

2020

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Recommended Citation

Richardson, Eliza "The Suicide Clause." Canadian Military History 29, 1 (2020)

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The Suicide Clause

ELIZA RICHARDSON

Abstract: This article explores the ways in which Canadian military authorities responded to suicide during the Second World War. Attestation papers represented an agreement between Canadians and the state. They would serve, but in return, Canada owed them certain considerations should they die during their service. Servicemen suicide, then, raised questions about Canada's obligations to its servicemen. Divided by the requirements of the law and compassion for families, military authorities struggled to find the appropriate way to handle suicide. This paper argues that convention treated suicide as insufficient grounds upon which to break the covenant between serviceman and state.

THE WING COMMANDER had a problem. A young officer in his squadron had returned from a dance, taken his personal revolver and shot himself in the head.¹ It was Christmas Eve, 1942. Two days later, the news was broken to his parents in a telegram that was as brief as it was brutal. All they were told was that their son, Pilot Officer (P/O) Ralph David Charters, “had lost his life.”² Their grief must have been compounded by the fact that it was not the first such telegram they had received that year. Their elder son, James, had been reported missing after the raid on Dieppe just five months prior.³ Unlike his brother, who had been a soldier, Ralph enlisted in the Royal Canadian Air Force in 1941. He was, by all accounts, a

¹ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, Library and Archives Canada [LAC].

² R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, LAC.

³ J. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25569, file 6028, LAC.

well-liked, if boisterous, member of the squadron.⁴ It must have been devastating to once again receive news that a son had been killed.

Among his many duties as Officer Commanding of the Royal Air Force Station at Bournemouth, England, Wing Commander (W/C) Scott was responsible for writing condolence letters to the next of kin of those under his command. If telegrams were for expediency, condolence letters were for explanation. But how to tell the Charters that their son had died by his own hand? Next of kin were normally given as much information as possible under wartime conditions. At the same time, it was felt that too much detail would be upsetting to P/O Charters' mother.⁵ Ultimately, W/C Scott wrote to the Charters that their son "was killed instantly by the *accidental* discharge of his revolver."⁶ Compassion alone did not make this letter difficult to draft. It was customary to end condolence letters paying "tribute to the sacrifice" bravely made by the deceased.⁷ But was this sentiment appropriate in a case of suicide? W/C Scott clearly did not think so. He chose, instead, to close his letter in acknowledgement of the enduring grief of a mother who had lost her child:

The Service has lost a popular and capable officer in the death of your son, but I would like to assure you that this fact is more than submerged in the minds of all of us, for we remember first that you have lost a son.⁸

The policy for the treatment of suicide in the Armed Forces was never comprehensively outlined. Although servicemen who killed themselves were considered in prejudice of good order and discipline, punishment for suicide was rare. Instead, the practice was to approach suicides pragmatically and compassionately, but never punitively, treating them like any other death that occurred outside the performance of military duty. This mirrored the approach adopted by civilian

⁴ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, LAC.

⁵ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, LAC.

⁶ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, LAC. Emphasis added.

⁷ T. Piper, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

⁸ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, LAC.

authorities. In tracing the legal history of suicide in Canada, this article highlights the uncomfortable ethical question raised by the act of self-destruction: do individuals have the right to end their own lives? Neither church nor state believed they did. Killing oneself was a crime under both canon and civil law. However, authorities also recognised that acts of self-destruction were frequently triggered by societal pressures, such as poverty, grief, and financial issues.⁹ As a result, punitive measures were rarely taken. This paradox became even more complicated in the face of servicemen suicides. When Ralph Charters signed his name on the attestation paper, he entered an agreement with the Canadian state, tacitly consenting—if necessary—to die for his country.¹⁰ When he killed himself, it raised questions about the conditions of this social contract. Restricted by the requirements of the law on the one hand, and compassion for the families on the other, military authorities, like W/C Scott, struggled to find the appropriate way to handle suicide cases. Ultimately, enlisting in the Armed Forces created a contract between servicemen and the state, and suicide was insufficient moral grounds upon which to break this covenant.

MISADVENTURE OR SUICIDE?

The French sociologist Émile Durkheim's seminal 1897 study, *Le Suicide*, observed, "among the different species of death, some have of the special quality of being the deed of the victim himself."¹¹ The very nature of suicides set them apart from other types of death, resulting in particular methodological concerns for the scholar studying them. Since intent is the only thing that separates a death by misadventure and a death by suicide, the two can be easily confused, as illustrated by the cases of Privates Howden and Dupont. In January 1942, Mrs. Howden found her son in the garage, asphyxiated from exhaust fumes.¹² A year later, Mr. Dupont came across a similar tragic scene:

⁹ Attempted suicide was illegal in Canada until 1972.

¹⁰ Jonathan Minnes, "Law and Justice: Scott v. Canada and the History of the Social Covenant with Canadian Veterans," *Canadian Military History* 25, 1 (2016): 1-32.

¹¹ Émile Durkheim, *Suicide: A Study in Sociology*, trans. by John A. Spaulding and George Simpson (New York: The Free Press, 1979), 42.

¹² D. Howden, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 26147, file 16548, LAC.

his son, unconscious, in a garage which smelt strongly of gas.¹³ David Hartford Howden and Joseph Louis Gerard Dupont had much in common. They were young, twenty-one and nineteen respectively. Both were dark-eyed with a swarthy complexion, but whereas Dupont was short and stocky, Howden was tall and almost painfully thin.¹⁴ Both had enlisted in the Army, but neither served for more than a month. Despite the apparent similarities between their lives and, ultimately, their deaths, there was a salient discrepancy in how they died: intent. Private (Pte.) Dupont was fixing the heater of his car. It was cold outside, and he had not bothered opening the doors. When he was found, he was near the exit of the garage, and the car engine had been turned off.¹⁵ Pte. Howden, on the other hand, was a conscientious objector.¹⁶ Upon entering the garage on the evening of his death, he locked the doors behind him. He then started the ignition and sat down in the back seat of the car until he stopped breathing.¹⁷ Official investigations concluded that Pte Howden's death had been a suicide, while Pte. Dupont had met with an unfortunate accident and was thus a case of misadventure.¹⁸ The distinction between misadventure and suicide was slight, but the ramifications were not. An accident ending a young man's life would have been tragic. A suicide, while also piteous, carried with it connotations of sin and insanity.¹⁹

Despite this, I have made no attempt to question the categorisation of death made by authorities. This is not a comprehensive study of suicide in the Armed Forces; it does not seek out cases of suicides

¹³ J. Dupont, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

¹⁴ D. Howden, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 26147, file 16548, LAC; and J. Dupont, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

¹⁵ J. Dupont, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

¹⁶ Pte. Howden had been conscripted under the National Resources Mobilization Act for home service. He initially failed to report for duty and served six months' imprisonment. He then voluntarily enlisted on 6 January 1942.

¹⁷ D. Howden, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 26147, file 16548, LAC.

¹⁸ D. Howden, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 26147, file 16548, LAC; and J. Dupont, Ancestry.ca, *Canada, WWII Service Files of War Dead, 1939-1947*.

¹⁹ Notions of suicide as a sin and as the final act of the insane are discussed below.

that were mis-categorised, nor is it a psychological examination of the individuals who felt their only recourse was to turn to self-destruction. Many scholars before me have already charted the evolution of suicide from a sin to a disease.²⁰ Others still have studied the intent of individuals who committed suicide.²¹ Instead, this article looks at what responses cases of suicides elicited from government officials.

Service member suicide remains a topic of concern in the Armed Forces today. Yves Tremblay has pointed out that much has been made of service member suicide in the Canadian media since the 1990s, and yet the body of historical literature on suicides in the Armed Forces does not correspond in size.²² By signing attestation papers, service members set themselves apart from other Canadians. Canadian law makes an explicit distinction between servicemen and civilians, the former being held to a higher standard of behaviour. Military law, as outlined by the *Army Act*, acknowledged that it was “necessary to confer special powers on the military authorities to enable them to deal with offences which it would be either impossible

²⁰ See Olive Anderson, *Suicide in Victorian and Edwardian England* (Oxford: Clarendon Press, 1987); Barbara Gates, *Victorian Suicide: Mad Crimes and Sad Histories* (Princeton: Princeton University Press, 1988); Michael MacDonald, “The Medicalization of Suicide in England: Layman, Physicians, and Cultural Change, 1500-1870,” *The Milbank Quarterly* 67, 1 (1989): 69-91; R.A. Houston, *Punishing the Dead?: Suicide, Lordship, and Community in Britain, 1500-1830* (Oxford: Oxford Scholarship Online, 2010); John Weaver and David Wright, *Histories of Suicide: International Perspectives on Self-Destruction in the Modern World* (Toronto: University of Toronto Press, 2009); Janet Miron, “Suicide, Coroner’s Inquests, and the Parameters of Compassion in Ontario, 1830-1900,” *Histoire Sociale/Social History* 47, 95 (2014): 577-99; and Isabelle Perreault, Patrice Corriveau and Jean-François Cauchie, “While of Unsound Mind? Narratives of Responsibility in Suicide Notes from the Twentieth Century,” *Histoire Sociale/Social History* 49, 98 (2016): 155-70.

²¹ John Weaver, *Sorrows of a Century: Interpreting Suicide in New Zealand, 1900-2000* (Montreal and Kingston: McGill-Queen’s University Press, 2013).

²² Yves Tremblay, “Du Suicide, Militaire et Bibliographique,” *Bulletin d’histoire politique* 19, 1 (2010): 120. This is certainly not to imply that no work has been dedicated to servicemen and veteran suicide, notably Kandace Bogaert, “‘Due to His Abnormal Mental State’: Exploring Accounts of Suicide among First World War Veterans Treated at the Ontario Military Hospital at Cobourg, 1919-1946,” *Histoire Sociale/Social History* 51, 103 (2018): 99-123; Matthew Barrett, “‘Absolutely incapable of “Carrying On”’: Shell Shock, Suicide, and, and the Death of Lieutenant Colonel Sam Sharpe,” *Canadian Military History* 25, 1 (2016): 1-31; and Jonathan Scotland, “Soldier Suicide after the Great War: A First Look,” *Active History* (2014), <http://activehistory.ca/2014/03/soldier-suicide-after-the-great-war-a-first-look/#1> (accessed 5 November 2019).

or inexpedient to leave with the Civil power.”²³ Thus, what could be forgiven of the civilian would indict the serviceman.²⁴ Suicide denied the state an abled-bodied man. Examining how officials responded to these types of deaths evinces the nature of the relationship between state and servicemen. Consequently, it is not necessary to know whether an individual intended to kill himself to examine how authorities and families responded to his death.²⁵

SINNER, MADMAN, OR CRIMINAL?

The statue of Robert G. Ingersoll located in Peoria, Illinois is something to behold. Ingersoll stands upon his pedestal, hands fisted on hips, left foot—and stomach—juttied forward. Even cast in bronze, the buttons of his waistcoat strain to hold in his impressive paunch. His opulent girth is arresting, but so too is the look on his face. His brows are drawn down while he looks off in perpetual contemplation. Ingersoll’s statue is, no doubt deliberately, that of a thinker. Robert G. Ingersoll was one of the great American orators of the latter half of the nineteenth century, and his controversial opinions won him the moniker “The Great Agnostic.” In 1894, he published a treatise on suicide under the provocative title “Is suicide a sin?” For Ingersoll, what was so often missing in the debate around suicide was an analysis of suffering.²⁶ “Why,” he asks, “should the man, sitting amid the wreck of all he had, the loved ones; dead,

²³ W.E. Hodgins, “Military Law,” *The Canadian law Times* 6, 30 (1910): 485.

²⁴ Hodgins, “Military Law,” 488.

²⁵ This article is part of a larger project examining servicemen death occurring outside of combat. To gather my sample, I used the Commonwealth War Graves Commission (CWGC) database to find all deaths of Canadians between 1939 and 1943 that were commemorated in Canada or England. I drew my sample from deaths occurring between 1939 and 1943, specifically before 9 July 1943. Prior to Operation Husky and the Sicilian campaign, a large number of the total services deaths occurred outside of combat. After D-Day, the number of combat deaths drastically increased, making it harder to find noncombat deaths. A preliminary search revealed that there were 7,866 deaths that occurred under these search restraints. My sample size was 366, which provides a 95% confidence interval. I then used a random number generator to determine which individuals to include in my sample. Once I had a list of names, I found their service files, accessible at Library and Archives Canada and Ancestry.ca. Within this sample, there were 11 cases of suicides.

²⁶ Robert G. Ingersoll, *Is Suicide a Sin?* (New York: Standard Publishing Company, 1894), 14.

friends lost, seek to lengthen, to preserve his life?"²⁷ To him, seeking death in such situations was a natural response to life. But in an era where most North Americans were still religious, were the opinions of a man known as "The Great Agnostic" widely endorsed?

Suicide is not proscribed in the Bible, but for centuries, the Protestant churches and the state, happily codependent, agreed that it was a sin and therefore a crime. In English common law, committing suicide carried harsh economic and social consequences, the punishment reflecting the severity of the crime. Following a conviction, the body of the deceased was to be buried at a crossroad and staked through the heart. All moveable property was subsequently forfeited to the crown.²⁸ The legal term for suicide was *felo de se*—a felon of himself. The law required punitive measures, however, in practice, authorities treated suicide in an almost more literal interpretation of *felo de se*. They had committed a crime, certainly, but the only person they had harmed was themselves. Despite, or more likely because of, these harsh penalties, English coroners' juries were unlikely to convict individuals of *felo de se*. Instead, they frequently gave findings of *non compos mentis*. In declaring the deceased insane, they circumvented the legal requirement to punish him. In almost every era, juries were hesitant to take punitive measures since the individuals primarily affected were the families rather than the convicted. Consequently, findings of *non compos mentis* were far more common than those of *felo de se*.²⁹ The families of suicide victims were further protected when, in 1823, George IV prohibited crossroads burials. Though such profane burials were banned, it was not until forty years later that restrictions on churchyard burials for suicides were finally lifted by *The Internment (Felo de Se) Act*.³⁰

²⁷ Ingersoll, *Is Suicide a Sin?*, 14.

²⁸ W. Norwood East, "Suicide from the Medico-Legal Aspect," *British Medical Journal* 2 (1931): 241; and Michael MacDonald, "The Medicalization of Suicide in England: Layman, Physicians, and Cultural Change, 1500-1870," *The Milbank Quarterly* 67, 1 (1989): 69.

²⁹ MacDonald, "The Medicalization of Suicide in England," 75.

³⁰ Between 1832 and 1882, suicides could be buried in churchyards but the burial was required to occur between 9 p.m. and 12 a.m. and no religious rites were permitted. The 1823 *Internments Act* outlined these requirements while the 1882 *Internments Act* repealed them.

Canada, as a Dominion of the United Kingdom, generally deferred to the precedents set down by English common law.³¹ The Canadian *Criminal Code*, codified in 1892, identified suicide as a crime. When major revisions to the *Code* were made in 1910, little had changed. According to Section 269 of the *Code*, “Aiding or Abetting Suicide” was an indictable offence. The precedence for this originated with the English Commissioners, the Canadian *Criminal Code* citing their decision as follows: “By the present law, suicide is murder: and a person who assists another to commit suicide is an accessory before the fact to murder and liable to capital punishment.”³² The principle here is much the same as accessory to murder; culpability extended beyond the perpetrator and abetting suicide was treated severely. Section 270 dealt with attempted suicide, which was also indictable. Anyone found guilty was liable to two years’ imprisonment.³³ At no point, though, does the *Criminal Code* reference successful suicide attempts. Could one be a crime without the other? The issue came to a head in 1929 with a Supreme Court of Canada ruling concerning a Mr. William Moore and an allegation of suicide. The Supreme Court only hears a small number of cases each year, and the cases chosen normally have broad or national legal implications. That a suicide case was heard at all is noteworthy, and the decision reached by the Court pertaining to William Moore’s death offers insight into suicide, burden of proof, and criminality in Canada.

At 2:20 p.m. on 17 December 1925, William Moore went into his garage to fix the car. Six hours later, Moore was found asphyxiated. The evidence presented to the Court was mixed. On the one hand, Moore’s financial situation was tenuous due to some poor investments. His uncertain finances were paired with incriminating evidence from the scene of his death. Moore had neither opened the main garage door or windows, and the lights were off. The appellants argued that Moore had intended to commit suicide, but took steps to make it look like an accident so that his wife, his beneficiary, could collect on

³¹ The common law tradition is used throughout Canada, except for the province of Quebec, which uses the civil law tradition. As the Canadian *Criminal Code* was being drafted, it drew on many precedents set down by the English common law tradition.

³² *Criminal Code*, RSC 1910, c-6, s. 269.

³³ *Criminal Code*, RSC 1910, c-6, s. 270.

his life insurance policy. Moore, they argued, was guilty not just of suicide, but also insurance fraud.³⁴

However, as the case of Pte. Dupont illustrated, fixing a car could be a dangerous undertaking. Moore *had* opened one small side door when he went into the garage. He also may not have needed artificial light given that it was early afternoon. More importantly, his wife, Margaret, had seen him getting a hammer before he entered the garage. At trial, the Ontario Superior Court of Justice ruled that Moore's death was an accident. The London Life Insurance Company, the Metropolitan Life Insurance Company and the Aetna Life Insurance Company all appealed the decision. When the case eventually reached the Supreme Court four years later, the Court ruled on the three intersecting appeals simultaneously. The crux of the appeal rested on whether William Moore had committed suicide. Ultimately, the Supreme Court of Canada dismissed the appeal. Officially, William Moore's death was accidental.³⁵

The nineteen-page Supreme Court decision highlights how uneasily suicide rested in Canadian criminal jurisprudence. Legally, suicide was a paradox, and the Supreme Court's decision underscores this. It resolutely maintained that suicide *was* a crime, frankly rejecting the argument that "where the criminal attempt [of suicide] is successful there is no crime."³⁶ It did concede, however, that while a crime, no punishment can be meted out for successful suicide attempts. Few other crimes in the *Criminal Code* require such circumvention. The Court's decision also included notable inferences concerning suicide and human nature. As previously discussed, intent alone separates suicide from misadventure. Yet the Court ruled that motive was insufficient grounds upon which to determine if a death had been a suicide. The Court cited the decision made by Lord Dunedin in *Dominion Trust Company v. New York Life Insurance Company*. Lord Dunedin reasoned that since "self-destruction, being contrary to human instincts, is unlikely to have occurred," motive can only weaken this inference.³⁷ Suicide was an aberration of human instincts,

³⁴ *London Life Insurance Company v. Trustee of the Property of the Lang Shirt Company, Limited; Metropolitan Life Insurance Company v. Margaret Elizabeth Moore; Aetna Life Insurance Company v. Margaret Elizabeth Moore*, [1929] S.C.C. 117 at 118.

³⁵ S.C.C. 117 at 126.

³⁶ S.C.C. 117 at 125.

³⁷ S.C.C. 117 at 127.

so the Court must err on the presumption of accidental death. The presumption of innocence is, of course, a key tenet of the Canadian legal system, but it appears to be doubly important in suicide cases. In *Moore*, for example, Justice Smith owned to finding himself “in considerable doubt as to the correct finding of fact” but conceded “the burden is upon those who allege suicide to establish it.”³⁸

Suicide, even when successful, was a crime. On that point, the court was adamant, but it was a *unique* crime. Since there was no recourse for punishing successful suicide attempts, the cases most frequently heard in courts were brought forward by insurance companies rather than Crown prosecutors.³⁹ Surprisingly, death by suicide did not always impact the insurance plan of the deceased. The suicide clause was a stipulation included in insurance contracts concerning self-inflicted death.⁴⁰ It did not, as one would expect, void the insurance contract between the insurer and the insured. Rather, it stipulated the conditions under which beneficiaries of life insurance policies would receive payouts in cases of suicide. For example, according to William Moore’s insurance policy, the Metropolitan Insurance Company would pay his widow \$5,000 if her husband died, but she would receive *another* \$5,000 only if “the death of the insured [does not] result directly or indirectly...from self-destruction whether sane or insane.”⁴¹ Insurance contracts also specified the amount of time required to have elapsed between death and the date when the insured took out the contract. In Canada, the norm was between one to three years, although in the *Moore* case it was only sixty days.⁴² Thousands of dollars rested on the Supreme Court’s decision, underscoring the tangible implications deriving from the categorisation of death.

The suicide clause encapsulated society’s malaise when it came to confronting suicide. Like suicide itself, the suicide clause was illegal.

³⁸ S.C.C. 117 at 134.

³⁹ It should be noted here that insurance law falls under provincial jurisdiction in Canada, but provincial Superintendents of Insurance met regularly to ensure insurance law was *almost* homogenous across the country (if not uniform). Moreover, a number of provinces all signed the 1924 *Uniform Life Insurance Act*. See R. Andrew Smith, “Life Insurance and Suicide,” *Canadian Bar Review* 17 (1939): 508-512; and E.B. MacLachy, “Insurance Law: 1923-1947,” *Canadian Bar Review* 26 (1948): 203.

⁴⁰ This was not an official term, but was nonetheless used by jurists discussing the clause. See Smith, “Life Insurance and Suicide,” 508-512.

⁴¹ S.C.C. 117 at 120.

⁴² Smith, “Life Insurance and Suicide,” 508.

In contract law, a contract that contains an illegal premise cannot be enforceable. Therefore, the insurance companies could legally challenge any contract containing a suicide clause.⁴³ This bothered many in the legal community. “It is something of a shock to one’s sense of justice,” jurist R. Andrew Smith wrote indignantly to the *Canadian Bar Review* in 1939, “that insurance companies should be permitted to issue policies containing an agreement...which is unenforceable.”⁴⁴ Yet, while technically unenforceable, the suicide clause in Moore’s insurance policies was nonetheless accepted by the Court. None of the Justices disputed whether the insurance companies should be released from the contract on the basis of an illegal clause. Rather, they focused on the circumstances of Moore’s death and whether they had failed to fulfill the terms of his life insurance policy.

The word of law is inflexible, but the law itself is not. It represents a fluid conversation between the present needs of the population and the constitutional foundations of the country. Since Section 270 was considered an important preventative against suicide, it remained in the *Criminal Code* until 1972. However, individuals were rarely actually indicted because there was a hesitation to see suicide as a truly criminal act. The law as it pertained to self-destruction may not have been punitive but it still denied civilians the right to end their own life. What about in times of war when the able bodied were needed to both fight and support the fight?

The origins of military law lay in the early days of Confederation. Since the ramifications of acts like disobedience, drunkenness and sleeping on duty in military life have no close equivalent in the civilian world, it was felt “necessary to confer special powers on the military authorities to enable them to deal with offences which it would be either impossible or inexpedient to leave with the Civil power.”⁴⁵ In 1868, the Canadian Parliament passed the *Militia Act*, but this act did not provide for the prosecution of military offences. Rather it stated that whatever *Army Act* currently in force in the United Kingdom “shall have the same force and effect as if it had been enacted by the Parliament of Canada for the government of

⁴³ This is known as a void *ex facie* contract.

⁴⁴ Smith, “Life Insurance and Suicide,” 510.

⁴⁵ Hodgins, “Military Law,” 485.

the Militia.”⁴⁶ Even after the Statute of Westminster, the Canadian government continued to borrow the foundations for its military law from overseas. Section 38 of the *British Army Act* held that suicide and dueling were indictable crimes punishable by imprisonment. Since both acts potentially deprived the Armed Forces of an abled-bodied man they were treated as serious crimes.

By the Second World War, it had been over a century since profane burials and desecration of human remains had been legal. Even had the military sought to punish cases of suicide, there was little they could have done. The one recourse offered to them would have been to tarnish the reputation of the individual, especially for shirking his duty as a serviceman. In reality, however, the approach of the Armed Forces was similar to that of civilian authorities. They were cautious when applying the label of suicide, and rather than singling suicides out for disgrace, they received the same respect due to all war dead.

BUREAUCRATIC PRAGMATISM

It had been a cold spring. The ice that covered the St. John River was only beginning to break up when Charlie Randall and his brother, Walter, discovered the body. The two Gagetown residents were out rowing on 23 April 1943 when they noticed something floating in the water. As they approached, they realised it was the body of a man. They attached a wire to the body and dragged it to shore. They left it there, still wrapped in wire, notified authorities, and then rowed home.⁴⁷ A salient detail in the witness testimonies during the Court of Inquiry was sartorial. The dead man had been dressed in civilian clothing when he had entered the water. Constable Peter Pavelick, Royal Canadian Mounted Police, testified that the deceased wore “a brown leather wind breaker with green trimmings...blueish pants, dress oxfords, blueish shirt.”⁴⁸ The man’s wallet was still on his person and contained proof of his identity. Constable Pavelick confirmed

⁴⁶ Brigadier R.J. Orde, “Some Aspects of Canadian Service Law and of the Office of the Judge Advocate-General in Canada,” *Judge Advocate Journal* 8 (1944): 9.

⁴⁷ R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

⁴⁸ R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

the deceased was Private Richard Morris, late of the No. 7 District Depot, Gagetown.

On 15 October 1942, Morris left his job as a cook and travelled to Gagetown, New Brunswick to enlist. Like all enlisted men in the Canadian Armed Forces, he signed a declaration that read as follows:

I, Richard Albert Morris, do solemnly declare that the above particulars are true, and I hereby engage to serve in any Active Formation or Unit of the Canadian Army so long as an emergency, i.e., war, invasion or insurrection, real or apprehended, exists and for the period of demobilization after said emergency ceases to exist, and in any event for a period of not less than one year, provided His Majesty should so require my services.⁴⁹

With that, Richard Morris had joined His Majesty's Canadian Armed Forces.

Pte. Morris was an ideal recruit. He was 5 foot 7, 172 pounds. His mouth and teeth were healthy, his vision perfect, and he had never suffered from any serious illnesses. Lieutenant (Lt.) J.L. Poirier, his enlistment interviewer, even suspected Pte. Morris may have some leadership qualities. As a seasoned cook in the New Brunswick camps, for six years he had managed to feed sixty men with only one stove and a helper.⁵⁰ According to Lt. Poirier, Pte. Morris was "cooperative," "above average learning aptitude" and had a "good appearance."⁵¹ Despite this, the lieutenant also remarked that he "seems disinterested, in everything."⁵² Lt. Poirier's instincts were correct. Pte. Morris went AWOL around 10 p.m. that evening and was not seen until the Randall brothers found his body six months later.⁵³

Initially, the brass at No. 7 District Depot was not concerned. A memo to the Secretary of the Department of National Defence dated 21 January 1943 (three months after Morris was last seen) indicated that "this matter was not regarded as serious, at the time, as it is a common occurrence for men coming in and prior to completing their

⁴⁹ R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁵⁰ R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁵¹ R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁵² R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁵³ Absent Without Leave.

enlistment, leaving camp and later coming back.”⁵⁴ However, once it became clear that Morris was not returning, the commanding officer of No. 7 District Depot began working with the RCMP to locate the man. A little over a month later, Morris was labelled a deserter and struck off strength.

The Court of Inquiry into his death revealed that Morris had drowned. During the autopsy, it was discovered that a sampled piece of lung had floated in water. According to the coroner, Dr. Jenkins, this proved that the man had been in the water for some time, as lung tissue of someone recently drowned would have sunk in the water.⁵⁵ Although there were irregular lacerations on the body, Dr. Jenkins opined that these were likely the result of aquatic life. The investigation concluded:

there is no indication of foul play, in fact there is evidence that subject became despondent [sic] about Oct. 16th, 1942...just about that day he may have been accidentally drowned or he may have committed suicide by drowning himself, the latter being more probable.⁵⁶

Ultimately, the death registration sent to the Office of Vital Statistics for New Brunswick labeled Morris’ death a suicide. The body of Pte. Morris was finally returned to his family and laid to rest in Advocate Harbour Cemetery, Nova Scotia. He died one month shy of his thirtieth birthday.

Richard Morris was the exception that proved the rule. The Armed Forces did not take punitive measures against the deceased, nor did it make exceptions for how suicides should be treated in death. It is useful here to draw comparisons to life insurance policies. By enlisting, a social contract was created between the serviceman (or woman) and the state. In exchange for having enlisted, servicemen were afforded certain rights, especially as it pertained to the treatment of their mortal remains should they die while in uniform.⁵⁷

The social contract between the state and its servicemen is an interesting one. Attestation papers are not insurance contracts. While the conditions of service are laid out, the obligations of the

⁵⁴ R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁵⁵ R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁵⁶ R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁵⁷ Minnes, “Law and Justice,” 2.

government to its servicemen are not. Historians and veterans alike have nevertheless argued that a “social covenant” *does* exist between the state and the servicemen, and it dates back to Prime Minister Robert Borden’s speech to servicemen before the attack on Vimy Ridge in 1917. Borden stated explicitly that the state owed its servicemen a debt. Neither manner of death nor time served gave the state the right to shirk these responsibilities. That the state would assist veterans was clear, but how much it was willing to pay out was not. In the years following the Great War, the state added stipulations to the terms of its social contract in the form of pension policy. The state would only pay the “beneficiaries” in cases where military service had resulted in death or disability.⁵⁸ Suicides were not considered casualties of war; consequently, the state felt that it had no obligation to provide financially for the families.

Self-inflicted death was ultimately categorised as service death occurring outside the performance of duty. Other deaths that fell into this category were so-called natural causes, e.g. heart attacks, strokes, etc., and off-duty accidents. Once again, this resembles the conditions laid out in certain civilian life insurance policies. For example, when William Moore took out an insurance policy from the Metropolitan Life Insurance Company, the contract stipulated that it only covered death from “external, violent and accidental means.”⁵⁹ In other words, disease, mental or physical, and suicide did *not* satisfy the conditions of the policy. The conceptualisation of suicide as being akin to, say, heart disease is notable. It simultaneously removed culpability from both the serviceman himself and the state. In some ways, suicide, then, became an unfortunate event in which no blame was assigned.

When servicemen were found dead of apparent misadventure, a Court of Inquiry was held to determine the cause of death. The court drew on witness accounts, medical opinion and testimonies of friends and colleagues, but these were investigations rather than legal proceedings. Once the pathological cause of death was determined, the court attempted to piece together what external forces had led to misadventure. Intent was a prominent theme during such hearings. Had the individual been drinking? Had he been depressed? In reply

⁵⁸ There is, of course, no mention of pensions on the attestation papers. Rather, the state’s financial obligations to the families of veterans were formally outlined in the 1919 *Pension Act*.

⁵⁹ S.C.C. 117 at 120.

to the court's questioning, witnesses reported that Pte. Lorin Don Davidson "did not seem despondent but was always very cheerful" but at the same time "he was a batman and was somewhat unhappy with the position."⁶⁰ No one could offer an explanation as to why Pte. Davidson had shot himself. Although the man had left behind a note, it only indicated that he was "doing this for personal reasons."⁶¹ The Court of Inquiry concluded that Pte. Davidson had died by a self-inflicted gunshot wound, but "the motive for the act is obscure and at the best may only be the subject for conjecture."⁶²

This is a logical finding, especially in the face of arguments cited by the Supreme Court of Canada that "motive...can never be of itself sufficient."⁶³ Neither Pte. Davidson's note nor the testimonies of his friends provided any insight into his actions, and so the court demurred on categorising him as mentally unbalanced. However, this finding was inconsistent with a popular opinion in the medical community, equating suicide with insanity. Juries frequently availed themselves of verdicts of *non compos mentis* in order to avoid convicting cases of assisted suicide. Clearly, few involved in the legal system believed that most suicides were *non compos mentis* by legal standards as they returned the verdict even in "flagrant defiance of the facts."⁶⁴ Physicians, however, often saw the act of suicide as a symptom of insanity.

For some, like Dr. James T. Fisher, suicide was the final culmination of an inherent hereditary weakness. Writing for the *California State Journal of Medicine* in 1923, Dr. Fisher argued suicide *must* have a physiological explanation, as it was never seen as occurring in the

⁶⁰ L. Davidson, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

⁶¹ L. Davidson, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁶² L. Davidson, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁶³ S.C.C. 117 at 127.

⁶⁴ Charles A. Mercier, "The Responsibility of the Suicide," *British Medical Journal* (May 1923): 1157. A defence of insanity is less straightforward than one might expect, as it requires more than merely proving that the defendant is insane. The *Criminal Code* states that "it must be shown also that when he committed the offence the accused was so insane...as to render him incapable of appreciating the nature and quality of his act." *Criminal Code*, RSC 1910, s. 19 at 28.

“well-poised individual.”⁶⁵ Others were more sympathetic, believing suicide to be “an expression of definite pathological maladjustment whether to oneself, to others, of the economic world.”⁶⁶ Kandace Bogaert points out that a label of insanity may have relieved some of the stigma associated with suicide, but it bequeathed another. “It is not clear,” she writes, “that the shame of mental illness was a lesser burden.”⁶⁷ During the interwar years, then, it was not uncommon to presume mental insanity in cases of suicides even when the evidence was lacking, which makes the approach to suicides by the military Court of Inquiry so notable. The court always sought a motive for death, but when none was forthcoming, it did not presume mental insanity unless evidence patently pointed in that direction, such as the case of Trooper (Trp.) John Melenchuk.

Trp. Melenchuk had not had an easy time in the Army. He had told a physician shortly before his death that “he was never able to make friends with the men” after being sent overseas.⁶⁸ In fact, he had not had an easy life. His father had died in a car accident when he was young and his mother had succumbed to influenza in 1918. The physician’s notes further indicated that he “appeared to be suffering from the fear that someone was trying to murder him.”⁶⁹ Trp. Melenchuk was subsequently admitted to hospital for mental issues. He was aboard the HMS *Queen Elizabeth* returning to Canada when “he leapt through a port window on the Port Promenade Deck into the sea.”⁷⁰ Though he was in possession of a life-preserver, he threw it away before diving overboard. Upon hearing the evidence, the Court of Inquiry concluded that he “jumped overboard while of unsound

⁶⁵ James T. Fisher, “Suicide,” *California State Journal of Medicine* 21, 3 (1923): 127.

⁶⁶ J.N.J. Pacheco, “Suicide: Its Causes and Prevention,” *Indian Medical Gazette* (1936): 720.

⁶⁷ Bogaert, “‘Due to His Abnormal Mental State’,” 107.

⁶⁸ J. Melanchuk, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

⁶⁹ J. Melanchuk, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁷⁰ J. Melanchuk, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

mind.”⁷¹ Given that he was already a psychiatric patient when he met his death, this finding was hardly outlandish.⁷²

It is interesting that the Court of Inquiry did not engage in the debate of insanity since the mental state of servicemen was something the Armed Forces monitored during the Second World War. The great number of psychiatric injuries that had come out of the First World War had concerned medical authorities. No treatment had been proven uniformly successful, and it was common for physicians to see mental trauma as “an individual failure” only present in men who lacked inherent masculine characteristics.⁷³ When it was clear that Canada would once again be going to war, efforts were made to prevent the enlistment of individuals who were thought to be predisposed to mental breakdowns. Recruits’ mental health was tested through various forms of psychiatric screenings such as the “M Test.” Given these fears of mental breakdown among servicemen, why did the Courts of Inquiry not attempt to make broader conclusions about suicide, mental breakdown and military service?

On a practical level, there is a significant difference between death by suicide and attempted death by suicide. In the face of death, the Army could afford to be sympathetic. The Court of Inquiry recognised that there were triggers that had likely led the deceased to their specific course of action. The motive for Tpr. Ogilvie’s suicide, the court concluded, was “the man’s grief over the disaffection of the woman with whom he had been living.”⁷⁴ But while they recognised these emotional triggers, it shied away from engaging in abstract intellectual debates. This resembled the approach taken by the British Army. In her study of the British Army during the nineteenth century, Janet Padiak remarks that “suicide was an unfortunate event, like

⁷¹ J. Melanchuk, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*

⁷² There were two cases in my sample in which mental patients jumped overboard while returning to Canada (John Melenchuk and Robert Weir Davis). These are the only cases in which Courts of Inquiry concluded that the individual had committed suicide while of unsound mind.

⁷³ Mark Humphries, “War’s Long Shadow: Masculinity, Medicine, and the Gendered Politics of Trauma, 1914-1939,” *The Canadian Historical Review* 91, 3 (2010): 508.

⁷⁴ F. Ogilvie, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

any other death.”⁷⁵ Authorities took steps to prevent suicide, but once it had occurred, they did not waste time wringing hands over it. Canadians, having taken the lead from the British when it came to military law, generally imitated British pragmatism when it came to suicides in the Armed Forces.

Secondly, the Courts of Inquiry were not legal proceedings. Unlike lawyers, investigators did not need to lean on a verdict of *non compos mentis* to avoid legal prosecution. Under the *Army Act*, attempted suicide could be prosecuted, but successful suicides did not require punishment. While physicians were called to testify, they restricted their testimonies to the physical evidence, as Dr. Jenkins had done in the case of Pte. Morris.⁷⁶ Since there were no legal grounds for the prosecution of successful suicides, it became less pressing for physicians to engage with the more academic question of whether suicide was an act of insanity. Consequently, once the Court of Inquiry had enough evidence upon which to base a finding, it did so without fuss.

Determining how a serviceman had died was important. Even more pressing, however, was the burial of the body. When P/O Ralph Charters was laid to rest, it was with full honours. His parents were informed that their

son's funeral took place at Bournemouth on the 30th December 1942, at 10 am., the service being conducted by Flight Lieutenant A.J. Littlewood, RCAF Bournemouth. Full service honours were accorded, the coffin being carried by men of his own unit, which also provided a firing party. The coffin was covered with the Union Jack, and the Last Post was sounded.⁷⁷

Included in the missive were six photographs of the funeral. P/O Charters' parents must have been touched by the pomp of the service and the photographer's attention to detail. These snapshots enabled the Charters to follow their son's funeral procession through the streets of Bournemouth and watch as the firing squad sent its volley

⁷⁵ Janet Padiak, "Death by Suicide in the British Army, 1830-1900," in *Histories of Suicide: International Perspectives on Self-Destruction in the Modern World*, ed. John Weaver and David Wright (Toronto: University of Toronto Press, 2009), 120.

⁷⁶ R. Morris, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

⁷⁷ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, item 6030, LAC.



P/O Charters' funeral procession. [R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, item 6030, LAC]



P/O Charters' funeral procession and burial. [R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, item 6030, LAC]

into the air.⁷⁸ Absent in these photographs is a suggestion that P/O Charters' death had been anything but honourable.

The concept of equality in death stemmed from the First World War. Founded in 1917, the Imperial War Graves Commission (IWGC) was tasked with creating military cemeteries for the overwhelming numbers of war dead. Since individuals had died fighting for the same cause, the IWGC decided all fatalities would be commemorated identically, regardless of rank or social standing.⁷⁹ This policy was continued into the Second World War, and there is no evidence that equality in death was suspended for cases of suicide. The letters and photographs the IWGC sent to grieving families indicated that every consideration was taken during burial. If the serviceman died overseas, he was buried with honours in a military cemetery with an IWGC wooden cross bearing his name and serial number.⁸⁰ The photos of the graves were made as aesthetically pleasing as possible, with the graves blanketed in wreaths and flowers and the photographs taken on sunny days.⁸¹ For those who died while in Canada, their bodies were sent to their families and an IWGC headstone was delivered to them. Suicide cases may not have been considered casualties of war, but the deceased servicemen's remains were still entitled to an honourable resting place.

The Department of National Defence received, broadly, three categories of letters from grieving family members: letters of thanks, inquiries for more information and queries about financial aid. In many cases, the deceased was the family breadwinner. His loss was not only emotional but also financial. The family members of men who committed suicide were not penalised, but the manner of death did have certain ramifications. Following the death, family members received the Last Pay Certificate. The pay cycle was two weeks long, so next of kin received the remains of the pay cycle during which the deceased died, even if the serviceman had served fewer than twenty-

⁷⁸ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, item 6030, LAC.

⁷⁹ Sir Frederick Kenyon, *War Graves: How Cemeteries Abroad Will Be Designed* (London: His Majesty's Stationery Office, 1918), 7.

⁸⁰ Since Newfoundland did not become a Canadian province until 1949, for bureaucratic purposes, it was also considered "Overseas."

⁸¹ A. Brown, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

four hours of military service, as Pte. Morris had done. Following their discharge, veterans were entitled to a War Service Gratuity, the amount of which was calculated using time in service, place of service and subtractions made for various infractions.⁸² If, however, a serviceman died during service, his family was entitled to the balance of this grant. It was pensions that were denied to the families of suicide victims.

Suicides were not considered war-related deaths and consequently, their dependents could not receive a military pension. This policy had its origins in the previous war, but it was not a forfeit specific to cases of suicides. In the face of the great number of casualties from the First World War, it was clear the government would need to offer financial assistance, both to servicemen and their families. The *1919 Pension Act* provided pensions to those whose disability “was attributable to or was incurred or aggravated during military service.”⁸³ Attributability, however, was difficult to prove. Many felt this statute was stringent to the point of stinginess and in the interwar years veterans fought to broaden the scope of governmental aid to themselves and their families.⁸⁴ Veteran activism did result in additional aid programmes but the crux of pension provision remained centred on attributability.⁸⁵ Under these provisions, the families of suicide victims, like those of servicemen who had not died performing their duty, were unlikely to be awarded pensions. Norman Roderick Ross, for example, was a stenographer in the Royal Canadian Navy. His service file indicates that he died from acute nephritis shortly after being admitted to hospital.⁸⁶ In such cases, a small card was inserted into the service file, explicitly stating that “Death was *not* due to Service.” From the

⁸² Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

⁸³ *Pension Act* 1919, c. 43, s. 11.

⁸⁴ Lara Campbell, “‘We who have Wallowed in the Mud of Flanders’: First World War Veterans, Unemployment and the Development of Social Welfare in Canada, 1929-1939,” *Journal of Canadian Historical Association* 11, 1 (2000): 126.

⁸⁵ The War Veterans’ Allowance was created in the 1930s to “assist certain elderly and permanently unemployable veterans.” As such, it was separate from military pensions. Peter Neary, *On to Civvy Street: Canada’s Rehabilitation Program for Veterans of the Second World War* (Montreal and Kingston: McGill-Queen’s University Press, 2011), 25.

⁸⁶ N. Ross, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

perspective of the pension board, Ross' service had no bearing on the cause of his death. Consequently, while the state had responsibilities to the corporeal remains of the serviceman, it had none towards fulfilling any of his lifetime obligations. A suicide was an intentional act and in the words of one of the less compassionate commanders, "this soldier was not on duty and was evidently to blame for the accident."⁸⁷ In short, suicides were not considered casualties of war.

There was legal precedence, both in criminal and military law, which would have supported the harsh treatment of suicide cases. Certainly, nothing could be done to the individuals themselves, but officials could have handled cases of suicides in a more condemnatory manner. Yet generally they were pragmatic. Suicides were simply categorised as non-service related deaths and it was rare for official back-and-forth to contain derogatory comments. In fact, when suicide cases *were* singled out for special treatment, it was because officials took steps to be exceptionally compassionate.

COMPASSIONATE INDIVIDUALS

W/C Scott may have hoped that upon posting his condolence letter to the parents of P/O Charters, he could put the unpleasant situation behind him. He was wrong. On 1 January 1943, the Records Department received an irate letter from Chaplain Henderson. The chaplain had been tasked with meeting the Charters family. He informed the Records Office that he confirmed the fears of Mr. and Mrs. Charters that their son had taken his own life and that they were "most grateful" to now know the truth. Henderson chastised the Records Office:

I fail to see what purpose was to be served in muddling the report of this casualty. The parents understood from the first wire that the lad had committed suicide and were terribly concerned about it... I spent hours with them over this matter which has now been resolved quite simply by telling the truth.⁸⁸

⁸⁷ D. Howden, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 26147, item 16548, LAC.

⁸⁸ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, LAC.

He concluded by reminding them that:

Padres calling on next of kin can do so with complete confidence if they can have the facts and can be depended on to spare the feelings of the families concerned.⁸⁹

The padre, for all his accusations, was not the only one concerned with sparing the feelings of the family members. In internal memos discussing the Charters case, RCAF authorities confirmed that the information in the letter sent by the Wing Commander did not exactly match the coroner's finding, but that it "was written in that vein in endeavour to spare feelings of deceased's mother as much as possible."⁹⁰ The Charters' case was atypical in the extent to which the authorities charged with informing the family attempted to spare their feelings, yet overwhelmingly authorities *did* act compassionately towards the next of kin of suicides.

Military officials debated the best way to inform the families that their next of kin had committed suicide. W/C Scott outright lied, labelling P/O Charters' death as an accident rather than a suicide. This was, of course, an attempt at compassion, but it resulted in confusion and distress for the family. Cause of death was indicated on death certificates, which family members required for insurance purposes, so it was likely that families would realise the truth regardless of what they were initially told.⁹¹ For this reason, officials did not normally try to mislead families, favouring circumlocution over mistruths. Military officials were aware that receiving a telegram from the Records Office with the word suicide blazoned on it would have been particularly upsetting for families. A memo from the Judge Advocate General (JAG) dated 7 April 1942 indicated that the word suicide should be avoided, and the cause of death, e.g. self-inflicted gunshot wound, used instead.⁹² While families would have understood

⁸⁹ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, LAC.

⁹⁰ R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, LAC.

⁹¹ Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

⁹² R. Charters, *Service Files of the Second World War, War Dead, 1939-1947*, RG 24, v. 25040, file 6030, LAC.

the death was a suicide, it is possible that the omission of the term itself was taken as a boon.

It was also customary to avoid “active” verbs when writing to the families. On the evening of 6 May 1943, Pte. Piper walked along the railway line a few miles south of Conon Railway Station in Northern Scotland. He was in uniform, though off-duty. He eventually laid down on the ground perpendicular to the tracks, with his arms folded beneath his chest and headaddress clutched in his right hand. He placed his head on the tracks. The next morning, a railwayman found the body. He noted that the right shoulder was directly against the track and that the “toes of the boots were pointing downwards and were dug into the cinders close to the embankment.”⁹³ Pte. Piper’s death registration read “Traumatic Amputation of the head” resultant from “being run over by a train.”⁹⁴ Much in line with the JAG recommendations, the letter sent to Mrs. Piper informing her of her husband’s death uses the more passive phrasing of “was run over” instead of “suicide.” Perhaps this distinction would have done nothing to lessen the blow to Pte. Piper’s family, but it illustrates an awareness among case workers that delicacy was required in such situations

Tens of thousands of Canadian servicemen and women died during the Second World War. Military authorities made every attempt to treat each death as a tragedy despite the heavy volume of cases requiring their attention. Overwhelmingly, the dialogue of internal memos and condolence letters highlights the compassion of case workers when faced with servicemen suicides. While they were expected to treat all files with respect and dignity, there was an awareness that suicides were a particular type of servicemen death that required extra attention.

CONCLUSION

Stan Rogers, the much-loved Canadian folk singer, once described Nova Scotia as being a place

⁹³ T. Piper, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947* [database online] (Lehi, Utah: Ancestry Operations, Inc., 2015), <<https://www.ancestry.ca/>> (accessed 5 November 2019).

⁹⁴ T. Piper, Ancestry.com, *Canada, WWII Service Files of War Dead, 1939-1947*.

Where the earth shows its bones of wind broken stones
 And the sea and the sky are one...
 There's God in the trees....
 And the sky is a painful blue.⁹⁵

Advocate Harbour Cemetery could have well been the inspiration for Rogers' lyrics. The grass sprouts sparsely over the rock bed, the headstones slant drunkenly over the uneven ground. The strong wind coming off the Bay of Fundy keeps the birch and evergreens from abundance; their rangy, crooked silhouettes loom over the headstones in an imposing stockade. Here there is none of the symmetrical beauty of military cemeteries, yet it lacks none of their tranquility.⁹⁶

Advocate Harbour was (and remains) a small rural community, and it is not particularly surprising that when Pte. Richard Morris was laid to rest, it was amongst family members. His gravestone sets him slightly apart from the other 352 headstones bearing the name Morris.⁹⁷ It is identical to the standard headstones that the IWGC placed in cemeteries across Canada and elsewhere, engraved with a large maple leaf and a cross. It bears the following inscription:

G24218 Private
 Richard A. Morris
 No 7 District Depot
 16 Oct. 1942

A brief but telling inscription. Pte. Morris was in the army for one day only. He had not even been issued a uniform. Yet the Armed Forces treated him as any other soldier who had died while in uniform. His family was issued an IWGC headstone, which they placed in the family plot. His mother received the funds from his Last Pay Certificate and the balance of his War Gratuities account. Given the short length of his service, neither was a large sum. From a historical

⁹⁵ Stan Rogers, "45 Years," track 14 on *Home in Halifax*, Fogarty's Cove Music, 1993, compact disc.

⁹⁶ According to the Kenyon Report, military cemeteries were designed to look like battalions on parade, "suggesting the spirit of discipline and order." Kenyon, *War Cemeteries*, 8.

⁹⁷ Advocate Cemetery, accessed 12 May 2019,

standpoint, the legal tender she received is less significant than what it represents.

Pte. Morris' family was treated with the same respect as the thousands of other grieving Canadian families, irrespective that "suicide" was marked on the death certificate. Richard Morris' family would not have been awarded a pension. Claimants needed to prove that death was resultant of, or exacerbated by, military service. Like others who died of so-called natural causes, suicide was not deemed a casualty of war. Despite the financial hardship this may have caused the Morris family, the impartiality in the Armed Forces' approach to suicide is notable. The act of suicide is unambiguous, and yet how to conceptualise it has always proven difficult. It was a crime few wanted to indict; an act of insanity that doctors could not agree was innate madness. What is so shocking is that the Armed Forces during the Second World War eschewed a suicide clause, treating such cases with compassion. Attestation papers were a binding contract between the government and the serviceman in which both sides had responsibilities. And suicide—however it was interpreted—was insufficient grounds upon which to break this covenant.

♦ ♦ ♦ ♦

ABOUT THE AUTHOR

Eliza Richardson is an independent researcher who completed a MA in military history at Wilfrid Laurier University. Eliza's research has focused on the intersection of military and medical history. Her research has included topics such as reconstructive surgery during the Second World War, the non-combat deaths of servicemen, and nursing during the First World War.

The author would like to thank Dr. Mark Humphries, Dr. Roger Sarty, and Dr. Amy Milne-Smith. This article would not have been completed without their liberally offered guidance and feedback. The author would also like to acknowledge the support of the Social Sciences and Humanities Research Council.