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H.Q.C.4599.

Adjutant-General.

May 13th., 1931.

1. I have very carefully studied the submission prepared for your signature, concurred in by the Deputy Minister under date of 13.4.31 and signed by the Hon. the Minister 20.4.31, which was referred to me with your minute of May 9th. My interpretation of the action to be taken as a result of this approved submission is that an insertion will be included in an early General Order, depriving me, without cause and without my consent, of the combatant commission with which I have been issued and to which I am entitled, and offering me such a commission as was issued Officers appointed to the Corps of Military Staff Clerks proper, (from April, 1921, onwards, G.O.170 of 1921) and to which Corps, since the promulgation of G.O.14 of 1927, I am shown in the Militia List as having been posted. Instructions were issued by the A.G. to "Pers." under date of 2.10.29, (H.Q.207-5) regarding certain postings in the Militia List having to do with this matter, but up to the present "Pers." has not complied with these instructions.

I have made exhaustive research through all official publications at my disposal bearing on the subject under review, but can find no precedent, either in Imperial or Canadian records, for similar action. In view of this, may I respectfully request to be informed of the regulation under which the action as outlined above is to be taken.

2. From the manner in which this submission was prepared and submitted to you for signature, the only possible, subsequent action was taken by Military Members of Defence Council and the Hon. the Minister, and I feel that sufficient consideration has not been given by the Departmental Officer concerned to my memoranda of January 12th. 1927 and April 14th. 1927 respectively. (H.Q.332-42-25, Vol.2). In these memoranda I invited attention, in as direct and concise a manner as within my power, to the circumstances governing the authorization of Record Section, C.M.S.C., the promise made me upon my transfer to Ottawa from Military District No.3, my original appointment and subsequent disposition. Facts, as outlined by me, are substantiated by the then A.G. and the then D. of R. (H.Q.8672-1 dated 15.11.29 and H.Q.332-42-25, Vol.2 dated 14.4.27). It is of interest to note that the Departmental Officer, at present responsible for such matters, was, on the date of my appointment, responsible for the final drafting of the Gazette by which I was appointed on November 11th. 1921.

3. May I respectfully invite attention to certain statements in your submission which are not in accordance with fact or governed by Departmental regulations.

(a). To para.1. should be added—"The Record Section, as authorized by G.O.43 of 1920, will be administered by the Director of Records" (M.O.139 of 3.5.20; minutes 1-7 of H.Q.28-1-51 and dated 16.4.20 etc. clearly explain this.).

(b). Para.2. By Canada Gazette I was not appointed, as stated, "to a commission in the Corps as a Captain", but "to a commission in Record Section, C.M.S.C. as a Captain"; and granted the brevet rank of Major. It is not within my knowledge that any Classified or Non-Combatant Officer of our Forces is ever granted brevet rank. In granting me this brevet rank, no error was made, as the intention of G.O.43 of 1920 was implemented. Further substantiation of this is contained in the submission to the Hon. the Minister. (H.Q.28-1-51 of 17.5.20.).

(c). Para.3. The "organization" of Record Section was proceeded with and Other Rank personnel were attested with effect from May 1st. 1920. Officer personnel were not appointed to Record Section in 1920 but were appointed as outlined in para.2 of your submission.

(d). Para.4. While Departmental action was taken as outlined in this para., it was pointed out by the J.A.G. (H.Q.8672-1 of 24.9.29) that "While it may be competent to transfer an Officer holding a combatant commission from one branch of the C.M.S.C. as previously organized, to

A.G. Gen. Ashton
Col. McNiven
Appendix 14

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