

CANADA PRESENTS CLAIMS FOR ILLEGAL WARFARE

MEMORANDUM PREPARED ON SHIPPING LOSSES

Bulk of Claims arise out of Unlawful Activities of German Submarines which sank many Canadian Vessels some of which were Destroyed off Coast of Atlantic.

The Department of Naval Service of the Government has prepared a Memorandum on Canadian Claims for Illegal Warfare. The bulk of such Canadian claims arise out of shipping losses, it is stated. The memorandum says:—

"It appears that, as the international law on the subject now stands, the validity of these claims will turn upon the particular facts of each case, as, for example, in the case of a non-neutral vessel, whether her destruction was without warning or was effected after capture in due form and removal of her crew and papers and under circumstances justifying her destruction. The authorities do not agree as to precisely what these circumstances are, but it seems to be pretty generally recognized that there are conditions which will justify destruction before adjudication by a prize court. It seems difficult to contend that the use of the submarine against maritime commerce of the enemy is in itself illegal if the submarine can, and in any given case does, conform to the rules of international law."

The memorandum gives the names of a number of authorities who have discussed the legal questions, but does not, of course, attempt to brief the authorities, owing to the absence of accurate knowledge of the facts to be dealt with. These facts, in most cases, it is stated, cannot be obtained here. The memorandum continues:—

"An examination has been made of all the papers and reports available here dealing with the destruction of or damage to ships in respect of which claims have been made to the Department of State by Canadians. This examination shows that facts sufficient to form a judgment upon or prepare an argument in support of the claims are available only in a few cases, in which the destruction or damage has occurred near the coast of Canada."

"It is understood that the British Admiralty obtained reports upon nearly all such cases upon printed forms prepared for the purpose, and that these could be seen in London. In a few cases in which copies of these reports have been sent to London. These reports, together with the other information in the possession of the Admiralty, would probably give all the facts required for the preparation of a brief."

"It seems, therefore, that all that can be usefully done in this memorandum is to give the names of the ships in question and such other particulars as we have or as are not already notorious, so that any information available in London may be examined."

LIST OF SHIPS LOST.

"1. Canadians have made claims as owners of or interested in the following ships which have been destroyed by enemy action:—

"*Acadian*, sunk on the 16th of September, 1918. All the crew but one were lost."

"*Armenia*, sunk 13th March, 1918. Seven lives lost."

"*Blancha*, auxiliary unarmed schooner of 408 tons, attacked on the 24th August, 1918, by an enemy submarine while on passage from Bahia, Brazil, to Halifax. Crew reached shore in boats."

"*C. A. Jacques*, sunk 1st of May, 1917, with loss of three lives."

"*Charles Theriault*, schooner, sunk 10th July, 1918, off Bordeaux, France."

"*Coral Reef*, attacked off Irish coast in June, 1917. Is said to have been beached after being set on fire by a submarine and burned to the water's edge."

"*D. A. Gordon*, sunk on the 13th of December, 1917."

"*Dornfontein*, schooner, 694 tons gross, attacked by submarine on 2nd of August, 1918, in bay of Fundy, while on a voyage to Natal with a cargo of lumber from St. John, N.B. Vessel set on fire by submarine and crew sent ashore in boats."

"*Dorothy Duff*, schooner, 186 tons gross, Canadian register, sunk by submarine on 17th May, 1917, off Valencia, Spain."

"*Dundee*, sunk 21st January, 1917, by torpedo. One of crew killed, one injured."

"*Empress of Fort William*, sunk 27th February, 1916, by mine off Dover."

"*Empress of Midland*, sunk 27th March, 1916, by either mine or torpedo. The captain was slightly injured."

"*Erik*, steamer of 533 tons, attacked 25th of August, 1918, 70 miles from Gallantry head, while on a voyage from St. John's, Newfoundland, to Sydney, C.B., in ballast. Three of her crew wounded by shell fire from submarine. Assumed to have been sunk by bombs."

"*Fimreite*, Norwegian steamer, sunk 25th of July, while on a passage from Newfoundland to England. The claim is made by Nova Scotia Coal Company, as charterers, for loss of the benefit of the unexpired remainder of the charter party."

"*Harry A. Adams*, schooner of 99 tons, attacked by a submarine 30 miles off cape Finisterre, while on a voyage from Newfoundland to Corunna. She hove-to on the order of the submarine, and the crew were taken off and put on board a Norwegian steamer which was accompanying the submarine in charge of a prize crew furnished from the submarine. The schooner was then sunk by gunfire from the enemy vessel."

"*Kendal Castle*, torpedoed September 11, 1918. The ship was of British register, and the claim is by the Dominion Coal Company, as charterers, for deprivation of the benefit of unexpired remainder of the charter party."

"*Laura*, sunk on the 25th of April, 1917, off Ireland."

"*Lillian H.*, sunk on the 19th January, 1917, off Queenstown."

"*Luz Blancha*, oil tank steamer, engaged in trade between Mexico and Halifax. Was attacked by submarine on 5th of August, 1918, 43 miles from Chebucto head, while outward bound from Halifax to Mexico, light. She was first torpedoed, then shelled. After two of the crew had been killed, she was abandoned. She was sunk."

"*Mayola*, schooner, attacked and sunk on 16th of February, 1917, in the Mediterranean off Portugal. Crew landed in Portugal."

"*Midland Queen*, sunk on the 6th of August, 1915, by gunfire from a submarine. The crew abandoned the ship."

"*Morwenna*, Canadian steamer, owned by the St. Lawrence Shipping Company, a subsidiary of the Dominion Steel Company, torpedoed on the 26th of May, 1915, in the Irish sea, while on her way back from England to Sydney, C.B., after delivering a cargo of steel in France. The claim is for \$76,289.60, the difference between the insurance received and the value of the ship."

"*Nee-pawah*, sunk on the 22nd of April, 1917, off the Scilly islands."

"*Palatine*, Canadian steamer, belonging to the Imperial Oil Company, Limited, Toronto. Was attacked by gunfire from a submarine on the 2nd of December, 1916, off Ushant. The crew were compelled to leave the ship. The crew of the submarine placed bombs in the ship's holds and looted everything on board. The ship's crew stood by for two hours in the boats, but were warned to leave under penalty of being fired

upon by the submarine, and afterward landed at Weymouth. The ship is presumed to have been sunk."

"*Perce*, schooner, captured and sunk in January, 1917, by the raider *See Adler* while on a voyage from Halifax to Santos. The claim is for \$6,000, the difference between the value of the ship and the insurance received from Lloyds."

"*Retlaw*, Canadian oil tanker, owned by Imperial Oil Company of Toronto, Limited, while bound from New York to Havre, with cargo, sunk under mysterious circumstances. Sinking is supposed to have been caused by explosives placed in the ship by enemy agents while she was loading cargo in New York. During investigation held at Halifax by the Wreck Commissioner, the court expressed the opinion that the damage was caused by explosion."

"*Saint Olaf*, schooner, 277 tons net, sunk by submarine on 19th of August, 1915, while on a voyage from Llanelly to Parrisboro, N.S."

"*Scottish Hero*, Canadian steamer, owned by the Hero Shipping Company, Limited, a subsidiary of the Dominion Steel Company, torpedoed in Irish sea on the 10th of June, 1917, while returning to Canada after delivering a cargo of steel in France. The claim is for \$82,950, the difference between the value of the ship and the insurance received."

"*Storstad*, Norwegian steamer, torpedoed in March, 1917. The claim is by the Dominion Coal Company, charterers, for loss of the benefit of unexpired remainder of the charter party."

"*Strathcona*.—This steamer was attacked on the 13th of April, 1917, 146 miles off the Orkney islands. She was shelled and afterward sunk with bombs. One boat's crew was lost."

"*Sylvania*.—The ship was attacked and sunk by bombs 90 miles from Canso in August, 1918, by the captured trawler *Triumph*. The crew was picked up by a Canadian schooner."

"*Tellus*, Norwegian steamer, sunk in Mediterranean on or about August 31, 1916. The claim is by the Nova Scotia Coal Company, as charterers, for the loss of the benefit of the unexpired remainder of the charter party."

"*Themis*, Norwegian steamer, sunk October 12, 1917. Claim is similar to that in the case of *Tellus*."

"*Triumph*.—This trawler, of 239 tons gross and 122 feet long, was attacked by a submarine on the 20th of August while trawling on the Middle bank. When attacked, she was steaming 2½ knots, with her trawl down. The submarine came to the surface about four miles away and fired one shot over the trawler's bow. The trawler was stopped, and the crew took to the boats while the submarine was approaching. The enemy vessel then transferred to the trawler guns and other equipment and a crew of twenty men, who threw overboard the fishing gear and about 20,000 pounds of fish. The trawler and the submarine departed in company. The crew of the *Triumph* were picked up by another vessel. The *Triumph* was used by the enemy against the fishing vessels, etc., in the neighbourhood, and is thought to have been afterward sunk."

"*Wacousta*, Norwegian steamer, sunk by a submarine on the 8th of November, 1915, in the Mediterranean, while on a voyage to Vladivostok. The claim is by the Nova Scotia Coal Company, as charterers, for loss of the benefit of the unexpired remainder of the charter party."

"*Wilfred M.*—This schooner was sunk in February, 1915, in the South Atlantic, by the raider *Kronprinz Wilhelm*."

FISHING CRAFT SUNK.

"Claims have been made by Canadians in respect to the following fishing vessels sunk, with their equipment and cargoes and the personal effects of their crews:—

"*C. M. Walters* and *E. B. Walters*.—These sailing schooners, of 84 and 98 tons net, respectively, owned by Zwicker & Co., Limited, of Lunenburg, N.S., were sunk on the 25th of August, 1918, by a submarine while fishing on the St. Pierre bank. They are said to have been sunk with torpedoes."

"*Elsie Porter*.—This schooner, of 91½ tons net, was sunk by a German sub-

marine on August 29, 1918, while fishing on the Grand bank."

"*Gloaming*.—This schooner was sunk by submarine, August 26, 1918, while fishing."

"*J. J. Flaherty*.—This schooner was also sunk on the 26th of August, 1918, by submarine, while fishing on the St. Pierre bank."

"*Lucile M. Schnare*.—This sailing schooner, of 93 tons net, owned by W. C. Smith & Co., of Lunenburg, was sunk by the captured trawler *Triumph* on August 29, 1918, while fishing on the Quero bank. The crew reached Canso about forty-eight hours later in the boats."

"*Nelson A.*—This schooner, of 27 tons net, was sunk by submarine on August 4, 1918, 25 miles south of cape Roseway, while fishing."

"*Passadena*.—This sailing schooner, of 91 tons net, owned by Enos L. Wentzell, of Mahone Bay, was sunk by a submarine in July, 1918, while fishing on the Quero bank. She is said to have been torpedoed."

"*Potentate*.—This schooner, of 91 tons net, was sunk by a submarine on August 31, 1918, while fishing."

"*U. A. Saunders*.—This sailing schooner, of 95 tons net, owned by Zwicker & Co., Limited, of Lunenburg, was sunk by a submarine on August 20, 1918, while fishing on the Middle Ground bank."

"*Verna D. Adams*.—This sailing schooner, of 90 tons net, owned by Walter Duff, of Lunenburg, was sunk by a submarine in July, 1918, while fishing on the St. Pierre bank. She is said to have been sunk by torpedo."

OTHER CLAIMS.

"Canadians have made claims for loss of life or injury to health while travelling on the following ships:—

"*Alfred H. Read*, sunk December 28, 1917."

"*Apapa*, sunk November 28, 1917."

"*Aster*."

"*Borg*, sunk June 10, 1918."

"*Burutu*, sunk November 3, 1918."

"*Calcutta*, sunk October 23, 1916."

"*Cape Corso*, sunk October 12, 1917."

"*Citta-di-Palermo*, sunk January 8, 1916."

"*Drina*, sunk March, 1917."

"*Falaba*, sunk March 28, 1915."

"*Georgian*, sunk May 8, 1917."

"*Gimbri* (mine-trawler), sunk January 18, 1918."

"*Halifax*, sunk March 18, 1918, near New York."

"*Hampshire*, sunk June 5, 1916."

"*Hesperian*, sunk September 4, 1915."

"*Justicia*, sunk July 20, 1918."

"*Karina*, sunk August 1, 1917."

"*Lafranc*, sunk in April, 1917."

"*Laurentic*, sunk January 25, 1917."

"*Leinster*, sunk October 10, 1918."

"*Llandovery Castle* (hospital ship), sunk June 27, 1918."

"*Lusitania*."

"*Minas Queen*, sunk August 26, 1917."

"*Moresby*, sunk November 28, 1916."

"*Nepaulin*."

"*Nyanza*, sunk September 29, 1918."

"*Orduna*, shelled by submarine, but escaped."

"*Port Dalhousie*, sunk March 19, 1915."

"*Pollux*, sunk March 19, 1917."

"*Princess Irene*."

"*St. Nixon*, sunk February 7, 1918."

"*Stuart Prince*, sunk March 22, 1917."

"*Ticonderoga*, sunk September 30, 1918."

"*Umba*, sunk September 30, 1918."

"Canadians have made claims for cargoes lost in the following ships, in addition to those already mentioned:—

"*Annapolis*, sunk March, 1917."

"*Carthaginian*, sunk June 14, 1917."

"*Cymric*, sunk May 8, 1916."

"*Durango*, sunk in August, 1917."

"*Englishman*, sunk in March, 1916."

"*Hesperian*, sunk September 4, 1915."

"*Indrian*, sunk in June, 1915."

"*Lake Michigan*, sunk April 13, 1918."

"*Louisiana*, sunk in February, 1917."

"*Medora*, sunk in 1918."

"*Milwaukee*, sunk in August, 1918."

"*Sea Gull*."

"*Stephena*, sunk October 8, 1916, off New York."

"Canadians have made claims for personal effects lost while travelling in a number of other ships sunk during the war."