

This case was heard before the late Commissioner June 1923. He left an unsigned memorandum of his award. He allowed the claim for money, jewelry and baggage at the amount declared, \$1,750.00, with interest at the rate of 5 per cent per annum from the 10th day of January, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement, payable to the estate of the deceased. He allowed the widow \$6,000.00 with interest at the rate of 5 per cent per annum from the 10th day of January, 1920.

I would not disturb either of these awards. As to the effects, it will be necessary to have administration.

The late Commissioner recommended in respect to the infant child, that an annuity be provided to the amount of \$500.00 per annum from the date of the death of deceased, May 7, 1915, until the child becomes of age, October 5, 1933.

It may be impracticable to pay annuities and I have in similar cases awarded a lump sum. I would in this case recommend an award of \$5,000.00 to the boy, Gordon Eric Kubelik, payable to Dame Ethel Estelle Hyman and Isaac Hyman, his guardians, with interest from the date of the ratification of the Treaty of Versailles, January 10, 1920, to date of settlement, at the rate of 5 per cent per annum.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$6,000.00 fair compensation to the widow, and to the estate of the deceased, Samuel Max Kubelik, \$1,750.00 and to the guardians of the infant, \$5,000.00, with interest as above indicated.

JAMES FRIEL,

Commissioner.

August 11, 1927.

CLASS "C"

"HESPERIAN"

Case No.	Claimant	Nature of Claim	Amount Claimed	Decision
894	Ayling, Mrs. Gladys V.	Personal injury and personal effects.....	\$ 11,044 68	\$ 11,044 68
895	Hamilton, George W.	Personal effects.....	636 53	636 53
896	Price, Mrs. E. A.	Personal injury and personal effects.....	575 24	5,575 24
897	Thompson, Mrs. Mary J.	Personal effects.....	5,680 00	5,680 00
898	Lewis, Mrs. H. M.	Personal effects.....	824 23	824 23
899	Burch, C. B.	Personal effects.....	175 39	175 39
900	Jenkins, Mrs. Kate	Loss of life and personal effects.....	1,500 00	500 00
901	Noons, Miss E.	Personal effects and cash.....	597 00	597 00
902	Price, Mrs. Jane	Personal effects.....	1,820 50	1,820 50
903	Price, John W.	Personal injury and personal effects.....	10,000 00	10,000 00
904	Yates, Alfred	Personal effects.....	111 30	96 60

COMMISSIONER FRIEL'S DECISIONS

905	Burgett, Rev. A. E.	Personal effects.....	22 90	Dismissed. No evidence.
906	Scott, Miss Janet	Personal injury and personal effects.....	5,887 32	Dismissed. Paid by British authorities.
907	Abram, Thos. and Edith	Personal injury and personal effects.....	11,000 00	3,350 00
908	Bosworth, Mrs. E. A.	Personal effects.....	1,975 00	1,500 00
909	Bimson, Mrs. Alice	Personal effects.....	420 10	426 10
910	Biggs, Mrs. S. A.	Personal effects.....	574 50	574 50
911	Bate, Ethel M.	Personal effects.....	141 50	141 50
912	Grovés (Buckle), Mrs. R. A.	Personal effects.....	498 75	498 75

" HESPERIAN "—Continued

Case No.	Claimant	Nature of Claim	Amount Claimed		Decision	
			\$	cts.	\$	cts.
913	Clark, Mrs. A. M.	Personal injury and personal effects	622	70	1,622	70
914	Clark, John F.	Personal effects	16	00	16	00
915	Daniel, Mrs. M.	Personal effects	1,600	00	1,200	00
916	Digby, Miss A.	Personal effects	1,500	00	1,000	00
917	Carter, Mrs. F.	Personal injury and personal effects	460	00	460	00
918	Deane, Mrs. G.	Personal effects	1,750	00	1,750	00
919	Duval, Mrs. M. B.	Personal effects and expenses	2,150	00	2,150	00
920	Fletcher, Mrs. E. E.	Personal effects	2,200	00	2,200	00
920A	Gray, Mrs. Ellen	Personal effects	1,250	00	1,250	00
921	Gledhill, Mrs. E. A.	Personal effects and personal injury	5,723	45	5,723	45
922	Gibson, Mrs. Jane	Personal effects	550	00	550	00
923	Gilpin, Mrs. E. M.	Personal injury and personal effects	1,750	00	1,750	00
924	Loughlin, Mrs. C. J.	Personal effects	741	00	550	00
925	Lloyd, Mrs. Annie	Personal effects	5,915	00	1,000	00
926	Morley, A. W.	Personal effects	1,656	30	1,200	00
927	McLolland, Mrs. C.	Personal effects	400	00	400	00
928	Macdonald, Mrs. D.	Personal effects	27	06	27	06
929	Meridew, Mrs. L. K.	Personal injury and personal effects	2,000	00	1,062	00
930	McRae, A. E.	Personal effects	500	00	500	00
931	Parsons, Mrs. A.	Lost mail parcel	10	00	10	00
932	Pearce, H. W.	Personal effects	499	00	499	00
933	Reeves, William	Loss of life of wife and personal effects	10,246	35	6,246	35
934	Ribbens, William	Personal effects	228	65	228	65
935	Reilly, James R.	Personal effects	472	00	472	00
936	Ramage, Alfred T.	Personal injury and personal effects	2,814	90	814	90
937	Sargent, Dr. W. V.	Personal injury and personal effects	350	00	5,350	00
938	Shaw, Harold M.	Personal effects	360	00	360	00
939	Stern, Percival T.	Personal effects	1,190	20	1,190	20
940	Taylor, Miss A. C.	Personal injury and personal effects	5,300	00	3,300	00
941	Thompson, William	Books	250	00	250	00
942	Thompson, Robert	Personal effects	874	25	874	25
943	Thompson, James W.	Personal effects	304	75	304	75
944	Taylor, William and Ellen	Personal injury and personal effects	6,681	00	2,681	00
945	Blue, Charles S.	Personal injury and personal effects	1,250	00	1,250	00
946	Maharry, Mrs. M. J.	Personal injury and personal effects	3,840	00	3,700	00
947	Whiteway, Ronald and Alice	Personal effects	4,112	00	4,112	00
947A	Harris, Mrs. Matilda	Personal injury and personal effects—Household goods	11,000	00	3,000	00
947B	Harris, Miss Louise R.	Personal injury and personal effects	2,002	80	1,002	80
948	Mignault, Mrs. M. B.	Personal effects	800	00	800	00
949	Colebrook, Mrs. L.	Personal injury and personal effects	1,900	00	1,900	00
950	Bragg (Reid), Mrs. E.	Personal effects	2,100	00	1,125	00
951	Blackwood, J. H.	Personal effects	220	50	220	50
952	Handforth, Mrs. M.	Personal effects	530	00	530	00
953	Quintal, Henry	Personal effects	4,955	00	175	00
954	Bolton, William L.	Personal effects	203	75	203	75
955	Fielding, Miss Annie	Personal injury and personal effects	41,138	78	6,780	78
956	Sandford, Arthur G.	Personal effects	105	00	105	00
957	Pearse, Estate of Mrs. Sophie	Personal effects	113	58	113	58
958	Richardson, Benjamin	Personal effects	61	08	61	08
959	Ahrens, William	Personal effects	102	00	102	00
960	Basinger, Mrs. A. L.	Personal effects	486	74	486	74
961	Basinger, Mrs. E. M.	Personal effects	390	31	390	31
962	Bird, William T. and Lydia	Personal injury and personal effects	2,404	46	2,404	46
963	Butcher, Mrs. A. M.	Personal injury and personal effects	850	00	525	00
964	Clifford, Mrs. F. R. G.	Personal effects	3,326	46	2,500	00
965	Crows, Mrs. E.	Personal effects	1,121	78	1,121	78
966	Down, Mrs. E.	Personal effects	614	73	614	73
967	Fairs, Jess and A. M.	Personal effects	1,032	00	1,032	00
968	Jardine, Mrs. I. J.	Personal injury and personal effects	920	70	3,920	70
969	McLoughlin, Mrs. L. E.	Personal injury and personal effects	1,049	24	1,049	24
970	McGregor, Roy	Personal effects	575	00	500	00
971	Morris, W. G. and Florence	Personal effects	3,924	88	1,700	00
972	Miller, N. R.	Personal injury and personal effects	5,325	00	4,325	00
973	Ransom, W. E.	Personal effects	617	50	617	50
974	Skelly, Mrs. I.	Personal effects	1,215	00	1,215	00
975	Sowden, Stanley	Personal effects	1,250	00	800	00

"HESPERIAN"—*Concluded*

Case No.	Claimant	Nature of Claim	Amount Claimed	Decision
				\$ cts.
970	Smith, William Henry	Personal effects	\$ 203 00	203 00
977	Turner, Mrs. M. A.	Personal injury and personal effects	1,050 00	1,050 00
978	Waite, Mrs. M. A.	Personal injury and personal effects	700 00	700 00
979	Westcott, Mrs. J.	Personal injury and personal effects	403 60	903 60
980	Walsh, John W.	Personal effects	245 01	245 01
981	Cleave, A. W. H.	Personal effects	601 00	601 00
982	Hartley, Mrs. M. J.	Personal effects	802 26	802 26
983	Cownley, Mrs. M.	Loss of life of husband	Not stated.	No action. Paid by British authorities.
984	Isaac, Rev. G.	Personal effects	600 00	No action. Cannot trace.
985	Jones, Mrs. E.	Personal effects	517 35	No action. Accepted by British authorities.
986	Leonard, Mrs. W. C.	Personal effects	131 65	131 65
			\$ 225,018 71	\$ 145,952 80

DECISION

Case 894

Re Mrs. GLADYS VICTORIA AYLING

This is a claim arising out of the sinking of the ss. *Hesperian* by enemy submarine on the 5th September, 1915.

The claim as filed is as follows:—

(1) Personal injuries	\$10,000 00
(2) Personal effects	1,044 68
	\$11,044 68

At a sittings held before me at Toronto, May 6, 1924, the claimant appeared and gave evidence.

Mrs. Ayling was born in England but has resided in Canada since 1910.

She had gone to England in 1914 for a visit of one year's duration and was returning on the *Hesperian* in 1915 with her trousseau, as she was about to be married in Canada. Her name was then Gladys Victoria Ray.

At the time of the explosion on the vessel, she states that she was thrown clear across the deck and was in the water when the life boat in which she was launched, filled and sank.

Incidentally she was the means of saving the life of a wounded Canadian Officer,—Captain Reginald Reilly and considerable notice of this was taken by the Canadian Press.

Dr. W. L. Bond, of Toronto gave evidence that he first visited her in August, 1916, and frequently thereafter up to 1923.

He found her in an excessively nervous condition suffering from frequent breakdowns and loss of control which he attributed directly to the torpedoing of the *Hesperian* and the shock and exposure occasioned thereby.

The doctor further stated that her husband's circumstances were such that it was necessary for the claimant to carry on with her household duties. She did the best she could but had to take several vacations and one journey to England in the hope that the change would benefit her.

There were also two periods when the attendance of trained nurses were necessary.

The doctor fixes the disability of the claimant at 50 per cent.

At the time of the disaster, Mrs. Ayling was 29 years of age and had always enjoyed excellent health.

The claimant verified the list of effects on file and the values stated for each item to the total of \$1,044.68, which she stated was a fair and conservative estimate.

Subsequent to the hearing, two affidavits were filed, one by the husband of the applicant covering the items of expense in connection with his wife's illness, including medical attendance, etc., which affidavit bears date of June 10, 1924, and fixed the amount paid for treatments at \$2,100.00 and the expenses of vacations and journeys at \$4,322.50, and other expenses to the total of \$6,450.00. An affidavit is also filed of Dr. Bond, dated July 31, 1924, in which the doctor states that it is impossible for him to say whether Mrs. Ayling's disability will be permanent.

From a review of the evidence on file and examination of the detailed list of effects and the subsequent affidavits submitted, I find that Mrs. Ayling has established a good claim.

Consideration should be given to the fact that she was coming to Canada, bringing with her a large amount of personal belongings as she expected to be married and I think that the full amount claimed by her, namely \$1,044.68 as being the amount for lost belongings, should be allowed.

I have no doubt that the claimant suffered serious physical injury as the result of her experience in the sinking of the *Hesperian* and think that the amount claimed by her is reasonable. I think the sum of \$10,000.00, which is claimed, is not excessive, which makes a total amount of \$11,044.68, which I allow, and to which I think should be added interest at the rate of 5 per cent per annum from the date of the Ratification of the Treaty of Versailles, January 10, 1920, to the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 895

Re GEORGE W. HAMILTON

This is a claim arising out of the sinking of the ss. *Hesperian* by enemy submarine on September 5, 1915, as follows:—

Loss of personal effects and trade samples and loss of earnings for two weeks, \$636.53.

At a sittings held before me at Toronto on May 5, 1924, the claimant appeared and gave evidence. He stated that he was a British subject, resident in the city of Toronto, and is a commercial traveller, representing several concerns in the old country. He had been in England on a business trip and was returning to Canada on the *Hesperian*. He stated that he had with him the usual cabin trunk, suit cases, books, etc., and some trade samples. Everything was lost except the clothes that he actually wore and verified his list of the effects as filed. He also claims for two weeks' loss of earnings, which he puts at £40. He makes no claim for shock or personal injuries.

From a review of the evidence I think the claimant has succeeded in establishing that his loss was directly attributable to the act of Germany and I allow the claim for the amount stated, namely \$636.53, to which I think should be added interest at the rate of 5 per cent per annum from the date of the ratification of the Treaty of Versailles (January 10, 1920) to the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 896

Re MRS. E. A. PRICE AND DAUGHTER, HILDA PRICE

This is a claim for loss of personal effects due to the sinking of the ss. *Hesperian* by enemy submarine on September 4, 1915. The value of the effects is stated at \$572.79.

At a sittings held before me at Toronto on May 5, 1924, the claimant appeared and stated that she was born in England but now resided in Toronto. She was coming out on the *Hesperian* for the purpose of making her home here permanently.

She filed a certificate as to her presence on the *Hesperian* at the time of the sinking and verified a list of the effects on file. She further stated that there was no insurance in respect of these.

At the hearing evidence was first introduced covering personal injury received by the claimant and her daughter, and Dr. A. F. Plews appeared and stated that he has attended the claimant and her daughter since 1917. He stated that the daughter suffers from inflammatory rheumatism and heart affection, while the mother suffers from nervous attacks, which injuries the doctor attributes directly to the sinking of the *Hesperian*. The daughter's injuries are permanent in the doctor's opinion.

Mrs. Price stated that the doctor's bills in the matter would come to about \$400.00.

From a review of the evidence on file I find that in adding up the detailed list of personal effects, which are given in sterling, that the claimant has fixed the total at £116 15s. 0d. By checking this item I find that the total comes to £117 5s. 0d., which in Canadian currency would equal \$575.24, which I allow.

For personal injury to the mother, including Dr. Plews' bills, etc., I allow the sum of \$2,000.00 and for her daughter, whose injuries are permanent, I allow \$3,000.00, making a total of \$5,575.24, to which I think should be added interest at 5 per cent per annum from the date of the ratification of the Treaty of Versailles (January 10, 1920) to the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 897

Re MRS. MARY J. THOMPSON

This is a claim for loss of personal belongings due to the sinking of the ss. *Hesperian* by enemy submarine on September 4, 1915. The effects lost consisted of wearing apparel, china, silverware and glassware, books, paintings, furniture and musical instruments to the value of \$5,680.00

At a sittings held before me at Toronto on May 14, 1924, the claimant appeared and gave evidence. She produced an assignment from her three

daughters, who were with her on the vessel in favour of herself, of the separate claims for the loss of their personal belongings. She stated that the most valuable item lost consisted of numerous oil paintings which came to her under the will of her grandfather, Mr. John Rook, all of which were originals. There were also several water colours. It appears that her late grandfather was a professional painter, and a number of drawings done by him were presented in evidence to show the quality and character of his work in order to enable me to form some opinion of the value of the lost paintings. Reference was also made to a letter on file from a Mr. Robert Baxter, Art Dealer in England, who had had an opportunity of seeing the paintings which were lost and who expressed the opinion that they were very valuable.

A Mr. Joseph Fleming also appeared and stated that he is Manager of the Union Bank of Canada at Dundalk, Ont.—He stated that he had known this family very well and visited their home in England during the years from 1910 to 1913. He recollected having seen a number of pictures and regarded them as being very valuable, although he does not pretend to give an expert valuation, he was able to name quite a number of the paintings. He also recollected having seen a valuable silver tea service and thought that the furniture in the house was a good mahogany.

As to the items of jewelry lost the claimant stated that the values given by the various items are a very fair and conservative estimate. In valuing them she had taken into consideration the price of such jewelry at the present time and had thus formed an idea of their value. She was able to give the exact values of the bedding lost and books, she having purchased these items herself. The same applied to table and bed linen. Items of clothing and furniture were also dealt with by the claimant, who stated that the prices given were fair and that if she were to attempt to replace them at the present time it would cost a great deal more than the amount claimed. The items for china and silverware were similarly discussed. As to the furniture lost, the evidence is that these items were valued by auctioneers before they were packed.

The name of the claimants appeared on the passenger list of the vessel and letters and newspaper clippings are on file in support of the evidence, as to their having been on the *Hesperian* at the time of the disaster. The claimant stated that she was born in England and had never been in Canada prior to the sinking of the *Hesperian*. They were coming out here for the purpose of settling because her husband, son and daughters were already resident in Toronto and had been here for two years.

From a review of the evidence and the documents on file I have no reason to doubt the accuracy of this claim and as no claim is made for personal injury, I allow the claim at the amount stated, namely, \$5,680.00, to which I think should be added interest at the rate of 5 per cent per annum from the date of the ratification of the Treaty of Versailles (January 10, 1920) to the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 898

Re Mrs. HUGH M. LEWIS

The claimant is a resident of the City of Port Arthur and was a passenger on the ss. *Hesperian* at the time it was torpedoed on September 5, 1915.

The claim is for the loss of personal effects a detailed statement of which is on file and comes to a total of £168.—which if converted into Canadian currency at the rate of \$4.9061 to the pound sterling, would equal the sum of \$824.23.

As this is the only claim listed for hearing at Port Arthur and as it is merely for loss of personal effects, I do not think it necessary to require before me the attendance of the claimant.

I have examined the detailed statement and have no reason to doubt the fairness of the values given nor the accuracy of the various items listed. I therefore, allow this claim at the amount stated, namely, \$824.23, and to which I think should be added interest at the rate of 5 per cent per annum from the 10th day of January, 1920, the date of the Ratification of the Treaty of Versailles, to the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 899

Re CHARLES B. BURCH

This is a claim arising out of the sinking of the ss. *Hesperian* by enemy submarine on September 5, 1915 the amount of the claim being \$175.39.

At a sittings held before me at Toronto May 6, 1924, the claimant appeared and stated he was born in England but has resided in Canada for twelve years.

He made no claim for personal injuries, and corroborates the list of personal effects as filed.

Newspaper clippings were also produced as to his presence on the vessel and I have no difficulty in allowing the claim at the total amount stated, namely \$175.39, and to which I think should be added interest at the rate of 5 per cent per annum from the date of the Ratification of the Treaty of Versailles, January 10, 1920, to the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 900

Re MRS. KATE JENKINS

This is a claim arising out of the sinking of the ss. *Hesperian* on September 4, 1915, by enemy submarine, and is filed as follows:—

Loss of life of a baby girl, aged one year and five months	\$ 1,000 00
Loss of effects and household furniture.	500 00
	<hr/>
	\$ 1,500 00

No insurance or compensation was received.

At a sittings held before me at Toronto May 5, 1924, Arthur E. Jenkins appeared in his mother's behalf and stated that since the claim was first filed his mother has suffered injury to her health due to the shock and has been under considerable expense in the way of doctors' bills.

His mother was unable to give evidence, she being very ill with a kind of paralysis due to the shock to her nervous system. The illness came on quite recently and his mother did not attribute it to the sinking of the *Hesperian*, because that occurred so long ago. The doctors at the hospital state she had been ill for some time and it was just the shock of the sinking of the vessel which caused her present illness. His mother at the time of the hearing was forty-five years of age.

The witness at the time of the hearing was twenty, his father being forty-four, and his baby sister sixteen months old at the time of her death.

His parents were born in England and have been living in Canada nineteen years and his mother and baby sister were passengers on the *Hesperian*, at the time of its sinking.

Although the claimant stated he did not wish to press the claim for personal injury to his mother, he gave evidence as to the personal effects lost, and corroborated the statements on file.

I find that in considering the claim for loss of life, I am limited by the terms of Annex (I) to Part VIII of the Treaty of Versailles, to claims which can be based upon actual financial dependency of the claimant upon the deceased.

The life lost in this instance was that of a young baby and while it is hard, I cannot see how a claim can be sustained for dependency upon this infant, and I therefore disallow item (I) of the claim being for loss of life, but think that the claim for personal effects is well established, and I allow it at the amount stated, namely, \$500.00, and to which I think should be added interest at the rate of 5 per cent per annum from the date of the ratification of the Treaty of Versailles, January 10th, 1920, to the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 901

Re Miss E. NOONS

This claimant is at present a resident of the city of Toronto. She formerly resided at Montreal where she appeared and gave evidence before me on the 19th of June, 1923.

Her claim as filed is for the loss of personal effects (including money) which she had with her as a passenger on board the ss. *Hesperian*, which was torpedoed by enemy submarine on September 4, 1915. The value given in the claim for these effects is £121 14s. Od. This sum, if converted into Canadian currency at the rate of 4.9061 dollars to the pound, would equal \$597.00.

The claimant verified a detailed list of these effects which is on file and swore that to the best of her knowledge and belief the items mentioned therein were correct, and that the values given are fair and reasonable.

Claimant also stated that she suffered some personal injury at the time when the vessel was torpedoed, but says that she does not wish to press a claim on this score.

She further testified that she was born in England and did not come to Canada until the year 1919 when she became a permanent resident of this country. However, at the time she was sailing on the *Hesperian* in 1915 she was then intending coming out to Canada for the purpose of making her home here with her grandparents, who were then living in Montreal and had her journey not been interrupted by the sinking of the vessel, she would have no doubt carried out her intention.

When I began my duties in dealing with these reparation claims I was informed that an understanding had been arrived at between Canada and Great Britain, whereby any claimant who was on his way to Canada to settle permanently here or *vice versa* and who suffered injury by reason of the vessel on which he was travelling being torpedoed, was to be considered a resident of Canada or of Great Britain, as the case might be.

In accordance with the above I believe it my duty to recognize this claim and allow it at the sum of \$597.00 to which I think should be allowed interest at the rate of 5 per cent from the date of the ratification of the Treaty of Versailles, i.e., January 10, 1920, until the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 902

RE MRS. JANE PRICE

This is a claim filed for the loss of personal effects due to the sinking of the ss. *Hesperian* on September 4, 1915, and is as follows:—

Personal effects \$1,829 50

The claimant appeared before me at Ottawa on May 3, 1923, and swore that she is a British subject residing in the city of Ottawa and that she was returning to Canada after a visit in England. She was not married at the time, but was bringing with her numerous personal effects with a view to getting married in Canada and setting up housekeeping here. There is to be found on file a letter from the Allan Line Steamship Company admitting their willingness to supply the claimant with a ticket for another boat in view of her having been a passenger on the *Hesperian*, and also a detailed statement of personal effects on file, which is corroborated item by item by the claimant.

In the lowering of one of the lifeboats to the water, she was thrown into the sea but has no idea of how long she remained in the water. In any event she has made no claim for personal injury, although she produced a doctor's bill for expenses incurred by her for illness which she attributed to the shock sustained by her at the time of the sinking of the *Hesperian*.

The claimant also stated that she had been engaged in the occupation of sewing, embroidering linen and making up goods for sale.

From a review of the evidence and the documents on file, it would appear that Mrs. Price might well have preferred a claim for some considerable amount on account of personal injury, she having been thrown into the water and subsequently suffered in consequence to a sufficient extent to require the services of a physician. She appeared, however, to be satisfied with the amount above-stated as being the claim for loss of personal belongings and as she was returning to Canada with a view to setting up housekeeping, I have no reason to doubt that she had with her the articles stated.

I, therefore, recommend that the amount of this claim as filed, i.e., \$1,829.50 be allowed and that interest at the rate of 5 per cent thereon should be granted from the date of the ratification of the Treaty of Versailles (January 10, 1920) until the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 903

Re JOHN W. PRICE

The claimant was a passenger on board the ss. *Hesperian* sunk by enemy submarine on the 5th September, 1915, and has filed a claim for the loss of personal effects, cash and business, documents, commissions and impairment to health, as follows:—

- | | |
|--|------------|
| 1. Clothes and merchandise | \$1,000 00 |
| 2. Cash and jewellery | 1,000 00 |
| 3. Loss of commissions and injury to health..... | 8,000 00 |

\$10,000 00

The claimant appeared before me at Toronto on May 6, 1924, and gave evidence.

He swore that he is a British subject having been born in Wales, and is now a resident of the city of Toronto. He has resided in Canada for eighteen years and is a commercial traveller by occupation.

He was in England on business and was returning to Canada on board the ss. *Hesperian* at the time when the vessel was sunk by enemy action.

There is no detailed statement on file of the effects lost but, in his evidence, Mr. Price swears that he had three trunks and other private effects. He had about eight suits of clothes, presents for his wife and family, and many souvenirs. He swears that he had at least \$1,000.00 worth of goods with him.

He had at least \$1,100.00 in cash on his person which he had intended to deposit in the bank. However, owing to the hour of sailing he had no time to attend to the depositing of the money so he brought it with him. He also had several items of jewellery, including his father's watch, and tokens for his children from their grandmother, so that he feels positive that the item for cash and jewellery at \$1,000.00 is a very conservative estimate.

As to his injuries, he swore that he now suffers from chronic bronchitis and emphysema as a result of exposure, and that his nerves are badly affected. He filed a certificate by Dr. S. D. D. Hewitt, of Toronto, which substantiates this. He was examined by Dr. Hewitt, because this doctor did not know the claimant, and the latter wished to have a strictly independent examination of his condition. After his return to Toronto in September, 1915, he began to notice the condition of his nerves and consulted with Dr. Rice who has since died.

It would appear from the evidence, that the claimant behaved very creditably during the panic which followed the striking of the vessel by the torpedo. He had many opportunities to leave the ship but repeatedly gave up his place in boats to others. He swore that he was in five different boats and finally left the vessel in the last one. He also swore that he gave his coat to a returned soldier, and was exposed, without one, for fourteen hours. His statements are corroborated by the sworn testimony of a Mr. Charles B. Burch, who also appeared before me.

In view of the above experiences, his nerves and health are so affected that he cannot attend to his business with the same ability as formerly. Prior to this disaster, Mr. Price swore that his annual income was in the neighbourhood of \$5,000.00 to \$7,000.00 but that he has not been able to earn anything like that since.

In view of the above and taking into account the rather severe trial and exposure to which this claimant was subjected, in the sinking of the ss. *Hesperian*, I think that the amount as claimed is fair and reasonable and allow it at the sum of \$10,000.00 to which I recommend interest be added at the rate of 5 per cent per annum from the date of the ratification of the Treaty of Versailles (January 10, 1920), until the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 904

Re ALFRED YATES

This is a claim for the loss of merchandise due to the sinking of the ss. *Hesperian* by enemy submarine on September 4, 1915. The claim as filed is as follows:—

1. Invoice price of goods	\$ 84.00
2. Interest at 6½ per cent.	27.30

Total \$111.30

At a sittings held before me at Toronto on May 14, 1924, the claimant appeared and gave evidence. He stated that he was born in England but has resided in Canada since 1905. The goods which were lost consisted of soldiers' badges that he purchased in England and paid for, the amount being £17.3.7 which the claimant converts into Canadian currency to equal \$84.00. He filed two certified invoices from the shipper which discloses that the goods lost consisted of soldiers' badges. He stated that he did not know he could claim for loss of profits which would represent the value of goods had they been received by him in Toronto.

I pointed out to the claimant, as to his claim for interest, that in the case of trespass or destruction of goods interest does not generally follow, although a jury often adds it to provide a fair and reasonable compensation. I pointed out to him that in all claims allowed by me I was recommending interest and that therefore I would strike out the item for interest and substitute my usual recommendation. It was further stated that no insurance was recovered for this loss.

I allow this claim for the invoice price of the goods at \$84.00 and think that 15 per cent of this should be added to represent the value had they been received in Canada. This would come to \$126.00 making a total allowed of \$96.60, to which I think should be added interest at the rate of 5 per cent per annum, from the date of the ratification of the Treaty of Versailles (January 10, 1920) to the date of settlement.

WM. PUGSLEY,
Commissioner.

DECISION

Case 905

Re REVEREND A. E. BURGESS

Notice of this claim was given by claimant to the British Foreign Claims Office who transferred his letter here to this Commission. Forms of declaration were sent him but nothing has been heard from him since. Notice of the hearing at Regina was also sent him to his latest address but he has not been heard from and the claim for the purpose of our records is disallowed.

JAMES FRIEL,
Commissioner.

April 9, 1926.

DECISION

Case 906

Re MISS JANET SCOTT

The claimant was a passenger on the ss. *Hesperian*, on her way to this country when that ship was sunk by enemy submarine. The claim is for personal injury and loss of effects.

Miss Scott afterwards returned to her home in Scotland, and her claim was settled by the British Royal Commission on Compensation for Suffering and Damage by Enemy Action, and paid through the Reparation Claims Department, March 23, 1923, so we are advised by the Office of the High Commissioner for Canada.

The claim will therefore stand dismissed on our records.

JAMES FRIEL,
Commissioner.

August 17, 1926.

DECISION

Case 907

Re THOMAS ABRAM AND EDITH ABRAM

These claimants, with their little daughter aged 2½ years were passengers on the ss. *Hesperian* when that ship was sunk, September 4, 1915.

Abram was returning to Canada to take his discharge from the Canadian forces. Both he and Mrs. Abram were natives of England and had been living in this country about twelve years.

Mrs. Abram was quite severely hurt about the body and head in getting off the ship. She was thrown into the sea and it was forty-five minutes before she was pulled into a life boat. The injury sustained and the shock and exposure were followed by serious consequences on account of her condition at the time. She was seriously ill for more than a year, and recovered slowly and it may be not fully.

The personal effects of both claimants and their child's clothing were lost.

These claims were heard before Dr. Pugsley and the Deputy Commissioner at Toronto on the 6th and 9th of May, 1924. I would allow Mrs. Abram \$3,000.00 for personal injury and to both claimants amounts claimed respectively for loss of effects.

The claims fall within the First Annex to Section (I) of Part VIII of the Treaty of Versailles, categories (1) and (9), and I find \$3,000.00 is a fair amount of compensation to Edith Abram for personal injury and \$250.00 for her effects lost and \$100.00 for Mr. Abram's personal effects lost, with interest at the rate of 5 per cent per annum from the date of the ratification of the Treaty, January 10, 1920, in respect to allowance for personal injury and at same rate on allowances for personal effects from the date of the sinking of the vessel September 4, 1915, to date of settlement.

December 2, 1925.

JAMES FRIEL,
Commissioner.

DECISION

Case 908

Re Mrs. EDITH A. BOSWORTH

Claimant is a British subject born in England. Her husband is also a British subject born in England and at the time of the loss complained of, he was chief of police of Prince George, B.C. Claimant with her two children was a second-class passenger on the ss. *Hesperian* when that ship was sunk by enemy submarine off the coast of Ireland September 4, 1915, with a loss of 32 lives. Mrs. Bosworth and her children were rescued without personal injury.

She claims for loss of clothing and personal effects of herself and children and for money lost.

Proof of her claim is not altogether satisfactory. There is no itemized statement filed of the goods lost. The personal and household effects claimed for, were packed by the claimant's mother who was dead at the time of the hearing.

It seems to me that \$1,500.00 would cover the loss in this case.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$1,500.00 is fair compensation to the claimant with interest at the rate of 5 per cent per annum from the date of the sinking of the *Hesperian*, September 4, 1915, to date of settlement.

April 20, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 909

Re MRS. ALICE BIMSON

Claimant is a British subject born in England, who came to Canada in 1915. She was a passenger, with her two boys, on the ss. *Hesperian*, sunk by enemy submarine September 4, 1915, and was returning from a visit to the Old Country. She claims on account of loss of personal effects.

I would allow the claim at the amount declared, \$426.10, with interest at 5 per cent per annum from the date of loss, September 4, 1915, to the date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$426.10 is fair compensation to the claimant, Mrs. Alice Bimson, with interest as above indicated.

May 19, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 910

Re MRS. SARAH ANN BIGGS

Claimant is a British subject born in England who came to Canada in 1912. She was returning after a visit to her old home, on the ss. *Hesperian*, when that ship was sunk with a loss of 32 lives, by enemy submarine, September 4, 1915.

The claim is on account of the loss of personal effects. There was no insurance.

I would allow this claim at the amount declared and proved, \$574.50, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$574.50 is fair compensation to the claimant with interest as above indicated.

June 16, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 911

Re ETHEL MAY BATE

Claimant is a British subject, born in England, and came to Canada to live in 1916. She was a passenger on the ss. *Hesperian*, sunk by enemy submarine September 4, 1915, and claims for loss of personal effects. I allow the claim at the amount declared, \$141.50, with interest at 5 per cent per annum from the date of loss.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$141.50 is fair compensation to the claimant, with interest from September 4, 1915, to date of settlement.

July 8, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 912

Re Mrs. ROSE A. GROVES

This claim is now put in by Mrs. Rose A. Buckle, widow of the deceased, now married to a man named "Groves". She and her late husband were passengers on the ss. *Hesperian* when that ship was sunk by enemy submarine September 4, 1915, and claims on account of personal effects and money lost. Robert Arthur Buckle died April 23, 1921, at Belleville, Ont., leaving no will, no property and no children. The widow would be entitled to \$1,000.00 of his estate under the Ontario law, consequently she is entitled to whatever compensation is allowed in this claim; moreover, part of the effects lost were hers.

I would allow the claim at the amount declared and proved, \$498.75, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$498.75 fair compensation to claimant, with interest as above indicated.

JAMES FRIEL,
Commissioner.

August 3, 1926.

DECISION

Case 913

Re Mrs. ALICE MAUD CLARK

Claimant is a British subject, native of England, who came to Canada in 1912. She was a passenger on the ss. *Hesperian*, sunk by enemy submarine with loss of thirty-two lives off the coast of Ireland, September 4, 1915.

The claim is on account of loss of personal effects and money, and personal injury. Claimant was returning to Canada after a visit to her former home in England. She was then 25 and had her baby with her. When the ship was struck the baby and Mrs. Clark were in bed. She went out on deck and stood by, waiting for the lifeboat, in her night dress, and was lucky in getting a place and getting on the boat. A returned soldier got out and made place for her and the baby. They were three and one-quarter hours in the life boat before picked up. The boat took in water, which they kept baling out with their shoes. Claimant suffered from cold but apparently landed without any great injury. The baby suffered slightly from a bruise. The medical record establishes that the claimant afterwards suffered from the shock and her nerves were never wholly recovered. "She suffered from nervous shock from time to time, which was a great inconvenience to her and was a detriment to her in the performance of her household and social duties."

I would allow Mrs. Clark \$1,000.00 on account of personal injury, with interest from January 10, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement, together with \$622.70, value of personal effects as declared, with interest thereon from the date of the sinking, September 4, 1915, at the rate of 5 per cent per annum to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, Categories (1) and (9), and I find \$1,622.70 is fair compensation to the claimant, with interest as above mentioned.

JAMES FRIEL,
Commissioner.

March 15, 1926.

DECISION

Case 914

Re JOHN FOSTER CLARK

Claimant is a British subject resident in Canada since 1912. His claim is for loss of goods which his wife, the claimant in the previous judgment, was bringing from England. The amount declared is \$16.00. I allow it.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$16.00 is fair compensation to the claimant, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

March 15, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 915

Re MRS. MABEL DANIEL

Claimant is a native of Wales. She was a passenger on the ss. *Hesperian* on her way to this country to be married, when that ship was sunk by an enemy submarine on September 4, 1915.

Miss Gaul (claimant was then), lost her personal effects including her trousseau, wedding-presents, household articles, etc. She suffered considerably from shock and was subject to inconvenience and delay in her journey but there is no claim put in on this account, and the claim submitted for the effects lost seems to be quite reasonable.

I would allow it in accordance with the facts as disclosed at the hearing in Edmonton at the sum of \$1,200.00 with interest at the rate of 5 per cent per annum from the date of the sinking of the ship, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$1,200.00 is fair compensation to the claimant, Mrs. Mabel Daniel, with interest as above indicated.

April 21, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 916

Re Miss ALICE DIGBY

The claimant is claiming on behalf of herself, her mother, a very aged lady, and her sister, Henrietta Digby. The claimant and her mother were passengers on the ss. *Hesperian* when that ship was sunk by enemy submarine September 4, 1915, and lost all their personal effects. They were on their way to Canada to settle in this country. The sister above mentioned had preceded them and was living in Oak Bay, Vancouver Island. They had certain articles for her. There is no detailed list filed of the effects lost.

I think the claim in respect to the parties concerned will be fairly dealt with by making an allowance to Miss Alice Digby of \$1,000.00 with interest at 5 per cent per annum from date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$1,000.00 is fair compensation to the claimant, Miss Alice Digby, with interest as above indicated.

May 14, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 917

Re Mrs. DAISY DARK (now Mrs. Frederick Carter)

Claimant is a British subject. She was a passenger on the ss. *Hesperian* when that ship was sunk by enemy submarine with loss of 32 lives, September 4, 1915.

Claimant was on her way to Canada to make her home.

She claims on account of the loss of personal effects and for personal injury. She was under medical treatment for 9 months.

I would allow her claim at the amount declared and proved, namely \$150.00 for value of personal effects, \$225.00 for personal injury and \$85.00 paid by her for doctor fees, in all \$460.00 with interest at the rate of 5 per cent per annum from the 10th day of January, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (I) and (9) and I find \$460.00 fair compensation to the claimant with interest as above indicated.

June 29, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 918

Re Mrs. GEORGINA DEANE

Claimant is a British subject born in England, widow of a doctor, and with her son 7 years old, was coming to Canada to make her home.

They were passengers on the ss. *Hesperian* when that ship was sunk by enemy submarine with loss of 32 lives September 4, 1915, and escaped in their night attire.

The claim is on account of loss of personal effects.

I would allow the claim at the amount declared and proved, namely \$1,750.00 with interest at the rate of 5 per cent per annum from the date of sinking September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$1,750.00 fair compensation to the claimant with interest as above stated.

June 29, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 919

Re MAUDE DUVAL

Claimant is a Canadian. Her husband, a medical officer attached to one of the Canadian units, received severe injuries in battle from which he afterwards died in London. Claimant, then living in St. John, New Brunswick, went to England with her two children to see him before he died and was returning with his body on the ss. *Hesperian* when that ship was sunk by enemy submarine, September 4, 1915. Mrs. Duval and her children were rescued in their night clothes.

She claims for loss of personal effects and money she had with her, and for expenses incurred in moving the remains of her husband.

I would allow her claim at the amount declared and proved, namely \$2,150.00, with interest at the rate of 5 per cent per annum from the date of loss September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$2,150.00 fair compensation to the claimant with interest as above indicated.

JAMES FRIEL,
Commissioner.

OTTAWA, September 22, 1926.

DECISION

Case 920

Re Mrs. EMILY EDITH FLETCHER

Claimant and husband were born in England and have been living in Prince Albert since 1903. She was a passenger on the ss. *Hesperian*, sunk by enemy submarine off the Irish coast, September 4, 1915, with loss of 32 lives. The claim is on account of loss of personal effects, an itemized list of which was filed, and some money. Claimant was rescued without personal injury. Some years afterwards she became ill, but her illness, so far as the testimony shows, cannot be attributed to anything that happened to her at the time of the disaster.

I would allow the claimant the amount declared, \$2,200.00 for loss of personal effects.

The claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$2,200.00 is fair compensation to the claimant, Mrs. Emily Edith Fletcher, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

JAMES FRIEL,
Commissioner.

April 15, 1926.

DECISION

Case 920a

Re Mrs. ELLEN GRAY

Claimant and her husband are both British subjects, born in Scotland. They came to Canada twenty-five years ago.

Mrs. Gray was a second-class passenger on the ss. *Hesperian* when that ship was sunk by enemy submarine off the coast of Ireland, September 4, 1915.

The claim was submitted in the first place to the British Foreign Claims Office and details of lost personal effects given with the usual statutory declaration. That office advised claimant that a claim for injury to health should be verified by medical certificate. The papers were afterwards forwarded to this Commission and later, in December, 1921, claimant filed a declaration of claim on our form, but the medical certificate on the form was not completed as required under instructions sent claimant with the forms. She appeared with counsel before the late Commissioner at Montreal in June, 1923. Her counsel stated that so far as the damage to her person was concerned he was not in a position to make any specific proof; she did have an operation later on but the doctor who performed the operation said that while no doubt the shock injured

her he was not in a position to say that it was the direct cause of the operation. Claimant swore that she was operated on September 21, 1916, and that the surgeon said "when they operated they discovered that there was a little trouble there that would not be caused by the shock, but the shock brought it on."

It seems to me that if there had been any personal injury worth while it could have been proved. I will disallow that part of the claim.

The amount asked for in respect to personal effects seems large, but under the circumstances I will accept it.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find that \$1,250.00 fair compensation to the claimant with interest thereon at the rate of five per cent per annum from the date of loss to the date of settlement.

November 29, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 921

Re MRS. ELIZABETH ANN GLEDHILL

Claimant is a British subject born in England September 20, 1888. Her husband also is a British subject, having been in Canada since 1913. Claimant was coming to Canada on the *Hesperian* to join her husband, when that ship was sunk by enemy submarine on September 4, 1915.

Mrs. Gledhill claims for personal injury and on account of loss of effects and money. She was thrown into the sea in her night clothes, pulled into a boat after a while and that boat was swamped, and she was in the water again, until picked up by a life boat. As a result of the shock claimant became very ill. Her hair turned white in two days. She had to return to her people in England, and was not able to come to Canada until 1919. She has been poorly since. She had lung trouble due to the exposure and heart trouble and nervousness, and the medical record discloses that for several years after the happening she was not able to carry on her ordinary duties of a woman in a farm-house on account of nervousness and not getting proper sleep. She had been a strong healthy woman.

The medical report rates her percentage of incapacity at 50 per cent for an indefinite period. The doctor at the hearing said that latterly, in the last year or so, Mrs. Gledhill has gotten fairly normal.

The claimant was a weaver in the old country, and continued to work after she was married in 1911. She had considerable money when she came to Canada from what she had saved up and from the sale of her furniture, and she was bringing over effects for her new home such as linen, cutlery, china, etc.; clothing for herself and her husband and also jewellery and furs. Her husband paid her passage money twice as she was not able to leave England in time to avail herself of free transportation to those who had been wrecked. Mrs. Gledhill lost, approximately, \$1,000 in cash.

I would allow this claimant \$2,500, as claimed, on account of personal injury, with interest at 5 per cent per annum from January 10, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement, and the sum of \$3,223.45 for loss of personal effects and money, with interest at 5 per cent per annum from the date of the sinking of the ship, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9), and I find \$5,723.45 is fair compensation to the claimant, Mrs. Elizabeth Ann Gledhill, with interest as above indicated.

April 22, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 922

Re Mrs. JANE GIBSON

Claimant is a British subject native of England, who was coming to Canada on the ss. *Hesperian*, with her four children to join her husband who was already settled here.

The claim is for personal effects and money lost when the ship was sunk on September 4, 1915, by enemy action.

I would allow her claim as declared and proved \$550 with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$550 is fair compensation to the claimant, with interest as above indicated.

JAMES FRIEL,
Commissioner.

May 14, 1926.

DECISION

Case 923

Re Mrs. ELEANOR M. GILPIN

Claimant is a British subject born in England, who was a passenger with her child on the ss. *Hesperian* when that ship was sunk by enemy submarine with a loss of 32 lives, September 4, 1915.

Claimant was coming to Canada to make her home with her husband who was already living in this country.

Her claim is on account of the loss of personal effects and some money and for personal injury and medical expenses. She and the child were rescued in their night clothes. They were both injured and had to have doctor's care and claimant was laid up for some time and her coming to Canada was delayed two or three years.

I would allow her the amount claimed for personal injury and doctor's expenses, namely \$650 with interest at the rate of 5 per cent per annum from the 10th of January, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement, and \$1,100 on account of loss of personal effects and money as declared and proved, with interest at the rate of 5 per cent per annum from the date of the sinking September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$1,750 is fair compensation to the claimant with interest as indicated above.

JAMES FRIEL,
Commissioner.

June 17, 1926.

DECISION

Case 924

Re MISS CATHERINE JANE JOUGHIN

Claimant is a British subject and a native of the Isle of Man and has been living in Canada since October, 1916.

The claim is on account of the loss of personal effects on the *Hesperian*, which was sunk by the enemy September 4, 1915, when she was a passenger.

I would allow this claim at \$550, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$550.00 is fair compensation to the claimant, with interest as above indicated.

JAMES FRIEL,
Commissioner.

April 22, 1926.

DECISION

Case 925

Re MRS. ANNIE LLOYD

Claimant is a British subject, born in England, who came to Canada in 1913. She went back on a visit and was returning on the ss. *Hesperian* when that ship was sunk by enemy submarine September 4, 1915. Claimant had her five children with her.

The claim is on account of the loss of personal effects and money and other personal property in respect of which the claim has not been proved. The whole proof is very unsatisfactory.

I think \$1,000.00 would cover the amount lost by claimant and I would allow it, together with interest at the rate of 5 per cent per annum from the date of sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$1,000.00 fair compensation to the claimant, with interest as above indicated.

JAMES FRIEL,
Commissioner.

July 13, 1926.

DECISION

Case 926

Re ARTHUR W. MORLEY

Claimant was a Canadian officer returning home on convalescence leave on the ss. *Hesperian*, sunk by enemy submarine September 4, 1915, off the coast of Ireland. Claimant lost all his personal effects and claims for that part of the same of civilian, not military, use.

I would allow the claimant \$1,200.00.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category 9, and I find that \$1,200.00 is fair compensation to the claimant, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to the date of settlement.

JAMES FRIEL,
Commissioner.

February 15, 1926.

DECISION

Case 927

Re Mrs. G. McLELLAN

Claimant is a British subject, born in England, who was a passenger on the ss. *Hesperian* when that ship was sunk by enemy submarine September 4, 1915.

She was coming to Canada to join her father and brother, who were living in this country.

The claim is for loss of household goods, including a piano.

I would allow the claim at the amount proved, \$400.00, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$400.00 is fair compensation to the claimant, with interest as indicated.

March 17, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 928

Re Mrs. DORCAS MACDONALD

Claimant is a Canadian. The claim is for goods bought by her in the Old Country and shipped to her, and which were on the ss. *Hesperian* when that ship was sunk by enemy action, September 4, 1915.

I would allow the claim for \$27.06, the amount declared, with interest at 5 per cent per annum from the date of loss, September 4, 1915, to the date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$27.06 is fair compensation to the claimant, Mrs. Dorcas MacDonald, with interest as above indicated.

May 14, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 929

Re Mrs. LYDIA K. MERIDEW

Claimant is a British subject born in the Isle of Man. Her husband is also a British subject. The claimant with her daughter, Dorothy, were passengers on the ss. *Hesperian* when that ship was sunk by enemy submarine with a loss of 32 lives, September 4, 1915.

Mrs. Meridew and daughter were returning from a visit to her home. She claims for loss of personal effects for herself and the child and on account of personal injury, more particularly to the child.

The boat they were rescued in partially filled with water and they suffered considerable exposure from which the child contracted pneumonia and Mrs. Meridew had to stay with her in England for some time who was unable to travel and was affected on account of the exposure and shock for several years afterwards. Medical and other expenses were also incurred on her account.

I would allow claimant \$1,000.00 on account of expenses, time lost and special care of the child, on account of the injuries received when the ship sank, with interest at the rate of 5 per cent per annum from January 10, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement, and I would allow for personal effects, the amount declared and proved, \$962.00, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$1,962.00 fair compensation to the claimant with interest as above indicated.

JAMES FRIEL,
Commissioner.

August 5, 1926.

DECISION

Case 930

Re ARTHUR E. McRAE

Claimant is a British subject who was a passenger on the ss. *Hesperian*, when that ship was sunk by enemy submarine September 4, 1915, and claims on account of the loss of personal effects.

The claim was heard by the late Commissioner.

I would allow it at the amount declared and proved, namely, \$500.00, with interest at the rate of 5 per cent per annum from the date of the sinking to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$500.00 fair compensation to the claimant, with interest as above stated.

JAMES FRIEL,
Commissioner.

August 6, 1926.

DECISION

Case 931

Re MRS. AMY PARSONS

Claimant is a British subject born in England and living in Canada since 1905.

The claim is for value of a parcel of goods sent her by post from Brighton, England, which was lost in the sinking of the *Hesperian* September 4, 1915.

I allow the claim as declared, \$10.00, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$10.00 is fair compensation to the claimant with interest as indicated.

JAMES FRIEL,
Commissioner.

March 17, 1926.

DECISION

Case 932

Re HENRY WILLIAM PEARCE

Claimant is a British subject born in England, who came to Canada in 1912. He was a passenger on the ss. *Hesperian* when that ship was sunk with a loss of 32 lives, by enemy submarine September 4, 1915. He was returning from England where he had gone on a ship, taking over remounts.

He claims for loss of money and personal effects when the *Hesperian* sunk.

I would allow his claim at the amount declared and proved, \$499.00, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$499.00 fair compensation to the claimant with interest as above stated.

JAMES FRIEL,

Commissioner.

June 30, 1926.

DECISION

Case 933

Re WILLIAM REEVES

Claim of William Reeves, of Markham, Ontario, baker's assistant, husband of Alice Reeves, who, with her two children, was a passenger on the ss. *Hesperian*, sunk by German submarine September 4, 1915.

Claimant is a Canadian citizen. He was born in England and came to Canada in 1912. Mrs. Reeves with her children aged six and four respectively was coming to join her husband. She reached Canada in the summer of 1916 in very poor health.

On February 15, 1919, she put in a claim for personal effects lost, injury to health and for expenses of medical treatment. She died May 10, 1923. The husband then put in the claim we are dealing with.

Evidence was taken before Dr Pugsley at Toronto May 5, 1924. From that evidence and medical certificates and the declarations in the record, it is quite clear that Mrs. Reeves suffered greatly from nervous shock and exposure when the ship went down. She was in an open boat, partially undressed, for four hours and a half; the boat being half filled with water. Her health was greatly impaired from that time and her death was undoubtedly hastened by her experience when the ship was destroyed. She was then thirty-two years old and in good health.

Claimant earns \$25.00 per week. He has to employ a housekeeper. Two more children were born after Mrs. Reeves came to Canada, one in 1917 and one in 1921, apparently.

I would allow claimant \$6,000.00 in full (expenses and everything) on account of loss of his wife, together with the amount claimed for loss of personal effects.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$6,000.00 is a fair amount of compensation to the claimant for the death of his wife with interest at the rate of 5 per cent per annum from the date of the ratification of the Treaty, January 10, 1920, to the date of settlement, and \$246.35 for the personal effects lost, with interest at the rate of 5 per cent per annum from the date of the sinking of the vessel, September 4, 1915, to date of settlement.

JAMES FRIEL,

Commissioner.

December 1, 1925.

DECISION

Case 934

Re WILLIAM RIBBANS

The claimant was a passenger on the ss. *Hesperian* and claims for personal effects lost when the ship was sunk September 4, 1915.

Mr. Ribbans was an enlisted man who had been invalidated home.

His case was heard by Dr. Pugsley, who ruled that damages would be allowed for the loss of civilian and personal belongings but not of military equipment.

This claim as far as it applies to personal effects, not military equipment, falls within the First Annex to Section (I) of Part VIII of the Treaty of Versailles, category (9) and I find \$228.65, is a fair amount of compensation to the claimant with interest on the same at the rate of 5 per cent per annum from the date of the sinking of the vessel, September 4, 1915, to date of settlement.

JAMES FRIEL,
Commissioner.

December 2, 1925.

DECISION

Case 935

Re JAMES REGINALD REILLY

The claimant was a passenger on the ss. *Hesperian* and claims for personal effects lost when the ship was sunk September 4, 1915.

Mr. Reilly was an enlisted man who had been invalidated home.

His case was heard by Dr. Pugsley, who ruled that damages would be allowed for the loss of civilian and personal belongings but not of military equipment.

This claim as far as it applies to personal effects, not military equipment, falls within the First Annex to Section (I) of Part VIII of the Treaty of Versailles, category (9) and I find \$472.00 is a fair amount of compensation to the claimant with interest on the same at the rate of 5 per cent per annum from the date of the sinking of the vessel, September 4, 1915, to date of settlement.

JAMES FRIEL,
Commissioner.

December 1, 1925.

DECISION

Case 936

Re ALFRED T. RAMAGE

Claimant is a British subject, born in England 1844, and for a long time resident in Canada.

He was a passenger on the ss. *Hesperian* sunk by enemy submarine with a loss of 32 lives, September 4, 1915 and claims for loss of effects and personal injury and impairment to health. The latter part of the claim was withdrawn by claimant's solicitor.

I would allow the claim for loss of effects as declared and proved \$814.90 with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$814.90 fair compensation to the claimant with interest as above indicated.

JAMES FRIEL,
Commissioner.

June 30, 1926.

DECISION

Case 937

Re WILLIAM V. SARGENT

Claimant was a passenger on the *Hesperian* sunk by enemy action September 4, 1915, and claims for loss of personal effects and for injury to his health on account of exposure to wet and cold. He is a Canadian born in Kingston, Ont., May 16, 1892. He had just graduated in medicine and had crossed to England as ship's surgeon on a horse transport and was returning to Canada to join another ship in Montreal. He jumped from the ship after the boats got away and was 45 minutes in the water before rescued and as a result developed rheumatism, neuralgia and heart trouble and was practically an invalid for a year. After that he was not able to work as he had before.

He lost his medical books and instruments, drugs, clothing, trunks, valises and other personal effects and money.

Dr. J. J. Robertson of Belleville, signed the medical report May 12, 1924, on the claimant's condition in which he certifies to the development of rheumatism, neuralgia and heart trouble from exposure to wet and cold when the ship was sunk and to claimant's partial disability (fixed at 65 per cent) on that account for 9 years. Dr. Robertson certifies that he has known Dr. Sargent since childhood; that he was in excellent health previous to the voyage on the ship and that he has since attended the claimant several times a year for attacks of rheumatism, neuralgia and heart trouble.

Dr. Connell of Queen's Medical College makes a similar certificate July 7, 1923, to the effect that as a result of exposure when the *Hesperian* was torpedoed, Dr. Sargent suffered afterwards to great extent from rheumatism and neuralgia. Dr. Connell certifies further that he has personal knowledge of the condition of Dr. Sargent's health before that event and since, and that in his opinion Dr. Sargent's frequent attacks of illness since the exposure are directly due to what happened at the time the ship was sunk.

Dr. Harold C. Wert, of Montreal, Ex-Medical Superintendent of Western Hospital, certifies under date July 3, 1923, that he had examined and treated Dr. Sargent a number of times for chronic rheumatism and gastric neuralgia while Dr. Sargent was a member on the staff of that hospital during 1919-20; that Dr. Sargent was physically fit before the war; that he, Dr. Wert, considers Dr. Sargent's debilities due to exposure and wet following the sinking of the *Hesperian*.

I allow \$5,000.00 as damages for loss of claimant's health and for his personal effects as claimed.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$5,000.00 is fair compensation to the claimant for personal injury, with interest at the rate of 5 per cent per annum from the date of the ratification of the Treaty January 10, 1920, to the date of settlement, and \$350.00 for personal effects with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to the date of settlement.

JAMES FRIEL,
Commissioner.

January 11, 1926.

DECISION

Case 938

Re HAROLD M. SHAW

Claimant is a British subject born in England who came to Canada in 1910. He was a discharged soldier returning on the *Hesperian*, when that ship was sunk, September 4, 1915, and claims for personal effects, not military, and money lost when he had to leave the ship.

I would allow his claim at the amount declared, \$360.00, together with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$360.00 is fair compensation to the claimant, with interest as above indicated.

JAMES FRIEL,

Commissioner.

April 24, 1926.

DECISION

Case 939

Re PERCIVAL THEODORE STERN

Claimant is a Canadian who during the war was a major in the Canadian Artillery. He was invalided home in September, 1915, and was a passenger on the ss. *Hesperian* when that ship was torpedoed by the enemy, September 4, 1915. Major Stern lost money which he had drawn from the bank in London before leaving, a gold watch and chain and a ring set with diamonds, and other personal effects, including military equipment. He received compensation from the Canadian Military Authorities for the military equipment, but received no compensation for the rest of his property lost and there was no insurance on it.

I would allow this claim for the money lost and civilian property and effects, not military, at the amount claimed and declared, £244 8s. 8d., or the equivalent in Canadian money, \$1,190.20, with interest at 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find £244 8s. 8d., or \$1,190.20, is fair compensation to the claimant, Percival Theodore Stern, with interest as above indicated.

JAMES FRIEL,

Commissioner.

May 15, 1926.

DECISION

Case 940

Re MISS AGNES C. TAYLOR

Claimant is a British subject, born in London in 1888, who came to Canada in 1911 in the capacity of governess. She was a passenger on the ss. *Hesperian*, sunk by enemy action September 4, 1915, and claims for loss of effects and personal injury.

When the ship was torpedoed, claimant got into a life-boat which was swamped, and she was swimming about for three-quarters of an hour, in consequence of which she received a severe chill and was exhausted when rescued from the water, and had to be taken to the hospital when they reached Queens-town. In March, 1915, she developed phlebitis of both legs and suffered from the attack for nine months. Her recovery has been incomplete and her earning capacity as a children's nurse and attendant has been considerably diminished, her occupation being one that necessitates her being constantly on her feet. The medical evidence confirms a clear case of substantial and permanent injury to health, due to exposure when the ship was torpedoed. Miss Taylor had always been strong, active and healthy. She was earning \$30.00 a month, with board and washing.

I would allow claimant \$300.00 for loss of personal effects, with interest at 5 per cent per annum from the date of loss, and \$3,000.00 for personal injury, with interest from the 10th day of January, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, categories (1) and (9), and I find that \$3,300.00 is fair compensation to the claimant, with interest as above indicated to date of settlement.

February 19, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 941

Re WILLIAM THOMPSON

Claimant is a native of England who came to Canada 1910. The claim is for loss of a shipment of books on the *Hesperian*, sunk September 4, 1915.

I would allow this claim at the amount declared, \$250.00, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$250.00 is fair compensation to the claimant, with interest as above indicated.

April 24, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 942

Re ROBERT THOMPSON

Claimant is a British subject born in England, and has been living a long time in Canada.

With his wife and family he was a passenger on the ss. *Hesperian* returning from a visit to England, when that ship was sunk by enemy submarine September 4, 1915.

The claim is for his own personal effects and those of his wife and two children.

I would allow the claim at the amount declared and proved,—\$874.25 with interest at the rate of 5 per cent per annum from the date of the sinking September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$874.25 is fair compensation to the claimant with interest as above indicated.

May 12, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 943

Re JAMES WILLIAM THOMPSON

Claimant is a British subject born in England who has been living a long time in Canada. He was a passenger on the ss. *Hesperian* returning from a visit to England when that ship was sunk by enemy submarine September 4, 1915, and claims for loss of personal effects.

I would allow the claim at the amount declared and proved—\$304.75, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$304.75, is fair compensation to the claimant with interest as above indicated.

May 12, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 944

Re WILLIAM TAYLOR AND ELLEN TAYLOR

Claimants are both British subjects who came to Canada in 1905, to reside permanently.

They with their three children were passengers on the ss. *Hesperian* when that ship was sunk by enemy submarine September 4, 1915. They lost one of the children, a little girl, 7 years. The claim for her loss cannot be entertained. It is not a case of dependency.

The claim for personal effects as declared will be allowed, that is to say, to William Taylor \$833 and to Mrs. Ellen Taylor, \$848, both of these items with interest at the rate of 5 per cent per annum from the date of the sinking September 4, 1915, to date of settlement.

Taylor enlisted after the disaster and served for the rest of the war.

Mrs. Taylor suffered from exposure and shock especially over the loss of her child and I would allow her \$1,000 solatium, with interest at the rate of 5 per cent per annum from the 10th day of January, the date of the ratification of the Treaty of Versailles, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$833 is fair compensation to William Taylor with interest as above indicated and \$1,848 fair compensation to Mrs. Ellen Taylor, with interest as indicated.

May 15, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 945

Re CHARLES S. BLUE

Claimant is a British subject born in Scotland in 1873. He has resided in Canada for some time, and is a reporter on the Hansard Staff, House of Commons.

He was a passenger on the ss. *Hesperian* which was sunk by enemy submarine September 4, 1915, and claims for personal injury and loss of effects. The claim was heard by the late Commissioner who noted it for allowance at the full amount of the claim, namely, \$850 for personal injury and \$400 for the effects lost. I think the claim a very reasonable one and agree.

Claimant was under the care of a doctor for fully a year after his experience on the ship and had to see specialists and incurred substantial bills for medical attendance.

The award for personal injury will carry interest at 5 per cent per annum from January 10, 1920, and the award for personal effects interest at 5 per cent per annum from the date of loss, namely September 4, 1915.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find that \$1,250 is fair compensation to the claimant with interest as above indicated.

November 4, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 946

Re MRS. MARY JANE MAHARRY

Claimant is a British subject born in England, in 1885. Her husband is a sergeant on the Ottawa Police Force. She was a passenger, with their three boys, on the ss. *Hesperian* when that ship was sunk by enemy submarine September 4, 1915, and claims for personal injury and loss of effects belonging to herself and the children and household goods.

She was coming to Canada to make her home in Ottawa. Her husband had preceded her by 18 months.

The medical record discloses that Mrs. Maharry suffered quite severely from the shock. She was in the water 5½ hours with a life-belt before rescued. She has been very nervous ever since, and her health has been considerably impaired.

This case was before the late Commissioner at Ottawa in May, 1923, and he noted the claim for allowance for personal injury at the amount declared, \$3,000.00, and for loss of personal effects, \$700.00. I agree with these amounts and find them quite reasonable.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$3,000.00 fair compensation to the claimant for personal injury, with interest at the rate of 5 per cent per annum from January 10, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement, and \$700.00 for personal belongings, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

November 9, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 947

Re MRS. ALICE WHITEWAY

Claimant was born at Brooklyn, N.Y., in 1887, and became a naturalized British subject in Canada through marriage to Ronald H. C. Whiteway, an Englishman engaged in the manufacture of cider in the County of Annapolis, N.S., between the years of 1905 and 1921. She was with her husband on the *Hesperian* returning from a visit to England when that ship was sunk by enemy submarine September 4, 1915, and lost all her personal effects, including valuable jewelry, furs, and wedding presents, and sustained a broken shoulder and some other injuries but neither she or her husband makes any claim on that account.

I would allow her claim at the amount declared and proved, namely, \$3,592.00, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (1) Part VIII of the Treaty of Versailles, category (9) and I find \$3,592.00 fair compensation to claimant with interest as above indicated.

November 2, 1926.

JAMES FRIEL,
Commissioner.

Re RONALD H. C. WHITEWAY

Claimant is a British subject born in England in 1885, who came to Canada in 1905, and was engaged in the manufacture of cider until the year 1921, when he returned to England. He and his wife came to Nova Scotia every year where her father lives. They were passengers on the *ss. Hesperian*, when that ship was sunk by enemy submarine September 4, 1915, and lost their personal effects.

I would allow this claim at the amount declared and proved, namely \$520.00 with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (1) Part VIII of the Treaty of Versailles, category (9) and I find \$520.00 is fair compensation to the claimant, with interest as above indicated.

November 2, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 947a

Re MRS. MATILDA M. HARRIS

Claimant is a British subject born in England, who came to Canada with her husband, also a British subject, and her family. She and her daughter Louise Harris were second-class passengers on the *ss. Hesperian* when that ship was sunk by the enemy off the coast of Ireland September 4, 1915. They had gone back to England a year and three months before, thinking, so the daughter says, that claimant would like to stay in England. They had an establishment on the other side and were bringing back their personal and household effects to Canada.

The claim was made for personal injury and on account of the loss of personal effects and money lost. Claimant and her daughter were taken off the ship in a life-boat at half-past eight in the evening and were picked up by a cruiser during the night and taken to Queenstown, Ireland, to a hotel. They stayed with friends on the other side. Claimant was then laid up five weeks and very nervous. She was paralyzed on the left side from the shock and was not able to raise her left hand. This condition lasted for over a year. The women had to spend about \$75.00 between them for things to bring them back and had to pay expenses to Liverpool and their expenses in Ireland. This is from the evidence of Miss Harris. Claimant did not appear when her case was heard by the late Commissioner. Witness went on to state, that her mother had not been able to do anything since. Another daughter lives with them and keeps house. The mother is in bed practically all the time and her condition is attributed to shock when the vessel was torpedoed. Witness says her mother was very well in England and was able to get around and do her housework. Miss Harris herself did dressmaking there, the same as she does here. They had intended to stay in England and again take up their home there, where they would have stayed only for the war. They decided they had better all be together. Claimant, too, was a dressmaker and did fancy work.

Dr. Francis O. Anderson certifies under date of January 27, 1917, that Mrs. Harris was then under his care suffering from shock and disability, resulting

from the torpedoing of the ss. *Hesperian*, and that she had been continuously confined to the house. He was not examined as a witness. Had he been called, he would have been able to testify as to the condition of her health before she went to England.

At the time of the hearing, Dr. Anderson was out of town but would be back in three weeks.

Dr. Perigard, who attended claimant after Dr. Anderson took a position in the Royal Victoria Hospital some time during the war, gave evidence. He said he was first called in to see her and found the patient suffering from an organic heart lesion. She told him she had gone to the Old Country and that she had not been feeling very well over there and coming back, she was in one of the boats which was torpedoed. She was bed-ridden on her way back and they had to take her out on a cot and lower her on to one of the life boats. When the doctor first saw her she was suffering from the result of the experience, grafted on the heart trouble and she was in a condition of nervous exhaustion.

She told him she was in bed on the ship coming back and was not able to get up to walk out. He says she was a woman of frail constitution. She had organic heart lesion before she went over and that has been made more grave. He says she looks like one of those old heart cases which has to be taken care of the rest of their lives. "You feed and nurse them and as long as they do that they carry on, but as soon as they are up against any great physical strain they break right down and during one of those attacks they succumb."

Her condition, going along, is worse now than had she not had the experience of being torpedoed. She is totally incapacitated for the rest of her life.

This doctor's evidence, given very carefully, does not show that Mrs. Harris was in good health when she embarked on the ship for Canada, it rather leaves the impression that she had serious heart trouble and was a delicate woman. She was then 59.

The claim for loss of personal effects is \$3,154. This claim was prepared by one of the claimant's sons and a lawyer, now deceased, between them. It does not seem reasonable. For instance—there is an item of \$900 for family oil paintings. Horace Harris, explained they were pictures of his father and mother and their seven daughters and two sons, painted by a man who used to work in a department store in Montreal and given by him, Horace, to his mother. There is an item of \$150 for money with them which was lost. Miss Harris seems undecided about that. She thinks the money was in a suit case. There are other items equally disputable. The doctor says these people were poor, but are honest. The father's occupation is given as that of furnace man.

This claim was first filed in February, 1917, with the British Reparation Claims Department, who asked for particulars of personal injuries, but none were furnished; only the certificate referred to, of Dr. Anderson.

I think \$1,500 would be nearer the value of the effects and money lost and I would allow that amount with interest from the date of loss, September 4, 1915, to date of settlement, at the rate of 5 per cent per annum.

As to the claim for personal injury, considering claimant's age at the time of the disaster and her apparent condition as indicated by the meagre medical record, I think that \$3,000 would be a fair amount to allow on that part of the claim, with interest at the rate of 5 per cent per annum from the 10th day of January, 1920, the date of the ratification of the Treaty of Versailles to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$4,500 fair compensation to the claimant, with interest as above indicated.

JAMES FREIL,
Commissioner.

November 30, 1926.

DECISION

Case 947b

Re Miss LOUISE RUTH HARRIS

Claimant is a British subject born in England, and with her mother, whose claim has been considered just previously, was a passenger on the ss. *Hesperian* when that ship was sunk off the coast of Ireland, September 4, 1915. Claimant and her mother were taken off in a life-boat, but both allege injury from shock, and claim on that account and for loss of personal effects. Claimant was unable to work after she came back. She does not file a medical certificate and did not furnish any particulars of injury with her claim, when she filed it first with the British Reparation Claims Department.

It is necessary in all of these cases that there should be some medical record and by reason of there not being any in this case, the claim for personal injury will have to be disallowed.

The claim for personal effects made up, so the evidence states, by the claimant's brother and lawyer now deceased, seems high, but under the circumstances I will allow it at the amount declared, \$1,022.00, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$1,022.00 fair compensation to claimant, with interest as above indicated.

November 30, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 948

Re Mrs. MARY BEATRICE MIGNAULT

Claimant is a Canadian, the wife of Colonel Mignault, a surgeon who was serving at the front during the war.

Mrs. Mignault was in France and sent clothing for herself and her child and other goods home to Canada with an officer friend, who had the goods with him on the ss. *Hesperian* when that ship was sunk by enemy action September 4, 1915. The goods went down with the ship. There was no insurance.

The claim was before the late Commissioner, who noted it for allowance at the amount declared, and proved, \$800.00, and I would allow it at that amount, together with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$800.00 fair compensation to the claimant, with interest as above indicated.

November 30, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 949

Re Mrs. L. COLEBROOKE

Claimant is a British subject born in England, who came to Canada in 1904, and was employed as a lady's maid. Shortly after the war broke out she went back to England to see her brother who had enlisted; returning to Canada she was on the ss. *Hesperian* when that ship was sunk by enemy submarine off the coast of Ireland, September 4, 1915. She suffered personal injury

and loss of effects and some money she had with her. The life-boat she got into, first, capsized and she was thrown into the water and picked up but exposed wet in a boat for two or three hours before she was found by a rescuing ship. She returned to Canada as soon as she could and was under the care of a doctor and suffered considerably. One of her eyes was seriously affected.

This claim was before the late Commissioner, at Montreal in June, 1923, who noted it for allowance at \$1,200.00 for personal injury and \$700.00 for loss of effects and money. I would allow interest on the amount for personal injury at the rate of 5 per cent per annum from the 10th day of January, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement, and on the amount for personal effects, at the rate of 5 per cent per annum from the date of sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, categories (1) and (9), and I find \$1,900.00 fair compensation to the claimant, with interest as above indicated.

November 30, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 950

Re ETHEL READ, NOW MRS. BRAGO

Claimant is a British subject born in England, who was a passenger on the ss. *Hesperian* coming to Canada, when that ship was sunk by enemy submarine September 4, 1915.

She claims on account of loss of personal effects.

She had been a teacher of diction and voice training in England and had books with her and manuscripts, etc. She lost what money she had with her.

Her claim was heard before the late Commissioner in Montreal in June, 1923, who noted it for allowance at \$1,500.00 less the sum of \$375.00 received for insurance, with interest.

I agree with his assessment and would have the interest run from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$1,125.00 fair compensation to the claimant, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

December 15, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 951

Re JACK HARRIS BLACKWOOD

Claimant is a Canadian. He was on the ss. *Hesperian* returning from service when that ship was sunk by enemy submarine September 4, 1915. He claims for personal effects, not military in character, and money lost to the amount of \$220.50.

I will allow the claim at \$220.50.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$220.50 fair compensation to the claimant, with interest thereon at the rate of 5 per cent per annum from the date of loss to the date of settlement.

December 10, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 952

Re MRS. MARGARET HANDFORTH

Claimant is a British subject born in England who came to Canada September 1912. As Margaret Elliott a single woman, she was a passenger on the ss. *Hesperian* when that ship was sunk by the enemy with a loss of 32 lives, September 4, 1915.

She claims on account of personal effects jewelry and money lost which she left in her satchel.

I would allow the claim at the amount declared \$530.00 with interest at the rate of 5 per cent per annum from the date of loss September 4, 1915, to date of settlement

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$530.00 fair compensation to the claimant, with interest as above indicated.

JAMES FRIEL,

Commissioner.

December 10, 1926.

DECISION

Case 953

Re HENRY QUINTAL

Claimant is a Canadian. He was a passenger on the ss. *Hesperian* sunk September 4, 1915. Claim is for personal injury, loss of belongings, loss of salary, etc. The claimant was an officer in the Canadian Forces returning from France on leave. He was subject to military control and drawing military pay. He would be entitled according to the ruling of the late Commissioner to compensation for loss of personal effects, not military in character, and that part of his claim was noted for allowance at \$175.00. I agree and would allow interest from the date of loss.

This claim, in so far as it covers loss of personal effects, civilian in character, falls within Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$175.00 fair compensation to the claimant with interest at 5 per cent per annum from the date of loss to date of settlement.

JAMES FRIEL,

Commissioner.

December 13, 1926.

DECISION

Case 954

Re WILLIAM L. BOLTON

Claimant was a passenger on the ss. *Hesperian* when that ship was sunk September 4, 1915, and claims for loss of effects, value declared at \$203.75.

The claim was first put in to the British Reparations Claims Department and by them transferred to this Commission.

Claimant at the time of the loss was a British subject born in England who had been working in Canada for the Canadian Pacific Railway, from December 8, 1910, to April 30, 1916, when he resigned on account of ill health.

At the time he filed the claim with the British authorities, he had taken out citizenship papers in the United States.

This may raise a question of jurisdiction but I do not think I would refuse the claim on that account. The British Reparation Claims Department did not make any comment.

I would allow this claim at the amount declared, \$203.75, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$203.75 fair compensation to the claimant with interest as above indicated.

JAMES FRIEL.

Commissioner.

July 9, 1926.

DECISION

Case 955

Re MISS ANNIE F. FIELDING

The claimant is an English girl, born in 1882, who came to Canada in 1913 and was employed as a teacher and later as school principal in Montreal. She was on the *Hesperian* returning from a visit to her parents when that ship was sunk September 4, 1915, 135 miles from Queenstown, Ireland. Claimant was saved in a lifeboat and taken in the rescuing steamer to Queenstown from where she returned to her home in England, sailing for Canada on the *Scandinavian*, which arrived in Montreal on September 27, 1915. She resumed her school duties and continued teaching until February, 1918, when she was taken with tuberculosis and went to the Royal Victoria Hospital, and then to Saranac Lake and subsequently returned to England where she remained with her parents wholly incapacitated with the disease.

The claim as it now stands is for loss of effects and injury to health.

It was put in to the British Foreign Claims Office on behalf of Miss Fielding, October, 1915, as for personal effects only, the amount claimed being £159 2s. 11½ d., the claim having been transferred to the Office of the Secretary of State, and next mentioned by Irving Fielding, of Boston, a brother of the claimant, in letters dated November 18, 1918, and January 8, 1919, as for personal effects only.

Mr. Fielding writing January 15, 1919, with reference to claimant's status as a Canadian citizen refers to the fact of her then residing at Saranac Lake under treatment and says her condition was principally owing to exposure after the ship was torpedoed but makes no claim on that account and afterwards files her declaration in respect of the loss of personal effects, made at Saranac Lake, N.Y., March 8, 1918, in which there is no reference to any claim for injury to health.

The claim as now before the Commissioner is set out in our form of Statutory Declaration, sworn to by Miss Fielding at her home in Penistone, England, January 28, 1922, and is as follows:—

(a) Expenses from February, 1918, to June, 1918.....	\$ 1,500 00
(b) Expenses both medical and general from July, 1918, to May, 1921, at Saranac Lake.....	10,000 00
(c) Loss of salary for life from June, 1918, to age of 60 at \$1,200	28,000 00
(d) Expenses for medical attendance from August, 1921, to December, 1921-	58 00
Amount of claim	<u>\$40,358 00</u>

The medical report is signed by Hugh Kinghorn, M.D., of Saranac Lake, and is dated December 18, 1921, in which he gives the cause of loss of health as pulmonary tuberculosis involving the upper two-thirds of the left lung. The result, permanent-total incapacity and he accounts for the claimant's condition as follows:—

"On September 4, 1915, she was on the ss. *Hesperian* when it was torpedoed. She was not thrown into the sea but was in the boats and was wet up to the knees for three hours. She was very nervous after this and caught cold easily. The colds would go to the chest and she would cough for about 10 days. In the winter of 1915-16, she had a dry pleurisy in the left lung and was sick in bed for 10 days. Since 1916, she has tired easily at her work. In February, 1918, she came down with acute tuberculosis of the left lung."

Filed with the declaration is a certificate from the superintendent of the Hamilton Street School, Montreal, in which the claimant was principal, to the effect that Miss Fielding had continued to attend her school duties until February, 1918, when she was entered as a patient at the Royal Victoria Hospital, and later went to Saranac Lake. Her salary at the time she was obliged to give up her position was \$1,200 per year. She had been a most successful teacher and had never been absent a day until after her experience on the unfortunate *Hesperian*.

Miss Fielding was not able to appear before the Commissioner when her case was presented at St. John, N.B., July 23, 1924. Colonel Percy A. Guthrie, of Boston, acted as her solicitor and he and Irving Fielding gave evidence.

Colonel Guthrie was one of the passengers on the *Hesperian* and met Miss Fielding on the rescue steamer after the sinking. He says he learned from herself and others that the life boat in which she had been taken off, was crushed in some way so that she was thrown into the sea and was then dragged into another life boat and picked up in the morning about one o'clock during which time she was exposed to the water in her night gown when she had to stay on deck until the next day at 11 o'clock when she reached Queenstown. He saw her three days later when she was suffering from a severe cold. He saw her again in Canada in 1916, and she then told him she was suffering from chronic colds and nervousness but hoped to get well and was sticking to her school.

Mr. Fielding also said his sister had been thrown into the sea and that she was clad only in her night gown and thus scantily clad was exposed to the water four or five hours; in addition to this, she was some time in the water with a life belt.

They filed a certificate from Dr. W. C. Rivers, an English doctor, dated January 26, 1922, to the effect that Miss Fielding has tuberculosis and will never be able to continue her duties and that her earning capacity at the best, is seriously reduced; also a certificate from Dr. Arthur Gordon Wilson, which reads as follows:—

10 7 24.

"Town End House,

"Thurstone, nr Sheffield, Yorks, W.R., England.

"I hereby certify that I have to-day examined Miss A. Fielding of Turton House, Mill-house, near Pennistone.

"She is suffering from tuberculosis of the upper two-thirds of the left lung.

"The resonance over the whole of this area is impaired and sticky mucous rales are audible over the entire affected portion, front and back.

"There is a slight impairment of resonance beneath the middle third of the right clavicle but I could not definitely attribute this to tubercle.

"The distribution and severity of the infection are to-day exactly as they were in September, 1921, and I see no reason for anticipating improvement.

"She has had an artificial pneumo thorax induced without good effect.

"I was Miss Fielding's usual medical attendant during her residence in Millhouse before going to Canada and in this period of time she showed no evidence of tuberculous affection. She has no tuberculous family history.

"In my opinion her present condition is such that she will never be able to earn a living."

"(Sgd.) ARTHUR GORDON WILSON, M.D.,

"L.S.H. Medical Referee,

"Ministry of Pensions."

Miss Fielding taught at Millhouse Board School near her home before coming to Canada.

There is no medical report or evidence in respect of Miss Fielding's condition of health from the time the ship sank until her collapse in February, 1918.

Dr. Kinghorn was not her medical attendant and what he says about her condition or what happened to her during that time cannot be taken as good proof.

Miss Fielding was apparently a strong active girl who would, most likely, if called upon, endure considerable exposure. As to her experience when the ship was torpedoed, we have a newspaper interview given by her to the Liverpool Express, a printed clipping of which she attached to her declaration of January 28, 1922, in which she gives a very different version of what happened to her when the ship was struck from that given by her brother and solicitor. She was on deck fully dressed; she had been sitting reading and was promenading with a lady friend when they actually saw the torpedo strike the ship. Immediately the engines stopped. They were opposite a small life boat and waited. When the crew came she helped her friend in, who had become hysterical, and a mother with two small children. The boat was almost full and she jumped in herself as it was being lowered. They were out in the life boat two hours during which time the ship was sending out wireless messages, shooting rockets and firing cannons. Her lights were still burning. Miss Fielding says:—

"It seemed ages to us and heartrending to hear the cries for help. We were all so thankful the sea was calm and the night air warm and beautiful. The ship hastening to our rescue had come some 40 miles. We were taken on board and every assistance given us. Warm blankets, rugs, plenty of good hot coffee, brandy, were all ready for us. . . . Some of the survivors were in a dreadful condition, a great many had only their night attire and one poor woman expired as soon as she got on board the *Empress*. All lights were put out, the engines re-started, and we sped along to Queenstown, 135 miles away. We were well in sight of land the next morning and after sandwiches and coffee we went on deck, everyone being most curious to see who was on board, and in what condition. At Queenstown we had a hearty reception, and were quickly taken off to various hotels in automobiles. On Tuesday morning last we left Queenstown by train for Dublin, thence by boat to Holyhead, and by train to Liverpool, where thousands of people were waiting to welcome us back." The newspaper story ends in stating—"Miss Fielding is still suffering to some extent from shock but hopes to make the journey to Montreal shortly."

Considering this narrative, and the fact that nothing was asked for personal injury when the claim was first filed, and that injury to claimant's health was not attributed to what she suffered when the ship was sunk, until more than six years after the event and four years after she had been incapacitated by the disease and that the medical record is silent as to her condition between the time of the catastrophe and the time of her giving up her school, and that the certificate of Dr. Wilson who attended her while she was teaching in England before coming to Canada and examined her in 1924, gives no opinion as to what effect, if any, her experience when the ship was torpedoed, had on her subsequently contracting tuberculosis, I cannot, with every sympathy for the sufferer find that causal connection has been established, or that there is sufficient on the record from which I can infer that the present condition of Miss Fielding is due to what happened to her on the night of September 4, 1915.

We know that thirty-two passengers were lost with the *Hesperian* and the survivors must all have greatly suffered in mind if not with immediate physical injury, and I am inclined to think that the shock would be especially severe in the case of Miss Fielding who saw it all and went through it all from the time the enemy torpedo was discharged and I am compelled to believe that the effect of such shock would have something to do with her subsequent breakdown, and for that reason, on account of shock, I would recommend she be allowed \$6,000 compensation, with interest at the rate of 5 per cent per annum from the 10th of January, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement. She is entitled also to compensation as claimed for her personal effects in the amount of ~~\$780.78~~, with interest thereon at the rate of 5 per cent per annum from the date of loss, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9), and I find \$6,780.78 is fair compensation to the claimant, with interest as above outlined.

February 3, 1926.

JAMES FRIEL,
Commissioner

DECISION

Case 956

Re ARTHUR GEORGE SANDFORD

Claimant is a British subject, born in England, who came to Canada in 1912. He was a passenger on the *ss. Hesperian* when that ship was sunk by enemy submarine September 4, 1915, with a loss of 32 lives.

He was an officer returning wounded from the war.

The claim is for personal effects lost.

Following the ruling established by the late Commissioner, I would allow for loss of civilian effects, not military, and assess this claim at \$105.00, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find \$105.00 fair compensation to the claimant, with interest as above indicated.

August 10, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 957

Re MRS. SOPHIA PEARSE, DECEASED

Claimant was a British subject, a native of Wales. Her husband was also a British subject. She was a passenger on the *ss. Hesperian*, sunk by enemy submarine on September 4, 1915, and sent in a claim to the British Foreign Claims Office for personal effects lost with the ship amounting to £23 3s. 0d. Said claim was afterwards referred to this Commission by reason of Mrs. Pearse having become domiciled in Canada. She has since died. The claim was presented for her by her son, Alfred Pearse, who bore the expenses of making it.

I would allow it at the amount declared, £23 3s. 0d., or \$113.58 Canadian money, with interest at 5 per cent per annum from the date of loss, and would recommend that the compensation be paid to the said Alfred Pearce, whose address is 44 Hawthorn road, New Moston, Manchester, England.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9), and I find that \$113.58 is fair compensation to the claimant, with interest at 5 per cent per annum from the date of loss to the date of settlement.

February 2, 1927.

JAMES FRIEL,
Commissioner.

DECISION

Case 958

Re BENJAMIN RICHARDSON

Claimant is a British subject and a native of Ireland who came to Canada in 1913.

He was a passenger on the ss. *Hesperian* returning from a holiday when that ship was sunk by enemy submarine September 4, 1915 and claims £12-9 for loss of personal effects.

His claim was first submitted to the British Reparation Claims Department and by them transferred to this Commission.

I would allow the claim at the amount declared, in Canadian money, \$61.08, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$61.08 fair compensation with interest as above indicated.

February 2, 1927.

JAMES FRIEL,
Commissioner.

DECISION

Case 959

Re WILLIAM AHRENS

Claimant is a British subject born in England, who came to Canada in 1910. He was a passenger on the ss. *Hesperian* on his return from a visit to England, when that ship was sunk by the enemy September 4, 1915.

He claims for loss of his personal effects, and I would allow the claim at the amount declared and proved—\$102.00, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$102.00 is fair compensation to the claimant, with interest at indicated above.

May 14, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 960

Re MRS. ANNIE LOUISE BASINGER

Claimant is a British subject born in England who has lived in Canada since 1912. She was a passenger on the ss. *Hesperian* when that ship was sunk by enemy submarine with a loss of 32 lives, September 4, 1915. She was returning from her old home in England where she accompanied her husband who was working in a Government factory.

The claim is for loss of personal effects and was first put in to the British Reparation Claims Department and by that department transferred to this commission. I would allow this claim at the amount declared £99-4-3 or the equivalent in Canadian money—\$486.74, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$486.74 is fair compensation to the claimant with interest as above indicated.

JAMES FRIEL,
Commissioner.

June 15, 1926.

DECISION

Case 961

Re MRS. EDITH MARY BASINGER

Claimant is a British subject born in England, who in 1919 came to Canada to make her home. She was a passenger on the SS. *Hesperian* when that ship was sunk by enemy submarine with loss of 32 lives, September 4, 1915, and claims on account of personal effects and money lost. The claim was first put in to the British Reparation Claims Department and by them transferred to this Commission.

I would allow this claim at the amount declared and proved £75-9-7 (\$370.31 Canadian currency) plus an item of \$20.00 value of trunks omitted in the first statement and added to the list at the hearing. There was no insurance.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$390.31 is fair compensation to the claimant with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

JAMES FRIEL,
Commissioner.

June 15, 1926.

DECISION

Case 962

Re WILLIAM T. BIRD

LYDIA BIRD

Claimants are British subjects born in England who came to Canada in 1907. They were passengers on the SS. *Hesperian* when that ship was sunk by enemy submarine with a loss of 32 lives off the Coast of Ireland, September 4, 1915.

They lost personal effects and money and Mrs. Bird was quite seriously injured.

Their claim for loss of personal effects was put in to the British Reparation Claims Department and by them transferred to this Commission.

At the hearing of the case in London, Ontario, their claim was amended to include compensation for personal injury to Mrs. Bird and the injury was proved by herself and the doctor in attendance since the disaster. She claimed \$1,000.00 for personal injury.

I would allow her claim for personal injury, \$1,000.00 together with interest at the rate of 5 per cent per annum from the date of the ratification of the Treaty of Versailles, January 10, 1920, to date of settlement, and allow for the personal effects and money lost, the amount declared and proved, \$1,494.46, together with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$2,494.46 is fair compensation to the claimants with interest as above indicated.

JAMES FRIEL.

June 16, 1926.

DECISION

Case 963

Re Mrs. ADA MAY BUTCHER

Claimant is a British subject born in England, who came to Canada in 1915.

With her child four years of age, she was a passenger on the ss. *Hesperian* when that ship was sunk by enemy submarine with a loss of 32 lives, September 4, 1915.

She claims for loss of personal effects and money and for personal injury. The record indicates that she and the child were bruised some, but there is no medical certificate.

I would allow the claim for personal effects and money lost at the amount declared, \$325 with interest at the rate of 5 per cent per annum from the date of the loss, September 4, 1915, to date of settlement, and I would allow \$200 solatium, for personal injury, with interest at the rate of 5 per cent per annum from the date of the Treaty, January 10, 1920, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9), and I find \$525.00 is fair compensation to the claimant, with interest as above indicated.

JAMES FRIEL,

August 2, 1926.

DECISION

Case 964

Re Mrs. FLORENCE R. G. CLIFFORD

Claimant is a British subject, a native of England. She came to Canada in 1907. Her husband is a rancher.

Claimant was a passenger on the ss. *Hesperian*, sunk by enemy submarine with loss of 32 lives off the coast of Ireland, September 4, 1915. She claims for loss of personal effects. The claim was first put in to the British Foreign Claims Department, and by them transferred to this Commission. Mrs. Clifford was not able to appear personally before the Commission, but was represented by counsel at the sittings in Kamloops, B.C.

On examining the record and hearing the claim discussed by counsel, I have come to the opinion that \$2,500 would be a fair allowance to claimant on account of her loss, with interest at the rate of 5 per cent per annum from the date of the sinking of the ship, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$2,500 is fair compensation to the claimant, Mrs. Florence R. G. Clifford, with interest as above indicated.

April 27, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 965

Re Mrs. MINNIE CREWS

Claimant is a British subject born in England, who came to Canada in June, 1916. She was coming to this country with her three children on the ss. *Hesperian* when that ship was sunk with a loss of 32 lives, September 4, 1915. Claimant and her children escaped in their night clothes and she lost the money she had with her, left in her cabin.

This claim was first put in to the British Reparation Claims Department and by them transferred to this Commission.

I would allow the claim at the amount declared and proved £228-13-0 or the equivalent in Canadian money \$1,121.78, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$1,121.78 fair compensation to the claimant with interest as above indicated.

June 19, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 966

Re Mrs. ELSIE DOWN

Claimant is a British subject born in England, now living in Canada. She was a passenger on the ss. *Hesperian* when that ship was sunk by enemy submarine with a loss of 32 lives, September 4, 1915, and lost all her personal effects and £30-0-0 in money. She was on her way to Canada to make her home with her son.

This claim was first put in to the British Reparation Claims Department and by them transferred to this Commission.

I would allow this claim at the amount declared and proved, £125-6-0 or the equivalent in Canadian money \$614.73, with interest at the rate of 5 per cent per annum from the date of sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$614.73 fair compensation to the claimant with interest as above indicated.

June 19, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 967

Re JESSE FAIRS, AND ALICE MARY FAIRS

Claimants are British subjects born in England, who came to Canada in 1907 and have been living here since.

With their three children they were passengers on the *ss. Hesperian* when that ship was sunk by enemy submarine with a loss of 32 lives, September 4, 1915.

Claimants had been on a visit to their old home in England and were returning to Canada.

The claim which is for loss of personal effects was first put in to the British Reparation Claims Department and by them transferred to this Commission.

I would allow the claim at the amount declared \$1,032 together with interest from the date of the sinking, September 4, 1915, at the rate of 5 per cent per annum, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$1,032 is fair compensation to the claimants with interest as above indicated.

JAMES FRIEL,

Commissioner.

June 16, 1926.

DECISION

Case 968

Re MRS. ISOBEL J. JARDINE

Claimant and her husband are British subjects born in Scotland who have been living in Winnipeg since 1913. She was a passenger with her children aged 6 and 7, on the *ss. Hesperian* when that ship was torpedoed by enemy submarine, off the Irish Coast, with a loss of 32 lives, September 4, 1915. The claim is on account of injury to health and loss of personal effects. The claimant had a most trying experience getting into the life boat with her children when the vessel was struck and they were over three hours in the boat which was partially filled with water. Claimant was 31 at the time. She has since been under the care of doctors a great deal although she manages mostly with her husband's help to do her own work.

She has had to give up work from time to time and she is a nervous woman, twitchy, sleepless and apprehensive and generally worried,—a case of nervous breakdown so her doctor testifies and he attributes her condition largely to the exposure and shock in the sinking of the ship. He did not think so when he first examined her but at the time of the hearing he had reached that conclusion after having had her under his care for a while. He goes into further details and says she is a little under 50 per cent disability but thinks her condition will improve. She has been under heavy medical expense.

The evidence of the claimant's husband is simply that she had been in good health before going to England whither she had gone on account of her mother's death. When she came back she was no good at all. She was thinner and lost weight considerably and was jumpy and nervous—altogether different from the way she had been when she left. She has been under the care of several doctors and was in the hospital. Before going to England she never had a doctor.

I would allow claimant \$3,000 on account of personal injury with interest at the rate of 5 per cent per annum from the 10th day of January, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement and

\$920.70 on account of loss of effects and money, as declared, with interest at the rate of 5 per cent per annum from the date of the sinking September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (I) and (9) and I find \$3,920.70 is fair compensation to the claimant with interest as above indicated.

March 17, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 969

Re Mrs. LETETIA ELISABETH McLOUGHLIN

Claimant is a British subject. She was a passenger with her two children on the *Hesperian* when that ship was sunk by German submarine with a loss of 32 lives off the coast of Ireland September 4, 1915.

Claim is for loss of personal effects and injury to her health and expenses on account of illness of one of the children incurred in the disaster.

The amount claimed for personal injury to herself and the child is \$500 and I would allow it with interest at the rate of 5 per cent per annum from the 10th day of January, 1920, the date of the ratification of the Treaty of Versailles to date of settlement and I would allow for the loss of effects \$549.24, the amount declared, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (I) and (9) and I find \$1,049.24 is fair compensation to the claimant with interest as indicated.

March 17, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 970

Re Roy McGREGOR

Claimant is a British subject, born in England, who came to Canada in 1913. He was a passenger on the ss. *Hesperian*, sunk by enemy submarine off the coast of Ireland, September 4, 1915, with loss of 32 lives.

This claim is for personal effects lost and expenses incurred, and was originally filed for £65, but increased at the hearing to \$575.

I would allow claimant \$500.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$500 is fair compensation to the claimant, Roy McGregor, with interest at the rate of 5 per cent per annum from the date of loss, September 4, 1915, to date of settlement.

April 15, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 971

Re W. G. & Mrs. FLORENCE MORRIS

Claimants are British subjects born in England. Mr. Morris was a cattle buyer, and came to Canada first in 1911. They were married in 1915, and were passengers on the *ss. Hesperian* on their way to Canada to make their home, when that ship was sunk by enemy submarine on September 4, 1915. They claim for lost personal effects and money.

I would allow this claim at \$1,700, with interest from the date of loss.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9), and I find \$1,700 is fair compensation to the claimants W. G. Morris and Mrs. Florence Morris, with interest at the rate of 5 per cent per annum from the date of the sinking of the ship, September 4, 1915, to date of settlement.

JAMES FRIEL,
Commissioner.

April 24, 1926.

DECISION

Case 972

Re NORMAN R. MILLAR

Claimant is a British subject born in England in 1884. He came to Canada in March, 1905. He was on active service during the great war, having enlisted September 4, 1914, and was discharged at Exeter, England, September 3, 1915. He was a soldier in the British Army and his discharge gives him credit for 3½ years' service.

He was returning to Canada on the *ss. Hesperian*, when that ship was sunk by enemy submarine, with loss of 32 lives, off the coast of Ireland September 4, 1915. He claims for loss of personal effects and for injury to health on account of exposure. His claim was first put in to the British Foreign Claims' Department, and by them transferred to this Commission.

The medical record discloses that claimant suffers from defective hearing and neuralgia due to exposure of 14 hours in the open sea after the sinking of the *Hesperian*. His percentage of incapacity is given at 20 per cent to 30 per cent in his own employment, and in the general labour market, and such incapacity will likely be permanent. His hearing is impaired so that it is necessary to speak loudly, and he wears small ear drums. He is unable to do lifting or heavy work on account of chronic neuralgic pain in his back.

I would allow claimant \$4,000 for personal injury, with interest at the rate of 5 per cent per annum from January 10, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement, and I would allow for loss of effects the amount declared, \$325, with interest at 5 per cent per annum from the date of the sinking of the ship, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9), and I find \$4,325 is fair compensation to the claimant, Norman R. Millar, with interest as above indicated.

JAMES FRIEL,
Commissioner.

May 1, 1926.

DECISION

Case 973

Re WILLIAM E. RANSOM

Claimant is a British subject born in England, who came to Canada June, 1906. He was a passenger on the *ss. Hesperian*, sunk by enemy submarine, with loss of 32 lives September 4, 1915.

Claimant lost his personal effects and certain personal effects belonging to his son serving in France, which he was taking back to Canada with him and claims also for money lost, loss of time and for railway fare.

I would allow this claim at the amount declared, \$617.50, together with interest at the rate of 5 per cent per annum from the date of sinking to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9) and I find \$617.50 is fair compensation to the claimant with interest as above indicated.

JAMES FRIEL,
Commissioner.

January 12, 1926.

DECISION

Case 974

Re MRS. ISABELLA SKELLY

Claimant is a native of Belfast, North of Ireland, and with her daughter was coming to Canada to make her home here with her husband also a native of Ireland who had preceded her and been living in this country for 12 years. They sailed on the *Hesperian* and when that vessel was sunk by the enemy September 4, 1915, they lost all their personal effects, for which they claim £50 and cash to the amount of £200 left in their berth when they got off the ship in their night clothes. Mrs. Skelly suffered considerably from exposure and was ill for some time after but there is no claim put in for injury to health. The claim for personal effects was filed with the British Reparation Claims Department and was transferred to this Commission. The parties were heard by the late Commissioner at Toronto, May 5, 1924, when they brought in the further claim for money lost.

I would allow this claim in full for the money and personal effects lost.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9) and I find \$972.00 is fair compensation to the claimant for the money lost and \$243.00 for personal effects lost, all with interest at the rate of 5 per cent per annum from the date of the sinking of the vessel, September 4, 1915, to the date of settlement.

JAMES FRIEL,
Commissioner.

June 15, 1926.

DECISION

Case 975

Re STANLEY SOWDEN

Claimant is a British subject born in England, who came to Canada in 1906.

He was a passenger on the *ss. Hesperian* when that ship was sunk with a loss of 32 lives, September 4, 1915. (Claimant's name appears on the *Hesperian* passenger list).

The claim is for luggage and personal effects.

There was no insurance.

The evidence as to the values is meagre.

I think an award of \$800.00 will cover this claim.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9) and I find \$800.00 fair compensation to the claimant with interest at the rate of 5 per cent per annum from the date of sinking, September 4, 1915, to date of settlement.

June 30, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 976

Re WILLIAM HENRY SMITH

Claimant is a British subject born in England resident in Canada since 1911. He was a passenger on the *Hesperian* when that ship was sunk by enemy submarine September 4, 1915, and claims for personal effects lost.

I would allow the claim at the amount declared, \$203.00, with interest at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, category (9) and I find \$203.00 is fair compensation to the claimant with interest as indicated above.

March 19, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 977

Re MRS. MARGARET ALICE TURNER

Claimant is a British subject born in England, who came to Canada in 1913.

Her husband has a position with the Ontario Hydro Commission.

Mrs. Turner was a passenger on the ss. *Hesperian* returning from a visit to her old home, when that ship was sunk with loss of 32 lives, by enemy submarine, September 4, 1915. Claimant had her two children with her, one a baby.

The claim is for loss of personal effects of the claimant and the children and \$75.00 cash which she had in her belt and which was lost. The baby was hurt and Mrs. Turner suffered considerably from shock. Both she and the baby were under the care of a doctor. She claims \$250.00 for personal injury.

I would allow this claim as declared and proved, namely \$250.00 for personal injury, with interest from the 10th day of January, 1920, the date of ratification of the Treaty of Versailles, to date of settlement, and \$800.00 for personal effects lost, and cash, with interest from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$1,050.00 is fair compensation to the claimant with interest as above indicated.

June 15, 1926.

JAMES FRIEL,
Commissioner.

DECISION

Case 978

Re Mrs. MARY ANN WAITE

She claimed as a British subject, a native of England who came to Canada in 1911. She was returning to Canada after a visit to her old home with her child on the *Hesperian*. She lost all her personal effects when that ship was sunk by enemy submarine with loss of 32 lives, 85 miles off the coast of Ireland, September 4, 1915.

Mrs. Waite suffered also from exposure. She threw the child into a boat and herself into the water where she was for some time before being rescued. She claims also, but mildly, for personal injury. The medical report on file states that she was troubled with neurasthenia as a result of shock and incapacitated for eight months, and quite miserable for a year. The claim according to particulars filed with the British Claims Office in respect of effects amounted to £83 10s. 0d. Her total claim is \$700.00, and I would allow it.

This claim falls within the First Annex to Section (I), Part VIII of the Treaty of Versailles, categories (1) and (9), and I find \$700.00 is fair compensation to Mrs. Mary Ann Waite with interest at the rate of 5 per cent per annum from January 10, 1920, to the date of settlement.

JAMES FRIEL,

Commissioner.

March 8, 1926.

DECISION

Case 979

Re Mrs. JESSIE WESTACOTT

Claimant and her husband are both British subjects born in England and resident in Canada since 1912.

Mrs. Westacott with her child eight weeks old, was a passenger on the ss. *Hesperian*, sunk by enemy submarine with a loss of 32 lives off the Irish coast, September 4, 1915.

Claim as filed is for personal effects lost and for money spent in medicine and doctors' fees on account of her illness occasioned by her experience when the ship sank. She threw the baby into a soldier's arms in the lifeboat and jumped herself into the water and was pulled out unconscious. She returned to her mother's home in England and was ill and under medical care for nervous breakdown and diabetes for three months and different times after that for several years. The English doctor who took care of her died and she had no medical report to submit with her claim and for that reason did not present a claim for injury to health, until the hearing of her case at Winnipeg.

I will accept her sworn statement as to what happened to her and I would allow her something on account of injury to health, say, \$500.00, in addition to the \$100.00 spent for medicine and doctors' fees, with interest from the 10th day of January, 1920, the date of the ratification of the Treaty of Versailles, to date of settlement, and also the sum of \$303.60 for personal effects lost, as declared, with interest at the rate of 5 per cent per annum from the date of sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (1) Part VIII of the Treaty of Versailles, categories (1) and (9) and I find \$903.60 fair compensation to the claimant with interest as indicated.

JAMES FRIEL,

Commissioner.

March 19, 1926.

DECISION

Case 980

Re JOHN W. WALSH

Claimant is a British subject who came to Canada in 1911. He was a passenger on the ss. *Hesperian* when that ship was sunk by enemy submarine September 4, 1915, and lost his personal effects for which he makes claim.

This claim was first put in to the British Reparation Claims Department and by them transferred to this Commission.

I would allow the claim at the amount declared and proved, £49 18s. 10d., or the equivalent in Canadian money, \$245.01, with interest thereon at the rate of 5 per cent per annum from the date of the sinking, September 4, 1915, to date of settlement.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$245.01 fair compensation to the claimant with interest as above indicated.

JAMES FRIEL,
Commissioner.

June 19, 1926.

DECISION

Case 981

Re ARTHUR W. II. CLEAVE

Claimant is a British subject born in England and resident in Ottawa, where he is Deputy Master of the Royal Mint. He was a passenger on the ss. *Hesperian*, bound for Montreal when that ship was sunk by enemy submarine off the coast of Ireland, September 4, 1915, and claims on account of loss of personal effects.

The claim was heard by the late Commissioner who noted it for allowance at the amount declared, \$601.00 and I agree.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find that \$601.00 with interest at 5 per cent per annum from the date of loss to the date of settlement is fair compensation to the claimant.

JAMES FRIEL,
Commissioner.

November 4, 1926.

DECISION

Case 982

Re MRS. MARTHA J. HARTLEY

Claimant is a British subject. She was on the ss. *Hesperian* when that ship was sunk by enemy submarine September 4, 1915, and lost personal and household effects and other property and £20 in money which was in her cabin.

Claimant was on her way to Canada to make her home in this country; two of her sons had preceded her and both were overseas with the Canadian Forces. Claimant's daughter and baby grand-daughter were with her. There is no claim for personal injury. There was no insurance on the loss.

This claim was before the late Commissioner at Montreal in June, 1923, who heard the claimant and noted her claim for allowance at the amount declared an approved which she said was very reasonable. I agree.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category 9, and I find that \$802.26 is fair compensation with interest thereon at 5 per cent per annum from the date of loss to the date of settlement.

December 1, 1926.

JAMES FRIEL,
Commissioner.

Case 983

Re MRS. M. COWNLEY

No Action taken. Paid by British Authorities.

Case 984

Re REV. G. ISAAC

No Action taken. Cannot locate claimant.

Case 985

Re MRS. ELIZABETH JONES

No Action taken. Accepted by the British Authorities.

DECISION

Case 986

Re MRS. WILFRED C. LEONARD

Claimant is a British subject and a native of England who came to Canada in September, 1916. She was a passenger on the *ss. Hesperian* when that ship was sunk by enemy submarine September 4, 1915 and claims for personal effects lost on that ship.

I would allow this claim at the amount declared namely \$131.65, with interest from the date of loss, September 4, 1915, to date of settlement, at the rate of 5 per cent per annum.

This claim falls within the First Annex to Section (I) Part VIII of the Treaty of Versailles, category (9) and I find \$131.65 fair compensation to the claimant with interest as above indicated.

JAMES FRIEL,
Commissioner.

August 11, 1927.