

appointment as P.M.O. and be transferred to the reserve of medical officers retaining rank. This course is necessary under the Revised Statutes of Canada, chapter 11, section 9, subsection (a), in consequence of his having been elected to a seat in parliament.

By order,
(Sgd.) B. H. VIDAL, Colonel,
Acting Adjutant General.

Then comes a letter from Col. Worthington to this effect :

Sherbrooke, November 19th, 1904.

Sir,—I have the honour to state that I have this day received a communication from the acting adjutant general requesting me to resign my appointment as P.M.O. on account of my having been elected to a seat in parliament, this course being necessary under the Revised Statutes of Canada, chapter 11, section 9, subsection (a).

I would respectfully ask if section 17, subsection (c) does not exempt me from resigning.

Should it not be so considered, I beg to state that as I have served my country for many years without any remuneration, I shall be pleased to continue to do so and request that I be allowed to retain the appointment of P.M.O.

In the event of this request being disallowed, kindly accept my unqualified resignation from the active forces of Canada.

I have the honour to be, sir,
Your obedient servant,
(Sgd.) A. N. WORTHINGTON,
Lieutenant Colonel A.M.S.,
P.M.O., M.D. No. 6.

Then there is a communication from the Hon. Mr. Fitzpatrick, the Minister of Justice, to Col. Pinault, Deputy Minister of Militia and Defence, which is of a formal character, as well as a communication from Mr. Fraser of Sherbrooke to the Minister of Justice, directing his attention to the circumstances of the case; a letter from Mr. Fitzpatrick, Minister of Justice, to Col. Pinault of the 22nd of November sending forward the letter of Mr. Fraser; a further letter of November 19, from Mr. Fraser to Mr. Fitzpatrick, respecting the same matter, and arguing as to the construction of the section; a letter from Col. Pinault, dated the 23rd of November, 1904, to Mr. H. R. Fraser, Sherbrooke, the gentleman who has already been in communication with the Minister of Justice. That letter is as follows :

Sir,—The Honourable C. Fitzpatrick has referred to me for reply your letters of the 18th and 19th instant, relative to Lieutenant Colonel Worthington, M.P., drawing pay or allowances as P.M.O. for No. 6 military district while a member of parliament.

In my opinion if Lieutenant Colonel Worthington draws the allowance which the regulations provide for principal medical officers, he will thereby become disqualified to sit in parliament. See Revised Statutes of Canada, chapter 11, section 9, subsection (a).

Then there is the following memorandum :

Mr. R. L. BORDEN.

Headquarters, 22nd November, 1904.

From the D.G.M.S. to the Adjutant General.
Lieutenant Colonel A. N. Worthington,
P.M.O., M.D. No. 6.

1. I have the honour to request that the services of Lieutenant Colonel A. N. Worthington, A.M.S., be retained as principal medical officer for No. 6 military district.

2. The above named officer is willing to forfeit the allowance of \$300 per annum granted by R. and O., paragraph 903.

3. He is one of the ablest officers in the medical services and performed excellent work in South Africa. It would be a great loss to the service to be deprived of his experience.

4. Please find herewith draft for G.O. effecting same.

(Sgd.) EUG. FISET, Colonel,
Director General Medical Services.

Then, there is a letter from Col. Worthington to Col. Fiset, in which he says in effect that he gathers from this communication that he, Col. Worthington, can legally hold his position of chief medical officer without drawing the allowance pertaining thereto; and he incloses a copy of an opinion from his legal adviser, Mr. H. R. Fraser, and asks that the opinion of the Minister of Justice should be procured as to whether or not he is disqualified from drawing, as principal medical officer, the allowance of \$300 referred to, should he become a member of parliament. Col. Fiset, on the 5th of December, 1904, sends a communication to Col. Pinault, Deputy Minister of Militia, in which he asks him to obtain the opinion of the Minister of Justice as requested by Col. Worthington. And upon this, there is the following communication from Colonel Pinault to the adjutant general :

It is considered that if Lieutenant Colonel Worthington draws the allowance referred to, he vacates his seat in parliament. That is his own business.

Rather a curt way of dismissing a matter relating to a gentleman who served his country in South Africa on two occasions. A very remarkable way to deal with a respectful request from such a gentleman that a statute in which he is interested should be referred to the Department of Justice for an opinion. Quite a singular tone for any official of this country to adopt with regard to a gentleman in the service who makes a proper request concerning a matter in which not only he but all the people of the country are interested. Colonel Pinault continues :

As regards referring the question for a ruling by the Department of Justice, it is customary to refer only cases about which there are doubts. If you hold a contrary view to that expressed in the first paragraph above, the case will be referred, otherwise the reference cannot be made.

Has not Lieutenant Colonel Worthington already consented to perform the duties without