

GOSSIP OF THE MILITIA.

An Infantry School Corps' Hardship excites compassion in the Commons.

Comments on the O. A. A. programme—The Militia Regulations and the R. M. C. visitors board—Volunteering frolics in Montreal—The Vics' Spoon Competitions—Miscellaneous Notes.

EXPLANATION and discussion of a motion by Mr. Mulock, concerning a case of genuine hardship in which all militiamen will be interested, occupied the attention of the House of Commons for a considerable time on Monday afternoon. The militia has received so little attention of any kind from the legislators this session that space can well be spared for a full report of the discussion on this occasion:

MR. MULOCK moved for copies of all letters, despatches, communications and other papers, in the possession of the Department of Militia and Defence, touching the case of Private Thomas Neely, late of "C" company, School of Infantry, or of his widow and children, for compensation by reason of his disability and death.

He said: The facts of the case are simply these, as I am informed by the widow of Private Neely: He enlisted in "C" Company of Infantry on the 1st February, 1884; he went to the North-West with his company in March, 1885, for the purpose of aiding in the suppression of the rebellion. His company returned to Toronto on the 28th October, 1885. Shortly after his return home he became ill, and his illness finally developed into insanity. He was placed for a time in the jail in Toronto, and then placed in the lunatic asylum, and the military authorities, on the 17th May, 1886, discharged him from the service of Her Majesty on the ground of his insanity. He continued insane until the time of his death on the 21st January, 1887, on which day he died in the Provincial Lunatic Asylum in Toronto, and was buried that day as a pauper, being followed to the grave by his widow and the undertaker only. This is a case for which I bespeak the favourable consideration of the Government. If the House will permit me, I will read an extract from a letter from his widow, who says:

"When he returned he complained of feeling great pain at times in his head. He had 10 days' leave of absence from the regiment after his return. I do not remember the date, but he had his holidays in November. After his return he complained frequently of his head. When at home, and on Christmas after coming home, he frequently said that he knew it would be his last Christmas with me, stating that he knew his head would never get better, and at times he got quite delirious and imagined strange things, which I would have to convince him were not so; and at other times he would sit and look at us, that is, the children and me, and would say he knew his time with us was not long, as he had strange feelings when in the North-West."

He told her he had these pains in his head and strange feelings while in the North-West:

"Sometimes he thought the sun affected his head, and sometimes he thought it was nervousness."

Then she goes on to state:

"There was never any insanity in his family, all being healthy, strong people. When he became insane he was 10 months in the insane asylum, and on the 31st of January, 1887, he was buried from the asylum as a pauper, having no one to follow his remains but myself and the undertaker: since which time I never received a cent from any one."

Now, that discloses this state of affairs. This man served his country in the North-West; he endured, no doubt, the ordinary hardships incidental to that campaign, and he came back home, having at some period in his life—whether in the North-West or not, I am not aware, nor do I think it possible to ascertain—but still, having at some time contracted the seeds of disease which ultimately carried him off, he became disabled while in the service. This is not a case of an ordinary volunteer, but more, that of one of the regulars, his whole time being devoted to the service. Having become invalided, having become insane, he is discharged from the service, and without having recovered his mental health he dies and leaves a widow and children, who, I think, should be pensioned upon the country. In this particular case it was impossible to show that the soldier lost his reason while on actual service. If it was a case of physical disability we could trace cause and effect, but it is wholly impossible to do so now, and no enquiry could show, so far as reasoning up the case goes, clearly and beyond all doubt, that his disease was contracted in the service. I make that admission, I think it is right I should do so; but I ask the country to presume in favour of the man and now in favour of his widow and children, to give the presumption in his favour, under the ordinary principle of law. He was in sound health, body and mind, when he went to the North-West, so far as appears. He no doubt complied with the regulations in that behalf, no doubt he was examined and certified as being in good health, and therefore if he was well in body and mind when he went to the North-West, it is clear that he contracted that disease whilst in the North-West, or immediately after his return. Insanity is the outcome of mental excitement of various kinds, and I think the circumstances immediately preceding the outbreak of insanity in his case were such as to excite the ordinary mind, and the benefit of the doubt should be given to those whom he left behind. I think the Minister of Militia is very favourably disposed towards this case, but I understand there is merely a technical difficulty that prevents him from making an allowance under the circumstances, namely, that the law did not meet the case. Am I right?

SIR ADOLPHE CARON. Yes.

MR. MULOCK. I am glad there is nothing more than a difficulty about the law. I have looked through the Queen's Regulations upon the subject, and I think I can find a clause under which relief can be given. If the hon. gentleman will look at section 934 of the Regulations and Orders of the Militia of the Dominion, he will find the following clause—and I may say that the sections preceding the section provide for compensation according to different scales, and then there is a general sweeping clause to this effect:

"In instances where the regulations do not meet the circumstances of the individual case, they may be especially considered by His Excellency the Governor-in-Council."

That section, I think, will meet the case. This is the only case, so far as I am aware, of this character, that is the outcome of the campaign in the North-West; we are not likely, therefore, to have the precedent, such as this would be if it were established, abused, and it being the only one I do not think there can be any good reason advanced against an allowance being made in this case. It would meet with the

approval of the militia. I have received a great many communications on the subject from men in the service, and they seem to wonder the case has not been dealt with before. I do not propose to upbraid the Minister on the matter; he is carefully endeavouring to guard the public exchequer and to prevent fraud; but, in view of what has occurred, he will probably be able to see what a grateful country will expect of him in this case, and meet it in the spirit I have suggested, and give the presumption in favour of the unfortunate soldier.

MR. DENISON. I think this is a case which should be enquired into by the Minister of Militia, so that something may be done. The widow of the soldier called and explained the circumstances to me, and I must say that she made out a very good case. I have no doubt that if this man had become insane when on the North-West expedition his widow would have received something in the way of a pension, and as there is a doubt as to when his insanity came on, whether in the North-West or immediately after his return, the question of pension, of course, is one for the Minister to consider. The widow says that immediately after he came back she noticed something strange in his actions, and she thinks something was wrong with him at that time.

SIR ADOLPHE CARON. The papers which have been asked by the hon. gentleman who has spoken on this subject and expressed the deep regret which I feel myself in regard to the case of the widow, I shall be only too glad to bring down as soon as it is possible for me to do so. The facts of the case are, I believe, exactly as the hon. gentleman has stated them to be. As reported to me the case of this man is as follows. He enlisted in "C" Company of Infantry, the permanent corps of Toronto, on the 21st February, 1884. He is reported to have done very good service indeed during the troublesome times in the North-West. He followed his corps under orders and he did his duty fully as well as any other man who took part in the troubles, and as well as any other member of that corps which distinguished itself during those times. He returned from the North-West on the 25th October, 1885. On April 10th, 1886, he became insane, and he had to be removed from the hospital where he had been admitted on the 28th March, to the insane asylum on the 17th April. When the matter was brought before the Minister of Militia it became my duty, however great might be my sympathy for this individual case, to investigate the matter. The case was brought before me upon the ground that the insanity from which the unfortunate man suffered was the result of his trip to the North-West. The law, as the hon. gentleman very correctly stated it, did not provide for any case which did not come under the statute giving pensions to those who had taken part in the troubles, and the matter was submitted to the surgeon of his corps, Surgeon Strange, a gentleman whose eminence as a physician is universally admitted, and that officer reported to me that it was impossible for him to trace the disease from which this man suffered to the service which he had done in the North-West. Consequently it became impossible for me as the Minister administering that department to bring this individual case under the statute granting pensions to those who had been wounded or suffered disability from the service which they had done at the front; and, as the hon. gentleman knows, there is no provision for any gratuity or any pension to those in the permanent corps or in the militia, except in specified cases, and the specified cases do not meet the case of Neely. I have already taken some little trouble investigating the matter and I intend to submit to the Government a recommendation which, provided it is approved by the Governor-in-Council, will permit me to do something for the widow. The hon. gentleman must admit that, the case having been submitted to me under the circumstances which I have just referred to, it was impossible, as the law existed, for me to provide for the case; and in answer to the communication from the widow of Neely, I stated, as it was my duty to do, the circumstances which prevented me granting her any compensation for services which he had rendered in the North-West. I hope that whatever can be done will be done, because I admit that it is one of the very hardest cases that have come before me for a long time as Minister of Militia.

MR. LAURIER. I am very glad to hear that it is the intention of the Minister to do as he has stated, and provide some gratuity for the widow of this poor man. As I understand, the intention of the Minister is to ask the Government for some compensation for the widow. I think, Mr. Speaker, that when he takes this into his consideration he might very well go further. I see no reason in the world why the widow of this man should not be treated in the very same manner as if the man had been shot in battle, or had died during the campaign. So far as I can see it is no very violent presumption to suppose that the disease from which the man died cannot be explained in any other way, than that it was brought on by the hardship of the campaign. We understand very well that if he had not served in the campaign he could not have contracted the disease he died from. Under such circumstances I repeat what I said a moment ago, that it is no violent supposition to suppose that this man was brought to his death by the fact that he served in this campaign. There is no other evidence.

SIR ADOLPHE CARON. I beg your pardon, there is other evidence which will be shown when the papers are brought down.

MR. LAURIER. What is the evidence?

SIR ADOLPHE CARON. If the hon. gentleman will excuse me for interrupting him I will just read to him a very short extract from the report of Surgeon Strange, who it will be remembered was the surgeon of "C" Corps of Infantry to which Neely belonged. Surgeon Strange reports that having gone carefully into his case he is of opinion that Neely's service in the North-West had nothing whatever to do with his insanity. It does not appear, therefore, that this man has any claim for compensation under the statute by which I am allowed to give compensation, for any disability incurred in the North-West, and there are no funds at the disposal of this department to meet any such case.

MR. LAURIER. I understand that the hon. gentleman could not do otherwise than he has done under the statute. The point I wished to make was this,—if no other cause can be assigned for his disease it was no very violent supposition to suppose that death was brought about by the hardship of the campaign. Under such circumstances the Minister must arrive at the conclusion that some compensation should be given to his widow. I suggest that if the law as it stands does not provide for the case, the law can be made by this Parliament to provide for it. If the hon. gentleman asks for the gratuity, Parliament will be only too happy to grant it. As far as this side of the House is concerned we will not grudge the money, and we will be happy to aid in anything that can be done by the Government in this connection.

MR. IVES. I would like to add my influence, if I have any, to that of the hon. gentlemen who are urging the Minister of Militia, who though perhaps perfectly just, is not inclined to be quite sufficiently generous. There have been other cases before the present one in which I humbly think he had the law and the right to give some assistance, but which the hon. gentleman has already refused to do. I do not think that the country would begrudge a little assistance in a case of this kind or in any other case of a similar character when volunteers are injured in actual service. I think there is no disposition in the country to treat the volunteers in a niggardly manner at all. It is generally understood that the pay that they get is not a very large remuneration and that there is nothing in it to recompense them for injuries they may sustain in