a member of parliament. The idea of the \$350 was to reimburse the surgeon not for his time but for his actual expenses in connection with the position. He goes to camp we will say twelve days out of the year and during that time he is paid, but during the whole year the principal medical officer is liable to be called upon to do services of various kinds in connection with the military duties of the district in which he lives and while technically under the law he might not be able to accept the \$350, I cannot see in all fairness why he should not be allowed to receive that because he is doing the same kind of work in connection with his duties as a man who is not a member of parliament does. I am sorry the Minister of Justice is not here because it is really a matter more for him than for me.

Mr. R. L. BORDEN. It is a matter more for the Minister of Justice perhaps. The papers which were brought down indicate the opinion of the Department of Justice. It would be unfortunate I think to place in the militia regulations any provision which would interfere with the presence in this House of men who are active in the militia. The conditions of to-day are very different from those twelve or fifteen years ago. There were in the House at that time more men connected with the active militia than there are at present, and the discussions on military matters were participated in by more men of practical experience than they are to-day. I have no doubt that circumstance will be recalled to the Minister of Militia when he considers that subject.

We have before us the opinion of the Deputy Minister of Militia on this question, who seems to have been inspired with a very sincere and earnest belief from the commencement that the hon. member for Sherbrooke should cease to act as principal medical officer and should be placed on the retired list by reason of this very provision. In order that no injustice may be done to that gentleman, let me read his communications and place them on 'Hansard'—I am reading from the documents brought down this afternoon. The first is a communication of the 7th of November from Col. Vidal for the general officer commanding the Canadian militia to the Deputy Minister of Militia and Defence, which is as follows:

1. Lieutenant Colonel A. N. Worthington, A. M. C., is principal medical officer for military district No. 6.

2. As principal medical officer he receives an allowance of \$300 per annum. (See paragraph 903, R. and O.)

I may say that this paragraph No. 903 R. & O. was published in the 'Gazette' on the 28th of October, at the time of the recent campaign, and a few days before the last general election:

3. At the recent election, this officer was elected member for the city of Sherbrooke, and a ruling is now requested, for the information of the Director General Medical Services, as to whether he can, under such circumstances, retain his position as principal medical officer.

(Sgd.) B. H. VIDAL, Colonel,

for Officer Commanding Canadian Militia.

The next communication is from the Deputy Minister of Militia to the officer commanding the militia:

The Officer Commanding the Militia.

Under the Revised Statutes of Canada, chapter 11, section 9, subsection (a) this officer would be disqualified if he should accept pay or other emoluments as P.M.O. Subsection 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.

(Sgd.) L. F. PINAULT, Colonel,

Deputy Minister of Militia and Defence.

The gentleman has no doubt whatever on the subject, although, as I shall point out in a little while, the Department of Justice had little doubt that the decision should be in the very opposite direction. The next is a communication from Col. Fiset, dated the 14th of November, 1904: to the adjutant General:

1. As the allowance for P.M.O. goes into effect only from the 1st of November, 1904, Lieutenant Colonel A. H. Worthington has not yet drawn any part of his allowance as P.M.O. for No. 6 military district.

2. I am of the opinion that the above named officer does not know that such allowance has been granted, and I beg to recommend that he be notified by higher authority of the dilemma in which he stands at present, and directed to resign his appointment as P.M.O. for No. 6 military district, and be transferred to the reserve of medical officers retaining rank.

Well, it seems to me, in view of the subsequent opinion of the Department of Justice on this question, that that is rather a curious communication.

Sir FREDERICK BORDEN. I would like to say that I knew nothing of these.

Mr. R. L. BORDEN. The minister need not have made that explanation; I quite understand that. But that does not take away the force of my criticism that this is a very curious communication and a very pretty little arrangement. The next letter is as follows:

Headquarters, 6th November, 1904.

D.O.C. M.D. No. 6.

The Adjutant General.

Lieutenant Colonel A. N. Worthington,

P.M.O. M.D. No. 6.

Be good enough to inform Lieutenant Colonel A. N. Worthington, A.M.S., P.M.O., M.D. No. 6, that it will be necessary for him to resign his