E577325
DUBE
ROBERT

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MFM 82A
192M-8-40 (6653)
H.Q. 1772-39-1774

LOI DE LA MILICE

Loi de Mobilisation de Ressources Nationales, 1940

ENROLEMENT

MILICE ACTIVE NON PERMANENTE DU CANADA

NO. MATRICULE E-577325

Pris à l'effectif de FUSILIERS DU ST-LAURENT (NPAM)
(Unité de la Milice)

1. Nom (Caractère d'imprimerie) DUBE
2. Prénoms (au long) ROBERT
3. Adresse actuelle PRICEVILLE Co. MATANE
4. Lieu de naissance PRICE Date de naissance 18 aout 1916
5. Religion CATHOLIQUE 6. Profession CULTIVATEUR
7. Plus proche parent ISIDORE DUBE
(Nom et adresse)
PRICE
8. Signalement : Taille 5'11 Poids 181
Yeux BLEUS Cheveux CHATAINS
9. Préférence, le cas échéant, pour le service de la Marine, de l'Armée, ou de l'Aviation (Donnez des détails, aptitudes, etc.)

CULTIVATEUR

Daté ce 5 jour de NOVEMBRE 1940

Centre d'instruction No. -55

(Signature de l'homme)

(Signature et grade de l'officier effectuant l'enrôlement)

Sceau No. 55 N.P.A.M. TRAINING CENTRE COURSE 1 ENDING 7 NOV 1940

Sceau du certificat d'instruction

H

Signature de l'officier apposant le sceau

No E.577325 Rank Private Name DUBE, Robert

Unit Fusiliers du St. Laurent ~~XXXXXXXX~~ Date of death 27th Dec., 1940.

Died at St. Joseph's Hospital, Rimouski, P.Q.

Cause Extensive pulmonary suppuration

Death ~~NOT~~ WAS Due.CPC.d ~~6-5-41~~ 29-8-44 HQ 869-D-418 F.D.125d

N/K Mr. Isidore Dube Relationchip Father

Address Priceville, Matane Co., P.Q.

Remains buried in Mont-Joli Cemetery

Mont-Joli, P.Q.

Grave location

CAK.

CONTRACTOR'S ROLL FOR THIS SOLDIER'S GRAVE DESPATCHED JUL 7 1945

No 55 · RIMOUSKI

FORMULE D'EXAMEN MÉDICAL ET DE CERTIFICAT

MINISTÈRE DES SERVICES NATIONAUX DE GUERRE

LOI DE 1940 SUR LA MOBILISATION DES RESSOURCES NATIONALES

10119

Numéro d'ordre de l'avis d'appel:
F 6480

DIVISION F Québec

Reçu le 1 Oct. 1940

Les registraires de division utiliseront ces formules pour dresser les copies de l'original de la formule d'examen médical et de certificat.

PREMIÈRE PARTIE

Nom et prénoms ...DUBE... (Ecrire en lettres moulées) ...Robert... (Nom de famille) (Prénoms)

Lieu de naissance ...Priceville... Province canadienne (ou autre pays) ...Québec... Date de naissance ...18...

Résidence fixe ...Priceville... (Numéro et rue) (Bureau de poste ou itinéraire de facteur rural) (Ville ou village) ...Québec... (Province)

Répondre aux questions suivantes par " oui " ou par " non ".

Avez-vous déjà souffert de l'une quelconque des maladies ou affections suivantes?

Rhumatisme? ...non... Tuberculose? ...non... Bronchite ou asthme? ...non... Maladie de cœur? ...non...

Maladie du rein ou de la vessie? ...non... Maladie de l'estomac ou des intestins? ...non... Hernie? ...non...

Varices? ...non... Maladie des pieds? ...non... Maladie du nez? ...non... des oreilles? ...non... des yeux? ...non... Crises épileptiques? ...non... Maladie nerveuse ou mentale? ...non... Syphilis? ...non...

Gonorrhée? ...non... Avez-vous déjà porté des verres? ...non... Vous a-t-on déjà rejeté comme inapte au service militaire? ...non... Touchez-vous une indemnité ou une pension d'invalidité? ...non... (Oui ou non) Si oui, de quelle source? .....

Localité ...Priceville... Province ...Québec... Date ...30 Sept. 1940...

Signé: ...Robert Dubé...
Signature du sujet.

DEUXIÈME PARTIE

Observations du médecin examinateur. (Anamnèse claire et concise de toute maladie ou affection déclarée ci-dessus) .....

Examen somatique (sur la peau nue)

1. Taille ...5... pieds; ...11... pouces. 2. Poids ...181... livres.
3. Teint ...bon... Couleur des yeux ...bleus... 4. Constitution ..... {Vigoureuse / ~~Moyenne~~ / Débile} Biffer les mentions inutiles.
   Couleur des cheveux ...chatains...
5. Périmètre thoracique à l'ampliation maxima ...40... pouces.
   Étendue de l'ampliation ...2½... pouces.
6. (*a*) Acuité visuelle sans verres correcteurs: Œil droit ...20/20... Œil gauche ...20/30...
   (*b*) Si le sujet porte des verres, acuité visuelle avec verres correcteurs: Œil droit .....
   Œil gauche .....
7. Acuité auditive: Oreille droite ..... Oreille gauche .....
8. Bouche et dents ...bon état...
   Indiquer la nature et l'emplacement de toutes dents artificielles ...1er incisive droit or...
9. Si le sujet est atteint de quelque invalidité, congénitale ou pathologique, qui le range dans une catégorie inférieure à " A ", désigner ici, clairement et laconiquement, la nature de ladite invalidité .....

TROISIÈME PARTIE

Après avoir examiné le sujet précité, d'après les instructions relatives aux aptitudes physiques et à l'examen médical des recrues, je le certifie apte à être rangé dans la catégorie suivante:

Catégorie " A " ...apte...
" " B I " .....
" " B II " .....
" " C I " .....
" " C II " .....
" " D " .....
" " E " .....

Signé:
Signature ...Dr. Geo. A. Joubert...
(Médecin examinateur)

Adresse ...Priceville...

Date ...le 30 Sept. 1940...

L'espace ci-dessous est réservé aux inscriptions par le Médecin militaire du Centre d'instruction

QUATRIÈME PARTIE

Faire ici un relevé circonstancié de toute maladie ou invalidité dont il n'a pas été fait mention précédemment: —

.....

Signature .....
Médecin militaire du Centre d'instruction militaire

Nom ou numéro du Centre d'instruction .....

Numéro dans la Milice active non permanente .....

(Important — Voir au verso)

N.W.S. Formule N° 1A-F

CM

Station	Entré à l'hôpital le			Sorti de l'hôpital le			Maladie	N.B. — Indiquer s'il s'est agi d'une maladie grave ou bénigne et si la guérison a été complète. S'il s'est agi d'un accident, indiquer s'il y a eu Conseil d'enquête et, le cas échéant, la date où l'accidenté a reçu un appareil orthopédique ou prothétique.
	Jour	Mois	Année	Jour	Mois	Année		

INSTRUCTIONS

1. Seul un médecin diplômé, autorisé à exercer sa profession au Canada et nommé par le ministre des Services nationaux de Guerre à la fonction de médecin examinateur conformément aux Règlements de 1940 sur les Services nationaux de Guerre (Recrues), aura qualité pour examiner le sujet et remplir la présente formule.

2. Le médecin examinateur est tenu d'examiner le sujet et de remplir la présente formule d'après les instructions relatives aux aptitudes physiques et à l'examen des recrues, instructions dont le ministère des Services nationaux de Guerre lui fournira un exemplaire.

3. Dès qu'il aura rempli la présente formule, le médecin examinateur la postera ou la remettra lui-même au registraire de la division administrative du ministère des Services nationaux de Guerre où réside le sujet. Le nom et l'adresse des registraires divisionnaires seront signalés aux médecins examinateurs par voie d'avis publiés dans les journaux ou, si possible, par lettre.

4. Le ministère des Services nationaux de Guerre versera chaque mois aux médecins examinateurs dûment nommés les honoraires fixés pour l'examen de chaque sujet. Aussi les médecins examinateurs s'abstiendront-ils de présenter toute note supplémentaire. La présente formule, dûment remplie, tiendra lieu et place de la note du médecin.

5. Dès qu'il recevra la présente formule, dûment remplie, le registraire de la division administrative où réside le sujet estampillera la date où la formule lui sera parvenue, et il en tapera, ou en fera taper quatre copies identiques, chacune revêtue de la date à laquelle l'original de la formule a été reçu du médecin examinateur. Chaque copie ainsi dressée sera certifiée conforme par le registraire de division ou par une personne nommée par lui à cette fin.

Le registraire de division conservera la première copie. Il en annexera une copie à la formule originale reçue du médecin examinateur, et expédiera aussitôt ces deux documents au ministère des Services nationaux de Guerre, à Ottawa. Il expédiera la troisième copie au représentant du ministère de la Défense nationale, et la quatrième — si toutefois le sujet a été déclaré apte à l'instruction militaire et avisé de se rendre à un centre d'instruction militaire — à l'Officier commandant du centre d'instruction militaire où le sujet aura reçu instruction de se rendre; autrement, le registraire de division conservera la quatrième copie dactylographiée.

6. Personne ne doit, sans autorisation, avoir en sa possession un exemplaire de la présente formule.

L'article 12 (3) des Règlements de 1940 sur les Services nationaux de Guerre (Recrues) se lit comme suit:

"Dans tous les cas où un doute peut s'élever sur le bien-fondé d'un certificat d'inaptitude à l'instruction militaire délivré par le médecin examinateur à l'égard d'un homme qu'il a examiné, le registraire de division pourra donner à l'intéressé un autre avis lui enjoignant de subir un autre examen; dans ce cas, l'homme se présentera aux temps et lieu indiqués par le registraire de division pour être examiné par trois médecins nommés par le Ministre. Ces trois médecins examinateurs examineront l'homme, et s'ils ne confirment pas le certificat donné par le médecin qui a procédé au premier examen, ils délivreront un autre certificat, qui sera définitif et probant."

L'article 36 des Règlements de 1940 sur les Services nationaux de Guerre (Recrues) se lit comme suit:

"Tout médecin examinateur qui, en fournissant des renseignements sous le régime des présents règlements, fait sciemment une déclaration inexacte ou signe un certificat inexact, sera coupable d'une infraction et passible, sur déclaration sommaire de culpabilité, d'un emprisonnement pour une période d'au plus six mois ou d'une amende d'au plus cent dollars, ou à la fois de l'emprisonnement et de l'amende."

Copie certifiée conforme à l'original.

L. S. Gibson

.....

Le registraire estampillera les quatre copies en indiquant le lieu et la date où les copies ont été dressées et certifiées conformes.

(Voir les Règlements de 1940 sur les Services nationaux de Guerre (Recrues)

Deceased 27-2-40

AWARDS ARMY

M

DUBE Robt	E 577325	Pte	
SURNAME(Block Letters) CHRISTIAN NAMES	Reg. No.	Rank on Discharge	C.A.S.F. Unit

War Service
Badge
Class No. Date Despatched:

Address:

CAMPAIGN MEDALS	REGISTRATION NUMBER AND DATE DESPATCHED
NIL	
	(The reverse to be used for Estate purposes

THE CANADIAN PENSION COMMISSION

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869-D-415

MEMORANDUM

To.....Deputy Minister,
Department of National Defence,
From.....The Canadian Pension Commission.....

OTTAWA, August 29, 1944.

Director of Records
A. G. Branch,
SEP 7 1944
Nat. Defence Hqr
Ottawa - Canada

C.R.

ATTENTION: - Director of Records. [redacted]

~~Canadian Agency~~
~~Imperial War Graves Commission~~

E-577325 - Pte. Robert Dube
M.T.C. 55

ADDITION ENTERED

~~XXXXX~~

CENTRAL REGISTRY
PERS. C.
SEP 8 1944
File
Chgd. to
Referred to DR

The marginally named died

at Rimouski, Que.

on December 27, 1940.

Cause of Death Extensive pulmonary suppuration.

In the opinion of an Appeal Board of the Commission, death was related to military service.

Next of kin Mr. Isidore Dube (father),
Priceville,
Matane, Que.

Noted
GT

E. Lackey

for
Canadian Pension Commission.

EL

Not on strength of DP&NH.

Memo. to Dep'd
18/8/41
H.A.2
J.B.

M-38 3M-6-42 Req. 554

MB:CeM

TRANSLATION

E-577325 Pte. DUBE, Robert

I, the undersigned, Sister Marie de l'Incarnation, of St. Joseph Hospital, Rimouski, P.Q., state that on November 19, 1940, Pte. Robert Dubé was notified by myself and other sisters of the hospital and by Capt. Simard that he (Dubé) ceased to be, on that very day, a Dominion Government's patient. His status as patient was clearly explained to him and it was established beyond any doubt that he was staying at the hospital as a private patient to undergo an operation for his tonsils. He undertook to pay his hospitalization costs. Dubé's father and family were also aware of these arrangements.

Later we had discussions with the family regarding the payment and we had to change Dubé's status which was that of a private patient and to place him under the Quebec Provincial Public Welfare.

The hospital's books show that from November 6 to the 19th, 1940, inclusive, the hospitalization costs were paid by the D.P. & N.H, Quebec, and that from November 20,1940, to December 27, 1940, his hospitalizations costs were paid by the Quebec Provincial Public Welfare, under No. 5289.

Sister Marie de l'Incarnation.

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E-577325 Pte DUBE Robert

Je soussignée, Soeur Marie de l'Incarnation, de l'hopital St-Joseph, de Rimouski, P.Q., déclare que, le 19 novembre 1940, le soldat Robert Dubé fut averti par moi-même et d'autres religieuses de l'hopital, et par le Capitaine Simard, qu'il (Dubé) cessait d'être ce jour-là même, un patient du Gouvernement Fédéral. Son status comme patient, lui fut clairement expliqué, et il fut établi sans aucun doute qu'il restait à l'hopital comme patient privé, pour subir une amygdalectomie. Il s'engagea à payer les frais de son hospitalisation. Le père et la famille de Dubé étaient aussi au courant de ces arrangements.

Plus tard, nous avons eu des controverses avec la famille, au sujet du paiement, et nous fûmes obligés de changer le status de Dubé, qui était celui de patient privé, et de le mettre sous "l'Assistance Publique" de la Province de Québec.

Les livres de l'hopital indiquent que du 6 au 19 novembre 1940 inclusivement, les frais d'hospitalisation furent payés par le D.P. & N.H. Que du 20 novembre 1940 au 27 décembre 1940, ses frais d'hospitalisation furent payés par l'Assistance Publique de la Province de Québec, sous le numéro 5289.

S. Marie-de-l'Incarnation
Hospitalière -

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TRANSLATION

February ~~8~~ 12, 1942.

My dear Mr. Pouliot:

The file concerning the claim made by the father of Private Dubé came to my attention today, and I ~~believe~~ observe that I have never replied to your letter of November 6 last. Please accept my apologies.

After the most serious investigation, it has been established that Private Dubé was operated after he had ceased to be the responsibility of the Department of Pensions and National Health. Private Dubé had ceased to be part of the Army on November 7th., and the Department of Pensions and National Health had then become responsible for his treatment.

When Private Dubé was operated on November 21st., he knew that this was a private treatment which the doctor recommended, believing it to be advantageous for the future health of his patient. Sister Marie de l'Incarnation, of the Rimouski Hospital had explained to Private Dubé that the Federal Government was no more responsible for him, and other sisters had told him the same thing. He had agreed to pay for his future expenses in hospital. Dubé's father and members of his family knew of the arrangement.

It has been reported by Sister Marie de l'Incarnation that later there were controversies with the family regarding the hospital bill, and that she was obliged to alter Dubé's status to that of a patient under the Province of Quebec Public Charities Act.

The hospital records show that from November 6th., (the date of Dubé's admission to the hospital), to the 19th inclusive, all accounts were paid by the Department of Pensions and National Health, and that the accounts from November 20th to December 27th inclusive were paid by the Provincial Government.

Under the circumstances, I am closing the file.

Yours sincerely,

Jean-François Pouliot, Esq.,M.P.
House of Commons,
O t t a w a.

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QUOTE NO. HQ.869-D-418 (Meds)

CANADA

Department of National Defence
- Army -

Ottawa, Canada, January 21, 1942.

ADJUTANT-GENERAL

E.577325 - Pte. DUBE, Robert (deceased)

1. The following information is submitted with reference to this case, the various points raised in the memorandum submitted by the Minister to your office being dealt with in the order in which they appear in that memorandum.

2. Lt.Colonel J. MERCIER, District Medical Officer, Military District No. 5 and Lt. Colonel James STEVENSON, President of the Standing Medical Board, Military District No. 5, appeared at the office of the Director General of Medical Services on 21st January, 1942, and were censured by the D.G.M.S. in connection with the irregularities which occurred in dealing with this case. They were made to understand the correct procedure which should have been followed and were told that such lax administration would not be tolerated.

3. Lt.Colonel MERCIER made no reference to that portion of the report signed by Dr. LANGIS (D.P.N.H. form 100)as the further treatment for a chronic condition was not considered a military obligation and the patient was considered cured of the acute condition developing on service and had been passed under his own control.

4. Evidence has now been received by telephone from Rimouski showing that it was clearly understood by this man that, as from 20th November, 1940, he ceased to be a Departmental patient, and that he subsequently became, with the complete understanding of his father and other members of the family, a patient under the Quebec Public Charities Act (folio 50) who paid the account covering his hospitalization for the period November 20th to December 27th, 1940, inclusive, under Claim No. 5289.

5. No Medical Board existed in the Rimouski area at that time. Rimouski is 180 miles from Quebec City. Captain SIMARD was employed by this Department under General Order 139. One member of the Board only, saw this patient, Major Sylvio LeBLOND, who is shown by Garrison Order, M.D. No. 5, dated 29th November, 1940, No. 1691, as having visited Rimouski from November 21st to 23rd. It was the view of Lt.Colonel MERCIER and the members of the Board that, as the patient's condition at that time was not a serious one, that the necessary expense involved in forming a complete Board at Rimouski to deal with this case was not justifiable.

6. The clerical error referred to by Lt.Colonel MERCIER has to do with the unusually long time that the Medical Board Proceedings were retained in the Quebec office before finally being signed by the members of the Board. The procedure followed in this case of members of the Board approving of Dr. SIMARD's report without having actually seen the patient was irregular. This is now clearly understood by Lt.Colonel MERCIER and Lt.Colonel STEVENSON. The Medical Board would have no occasion to concur in the report of the D.P. & N.H. representative, Dr.LANGIS. They would only concur in the report of the Medical Officer bringing forward the case on M.F.B. 227.

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Nat. Def. A-168
H.Q. 1772-39-376
500M-7-40 (5938-9-40).

7. It is definitely not the system as stated by Lt.Col. MERCIER, for Medical Boards to concur in the opinion of other Medical Officers without having actually seen the patients. This has been explained to Lt.Col. MERCIER.

8. Captain SIMARD's statement on M.F.B. 227 that no further treatment was required and the fact that he later performed an operation, is in some respects inconsistent. It would have been better to have said that no further treatment was necessary insofar as the disease which arose on service was concerned. The report of Dr. SIMARD on M.F.B. 227 dealt only with the acute condition which demanded hospitalization and which in turn was necessary to discharge the Department's obligation towards returning the man to his pre-enlistment physical condition. The operation was actually for the correction of a chronic condition which existed before enlistment, and to obviate repeated acute throat attacks, such attacks being considered as acute exacerbations of the pre-enlistment chronic condition.

9. Captain SIMARD, being employed by this Department under General Order 139, might easily have opportunities of attending to private patients as was done in this case. It has been clearly established (folio 50) that the transfer of the patient to another ward for an operation as recommended by Dr. LANGIS on D.P. & N.H. Form 100, had clearly in mind his transfer from the control of the D.P. & N.H. It would have been better had his report specified this.

10. Lt.Colonel MERCIER's statement that an examination of patients by members of a Standing Medical Board is not required, is incorrect. This is definitely an obligation of members of the Medical Board and Lt.Colonels MERCIER and STEVENSON have been so informed.

11. It has been necessary for the Department to use many part-time medical officers in Districts where it has been felt that the employment of a full-time medical officer could not be justified. It quite frequently happens that such part-time officers are also employed by the Department of Pensions and National Health, and it is in order for such employees to attend to private patients. The original D.P. & N.H. Form 100 referred to as the "green form" was signed by Dr. LANGIS, and has been seen by this office. Why the patient did not sign the D.P. & N.H. form is not known. The one which appears on file is a copy only.

R.M. Gossline

(R.M.Gossline) Brigadier,
DIRECTOR GENERAL OF MEDICAL SERVICES.

P.S.
For the Minister's information, having to memo next folio down.

5-6

B. W. BROWNE
Major - General,
Adjutant - General.

JAN 22 1942

Death Cert

~~E/57325~~ E/57232 Dubé R.

39-W-1016

PRIC.

Price, Co. Matane,

25 Nov. 1941

Robert Dubé, soldat, fils d'Isidore Dubé et de Marie Louise Plourde, de cette Paroisse, décédé à l'Hôpital de Rimouski, le 27 décembre 1940, Service à Price, lundi le 29 déc. 1940 - Sépulture à Mont-Joli, le 29 déc. 1940

Ph. Morin ptre, curé

CHANCELLERIE DE L'EVÊCHÉ DE RIMOUSKI

Noté
2-12-41
J.T.

MINISTER

Under date of January 27th., 1941, Mr. I. Dubé, of Priceville, P.Q., wrote to you claiming $321.07 for funeral expenses following the death of his son, Private Robert Dubé.

The situation can be summarized as follows:

Pte Dubé was taken into St.Joseph's Hospital, Rimouski, P.Q., on November 6th., 1940, which was the day before his training period expired. He was suffering from acute bronchitis, acute laryngitis and acute tonsillitis. Because he was still a trainee, he was transferred to the Department of Pensions and National Health, for treatment, and it became the responsibility of that Department to cover his hospitalization expenses until the disease had been brought to a finality.

On November 19th., he was discharged from the control of D.P. & N.H. by Dr. Gerald Langis, who had acted for that Department. D.P. & N.H. Form No. 100 was filled in, and the following appears thereon, under the heading "Findings":

"The patient, now cured, is transferred into oto-rhyno laryngologilical ward for tonsilectomy."

Captain Philippe Simard, R.C.A.M.C., of Rimouski, acting for National Defence, examined the patient on the same day (November 19th.) He is a specialist in oto-rhyno laryngology and is the one who brought forward the case and created M.F.B. 227 which, it is to be noted, Dubé refused to sign. The following information appears on this form:

"What is the probable duration of the diseases or injuries? Reply: "Cured". "Treatment: none"."

"Is further treatment in hospital, etc., likely to be of material benefit?" Reply: "No"."

The above is in contradiction with the statement of D.P. & N.H. form No. 100 that the patient was to be transferred to the oto-rhyno laryngologilical ward for tonsilectomy.

Dr. Langis, above referred to, is a Rimouski Doctor. He is a part-time medical representative of the Department of Pensions and National Health, and has his services remunerated on a fee basis by that Department. It is stated to be his privilege to carry on private practice without any obligations to Pensions and National Health or to National Defence for his actions.

Before releasing Pte Dubé from his care as a D.P. & N. H. case and filling in form No. 100, Dr. Langis had advised Dubé that he should consult a specialist; in fact, it is stated on the form that "the patient is transferred to the oto-rhyno laryngologilical ward for tonsilectomy".

The tonsilectomy.....

The tonsilectomy was performed on November 21st., by Captain Simard, the same doctor who, acting for National Defence, had certified on M.F.B. 227, two days before, that further treatment in hospital would not likely be of material benefit. Pte Dubé died on December 27th.

Another complication is that Dr. Simard returned the case to Dr. Langis for medical supervision and care during convalescence; the file shows a claim from Dr. Langis for twenty dollars, covering twenty visits made from Nov. 20th., to Dec. 24/40.

On the memorandum dated October 29/41 from the Deputy Minister of Pensions and National Health to his Minister, it is stated that Doctors Langis and Simard were within their rights in handling Pte Dubé's operation as a civilian case. It is further stated that:

"It would not appear that the Federal authorities have any concern regarding the responsibility of Doctor Langis or Doctor Simard deciding that Dubé's condition would be improved by such an operation, or in discussing the results of such operation, as this was entirely a civilian responsibility between the patient and the two doctors in question.

It seems quite definite, however, that no Federal Department or Service has any responsibility for anything pertaining to Pte Dubé subsequent to his discharge from Federal Government hospitalization at St.Joseph's Hospital on November 19th., 1940, but all medical charges up to and including November 19th., are a Federal responsibility, which of course includes any services performed by Dr. Langis as a medical representative of this Department, up to and including November 19th., 1940, and hospital charges."

It is probable that Pte Dubé did not realize that on November 19th., he had been returned to his civil status, and that the advice given by Doctors Langis and Simard was that of ordinary practitioners, and not the advice of doctors acting for Pensions & National Health and National Defence.

Mr. J.F. Pouliot is interesting himself in this case, and I would be glad to have your advice before I communicate with him.

H.D.

31-12-41. D.M. (Army)

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Memorandum

To: THE ACTING DEPUTY MINISTER (Army)

Department of National Defence

H.Q. 869-D-418

OTTAWA, 11th August, 1941

Private Robert DUBE (deceased)

As requested inyour Minute of 8th August, I have considered the case of the deceased soldier therein mentioned.

2. It would appear from the record that this man was called out for training pursuant to Militia (Special) Regulations, 1940, and that, during his period of training, he suffered a disease or illness, namely, acute tonsilitis, for the file indicates that he was admitted to St. Joseph's Hospital, Rimouski, on November 6th, 1940, which was prior to the date of termination of the training period, i.e., November 7th, 1940. Consequently, under Section 7 of Militia (Special) Regulations, 1940, his case was required to be dealt with under the provisions of Articles 298-306, P. & A. Regulations, 1937, as if such disease or illness had been incurred at a duly authorized training camp or a school established for full time courses.

3. Under the Articles mentioned of the said P. & A. Regulations, the soldier would be entitled to the pay and allowances which would normally be payable to him for the portion of the training remaining after he had been taken ill and would, for said remaining period, be granted the medical and hospital treatment authorized for his rank. Further, if after the termination of the training period any further medical or hospital treatment was necessary, the soldier would, if his condition did not permit of him being sent to his own home and passing under his own control, be furnished with the requisite treatment in an appropriate civil hospital at public ward rates.

4. Notwithstanding that his period of training had ended, the man still remained a member of the Non-Permanent Active Militia and his admission to, and treatment in hospital for the illness which he suffered during the training period were perfectly in order, having regard to the pertinent regulations. As stated, he was admitted to hospital on 6th November and was, so far as the Government Medical Authorities were concerned, discharged therefrom on 19th November; but I would draw your attention to the item 24 of the D.P. & N.H. form on folio 15, which states that the malady for which the patient was hospitalized has disappeared and that, on the advice of the specialist in oto-rhyno-laryngology, the patient decided to remain in hospitalfor tonsilectomy. At the end of the form, on the reverse side, a statement appears that the patient, now cured, is transferred to the oto-rhyno-laryngology ward for tonsilectomy.

.. .. ..

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N.D. 25a
60M—7-40 (6103-4)
H.Q. 1772-101-25
RJO:MIP

5. If this man had infected tonsils and his condition in that respect was a chronic one resulting in periodical attacks of tonsilitis or other illness related to infected tonsils, I should not think that there was an obligation on the part of the Crown to remedy a condition which was of long standing. On the other hand, if, due to said chronic condition, an illness developed during the period of training for which the man was entitled to be treated, then I should think that the Crown's obligation extended to restoring, as far as possible, the man to the condition in which he was at the date he commenced the training, and this is apparently what the Medical Authorities considered they were doing. There would, of course, be exceptions where, in order to enable such condition to be restored or save life or prevent further ravages of a disease, treatment of a more major character would have to be given.

D.G.M.S.
(Through A.G.)
May I have your remarks.
12/8

6. The third paragraph of the doctor's report on the reverse side of folio 15 is to me as a layman somewhat significant, and I suggest that it is a matter for medical opinion as to whether, having regard to this man's condition, he could have been cured within the limitations mentioned above on the 19th November, namely, whether a tonsilectomy should or should not have been comprised in the treatment to which, having regard to the man's condition he was entitled to be furnished. I suggest that you obtain the opinion of the Medical Authorities in this regard.

7. You will note from the report dated 5th February, 1941, from the D.M.O., M.D. No. 5, folio 16, that no authority had been asked from the D.M.O. for the operation. I do not see that this has any particular bearing in the matter.

8. If the departmental Medical Authorities are of the opinion that a tonsilectomy might, in the circumstances, have been comprised in the treatment which ought to have been furnished to this man, then I would consider that the case is one in which favourable consideration might properly be given to paying the amount in respect of the cost of hospitalization and treatment, doctor's fees, etc., as if the man had remained under the care of the D.P. & N.H., and that, in respect of his funeral expenses, the same allowance would be made as if he had in fact died while undergoing such treatment.

R. J. Orde

Brigadier,
Judge Advocate-General

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H.Q. 869-D-418

OFFICE OF THE DEPUTY MINISTER OF NATIONAL DEFENCE

To register and pass to JAG

MEMORANDUM

J.A.G.

Attached you will find translation of a letter addressed to me by Mr. Jean-François Pouliot, M.P., under date of July 29th., with regard to a claim by Mr. Isidore Dubé, of Price, P.Q. This claim is for hospital and other expenses in connection with the illness and death of his son, Private Robert Dubé.

Mr. Dubé had written to the Minister under date of January 27th. I attach a precis of this letter, also copy of the account therein referred to. The Minister wrote to the Minister of Pensions and National Health on February 24th. A copy of Mr. Mackenzie's reply is attached.

You will note on the accompanying file a memorandum from D.G.M.S., dated February 18, in which it is reported that as far as D.P. & N.H. was concerned, Private Dubé was apparently discharged from hospital on November 19, 1940, and it would appear that he decided to stay in hospital on his own initiative. He was operated upon on November 20th., and death came on December 27th. Will you please clear up the following point:

Did Private Dubé, by staying in hospital after he had been declared cured of the particular illness for which he was sent there, and submitting to an operation, forfeit any rights which he might have had if the operation had been authorized.

Private Dubé had not been discharged from military service, and he may have committed an offence by not reporting immediately to his Training Centre, but the operation was recommended by a presumably reputable doctor, and I would like to be sure whether or not the father has a claim.

F.D.

8-8-41.

A/D.M.(Army).

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TRANSLATION

Ottawa, July 29, 1941.

Colonel Henri DesRosiers,
Deputy Minister of National Defence,
Ottawa.

My dear Colonel,

Re: Private Robert Dubé (deceased)
Registered under the number E-577325

The above-mentioned young man died on December 27th last, at the Hospital of St-Joseph de Rimouski, during the period of his compulsory military training.

His father, Mr. Isidore ~~Bérubé~~ Dubé, of Price, has had a lengthy correspondence with your Minister, in order to obtain payment of expenditures for hospital and funeral which amounted to $326.07. The question was referred to the Department of Pensions (File P.N.H. 503-R), and the decision of the Commissioner was that the death of this soldier could not be attributed to his military service.

Robert Dubé was classified "A" for his training. It appears that he was forced to parade at a time when he was complaining of a sore throat, and that his voice had gone completely which only aggravated his illness. All the details are mentioned in the letter from Mr. Isidore Bérubé to your Minister under date of January 27, 1941.

Robert Dubé had been helping his father in maintaining a large family, and his death is felt all the more.

I am therefore taking the liberty of asking you to examine this file, and to make the authorities understand that the death of this young man cannot but be attributed to his military training, and I would be grateful if you would advise me as quickly as possible.

Yours very truly,

(Sgd) J.F. Pouliot.

A.G.

4-8-41. A/D.M.(Army).

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COPY

PRECIS

January 27, 1941.

Mr. Isidore Dubé, Priceville, Co. Matane, P.Q., states that his son, Pte. Robert Dubé, No. E-577325, of T.C. No.55, has died as a result of his military training under the following circumstances:

He was classed "A" at the preliminary examination by the family doctor and was also classed "A" by the medical officers of the training camp; which leads to suppose that he was in a very good state of health at the time of his joining the camp.

On November 6th last, after suffering discomfort for a few weeks and a few days, while he was forced to go on parade despite his request to the contrary, he was sent to l'Hôpital St. Joseph de Rimouski, complaining from trouble to his throat and also from a total loss of voice.

On November 20th, his tonsils were removed under doubtful conditions, if I am well informed. Following this, he suffered from general poisoning and finally died on December 27th last.

The writer is enclosing an account for all expenses to be paid as a result of his son's illness and death. He understands that in the case of a soldier who dies while on duty, the Government is in the habit of paying the costs and also a pension to his dependents. Now, this young man was the writer's support as well as that of the writer's large family. He is a poor man and finds it absolutely impossible to settle all these accounts.

He is therefore asking the Department to assume these expenses and also grant a fair compensation for the terrible loss he has suffered through the death of his son. He trusts that his request will be favourably considered.

THE CANADIAN PENSION COMMISSION

869 - D - 418

MEMORANDUM

To The Officer i/c Records, Militia Service,
Department of National Defence.

From The Canadian Pension Commission.

OTTAWA, 6th May, 1941.

P&NH 503-R

#E-577325, Pte. Robert Dube
M.T.C.55 - N.P.A.M.

DEPT. NATIONAL DEFENCE
MAY -6 1941
H.Q. CANADA

ESTATES BRANCH
JUN 23 1941
H. Q.
OTTAWA
NATIONAL DEFENCE

The Canadian Pension Commission has ruled that the death of Private Robert Dube, which took place at St. Joseph's Hospital, Rimouski, P.Q., on December 27th, 1940, was not due to service as such in the N.P.A.M.

The next of kin is the father - Mr. Isidore Dube, Priceville, Matane Co., P.Q.

B. O'Meara
for Canadian Pension Commission.

Noted
Docs. +

OK for X.
21.7.41.

CR
Card Index X.
21/7/41

17

H. Q.
CHAR
DA
9-4

S.E.2267

F.T. For translation and return, please.

382-37

January 29, 1941.

Isidore Dube, Esq.,
Priceville, P. Q.

Dear Mr. Dube,

Mr. Ralston has asked me to acknowledge receipt of your letter to him of January 27th, regarding the death of your son, Robert Dube.

Your letter has been at once referred to the appropriate Officers of the Department for a full report on your son's case. Just as soon as this has been received I shall write you further.

Yours very truly,

Private Secretary.

DGR/W
fd

A.G.

Passed for a report, please, and suggested further reply to Mr. Dube. May this be treated as urgent, please.

C.R.S.

Col.M.S.

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-3-

D.A.G.(M)

Passed, please.

Lieut.
1.2.41. Secty. to A.G.