

REPARATIONS

1930-1931

REPORT

MALTREATMENT OF PRISONERS OF WAR

ERROL M. McDOUGALL, K.C.,
Commissioner

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DEPARTMENT OF THE SECRETARY OF STATE

REPARATIONS, 1930-31

REPORT

*To His Excellency,
the Governor General in Council.*

MAY IT PLEASE YOUR EXCELLENCY:

I have the honour to submit the following Report:

Since the date of my Supplementary Report, dated July 21, 1931, attention has been given to the large number of cases presented by former prisoners of war who claim damages caused by maltreatment. The present Report is designed to include and dispose of all such cases heard up till June 23, 1931. Decisions have been reached and recommendations are now made in 340 cases, leaving only a number of civilian cases yet to be disposed of, together with a further group of soldier cases received or heard after the date above mentioned.

In addition to the sittings referred to in my previous reports, the Commission has held sessions at Halifax, N.S., Montreal, P.Q., Ottawa, Ont., Toronto, Ont., Winnipeg, Man., Calgary, Alta., Edmonton, Alta., Vancouver, B.C., and Victoria, B.C.

These cases have entailed serious study and the work of preparing detailed recommendations in each case has been laborious. I regret that the report should be so voluminous, but I felt that each claimant was entitled to have his case fully reviewed in such detail as the facts and circumstances warranted. Many of the claims asserted should not have been advanced before this Commission, being purely pensionable in nature, and a number of the applicants erroneously regarded this Commission as a means to obtaining an initial or increased pension.

In dealing with these cases, claimants have been required to complete and file statements of claim setting out their grievances, supported by medical certificates indicating their present condition as to disability. Where possible, the medical practitioners who have furnished the certificates have been requested to attend at the hearings. Claimants themselves, in practically every case, have been heard and fully questioned. Every effort has been made to ascertain the actual facts and to measure fairly the damage sustained by each individual claimant. To hold a claimant rigorously to the full, legal proof of his claim would be as unfair as it would be to accept in their entirety the unsupported statements of claimants. Evidence such as would be required in a court of law has not been exacted but, on the other hand, stories, which have become exaggerated with the passage of time, have been carefully scrutinized and confined within the bounds of probability. In only one case (Hunter No. 1846) has the reverse side of the picture been put before the Commission, by a letter from the German Consul General, which seriously assails the accuracy of the claimant's testimony. Had this practice been more prevalent and had both sides been represented at the hearings, it would have simplified the task and facilitated the decision of cases. In the absence of this assistance, the Commission has sought to test, as best it could, the authenticity of the facts as presented in each particular case. This it has been able to do, in some measure, by checking the facts related by claimants with statements made by them (when available) upon

repatriation, by their pension and medical history records and by reports, of an official or semi-official character, as to conditions prevailing in various camps, to which reports I have made reference in the annexed opinion.

Great care must be exercised in distinguishing between service disability and incapacity directly attributable to treatment received while a prisoner. Both classes of injury are, of course, pensionable, but this Commission is concerned only with cases falling under the latter category. By reference to the records of the Board of Pension Commissioners and scrutiny of the pension decisions in favour of claimants, it is hoped that there will be no confusion nor any duplication of awards. It is undesirable that any decisions of this Commission should embarrass the Board of Pension Commissioners in their consideration of claims presented by pensioners or claimants seeking pension. In many cases, of course, claimants in receipt of pension, provided they have made out a case of maltreatment, are entitled to an award from this Commission. The rights to pension and reparation are not exclusive the one of the other.

I have prepared and annexed to the present report a general summary or opinion outlining the principles upon which I have endeavoured to decide the various cases. As to a large number of the cases now under report, the Commission has had the benefit of the co-operation of Dr. J. P. S. Cathcart, Chief Psychiatrist to the Department of Pensions and National Health. Dr. Cathcart has attended most of the sessions of the Commission and I desire to record my high appreciation of his valuable assistance in advising upon the medical and disability aspects of each case. He has prepared and filed with the Commission a report, which I append hereto as indicating his appreciation of the evidence from a medical standpoint.

In arranging the material for the present report, the recommendations are presented numerically in the order in which they were heard, with an alphabetical index and a summary of the awards made. As far as possible, statements of claimants referring to other cases have been checked and verified, in order to bring to each claim all possible corroborative testimony.

A number of claims have been presented by former Imperial soldiers, who only became resident in Canada after the war. As explained in Opinion annexed to my Interim report, dealing with the scope and jurisdiction of the Commission, it was found necessary to fix a date constitutive of jurisdiction for those claimants, British subjects, who had come to Canada to live after the events complained of. January 10, 1920, date of the ratification of the Treaty of Versailles, was selected. This was the date upon which, under the Treaty, Germany undertook to pay and assumed what may be regarded as a contractual obligation to make good the damage caused during the war. I see no reason to depart from this principle in dealing with the group of cases above mentioned.

In a few cases claims have been presented by dependents of deceased soldiers who died after their return to Canada. The section of the Annex to the Treaty, with which we are concerned, does not authorize awards upon the ground of dependency, as do the sections relating to civilian claimants. The claim is purely personal to the victim of the maltreatment and does not pass, upon his death, to his legal representatives. Moreover, in such cases it is practically impossible to adduce direct evidence of maltreatment and still more difficult to establish that the death has resulted from the treatment alleged.

In allowing interest upon the amount of the awards, I have followed the principle adopted in dealing with civilian cases and referred to in Opinion annexed to my Interim Report. Regarding the Treaty of Versailles as a specific undertaking on the part of Germany to pay, it seems reasonable to make interest run from the date of the ratification of the Treaty, viz., January 10, 1920.

The present report involves an expenditure amounting to \$93,500, with \$56,100 estimated interest, at the rate of 5 per cent per annum, to say, January 10, 1932—a total of \$149,600.

The Commission has accepted for hearing 932 claims, of which 730 have been heard. The present report, consisting of 340 cases, brings the total number of cases disposed of to 666. There remain 266 cases, made up of 214 military and 52 civilian claims, of which 43 military and 21 civilian have been heard since June 23, 1931.

All of which is respectfully submitted for Your Excellency's consideration.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 13, 1932.

MALTREATMENT OF PRISONERS OF WAR

The clauses relating to Reparations in the Treaty of Versailles, Articles 231 and 232, with Annex 1 to Article 232, contain the following provision dealing with prisoners of war:—

Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories:—

1.
2.
3.
4. Damage caused by any kind of maltreatment of prisoners of war.

While the language of the section is clear, no attempt has been made to define the precise meaning of the term "maltreatment." It will be observed that the addition of the words "any kind of," as applied to the subject, is the converse of restrictive and would appear to indicate that the framers of the Treaty intended to give the word its widest connotation. It would be idle to attempt an exact definition of the term or to set up any rigid standard by which all claims now before the Commission should be governed. I conceive it to be my duty to examine and weigh the circumstances of each particular case and to determine, in the exercise of a wide discretion, whether the claimant has sustained *damage* as the result of *maltreatment* suffered at the hands of the enemy.

Indicative of the manner in which I consider that this discretion should be exercised, it will be useful to state some general guiding principles applicable to the majority of cases and to which reference may be made in the individual decisions.

The wording of the section quoted makes it clear that damage must have been sustained by a claimant as the result of maltreatment to entitle him to recover. This was the view taken not only by the British Reparations Commission, but by the American Mixed Claims Commission in dealing with like cases under similar provisions contained in the Treaty of Berlin. I quote from Report of Lord Sumner—Report V (1923) at pp. 47:—

Paragraphs 2, 3 and 4 of Annex I deal with different categories of personal damage suffered by the civilian population and thereon the following decisions were taken.

I.

II. that Germany owed compensation under the terms of Paragraphs 2 and 3 of Annex I only for those damages which were the direct consequences of the acts stipulated in these paragraphs.

III. that in order that damages suffered by a prisoner of war as a result of maltreatment should give rise to a claim for reparation, it would be necessary

- (a) that incapacity to work should have been the consequence of maltreatment.
- (b) that such incapacity for work should have subsisted after liberation.

In dealing with the claim of an American soldier alleging maltreatment by the Germans, Judge Parker of the United States Mixed Claims Commission, makes this comment—(Docket 1322—Geo. L. Hawley, Record of decisions pp. 651)

The claimant undoubtedly sustained serious injuries as a consequence of the war, but a careful consideration of the record before the Commission fails to disclose that he has suffered any pecuniary damage resulting from any maltreatment or other act for which Germany can be held liable under the Treaty.

It would appear to follow from the language of (2) of the Annex which deals specifically with "injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea or of being forced to labour" that civilians are entitled to put forward claims for injuries to health which are not available to prisoners of war under (4) which is restrictive

and deals only with "maltreatment" and damage caused thereby. The mere fact of the existence of an injury to health as a consequence of imprisonment (which, in the case of prisoners of war, is legal) without proof of maltreatment inducing the condition complained of does not, in my view, establish liability to pay compensation. Punitive or vindictive damages are thus excluded. As explained in Opinion annexed to my Interim Report, "this Commission has no punitive mission, nor has it any offence to punish." Its functions must be confined solely to *compensatory* damages.

Diverse and various have been the incidents of maltreatment urged in support of the numerous claims. While it is not opportune to attempt an exhaustive enumeration of what acts constitute maltreatment, it may, by way of illustration, be useful to direct attention to certain acts which do not, *per se*, constitute maltreatment. Thus, poor food conditions, in Germany, resulting in impaired health, unless deliberately and unreasonably imposed upon a claimant by the authorities, cannot be regarded as maltreatment. Germany's inability to obtain better food, at least during certain stages of the war, was notorious and obtained throughout the country. A hardship arising from necessity and which was borne alike by the captured and the captors does not constitute "maltreatment."

Again, many claimants complain of being inoculated by the German physicians. The fact that the Germany authorities inoculated and vaccinated prisoners would seem to imply that they were seeking to give them all proper and necessary attention, rather than to maltreat them. Another frequent ground of complaint is the use of paper bandages by the German hospital authorities in dressing the wounds of prisoners, but there is no evidence that any other bandages were available, and it appears that the German authorities were forced to use paper bandages in the dressing of the wounds of German soldiers. This was one of the hardships of war in which claimants were engaged as combatants. Many prisoners who attempted to escape, upon recapture, were severely handled and subjected to solitary confinement under very trying conditions. Provided such punishment was inflicted in accordance with military law and did not go beyond reasonable bounds, it cannot furnish ground of complaint. Germany was entitled to hold her prisoners and to apply to them such disciplinary measures as each case required. To shoot and kill or maim a prisoner in the act of escaping, is not illegal and to punish him, even severely, upon recapture, cannot be termed "maltreatment" unless the punishment, by its violence and inhumanity transgresses the rules applying to the treatment of prisoners by civilized nations. International law recognizes that a prisoner may be "confined with such rigour as is necessary for his safe custody." (Hall's International Law, 8th Ed., p. 487).

The Hague Regulations by Articles 4 to 20 have enacted exhaustive rules regarding captivity, and declare the humane principles relating to the treatment and care of prisoners of war. These rules were prepared in time of Peace before the World War, but to quote "Oppenheim" International Law, 4th Ed., at p. 253, "the experiences of that war disappointed many hopes founded upon them." The matter has also been discussed by jurists of international reputation. I refer to Wheaton on International Law, 6th Ed. Vol. II, p. 722; Hall's International Law, 8th Ed. p. 488; Garner, International Law and the World War 1920. Better to appreciate what treatment a prisoner of war may expect to receive and to set a standard by which the conduct of civilized nations should be governed, the Hague rules, relevant to the present matter, read as follows:—

CHAPTER II.—PRISONERS OF WAR

ART. 4

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ART. 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and are bound not to go beyond certain fixed limits; but they cannot be placed in confinement except as an indispensable measure of safety, and only while the circumstances which necessitate the measure continue to exist.

ART. 6

The State may employ the labour of prisoners of war, other than officers, according to their rank and capacity. The work shall not be excessive, and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid for at rates proportional to the work of a similar kind executed by soldiers of the national army, or, if there are no such rates in force, at rates proportional to the work executed.

When the work is for other branches of the public service, or for private persons, the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, deductions on account of the cost of maintenance excepted.

ART. 7

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In default of special agreement between the belligerents, prisoners of war shall be treated, as regards rations, quarters, and clothing, on the same footing as the troops of the Government which captured them.

ART. 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in the power of which they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army, or before leaving the territory occupied by the army which captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of their previous escape.

ART. 17

Officers taken prisoners shall receive the same rate of pay as officers of corresponding rank in the country where they are detained; the amount shall be refunded by their own Government.

ART. 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of their own Church, on the sole condition that they comply with the police regulations issued by the military authorities.

ART. 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

Ideal as may be the conditions of captivity provided in the foregoing rules, it is doubtful whether any captor has been, or will be, able to conform completely to this desirable standard. The inevitable exigencies of a war bring about departure from the principles stated. It is certain that Germany fell far short of the application of these rules to its prisoners in the World War. Oppenheim, *op. cit.* at pp. 258, says:—

These rules of the Hague Convention had, as has been said, been laid down in time of peace; and in war the attitude of belligerents towards prisoners is liable to change. All the States involved in the World War charged one another with violating the Hague Regulations by the maltreatment of prisoners of war, and at an early stage they arranged for inspection by neutral representatives of the camps on their territory. The reports of the

inspectors disclosed conditions at certain times in certain German camps which were very bad, and made it clear that almost everywhere in Germany, prisoners were suffering great hardships insufficient food and clothing. The reports on British and French camps were almost uniformly satisfactory. None the less, Germany disbelieved them, and resorted to reprisals for the alleged maltreatment of German prisoners, while the Allies, in their turn feared that conditions in the camps in Germany were even worse than appeared from the reports. Whatever may be the evidentiary value of some of the charges, undoubtedly the Hague Regulations were grievously violated by Germany in letter and in spirit.

Applying the strictest legal construction to the acts of Germany in the light of the rules quoted, would involve a finding that in practically every case there had been maltreatment, but I regard such a construction as unduly harsh and literal. Not in justification of, but perhaps in partial extenuation of, the treatment accorded by Germany to its prisoners of war, it is worthy of note that over 1,600,000 Allied prisoners were taken and held by the enemy in the early stages of the war and remained in captivity for over three years, to say nothing of the internment of practically the entire enemy alien population. The magnitude of the problem thus suddenly thrown upon Germany of caring and providing for so great a number, was beyond her power to accomplish strictly in accordance with the regulations laid down in the Hague Convention. (Garner, loc. cit., vol. II, p. 1.) As the war progressed and the pressure of the allied blockade upon Germany was intensified, it became increasingly difficult to feed, clothe and care for this vast army of prisoners. At various stages of the war agreements were entered into by the belligerents looking to the betterment of the conditions under which prisoners were held, providing for exchange of the disabled and dealing with various grounds of complaint. In general, it cannot be said that these agreements, so far as Germany was concerned, brought any great amelioration to the lot of the prisoners in its hands.

The treatment of prisoners of war varied very considerably in the different camps, and even in the same camp at different periods. I have had the advantage of having before me the reports made to the British authorities through the United States Ambassador to Germany, Mr. Jas. W. Gerard, upon the conditions and treatment of prisoners in a number of the camps where claimants were held, as also report of Lord Justice Younger in November, 1918, dealing with conditions in the coal and salt mines where British prisoners were held. These reports throw a valuable light upon conditions generally and have been of great assistance in reaching conclusions. Without attempting to detail conditions as they existed in the numerous camps in which Canadian prisoners were held, it is proper that attention should be called to what was possibly the worst prison camp in Germany—at Wittenberg—the seat of a typhus epidemic in 1915, which marks the height of German callousness in the treatment of prisoners. Between 15,000 and 17,000 prisoners were confined in the camp—of all nationalities—within an area of 10½ acres. Little or nothing was done to prevent the spread of the epidemic, which broke out in December, 1914, and the German military and medical staffs ignominiously deserted their charges, so that with rare exceptions they had no communication with the prisoners until August, 1915, except by means of directions shouted from a distance outside the wire fences. In commenting upon this camp, Lord Justice Younger's committee said: "Incredible as it may seem, the action of the officers and guards in precipitately deserting the camp and thenceforth controlling its caged inmates with loaded rifles from the outside, was only in keeping with the methods and conduct of these men throughout." (See Garner, op. cit. Vol. II at pp. 19 (Note).)

The evil fame of the salt and coal mining camps to which prisoners were sent for punishment became notorious. Lord Younger's report above referred to deals with conditions there obtaining in no uncertain terms. He describes life in these camps as "a singularly cruel and dangerous form of slavery." In explanation of the system adopted in these camps he says:—

The prisoners in the mining camps are hired out by the German Government to private firms, a military guard, under a non-commissioned officer, being attached to each kommando to maintain discipline. Special precaution is obviously necessary in these circumstances to

ensure that the N.C.O. or "Kommandofuhrer" is fully responsible to his military superior at the parent-camp, and also that he has no immediate interest in overworking the men. Both these elementary considerations have been ignored by the German authorities. The "Kommandofuhrer" and his subordinates are openly bribed by the contracting firm to get as much work as possible out of the prisoners; and on the other hand the control of the prisoners is divided, at any rate in practice, between the military command and the civilian foreman who direct the work in the pit. These latter are actually armed with revolvers, and in some of the coal-mines they appear to take over, during the working day, the full powers of the military guard, which remains above ground. Not only can the foreman, or "steiger" report the prisoners for regular punishment in the camp, but he can and does ill-treat them on the spot without any interference. There is abundant evidence of the serious dangers to which the men are thus exposed. Moreover, as they naturally defend themselves as best they can against such uncontrolled tyranny, the foreman is in the habit of calling in the civilian miners, at work in the same pit, to help him in coercing the prisoners. This proceeding, it need scarcely be said, is justly and indignantly resented. It is a constant source of trouble, and acutely intensifies the embitterment of feeling all round; even though a result of these conflicts has certainly been, in some places, that the German miner has learned a decided respect for the British prisoner of war.

Dealing particularly with the Beienrode mine (parent camp Hameln) where many of the claimants, now under report, were held prisoner for upwards of three years and as to which we have an abundance of detail as to cruelty, violence and general maltreatment, Lord Younger says:—

The officially recognized punishment is simply 14 days cells, but besides the fact that the cell may be such as is described above, there are other methods of aggravation. One, practised in many of the salt mines, is to ordain that the 14 days shall be worked off on Sundays only, with extra labour on week days, thus ensuring that the offender is deprived of any hour of respite for 14 weeks. But more commonly the "Kommandofuhrer" takes the opportunity of wreaking a kind of personal revenge; for to permit an escape is of course the one offence for which he stands openly condemned in the eyes of his superiors, and it may doubtless be a serious matter for him. He accordingly adds to the official arrest an informal thrashing and battering administered by the sentries. This has been the rule among other places, at the salt mine of Beienrode (parent camp, Hameln), where the method of Sunday arrest is also enforced.

It is unnecessary further to expatiate upon the vile conditions of life and treatment in such camps. Almost is it enough for a claimant to prove that he was held a prisoner in such a camp to establish maltreatment and consequent disability. It has been said that prisoners have exaggerated the brutality to which they were subjected. To cite one instance only in refutation of this view, I quote from Garner (*op. cit.* Vol. II, pp. 47) in regard to one form of punishment.

The forms of individual punishment were various, and some of them not without an element of brutality. The most criticized of these was the practice of tying the prisoner to a post with his hands behind him, where he was compelled to stand for some hours in the heat of the sun or in the cold. Sometimes he was suspended with his feet dangling above the ground; sometimes he was compelled to stand for hours with a heavy load on his back or walk to and fro with a heavy sack of bricks on his back.

It is abundantly clear from the ensemble of the evidence in these cases that many men invited or provoked treatment which was harsh and brutal and while this may be no excuse for the callous and malevolent cruelty which some prisoners underwent, it must receive consideration in considering their cases. Many witnesses declare that punishment or abuse could be avoided by a proper obedience to the camp rules and compliance with the wishes of their captors. One very general complaint has to do with the work prisoners were called upon to do and the punishment meted out upon refusal to work. It is well to recall that the captor is entitled to demand that his prisoners do labour of certain kinds and subject to certain conditions. (See Hague Rules, *supra*. pp. 9, Art. 6).

Linked with the complaint as to work is the fact urged by claimants that they were inadequately fed to carry out the arduous tasks to which they were assigned. This is the universal grievance at the worst camps, such as the salt mines. It is undoubtedly true that lack of food with hard manual labour must

and did have a most unfavourable repercussion upon the health of the men involved, and these conditions have been given the fullest consideration in the recommendations made.

One group of claimants has received very careful consideration. I refer to prisoners who were held behind the lines and made to work under shell fire and upon German operations of war. Although contrary to the Hague Rules and Agreements made between the combatants, this practice was prevalent particularly in the later stages of the war and was resorted to, so it is said, by way of reprisal for similar labour and treatment alleged to have been imposed upon German prisoners in Allied hands. The lot of these unfortunate prisoners was most pitiable and while they may have been only a short time in captivity, their physical and mental sufferings were so intense as to merit special consideration. There is an abundance of testimony in the findings of the Commissions set up to investigate these cases and the reports of Lord Younger bear out the stories of deliberate starvation, cruelty and brutality which these claimants tell. To cite one instance only, I quote from report of Lord Younger dated March 6, 1918 (Miscellaneous Documents, No. 7, 1918), as follows:—

Many were brought into the camp who had returned from working behind the lines; they were in a shocking state, literally skin and bone, hardly able to walk, and quite worn out physically and mentally; their clothes threadbare and in rags, without boots, wearing old rag slippers

In a great majority of cases, no specific sum has been claimed as compensation and the amount has been left to the determination of the Commission. The difficulty of finding the measure of damage, in cases of this class, is obvious. To compensate a man for his loss depends upon factors of so diverse a nature, that no precise pecuniary standard can be adopted. It is not a case of supplementing pension awards as so many claimants seem to think. The right to pension is open to all returned men, and in so far as injuries may have been sustained through maltreatment the remedies are co-extensive. Whether pension or reparation, awards must be regarded as compensation for disability, but it is manifestly impossible in either case to apply the full measure of legal indemnity, recognized in the familiar legal principle of *restitutio in integrum*. It would be absurd to say that a man who has lost a leg or an arm can be restored to the same position in which he was, by virtue of a pecuniary award. See per Lord Dunedin in *The Valeria*, A.C. 1922, at p. 248. The money cannot replace the leg or arm. All that can be hoped is to estimate as closely as possible what the loss has been and then arbitrarily to fix a sum which appears to be just compensation for the loss. The criterion is not and cannot be solely loss of earnings. The majority of the claimants were boys when they enlisted and a comparison between what they earned before the war with what they now earn, would not be profitable in trying to reach conclusions. If it were possible, psychologically, to measure the precise diminution in a claimant's earning power, some measure of exactitude could be brought into the calculation, but the human equation differs so greatly that it is idle to endeavour to find a positive factor of measurement. Where the record discloses what may be regarded as maltreatment and the claimant discharges the burden of showing that disability results therefrom, he becomes entitled to an award. What the amount of such award should be will depend upon the severity of the maltreatment shown and the degree of resultant disability. To assure uniformity of award, I consider that the method of procedure should be to fix an amount for what may be termed simple maltreatment, with some resulting disability, and rate the various cases with reference to this basic figure. I have, therefore, adopted as such minimum award, the sum of \$500 and each case has, accordingly, been judged with reference to this figure.

ERROL M. McDOUGALL,
Commissioner.

REPORT OF DR. J. P. S. CATHCART

OTTAWA, January 11, 1932.

ERROL M. McDougall, Esquire, K.C.,
Commissioner, Royal Commission for the Investigation of Illegal Warfare
Claims and for the Return of Sequestered Property in Necessitous
Cases, Trafalgar Building, Ottawa.

SIR,—I have the honour to report the results of my survey of the medical aspects of the claims made before the Reparations Commission by approximately five hundred ex-prisoners of war.

My services were not available during the first session of the Commission, but I had the privilege of attending the later sittings in Toronto, Ottawa and Western Canada. During these sessions I heard the cases of every claimant and examined so far as was possible the claimants, numbering about two hundred. With the knowledge gained from personal examination of two-fifths of the total number of applicants it has been possible, after careful review of each individual file, to give a reasonably accurate opinion in the remaining three hundred cases. Not only this, but I have been able from a medical point of view to draw certain definite conclusions regarding the after-effects of imprisonment in the whole group of ex-prisoners of war.

In arriving at these conclusions due allowance has been made for the fact that thirteen to sixteen years have elapsed since the termination of imprisonment. It would be expected that after such a lengthy period the ordinary incidence of accidents and diseases in men now reaching the average age of forty would bring forth its own toll of disabilities, but comparison has been made by using as a standard the average health of ex-service men, with which I am in contact daily in Departmental work.

Although it was apparent that the object of the majority of the claimants was to bring to the attention of the Commission certain injuries, alleged to have been sustained as prisoners of war, I was inclined to emphasize the impairment of health as result of general conditions rather than the direct or indirect results of specific injuries, violence or abuse. In spite of the numerous claims, I was particularly impressed with the type of men represented in the group of claimants. For the most part the claimants compared very favourably with the average returned soldier; in that on discharge from the army they quickly resumed employment and have lived in a quiet, self-respecting manner since. I was particularly impressed with the spirit of independence as shown by the fact that many preferred to seek medical advice on their own without appeal to the Department of Pensions and National Health. This is probably explained by the anticipation of rapid restoration to health with freedom, help of good food and other comforts of life. I believe that in many cases this has been the fortunate result, but in the select group whose cases have been heard before the Commission there is reason to believe that in some, this restoration to health has been but partially realized.

It is very difficult to outline in a connected clinical description this impairment in health. My impressions were gained, as much if not more, from the authentic histories of individual cases as from the tangible results of examinations made at the time of the Commission hearing; in other words many of these men had the appearance of health, but the frequent occurrences of certain symptoms and illnesses, as listed below in order of their frequency, persuaded me to believe that this appearance was in some measure deceptive.

1. DENTAL CONDITIONS

With few exceptions no claimants were found to have reasonably perfect teeth corresponding to age. It might be pointed out here that the average age of this group did not appear to be quite as high as the average of general C.E.F. enlistments. More than fifty per cent of the claimants were born in the 90's. During the early hearings nearly every claimant attributed the absence of teeth to the effects of injury, the results of being struck on the mouth by rifle butts, clubs, etc. When it was pointed out how infrequently the corresponding lower teeth were involved, these claims of injury were seldom advanced in subsequent hearings.

About sixty per cent of the claimants were wearing artificial dentures, of which the vast majority were uppers. Many of those wearing dentures, who had remaining teeth exhibited pyorrhoea and dental caries of varying degree. Of those who presented a minimum degree of dental defects, inquiries revealed that prophylaxis could be carried out during the period of imprisonment in Germany. Therefore, it is reasonable to conclude some of the dental defects were the result of unhygienic habits or laziness. I was under the impression, however, that a large factor was a lowered resistance to dental infection and the necessity to extract carious teeth, proper dental facilities not being available.

5. GASTROINTESTINAL SYMPTOMS

The majority of claimants presented one or more of the following gastrointestinal symptoms listed below in order of frequency.

(a) Squeamishness; nausea in the morning, and lack of appetite for breakfast. Quite frequently this symptom was associated with morning cough and phlegm.

(b) The necessity to place certain restrictions on diet both as to quantity and variety. Greasy foods and meats were particularly tabooed. On the other hand milk was frequently preferred.

Indiscretions in diet gave rise to:

(c) Pyrosis and belching after meals.

(d) Peculiar sensations in the abdomen, varying from discomfort and heaviness to quivering sensation, less commonly definite pain and that not always related to meals; most frequently on an empty stomach.

Other symptoms:

(e) Alternate diarrhoea and constipation. This symptom was comparatively mild and though usually present was infrequently stressed.

(f) Haemorrhoids not very frequent.

(g) Rarely symptoms suggestive of definite gastric or duodenal ulcers.

(h) Mucous colitis.

(i) Some cases suggest autonomic imbalance, chiefly of gastrointestinal mechanism.

(j) Constipation: This complaint was rarely volunteered. In most applicants it was elicited by question.

It seems important to draw attention here to the frequent use by the Germans of disciplinary restriction in diet (bread and water) and the very opposite circumstance which affected all alike—that of being gorged after receipt of Red Cross parcels. As many of the claimants put it "It was either a feast or a famine."

3. CHRONIC PHARYNGITIS AND BRONCHITIS

The vast majority complained of irritating cough, particularly on rising in the morning. In others there was a history of recurring colds and difficulty in shaking them off.

4. REDUCED RESISTANCE TO INFECTION

The histories of a great majority of claimants revealed a story of recurring infections during the periods of imprisonment in Germany. The most common infection was that of boils, but other low-grade infections were frequently mentioned, including carbuncles, septic sores, tonsillitis, quincy, bronchitis and suppurative otitis media. Those who worked in the salt mines seemed to have been particularly vulnerable.

About 40 per cent of the claimants heard at the Toronto Session gave histories of recurrences of one or more of these infections since discharge from the army. Other but less frequent infections continuing into the post-discharge period are sinusitis, ischio-rectal abscesses, whitlows, cellulitis and erysipelas. A few cases of stone in the kidney or gall bladder seemed to fit into this group of reduced resistance to low-grade infections. A most striking feature of this apparent reduced resistance to infection came to my notice during the first session that I attended. In this session which was held in Toronto, April, 1931, I noticed the apparent absence of susceptibility to chronic infection in those who had been employed since discharge from the army at outside occupations, namely, farmers, policemen, etc.; whereas the real picture of reduced resistance to infection was regularly obtained in those employed in factories.

Most convincing proof of the influence of industrial and living circumstances in modifying the picture of reduced resistance to infection was obtained during the Commission Session in Western Canada November, 1931. During this session some 47 ex-soldier claimants were heard in Winnipeg, Calgary, Vancouver and Edmonton. I made inquiries from all these claimants regarding the symptoms which were most frequently observed in the Toronto District cases. In not one of these 47 claimants was there obtained a history of post-discharge susceptibility to chronic infection. Even those prisoners of war who mentioned having had boils, septic sores, tonsillitis and other minor infections while in Germany were strikingly free from continuance of these illnesses subsequently. The findings in the Western cases permit a definite conclusion regarding the probable factor in the clinical picture of susceptibility to low-grade infection. In the West farming is the common occupation and indoor employment is comparatively rare. It is my opinion, therefore, that there is one common factor operating in this group to modify or eliminate the clinical picture observed so frequently in the Toronto cases, namely, a high incidence of outdoor occupation and outdoor recreational activities combined with the advantage of having more available sunlight, except perhaps in certain parts of British Columbia. Whatever difference exists in the case of British Columbia is more than compensated for by the milder climate which permits outdoor occupation during seasons which in the other Western provinces would interfere with these activities.

5. NERVOUS COMPLAINTS

In the majority of those who volunteered nervous complaints there was exhibited an almost unique syndrome, not exactly recognizable as one of the common psychoneuroses, although obviously belonging to that class. The symptom which appeared most frequently was that of fatigue towards the end of the day. In a great many this fatigue was probably present at all times and explains the frequent complaint of irritability and lack of initiative and "pep." Annoyance with trifles, tendency to avoid company, or rather very jovial or noisy company, were often mentioned. I questioned many of the applicants regarding hobbies or outside interests and the majority admitted none, even those who had no financial excuse. Emotional instability was noticed quite frequently. Two applicants while relating their experiences left the room in tears but when no fuss was made over this they returned voluntarily

within a few minutes and continued the discussion of their complaints without further difficulty. In some others a similar type of emotionalism was thought to be not far from the surface. Other complaints were of dizziness, affected by changes of posture, some minor phobias, such as fear of crowds and of heights; jumpiness was a common symptom and occasionally sleep was disturbed because of this tendency. Some of the applicants exhibited a certain degree of touchiness and in two or three a resentful attitude was encountered, which attitude seemed to be at variance with the individual's personality. Probably, therefore, it was an expression of this irritability. A fairly frequent complaint was that of insomnia, which, on inquiry, amounted merely to an abnormal wakefulness on retiring. Rarely was sleep disturbed by dreams.

On account of the peculiar features of this symptom complex I was at first inclined to place considerable stress on the frequent association of gastrointestinal complaints with the nervous symptoms, and therefore to regard the latter as a form of neurasthenia with visceral hypersensitiveness, or on the other hand as a sort of nutritional neurosis. The younger men exhibited this syndrome more frequently than those of more mature years. My first conclusion was that during imprisonment there was a gradual reduction of the store of physical energy, with secondary demands on the store of nervous energy occasioned by the necessity, under pressure of the strict discipline of internment camps to put forth too great an occupational effort considering the amount and quality of the food available. It seemed natural that youthful individuals having less physical stamina would be the first to succumb under such circumstances.

After learning more of the psychological peculiarities of the ex-prisoner of war and after seeing the same nervous syndrome in the Western cases which presented no such picture of nutritional defects, I began to appreciate and later to emphasize the psychic element. The latter was brought very forcibly to my attention by a remark of a former prisoner of war who attended one session of the Commission in another capacity than as a claimant. He more or less accidentally made known the fact that he had been a prisoner in Germany during the war. Out of curiosity and because of his obvious excellent physical and mental vigor, he was questioned regarding his experiences, which proved in many ways to be identical with or even more exacting than that of the average claimant. He was asked why it was that he was not affected in the same way as those whose complaints he had overheard. He replied with a smile "I got even with them" and explained in detail how this had come about.

This ex-prisoner's description of the elaborate and persistently irritating means adopted by the Germans to enforce discipline and to cow the spirit of those who did not immediately conform to that discipline was exactly similar in every detail to that submitted by many of the claimants; yet he had been enabled to discharge his pent-up resentment by having an opportunity "to get even." This, in my opinion, is the essential point in the elimination of the neurosis picture in his case.

There are numerous other factors to be considered in attempting to understand the peculiar psychology of the ex-prisoner of war and in evaluating the potential causes of the unique nervous manifestations exhibited in some of the applicants; the chagrin and humiliation of being taken prisoner, the disillusionment of existence as a prisoner, the absence of many offsetting factors which made life bearable and even enjoyable on the Western Front. For instance, pride in regimental achievements, comradeship in adventure, regular correspondence with relatives, leave, visits to estaminets, and perhaps more important than all, an outlet in active interest in Battalion associations since discharge from the army. I would not attempt to make comparison between service on the Western Front and that as prisoner of war for similar periods. The experiences were totally different, not only during the war but since. The

majority of ex-prisoners not having a similarity of interest in reminiscences, have lost contact with their former battalion comrades and have found it difficult to attach themselves to organizations or associations. This seems to be paralleled by similar contraction of interest in other social activities; as result many of these men lead very quiet existences, very often with material benefit to themselves. They are for the most part inclined to be serious minded and get their enjoyment out of life in a much quieter way than other ex-service men of the same age and social status.

6. SKIN.

There were a few cases of recurring rash on the hands. In two of these similar rash occurred elsewhere, on the sides of the tongue and on the back of the neck. Two men who presented the rash on the hands before the Commission stated that it had begun a few weeks previously with small blisters, fairly deep-seated but which slowly came to the surface and tended to coalesce in some places.

On the hands the rash occurred mostly on the backs of the fingers and occasionally between them. It was described as itching and burning. In my opinion it resembled cheiropompholyz. A few cases of psoriasis were observed.

7. JOINTS.

It was not unusual to have complaints of arthritis submitted. I examined the claimants and with the exception of one case of alleged traumatic synovitis, no swelling or suspicion of former swelling was noticed; in fact the claimants admitted that at no time were joints swollen, yet they distinctly referred their pain to such locations. A few complained of neuritis and sciatica and attributed this to exposure and dampness. I was under the impression, however, that the probable factor may have been chronic foci of infection.

8. NEPHRITIS.

Two cases of nephritis were presented, both on pension, as the condition was on record as having been contracted during service.

STERILITY

One comparatively frequent circumstance has been omitted from the group of symptoms enumerated above. I do not know whether it has any significance but at least it deserves mention. The majority of our applicants were married since the war, shortly after discharge from the army and return to civil life. Quite a large number of these have had no children, or at most one or two. I questioned a great many of these outside of Commission hearing because of the delicacy of the subject.

In only one was impotence admitted. Nearly all the others attributed the apparent sterility to mere chance, but quite a few had accepted the view that their wives were unable to have children for various reasons. I was inclined to interpret this in another way, that some of these men possibly were sterile themselves, but due allowance must be made in these days for the intentional limitation of families because of economic necessity.

Although I am convinced of the existence of a definite symptom complex in many of the applicants, I do not think that it amounts to a very serious disability, not over ten to fifteen per cent on the average, excepting those few who have such highly disabling conditions, such as effects of wounds and pulmonary tuberculosis. It is interesting to note that those who are in receipt of pension and, therefore, specially provided for, present the above symptoms in

very minor degree. This also applies to those who have generous incomes and those whose occupations (farmers) are usually associated with good living conditions—open air, sunlight and substantial food.

After making allowance for a certain degree of exaggeration of hardship, abuse, etc., in individual cases and after consideration of the fact that much of the evidence given in each case was published in the daily newspapers and was, therefore, available to applicants and counsel, I am quite convinced that most of the claimants who spent long periods as employed prisoners of war in Germany, still exhibit some after-effects of this service, largely attributable to prolonged deprivation of certain foods, more particularly those foods on which depends the preservation of good health in contradistinction to those foods which merely provide sustenance. The latter seem to have been available in sufficient quantities, providing the men were not called upon to perform very laborious tasks or to do over-time work, or to endure dietary punishment, of which many complained.

I have the honour to be sir,

Your obedient servant,

(Sgd.) J. P. S. CATHCART, M.B.,

Chief Neuropsychiatrist.

MALTREATMENT OF PRISONERS OF WAR

SCHEDULE OF DECISIONS

Case No.	Name of Claimant	Decision
1362	Louis Victor Lefebvre.....	Disallowed
1645	John W. R. Menear.....	\$600.00
1677	Alexander B. Clarke.....	Disallowed
1697	William P. Badenoch.....	\$1,600.00
1749	George Royston.....	\$1,500.00
1762	Alfred Todd.....	Disallowed
1758	Arthur H. Harland.....	Disallowed
1760	Horace A. W. Collom.....	Disallowed
1802	Christopher MacDonald.....	Disallowed
1814	James A. Baird.....	Disallowed
1843	Howard Marsden Brown.....	\$500.00
1844	George Henry Pepper.....	\$500.00
1845	Wm. H. Glenfield.....	\$500.00
1846	Gordon Douglas Hunter.....	Disallowed
1847	Robert Edmund Clubley.....	\$800.00
1848	Alexander MacAuley.....	\$500.00
1849	Frank Lewis Austin.....	\$500.00
1853	William Henry Edwards.....	Disallowed
1854	William F. Lickers (now Walton Foster).....	\$3,000.00
1856	Lt.-Col. John E. L. Streight, M.C.....	Disallowed
1866	Major Clyde R. Scott.....	\$2,000.00
1867	John McAuley.....	Disallowed
1868	Donald Harry Laird.....	Disallowed
1869	Leslie Perkins.....	Disallowed
1870	Arthur John Sloane.....	Disallowed
1871	George Fraser McAlister.....	\$1,000.00
1872	George Barton.....	\$500.00
1873	Frederick Webb Roadhouse.....	\$700.00
1874	Ernest William Hopkins.....	\$1,000.00
1875	Ernest Osborne Callighen.....	\$800.00
1876	Major Leonard Septimus Morrison.....	Disallowed
1877	Arthur William Cane.....	\$500.00
1878	Archibald Peter Campbell.....	\$1,000.00
1879	Archibald C. McBride.....	\$700.00
1880	Frank Huley.....	\$800.00
1881	Bertram McConnell.....	\$600.00
1882	Hilton Howard Howe.....	Disallowed
1883	John McGivern.....	Disallowed
1884	Horace Pickering.....	\$500.00
1885	William O. Tindale.....	Disallowed
1886	Thomas George Tuck.....	\$500.00
1887	John Kennedy.....	Disallowed
1888	Eric R. Seaman.....	\$1,000.00
1889	Charles Alexander Gordon.....	\$600.00
1890	Henry Ralph.....	Disallowed
1891	Harold Ashling.....	\$500.00
1892	Daniel Douglas.....	\$800.00
1893	William Langford.....	Disallowed
1894	James Black Farnell.....	Disallowed
1895	J. G. Baker.....	\$500.00
1896	Clifford Ross Wilkings.....	\$1,000.00
1897	Archibald Taylor.....	Disallowed
1898	William Walker.....	\$700.00
1899	James Sullivan.....	Disallowed
1900	John Alfred McCallum.....	\$600.00
1901	Herbert Franks.....	Disallowed
1902	Samuel Porter.....	Disallowed
1910	Frederick Bone.....	Disallowed
1911	James Jackson Connolly.....	\$700.00
1912	George Henry Johnson.....	Disallowed
1913	Ralph B. Wallace.....	Disallowed
1915	George Stevens.....	\$500.00
1916	Charles Sinclair Parsons.....	Disallowed
1917	William Fraser.....	\$600.00
1918	George William Frost.....	\$1,600.00
1919	John Thompson Hewitt.....	Disallowed

SCHEDULE OF DECISIONS—Continued.

Case No.	Name of Claimant	Decision
1920	Major Thomas Venables Scudamore.....	Disallowed
1921	Leonard James Stanway.....	Disallowed
1922	Joseph S. McCulloch.....	\$600.00
1923	Arthur Gibbons.....	Disallowed
1924	Edward Henry Hyde.....	\$700.00
1925	Garnet F. Gregory.....	Disallowed
1926	James Harlett.....	Disallowed
1927	David Patrick Quinn.....	\$600.00
1928	Cyrus Roy Hall.....	Disallowed
1929	Colin Victor Earle.....	\$1,500.00
1933	John Alexander Page.....	Disallowed
1934	Francis Morin.....	\$800.00
1935	Merton Egbert Ellsworth Kittredge.....	Disallowed
1936	J. Guy Kinch.....	Disallowed
1938	Carl Frederick Hamlin.....	Disallowed
1946	C. F. Davison.....	Disallowed
1947	Lorne Albert Higgs.....	Disallowed
1948	Charles Scarfe.....	Disallowed
1949	John Curtis.....	\$2,000.00
1952	John Bratten Peters.....	Disallowed
1953	Leonard L. Ling.....	\$500.00
1954	Robert Elmer Stewart.....	Disallowed
1955	Percy R. White.....	Disallowed
1956	Frank J. Munro.....	Disallowed
1957	William May.....	\$500.00
1958	John L. Davis.....	Disallowed
1959	James Walls.....	Disallowed
1961	James Cubert D'Aoust.....	Disallowed
1963	Samuel Ramsden.....	\$1,000.00
1964	Arthur Stanley Herber.....	Disallowed
1966	John David Livingstone.....	Disallowed
1967	George Alexander McGee.....	Disallowed
1970	James Morton Valentine.....	\$1,000.00
1971	Harry Thomas Tandy.....	\$500.00
1972	John G. Hadden.....	\$600.00
1974	Thomas Bow.....	Disallowed
1975	George Scott Gibson.....	Disallowed
1976	Mar' Joseph Steeves.....	Disallowed
1977	George D. Scott.....	\$700.00
1983	Peter Herman Robinson.....	\$500.00
1984	William H. Ashford.....	\$500.00
1986	Alfred Kendall.....	Disallowed
1987	Herbert Spenceley.....	\$500.00
1989	William Dowland.....	Disallowed
1992	Robert James Randolph Russell.....	Disallowed
1994	Arthur S. Wyllie.....	\$500.00
1995	Frank G. Pinder.....	Disallowed
1997	James Joseph Martin.....	Disallowed
1998	D'Arcy Albert Latimer.....	\$500.00
1999	William B. McCuaig.....	Disallowed
2000	T. B. Hartling (dec'd).....	Disallowed
2001	Rodney George Kightley.....	Disallowed
2002	Robert John Parkinson.....	Disallowed
2003	Stephen O'Brien.....	\$600.00
2004	Stephen Leblanc.....	Disallowed
2005	Bernard J. Brown.....	\$500.00
2007	William Alban Richards.....	Disallowed
2008	William Ernest Colborne.....	Disallowed
2009	Charles A. Summers.....	Disallowed
2010	Percy Gladstone Stott.....	\$600.00
2011	Fred James Shearman.....	\$500.00
2012	Dr. Walter Reuben Wigmore Haight.....	Disallowed
2013	Harry Joseph Deslaurier.....	Disallowed
2015	Frederick Victor Britt.....	Disallowed
2016	Robert William Bradley.....	Disallowed
2017	Charles G. Partridge.....	\$1,200.00
2018	Charles Murlock.....	Disallowed
2020	Albert Victor Edward Allen.....	Disallowed
2021	Alfred William Beckett.....	Disallowed
2022	Sidney Wilfred Barrett.....	\$500.00
2024	James Beattie.....	Disallowed
2025	William Bertram.....	Disallowed
2026	Richard Barclay.....	Disallowed

SCHEDULE OF DECISIONS—Continued.

Case No.	Name of Claimant	Decision
2027	Frederick W. Barrett	\$1,200.00
2028	John Ball Bailey	\$500.00
2029	Frederick James Bridgman	Disallowed
2030	Alfred George Blako	\$500.00
2031	Robert Burley	Disallowed
2032	Ernest Comins	\$500.00
2033	Richard Eugene Codresco	Disallowed
2035	Albert Edward Cross	\$500.00
2036	Angus Campbell	Disallowed
2037	Victor William Coucho	Disallowed
2038	George Chappell	\$500.00
2039	Joseph George Edward Crane	\$500.00
2040	Enos Cooper	\$500.00
2041	Philip Sydney Conibear	\$700.00
2042	John Cody	\$500.00
2043	Archibald Cooke	Disallowed
2045	George Sparks Day	\$500.00
2047	Albin Percy Dunbar, D.C.M.	Disallowed
2048	Robert Davidson	Disallowed
2049	Edward Edwards	Disallowed
2050	James Alexander Everett	Disallowed
2051	Alfred Elliott	\$500.00
2053	John James Fellowes	Disallowed
2054	William John Grant	Disallowed
2055	Robert Henry Green	Disallowed
2056	George Bell Gallagher	Disallowed
2057	George Osborne Rich Greenhow	Disallowed
2059	Frederick Thomas House	\$500.00
2060	John Alfred Holdsworth	Disallowed
2061	Percy T. Harrell	Disallowed
2062	Bernard William Hannan	\$800.00
2063	Herbert Seymour Hunt	Disallowed
2064	Edward Patrick McQuade	Disallowed
2066	Victor Albert Jefferies	\$600.00
2067	Thomas Jackson	\$700.00
2068	Robert Johnston	Disallowed
2069	George Christopher Jennings	Disallowed
2070	Josiah Alfred Johnson	Disallowed
2071	Robert Joseph King	\$500.00
2072	John Wyman Kensett	Disallowed
2073	Fred David Lorsch	Disallowed
2074	Alfred Lacey	Disallowed
2075	Philip L'Abbe	Disallowed
2076	Harry Clayton MacDonnell	\$500.00
2077	Frederick James McMullen	Disallowed
2079	James Cleary MacNeill	Disallowed
2080	James Milne	\$600.00
2082	Robert Gordon McKay	Disallowed
2083	Thomas James Noon	\$700.00
2085	Peter Comiston Nicolson	\$600.00
2086	Frank O'Donohue	Disallowed
2087	George Homer Patterson	Disallowed
2088	Stanley Edward Parker	\$600.00
2089	Ernest Albert Pay	Disallowed
2090	William Parker	\$600.00
2091	Alfred Walter Peagram	\$1,000.00
2092	Gordon James Price	Disallowed
2093	Edward Rodgers	Disallowed
2094	William Russ	Disallowed
2096	Oliver Joseph Sherbourne	\$500.00
2097	James William Sinclair	\$800.00
2098	Thomas William Spalding	\$600.00
2099	Donald Sutherland	\$500.00
2100	Joseph Smith	Disallowed
2101	Thomas Henry Sheehan	Disallowed
2102	Roy Stamps	Disallowed
2103	Alfred Gordon Saunders	Disallowed
2104	Harry Lewis Scott Stone	\$500.00
2105	Melville Trueman	Disallowed
2106	Frank William Tilley	\$700.00
2107	Robert Francis Tunstead	Disallowed
2108	John Frederick Wilkins	\$500.00
2109	Ernest Weymouth	Disallowed

SCHEDULE OF DECISIONS—Continued.

Case No.	Name of Claimant	Decision
2110	William Stephen Whyte.....	Disallowed
2112	Percy Francis Whale.....	\$500.00
2113	Thomas Warner.....	Disallowed
2114	Frederick Theodore Webster.....	Disallowed
2115	Charles Jackson Wolstenholm.....	Disallowed
2116	Harry Windsor.....	\$500.00
2117	Samuel Wallwork.....	Disallowed
2118	James Wilton.....	Disallowed
2119	Frank Woodcock (dec'd).....	Disallowed
2120	George West.....	Disallowed
2121	Alexander William Yetman.....	\$500.00
2122	David John Evans.....	Disallowed
2123	Robert Henry Rock.....	Disallowed
2124	Henry Bertram Arnold.....	Disallowed
2125	Charles Edwin C. Longstaff.....	Disallowed
2126	Wilfred Hand.....	\$500.00
2127	Thomas Langston.....	Disallowed
2129	James McCabe.....	\$500.00
2130	Alexander William MacLeod.....	Disallowed
2131	William Sullivan.....	\$500.00
2132	Gay S. Johnson.....	Disallowed
2133	Minard Gerald Hill.....	Disallowed
2134	Percy Winfield Ogilvy.....	\$1,200.00
2135	James Noon.....	\$1,200.00
2136	A. G. Woodason.....	Disallowed
2137	Durban Kirby Waite.....	Disallowed
2138	Harry Stewart Lewis.....	\$500.00
2139	George Pound.....	Disallowed
2140	Samuel Charles McConaghy, M.M.....	\$500.00
2142	John Gourlay.....	Disallowed
2144	Henry William Page.....	Disallowed
2145	John Thomas Fellows.....	Disallowed
2147	Rolfo Borrow Welch.....	Disallowed
2148	George Henry Wallace.....	Disallowed
2149	James Thomas Cox.....	Disallowed
2150	Alfred Thompson.....	\$800.00
2160	Albert Thomas Mills.....	Disallowed
2161	Wilfred Morrison.....	Disallowed
2162	George Draper.....	Disallowed
2163	Robert Brown.....	\$700.00
2164	Harvey Wallace.....	Disallowed
2165	Peter Nelson.....	Disallowed
2166	Arthur Donovan Corker.....	Disallowed
2167	John Lomax.....	\$1,000.00
2168	Mrs. F. Croucher.....	Disallowed
2169	Dominic Dolga.....	Disallowed
2170	Lyal Rea.....	Disallowed
2171	Carman Livie Jackson.....	Disallowed
2173	John McKinney.....	Disallowed
2176	George Harvey.....	\$500.00
2177	Captain Heskett St. John Biggs.....	Disallowed
2178	George Aithic.....	Disallowed
2179	Robert Simons.....	Disallowed
2181	Robert Hammon (dec'd).....	\$800.00
2182	Harry Mellowdow Mitton.....	Disallowed
2184	Cecil Hurst Bullock.....	\$800.00
2185	Harry H. Howland.....	Disallowed
2186	Dudley Charles Durrant.....	\$500.00
2187	Campbell John Bell.....	\$800.00
2188	Captain Victor Alexander MacLean.....	\$700.00
2189	William J. H. Woodward.....	\$1,000.00
2190	Archibald J. V. Wallace.....	Disallowed
2191	Walter Sugden.....	\$500.00
2192	Charles Ernest Davies.....	\$600.00
2193	Walker Kilby.....	\$500.00
2194	Andrew Ross Paton.....	Disallowed
2195	F. W. Breedon.....	\$500.00
2196	Joseph Fortunat Villeneuve.....	Disallowed
2197	Arthur Durocher.....	Disallowed
2198	Charles Weston Sutherland.....	\$500.00
2199	Percy Albert Goseltine.....	Disallowed
2200	Thomas E. Hogarth.....	Disallowed
2201	Collingwood Schreiber.....	Disallowed
		\$500.00

SCHEDULE OF DECISIONS—Concluded.

Case No.	Name of Claimant	Decision
2202	John Montague Carnow.....	\$500.00
2203	Alexander M. May.....	\$500.00
2204	James Hurst.....	\$500.00
2205	Albert Frederick Lendon.....	\$500.00
2206	John O'Brien.....	Disallowed
2207	Gilbert George Sawyer.....	Disallowed
2209	Herbert Bradshaw.....	Disallowed
2210	Alfred Allan Kingscott.....	Disallowed
2211	Herbert Lillie.....	Disallowed
2212	Carl John McCarthy.....	Disallowed
2213	Thomas Francis Meyers.....	Disallowed
2214	John Albert McIndoo.....	\$800.00
2215	Stewart Nethercott.....	Disallowed
2216	Robert John O'Neill.....	Disallowed
2217	Charles Taylor.....	Disallowed
2218	Peter Simpson Thornton.....	\$800.00
2219	Joseph McLean.....	\$500.00
2220	Sidney Meakin.....	Disallowed
2222	Edward Gyde.....	Disallowed
2223	Harold Lawson Tyaack.....	Disallowed
2224	William John Long.....	\$500.00
2225	James Gibson.....	Disallowed
2226	Thomas W. Willis.....	Disallowed
2227	Wallace Robert Downing.....	Disallowed
2228	John Gordon Leonard.....	Disallowed
2234	Vernon Albert Henry.....	Disallowed
2238	Walter Hays.....	Disallowed
2239	Arthur C. Cleverley.....	\$500.00
2240	William McClary Reilly.....	Disallowed
2241	William George Singer.....	Disallowed
2242	Hazelton Clifford Moore.....	\$500.00
2243	Harold E. M. Bennett.....	Disallowed
2246	Thomas Brama Diplock.....	Disallowed
2247	Fred Gordon Coburn.....	Disallowed
2248	John Edwin Aldous.....	\$700.00
2250	Lieut. Robert C. Pitman.....	Disallowed
2251	John Charles Hines.....	Disallowed
2252	William Murray Miller.....	Disallowed
2253	Lieut. Arthur Clarence Lee.....	Disallowed
2255	Percy Sedore.....	\$1,000.00
2256	Nathan Rice.....	Disallowed
2257	Captain Darold Watson Davis.....	Disallowed
2258	Edmund John Hicks.....	\$500.00
2259	Charles Sheridan Cooke.....	Disallowed
2260	Thomas Smith.....	\$1,000.00
2261	John Harper.....	Disallowed
2262	Havelock Harford.....	Disallowed
2263	Thomas Henderson Mitchell.....	Disallowed
2265	Alexander Berry.....	\$500.00
2266	Robert Gray.....	Disallowed
2267	Thomas Atkinson.....	\$700.00
2286	Gordon Pirrie Fiddes.....	Disallowed
2293	Samuel William Rhodes.....	Disallowed
2319	Walter Scott.....	Disallowed
2320	Anthony F. Plummer.....	Disallowed

CASE 1362—1

The claimant was a Private 24849. He enlisted September 2, 1914, and was a prisoner April 24, 1915, during the gas attack at Ypres. He was wounded in the left leg and some other parts of his body on January 6, 1919. He is not in receipt of gratuity. Since enlistment, he was working in his trade as a printer. Since his discharge has been employed as a printer. His newspaper concerns at \$80 per month per year.

He alleges that while a prisoner of war he suffered from indigestion which has resulted in pecuniary trouble and indigestion (gastric) while held prisoner of war.

This case, as its docket number shows, was referred to the Commissioner. It was not dealt with by the Commissioner to substantiate his claim. He was awarded \$100.00 at Montreal.

An analysis of the evidence

After capture, claimant was taken to a hospital at attention for his wounds. He was then sent to Uchtermon in Hanover, Germany, where he underwent surgery, and that his health has not improved. He does not complain of any particular ailment. His testimony with the statements of the medical results from his weakened state.

The medical evidence is verified by Dr. J. A. Corcoran (since deceased) who examined the claimant's ailments, Dr. Corcoran's report of "privation and starvation while in captivity" and sheets bear the following notation: "period of internment in German camps somewhat torpid but on return to Canada."

In this state of the record I am of the opinion that the claimant has suffered a disability due to his wounds. His troubles are nutritional in origin and are the result of conditions prevailing in German camps. In consideration by the Board of Pensions, if the claimant is concerned, the claim must be allowed.

OTTAWA, December 7, 1931.

CASE 1645

The claimant was a Private 24849. He enlisted in August 1914 at the age of 19. He was wounded on April 24, 1915, during the gas attack at Ypres. He was released December 26, 1919. He is in receipt of 30 per cent gratuity for eczema, amounting to \$22.50 per year.

Prior to enlistment, from the year 1906 to 1914, he was employed as a fireman on various steamships sailing from Vancouver, at a wage of \$55 per month and board, and since his discharge he has been unable to do any steady work, due to his disabilities, and his earnings have only averaged \$12 per month.

He alleges that while held prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the nature of the work he was called upon to do, complains of beatings with rifle butts and whips, exposure, starvation and general abuse.

An analysis of the evidence reveals:—

Claimant is a veteran of the South African War. Taken to Giessen camp, he remained there two years. He was compelled during this entire period to do work of a most revolting character, in charge of the latrines, without relief or interruption. He was hit with rifle butts on several occasions for refusing to do this work, but was compelled to resume it. He does not appear to have sustained any injury from these blows, but complains that his eyesight has been indirectly affected. He does complain that the work he was compelled to do brought on eczema, from which he still suffers. Apart from a blow from a whip across the shoulders at a later camp, claimant has no other particular complaint of maltreatment.

The medical record indicates that claimant suffers from eczema, neuritis and dermatitis, with some impairment to his sight and hearing. His percentage of disability is stated at 90%. Dr. D. W. Gray, Pension Medical Examiner, Vancouver, in a letter, attributes claimant's eczema and neuritis to the conditions under which he lived and the treatment he received while held a prisoner. It is quite evident that claimant is now unable to work.

I do not know that it is possible directly to attribute claimant's present condition to his treatment whilst a prisoner. I do consider, however, that the deliberate and forcible employment of claimant, without relief, upon so filthy and degrading labour may be classed as maltreatment, and that a part, at least, of his present disability may be traced to this origin. I would accordingly, recommend payment to claimant of \$600.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1677—ALEXANDER B. CLARKE

The claimant was a Private in the 10th Battalion,—Regimental No. 20452. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from multiple gunshot wounds in the shoulder and both legs. He was repatriated to England August 8, 1916. He is in receipt of a 60 per cent disability pension, amounting to about \$92 a month for himself and family, based on the amputation of his right leg and arthritis. He is married and has four children. Prior to enlistment, he was employed as a clerk with the Dominion Government, and after his discharge he continued in the employ of the Government, until he was let out due to the break up in the Department of the Interior.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while being detained as a prisoner in Germany for nine months, his wounded leg did not receive adequate treatment, with the result that blood poisoning set in and the leg was amputated without his consent in May, 1916. It was re-amputated on August 1, 1916.

An analysis of the evidence

Claimant confines his complaint to medical attention in German hospital that his leg was amputated; and consent. He complains of no pain he received proper medical attention that at Senne-lager, in hospital, wound to drain it, the surgeon required knowledge. It is only necessary to show that his treatment was "not proper". He says "I had in all fairness, I thought there was little thought otherwise) and always blood poisoning at Senne-lager, to amputate the leg. I had never as regards the treatment of the one could see, being treated the same.

It is unnecessary to proceed with maltreatment whilst a prisoner of war. Claimant's claim must, accordingly, be dismissed.

OTTAWA, December 9, 1931.

CASE 1697—

The claimant was a Private in the 10th Battalion. He enlisted in October, 1914, at the age of 22 years. He was wounded on June 6, 1916, at Hooge. In his return to Canada he has been employed as a brother-in-law. Such employment was intermittent, due to his health, and he was unable to work. Prior to enlistment he was employed as a vulcanizing after the war, for which he does not state his income prior to enlistment.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while being detained as a prisoner in Germany for nine months, his wounded leg did not receive adequate treatment, with the result that blood poisoning set in and the leg was amputated without his consent in May, 1916. It was re-amputated on August 1, 1916.

The record in this case is particularly light and of a most distressing character. He was captured, and after some time he remained for the duration of his captivity in claim as filed, has been substantiated as stated by counsel for claimant. He was stabbed with a bayonet. On his return to work on a farm. Following his return home on leave, he was struck

reveals:—

complaint to two grounds; first, that lack of proper hospitals caused infection to set in, with the result that the leg was amputated without his consent. He declares that had he been treated with particular acts of brutality, but contends that had he been treated with humanity he would not have lost his leg. He declares that blood poisoning set in, and that in opening the wound the doctors removed the leg below the knee without claimant's consent. He quotes from claimant's statement upon repatriation in hospital cannot be regarded as "maltreatment." He declares that the operations (as the ankle was so badly damaged) gave him a chance of saving it, but evidently the doctors were not under anaesthetic. However, as I contracted blood poisoning where I was sent later, it was found necessary to amputate the leg. In the circumstances, any reason for complaint against the doctors and nurses, all nationalities, so far as I am concerned, is the same."

I will deal further with the case. Claimant has not shown that he was treated in Germany—quite the reverse in fact. His complaint is allowed.

ERROL M. McDOUGALL,
Commissioner.

—WILLIAM F. RADENOCH

Claimant was in the 28th Battalion, Regimental No. 73761. He was taken prisoner at the age of 25 years. He was taken prisoner in France. In his Declaration he states that when captured he was not. His military records state that he was not. He was repatriated in 1918. He is not in receipt of pension. Since his capture he has been more or less dependent upon his sister and mother. He has been able to obtain has been inter-ally averages from 3 to 4 months per annum. He was employed as a harness maker and took a course in harness making which his father paid, but was unable to carry on. He was taken prisoner prior to enlistment.

As a prisoner of war he was subjected to maltreatment and physical damage to him. His statement of claim and evidence is very complete and shows that he was beaten with a bayonet, courtmartialled, served in a hospital. Affidavits as to his condition are made by his medical history files, upon discharge, shows no injury to the head and limbs.

His statement is particularly voluminous and the facts brought to light are of a character. Claimant declares that he was wounded in France and hospitalization was taken to Stendal camp, where he was held in his captivity. The statement of fact, contained in his Declaration, is partially proven. Briefly, the abuse in this case, against claimant, consists in being beaten with a rifle and bayonet. On the first occasion, in April, 1917, claimant was involved in an altercation with a German officer, apparently struck and knocked down, clubbed over the head

and back with rifles. He was admitted to hospital, where he remained for several months. For an attempted escape, he received 14 days' solitary confinement. In the fall of 1917, claimant was sent to a sugar factory at Walmirstedt, to work. He was apparently suspect by the guards because of the incident with the German officer. There is some confusion as to precisely what occurred at the sugar factory. At all events it is clear that claimant, in defending himself from an assault from a German sentry, closed with his assailant, who thereupon drew his bayonet and ran claimant through the arm. The main facts of this incident are borne out by copy and translation of German court martial which indicates insubordination on the part of the claimant and reasonable chastisement by the German guard. It is beyond question that the means adopted by the German guard to chastise claimant and quell the so-called mutiny, went beyond all reasonable bounds. It was certainly unnecessary to wound claimant; he should and could have been arrested, if the facts are as stated in the record of the court martial. As a result of this experience, claimant was left in a deplorable condition. There is an abundance of evidence to this effect furnished by the affidavits of fellow prisoners, and even by a French prisoner who was present at the time, and underwent, with claimant, trial by the German Court Martial, above referred to. Claimant, with this French prisoner, was condemned to 60 days' solitary confinement, which he served, under conditions which have been declared by witnesses to be beyond description. Claimant from this time forward was quite unable to work. He spent some weeks in hospital, and, when discharged, was in such a weakened condition that he could not attend to himself, but was looked after by his comrades as best they could. It is unnecessary to detail the various statements of witnesses who have spoken of the treatment accorded to claimant. It will be sufficient to say that, whatever may have been his attitude to his captors, he received punishment far in excess of his deserts.

The medical record indicates that claimant suffers from general nervous debility, headaches, insomnia, pain and numbness in left forearm; that he tires easily, and exhibits loss of mental acuity. His percentage of disability is stated (in certificate) at from 20 per cent to 30 per cent, but the detailed statements of the physicians who have filed statements would indicate it to be much higher. Dr. Pelle has furnished a very detailed summary of plaintiff's condition and placed the disability at from 80 per cent to 90 per cent, the main trouble being traumatic neurasthenia. Claimant's condition is becoming worse and there seems little hope of any improvement. He is dependent upon his relatives and has been unable to work or to hold any employment due to his nervous condition. These facts are clearly borne out by affidavits filed of record by employers and other persons familiar with the efforts made by claimant to support himself.

The record clearly establishes, in my opinion, that as a result of the treatment received by claimant his health has been seriously and permanently impaired. I have no hesitation whatever in finding that claimant was subjected to maltreatment at the hands of the enemy and is entitled to an award for the resultant disability. With the evidence made before this Commission it would seem to me that claimant should also submit his case to the Board of Pension Commissioners. The question of assessing the damage to claimant is difficult, but after very careful consideration, I consider, and it is my recommendation, that claimant receive a sum of \$1,500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 174

The claimant was a Corporal, Infantry, Regimental No. 51406. 39 years. He was taken prisoner in Switzerland in June, 1918, and in receipt of an 80 per cent disability pension, based on the loss of his right arm and a shot wound in the right arm. and since his discharge has been receiving a pension.

He alleges that while a prisoner of war which has resulted in pecuniary loss while wounded, in the German hands.

An analysis of the evidence.

Claimant's mental condition before the Commission. He was an Officer of the Department of the Interior presented a written statement to the Commission stating from his knowledge of the facts what the declarant would state. The claim is based upon cruel and harsh treatment and fear induced by threats of worse treatment marked mental instability and nervousness who attended him was fair, claimant was treated by his threats and brutality in a concentration camp, Grossenweidermoor, where marches imposed upon prisoners resulted in physical weakness.

The medical record indicates that claimant's condition is such that his percentage of disability is 80 per cent. The condition of mental instability is the condition of mental instability. There is no reason to believe the story of the claimant's mental condition could be otherwise. In addition to this evidence, claimant's condition is such that I quote from report of Dr. D. J. ...

In my opinion patient is suffering from a condition maintained by his unstable emotion which has resulted into which there is injected certain amount of fear near upon three years, and there would seem to have produced in him some ...

In these circumstances I consider that claimant should receive an award for maltreatment while a prisoner of war. I recommend an award of a pension for his condition, based on the loss of his right arm and maltreatment to which he was subjected in his profession of metallurgist. I recommend a payment to claimant of \$1,500 per annum, from January 10, 1920, to date of payment.

OTTAWA, December 1, 1931.

19—GEORGE ROYSTON

corporal in the Princess Patricia Canadian Light Infantry. He enlisted November 17, 1914, at the age of 19. He was a prisoner of war May 8, 1915, near Ypres, suffering from gunshot wound of left shoulder and right arm. He was released to England and repatriated to England March 25, 1918. He is entitled to a disability pension, amounting to about \$75.00 per month. He has a left eye and disfigurement, neurasthenia, and gunshot wound of right arm. Prior to enlistment claimant was a metallurgist, and is now under medical care and subsists entirely on his pension.

As a prisoner of war he was subjected to maltreatment and physical damage to him. He complains of his treatment, and of the conditions in dressing stations and hospitals.

His statement reveals:—

It is such that he was unable to appear in person and was represented by Dr. A. P. Proctor, Chief Medical Officer, Pensions and National Health, Vancouver, who was prepared by claimant. Dr. Proctor was able to state to claimant, that such statement was substantially true, under oath, were he competent to testify. The harsh treatment in German hospitals, with intense physical punishment that would be done to him, which has resulted in mental confusion. While declaring that the chief surgeon at the hospital, claimant complains of his assistant who so terrified him, that he was in fear of his life. At the punishment camp, claimant being unable to do the punishment work, he was compelled to stand, which brought on great suffering.

Dr. Proctor states that claimant suffers from mental changes, and is stated at 100 per cent. Dr. Proctor emphasizes the disability of claimant and declares that he has every reason to believe that the cruelty told by claimant. It is his opinion that the suffering would well have resulted from the treatment received. Claimant's medical history files are quite complete.

A. Clark as follows:—

Claimant is suffering from a marked degree of Neurasthenia which is being aggravated by his mental preoccupation regarding his disabilities and his sexual complexes. He was a prisoner in Germany for a period of 18 months, during which there were certain developments in connection with that which has resulted in the disorder of his personality.

I consider that claimant has made out a case of mal-treatment with consequent disability. Although in receipt of a pension, I do not regard claimant as compensated for the suffering he has been subjected. He is quite incapable of carrying on any work. Viewing the case as a whole, I would recommend a pension of \$100.00, with interest thereon, at the rate of 5 per cent per annum, from 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner

CASE 1752—ALFRED TODD

The claimant was a Private in the 7th Battalion,—Regimental No. 16369. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, at Ypres, unwounded, but slightly gassed. He was repatriated to England on November 29, 1918. He is not in receipt of pension, and, up to the date of the hearing of his claim, had not made application therefor. He was unmarried at the time of enlistment. Prior to enlistment, he was employed as an electro-plater, and is now employed as an upholsterer. There is no evidence as to his earnings in either occupation.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He alleges that he was struck in the stomach with a rifle butt, causing permanent injury, that he was threatened with shooting, was court-martialled without reason and given two years imprisonment. He also claims the sum of \$500.00 for loss of parcels of food, clothing, and tobacco, which he alleges were withheld from him by the enemy.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp and then sent to the Geisweid Iron Works, where, for refusing to work upon munitions, he was beaten and in particular hit in the stomach with the butt of a rifle, as a result of which blow he complains of injury. He was placed in solitary confinement, released, taken back to Giessen and threatened with a firing squad for refusing to work. Confined for 28 days, claimant with 5 others, was eventually court-martialled and sentenced to two years imprisonment, apparently for mutiny. He served 21 months of this term at Butsbach and the remainder at Cologne. Part of this term was spent in prison, with occasional periods in cells and part in barracks at Cologne.

There is no medical certificate of record, nor did claimant bring forward any medical evidence at the hearing. He complains that he suffers from headaches, nervousness, and a lump at the point in his stomach where he was hit. He considers this is a rupture. The medical report issued upon discharge refers only to "some fullness in the thyroid region but no symptoms of or observed."

My attention has been directed to the case of Frederick Whittaker (No. 1363), who was a fellow prisoner with claimant, and who received an award from the previous Commissioner of \$2,500. This serves as corroboration of claimant's evidence, but does not establish any present disability in claimant resulting from maltreatment. I can only deal with the case as it has been submitted to me and I find that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The medical evidence is entirely inadequate. The claim for loss of food parcels, tobacco, etc., is not substantiated and is without merit, in any event. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1758—ARTHUR H. HARLAND

The claimant was a Private in the Third Battalion, Regimental number 9681. He enlisted September 23, 1914, at the age of 38 years. He was taken prisoner April 24, 1915, suffering from gunshot wound in the left upper arm and lung, a bullet wound in the right forearm and gassed. He was repatriated to Holland March 24, 1918, and then to England in October, 1918. He is in

receipt of a disability pension of 65 per cent based on bronchitis and emphysema, arteriosclerosis, deformed foot, lumbago and lumbar arthritis. He receives about \$65 per month as his pension. Married prior to the war, and was a moulder and carpenter. He received considerable medical treatment at Christie Street Hospital, was also employed in the Veteraft shops.

An analysis of the evidence reveals:—

The claimant is an old soldier, having served in the Ashanti campaign. He was 38 years of age when he enlisted in the 3rd Battalion. At the time of his capture he was seriously wounded in the arm and lung and had been gassed. He also declares that his foot was badly injured. He was first taken to Ohrdruf and, from his medical history files, would appear to have been at Doberitz for three months, thence to Dyrotz for a few weeks and then to Cottbus where he remained till July, 1917, when he was sent to Hesse. His own statement of his experiences as a prisoner are most confused. Apart from general statements of maltreatment, he seems unable or unwilling to state specifically what particular acts of brutality he was subjected to. He refers to an incident at Ohrdruf, when he was thrown to the ground from the stretcher upon which he was being carried and an attack by the civilian population with stones and sticks. Again he refers to long periods of punishment, standing to attention in the sun and complains generally of being hit and knocked about. This punishment was apparently meted out for refusal to work.

As above pointed out, claimant suffers from a number of disabilities and the medical certificates indicate that there is little chance of any improvement. He is in receipt of a pension of 65 per cent. His medical history files show that, upon examination, there is nothing abnormal in his condition considering his age. At the time of the examination, January 11, 1918, claimant declared himself perfectly fit and had no complaints.

I am inclined to think that claimant's present condition is largely, if not wholly, due to service conditions, as to which, of course, this Commission has no jurisdiction. With great reluctance, I am compelled to find that claimant has not discharged the burden of showing that his maltreatment as a prisoner of war has resulted in any pecuniary damage to him. In these circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 1766—HORACE A. W. COLLOM

The claimant was a Private in the 7th Battalion, Regimental No. 16293. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from gunshot wounds in the left shoulder and left hip, and from gas. He was released to Switzerland in 1917, and was repatriated to England March 25, 1918. He is in receipt of a disability pension of about 30 per cent, amounting to \$39 for himself, his wife and two children, based on chronic bronchitis, sinusitis and neurasthenia. Neither the record nor the evidence appear to disclose what this man's occupation or income was either prior to enlistment or after the war. His attestation paper shows that he was a "traveller."

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. The statement of claim is quite general as to the maltreatment suffered.

An analysis of the evidence reveals:—

Taken to a dressing station claimant received some medical attention for his wounds—without an anaesthetic and was then sent on, through Cologne, to Ohrdruf and eventually to Cassel. He complains of being compelled to work at farm labour and, while so engaged, a farm house was destroyed by fire. He and other prisoners were blamed for the burning though it was impossible for them to have had anything to do with it. They were court-martialled, and while the case was dismissed, were condemned to 28 days confinement. They were searched for tobacco and a sergeant-major struck the claimant in the face and the guards beat him with rifles and bayonets about the head until he was unconscious. His cell was cramped and he had to sleep on a plank. He contracted dropsy, was taken to the doctor and finally transferred to Switzerland. His complaint as to maltreatment is confined to the blow received from the sergeant-major, which he contends has left permanent injury.

The medical record indicates that claimant is suffering from neurasthenia, nephritis and bronchitis. His percentage of disability is stated at from 25 per cent to 30 per cent. No medical evidence was adduced before the Commission but claimant's overseas medical board report declares his condition as follows: "Evidence of wounds in left shoulder and left thigh. Has had persistent albuminuria. Is very nervous and debilitated, also has a slight cough, evidence of bronchitis. Heart and lungs normal".

I cannot find in the evidence submitted such maltreatment, with resultant disability, as would entitle claimant to an award. I believe his case to be one purely for the consideration of the Board of Pension Commissioners. The blow in the face from a German sergeant-major, to which he confines his complaint, has not, as far as I can see, resulted in any disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1802—CHRISTOPHER MACDONALD

The claimant served as a Private with the Imperial Forces—2nd Royal Scots—Regimental No. 11199. He first came to Canada to reside, August 29, 1928, and has made no claim on account of maltreatment to the British authorities. The Department of National Defence of Canada has no file for this man, and there are no military records available with which to check his testimony. He is in receipt of an Imperial pension amounting to 8 shillings per week, for gunshot wounds in the back, and states that he was held prisoner for four years and was transferred to Switzerland May 30, 1916. He states that he is married and is now employed as groundsman with a golf course in Vancouver, salary not stated. Does not state what his previous trade was.

He alleges that while held prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced, at the point of bayonets, to work in the stables at Senne-lager where a horse trampled on his foot causing great pain and resulting in his having a "hammer toe" on the right foot. It still pains him in wet weather. He states that he asked for medical treatment but was laughed at, and was forced to return to work with a bandaged toe. Had it been properly cared for, he says there would have been no disability.

Claimant was advised, at the hearing in Vancouver, that as an Imperial soldier, who first came to Canada in 1928, his claim was not eligible for consideration by this Commission. Upon further consideration, this view is now confirmed, for reasons expressed in my report.

May I add also that the record reveals that the injury of which claimant complains would appear to have resulted from an accident, and is not ascribable to maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1814—JAMES A. BAIRD

The claimant was an Imperial soldier who came to Canada to reside in May, 1929. He was with the First Royal Welsh Fusiliers and was wounded and taken prisoner, October 30, 1914. A German N.C.O. struck him with the butt of a rifle breaking his right shoulder. He was kicked into camp and upon complaint to the commandant, was struck down again by the guard. He received no treatment for his injury and is not in receipt of an Imperial pension. He is married and has three children. He appeared before me at Vancouver January 21, 1931, and upon hearing from him of the date of his arrival in Canada, several years after the close of the war, I advised him that he could not be considered as a Canadian and that his only recourse would be to the British authorities.

As pointed out above, I do not consider that this Commission has jurisdiction to entertain the claim. The date constitutive of jurisdiction, in civilian cases, has been fixed as January 10, 1920, date of the ratification of the Treaty of Versailles. I would propose to adopt the same principle in dealing with cases of alleged maltreatment whilst a prisoner of war. Reserving to claimant all other recourses and without deciding the case upon its merits, I must, therefore, disallow the claim in so far as this Commission is concerned.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1843—HOWARD MARSDEN BROWN

The claimant was Acting-Bombardier in the First Division Trench Mortar—Regimental number 300714. He enlisted October 4th, 1915, at the age of 22 years. He was taken prisoner June 2nd, 1916, unwounded. He was repatriated to England November 29, 1918. He was at first in receipt of a 20 per cent disability pension which was discontinued on November 1, 1921, and received \$125.00 in all. He is unmarried. Prior to enlistment, he was a salesman with Messrs. Gordon-McKay of Toronto, at a salary of \$20 per week and since his discharge has been with the Canadian Oil Company for four years, and with the Canadian Floor Machine Company for the past three years, but does not state his salary.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy labour, being made to stand to attention, beatings and denial of medical attention.

An analysis of the evidence reveals,—

After capture, claimant was taken to Dulmen camp where he remained for about two months. The only complaint here is that he received no medical attention for dysentery, from which he was suffering, and that he was made to work long hours and stand to attention after work without food, when unfit. He was removed to Oberhausen camp, where he complains of rough treatment, long hours of work and poor food. He developed blood poisoning and was finally operated upon without anaesthetic. On one occasion when going to the rescue of a fellow prisoner (Clubley—Case 1847) who was being beaten by guards, he also received a severe thrashing. While at work he fell and broke his arm and complains of brutal treatment by the guards and the physician who examined it. He was sent to Friedrichsfeld camp for treatment and was sent back to work within two weeks after the arm had been broken. Claimant attributes a bronchial condition to the failure of the German authorities to give him treatment for "flu", from which he suffered, with others, in the epidemic of 1918. He complains of being sent out to work before he had fully recovered. In statement made upon repatriation claimant does not refer to any lack of medical attention at Dulmen camp. Referring to his experiences at Oberhausen, he speaks of breaking his arm and being sent to Friedrichsfeld hospital, where the treatment was brutal. He says that he was discharged in four weeks as fit for light work. No reference is made to his treatment for blood poisoning, nor does he make any mention of alleged lack of treatment for "flu".

The medical record upon which claimant relies is contained in his pension files, and indicates that he suffered from debility and bronchitis when discharged. He has lost weight, and complains of nervousness.

Having regard to the general observations contained in the Opinion annexed to the present report, I find that claimant, while a prisoner of war, was subjected to maltreatment resulting in damage to him for which he is entitled to a pecuniary award. While in some respects incomplete, his statement upon repatriation is consistent with his testimony before the Commission. Viewing all the circumstances, I would recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 1844—GEORGE HENRY PEPPER

The claimant was a Gunner in the 1st Canadian Trench Mortars, Regimental number 304389. He enlisted November 8, 1915, at the age of 19 years. He was taken prisoner June 2, 1916, at Zellibee, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of a pension. He was married September, 1921, and has two children. Prior to enlistment, he was an apprentice at optical business, at a salary of \$10.00 per week, and since his discharge was employed with Litho Print Limited, for three years, at a salary from \$22.00 to \$36.00 weekly, and with the Canadian Germicide Co., on a commission basis.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work immediately after inoculation and vaccination, being forced to carry large pails of refuse to a farm two miles distant and spread it on the farm in the blazing sun. Was beaten on the way. Worked 12 hours daily, and was then

forced to stand at attention for two hours. Was struck over shoulders and body with a rifle by the sentry. Then worked in the boiler works at heavy work. Was beaten and was forced to work when suffering with flu and running a high temperature. Also beaten for trying to save a comrade from further suffering. He contracted nephritis due to exposure, living conditions and abuses, and has a heart condition which has impaired his earning power.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen Camp. He was beaten by the guards for responding too slowly to the signal to arise and again for upsetting a cart into a ditch. Later at Oberhausen Camp while carrying a heavy bar of iron with another prisoner, through exhaustion, they allowed it to drop. He was severely beaten and his morale badly shaken. He complains of the fear in which he lived of being beaten, a fear which was frequently realized. Claimant suffered constantly from boils for which he received no medical attention.

The medical record discloses that claimant suffers from nephritis and general debility. Dr. Jas. S. Simpson appeared before the Commission and testified that he had known and attended claimant before and after the war. He had been a strong and robust youth upon enlistment. His vitality is now seriously impaired, being anaemic and markedly depressed. His nervous condition is not likely to improve.

There is no doubt that claimant has suffered some disability as a result of his experiences in Germany, and while it is doubtful whether this can be ascribed directly to maltreatment, I am inclined to think that his condition is partly, if not wholly, due to this treatment as a prisoner of war. Viewing all the circumstances of the case and having regard to the general observations contained in the Opinion annexed to the present Report, I consider that claimant has made out a case of disability resulting from maltreatment as a prisoner of war. I would, accordingly, recommend a payment to him of the sum of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 1845—WM. H. GLENFIELD

The claimant was a gunner in the 34th Battery, Regimental number 304253. He enlisted August 19, 1915, at the age of 20 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of a pension. He is unmarried. Prior to enlistment, he was employed as a tile setter by the T. Eaton Company and the Vokes Hardware Company at a salary of from \$12 to \$15 per week, and since his discharge has been employed as post office clerk at a salary of \$1,740 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been repeatedly beaten with the butts of rifles with resultant and permanent damage to his health.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp where he received a severe beating for sitting down while carrying pails from the barracks down to a farm where he was working. He complains that his back still troubles him as a result of this beating. He was sent to Oberhausen camp, where he worked 11 to 12 hours a day in the Babcock & Wilcox plant. He received two beatings here, on one occasion for failing to carry an iron girder which was too heavy for his strength. Later, just before the Armistice, he was again beaten for sitting down through

exhaustion and pains in the back while unloading iron castings. He was in bed for a week following this occurrence. His statements are corroborated by a fellow prisoner, G. H. Pepper, also a claimant (Case 1844), who was present and received similar beatings.

The medical record indicates that claimant suffers from neuritis in the left shoulder and arm. He also complains of neurasthenia, insomnia and weakness. Dr. W. G. McCormick appeared and gave testimony on behalf of claimant. He has known him since boyhood and speaks of a constant neuritis in his left arm, also a bronchial condition and nervousness. Dr. McCormick finds claimant's health impaired, and while he cannot definitely so state, attributes much of this to his experiences while a prisoner in Germany.

Claimant is not in receipt of a pension. Having regard to the decision in the case of Pepper, above referred to, and the similarity of the treatment accorded both prisoners, I think it is fair to say that claimant has suffered some, if not all, the disability claimed, as a result of maltreatment as a prisoner of war. I would, accordingly, recommend a payment to him of the sum of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 1846—GORDON DOUGLAS HUNTER

The claimant was a Lieutenant in the 124th Battalion attached to the Royal Flying Corps. He enlisted November 18, 1915, at the age of 19 years. He was flying and crashed somewhere south of Valenciennes and was taken prisoner near Douai May 6, 1917, wounded in the left arm, bullet, and two bullet wounds in the back. The wound in the arm was a flesh wound. He was repatriated to England January 15, 1918. He received 70 per cent disability pension amounting to about \$80 per month for the loss of his left arm. At the present time he receives a pension of \$105.08 per month for self, wife and three children. Prior to enlistment he was a ledger-keeper with the Toronto General Trusts Corporation at a salary of \$2,600 per annum, and since his discharge he was with the Toronto General Trusts Corporation for 12 years at a salary of \$2,600 per annum and with Cadillac Motors at \$200 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention during the first week of his imprisonment which resulted in the amputation of his left arm.

An analysis of the evidence reveals:—

Claimant is one of the few officers who have come before the Commission. His complaint has to do with the first period of his captivity and is based upon the loss of an arm through lack of proper medical attention. When captured he was wounded in the left arm and back. He was given a field dressing immediately and taken to a hut or lean-to at the airdrome. He lay on straw until the following Friday morning (from Sunday) without any further medical attention. During this period he was closely interrogated by German officers in regard to the then new British triplanes, but refused to divulge any information. He tells an amazing story of being tortured to make him talk and even intimates that the famous German flying commander, Baron Manfred Von Richtofen, lent himself to such practices. In his own language, he says:—

“Latterly, the last day or so, a couple of chaps lost their temper and grabbed my injured arm to force me to speak”.

A little later he continues:

"Did Richtofen himself behave in this way to you?"

"Yes, he was the most crude . . ."

Gangrene developed and when efforts were finally made to dress his wounds it was impossible to save the arm. It was amputated at Fechain hospital on May 21, 1917. There is no complaint as to the treatment given him after reaching hospital, but claimant contends vigorously that had he received prompt medical attention he would not have lost his arm. As above pointed out, claimant is in receipt of a pension for the loss of his arm. There is no corroboration of his statement that the arm might have been saved, nor, of course, is there anything but his word to substantiate the charge of physical torture by German officers. In a very full statement made by claimant, upon repatriation, dated January 22, 1918, he makes no reference to any torture by German officers, his complaint being confined to want of proper dressing to his wounded arm. This case aroused very widespread comment in the Press. The German Consul General interested himself in the matter and has forwarded to the Commission a report, under instructions of his Government, which I consider should be quoted in full. It reads:

I beg to refer to the case number 1846 in the matter of Gordon D. Hunter. Upon instructions of my Government I have the honour to furnish you with the following information:—

The competent German authorities have made inquiries, and it follows therefrom that Lieutenant Hunter was not shot down by Captain Baron Manfred von Richtofen on May 6, 1917. The official records show the following facts:—

Captain Manfred von Richtofen was on leave of absence from May 1 to May 15, 1917. His squadron was commanded by his brother Lieutenant Lothar von Richtofen, who was seriously wounded on May 13, 1917. On May 6, 1917 the squadron of Richtofen did not shoot down any plane. Lieutenant Lothar von Richtofen shot down, on the 7th, 10th and 11th of May, three planes. The names of the surviving occupants of those planes are given, but Lieutenant Hunter is not included. I am also in possession of a list of all the planes which have been shot down during the month of May, 1917 by the squadron mentioned above. The name of Lieutenant Hunter is not to be found among the surviving occupants of those planes.

You will see from this official evidence that the statement of Lieutenant Hunter, that he had been shot down and taken prisoner by the von Richtofen squadron and that he was, from Sunday until Friday, with that squadron, is not correct. Through establishment of these facts, the assertions of Lieutenant Hunter with regard to the Richtofen squadron are to be considered as untrue.

The inquiries up to this date have shown that Hunter was wounded on May 6/7, 1917 near Arras-Douai, Fechain and taken prisoner, and that on May 7 he was transferred to field hospital No. 255, which was taken over on May 15 by field hospital No. 505. The inquiries as to the unit by which Hunter was taken prisoner and as to the further treatment which he has received are not yet terminated.

In this state of the record, I cannot find that claimant was subjected to maltreatment which has caused him permanent disability. It is quite possible that he would have lost his arm in any event, and for this disability, which was a service wound, he is in receipt of a pension. Even had claimant established the fact of physical torture to his wounded arm, which is not borne out by the German report above quoted, I do not consider that I would be justified in granting him an award. Any such decision would be a condemnation in vindictive damages, which is not, in my view, contemplated by the reparation provisions of the Treaty of Versailles. I am, therefore, compelled to disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1847—ROBERT EDMUND CLUBLEY

The claimant was a Lance-Corporal with the 4th C.M.R. Regimental number 113138. He enlisted January 8, 1915 at the age of 20 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918. He received a pension of 5 per cent disability amounting to \$3.00 per month which was discontinued May 31, 1920. It was based on chest trouble. He was married December 15, 1919, and has three children. Prior to enlistment he was engaged in farming, income not stated, and since his discharge has engaged in trucking business for himself. Income not stated.

He alleges that while a prisoner of war he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of repeated beatings at the hands of German sentries, with rifles, and blows in the face. He was kicked in the stomach leaving a permanent injury and was forced to work in coal mine for 6 months 11 or 12 hours per day.

An analysis of the evidence reveals:—

After capture claimant was taken to Dulmen camp, where he remained for two months. Apart from being made to stand to attention for several hours after the day's work, in common with the whole camp, as a punishment for mocking a German General, there is no complaint of maltreatment. He was sent to Oberhausen, where he remained for the duration of the war, except during the time of an attempted escape. Conditions at this camp were very harsh and claimant, who was a particularly strong and well built man, seems, perhaps for that reason, to have been subjected to rough usage. He complains, as do the others, of excessive work, and undernourishment, to which he ascribes his impaired gastric condition. Claimant was struck by guards and was given solitary confinement on several occasions, seemingly for trying to defend himself from the blows. On one occasion, while working upon a machine with a French prisoner, he attempted to assist this prisoner, who was being beaten by the guard. He himself then received a severe beating and was left in a semi-conscious condition. This incident is corroborated by a fellow prisoner. A fight appears to have ensued and claimant was given 14 days solitary confinement, which he served under the most unsanitary and brutal conditions. Claimant attempted to escape, was recaptured and brought back to camp. This attempt earned him another very severe beating and an additional period of solitary confinement. When released from confinement he was sent to work in a "punishment coal mine", where for failing to do as much work as his guards required, he was struck with a hammer across the nose and still bears the scar. He was also struck on the chest and carries the scar of this blow. He speaks of prisoners seeking to avoid work by self inflicted injuries.

In addition to the Medical Certificate of Dr. Mortimer Fleming, filed of record, Drs. Campbell and Fleming appeared before the Commission. Claimant is suffering from chronic bronchitis, asthma, bronchiectasis, gastro-enteritis and possibly an ulcerative condition of the stomach and duodenum, neurasthenia, rheumatism of shoulders, arms and fingers. There is also a right inguinal hernia. These conditions are declared to have resulted possibly from maltreatment, exhaustion and emotional strain with long continued malnutrition.

There appears to be no doubt that claimant's health has suffered permanent impairment, principally as to his bronchial condition, and this can be traced to the treatment he received as a prisoner. Viewing all the circumstances I would recommend a payment to claimant of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1848—ALEXANDER MACAULEY

The claimant was a Private in the 5th Canadian Mounted Rifles—Regimental number 405635. He enlisted June 24, 1915, at the age of 24 years. He was taken prisoner June 2, 1916, slightly wounded. He was repatriated to England after the armistice, 1918. He is not in receipt of a pension. He was married April 28, 1920, and has two children. Prior to enlistment, he was engaged as a gardener at a wage of \$16 per week, and since his discharge has been employed with the Parks Department of the City of Toronto, at a wage of \$32 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food, long hours, hard labour, physical abuse and unsanitary living conditions. He developed stomach disorder and nervous condition which has continued.

An analysis of the evidence reveals:—

After capture, claimant was first taken to Dulmen camp, where he remained about two months. He was beaten for some minor infraction of rules, but sustained no permanent injury. He was removed to Oberhausen camp, where he appears to have remained for the duration of the war. At this camp conditions are declared to have been very harsh, and claimant came in for rough treatment and was made to work very long hours. A perusal of claimant's testimony creates the impression that much of his maltreatment resulted from his refusal, rightly or wrongly, to do the work assigned to him and a certain truculence of manner which provoked reprisals from his guards. His main grievance has to do with the excessive and heavy work he had to do when he was not fit. While working on boilers he collapsed, and when he refused to continue was beaten. An infected arm received brutal treatment from the surgeon, but no permanent disability resulted therefrom. He was made to stand at attention for long periods for refusing to work, and seemed to have been a man marked for punishment. His statements are, to a certain extent, corroborated by a fellow prisoner.

The medical certificate of Dr. J. A. Tuck, filed of record, was supplemented by the testimony of the physician. Claimant suffers from gastritis and chronic bronchitis, with some nervous disturbance. Dr. Tuck could not attribute his present condition wholly to his internment as a prisoner, and did not feel like fixing the percentage of disability applicable to claimant. He says there is some permanent disability which may have resulted from shock and nervous apprehension.

It is difficult in this case to trace the effect to the cause. Claimant did suffer maltreatment, but that it has resulted in permanent disability to him is not so clear. Having regard to the general observations contained in the Opinion annexed to the present report, I think claimant is entitled to the benefit of the doubt and I am inclined to find that he did suffer maltreatment involving damage to him, for which he is entitled to a pecuniary award. Viewing all the circumstances, I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1849—FRANK LEWIS AUSTIN

The claimant was a Private in the 4th C.M.R.—Regimental number 113066. He enlisted April 26, 1915, at the age of 22 years. He was taken prisoner June 2, 1916, at Ypres, slightly gassed, with flesh wounds in the left leg, and was unable to walk. He was repatriated to England January 2, 1919. He is in receipt of a 20 per cent disability pension, which he states is based on bronchitis, and receives \$20 per month for wife and self. He had been married on September 24, 1927. Prior to enlistment he was a printer with Harcourts Publishing Company at a salary of \$18.50 per week, and since his discharge has held two positions at salaries of \$26 per week and \$33 per week respectively. Was out of work for one year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He alleges that he was forced to do heavy work at digging ditches on practically no food, and suffered physical abuse because he could not turn out enough work. He was made to work in coal mines, was beaten, given solitary confinement and subjected to general abuse.

An analysis of the evidence reveals:—

Claimant has no complaint as to the medical treatment for his wounds in the two hospitals where he received attention. He is in receipt of a pension for bronchitis which he attributes to general conditions in the prison camps, particularly the salt mines where he spent one month. He was in Wittenberg, Quedlinburg and Stendal camps. He was beaten for not doing all the work required of him and in the salt mines for not understanding the orders given him. None of the beatings received appear to have left any disability. He finished his captivity in a sugar factory where he got into a melee with a guard and was severely beaten for wresting a rifle out of the hands of a sentry who had levelled it at him.

The medical record discloses that claimant's disabilities are bronchitis and emphysema. No other medical evidence has been made.

It is difficult to attribute claimant's present condition to any particular acts of maltreatment by the enemy. That his chest condition constitutes a disability is clear since he is in receipt of a pension therefor. Having regard to the general observations contained in Opinion annexed to the present report, and particularly bearing in mind that claimant was made to work in the salt mines, I consider that I am justified in finding that a part, if not all, of his disability results from maltreatment as a prisoner of war. I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 1853—WILLIAM HENRY EDWARDS

The claimant was a sergeant in the 14th Battalion—Regimental number 25668. He enlisted in August, 1914, at the age of 17 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a bullet wound in the right eye, which necessitated removal. He was repatriated to England June 15, 1918, and is in receipt of a disability pension (60 per cent) and receives \$83 per month based on the loss of the right eye, left varicocele, left inguinal hernia and bronchitis. He is married and has three children. Prior to enlistment his occupation was that of machinist and since discharge he has been employed as a letter carrier with the Post Office Department at a salary of \$85 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his eye was lost because of inadequate medical treatment; that he was beaten with rifle butt, placed in solitary confinement, kicked and subjected to harsh treatment generally.

An analysis of the evidence reveals:—

Claimant was taken to Roulers in Belgium where he received medical attention. He was then sent to Munster, where he arrived April 29, 1915. He has no complaint as to the general conditions in the hospital at this camp. In statement made upon repatriation he declares that his eye was not totally blind at this time but "became worse and on May 10 I was operated on and my eye removed". In his testimony before the Commission he would appear to infer that he did not expect them to remove the eye, but thought he was to be operated on for cataract. He declares that when he discovered that the eye had been removed he was "dumbfounded". He details his experiences in Germany and describes the various camps to which he was attached. He received beatings for attempting to escape and minor breaches of discipline but his claim is made solely on the ground of improper medical attention to his eye. He contends that it was unnecessary to remove it and that the sight could have been saved had he received proper attention. It is, of course, impossible for claimant to substantiate this statement, and in the absence of proof that the operation he underwent was wholly unnecessary and was tantamount to deliberate intention to maim him, he cannot succeed on this head of claim. The medical record indicates that claimant suffers from loss of right eye, chronic bronchitis, rheumatism and nervous trouble. His percentage of disability is stated at 60 per cent. Dr. L. Ernest Belanger, who certifies to the foregoing, did not appear before the Commission.

Mere lack of judgment on the part of the attending physician, even if that fact were proved, would not entitle claimant to recover on the ground of maltreatment. He is in receipt of full pension allowance for the loss of his eye. In these circumstances, I must find that claimant has failed to make out a case of disability resulting from maltreatment as a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1854—WILLIAM F. LICKERS (NOW WALTON FOSTER)

The claimant was a Private in the 15th Battalion—Regimental number 27220. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, suffering from a slight shrapnel wound in the left leg. He was released to Holland June 13, 1918, and reached England October 4, 1918. He is in receipt of 100 per cent disability pension, based on general debility, which amounts to \$119.50 per month for self, wife and child. He was married December 30, 1918. Prior to enlistment, he was employed as shipper and receiver for the Consolidated Rubber Company, at Saskatoon, Sask., at a salary of approximately \$100 per month, and since his discharge he operates a fruit and vegetable farm at Grimsby, Ontario, with indifferent success, and declares that he is in financial straits. The claimant is a full-blooded member of the Mohawk Indian nation.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of inhuman treatment and severe beatings at the salt mines, that he was tied to posts as punishment and brutalized, made to work when unfit, until he collapsed.

An analysis of the evidence reveals:—

This is a particularly distressing case. The claimant, a full-blooded Mohawk Indian, upon enlistment was a strong powerful man. When captured, he had a minor flesh wound in the leg. He is now a physical wreck and in receipt of 100 per cent pension. He appears to have aroused the special vindictiveness of his captors by reason of his nationality. This fact is borne out by various witnesses who were present when he was brutalized, all of whom testify that he was singled out and received harsher treatment than other prisoners. Claimant was first taken to Cottingen camp where he was beaten, knocked down and kicked. He was removed to Celle-lager. At this camp for some minor breach of discipline he was daily tied to a post for four days and while in this position was hit over the face and mouth. A declaration of loyalty evidently provoked this brutality. He was even severely beaten by an officer. Although injured, he received no medical treatment and was then sent to the ill-famed Beienrode salt mines for two years. Here, he received frequent beatings while at work, and, even when in solitary confinement, was assaulted by his guards with a rubber hose for no apparent reason and left in an unconscious condition. He was compelled to work, when able to stand, for as much as 12 to 16 hours per day, in underground mines and was brutalized by the sentries by being kicked and struck with fragments of rock salt and the butts of rifles. One of these blows on the head, while in a stooping position, injured the back of his neck, which has remained stiff ever since, and, as a result of these experiences, claimant has been wholly incapacitated. He walks with difficulty and can scarcely move his head from side to side.

According to the medical testimony claimant suffers from chronic arthritis and myalgia, most marked in his right hip. Dr. J. H. McMillan, who appeared before the Commission, declares that there is no hope of any improvement and that he suffers great pain, which can only be relieved at times by the administration of narcotics. From the history of the case as told by claimant, and disclosed in his medical history files, it is proven that claimant's present condition is the direct result of his treatment whilst a prisoner of war. The numerous witnesses who appeared in support of claimant's case are unanimous in declaring that claimant was subjected to most deliberate and heartless cruelty, far in excess of that received by other prisoners.

Claimant is in receipt of a full pension, but I do not consider that this payment precludes him from recourse before this Commission. It is not pretended that the pension award can compensate a man for the ruin of his life; it is merely furnished as a means of subsistence to the victim and his family. Viewing all the circumstances of the case, and having regard to the observations contained in the Opinion annexed to the present report, I consider that claimant is entitled to an award. I would, accordingly, recommend payment to him of the sum of \$3,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1856—LT.-COL. JOHN E. L. STREIGHT, M.C.

The claimant was a Captain in the 3rd Battalion. He enlisted in August, 1914, at the age of 34 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from wounds in the chest and gas. He was released to Switzerland on November 28, 1917, and was repatriated to England, March 24, 1918. He is in receipt of a disability pension, which amounts to \$150.00

per year, based on sinusitis, atrophic rhinitis and pleurisy. Prior to war service the claimant was engaged in the lumbering business and was making a net profit of from \$5,000.00 to \$12,000.00 per annum. Since discharge his best annual income has been \$6,000.00, but had to give up business in 1921, and now has a small income.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been in different camps and that every means was taken to make life disagreeable. In attempting to escape to Holland he was captured, and, at the time of capture, received a blow in the face, smashing his forehead, breaking his nose and fracturing his jaw. He had to do four months solitary confinement as a reprisal for German U Boat prisoners in England. In his medical history sheet his disease is described as ozoena caused by infection plus unhygienic surroundings in prison camp in Germany.

An analysis of the evidence reveals:

Claimant is one of the few officers to come before the Commission. With other prisoners he was marched to Roulers, in Belgium, where he entrained for Bischofswerda, in Saxony. He remained at this camp until March 20, 1917, when he was ordered transferred, with other prisoners to Crefeld in Westphalia. During the journey he jumped from the train and attempted to make his way to Holland. He had reached the frontier, but was captured in endeavouring to get through the barbed wire, was badly beaten, and clubbed with rifles into unconsciousness. Taken to Crefeld, he was placed in cells. He again attempted to escape by knocking down two guards, hoping to follow a truck through to Holland and was hit with the butt of a rifle in the face in the skirmish which ensued. There is some slight confusion between the statement made by claimant upon repatriation and the account of his recapture as given in his testimony, but the two stories are substantially identical. Claimant was kept in solitary confinement but was allowed to receive medical attention from an old civilian doctor who did his best for him. Later claimant was sent to Strohen camp, which was known as a reprisal camp. Here he was again confined, being regarded as a dangerous prisoner. Conditions were very severe, the commandants seeming to take a particular delight in brutalizing British prisoners. Claimant does not, however, complain particularly of any personal maltreatment at this camp. He attributes an attack of pleurisy to the camp and unsanitary conditions prevailing in the cells at Crefeld.

The medical record indicates that claimant suffers from sinusitis, atrophic rhinitis and pleurisy, but later reports indicate marked improvement in these conditions. No medical evidence was adduced at the hearing, and such information as is available is taken from the medical history sheets on claimant's file.

It will be observed that the greater part of the brutal treatment received by claimant was directly due to his commendable attempts to escape, and his subsequent period of incarceration was undoubtedly made more difficult for him because of the very vigorous methods he adopted in attempting to escape. He was regarded as a prisoner who required to be closely confined and watched. From a careful consideration of the evidence and documents submitted, I have reached the conclusion that the maltreatment sustained by claimant is not such as will justify an award in his favour. The punishment meted out to him for his attempt to escape was severe, but a captor cannot be held to employ no violence in the recapture and subjection of a prisoner who attempts to escape. Claimant's recourse is clearly before the Board of Pension Commissioners. I must, accordingly, disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1866—MAJOR CLYDE R. SCOTT

The claimant, at the time of capture, was a Lieutenant in the Second Battalion. He enlisted September 22, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, at St. Julien, and was suffering from wounds in both hips, the left knee, and from shrapnel wound in the left eye at the time of capture. He was released to Switzerland December 12, 1916, and was repatriated to England September 8, 1917. He is in receipt of an 80 per cent disability pension amounting to \$82.50 per month for himself and his wife, based on his active service wounds. Prior to enlistment he was studying to qualify as an electrical engineer and since the close of the war has been with the Department of National Defence of Canada, and is at present the Assistant Director of Records.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, amounting to maltreatment, and lack of competent medical attention, although such was available, for 27 days after being wounded, resulting in a permanent disability to the left knee which would not have developed had medical attention been afforded. Five days after he was wounded the knee was functioning normally but the long immobility produced by splinting the whole leg was the sole cause of its present stiffness. He claims also for personal losses caused by looting or theft of the German medical personnel of money and personal property, not military. The money stolen did not comprise any part of his pay and allowances as a soldier, but consisted of private funds. He was, moreover, wrongfully and exorbitantly charged for hospital accommodation and necessities at Bruderhaus Hospital at Paderborn in Germany, and had to expend money for treatment in Switzerland. These charges amounted to \$317.

An analysis of the evidence reveals:

Claimant's case has been very carefully prepared and presented. It is divided into three parts—1st, disability resulting from inadequate and improper medical treatment; 2nd, loss of personal property through looting while claimant was in hospital, and 3rd, illegal charges for hospital accommodation whilst a prisoner and money expended for treatment. Under the first head, claimant confines his claim to the present condition of his knee, which has become ankylosed, with serious impairment of function. He makes no complaint as to the rough treatment he received while wounded in the first days after his capture, though the recital of his experiences, for which there is corroboration, forms a serious indictment of German methods and practices. The complaint as to the knee is that without reason it was kept in splints for fourteen months, when the wound was purely superficial and non-penetrating. It may be said that such treatment was necessary because of the hip injury for which claimant was being treated, which required that the entire leg be incased in a plaster cast. I have carefully considered this aspect of the case and have sought medical advice, independently of the evidence of Colonel McCoy, C.A.M.C., presently to be referred to, and have reached the conclusion that the treatment given claimant is clearly indefensible and is not such as may be ascribed to mere lack of judgment. Having regard to the minor wound to the knee, care should have been taken to prevent the very condition which was brought about by culpable carelessness and neglect. That claimant suffers a disability as a result of this treatment which he might not otherwise have sustained is, in my opinion, established by the evidence.

Colonel McCoy examined the claimant in England upon his return from Germany in September, 1917, and found that "he was suffering from a completely ankylosed left hip, caused by a gun shot wound, that his left knee was

partially ankylosed, although X-Ray showed it to be perfectly normal. In conversation with Major Scott at this time, he related his experiences to me, particularly with regard to lack of treatment, and I recollect expressing the opinion that, had he received proper treatment at the time referred to, his left hip could have been set in a more normal position, also there was no apparent reason for the ankylosed condition of the left knee."

Colonel McCoy examined the claimant in Canada in December, 1930, and found that—

There is no improvement in the left knee since my first examination in 1917, although proper treatment was continued. Major Scott informs me that his knee was in a plaster of paris bandage, for fourteen months without being flexed. If this is the case, in my opinion, it would appear to have been flagrantly neglected and the result has been to leave the knee permanently practically ankylosed, which condition, in view of the nature of the wound, should not have been present had it received proper medical attention.

In his certificate, Colonel McCoy rates claimant's disability in his own calling at 80 per cent and in the general labour market at 100 per cent. What proportion of such disability is to be ascribed to the knee condition, Dr. McCoy cannot, of course, say, but I am of opinion, that a part of the discomfort and disability from which claimant now suffers is due to the treatment described.

As to claimant's second head of claim—loss of personal property due to looting, I must follow the principle laid down in other cases, that in the absence of corroboration as to the property lost and its value, the claim is not made out. On the third ground of claim, charges for hospital accommodation and money expended for treatment I do not propose to make any specific finding, but in the general award to be made this circumstance will not be lost sight of.

Viewing all the circumstances of the case and having regard to the medical evidence of record I am of opinion that claimant did suffer maltreatment whilst a prisoner of war within the meaning of the relevant sections of the Treaty of Versailles, which has resulted in permanent disability to him. I would recommend a payment to him of \$2,000, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 5, 1931.

CASE 1867—JOHN McAULEY

The claimant was a Private in the 4th C.M.R., Regimental Number 405579. He enlisted May 12, 1915, at the age of 24 years. He was taken prisoner June 2, 1916, suffering with a slight shrapnel wound. He was repatriated to England December 8, 1918. He is not in receipt of a pension. He was married September 25, 1919, and has three children. Prior to enlistment he was employed with the Toronto Structural Steel Company, earning approximately \$18.00 per week, and since his discharge has been a machine operator with Wm. Neilson, Toronto, at a wage of \$30.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of physical abuse, and lack of medical treatment to a broken finger with resultant present disability, confinement and beatings.

Analysis of the evidence reveals:

Suffering from a slight shrapnel wound, claimant was taken to Mannheim and then to Dulmen camp. His only complaint here is that he was subjected to 4

inoculations with resultant swelling and pain in the arm. He was made to work in the fields 11 to 12 hours a day with his arm in this condition. Food conditions were very bad. From Duhmen he was sent to Engers, upon construction work. He was beaten on several occasions for not doing all the work required of him, but does not attribute any disability to these beatings. For attempting to escape he received, with other prisoners, a severe mauling, being struck and knocked down with the flat of a sabre and kicked about the body and legs. Seven days solitary confinement was added to the punishment. He again attempted to escape the following year, was recaptured, and received another similar, though not so violent, beating. He complains that on one occasion, through an accident, in handling rails he broke a finger and received such poor medical attention that his finger is permanently injured and so incapacitates him that he cannot close his hand. He speaks of a chronic condition of indigestion from which he suffers severely.

The medical record indicates that claimant suffers from chronic indigestion and severed tendon middle finger right hand with inability to use distal joint. Dr. W. N. Eby who testified on behalf of claimant states it as his opinion that his digestive condition has probably resulted from his period of undernourishment and over work. The tendon of the middle finger of the right hand was apparently cut through and not brought together. He states that had the finger been properly treated, there would probably have been no disability.

The injury to the finger was an accident, and I cannot say, from the evidence before me, that it is established that he was not properly treated. It is in evidence that the finger was dressed by the camp authorities, but I do not consider that it can be said that error of judgment in the manner of treatment constitutes maltreatment. I do not find any deliberate intent to leave claimant with a disability which might have been absent had he been better attended. His remaining disability is nutritional in origin and is insufficient to entitle claimant to an award. Viewing all the circumstances, I am of opinion that the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1868—DONALD HARRY LAIRD

The claimant was a Private in the 4th Canadian Mounted Rifles, Regimental Number 112079. He enlisted January 14, 1915, at the age of 21 years. He was taken prisoner June 2, 1916, severely wounded with shrapnel in the left leg and right hand. He was released to Switzerland in September, 1917, and reached England September 11, 1917. He is now in receipt of a 30 per cent disability pension, based on his wound, which amounts to \$39.00 per month. He was married in 1920 and has two children. Prior to enlisting he was engaged in farming and since his discharge from the army he has been endeavouring to follow the same occupation. He does not state his income.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, with consequent infection, inadequate attention in hospital, rough handling, confinement to dungeon for no reason, with resulting impairment to his health.

An analysis of the evidence reveals:

When captured claimant was seriously wounded with shrapnel in the left leg and right arm. He received a field dressing from our own stretcher bearer and lay on the field about 6 hours before being picked up. He was taken to Menin

Hospital but received no medical attention. He was removed by ambulance to Isegghen Hospital, in Belgium, where he lay for six days without his wounds being attended to. The wounds became infected and finally an operation was performed, under partial anaesthetic. He remained at Isegghen about 10 days when he was taken by train to Ulich. His wounds were still bleeding and no adequate accommodation was furnished en route. He then complains of roughness in the treatment given him, but was not subjected to any brutality or thrashings. After two weeks in bed and two weeks convalescence, claimant was sent to Stendal camp, walking on crutches and supplied only with wooden shoes. He was in close confinement for 6 weeks and is unable to state for what reason. Eventually he was transferred to Switzerland as medically unfit. It will be seen that the maltreatment complained of is entirely confined to lack of proper medical treatment whilst a prisoner.

The nature and extent of claimant's injuries are clearly shown in his medical record, and he is in receipt of a pension for the disability he suffers. I do not consider that claimant has established a case of deliberate maltreatment by the enemy. That his treatment was delayed may have been due to stress of work at the time, and claimant has not demonstrated that had he received earlier and better medical attention his disability would have been less great. In these circumstances, I am of opinion that the claim must fail. It is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 1869—LESLIE PERKINS

The claimant was a Private in the 4th Canadian Mounted Rifles, Regimental number 109542. He enlisted in November, 1914, at the age of 19 years. He was taken prisoner June 2, 1916, and from his military records was shell-shocked at the time, although according to claimant, he only received slight shrapnel wounds. He was repatriated to England in December, 1918. He is not in receipt of a pension. He was married in November, 1921, and has three children. Prior to enlistment, he was at school and working with his father. He is now working as an order clerk with the White Fish Company, at a salary of \$30 a week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being operated upon without an anaesthetic and having to work in a boiler factory whilst his hand was still wounded, solitary confinement, beatings, etc. He is now suffering from loss of hearing as the result of working in a boiler factory.

An analysis of the evidence reveals:

Claimant declares that he was slightly wounded in the hand and legs when captured. His medical history sheet indicates that he had been shell-shocked also, but claimant denies that such was the case. He was taken to Dulmen camp. He complains generally of maltreatment here and lack of medical attention; also being compelled to work in a stone quarry when his wounded hand was still troubling him. He alleges that he was operated upon and the shrapnel removed from his hand without anaesthetic. As a result of this treatment, he still suffers disablement in this hand. Before his wound had completely healed he was sent to work in a boiler factory. He complains that he was not furnished with proper ear stops to protect his ears from the vibration and noise of this work and that, in consequence, his hearing has been permanently impaired. This is the main grievance advanced by claimant. As far as can be made out this occurred at Aplerbeck near Dortmund in 1917.

He declares categorically that up till this time he had not suffered with his ears. The prisoners went on strike because of food conditions, as a punishment for which he was placed in a cellar, standing in water for 12 hours, which continued for six days till the prisoners went back to work. He declares his hand was well at this time. A further strike took place and claimant got into an altercation with an officer, who fell over a bench during the dispute. For this claimant was badly beaten and left practically unconscious, and was thrown into a small cupboard where he was confined from 2 p.m. until 4 a.m. of the following morning. He was removed to Munster camp, and, evidently as a result of his trouble with the officer, was accused of mutiny and tried by Court Martial. His account of the occurrence is very confused, but he declares that he was told he was to be shot at Cologne on December 10, 1918. This was in August or September. I have the greatest difficulty in crediting this story and claimant has been unable to bring forward any corroboration.

Although the medical certificate given by Dr. J. J. Matheson speaks only of impaired hearing as constituting claimant's disability, claimant himself complains of his nerves and stomach. Dr. Matheson, who appeared before the Commission, speaks of the impaired hearing, also a nervous irritability. He declares that claimant complained in 1919 of noises in his head. He thinks this might have been caused from working in a boiler factory but agrees that shell-shock may account for the trouble.

In view of the medical record, I do not consider that claimant has made out a case of impaired hearing due to maltreatment. This condition may have resulted from shell-shock; it may also have been aggravated by the work claimant was called upon to do. It would require much more specific and convincing evidence than that given by claimant to satisfy me that he was the victim of maltreatment which has resulted in measurable disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 1870—ARTHUR JOHN SLOANE

The claimant was a Corporal in the Third Battalion—Regimental number 9832. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from shell concussion, superficial wounds in the head and leg. He was repatriated to England in January, 1919. He is single and in receipt of a pension of \$22.50 per month, for injury to hearing and sight. Prior to enlistment, he was a clerk with Keen's Manufacturing Company at a salary of \$14 per week, and since his discharge he has been steadily employed with different concerns, his salary ranging from \$30 to \$35 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being placed in a hut on the moors, stripped of most of his clothing and left there for five days without food as punishment for giving evidence in connection with the death of a prisoner,—also with being beaten with a bayonet until in a state of collapse, and being forced to work in a condition of weakness and exhaustion.

An analysis of the evidence reveals:—

When captured, claimant was suffering from wounds in the neck, right side, side and right side of forehead. He was also suffering from concussion, which caused injury to his eye and ear, in respect of which disabilities he is in receipt of a pension. He was first taken to Giessen camp where he requested medical attention for his eyes and ears, from which he was suffering greatly. He received

no treatment whatever and complains that this omission has greatly aggravated his condition. He was also beaten over the head with a pitch fork by a farmer, for whom he was working, and his injuries thereby further intensified. He was sent to Saltau, thence to Lichtenherst, thence to Langemoor, where he received the usual rough treatment. At the latter camp for giving evidence against a sergeant, at a court martial into the death from bayonetting of a British prisoner, he was privately removed to a hut out on the moors in March weather, badly beaten and left there for five days in the cold without proper clothing or food. He also received punishment for attempting to escape and alleges that he was "tied up by the thumbs for two hours a day." This went on for two weeks. His complaint, however, is confined to the injury to his eyes and ears through lack of medical treatment after capture.

The medical record indicates conclusively that claimant's disability from this latter source is permanent. The percentage under his pension award amounts to 30 per cent. Dr. Herbert R. Holmes, who appeared before the Commission, places the percentage of disability at 75 per cent in the general labour market and 50 per cent in claimant's calling. He attributes the origin of both troubles to concussion which, from the history of the case, arose at or previous to capture. He does say that had claimant received treatment immediately after the injury his condition "might not have been as bad." Apparently the concussion referred to preceded claimant's capture by some few days, and he received no treatment therefor within our own lines.

In these circumstances, I have reached the conclusion that claimant has failed to discharge the burden of showing that the disabilities from which he suffers have resulted from maltreatment whilst a prisoner of war. The medical evidence does not sustain a finding that claimant's impaired vision became aggravated through lack of medical attention. His case has been dealt with by the Board of Pension Commissioners, and I do not consider that he is entitled to an award from this Commission. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1871—GEORGE FRASER McALISTER

The claimant was a Corporal in the 15th Battalion—Regimental number 27510. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England October 18, 1918. He is not in receipt of pension. He was married in February, 1919, and has two children. Prior to enlistment, he was employed with the Canadian Northern Transfer Company of Toronto, at a salary of \$75 per month, and since his discharge he worked one month with his former employers at \$95 per month, but was unable to carry on and had to leave. Since then he has been head messenger with the National Trust Company, at a salary of \$2,000 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been struck on the head with a rifle, struck with a club on the right wrist, kicked and badly beaten, causing internal trouble; suffered from lack of food due to parcels being withheld as a punishment; placed in solitary confinement for assisting others to escape. As a result of the above injuries the claimant asserts that his earning power has been seriously impaired.

An analysis of the evidence reveals:—

For refusing to give information desired by his captors the claimant was hit on the head and attributes a present impairment of vision to this incident.

With others, he also received a severe beating at this time, apparently for declaring he was "Scottish" when it was ascertained he was with the Canadians. He was taken to Gottingen camp, thence to Munster, but has no complaint as to his treatment at either of these camps. Transferred to Crefeld camp, he was employed as orderly to some British officers. As a punishment for his activities in assisting to build a tunnel for the escape of prisoners claimant was sent to Celle-lager No. 2, where he served 14 days in solitary confinement on bread and water. He escaped from a farm, at which he had been sent to work, and got an additional 14 days on recapture. Apart from the usual rough treatment, which does not appear to have affected him seriously, claimant has no complaints. After a short time at Cutersloh camp, he returned to Crefeld camp. He was beaten here, with others, as being implicated in an attempted escape by officers. Schwarmstedt camp, as a punishment was claimant's next experience. He describes this as "hell on earth." He was badly beaten here, evidently having acquired an unenviable reputation from his connection with several attempts to escape by officers. Claimant is particularly bitter in regard to the officer in charge, one Niemeyer, who went out of his way to brutalize prisoners at Holzminden. Claimant assisted in a very daring escape of officers which was successful. During a beating he received here, in attempting to protect his head, he was heavily struck on the wrist. For his exploits on this occasion he received the D.C.M., and several letters have been filed from his commanding officer, Lt.-Col. Osborn, and other officers, testifying to the high qualities of courage and devotion displayed by claimant. It is only fair to mention that following the hearings in Toronto, quite unsolicited, a letter was received from an officer who was present at the time. He discounts the story told by claimant, as it appeared in the Press, and hints that claimant was not telling the truth. In the face of the testimony of his own commanding officer, and other officers, I am convinced that claimant told a straightforward story of the part he played in the incident in question. I was impressed with the claimant himself and the manner in which his testimony was given. I should think also that the award of the D.C.M. bears testimony to claimant's meritorious service and entitles his statement to favourable consideration.

The medical record indicates that claimant has lost two-thirds sight of right eye, partial (about $\frac{1}{3}$) loss power right hand, stomach trouble. Dr. E. B. Clouse, who testified on behalf of claimant, does not consider the stomach trouble of traumatic origin, but is probably the result of nervous strain. The impairment of vision is established, and in Dr. Clouse's opinion could very well have resulted from the blow on the head spoken of by claimant. Even upon claimant's admission of some pre-war weakness in the right eye, I feel that the evidence justifies the finding that this condition became aggravated as the result of the blow on the head referred to. The weakness in the right wrist is also ascribed to a blow and diminishes almost completely complainant's working ability for manual labour. Claimant is fortunate in his present situation as chief messenger for the National Trust Company, a position which he seems capable of holding to the entire satisfaction of his employers.

Viewing all the circumstances of this case I have reached the conclusion that claimant was the victim of maltreatment while a prisoner which has resulted in disability to him, chiefly as to his vision and his right arm. Quite apart from any consideration which his case may receive at the hands of the Board of Pension Commissioners, I am of opinion that he is entitled to an award for maltreatment as a prisoner of war. I would, accordingly, recommend a payment to claimant of the sum of \$1,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1872—GEORGE BARTON

The claimant was a Private in the 3rd Battalion,—Regimental Number 9872. He enlisted September 22, 1914, at the age of 35 years. He was taken prisoner April 24, 1915, unwounded but slightly gassed. He was repatriated to England December 31, 1918. He is in receipt of disability pension, based upon bronchitis, amounting to \$11.25 per month. He is unmarried. Prior to enlistment, he was a miner, ship's stoker and steel worker and his last salary prior to enlistment was \$10.00 per week, and since his discharge he has been unable to get steady work. At first he was employed as elevator man at \$20 per week, but, at the time of the hearing, he was peddling eggs and some weeks he earned as much as \$7.00.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings from guards while working in quarries and had breast-bone and ribs fractured, injury to his left wrist and one finger on the left hand stiff.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, where for refusing to work in a nickel mine, with other prisoners, he was beaten. There is evidence that claimant was suffering from trench feet before capture. He was made to stand to attention for long periods but has no particular complaint as to Giessen camp. Under court martial, he was placed in cells for a month and beaten by the sergeant in charge. In 1917 he was sent to the stone quarries at Rubiland and was badly beaten for failing to do as much and as heavy work as required. An attempt to escape, earned claimant a very serious beating. He and a fellow prisoner were set upon by a number of guards with sticks, butts of rifles and rubber hose. His left arm was injured and he also complains that his chest was fractured or buckled by a blow, which rendered him unconscious. Claimant is in receipt of pension for his bronchial condition, and is quite frank in declaring that he does not know whether this condition resulted from his service or his treatment as a prisoner. A statement made upon repatriation corresponds closely to the story told by claimant before the Commission.

The medical record indicates that claimant suffers from neuritis, lumbago, sciatica, chronic bronchitis, haemorrhoids, varicose veins and chronic gastritis. With the exception of the bronchial condition, the Pension authorities found that the remaining disabilities were of a post war nature. Dr. Mortimer Fleming, who testified before the Commission, spoke of the chest condition and declared that there was every indication of a heavy blow which had caused permanent disability. There is a distortion of the whole of the chest wall. His percentage of disability is declared by Dr. Fleming to be about 30 per cent.

In these circumstances I consider that claimant has made out a case of present disability attributable to his treatment as a prisoner of war. His story was told with great frankness and I see no reason to doubt its accuracy. The punishment meted out to him for his attempted escape went beyond reasonable bounds and caused him permanent injury. Having regard to the general observations contained in Opinion annexed to the present report, I would, accordingly, recommend a payment to claimant of \$500 with interest thereon, at the rate of five per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1873—FREDERICK WEBB ROADHOUSE

The claimant was a Private in the 4th C.M.R.—Regimental No. 109569. He enlisted April 7, 1915, at the age of 20 years. He was taken prisoner June 2, 1916, during the battle of Mount Sorrel. He was neither wounded nor gassed during this engagement, but had a shrapnel wound in the leg, apparently from some previous engagement. He was repatriated to England December 18, 1918. He is not in receipt of pension. He was married at the time of enlistment and has one child. Prior to enlistment he was employed as a sheet-metal worker at a wage of \$17.60 per week, and since his discharge has had various occupations, chiefly painting, at which he earns \$5 per day when working, but it is not steady, and averages about \$20 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work in the coal mines for about two years and suffered physical abuse. Made four attempts to escape, and was so severely beaten after the last attempt he was sent to the hospital for six weeks. Had to stand at attention from 17 to 18 hours daily without food or water; was thrown in a dark cell for 28 days at a time, four separate times, and suffered beatings with a hose, rifle butts and bayonets. His ear is scarred as a result of being struck with a bayonet. He suffers from a heart condition as a result of his treatment and cannot follow his trade at sheet-metal roof work as he cannot ascend ladders.

An analysis of the evidence reveals:

Claimant does not give in detail the prison camps to which he was sent. He appears to have made commendable but unsuccessful efforts to escape on four occasions and received severe thrashings upon recapture. From his military record sheets, it would appear that these attempts were made from "Kommando 47," Westphalian coal mines. On his third attempt he was treated with particular violence and became unconscious from the blows received, his ear was almost torn from his head, and he was in hospital for six weeks as a result. He suffered greatly also with his knee which had been injured on the same occasion. Four times he received solitary confinement of 28 days each. His statement as to the beating received upon his third attempt to escape is corroborated by a fellow prisoner, G. F. Gregory, who accompanied claimant on the occasion in question. Claimant complains generally of his condition, weakness and impairment to his health.

There is no medical evidence of record—not even the usual certificate certifying to claimant's condition and percentage of disability. The only reference to his condition is contained in his military discharge record which declares that the last medical board from the C.E.F. finds "all systems normal".

Were it not for the fact that claimant spent two years in the coal mines, where the conditions were notoriously harsh and brutal, I would be unable to reach a finding in his favour, because of the absence of medical evidence establishing disability. In the circumstance, however, I am resolving the doubt in claimant's favour and I would recommend a payment to him of \$700.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1874—ERNEST WILLIAM HOPKINS

The claimant was a Private in the 15th Battalion—Regimental Number 27487. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, unwounded. He is not in receipt of a pension. He had been married in 1921 and has three children. Prior to enlistment he was employed as a clerk in a shoe store at \$12.00 per week, and since his discharge from the Army he has been with the Miner Rubber Company as a salesman at a salary of \$2,000.00 per year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work in the salt mines for three years and eight months from 12 to 16 hours per day, and having been beaten with rifles and wire bound hose and kicked and placed in solitary confinement, all of which resulted in ill health and impaired earning power.

An analysis of the evidence reveals:

Claimant was first taken to Gottingen camp, where he remained for about two months. He complains generally of rough treatment, but does not attribute any disability to the beatings he received. He was then sent to the salt mines, attached to Saltau camp. It is abundantly clear that prisoners received particularly harsh and brutal treatment in the salt mines (See Case 1875). The worst charges of maltreatment come from men who were there interned. The living conditions are declared to have been atrocious, the working hours prolonged beyond all reason and the food rations of the very worst. Men were beaten because of inability to work from undernourishment, and the treatment meted out in the mines, below ground, has been described as inhuman. In common with other prisoners, claimant was subjected to this treatment, in varying degrees of intensity, during the entire time of his imprisonment—three years and eight months. His worst case of maltreatment arose out of inability to work through weakness. He was struck on the head with a rock thrown at him by the German guard, and his hearing has since been permanently impaired. Other incidents of beatings are related by claimant, but the blow above referred to is the outstanding act of which he complains. He complains of gastric trouble, that he is unable to eat meat, which condition he attributes to the poor food conditions prevailing in the camp. His nervous condition is also the subject of complaint and frequently causes him to lose time in his employment. Claimant is fortunate in having found a sympathetic employer, by whom allowance is made for his condition and he loses no remuneration by reason of his absences through illness.

The medical certificate discloses that claimant suffers from bronchitis, rheumatism of left arm, neurasthenia and symptoms of a beginning of exophthalmic goitre. His percentage of disability in the general labour market is declared to be 50 per cent. The decrease in hearing in the left ear is also said to amount to 50 per cent. This documentary evidence is confirmed by the testimony of Dr. W. O. Simpson, who appeared before the Commission, and who declares, from the history of the case given him, that in his opinion the disability could result from the experiences related.

In this state of the record, I find, having regard to the general observations contained in the Opinion annexed to the present report, particularly as to conditions in the salt mines, that claimant, while a prisoner of war, was subjected to maltreatment resulting in permanent damage to him, for which he is entitled to a pecuniary award.

Viewing all the circumstances, I would recommend a payment to claimant of \$1,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 1875—ERNEST OSBORNE CALLIGHEN

The claimant was a Private in the 15th Battalion, Regimental Number 27453. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England on December 24, 1918. He was in receipt of a pension of 15 per cent amounting to \$12.00 per month for about a period of 5 months—now discontinued. He was married on April 6, 1921, and had three children at the time of the hearing with another expected. Prior to enlistment, he was with the T. Eaton Company, of Toronto, as an accountant, earning \$16.00 per week and since his discharge has held various positions, at salaries ranging from \$25.00 per week to \$200.00 per week, and at present is with the Cities Service Oil Company, at \$90.00 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work in the salt mines, of being beaten with rifle butts and wire bound hose, kicked and generally abused.

An analysis of the evidence reveals:

This claimant furnishes a comprehensive and vivid picture of camp life at Beienrode salt mines. It is a poignant story of savage cruelty and almost inhuman brutality practiced upon the unfortunate prisoners who spent a part or the whole of their captivity in this camp. The picture might seem overdrawn—so incredible are many of the incidents recounted—but evidence is not lacking to substantiate the story told, not only by other claimants who underwent the same treatment, but also by the official report of Lord Younger upon "Employment in Coal and Salt Mines of the British Prisoners of War in Germany," presented to Parliament in November, 1918. (See Opinion annexed to the present report) That many men were able to withstand the treatment meted out,—many did not—and come out alive is amazing and a wonderful vindication of the physical strength and moral fortitude of those who did survive.

The present claimant was one of those who emerged from this punishment camp with little to show for his period of incarceration. Apart from the loss of part of a finger, accidentally injured, and which was removed without anaesthetic, he presents a healthy and fairly robust appearance. After capture, suffering from dysentery, he was taken to Gottingen camp, where no attention was paid to his malady. He was put to work in a stone quarry and was beaten for being unable to do the work called for. In hospital for a week, he was returned to work but was soon transferred to Celle-lager, thence to Beienrode salt mines (parent camp Hameln). Put to work underground, half clad and undernourished, for as much as 12 hours a day, claimant, with others, developed salt sores or abscesses, which on occasions were treated by being lanced and filled with iodine. The treatment then consisted of being driven back to work in the mines at once. Below ground, claimant received beatings with bayonets or hammers for not doing enough work. It should be borne in mind that the prisoners were let out to civilian contractors with guards supposedly furnished by the German authorities. Evidently these guards were bribed by the contractor to force as much work out of the unfortunate prisoners as was possible. It was a profitable venture for the contractor. It is hardly necessary to detail the beatings and abuse which was heaped upon the claimant. It is almost sufficient to entitle him to an award that he establish that he was in the salt mines. This fact he has clearly proven. He spent 3 years and 8 months at Beienrode.

The medical record indicates that claimant has lost the terminal portion of the middle finger of the right hand, suffers from a marked nervous condition which reacts upon his general health. His percentage of disability is stated at 35 per cent. While claimant does not present the appearance of great nervousness or impaired health, his family physician, Dr. W. O. Simpson, who has known him from boyhood, describes him as being a nervous wreck upon his return from overseas, with twitching hands and spasms of the arms and face. He has no difficulty in attributing this condition to claimant's experiences as a prisoner of war. Questioned as to the possibility that this condition might have resulted from service conditions, Dr. Simpson points out that claimant had only been about four months at the front when captured and was in perfect physical condition upon enlistment, so that the inference is almost irresistible that his experiences as a prisoner are the direct cause of his condition.

With this opinion I agree, and, having regard to the fact that claimant spent over 3 years in the salt mines under the conditions described, I consider that he is entitled to an award for damage to his health due to maltreatment as a prisoner of war. I would, accordingly, recommend a payment to claimant of \$800.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1876—MAJOR LEONARD SEPTIMUS MORRISON

The claimant was a Major in the 3rd Battalion. He enlisted in August, 1914, at the age of 30 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering with gunshot wounds in both legs, compound fracture of the right and a flesh wound in the left leg. He was repatriated to England June 14, 1918. He commuted his pension on September 1, 1930, receiving a lump sum of \$300.00. He is not married. Prior to enlistment he was engaged with his father in the James Morrison Brass Mfg. Co. Ltd. at a salary of \$3,000.00 per annum, and since his discharge he resumed his employment, from 1920 to 1928, in the Brass Company, earning \$3,900.00 per annum, and from 1928 to 1930, was with the Sun Life Company, on commission, estimated roughly at about \$3,000.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention, man-handling while being moved to different hospitals, kicked by German soldier while lying on a stretcher, exposure inducing ear trouble and the loss of several teeth through lack of treatment.

An analysis of the evidence reveals:

Claimant is one of the few officers to come before the Commission. Taken to Roulers, in Belgium, and later to Ghent, he received some medical attention. At Crefeld Camp, to which he was removed, he complains of lack of medical attention for an ear trouble which had developed from catching cold through exposure—standing in the rain for periods of an hour with inadequate clothing. He does not complain of any particular brutal treatment and confines his statement of disability to ear trouble, which he ascribes to the causes above noted. It appears that he had already suffered with his right ear in the trenches, and his left ear has been faulty since childhood.

The medical record indicates that claimant's incapacity is due to weakness of both legs and to defective hearing.

From a careful examination of the record I have reached the conclusion that claimant's disabilities must be regarded as resulting from service. I do not find any evidence supporting the plea that maltreatment contributed to claimant's present disabled condition. In those circumstances, the claim must be disallowed.

OTTAWA, December 7, 1931.

ERROL M. McDOUGALL,
Commissioner.

CASE 1877—ARTHUR WILLIAM CANE

The claimant was a Private in the 19th Battalion—Regimental Number 766144. He enlisted November 22, 1915, at the age of 20 years. He was taken prisoner June 21, 1918, badly wounded,—gunshot wounds in the chest, which touched the edge of the lung. He was released on November 22, 1918, and found his way back to the British lines. He was at first in receipt of a total disability pension, receiving \$60.00 per month, and is now receiving a pension of \$11.50 per month. He had been married on September 6, 1926, and has one child. Prior to enlistment he worked in the shipping room of the Dominion Paper Box Co. at a salary of \$12.00 per week, and since his discharge has been compelled to do outside work, driving a bread wagon, for which he earns an average of \$25.00 per week.

He alleges that whilst a prisoner of war he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of lack of medical attention, arduous work, under shell fire, close to the lines, starvation, kicks and beatings.

An analysis of the evidence reveals:

The claimant was a prisoner for about five months. He was kept behind the lines and received some medical treatment for his chest wounds. He complains that his wounds were dressed only every third or fourth day and that paper bandages were used. He was three months in hospital and was then made to work on railroad and canal work, and was under shell fire from advancing British troops. His main complaints on the head of maltreatment are that there was a shortage of food and that he was compelled to sleep in the open in cold weather. He did not receive any particularly brutal treatment, except the usual rough handling while at work. As a result he contends that a chest or lung condition has developed which impairs his health. He moreover ascribes a gastric and nervous condition to his experiences whilst a prisoner. The latter is said to have resulted from being compelled to work under shell fire.

The medical record is very meagre. A certificate of Dr. G. W. Carleton, dated November 2, 1930, is produced indicating an impaired chest condition and some stomach trouble. Claimant is unable to do inside work, and is compelled to work out of doors.

Claimant has not made out a very strong case, and were it not that we have other evidence as to the inhumanity and cruelty of the treatment given prisoners who were compelled to work immediately behind the lines, I would be disposed to disallow the claim. We know, however, that the conditions of work and starvation, with frequent beatings from exasperated guards, were such that prisoners were in pitiable condition when they arrived at prison camps in Germany, following their experiences working behind the lines. In these circumstances, weak as the case is, I consider that claimant is entitled to an award for impaired health due to maltreatment. I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5% per annum, from January 10, 1920, to date of payment.

OTTAWA, December 7, 1931.

ERROL M. McDOUGALL,
Commissioner.

CASE 1878—ARCHIBALD PETER CAMPBELL

The claimant was a Private in the 15th Battalion—Regimental Number 27454. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, slightly wounded and gassed. He was repatriated on January 1, 1919. He is not in receipt of a pension and is unmarried. Prior to enlistment, he was a sheet metal worker, at a wage of \$15.00 per week, and since his discharge has been employed with the Neville Cooper Sheet Metal Works, at a wage ranging from \$1,200 to \$1,500 per year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work three and one-half years in the salt mines with very poor food, suffers from nervous condition and a kick in the testicles which worries him and preys on his mind to such an extent that he will not marry. Loses about three months work per year on account of ill-health.

An analysis of the evidence reveals:

Claimant was taken to Gottingen camp, thence to Celle-lager. He has no complaints as to these camps. At Beienrode salt mines, where he was sent and remained for 3½ years, he speaks of the conditions as very bad. In this he corroborates the statements of other claimants who were held at this camp. While working in the salt mines he was frequently beaten. In particular, and this is the basis of his complaint, he was kicked in the testicles by a guard and has sustained permanent injury. He was also struck on the head on the same occasion and rendered unconscious. He was in bed for a few days but was compelled to return to work. It is established by his employer, Edward Neville, that claimant loses considerable time from his work by reason of his condition, for which through old friendship, allowance is made. It is entirely probable that he would not be kept on by any disinterested employer.

The medical record indicates a number of ailments, including chronic bronchitis, chronic gastro-interitis, high blood pressure and recurrent bilious attacks, apart from the injury to the testicles. His percentage of disability is rated at 30% in his own occupation and at from 25% to 30% in the general labour market. His disability is said to manifest itself in a lack of ability to concentrate and advanced absent-mindedness. Dr. Mortimer Fleming, who testified on behalf of claimant, believes the testicle condition to be permanent and declares that the repercussions of this injury upon his mental condition are very marked. He worries over his condition and fears sexual incapacity, though, in fact, Dr. Fleming thinks his fears are groundless in this regard.

Evidence of maltreatment coupled with resultant disability is clear in this case. I have no hesitation in declaring that claimant is entitled to an award for maltreatment as prisoner of war. The conditions and treatment at Beienrode salt mines have been commented upon in the general opinion annexed to this report and have also been discussed in other cases relating to this camp (See Case 1875). I would, accordingly, recommend a payment to claimant of \$1,000.00 with interest thereon, at the rate of 5% per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1879—ARCHIBALD C. McBRIDE

The claimant was a Private in the Fifteenth Battalion, Regimental Number 27513. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from gas. He was repatriated to England in December, 1918. He has recently made application for a pension. He was married in June, 1921, and has one child. Prior to enlistment, he was a clerk in the T. Eaton Company, at a salary of \$14.00 per week. He is at present employed as a clerk with Hydro Electric Commission, at a salary of \$240.00 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was compelled to work in salt mines for three and one-half years with improper food and when physically unfit. He developed salt poisoning and sustained a broken nose by a blow from the fist of a German under-officer. As a result of this treatment he is suffering from neurasthenia and rheumatism, etc.

An analysis of the evidence reveals:

Claimant was slightly gassed when captured. He was taken to Gottingen camp where, for failing to salute a German under-officer, he was struck in the face and his nose broken. He still bears the marks of this blow. Claimant was then sent to Celle-lager and then had the misfortune to be transferred to the ill-famed salt mines at Beienrode where he remained for three years and eight months, working underground and being subjected to the grossest forms of brutality and cruelty. As in the case of other prisoners in this particular camp, he suffered intensely with salt sores or boils for which he received practically no medical attention. On two occasions he was severely beaten. In the summer of 1916 he was caught trying to get into the bread-line twice. He was brought before the feldwebel, knocked down and badly kicked. On another occasion, at the time of the visit of a high German official, the quality of the soup being particularly good that day, claimant ventured to comment that, while the food was better that day, it would probably be worse on the following and succeeding days. As a result of volunteering this information he was later kicked out of bed and all the way to the mine, placed in the deepest cave in the mine—about a mile and a half from the shaft—and put at the heaviest work and kept there for two or three hours after the other prisoners had been taken up. As a result of these experience he complains generally of the condition of his nerves and his stomach.

The medical record indicates that claimant suffers from neurasthenia, weakened digestive system and haemorrhoids, and his nose shows evidence of having been broken. Dr. Mortimer Fleming, who appeared before the Commission in support of claimant, declares that neurasthenia is his main trouble. He has rheumatism and several minor disabilities. Dr. Fleming places the percentage of disability at fifty per cent and speaks also of a nervous irritability of the heart. The nerve cells are permanently damaged and no improvement can be expected.

While the evidence of permanent disability due to direct maltreatment is not strong in this case, I have come to the conclusion, as in the cases of other prisoners who had the misfortune to be sent to the salt mines, that claimant is entitled to an award (See Case 1875). Viewing all the circumstances of the case, and, having regard to the general observations contained in Opinion annexed to the present report, I would recommend payment to him of the sum of \$700.00, with interest thereon, at the rate of 5% per annum, from the 10th of January, 1920, to the date of payment.

OTTAWA, December 2, 1931.

ERROL M. McDOUGALL,
Commissioner.

CASE 1880--FRANK HALEY

The claimant was a Private in the 15th Battalion, Regimental Number 27488. He enlisted September 22, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, unwounded, but suffering from gas. He was repatriated to England December 31, 1918. He is not in receipt of a pension. He was married September 9, 1920, and has three children. Prior to enlistment, he earned about \$12.00 per week with the Riverdale Lumber Company of Toronto, and since his discharge has been with the Dunlop Tire Company, of Toronto, at a salary averaging from \$18.00 to \$26.00 weekly.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work long hours in the salt mines for three and a half years. Received a severe beating by four civilians armed with clubs, so that he was he was unable to move for three weeks. He developed salt sores all over his body-one of which, in his hand, required an operation without anaesthetic. As a result of his harsh treatment he suffers from rheumatism, has stomach and heart trouble and a nervous condition.

An analysis of the evidence reveals:

Suffering from gas when captured, claimant was taken to Gottingen camp, where he remained for about a month. He was beaten here for saluting a German officer with the wrong hand. He was removed to Celle-lager for a short period and transferred to the salt mines at Beienrode for the remainder of his period of captivity. As in the case of other prisoners, sent to salt mines, the treatment he received was brutal. He was badly beaten on several occasions for no apparent reason, but admits that he showed fight when attacked, which probably gave occasion for excessive punishment. Claimant's testimony bears out the allegations of his statement of claim. While unfit to work he was compelled to labour long hours underground under conditions of dampness and lack of sanitation, resulting in rheumatism and salt sores, and was operated upon for the latter without anaesthetic.

The medical evidence indicates that claimant's most serious disability at the present time consists of rheumatism in the ankles and feet which causes him to lose from two to two and one half months per annum. Dr. Mortimer Fleming, who gave testimony in support of claimant, attributes this condition to his period of internment in the salt mines. As to claimant's other complaints, chronic bronchitis, stomach and heart trouble, these may have resulted from the gas from which he was suffering when captured. Claimant's percentage of disability is stated at 20 per cent.

Having regard to the general observations contained in the Opinion annexed to the present report relating to treatment in the salt mines, I find that claimant, while a prisoner of war, was subjected to maltreatment resulting in disability, for which he is entitled to a pecuniary award (See Case 1875.) Viewing all the circumstances I would recommend a payment to claimant of \$800.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1881—BERTRAM McCONNELL

The claimant was a Private in the Third Battalion—Regimental Number 9806. He enlisted in August, 1914, at the age of 17 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from gas and had been buried by a shell. He was repatriated to England in December, 1918. He was in receipt of a pension of \$22.00 per month which he commuted and he has applied to be reinstated. He was married in July, 1924, and has one child. Prior to enlistment, he was apprenticed to the electrical trade. Has been employed fairly steadily as an electrician but is not employed at the present time.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of suffering from the effects of solitary confinement, starvation, severe beatings and having to work for 1½ years digging trenches, standing in water to his knees, and that he was finally sent to the salt mines. He is now suffering from nervous condition and eczema.

An analysis of the evidence reveals:

Claimant was taken to Giessen camp and sent to work in a munition plant. He refused to work and was put in cells for three weeks and beaten daily. He was sent to Hakenmoor where he was compelled to work in water up to his hips and as a result he developed rheumatism from which he still suffers. From this camp he escaped, but was recaptured and received severe punishment. He was tied to a post 4 hours in the morning and 4 hours in the afternoon, for 18 days, exposed to the sun. He also served 62 days in dark cells underground at Celle-lager. He was then taken to Beienrode salt mines where he completed his period of captivity. He complains here, as do other claimants, of the harsh and brutal treatment and of being beaten because, through weakness, he was unable to do the work assigned to him. His testimony as to his treatment before reaching the salt mines is corroborated by a fellow prisoner (Hyde, No. 1924).

The medical record indicates that claimant is suffering from chronic eczema and neurasthenia. His percentage of disability is stated at 50 per cent in his own calling and at 20 per cent in the general labour market. Dr. F. S. Park, who testified on behalf of claimant, was also a prisoner of war in Germany. Dr. Park describes the condition of eczema complained of and refers to it as starvation adema, which was very prevalent with our prisoners of war. It is evidently a disease due to a lack of fat in diet. Claimant's medical history files make no mention of eczema upon discharge. The condition of neurasthenia is quite definitely present in claimant, and Dr. Park has no hesitation in attributing it to the conditions and treatment imposed upon claimant as a prisoner of war.

In these circumstances, having regard to the evidence of distinct disability and the fact that claimant served a part of his period of captivity in the ill famed Beienrode salt mines, (See Case 1875) I consider it established that he was subjected to maltreatment whilst a prisoner, which entitles him to an award. I would, accordingly, recommend payment to claimant of the sum of \$600.00 with interest thereon, at the rate of 5 per cent per annum, from January, 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 2, 1931.

CASE 1882—HILTON HOWARD HOWE

The Claimant was an Acting-Sergeant in the 4th C.M.R., Regimental Number 113307. He enlisted July 19, 1915, at the age of 17 years. He was taken prisoner June 2, 1916, suffering from a slight wound. He was released to Holland December 8, 1918, and reached England December 18, 1918. He is in receipt of 15 per cent disability pension amounting to \$17.25 per month for self, wife and child, based on sinusitis, otitis media and bronchitis. He was married October 22, 1922, and has one child. Prior to enlistment he was employed as a tool maker with Tudhope Motors of Orillia, Ontario, at a wage of \$18.00 per week and since his discharge is an Assistant-Superintendent at the Toronto Transportation Commission at a salary of \$2,100.00 per annum.

He alleges that, while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of solitary confinement, long hours at hard labour, beatings with bayonets, scabbards and gun butts, deliberate destruction of food parcels and lack of medical attention which has resulted in permanent disability.

An analysis of the evidence reveals:

Slightly wounded when captured, claimant was taken to Dulmen camp, where he was in hospital five weeks. He has no complaint of his treatment here, except as to the food. He was then sent to Essen in the Rhur Valley, where he remained till the Armistice, except during the periods of four attempted escapes. He was the only Canadian or Imperial in the camp and seems to have incurred special disfavour of the corporal in charge, one Fischer. This may possibly have been because of his attempts to escape, particularly his last attempt. He declares that he had very little trouble until he attempted to escape. As a punishment, not only did he serve several sentences in solitary confinement, but he was unmercifully beaten by Corporal Fischer and the guards when he was recaptured, and several teeth were knocked out with the butts of rifles. On another occasion he was tied to a post and beaten. His wounded leg was kicked with the result that the wound reopened. He complains that during the flu epidemic in 1918 he received no attention for suppurating ear and has sustained permanent injury. One particular feature, of which he complains bitterly, is the wanton and deliberate destruction of food parcels by the guards. The contents of the parcels were thrown together and mixed in such a way as to render them inedible and this at a time when the camp rations were entirely inadequate.

The medical record indicates that claimant is a strong, powerful man, somewhat under par. Dr. Cooper Cole appeared before the Commission on behalf of claimant. It is his opinion that the injury to claimant's ear may have resulted from lack of treatment as urged. In general, Dr. Cole considers that malnutrition possibly has reduced, to some extent, claimant's vitality, but he only places at five per cent the percentage of reduction in earning ability in the general labour market.

Viewing all the circumstances of the case, and particularly the slight disability shown by claimant, and having regard to the general observation contained in opinion annexed to the present report, I do not consider that claimant has made out a case entitling him to an award for disability resulting from maltreatment as a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1883—JOHN McGIVERN

The claimant was a Private in the 3rd Battalion, Regimental Number 9472. He enlisted in August, 1914, at the age of 44 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a gunshot wound, right buttock, slight wounds to the head and foot, and gas. He was repatriated to England in November, 1918. He was in receipt of a pension of 5 per cent which he commuted. He has an application pending for reinstatement.⁴ He is unmarried. Prior to enlistment claimant was a bricklayer and glycerine purifier, earning around \$27 per week. He is now employed as a janitor in the Civil Service, at a salary of \$1,120 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work long hours, ill-treatment, exposure and solitary confinement, and permanent injury as the result of a kick.

An analysis of the evidence reveals:

Claimant was taken to Celle-lager No. 3 where he was in hospital for 3 or 4 months. For refusing to work he was given 7 days close confinement. He was transferred to Cottingen camp where he remained until May, 1916. As an alleged measure of reprisal for treatment of German prisoners, claimant was sent with a party to a camp in Poland—Libau—where he was set to work building a raised road. For refusal to work he was punished by being made to stand to attention in the sun and tied up to trees. He was beaten and particularly complains of a kick in the left hip which fractured the bones and left him unconscious for several hours. He received medical attention but still suffers considerable incapacity from this hip. He was laid up with it for several months. For further refusal to work claimant was again beaten and confined, and then returned to Germany to Dulmen camp. On his statement, of the 2,000 prisoners sent to Libau, only 600 survived to return to Germany with claimant. At Dulmen claimant has no particular complaints of maltreatment, but when made to work later in coal mines he complains bitterly of the treatment. He, with others, was made to stand in front of the coke ovens for an hour at a time for failure to complete the allotted tasks. As to his condition he complains chiefly of his heart, nerves and asthma.

The medical record indicates that claimant suffers from asthma, nerves, disordered heart, poor digestion, hernia, constipation, haemorrhoids, sacral ankylosis, chronic brights, sciatica, slow mentality and poor concentration. Dr. W. R. Newman, who testified on behalf of claimant, has furnished a very full report. He emphasizes chiefly the asthmatic condition and the injured hip and back, declaring the case to be practically incurable. The former condition might have resulted from the effects of gas. The hip and back indicate a drawing together of the bones, the hip bone, the sacrum and spine, which, he declares, is clearly traumatic in origin. The healing of the fractured bones is in bad position, evidencing lack of proper treatment. Dr. Newman attributes some of claimant's disability to service conditions, but considers his treatment as a prisoner as contributing considerably thereto. The medical history files, recording an examination made on May 8, 1919, shows that claimant has no haemorrhoids, no hernia, no varicocele, and it is probable that these ailments, set up by claimant, are of post war origin. From an examination of claimant's pension files and a complete report by Dr. D. E. Robertson, confirmed by independent X-ray of the Toronto General Hospital, it appears that claimant's disabilities have not been established as of traumatic origin; the statement has been made that they are congenital. In these circumstances, I cannot agree with the medical evidence before this Commission.

In this state of the record claimant has failed to show that his present disabilities result from maltreatment whilst a prisoner of war. The claim, accordingly, fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1884—HORACE PICKERING

The claimant was a Private in the 3rd Battalion, Regimental Number 9859. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, slightly wounded in the knee and suffering from a slight touch of gas. He was released to Holland in March, 1918, and reached England November 18 of that year. He was in receipt of a 10 per cent disability pension but commuted it in 1919. He was married in July, 1921, and has two children. Prior to enlistment, he was a clerk with the Canadian Pacific Express, at a salary of \$63 per month. He is now an agent of the same Company, receiving \$190 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been compelled to work in a stone quarry, and for refusing to work was placed in solitary confinement and compelled to sit at attention for 14 hours a day for 30 days—being subjected to kicks and abuse, and given insufficient food, which treatment necessitated two operations for mastoids and left him in a highly nervous condition.

An analysis of the evidence reveals:—

Claimant was first taken to, Roulers, in Belgium, thence to Giessen Camp, where he was punished for not working—30 days confinement in punishment barracks. He was struck with rifle butts but without permanent injury. After a short period in hospital, with kidney trouble, he was sent to work at the Iron Works. He refused to do the work assigned and was beaten by the guards. During this beating he was hit in the mouth with the butt of a rifle and several teeth were loosened. Eventually he lost three of them. For feigning illness he was placed in solitary confinement for 5 days without food. From Giessen Camp he was sent to Saltau, thence to Lichtenhorst, and later to Hestenmoor. As to the two former Camps he has no complaint. At Hestenmoor he speaks of general rough treatment and lack of medical attention for an attack of pleurisy. His next camp was Hameln. His condition was so enfeebled that he declares he had 109 boils at one time. Claimant's statement as to the loss of teeth resulting from a blow is corroborated by one of his fellow prisoners (A.C. Claverley, Case 2239).

The medical record indicates that claimant suffers from neurasthenia, bronchitis, and loss of teeth. Dr. J. H. Speers, who testified on behalf of claimant, declares that he has treated him for nervous and cardiac troubles, but is inclined to regard most of claimant's ailment as resulting from malnutrition. He speaks of a bronchial condition, which, however, he thinks would probably result from gas. Dr. Speers considers that the original pension allowance of 10 per cent was low and thinks that 25 per cent would be fairer. As to the condition of claimant's mouth, the certificate of Dr. G. S. Paul is filed, indicating the absence of 9 teeth. It became necessary to remove the remaining teeth. Claimant's medical files, under examination made in 1919, contain the notation: "looks as if he has come through very strenuous times.....former trade or occupation cannot be resumed....."

In this state of the record I have reached the conclusion that claimant was the victim of maltreatment whilst a prisoner of war, resulting in disability to him. I would regard the mouth condition as directly resulting therefrom. Viewing all the circumstances, and having regard to the general observations contained in Opinion annexed to the present Report, I would recommend a payment to claimant of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 2, 1931.

CASE 1885—WILLIAM O. TINDALE

The claimant was a Private in the Third Battalion,—Regimental Number 9840. He enlisted in August 1914 at the age of 20 years. He was taken prisoner April 24, 1915 at the second battle of Ypres, unwounded but suffering from the effects of gas. He was repatriated to England in December 1918. He has made application for pension. He was married in May 1921 and has two children. Prior to enlistment, he was a mechanic with the Russell Motor Car Company, at a salary of \$20.00 per month. He is now working for himself, as a Customs Broker, at an average salary of \$35 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten with rifles, kicked with heavy boots, solitary confinement and being forced to work when physically unfit, also permanent injury to back.

An analysis of the evidence reveals:—

Claimant was taken to Roulers in Belgium and then to Giessen camp. He was in hospital for 2 months with swollen legs, contracted in camp. Taken ill with scarlet fever he spent a short period in hospital and was then sent out to work at Oberlanstein on the Rhine. The work was too heavy in his weakened condition and he was beaten for not performing the task assigned him. He was hit on the back and still complains of soreness and stiffness as a result of this treatment. On another occasion his thumb was badly injured by a door-slamming upon it, which claimant is inclined to believe was done deliberately by the civilian with whom he was working. At all events, though roughly treated, no permanent disability has appeared to result from this incident. Claimant was later sent to Bingen on the Rhine and complains that he contracted a severe cold from being compelled to work in zero weather without adequate clothing. He dates his bronchial trouble from this time. He was returned to Giessen and was put in punishment barracks for six weeks. He concluded his experiences in Germany at Hakenbush on a farm, but has no complaints as to his treatment there.

The medical record indicates that claimant suffers from marked limitation of the movement of the spine due to chronic muscular spasm, neurasthenia and chronic bronchitis. His percentage of disability is stated at 35 per cent in his own calling and at 100 per cent in the general labour market. Dr. Roy J. Spence, who testified on behalf of claimant, declares that the X-ray does not show anything in the bone and attributes claimant's condition to possible on-coming rheumatic and arthritic affection. He is inclined to think that this was not traumatic in origin but probably resulted from under-nourishment and over-strain, particularly having regard to the possible effects of scarlet fever from which claimant suffered. He does not think his condition will interfere with his present occupation as a customs broker. The bronchial condition may have resulted from the effects of gas.

Viewing all the circumstances of the case I cannot reach the conclusion that claimant's present disabilities are the result of maltreatment while a prisoner of war. He has failed to discharge the burden of establishing such a sequence of cause and effect as will entitle him to an award. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL
Commissioner.

OTTAWA, December 10, 1931.

CASE 1886—THOMAS GEORGE TUCK

The claimant was a Private in the 15th Battalion—Regimental number 27568. He enlisted in August, 1914 at the age of 24 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering from the effects of gas. He was repatriated to England in December 1918. His application for pension is now pending. He was married in 1920 and has two children. Prior to enlistment he was a labourer earning \$18.00 per week, and since his discharge he has been employed by the Toronto Transportation Company as an Inspector, and is now in receipt of a salary of \$35.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being badly beaten, being compelled to work in a metal mine for two months; being punished by having to stand to attention eight hours a day without food or water, and also solitary confinement.

An analysis of the evidence reveals:—

Claimant was taken to Giessen, and served at other camps, including Saltau, Lichtenhorst, Bohinte and on a farm. He was also sent to work in a metal mine at Holzappel near Frankfurt. He was in this mine for 4 months and his complaint as to maltreatment is confined to a blow he received from a guard who hit him with a miner's lamp on the back of the head and neck. This was for refusing to work upon what claimant regarded as munitions labour. He now carries a scar on his head indicating that the blow inflicted a severe wound. Since that time he has suffered from constant pains in the head and stiffness, which incapacitates him. Claimant also suffers from gall stones and had bronchical trouble. While his other experiences as a prisoner were rough, he has no particular complaint of maltreatment, other than periods of confinement for minor breaches of discipline, poor food and bad living conditions.

The medical record indicates that claimant suffers from injury to his head resulting in pains in head and neck, gall stones and hepatic colic. His percentage of disability is declared to be 50% in his own calling and 20% in the general labour market. Dr. Thomas Kerr, who testified on behalf of claimant, considers that the pains in head and neck constitute claimant's chief disability. The scar at the back of the head is marked and the condition observed may well have resulted from a blow as described by claimant. Dr. Kerr does not anticipate any improvement in claimant's condition.

In these circumstances I have reached the conclusion that claimant suffers some present disability from the blow on the head which he received whilst a prisoner of war, and that he is thereby entitled to an award on the ground of maltreatment. I would, accordingly, recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5% per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1887—JOHN KENNEDY

The claimant was a Private in the 3rd Battalion—Regimental number 9683. He enlisted September 22, 1914 at the age of 21 years. He was taken prisoner April 24, 1915, unwounded, but gassed. He was repatriated to England December 27, 1918. He is not in receipt of a pension. He was married March 10, 1921 and has two children. Prior to enlistment, he was employed as a silk salesman, at a salary of \$75.00 per month, and since his discharge has been employed as a book-keeper with the Toronto Transportation Commission, at a salary of \$2,000 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of physical abuse, insufficient food, insanitary living conditions and exposure resulting in impaired health.

An analysis of the evidence reveals:—

Claimant spent three weeks in hospital at Giessen and some further time in camp where he has no complaints of his treatment. At Saltau, where he was then sent, he complains only of being compelled to wear wooden clogs. He was sent to Bohinte and made to work on the canals, and for parading sick, he was beaten by the guards. From Bohinte, he was returned to Saltau and then sent to Grossenweidenmoor. Claimant complains of excessive parading, so severe that he collapsed on one occasion. For refusing to work at salt mines he was given 28 days solitary confinement on limited rations. Later while employed on a farm he was assaulted by the farmer. As far as the evidence goes claimant does not appear to have suffered any disability as a result of his treatment.

The medical record indicates that claimant is suffering from laryngitis, bronchitis and neurasthenia. Dr. Alexander Henderson, who was heard, rates his disability at about 35%. He speaks also of a right flat foot and deficient teeth.

I have been unable to reach the conclusion that claimant's present condition results from any particular acts of maltreatment at the hands of the enemy. In common with all other prisoners, he must have and did suffer from poor food conditions which, as explained in Opinion annexed to the present report, was general and perhaps unavoidable in Germany. Claimant may or may not be entitled to receive an award from the Board of Pension Commissioners. Insofar as his claim for reparations before this Commission is concerned, I am unable to grant him an award. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 1888—ERIC R. SEAMAN

This claimant was a Private in the 3rd Battalion—Regimental Number 9825. He enlisted 8th August, 1914, at the age of 22 years. Claimant was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England December 27, 1918. He is not in receipt of a pension. He is married and has two children. Prior to enlistment, he was a clerk with the T. Eaton Company, earning \$16.00 per week. He is now employed as a translator with the International Stock Food Company, Toronto, at a salary of \$35.00 per week and (apparently) occasional bonuses.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. In particular complains of being made to work in a silver-lead mine, of numerous beatings, poor food, confinement to cells and general abuse.

An analysis of the evidence reveals:

Claimant was taken first to Giessen camp where the treatment was rough but unaccompanied by any particular violence. Sent to a supposed farm, with others, it was found to be a silver-lead mine at Holtzappel. For refusing to go down the shaft, claimant was beaten and, eventually, without knowing just how, found himself down in the mine. He was beaten by a guard and for striking back was sent back to Giessen and three weeks solitary confinement. Poor food and repeated beatings severely affected claimant's mind. As a student of languages, he was made an interpreter but still seemed to arouse the antipathy of his guards, particularly upon an attempted escape from Vehnemoor. Upon recapture, claimant was badly beaten with rifle butts, scabbards, etc.

The medical record indicates that claimant suffers from neurasthenia and chronic gastro-enteritis. His percentage of disability is declared at 50 per cent in his own calling and 75 per cent in the general labour market. Dr. Mortimer Fleming, who testified on behalf of claimant, laid emphasis upon the neurasthenic condition as reducing his ability to make a living. It is to be observed that claimant had a flair for languages and had hoped to become a teacher of French. Due to his condition he has had to abandon this ambition.

Claimant is not in receipt of pension and was apparently discharged, "all systems normal". It would appear to me that claimant's ailment has been progressive and that he now suffers a real disability, which may be attributed to his experiences whilst a prisoner of war. His medical history files contain a notation of general nervousness and debility with origin France and Germany. In these circumstances, I have reached the conclusion that claimant was subjected to maltreatment, whilst a prisoner of war, which resulted in disability. I would, accordingly, recommend a payment to claimant of \$1,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1889—CHARLES ALEXANDER GORDON

The claimant was a Private in the 19th Battalion—Regimental Number 862958. He enlisted March 8, 1916, at the age of 24 years. He was taken prisoner May 9, 1917, suffering from gunshot wounds in the left arm and the left thigh. He was repatriated to England, January 1, 1919. He is not in receipt of pension although he has had two appeals, both rejected. He was married September 7, 1922, and has two children. Prior to enlistment, he was employed as a Postal Clerk, at a salary of from \$800 to \$900 per annum, and since his discharge, has resumed his position, with a present salary of \$1,740.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of lack of and improper medical treatment of his wounds, improper food, having to work in the salt mines where the conditions affected his hearing and eyesight.

An analysis of the evidence reveals:

Claimant was suffering from gunshot wounds in the left arm and thigh when captured. He remained on the field of battle for two days, before he was picked up and taken to a dressing station, where he was inoculated. Removed to

hospital, his arm was operated upon, without anaesthetic. The bone in his leg was also scraped to remove shrapnel. This was at Douai, where claimant remained a month. He was taken to Mons Hospital and underwent a further operation to his arm. An anaesthetic was used but it was not effective. He complains of rough treatment during dressings, the use of paper bandages, and infers that had he had better treatment his arm would have made a complete recovery. He was next removed to Dulmen camp where he received further harsh treatment in hospital. He complains of deliberate cruelty on the part of the surgeon in charge. Apparently he was receiving medical attention, however, because he speaks of a drain to the wound in his arm. When convalescent he was sent to Hameln camp, where he was sent to work on a farm. His arm was then "not so bad but still weak"; his hip gave him no trouble. Here he attempted to escape, was recaptured and sent to a mine at Eima. Exhibiting reluctance to go down the shaft, claimant was hit on the jaw, loosening three teeth. His complaint is that the unhealthy conditions in the mine, intense heat, dust and perspiration in the eyes has permanently impaired his vision. He received several beatings in the mine, but they left no disability that claimant can remember.

The medical record indicates that claimant suffers from chronic ophthalmitis, chronic tonsillitis, nose trouble and general debility. His percentage of incapacity is stated at from 20 per cent to 25 per cent in his own calling and at 50 per cent in the general labour market. Dr. Carlisle who certifies to the foregoing appeared before the Commission. He refers to a nervous trouble as the chief trouble, with the eye, nose and throat condition as secondary. He thinks these conditions could have resulted from the history of the case as reported to him, and attributes the impairment to claimant's health to exposure and malnutrition, but he does not consider claimant as incapacitated in the work he is doing. There is also filed a certificate of Dr. D. D. Dickson, who does not find claimant's disability as high as does Dr. Carlisle.

Having regard to the general observations contained in Opinion annexed to the present report, particularly as to the treatment accorded prisoners in the salt mines, I am of opinion that claimant has made out a case of maltreatment resulting in some disability to him. I do not think that he has been successful in showing improper medical attention, but viewing the case as a whole I consider that he is entitled to succeed. I would, accordingly, recommend a payment to claimant of \$600.00 with interest thereon, at the rate of 5 per cent, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1890—HENRY RALPH

The claimant was a Sergeant in the 15th Battalion—Regimental number 27660. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering quite badly from the effects of gas. He was released to Holland March, 1918, and reached England January 15, 1919. He is not in receipt of pension. He was married at the time of enlistment and had two children and has had two since. Prior to enlistment, claimant was in the retail tobacco business in Toronto, earning an average income of \$30.00 per week, and since his discharge has been employed as messenger with a Bond firm, at a salary of \$1,300.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of brutal treatment consisting of beatings with rifles and being kicked with heavy boots,

subjected to torture, being compelled to stand at attention for hours in the hot sun, which resulted in the development of a very nervous condition, with stomach and heart trouble.

An analysis of the evidence reveals:—

Claimant stopped briefly at Roulers then was taken to Giessen camp. He received no medical attention for his condition. He speaks of maltreatment at two camps, Overlandstein and Grossenweidenmoor. At the former, for refusing to work upon munitions, he was badly beaten with rifle butts, hit in the jaw and had a bridge broken off his teeth. As a sergeant, he appears to have received treatment rougher than that accorded to the other prisoners. At the latter camp for refusing to do the required work, claimant, with others, was declared to have mutinied, and advised that they were liable to be shot. They were, in fact, lined up before a firing squad and placed in great fear of the order being carried out. As further punishment they were stood to attention, facing the sun, from 7.30 a.m. until 6 p.m. with one-half hour for lunch. Claimant complains chiefly of the condition of his stomach, as a result of these experiences, with a minor complaint as to his heart.

The medical record indicates that claimant has a gall bladder condition and suffer from an aortic systolic murmur. Dr. Jas. H. Tandy, who testified on behalf of claimant, finds some digestive disturbance probably due to the gall bladder, or an ulcerated condition, which may have resulted from "some serious error in his diet". He is unable to fix a percentage of disability, though his certificate places the figure at 30 per cent. Claimant appears to be very fit and is only incapacitated upon recurrence of the stomach condition. Dr. Tandy is of opinion that the heart condition referred to may well have resulted from the effects of gas which claimant suffered.

Claimant, who is a strong powerful man, appears to have come through his period of captivity with comparatively little disability. I do not consider that it has been established that his stomach condition is the result of maltreatment at the hands of the enemy, in the sense of the reparations provisions of the Treaty of Versailles. Having regard to the general observation contained in opinion annexed to the present report, it should be borne in mind that this Commission has no mission to award vindictive damages and unless a claimant establishes an impairment to his health attributable to maltreatment, he cannot succeed. In the present case I am of opinion that claimant has failed to discharge this burden. His claim must accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1891—HAROLD ASHLING

The claimant was a Sergeant in the 15th Battalion—Regimental number 27420. He enlisted in August 1914 at the age of 29 years. He was taken prisoner April 24, 1915, during the Second Battle of Ypres, unwounded but suffering slightly from gas. He was released to Holland in February, 1918, and reached England November 18, 1918. He is not in receipt of pension. Prior to enlistment, he was employed as a carpenter, at the then prevailing union wage of 45 cents an hour, for an eight hour day, and since his discharge has been following the same trade, at the now union rate of \$1.10 per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, abuse and unsanitary conditions. He was struck in the back and on the head with

a stick and still carries the scar on his head. In fleeing from this attack he fell down six steps and sprained his wrist, which still functions improperly. He was obliged to work for three weeks in a canal, in water to the knees, as a punishment for refusal to volunteer for work and had to stand at attention daily for two weeks from 6 a.m. till 7 p.m. He now suffers from chest, stomach and nerve disorders.

An analysis of the evidence reveals:—

The claimant spent his period of captivity in the following camps: Göttingen, Cassel, Saltau, Langenlager, Bohinte, Muzzenburgmoor and Hameln. The ill-treatment alleged in the foregoing summary of his statement of claim is borne out by his verbal testimony, particularly in regard to the circumstances of the injury to his wrist, which constitutes a disability in his calling of carpenter. He relates the instance of having had to stand at attention and the working in water which occurred at Bohinte.

The medical record indicates that claimant suffers from neurasthenia, chronic gastro-enteritis, general weakness and limitation of movement of the right wrist. His percentage of disability is declared at 50 per cent. Dr. Mortimer Fleming, who testified on behalf claimant, emphasizes the nervous and gastric conditions, which he attributes to insufficient and improper food.

Having regard to the general observations contained in opinion annexed to the present report, I have reached the conclusion that the injury to claimant's wrist, which still continues to disable him, in part may be ascribed to maltreatment whilst a prisoner of war. His other ailments, which are general, do not, I consider come within the purview of the present enquiry. They may or may not entitle claimant to consideration from the Board of Pension Commissioners. On the whole, I would recommend a payment to claimant of \$500 with interest thereon at the rate of 5 per cent per annum, from January 10, 1920, the date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1892—DANIEL DOUGLAS

The claimant was a Private in the 15th Battalion—Regimental number 28017. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, at the battle of St. Julien, suffering from gunshot wound in the right leg and was gassed. He was released January 1, 1919, and reached England the 13th of that month. He is in receipt of a 50 per cent disability pension, amounting to \$57.50 per month, based on heart trouble. It is noted that his medical history sheet discloses that he had cardiac trouble in infancy but outgrew it. He was married August 25, 1920, and has one child. Prior to enlistment, he was employed as a clerk in the Mail Order Department of the Robert Simpson Co. Limited of Toronto, at a salary of \$10 per week, and since his discharge he worked as a street car conductor in Toronto at a wage of 60c. an hour, averaging \$70 every two weeks. He was laid off on account of ill-health, and was unemployed at the time of the hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of the usual ill-treatment, blows from fists and rifle butts, heavy labour, solitary confinement and being made to work when unfit.

An analysis of the evidence reveals:—

Claimant was wounded in the right leg and suffering from the effects of gas when captured. He declares the only medical treatment was the administra-

tion of a pill. He was taken to Saltau camp, where he complains of being kicked in the spine, and suffered from this injury for some time, but was compelled to continue working dragging heavy waggons. He was eight months at this work. Still suffering from the effects of gas he was kicked and beaten. Giessen was the next camp to which claimant was sent. Here for refusing to work upon munitions he was placed in solitary confinement for six months, and generally beaten about with rifles. He was then transferred to Frankfort-on-Main, where he was beaten about the legs with a lash till the flesh was cut, because of failure to work through exhaustion. Claimant was then sent to Stadorf in Hanover where he was cut with a bayonet, and stabbed in the side for similar refusal to work. At Slopensstead where claimant was then sent, he was beaten and his clothes torn off him by civilians and soldiers for refusing to work. He was kicked down stairs with a blow in the face from a guard and broke his arm and was compelled to go to work before the bones had mended. He declares his heart condition, of which he chiefly complains, first became evident about one year after he was in Germany. The continued hard work aggravated the condition. He has lost time from his work and is now unemployed, having to relinquish his post with the Toronto Transportation Commission through ill-health.

The medical record indicates a condition of angina pectoris and myocarditis. His percentage of disability is stated at 50 per cent in his own calling and at 75 per cent in the general labour market. His pension record would appear to establish that claimant's condition is progressively deteriorating. From 20 per cent in 1921, he was rated at 30 per cent in 1923, and at 50 per cent in 1930. Dr. Mortimer Fleming, who testified on behalf of claimant, speaks of this heart condition as of a very serious and advanced nature—which may carry him off at any moment. It is ascribed to worry, physical and emotional strain, which may very well have resulted, in part at least, from his experience while a prisoner of war. Gas may also be a contributing factor.

Claimant is undoubtedly disabled, and I have reached the conclusion from a study of the case that some, at least, of this disability may be traced to his treatment whilst a prisoner of war. Having regard to the general observations contained in the Opinion annexed to the present report, and the pension which claimant now receives, I would recommend payment to him of \$800.00 with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1893—WILLIAM LANGFORD

The claimant was a Private in the 3rd Battalion—Regimental number 9220. He enlisted in August 1914 at the age of 23 years. He was taken prisoner April 24, 1915, during the battle of St. Julien, unwounded, but suffering slightly from gas. He was repatriated to England January 13, 1919. He is not in receipt of pension. He was married September 6, 1921, and has two children. Prior to enlistment, he was employed as a street car motorman in Toronto, averaging about \$40.00 every two weeks, and since his discharge has been with the Winnipeg street railway, at 50 cents an hour, the Toronto street railway at 65 cents an hour, and recently, driving a truck, at \$20.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work approximately three years digging ditches, standing in water most of

the time. Was struck in the back with a rifle butt and had his leg broken during a cave-in while working in the quarry. He received no medical attention and the leg was set by his chums. It appears to be well now. He then had to undergo solitary confinement for 14 days, as punishment for refusal to work while unable. He then did 28 days confinement immediately after. As a result of this treatment, he states he has nervous trouble and stomach disorders, which impair his earning power.

An analysis of the evidence reveals:—

Claimant was taken to Giessen, where he received a blow from the butt of a rifle which injured him temporarily, but which left no ill effects. At a stone quarry, where claimant was sent to work, he broke his leg as the result of a cave-in, and received no medical attention. The leg was set by his comrades and he declares no disability has resulted from this accident. For refusing to work, he was given 28 days solitary confinement, and was compelled to sit on a stool for hours at a time, with his legs wired to the stool. Claimant was then sent to Vehnemoor and Ostenholzenmoor, remaining at the latter camp for 2½ years and was compelled to work in water, laying pipe, for long hours. As a result of these experiences, claimant complains of nervous and gastric troubles which impair his working capacity.

The medical record is not very definite in this case. It indicates that claimant suffers from chronic gastro enteritis, asthma. His percentage of disability is stated at 50 per cent. Dr. Mortimer Fleming, who testified on behalf of claimant, was unable to add much to the general statement of claimant's condition. He speaks of a nervous condition and declares that the patient is under par, but admits there is no direct evidence of stomach trouble, but what there is might very well have been due to the effects of gas, from which claimant was suffering when captured.

In these circumstances, I am compelled to find that claimant has not made out a case of impairment to his health due to maltreatment whilst a prisoner of war. Such disability as may exist is, at most, ascribable to general conditions of camp life in Germany. The claim, in my opinion, if disability can be shown, is one for the consideration of the Board of Pension Commissioners. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1894—JAMES BLACK FARNELL

The claimant was a Private in the Third Battalion—Regimental number 9193. He enlisted in August 1914, at the age of 20 years. He was taken prisoner April 24, 1915, unwounded but suffering slightly from gas. He was released November 15, 1918, and repatriated to England on November 27. At first he was in receipt of a 10 per cent disability pension which he commuted in 1920 for \$400.00. It appears to be now reinstated, Class 19, based on myalgia arthritis. He was married May 24, 1920, and has two children. Prior to enlistment he was employed as a freight checker with Canada Steamship Lines Ltd. at a salary of \$60.00 per month, and since his discharge has been floor foreman for the Canadian Carbon Company, at a salary of \$190.00 per month.

He alleges that while a prisoner of war he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of injury to his right knee and hip when a dump car was pushed against him by a German civilian, knocking him down an embankment. Also suffered bad beatings when ill, and was forced to work while medically unfit. Complains also of permanent injury to his back.

An analysis of the evidence reveals:—

Claimant was taken to Dedeseim camp, where he worked upon railway construction. While so engaged he complains that a German civilian pushed a car towards him, and in the effort to escape having his legs run over he swung to one side, falling down a three or four foot embankment. As a result his knee was damaged and he sustained injury to his back, from both of which injuries he still suffers. Claimant very frankly admits in his evidence that this incident may have been an accident, although in his sworn statement it is ascribed to deliberate intent on the part of the guard. Claimant's main complaint is that he did not receive proper medical attention for these injuries, with the result that permanent disability has remained. He speaks of beatings received when he asked for treatment. Later also he alleges beatings at Geisweid Iron Works, but apparently the gravamen of the charge against his captors is for lack of medical treatment to his injured knee and back.

The medical record indicates permanent injury to the knee and pain over the region of the right lumbar dorsal. In addition to his affidavit, Dr. D. C. Bastow appeared before the Commission but was unable to ascribe claimant's present condition to his experiences as a prisoner. He declares there is nothing outstanding in the case, that claimant could not do hard manual labour but is quite able to carry on with his then employment, which consisted of supervising as floor foreman in the plant of the Canadian Carbon Company. In the general labour market his percentage of disability is rated at from 25% to 35%.

I regard this case as one for the Board of Pension Commissioners. The injuries of which claimant complains were probably the result of an accident and have not been shown to have been caused by any particular maltreatment. The beatings alleged have left no impairment to claimant's general health. On the whole, therefore, having regard to the general observations contained in the Opinion annexed to the present report, I must disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1895—J. G. BAKER

The claimant was a Corporal in the 3rd Battalion—Regimental number 9159. He enlisted September 22, 1914, at the age of 16 and was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from shrapnel wounds. He is not in receipt of pension. He was released March 19, 1918, on an exchange of non-commissioned officers. He was married in 1922 and has three children. Prior to enlistment, he was attending High School and since his discharge has been doing customs work for the Canadian General Electric, at a salary of \$195 per month, and a monthly allowance of \$30 on his car.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bronchial trouble due to exposure, stomach trouble from insufficient food, fallen arches from wearing wooden clogs and a general nervous condition. He was beaten on several occasions.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp. He complains of lack of medical treatment for his wound during four days but declares that when he was attended the treatment was good. Before he was fit to do so, he was sent to Dedeseim on canal work, where, for refusing the assigned task he was beaten and clubbed with rifles. As a non-commissioned officer, he was not compelled to work, but for

failing to volunteer to do so, he, with others, was punished by being made to wear wooden clogs parading around the prison enclosure for six and eight hours a day. To this treatment he attributes fallen arches from which he now suffers. He was beaten for sitting down to rest during one of these parades. He was badly beaten, when recaptured, after an attempt to escape. He was returned to Giessen camp and served time in solitary confinement. He was later sent to Saltau and to Bohinte, which he describes as the worst camp he was in. He was repeatedly beaten here and made to stand on parade for long hours. The parcels were denied to prisoners and he was practically starved. He complains of the condition of his nerves, a bronchial condition and flat feet, as a result of these experiences.

The medical record discloses that claimant has lost weight and in addition to the ailments above mentioned, has some kidney trouble. Dr. L. A. Pequenat, who appeared before the Commission, was very frank in declaring that a large part of claimant's disability is of post-war origin. He cannot distinguish between disabilities resulting from service and imprisonment but considers that claimant's general physical condition is impaired, possibly to the extent of 40% in the general labour market and 20% in his own work, which is clerical in nature.

Claimant was quite young when captured and there can be no question that he has suffered from under-nourishment and excessive work. I do not think that the particular acts of maltreatment to which he alludes have, in themselves, left any very great physical disability, but I do think that his general health was affected by the strain and continual fear of punishment. For the reasons stated in Opinion annexed to the present report, I find that claimant has established some disability resulting from maltreatment. Viewing all the circumstances of the case, I would accordingly, recommend payment to claimant of the sum of \$500, with interest thereon, at the rate of 5% per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1896—CLIFFORD ROSS WILKINGS

The claimant was a Private in the 15th Battalion—Regimental number 27136. He enlisted in August 1914 at the age of 19 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering from the effects of gas. He was repatriated to England in December 1918. In 1922 he was in receipt of 100 per cent disability pension for a lung condition, but at present he is receiving 25 per cent yielding \$35.00 a month for wife and family. He was married in 1921, and has three children. Prior to enlistment, he was in receipt of \$15.00 per week, working for a Contractor at Centre Island. At the present time he is a seasonal employee with the City of Toronto, earning for 8 months of the year \$32.40 a week; for the remaining 4 months he is without employment.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention, heavy labour, repeated blows and being sent to work in the salt mines for 3½ years. This treatment, he alleges, has resulted in ill health and impaired earning power.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen Camp, where he received a beating for drawing a mattress from stores, which, apparently he was not supposed to have. After a short time at Celle-lager, he was sent to the ill famed salt mines at

Beienrode (parent camp Hameln). In 1915 he was beaten over the head for refusing to accept pay for the work he had been doing. His hearing has never been the same as a result of this blow. He was also tied to a post exposed to the sun in the morning and again in the afternoon and sent to work at night on a 12 hour shift. This was for failing to give information as to 2 Russian prisoners who had escaped. While suffering from pneumonia, not only did he receive no medical attention, but he was driven to work. He fainted and was put in confinement and when able to move was again put to work moving iron and other heavy material. He speaks generally of the rough and brutal treatment in the salt mines, as to which there is a wealth of corroborative evidence in the evidence of other prisoners at this mine. (See Case 1875). He testifies that he spent 2 years and 8 months in the salt mines, which is not the period stated in his original claim, 3½ years, but his presence there for a lengthy period is clearly established.

The medical record indicates that claimant suffers from chronic bronchitis, general debility, deafness, rapid heart action and an arrested pulmonary condition. His percentage of disability is stated at 75 per cent. Dr. Roy L. Manion, who testified on behalf of claimant, speaks also of a neurasthenic condition. The deafness, of which claimant complains, appears to be progressive and Dr. Manion does not think there can be any improvement. He expresses the opinion that claimant's condition has resulted from his experiences as a prisoner and attributes the pulmonary condition to overwork, malnutrition and poor living conditions, but admits that the effects of gas may be a contributing factor. He expects no improvement in this condition.

In this state of the record, it is clear that claimant has made out a case of disability resulting from maltreatment whilst a prisoner of war, for which, independently of the pension he receives, I consider that he is entitled to an award. As stated in other cases, those claimants who had to endure the brutal treatment of the salt mines, have almost all come out impaired in health. Claimant is no exception. I would, accordingly, recommend a payment to claimant of \$1,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1897—ARCHIBALD TAYLOR

The claimant was a Private in the 3rd Battalion—Regimental number 9837. He enlisted in August 1914 at the age of 24 years. He was taken prisoner April 24, 1915 at the second battle of Ypres, suffering from a gunshot wound in the back just above the right hip. He was repatriated to England December 12, 1928. He is in receipt of .40 per cent disability pension, amounting to \$30.00 per month based on defective hearing, loss of part of the middle and ring fingers of the right hand and the gunshot wound in the back. He is unmarried. Prior to enlistment, he was employed with the T. Eaton Company of Toronto, at a salary of \$12.00 per week, and since his discharge has resumed work with his former employers as parcel inspector, at \$22.00 per week.

He alleges that, while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work 14 or 15 hours daily as a bricklayer and had two fingers on his right hand badly crushed and amputated. Lack of medical attention while suffering from wounds developed a cold which, due to neglect, resulted in deafness.

An analysis of the evidence reveals:—

Claimant declares that he lay on the field of battle for 36 hours, and, when picked up, had a very heavy cold for which he was refused treatment. He was taken to Celle-lager and sent out as a labourer. While working upon a brick making machine two fingers of his right hand were badly smashed and mangled, necessitating their amputation two days later. He complains that he did not receive prompt medical attention for this wound. Claimant has no particular complaint, as to brutality or violence and confines his grievances to lack of treatment for his ears and fingers. In addition he declares that the hours of work were too long. As to the impairment to his hearing, claimant admits that this may have had its origin through the concussion of shell explosions. He declares also that he attributes this condition to the long hours standing at work. He insists that this trouble first became evident in the German hospital, but his medical history file indicates quite clearly that trouble with his ears was noted prior to capture, viz, in March 1915; the place of origin being stated as "France" and the cause "infection"; following a severe cold. The loss of claimant's fingers was the result of an accident and there is nothing in the record to establish maltreatment, either as to origin or treatment, for the injury.

The medical record indicates that claimant suffers from neurasthenia and has lost the third and fourth fingers of the right hand. His percentage of disability is stated at 50 per cent. Dr. Mortimer Fleming, who testified on behalf of claimant, merely spoke generally as to his nervous condition, noted the loss of two fingers, confirmed the defective hearing and was of opinion claimant's condition would not improve.

As will appear from the foregoing, claimant has quite failed to establish that his impaired hearing results from maltreatment whilst a prisoner of war. The condition of his hand was the result of an accident. I am of opinion that the claim is one properly for the Board of Pension Commissioners. They have dealt with the case and I cannot find that claimant is entitled to an award from this Commission. The claim is, accordingly, disallowed.

OTTAWA, December 7, 1931.

ERROL M. McDOUGALL,
Commissioner.

CASE 1898—WILLIAM WALKER

The claimant was a Private in the Princess Patricia Canadian Light Infantry—Regimental Number 100. He enlisted on the 24th August, 1914, at the age of 32. He was taken prisoner 8th May, 1915, wounded in the right side with a bayonet. He was repatriated to England on the 5th December, 1918. He is in receipt of a 30 per cent disability pension, amounting to £39 per month, based upon "Pulmonary T.B. and Sinusitis". He is married and has two children. Prior to enlistment, he was a carpenter and hardwood floor finisher, at the then prevailing rate of pay of 50 cents per hour. He is now employed as a messenger with a Trust Company, at \$190 per month.

Claimant alleges that whilst a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that whilst ill he was forced to go to work and complains of the long hours, heavy labour, beatings and general abuse. For an attempted escape he was beaten and had his jaw smashed.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, where he received medical attention for his wounds. He was then sent out to a working party at the Geisweid Iron Mines. He attempted to escape, was recaptured and brutally beaten by guards,

his jaw broken and several teeth knocked out. He was rendered unconscious. This occurrence is borne out by the testimony of a fellow prisoner. He then underwent a Court Martial at Giessen and was given 14 days solitary confinement, without any medical care for his injured mouth. Later at Neiderwollief, for striking a guard he was again beaten, court martialled and sentenced to 3 months, which he spent in prison at Cologne, in solitary confinement. He attributes a lung condition from which he suffers to the damp and cold of this confinement. He was later operated upon for his mouth and antrum condition, without anaesthetic.

The medical record indicates that claimant shows evidence of tubercular infection of the left lung, suffers from chronic infection of left antrum and general physical debility. His percentage of disability is stated at 40 per cent. The medical history files confirm the pulmonary condition which is stated as the reason for pension, together with sinusitis. Dr. O. J. S. Little, who testified on behalf claimant, considers claimant capable only of light sedentary work.

While claimant is in receipt of pension for the lung and sinus conditions, the record indicates that the "infected antrum" had its origin in Germany in 1917 and it is a fair assumption that it was brought about by the beating he received upon recapture after his attempt to escape. I regard the punishment meted out as entirely beyond reasonable bounds and constituting maltreatment in the sense of the reparation provisions of the Treaty of Versailles. Having established maltreatment with resulting disability, claimant is entitled to an award. I would, accordingly, recommend payment to him of \$700 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1899—JAMES SULLIVAN

The claimant was a Private in the Third Battalion—Regimental number 9962. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering from the effects of gas. He was repatriated to England in December, 1918. He has made application for a pension. He was married in 1921 and has three children. Prior to enlistment, he was employed with the Toronto Fire Department, at a salary of \$13 per week, and since his discharge, has been engaged as an elevator operator with the T. Eaton Co., his present salary being \$24 a week.

He alleges that while a prisoner of war he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of numerous beatings at different camps and solitary confinement after being sentenced to be shot, being struck with the butt of a rifle which affected his eyesight, working in an iron mine for one year affecting his lungs and heart.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp. He was badly beaten by the guards because he could not understand the orders given him in German. As a result of this beating he was laid up for two weeks. He was transferred to Limburg Camp, where he was invited and exhorted to join the "Casement Battalion", which was being recruited amongst the Irish Catholic prisoners. For refusing to accede to this invitation, he was badly beaten and thrown into cells after a so called trial for insubordination. Claimant did not understand the proceedings but found himself in solitary confinement for 28 days. He was then sent to work on a farm at Naoma where he was again badly beaten because

he had, in his ignorance of their employment, broken some tools. In barracks he was further beaten for failing to clean the rooms to the satisfaction of the guards. He was also lined up to be shot by the guards and then placed in cells for seven days. Doubtful of claimant's sanity, he was transferred to Luneberg, where, upon a working party, under the pretext that he was inciting his fellow prisoners to mutiny, he was badly battered and ascribes his present poor vision to the effects of this beating. He received further ill treatment at an Iron Works where he was compelled to work for long hours upon insufficient food. He contracted the "flu", with other prisoners, and was denied medical attention, and made to work before he had recovered, even after the date of the Armistice. He ascribes his lung and heart condition to these incidents.

The medical record indicates that claimant suffers from a dry pleuritic condition at the base of the left lung, eye trouble, and some deafness. Dr. J. M. Dalrymple, who testified on behalf of claimant, cannot speak as to the eye condition. It appears from claimant's medical history files that he was discharged as fit, "all systems normal and eye condition same as on enlistment." Dr. Dalrymple attributes the chest and heart condition to the attack of "flu" from which claimant suffered, with possibly the effects of gas as a contributing factor. His chest condition is declared to be the more serious. His potential disability is rated at 50 per cent.

On the whole, having regard to the nature of claimant's disabilities, I cannot find that these are wholly or in part the result of maltreatment at the hands of the enemy. He has failed to establish the connexity between his present condition and the maltreatment complained of. His chest condition is probably the result of flu and the effects of gas. His eye sight has not deteriorated due to imprisonment. It is as it was on enlistment. I must, accordingly, disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1900—JOHN ALFRED McCALLUM

The claimant was a Private in the 2nd Battalion—Regimental number 8469. He enlisted in August 1914 at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the right arm and suffering from gas. He was repatriated to England January 1, 1919. He is in receipt of an 18% disability pension, amounting to \$21.00 per month, based on neurosis and gunshot wound in the right arm. He was married June 27, 1919, and has three children. Prior to enlistment, he was employed as a barber at a wage of \$25.00 per week, and since his discharge has resumed his trade, with the T. Eaton Co., Toronto, at \$25.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten, made to work when unfit, exposure and starvation and finally that he was compelled to work for two years in the salt mines under conditions of the greatest hardship.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, was beaten for not doing enough work but has no serious complaint as to his treatment in this camp. Removed to Celle-lager, he was transferred to Ostenholzenmoor and set to work in January weather in the water, upon ditches. He was hit and rendered unconscious for an hour for not working satisfactorily, and spent three weeks in hospital as a result of this treatment. This statement is corroborated by a fellow prisoner. Sent to

a farm, claimant escaped, was recaptured, taken to Celle-lager, where his punishment consisted in being tied to posts for 8 hours a day and beaten while so tied. This lasted for 18 days when he was placed in close confinement for 60 days. He was then sent to the ill famed Beienrode salt mines where he remained for two years and sustained the unusually cruel and brutal treatment spoken of by other prisoners (see Case 1875). He was beaten and on one occasion broke his arm as the result of an accident in the mines. He received no medical treatment for the arm and still suffers from it. He complains of his eyes, his stomach and a nervous condition which impairs his earning ability.

The medical record indicates that claimant suffers from neurasthenia, chronic gastro-enteritis and disability of the right arm. His percentage of disability is placed at 50 per cent. Dr. Mortimer Fleming, who testified on behalf of claimant, declares that his nervous condition has been very unstable and unsatisfactory, that claimant suffers from some deafness and is incapacitated in his employment.

Having regard to the observations contained in Opinion annexed to the present report, and taking into consideration the fact that claimant spent two years in the notorious Beienrode salt mines, I have reached the conclusion that a part at least of his present disability may be traced to maltreatment whilst a prisoner of war. Very few, if any, prisoners withstood the rigours of the salt mines without some resultant disability. I would, accordingly, recommend a payment to claimant of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1901—HERBERT FRANKS

The claimant was a Private in the 3rd Battalion—Regimental number 9674. He enlisted in August 1914 at the age of 28 years. He was taken prisoner April 24, 1915, at the battle of St. Julien, slightly wounded and gassed. He was released December 8, 1918, and reached England on the 10th of that month. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a fireman on the Grand Trunk Railroad, at a wage of \$60 per month, and since his discharge has been employed as night cleaner at the new union station in Toronto, at a wage of \$21.50 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work long hours daily (12 hours) in the stone quarries for three and a half years. Had his nose broken by a guard with a rifle, causing a serious impediment in his speech. He also suffers from nerves and stomach trouble.

An analysis of the evidence reveals:—

Slightly wounded and gassed when captured, claimant was taken to Giessen camp, where he remained about a month and was then sent to a stone quarry at Huesten. Here he remained for the duration of his captivity. He is quite frank in stating that violence and brutality could be avoided. In his own words: "I did not look for trouble. I saw enough of it." Apparently, with one exception, he was successful. He was struck on the nose with the butt end of a rifle for not doing what he was told. His nose was broken and it is suggested that the result of this injury has been to impair his speech. Claimant worked long hours, upon poor food and in unhealthy conditions. He complains chiefly of his nerves and also suffers from his digestion.

The medical record indicates that claimant is suffering from neurasthenia, asthenia and general debility. His percentage of disability is declared at 100 per cent in his calling and 50 per cent in the general labour market. Dr. Mortimer Fleming, who testified on behalf of claimant, attributes the impediment in speech to neurasthenia and his generally impaired health to the conditions which have been reported to him to have existed in the German prison camps. Claimant's prognosis is unfavourable, but it cannot be said definitely that any particular maltreatment has been the cause.

In these circumstances, having regard to the general observations contained in Opinion annexed to this report, it is difficult to establish the connexity between maltreatment suffered at the hands of the enemy and claimant's present condition. I consider that claimant has failed to make out a case, and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1902—SAMUEL PORTER

The claimant was a Private in the 3rd Battalion—Regimental number 10065. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner on April 24, 1915, at the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England January, 1919. He is not in receipt of pension. He was married in March, 1919, and has no children. Prior to enlistment, he was working as a truckman at the T. Eaton Co., at a salary of \$10.00 per week. He is at present employed in the Toronto Fire Department, at a salary of \$1,950.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of eye trouble, which is apparently a pre-war disability, fractured ribs, an appendix condition, 4 teeth knocked out by a sentry and a bayonet wound in the right hip, also caused by a sentry.

An analysis of the evidence reveals:—

Claimant was first taken to Roulers and thence to Roback and put to work in a foundry. For an attempt to escape claimant was hit over the head with the butt end of a rifle and a gash opened over the right eye, rendering him unconscious. He also got 7 or 14 days in cells as a punishment. He was removed to a stone quarry and then to a farm. At the latter place a fight seems to have arisen between the prisoners and the civilian guards. The military sentries were called in and in the skirmish which ensued, claimant received a kick in the mouth which knocked out four teeth and was struck on the hip with a bayonet. This bayonet wound incapacitated him for 6 months, but has left no disability. As further punishment claimant and other prisoners were made to stand to attention for 4 hours at a time. He was next sent to the salt mines at Gretham for 11 months, but does not complain of any particular maltreatment here. He had boils which received very scant attention, but no disability has been shown to flow therefrom. Claimant was next sent to Krupps Munition plant, where for refusing to work, he was beaten. His next camp was Saltau where he was given solitary confinement for 25 days. He developed flu and received no treatment. So harsh was the treatment that claimant attempted to injure himself in order to escape work, by dropping a stone on his foot. He speaks of receiving glasses here for the first time. They were sent him by his mother. He attributes the weakness in his eyes to the effects of gas, aggravated by poor food and hard work. He also complains of his stomach, but declares that "the only thing worrying me is my eyes."

The medical record indicates that claimant is suffering from hypermetropic astigmatism, chronic appendicitis, old fractured ribs causing pain, and loss of 4 front teeth. Dr. Frank Park, who testified on behalf of claimant, declares that claimant's principal disability results from a chronic appendix, which, however, is operative. He speaks of the scar on claimant's head over the eye, but is of opinion this carries no disability. The fractured ribs produce some but little disability, being sensitive. There is a scar on the right hip, indicative of a stab wound, but this causes no disability. In speaking of claimant's eye condition, Dr. Park says this is not the result of service, but was a pre-existing condition, which may become aggravated by service. In Dr. Park's words "he has always had that." This statement is borne out by claimant's medical history files.

In this state of the record, I have reached the conclusion that claimant, though roughly treated as a prisoner of war, has suffered no disability which would entitle him to an award under the relevant sections of the Treaty of Versailles. The eye condition was pre-existing, the loss of teeth was due to a scuffle with guards who were entitled to subdue what must have appeared to have been a riot, and the appendix condition is not shown to have resulted from maltreatment. On the whole therefore, I must disallow the claim.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1910—FREDERICK BONE

The claimant was a Private in the 15th Battalion—Regimental number 27174. He enlisted in August, 1914, at the age of 21. He is married and has four children. He was taken prisoner at Ypres, April 24, 1915, unwounded. He was repatriated to England December 3, 1918. Prior to enlistment, he was a locomotive wiper on the C.P.R. at wages of 16 cents per hour. He is now a machine operator with the Canada Wire Cloth Company, at 45 cents per hour. He was originally in receipt of a pension of \$11.50 per month, which he commuted in 1921. He came back on pension in October, 1930, at \$30.00 per month. The records disclose that this pension was granted by reason of neurosis.

He alleges that while a prisoner of war he was subjected to maltreatment which has result in pecuniary damage to him. In particular he complains of loss of health, a nervous condition and stomach trouble induced by insufficient and bad food whilst in prison comp.

An analysis of the evidence reveals:—

Claimant spent practically the whole period of his captivity attached to Giessen camp, but was sent upon working parties in the vicinity. He complains chiefly of the bad and inadequate food, and has no particular complaint as to brutality and violence at the hands of the guards. At a sawmill, where he worked in 1918, abscesses broke out on his thigh. Applying for medical treatment he was locked up for three days, given water but no food and then marched back to Giessen, a distance of several miles. He suffered greatly from boils, which he attributes to undernourishment.

The medical record indicates that claimant suffers from nervous exhaustion, insomnia, depression, soreness in stomach and abdomen, shaking of the head and is startled by noises. His percentage of disability is stated at 20 per cent. Dr. A. M. Bell, who testified on behalf of claimant, describes him as a nervous wreck and speaks of a stomach condition. Claimant does not appear to lose much time from his work. In Dr. Bell's opinion, claimant's conditions could result from the history he gives of his experiences.

This is clearly one of those difficult cases in which malnutrition and hard work combined have impaired claimant's health. Having regard to the general observations contained in Opinion annexed to the present report, I do not consider that claimant has shown that his disability results from maltreatment. He was compelled to submit to conditions which were general throughout Germany and, if his health has been impaired as a result, I regard that condition as purely pensionable. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1911—JAMES JACKSON CONNOLLY

The claimant was a private in the 15th Battalion—Regimental number 27181. He enlisted in August, 1914, at the age of 18. He was taken prisoner at Ypres, April 24, 1915, slightly wounded and gassed. He was repatriated to England in December, 1918. He was married in June, 1921, and has one child. Prior to enlistment, he was apprenticed to the Taylor S Works, Toronto, at the rate of \$12.00 per week. He is now permanently employed by the Post Office at \$85.00 per month. He is in receipt of a pension of \$23.00 per month, based upon bronchitis and nephritis.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. In particular he complains that he was compelled to work in a stone quarry, that he was unjustifiably struck in the mouth, resulting in the loss of teeth, that he was subjected to exposure, starvation and general abuse, affecting his health.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp, to which he remained attached for the duration of his captivity, except for occasions when he went out on working parties. He complains that on the way to Gottingen, he was struck in the mouth by a guard and had several-teeth knocked out for picking up a cigarette butt and, as a result, later, in the salt mines, his teeth became badly infected and he has lost most of them. At a stone quarry near Gottingen he, with other prisoners, was compelled to remain out in the rain, uncllothed, for a full day and, as a result, contracted a heavy cold which remained with him. For refusing to work at a munitions plant, he, with other prisoners, was beaten and sent to the salt mines at Sarstedt, where he apparently spent three years and six months, working underground under conditions of great hardship and brutality. Claimant ascribes his present kidney affection to poisoning while working in the salt mines. He speaks of an incident of a drunken guard who came back to the barracks, aroused the prisoners and smashed them with his fist as they passed him. Claimant, in particular, was knocked downstairs and injured his toe. In Common with other prisoners who were in the salt mines, claimant declares that he was covered with salt sores or boils for which he received no medical attention.

The medical record indicates that claimant is suffering from chronic bronchitis, neurasthenia, nephritis, defective teeth and injured large toe joint. His percentage of disability is stated at 50 per cent in his own calling and at 30 per cent in the general labour market. No medical evidence was adduced before the Commission apart from the affidavit of Dr. R. P. Turner. The medical history files indicate, as above stated, that claimant is in receipt of a pension for bronchitis and nephritis.

In this state of the record, the medical evidence, establishing a disability which may be traced to maltreatment while a prisoner of war, is not very complete. Having regard, however, to the general observations contained in the

Opinion annexed to this report and, in particular, the fact that claimant spent three years and eight months of his captivity in the salt mines, I am of opinion that he has suffered disability which may be ascribed to maltreatment whilst a prisoner of war. I would, accordingly, recommend payment to claimant of \$700.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920 to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 1912—GEORGE HENRY JOHNSON

The claimant was a Private (Sniper) in the 3rd Battalion—Regimental number 10044. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, at the second battle of Ypres. When captured he was wounded by shrapnel in the chest, ankle, and back of the head, also gassed. He was repatriated to England December 15, 1918. He was awarded a pension, but the amount thereof was not known at the date of the hearing. Prior to enlistment, he was engaged as Sales Manager. In his questionnaire he gives his salary at \$300.00 per month, but in his evidence as \$200.00 per month. Since his discharge he has held several positions, but at the date of the hearing of his claim, he was unemployed.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that nine teeth were knocked out, one ear-drum is ruptured, a bone in his nose is broken, and his vision has become defective. He also states that whilst in prison camp he had an attack of Spanish Grippe, and that this, by reason of inattention on the part of the German authorities, has reacted unfavourably upon his health.

An analysis of the evidence reveals:—

Claimant, though wounded when captured, was subjected to rough treatment on the way to Roulers. He finally reached Giessen camp and was sent out on a farm to work. He complains of no incidents of maltreatment, until he reached Huesten in East Prussia. For refusing to do the work required of him he was kicked, hit in the mouth with the butt of a rifle and had four teeth knocked out. Then, made to work in the blast furnaces, he collapsed due to the excessive heat when forced to stand within 3 feet of the furnace doors. Claimant became recognized as the leader of his party and received heavier punishment than did the others. He sustained burns whilst working on the furnaces and contracted "flu", for which he received no medical attention. He complains chiefly of the blow on the mouth which besides knocking out teeth, damaged his mouth. The pains in the head he considers may result from his original wounds. He also suffers from his heart and nerves and has some stomach trouble. He attributes defective vision to the blow on the head above referred to.

The medical record indicates that claimant suffers from impaired vision left eye, ruptured ear drum (left) resulting chronic otitis media with deafness, nasal obstruction left side—almost constant headaches, gastronomical disturbances, and chronic tuberculosis. Of these ailments, the Pension Tribunal has found that bronchitis, defective hearing and defective vision are attributable to military service. Dr. S. G. Henry furnished a certificate as to the disabilities above referred to, but did not appear before the Commission. Claimant's medical history files do not disclose any particular disability.

Claimant's pension files cast doubt upon his credibility. In letter addressed to the Pensions Board he declares that through "continual soup diet my teeth went bad and I had 3 double teeth drawn, two upper and seven lower." I do not

think that he has been successful in showing that his impaired vision and defective hearing were due to maltreatment. His remaining disabilities are, I consider, more properly ascribable to service. In these circumstances, viewing all the facts, I consider that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1913—RALPH B. WALLACE

The claimant was a Private in the 75th Battalion—Regimental number 228024. He enlisted February 24, 1916, at the age of 18 years. He was taken prisoner April 9, 1917, suffering from a gunshot wound in the forehead. He was repatriated to England December 7, 1918. He is in receipt of a 60 per cent disability pension amounting to \$87.00 per month, based on tuberculosis of the lungs, and heart trouble. He was married September 2, 1920, and has two children. Prior to enlistment, he was a student, and since his discharge, he has been a Civil Servant in the employ of the Ontario Government, at a present salary of \$1,500.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that he suffers from chest and lung trouble, and that certain inoculations to which he was subjected affected his heart.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 18 months, first at Munster hospital and camp, then at Dulmen and finally at Essen. He complains that the head wound from which he was suffering received improper medical attention, and that it was only at Essen, towards the end of his captivity, that the bullet was removed by a German doctor, who performed the operation without anaesthetic. At Dulmen claimant received a number of inoculations which made him very ill. He suggests, but, of course, is unable to prove, that he was deliberately inoculated with tuberculosis. It would appear that he was being given protection against cholera. At all events, he ascribes his present condition of tuberculosis (for which he receives a pension) to these inoculations. He was sent to work in the coal mines near Essen and because he could not carry on, due to his weakened condition, was punched in the face and beaten. Apart from his lung condition, claimant speaks of his heart as troubling him and that he is generally run down and debilitated.

The medical record indicates that claimant suffers from tuberculosis of the lungs and mitral stenosis. His percentage of disability is stated at 60 per cent in his own calling and at 100 per cent in the general labour market. Dr. G. Douglass Jeffs, who certifies to the foregoing, appeared before the Commission in support of claimant's case. He infers from claimant's history that the tuberculosis might well have resulted from the treatment received, but scouts the idea that the inoculations were administered from any sinister motive.

It is probable, from a perusal of the evidence, that claimant's illness dates from the inoculations referred to. Leaving aside the suggestion above referred to, the mere fact of inoculation of a prisoner of war cannot, *per se*, be regarded as maltreatment. On the contrary, it would evidence a desire to protect the patient from contagion. That his system may not have been able to assimilate the treatment cannot, in my view, be laid at the door of the Germans. Osten-

sibly they gave him proper treatment. That it acted unfavourably is unfortunate. Claimant is in receipt of a pension for his ailment, and I regard this as the measure of his recourse. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1915—GEORGE STEVENS

The claimant was a Private in the 20th Battalion—Regimental number 57727. He enlisted in November, 1914, at the age of 26 years. He was taken prisoner June 2, 1916, at Ypres, unwounded, but states that he had been gassed just previously. He was repatriated to England December 9, 1918. He is in receipt of a disability pension, amounting to \$20.00 per month (including his wife's proportion) based on "chronic bronchitis." He was married in 1919 but has no children. Prior to enlistment, he was employed as a structural steel worker at a salary of from \$20.00 to \$25.00 per week, but since his discharge has never had a steady position. He does odd jobs of painting and gardening.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he received beatings with clubs, rifle butts and rubber tubing. He alleges that he suffers from shock, nerve strain and debility, also that he has a chest condition.

An analysis of the evidence reveals:—

Claimant spent 6 months at Dulmen camp. He complains of frequent inoculations and was beaten with rubber hose on one occasion for reporting sick. For refusing to work at Munster, in a munitions factory, he was put in cells. He was sent to Minden for a couple of months and then spent 19 months in the coal mines at Friederichsfeld. He was beaten for reporting sick and speaks of the conditions as particularly harsh. He points to a scar over his eye as the mark of a cut received during this beating. Claimant attributes to these experiences nervous debility and general shock to his system, with some chest affection.

The medical record indicates that claimant suffers from chronic bronchitis of asthmatic type. His percentage of disability is stated at 20 per cent. Dr. F. R. Carson, who certifies to the foregoing did not appear before the Commission. There is also a certificate from Dr. Gordon W. Armstrong declaring claimant suffers from bronchial condition, shock and neurasthenia. His condition shows no improvement. Claimant's medical history files speak of a generally weakened condition, ascribed to treatment as a prisoner of war.

I am inclined to think that the bronchial condition is of service origin and due to gas with probable aggravation due to the long period claimant was compelled to work in the coal mines. Claimant was subjected to general rough treatment as a prisoner, and I think the record justifies a finding that his present condition results from such treatment, particularly having regard to the conditions which prevailed in the coal mines, as to which we have evidence. I would, accordingly, recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1916—CHARLES SINCLAIR PARSONS

The claimant was born in Canada and enlisted with the Officers Training Corps in 1915. He was a Lieutenant in the 227th Battalion and later took out an Imperial commission with the Royal Naval Air Service, receiving his appointment on April 7, 1917. He was taken prisoner April 22, 1918, as the result of a crash while flying, and was suffering with wounds in the face, eye and leg at the time of capture. He was repatriated to England on December 18, 1918. He is not in receipt of pension. He was married May 25, 1925, and has no children. Prior to enlistment, he was employed as a surveyor and prospector, earning from \$1,000.00 to \$1,500.00 per annum, and since his discharge has been employed as a mining engineer and professional geologist, earning anywhere from \$2,000.00 to \$7,500.00 per annum, but was unemployed at the time of the hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of permanent injury, due to the failure on the part of the Germans to give him reasonable medical attention and transportation, although all facilities were available, in well organized territory. He suffers as the result of poor food. He received a beating with rifle butts after the escape of a fellow prisoner. He states that his left ankle becomes painful and swollen under any strain and that the permanent disablement of this leg is due to the lack of attention by the Germans.

An analysis of the evidence reveals:—

Claimant was brought down and captured in the water off Zeebrugge, a few days before the blockade. His complaint is confined to disability resulting from lack of medical attention to his injured ankle, although in his statement of claim, above, he refers to other incidents of maltreatment. He received some attention at Zeebrugge, but in being made to walk to the train without crutches, with his injured leg dangling, the injury was intensified and it is his contention that the disability is now greater than it would otherwise have been. He speaks of having received a beating at Zeldenz in connection with the escape of a prisoner, but suffered no disability therefrom.

The medical record, consisting of the certificate of Dr. Graham Chambers, reads as follows: "States left ankle under influence of any strain becomes painful and slightly swollen. Becomes unable to walk." No percentage of disability is stated. There is nothing unusual in claimant's medical files.

The original injury appears to me to be the cause of any disability which claimant suffers. I cannot say that the record would justify a finding that the injury was aggravated by anything which occurred to claimant whilst a prisoner. I regard the claim, if any, as one purely for the attention of the Board of Pension Commissioners. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1917—WILLIAM FRASER

The claimant was a Private in the 15th Battalion—Regimental number 27597. He enlisted in August 1914 at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded in the back with shrapnel, and suffering from gas. He is not in receipt of a pension although his application is pending and has apparently been granted although the rating has not been fixed. It is based on chronic bronchitis, neurasthenia and gastritis. He was married February 28, 1920, and has one child.

Prior to enlistment, he was employed as a blacksmith, earning \$15.00 per week and since his discharge he has tried his former occupation but could not continue and is now a street car conductor earning \$23.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been struck a blow on the back of the head with a rifle butt in the hands of a guard, from which he has suffered ever since, being subject to loss of memory and inability to concentrate. Gets splitting headaches and has had some five fits since his return. He still bears scars from bayonet pricks and during his imprisonment, suffered with boils which were lanced and left undressed, permitting salt from the mines where he was working to enter the open wounds. He also suffers with gastritis and irregular heart action and is unable to do any manual labour or work requiring strain or concentration.

An analysis of the evidence reveals:—

Claimant was sent, through Gottingen and Celle-lager, to the notorious salt mines at Beienrode, where he remained for three and a half years, all of which time, except for six months in hospital, he was working in the salt mines under conditions with which we are familiar. (See Case 1875). His story resembles that of other prisoners in this camp and consists of a recital of beatings, blows, kicks, exposure and general deprivation. It is unnecessary to detail the incidents of maltreatment, which are summarized above as contained in claimant's statement of claim and are borne out by the evidence.

The medical record indicates that claimant suffers from gastritis and irregular action of the heart. His percentage of disability is unstated. Dr. E. F. Boire, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show some heart affection with evidence of bronchitis.

I think I may say, as I have in other cases coming from the salt mines, that it is surprising that claimant does not suffer a greater disability from his experience as a prisoner. The conditions were so cruel and brutal and the work so heavy as to amount, in the language of Lord Justice Younger to "a singularly cruel and dangerous form of slavery". (See Opinion annexed to present report). Claimant has, I consider, made out a case of maltreatment whilst a prisoner of war, resulting in disability to him. In the circumstances, I would recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 2, 1931.

CASE 1918—GEORGE WILLIAM FROST

The claimant was a Lance-Corporal with the 10th Battalion—Regimental number 20477. He enlisted September 23, 1914 at the age of 42 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England June 15, 1918. He is in receipt of 100 per cent disability pension, amounting to \$94.08 per month for himself and wife, based on neurasthenia, myocarditis, sciatica and bronchitis. He was married at the time of enlistment and had then a son aged 16 years. Prior to enlistment, he was master of a tug boat on the Pacific coast at a salary of \$125 per month and board for himself and his wife and after his discharge has merely been able to eke out an existence with jobs held only for short periods of time.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had his shoulder fractured when pushed down some steps by a German guard, also had the third finger on his left hand broken; that he was repeatedly beaten, made to do hard labour and placed in confinement. His health and nerves are ruined and his release was effected through the intervention of the King of Spain to whom his wife had written.

An analysis of the evidence reveals:—

Claimant is also a veteran of the South African war and, as above stated, was 42 years of age when he enlisted in 1914. He was suffering from the effects of gas when captured and spent some time at Giessen camp, was transferred to Friedberg in 1916 and back to Giessen in 1917, from which latter camp he was sent out on working parties, notably to Geisweid Iron Works. Claimant appears to have aroused the particular hostility of his guards, through his efforts to facilitate the escape of a British officer, and his general unbending attitude to his captors, for which conduct he has been commended by the military authorities. As a marked man, he was singled out for rough handling and was frequently beaten and driven to work at the most arduous of tasks. Knocked down on one occasion, his shoulder was fractured and gave him intense pain for months, but he was driven to work notwithstanding his condition. For his share in the attempted escape of Captain Walker, he was beaten and sent to Butsbach Penitentiary for 21 days. Claimant entered Germany a strong, healthy man and emerged a wreck of his former self. It is true that his age may have rendered him less capable of resisting the treatment meted out, but a study of the record creates the conviction that he was exposed to the deliberate malignity of his captors.

The medical record indicates that claimant suffers from neurasthenia, insomnia, persistent headache and myocarditis. His percentage of disability is stated at 100 per cent. Dr. Frederick Inglis, who certifies to the foregoing, did not appear before the Commission, but it is evident from claimant's appearance that he is broken in health beyond what his years would normally show and is quite incapable of supporting himself. While his medical history files indicate dyspnoea on exertion, which may be the result of gas when captured, I have become convinced that claimant's general condition was aggravated by the unjustifiable treatment he underwent in Germany.

Viewing the case as a whole, I have no hesitation in finding that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in disability to him. I would, accordingly, recommend a payment to claimant of \$1,600.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

OTTAWA, December 2, 1931.

ERROL M. McDOUGALL,
Commissioner.

CASE 1919—JOHN THOMPSON HEWITT

The claimant was a Lance Corporal in the 3rd Battalion, Regimental number 9206. He enlisted in August 1914 at the age of 31 years. He was taken prisoner April 1915, at the Second Battle of Ypres, suffering from a wound in the head. He was exchanged to Holland early in 1918 and repatriated to England on the 18th of November 1918. He is in receipt of a disability pension amounting to \$7.50 per month, based on "fracturing index and middle fingers right hand." He is unmarried. Prior to enlistment, he was employed at the City Hall, Toronto, at a salary of \$19.50 per week, and since his discharge has been similarly employed, at a present salary of \$1,700 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his hand was smashed between two trucks whilst he was working in a salt mine, and that he was compelled to continue working. He complains also of damage to his feet from wearing wooden clogs. He alleges a state of nervousness and stomach trouble.

An analysis of the evidence reveals:—

Claimant limits his claim to the injury to his two fingers, and a nervous condition. His fingers were caught accidentally in the coupling of two trucks upon which he was working at, or near, Eschede. Although he asked for medical attention, none was given him for six days and when he finally saw the doctor, blood poisoning had set in. He was operated upon and has no complaint as to the treatment then given him, but contends that the disability which remains from this injury was due to wilful disregard of the wound. At Giessen, Saltau, Lichtenhorst, Grossenweidenmoor and Hameln camps, claimant does not complain particularly of ill treatment. He was in the salt mines for 3½ months. He made several unsuccessful attempts to escape and was confined to cells as punishment. He speaks of enforced punishment drill, general rough usage, poor food and injury to his feet through being compelled to wear wooden clogs.

The medical record indicates that claimant's right hand is injured—index and ring fingers—partly paralysed, that he suffers from nervousness and shortness of breath—nervous gastritis. His percentage of disability is stated at from 20 per cent to 50 per cent. Dr. F. N. Feader, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer only to the injury to his hand and fingers. In other respects he is declared to be fit.

The injury to claimant's fingers was accidental in origin. It has not been demonstrated that had he received immediate medical attention, the fingers would not have been disabled. He admits that the treatment, when received, was good. In the absence of proof establishing the connexity between the disablement and the treatment complained of, as also some better proof as to the other disabilities referred to, claimant cannot succeed. Claimant's recourse is properly before the Board of Pension Commissioners. I am, accordingly, compelled to disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1920—MAJOR THOMAS VENABLES SCUDAMORE

The claimant was a Captain in the 7th Battalion when captured. He enlisted in August 1914 at the age of 25 years. He was taken prisoner April 24, 1915 at St. Julien, suffering from shrapnel wound in the head and from gas. He was released to Switzerland in December 1916 and repatriated to England March 14, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$41.50 per month, based on defective vision, aggravated on active service, neurasthenia and gastric neurosis. He was married August 24, 1919 and has two children. Prior to enlistment, he was a Real Estate agent, earning \$2,500 per annum, and since his discharge he has been in charge of his own real estate business, since 1919. Had to leave it during the whole of 1920 and 1921 and again in 1927 for a complete and prolonged rest. His average earnings in the years he was able to devote to his business, were \$2,500 per annum. The years he was compelled to rest he went to Europe and spent much time in hospitals at great expense.

He alleges that while held prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of worry, blows and abuse, constant under feeding, and solitary confinement.

An analysis of the evidence reveals:—

Wounded in the head, when captured, claimant was marched to Roulers, where he declares he was beaten over the head with a riding crop by a German officer, during the course of an interrogation. He describes the occurrence as follows: . . . " and he started to thrash me across the head with the riding crop, and nothing but the presence of the sentry whom I was able to duck behind prevented me from being beaten up. That is the last time I was in any way interfered with at all, the first of January, 1916." This incident occurred within eight hours of claimant's capture. In describing the same incident in statement made by claimant upon repatriation (statement dated January 8, 1917) he says: "I met the same Commandant in the passage; he addressed me as 'Du', repeatedly struck at me with his riding crop, and cursed me for being a Canadian. . . ." There is thus some divergence between the testimony given by claimant and his earlier statement. It is not clear whether claimant was actually struck by the German officer. I have given some prominence to these statements, because this is the only incident of maltreatment of which claimant complains. He does say that he was given 16 days solitary confinement for an attempted escape and that his health was affected thereby, and also speaks of his eye condition, but admits quite frankly as his medical history sheets show, that this trouble had its origin before the war. His claim is based upon a general nervous condition, which resulted in a breakdown in 1920 and again in 1927, due, claimant alleges, to the general conditions under which he lived, as a prisoner of war.

The medical record is confined to the claimant's eye condition, his nervous system being declared to be normal. No medical evidence was adduced before the Commission, nor has any certificate been filed substantiating his contentions. We are left only with the medical records attached to his pension file. As stated, above claimant is in receipt of a pension on the ground of defective vision, neurasthenia and gastric neurosis.

In this state of the record, it is obviously impossible to find that claimant was subjected to such maltreatment, while a prisoner of war, as has resulted in permanent disability to him. He has failed to discharge the burden resting upon him of establishing a case of pecuniary damage through maltreatment within the relevant sections of the Treaty of Versailles. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1921—LEONARD JAMES STANWAY

The claimant was a Private in the 4th C.M.R.—Regimental number 109622. He enlisted in November, 1914, at the age of 22 years. He was taken prisoner June 3, 1916, slightly wounded in the leg. He was repatriated to England on December 5, 1918. He is not in receipt of disability pension, but has applied therefor, on the grounds of bronchitis and astigmatism. He was married in July, 1923, and has one child. Prior to enlistment, he was in the employ of the Dunlop Rubber Company, as a tire maker, at a salary of \$15 per week, and since his discharge, has been employed as a clerk in the Department of Pensions, at a salary of \$115 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that poor food, exposure, and lack of medical attention brought on a chest condition from which he still suffers, and that this condition was aggravated by his work in a gas factory. He also complains of nervousness.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp, where he remained ten weeks and has nothing to complain of. He was then sent to Duisburg camp and complains of being made to work in the wet, to which he attributes a chest condition from which he suffers. Claimant presents one of the rare cases in which no complaint is made of physical brutality. He declares that he was never beaten, and when asked how he escaped this treatment makes the very significant reply, "Keeping my mouth shut." He speaks of the doctor as very fair, but attributes his weakened chest to exposure and lack of proper medical attention. He complains of being made to work in a tin factory, out of Duisburg, where the gas fumes, against which he was furnished with practically no protection, aggravated an already impaired lung condition. For an attempted escape, claimant received only four days confinement upon recapture. Claimant also attributes to these experiences astigmatism.

There is no medical evidence in this case, not even the usual certificate from a medical practitioner. Claimant's medical history files show nothing unusual, an entry appearing that pension is under consideration, for bronchitis and astigmatism, and that he had some hospitalization for rheumatic arthritis in 1916.

Claimant told a pleasingly frank story of his life in Germany, but unfortunately for his case, he has failed to show any present disability resulting from his experiences which can be regarded as maltreatment. The claim fails for lack of medical evidence to support it. I would regard the case, in any event if disability is shown, as one for the consideration of the Board of Pension Commissioners. It is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 1922—JOSEPH S. McCULLOCH

The claimant was an Imperial soldier, being a Private in the 1st and 2nd Battalions, Sherwood Foresters—Regimental number 10132. He went to France in September, 1914, at the age of 18 years. He was taken prisoner October 24, 1914, at La Bassee, in France, unwounded. He came to Canada to reside November 2, 1919. He was repatriated to England December 14, 1918, after being held prisoner for four years and 2 months. He is not in receipt of pension. He was married December 24, 1926, and has one child. Prior to enlistment, he was employed as a butcher's assistant, at a wage of about \$9 per week and board and since his discharge he was working for the Ford Motor Company at Windsor, Ontario, at six and seven dollars per day. He was laid off owing to reduction of staff and was unemployed at the date of the hearing.

While claimant was an Imperial soldier, the record reveals that he came to Canada to reside with his mother in the year 1919. As explained in opinion annexed to my Interim Report dealing with civilian cases, the date of the ratification of the Treaty of Versailles—January 10, 1920—has been taken as constitutive of jurisdiction to claim reparations in Canada. I see no good reason to apply a different rule in the case of British soldiers who took up residence in Canada prior to that date. I, therefore, find that claimant is entitled to advance his claim for reparations before this Commission.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a three-day journey to Germany in cattle trucks, his overcoat and shoes were taken from him and he was given one slice of bread and water during the journey. Was knocked full-length in a puddle of water by a guard and had to sleep soaking wet without blankets. Was tied to a post on his toes for eight hours. Forced to work 12 hours per day swinging a fourteen-pound hammer and received beatings for any letting up in the work. Then put to work draining marsh land working in water to the knees. Given eight days solitary confinement for forgetting to salute the commandant. Very cold and had no blankets though it was winter. Then placed to work in a coal mine where he received a kick in the mouth, losing one tooth. Was confined to the mine for two days without food and finally became so ill was sent to hospital with La Grippe. He now suffers from kidney trouble due to the work in the marsh bogs, suffering severely from headaches, back-aches, nervousness and a cough which might develop into tuberculosis. Also has blood in the urine and was told to come to Canada for his health.

An analysis of the evidence reveals:—

The earlier portion of claimant's case, as summarized in his statement of claim, is not borne out by his testimony before the Commission. The conditions of life and maltreatment to which he was subjected from the time he reached Hameln Camp (October 1914), is covered by his testimony. Claimant spent time at Vehnemoor, Recklinghausen and Minden camps and at farms connected therewith. Upon returning to England, on the advice of his doctors, claimant came out to Canada with his mother in the hope that the climate would be beneficial.

The medical evidence consists of a certificate of Dr. E. C. H. Windeler, who attended claimant from 1924 to 1930 for headache, pain in the back and haematuria. Dr. Windeler also declares that claimant's nervous system is highly strung and that he is a very poor sleeper.

Having regard to the long period of claimant's captivity—4 years and 3 months—and the condition in which he was upon enlistment and his condition upon discharge, as to which there is evidence in the record, I think it is a fair assumption that the maltreatment to which claimant was subjected has resulted in considerable impairment to his health. His testimony was clear and convincing and I have no reason to doubt the accuracy of his story. We have not, in this case, the advantage of claimant's medical files, but I consider that the record fully justifies an award in claimant's favour. I would, accordingly, recommend a payment to him of \$600, with interest thereon at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1923—ARTHUR GIBBONS

The claimant was a Private in the 3rd Battalion—Regimental number 10122. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a shrapnel wound in the thigh. He was repatriated to England August 25, 1915, having been released through Holland. He is in receipt of a 40 per cent disability pension, amounting to \$52.00 per month, based on the condition of his right leg and right ankle. He was married May 1, 1920, and has two children. Prior to enlistment, he was employed as a clerk with the Toronto Electric Light

Company, earning \$70.00 per month, and since his discharge has acted as Secretary-Treasurer of the Canadian Legion until May, 1928, at a salary of \$150.00 per month. From that time he has been employed as a salesman on commission, earning approximately an average of \$100.00 per month, and by the Board of Pension Commissioners as an investigator.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that owing to neglect and malpractice on the part of the German medical authorities, his right leg was either not set or was wrongly set, causing permanent shortening of the leg and loss of the use of the foot.

An analysis of the evidence reveals:—

Claimant's case is confined to malpractice on the part of the German medical authorities, which has resulted in an aggravation of the original injury, involving increased disability. Claimant was a prisoner for about four months, during which time he was in hospital at Handzame and Thourout in Belgium, and Giessen in Germany. He complains first that he received no treatment for sixteen days for his shattered thigh. He speaks of an operation at Handzame, under anaesthetic, but declares that the treatment, whatever it was, was improper. At Thourout, he accuses the attending surgeon of deliberate torture by twisting the wounded leg, declares that no splints or extensions were applied, but admits that finally, when this surgeon had been removed, apparently because of inefficiency, "they put a thing on my leg." Arrived at Giessen, the wound had healed and claimant was able to hobble about. He has no complaint as to his treatment here.

Claimant's statement, upon repatriation, which is of record, contrasts unfavourably with his testimony. In this statement, which he does not now recollect, he declares that he was well treated by the doctors. As to Thourout, he makes the same declaration and at Giessen the statement continues, "doctor here was very kind, owes his release to him." Claimant, in his testimony, remarks, "our doctors were unanimous it was the result of neglect; not only the doctors here, but the doctors in Rochester, Minnesota." There is not a scintilla of evidence in the record to substantiate this statement, nor has claimant made any attempt to establish this most important point. His unsupported testimony is certainly insufficient to prove it.

The medical record indicates that claimant received very particular attention for his injuries when he returned to Canada. Dr. F. B. Richardson, who appeared before the Commission, spoke of a very difficult and intricate operation he performed on claimant's leg in an attempt to regenerate the severed nerves, and claimant was also operated upon by Dr. Gallie, in an effort to reduce the shortening of the leg. He admits that the operation was partially successful. Dr. Richardson does not say that the condition of claimant's leg, as complainant would have us believe, indicated neglect and improper attention in the first place. It is difficult to establish months after an operation, that the original treatment was not proper and that the surgeon who performed it was guilty of malpractice, and it would require very specific and most convincing evidence to prove such a premise. Having regard to the conflict in claimant's story as told upon repatriation and his testimony given years later, I am clearly of opinion that he has completely failed to show that the medical attention given him was improper in the sense that it constitutes maltreatment as a prisoner of war. The claim, accordingly, fails and it must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1924—EDWARD HENRY HYDE

The claimant was a Private in the 3rd Battalion,—Regimental number 9796. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, suffering from a shrapnel wound in the right arm and head and a machine gun wound in the left arm. He was repatriated to England November 25, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10.00 per month, based on infected antrum. He was married September 5, 1924, and has one child. Prior to enlistment, he was employed as an electrician with the Hydro-Electric, earning about \$30.00 per week and since his discharge has been with the same company as clerk, earning \$35.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of inadequate and cruel medical attention, blows on the head causing permanent injury, starvation and exposure. The exposure aggravated the bronchitis and a nose injury is permanent.

An analysis of the evidence reveals:—

Claimant has no complaint as to his treatment in hospital for his wounds. Attached to Giessen camp, he was sent out on working parties. At a munitions factory claimant was beaten for refusing to work and asserts that he was stabbed in the arm with a bayonet. He was sent to Geisweid Iron Mines where he alleges the fumes from the furnaces have permanently injured his lungs. For an attempted escape, he was badly beaten, hit over the head with a stick, ~~spitting the head open~~, which has impaired his hearing. Claimant carries a deformed ear which he says results from an operation necessitated by injuries received on the last mentioned occasion. He served 14 days dark cells on two occasions for attempted escapes. Upon recapture after his third attempt he was hit on the nose and jaw, fracturing both, for which injury he now received a pension. He was in hospital for two weeks and then got 14 days cells. Claimant is indefinite as to his present disabilities apart from the nose and jaw. He suggests possible tuberculosis in the jaw, bronchitis, nervousness, enlargement of the heart and loss of his teeth.

The medical record indicates that claimant has sustained an injury to his upper jaw on right side and fracture of nose, injury to skull above and involvement of left ear, and suffers from bronchitis, including damage to lungs. His percentage of disability is stated at 55 per cent in his own calling and at 100 per cent in the general labour market. Dr. F. E. Watts, who certifies to the foregoing, appeared before the Commission, and expresses the opinion that claimant's condition could result from the history of the case. He speaks of impaired hearing, which is definite, antrum trouble and weakened lungs. The nervous condition may be the result of claimant's experiences—at least Dr. Watts thinks so. Claimant's medical history files would not be favourable to any claim for general debility, but no such general claim is advanced.

On the whole, having regard to the features of physical injury in evidence, whereof claimant still bears the unmistakable marks, I am of opinion that claimant has proven the elements necessary to a finding in his favour. He has shown maltreatment followed by consequent disability. I would, accordingly, recommend a payment to him of \$700.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1925—GARNET F. GREGORY

The claimant was a Private in the 4th C.M.R.—Regimental number 113264. He enlisted in 1915 at the age of 19 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 18, 1918. He is not in receipt of a disability pension, and states that he does not intend to apply therefor. He was married on October 27, 1921, and has two children. Prior to enlistment, he was a conductor on the Toronto Street Railway, at a salary of \$120.00 per month, and since his discharge has been a constable on the Toronto Police Force, at a salary of \$2,000.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of excessive work and exposure, unreasonable beatings when recaptured after attempts to escape, beatings and teeth knocked out from blows. He alleges that he has been put to heavy expense for dental work.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, as to which he has no complaints. Sent to the coal mines—K 47, for refusing to work, he was put in front of the coke ovens heavily clothed during the day and stood out in the cold at night without a coat, as a punishment. Claimant made a number of attempts to escape, all of which were unsuccessful. Upon recapture he was confined to cells and beaten, on one occasion losing two teeth. He also exhibits a scar on his shin which he says results from an injury received at this time. His identification marks on his attestation papers refer to a scar in the same position. Taxed with the discrepancy, he reaffirms that he had no scar on his shin upon enlistment. He complains chiefly of the expense he has incurred for dental treatment as a result of the loss of teeth above referred to. In other respects he appears to be in good health.

The medical record indicates that claimant has an old ulcer of the leg, recurrent, and the loss of teeth. His percentage of disability is stated at 10 per cent. Dr. F. S. Park, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, his last medical board upon discharge from the service declaring all systems normal.

It is significant that claimant did not bring forward more direct evidence from his dentist as to the condition of his mouth. The impression which he created was not entirely favourable, having regard chiefly to the alleged injury to his leg, and I would certainly require some greater corroboration before I could be convinced of the justness of his claim. Under the circumstances, without such corroboration, I am compelled to disallow the claim.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 1926—JAMES HAZLETT

Claimant was a Private in the 3rd Battalion—Regimental number 9923. He enlisted in August, 1914, at the age of 44 years, although on enlistment he stated that he was 36. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He is not in receipt of pension, although his application to the Board has been favourably considered but the amount not yet assessed. It is based on chronic arthritis and nephritis. He was married at the time of enlistment and has 3 children. His wife is now deceased. Prior to enlistment, he was employed as a steel erector, earning

\$28.80 per week, and since discharge has worked as a labourer and had various occupations, at which his average weekly earnings amount to \$28.80 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows on the head, confinement to cells, exposure and general abuse.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, via Roulers, where he remained for several months. For refusing to work he was hit with the butt of a rifle and knocked unconscious. At his next camp, Celle-lager, he was again beaten for the same reason and put in cells. His obstinacy in refusing to work, earned him further beatings at Saltau, with two periods of confinement to cells. An attempted escape, at Hameln, was unsuccessful and claimant did further time in cells. At Vehnemoor he was again beaten and put in cells for the same reason and was hit on the head with a stone. Complaint is made of exposure when claimant was drenched with water and compelled to remain soaked throughout the night. He suffers from stomach trouble, headaches and heart trouble, all of which he attributes to his experiences whilst a prisoner.

The medical record indicates that claimant suffers from combined sclerosis of cord, arteriosclerosis and hypertension, nephritis, osteo arthritis lower dorsal and lumbar and migraine. His percentage of disability is stated at 80 per cent. Dr. G. W. Loughheed, who certifies to the foregoing, did not appear before the Commission. It would appear from claimant's last medical board, upon discharge from the service, that all systems were found to be normal.

While claimant has a quite definite heart and spinal cord affection, I do not consider that this is necessarily to be attributed to his experiences as a prisoner of war. At his age, it is not unusual to find some hardening of the arteries and I would be inclined to say that this trouble did not originate in Germany. His remaining complaints, may or may not have resulted from his period of captivity. The evidence as to the headaches resulting from a blow on the head, is too vague to permit of a finding in claimant's favour. On the whole and viewing all the circumstances, I am of opinion that claimant has failed to make out a case of present disability resulting from maltreatment. His recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1927--DAVID PATRICK QUINN

Claimant was a Private in the 15th Battalion--Regimental number 27655. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, at St. Julien during the second battle of Ypres, unwounded but slightly gased. He was repatriated to England December 22, 1918. He is in receipt of a 50 per cent disability pension, amounting to \$74.50 for himself and family, based on epilepsy. He was married May 14, 1919, and has four children. Prior to enlistment, he was a prospector earning about \$5 per day and since his discharge he has been doing odd jobs and labouring, averaging from \$3 to \$14 a day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of work for 3½ years in the salt mines under conditions of the greatest severity, to which he attributes epileptic attacks from which he still suffers.

An analysis of the evidence reveals:—

After a month at Gottingen camp, claimant was transferred to the salt-petre mines in East Prussia, where he remained for the duration of his captivity, compelled to work under conditions of the greatest severity. He does not complain of any particular acts of physical abuse, but stresses the long hours of labour below ground, with insufficient food and confinement to cells. He contends that a condition of epilepsy developed under this treatment, from which he still suffers with increased frequency and intensity.

The medical evidence is contained in claimant's pension file. There was some question as to whether the seizures are true epilepsy of the idiopathic type or are the result of organic brain disease, but the opinion is expressed that these seizures date from the time claimant was a prisoner of war. The Board of Pension Commissioners had disallowed the claim to pension on the ground that epilepsy did not result from military service. This finding was reversed by the Federal Appeal Board in 1927, upon the ground that epilepsy resulting in disability is attributable to military service.

The greater part of claimant's period of service was spent as a prisoner of war in the salt-petre mines. I think that it is a fair inference that the condition of epilepsy results from the harsh and abusive conditions which existed in the salt mines. I am convinced that, even though claimant may have had some predisposition to his malady, the condition was seriously aggravated, by his treatment in Germany. Having regard to the observations contained in Opinion annexed to my report herein, and bearing in mind the pension received by claimant, I consider that he has made out a case of maltreatment resulting in disability to him. I would, accordingly, recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 1928—CYRUS ROY HALL

The claimant was a Private in the 148th Battalion—in which he enlisted in December, 1915, but he subsequently transferred to the Royal Air Force, and was an officer at the time of capture. He was taken prisoner on June 13, 1918, while engaged in an offensive airplane patrol over Germany. He was repatriated to England December 13, 1918.

The claimant does not complain of maltreatment in the ordinary sense of the word, but alleges that he has a right to be reimbursed for the seizure of cash and personal effects by the enemy, and for the expenses to which he was put in the purchase of food and transportation whilst a prisoner.

The claim is unusual, being restricted solely to property loss. While technically, the captor is not entitled to take from a prisoner his private property, I cannot regard such action as "maltreatment" within the sense of the reparation provisions of the Treaty of Versailles. Claimant may be unfortunate, as a combatant, in losing this property, but I do not see that this Commission has any mission to make good these losses. Quite apart from these considerations, however, I find the evidence insufficient to support the claim. The claimant's unsupported statement, fortified only by references as to the property he had with him, from the statements of persons who knew him, does not constitute such proof as I can accept. In my opinion, the claim fails, and is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 27, 1931.

CASE 1929—COLIN VICTOR EARLE

The claimant was a private in the 2nd Battalion—Regimental number 8205. He enlisted in August, 1914, at the age of 17 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England November 25, 1918. He is not in receipt of disability pension, but states that he has an application pending. He was married in 1921 and has two children. Prior to enlistment, he worked on the railroad in the summer and went to school in the winter, and since his discharge he has been in the employ of the Woods Manufacturing Company, at a salary of \$1,800 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of several beatings with rifle butts and bayonets and states he still has bayonet scars on his arms. He complains also that he was steamed for several hours in a steam room, also put into a cell which was not large enough to lie down in, his blankets and overcoat having been taken away from him. He alleges that he was refused medical treatment for an attack of rheumatism. He states that he suffers from back trouble, also acute rheumatism.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp and remained there, or at attached commandos, for the period of his captivity. His complaints of maltreatment relate to his experiences at the notorious Geisweid Iron Works. For refusing to work upon munitions, and persisting in such refusal, he was outrageously beaten with rifle butts, swords and even received the point of the bayonets. Unable to break down his determination not to work, claimant was thrown into a box-like cell and steam from the exhaust of a boiler forced into the room. While he was not burned by the steam, his power of resistance was seemingly broken and he consented to go to work, with, however, the intention to escape at the first opportunity. The opportunity arose shortly afterwards, and claimant though unfit to undertake so hazardous an enterprise, broke away in daylight. He was recaptured after fourteen days, in a state bordering upon delirium, taken at a farm, where his feet were frozen through exposure. He was brought back to Giessen a physical wreck and, far from receiving the medical attention which his condition demanded, was thrown into confinement barracks on bread and water. His condition was so pitiable that comrades interceded with Ambassador Gerard, of the United States, who was visiting the camp and some betterment in claimant's treatment was brought about. There is a letter in the file from Ambassador Gerard recalling the incident as one of extreme hardship, but he is, of course, unable to identify claimant as the prisoner he saw on that occasion. Claimant clearly became a marked man through his persistent refusal to work and was singled out for the most brutal of treatment. There is an abundance of corroboration in the record of the incidents related by claimant, statements of fellow prisoners, all of whom emphasize the fact that claimant was singled out for particular maltreatment. The story furnishes a striking picture of the length to which brutality and calculated cruelty could be carried.

The medical record indicates that claimant suffers from acute rheumatism, scoliosis, tenderness lumbar spine and sacral area with periodic attacks of lumbago. His percentage of disability is stated at from 10 per cent to 25 per cent. Dr. J. H. Alford, who certifies to the foregoing, appeared before the Commission and demonstrated from X-ray plates a quite definite injury to claimant's back which he describes as a lipping in the sacroiliac joint (where the spine joins the pelvis). He speaks of this condition as arthritic. Dr. Alford, from the history of the case, is of opinion that claimant's condition results from his experiences as a prisoner of war.

It seems unnecessary further to elaborate the case. I have not the slightest hesitation in finding that claimant suffers a present disability resulting from maltreatment whilst a prisoner of war. Were I to deal with the matter on a punitive basis, the award would be large, but as explained in Opinion annexed to the present report, this is not the basis upon which compensation is to be awarded. Viewing all the circumstances, I would recommend a payment to claimant of \$1,500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1933—JOHN ALEXANDER PAGE

The claimant was a Private in the 3rd Battalion—Regimental Number 9867. He enlisted in August 1914 at the age of 31 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly grazed by shrapnel on the head and suffering from gas. He was released to Holland May 2, 1918 and repatriated to England November 23, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$20.00 per month, based on chronic catarrhal otitis media. He was married at the time of enlistment and has two children. Prior to enlistment, he was employed as a bronze sprayer and gilder, earning up to \$45.00 per week, and he is now employed in the National Gallery of Canada, at a salary of \$1,680.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of enforced hard work in the stone quarries on bad and insufficient food. States that his ear injury is the result of being hit on the head while a prisoner. He now suffers with chest and ear trouble and stomach disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, thence to a stone quarry. He has little to complain of as to physical abuse here but speaks of the work as very heavy. He sustained an injury to his ear which has resulted in impaired hearing, but is unable to say how this occurred. It first became noticeable in Holland. Claimant was next in an iron mine in Hanover and complains of the heavy labour. At another mine he suffered greatly from boils due to under nourishment. Claimant's story is confused; he does not appear to remember his experiences in Germany very clearly. He now complains chiefly of a stomach condition, which he has trouble in describing, but which he attributes to lack of food whilst a prisoner.

The medical record indicates that claimant suffers from bronchitis, defective hearing, indigestion, ears discharge with attack of coryza. His percentage of disability is stated at 100 per cent in his own calling and at 10 per cent in the general labour market. Dr. J. E. Craig, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show a catarrhal condition.

Claimant, in appearance, is very healthy and robust. On his own statement, his main disability would be his stomach condition. Clearly this is a nutritional origin. As explained in Opinion annexed to the present report, this condition cannot be regarded as the result of maltreatment. Claimant has failed to discharge the burden of showing that he suffers a present disability resulting from maltreatment whilst a prisoner of war. the claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1934—FRANCIS MORIN

The claimant was a Private in the 28th Battalion—Regimental Number 73929. He enlisted in August 1914 but was attached to the strength of the 28th Battalion October 23, 1914. He was then 21 years of age. He was taken prisoner June 6, 1916, after the battle of St. Eloi, unwounded but badly shaken up by a mine explosion. He was repatriated to England November 30, 1918. He is in receipt of a 40 per cent disability pension based on tuberculosis and neurasthenia. He was married January 29, 1919, but is separated from his wife, and has no children. Prior to enlistment, he was employed as a reporter with R. G. Dun & Co., financial investigators, earning \$85.00 per month, and since his discharge, has held various positions, and is now with the Customs Department, at Ottawa, at a salary of \$130.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work 2½ years in the coal mines, excessive work, exposure and punishments. The explosion at the time of capture affected one of his ears and he is now quite deaf. In a letter written September 2, 1931, after his evidence had been taken, he submits that his deafness while probably caused by the explosion, was aggravated by tuberculosis.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp, where he remained for a few weeks, and was then sent to a coal mine at Bochum in Westphalia, where he appears to have remained for the duration of his captivity. He complains chiefly of the poor living conditions, hard work and exposure, and speaks of some physical abuse, though he declares this did him no permanent injury. To his experiences in this camp he attributes a tubercular condition, and declares that the injury to his ears became aggravated and has resulted in greater deafness than he would otherwise have had. His chest trouble first became apparent after repatriation to England. •

The medical record indicates that claimant suffers from chronic pulmonary tuberculosis and complete deafness in left ear. His percentage of disability is stated at 50 per cent in his own calling and at 100 per cent in the general labour market. Dr. A. T. Shillington, who certifies to the foregoing, appeared before the Commission. He speaks of the tubercular condition as practically arrested now, and attributes the defective hearing to the original service injuries. There is nothing in the record to show that claimant's deafness is other than of recent development. Claimant's medical files suggest that the chest condition may have originated elsewhere than in Germany.

Claimant is undoubtedly disabled as a result of service, and I would have difficulty in finding that these disabilities are attributable to any maltreatment whilst a prisoner of war were it not that he was compelled to work in the coal mines for upwards of two years. He encountered rough treatment, and, I consider, has shown that he suffers permanent injury resulting therefrom. The general evidence as to the brutal conditions which prevailed in the coal mines creates a strong presumption of maltreatment, which is strengthened by claimant's testimony. Viewing all the circumstances, I would, accordingly, recommend a payment to claimant of \$800 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 1935—MERTON EGBERT ELLSWORTH KITTREDDGE

The claimant was a private in the 13th Battalion—Regimental number 25040. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, suffering from bullet wounds in the shoulder and head and a touch of gas. He escaped from Germany into Holland December 8, 1916, and was repatriated to England December 13 of that year. He is not in receipt of pension but has an application pending. He was married May 14, 1927, and has one child. Prior to enlistment, he was employed as a draughtsman, at \$100 per month, and is now employed with the Patents and Copyrights Branch of the Canadian Government, earning \$180 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, being compelled to work in munitions and cement factories and being beaten with rifle butts and stabbed with a bayonet while so employed. He inhaled considerable lime and cement dust causing nose and throat trouble. Served several periods of solitary confinement in punishment barracks, deprived of food parcels and compelled to stand at attention for long periods. Contracted trench feet due to their being frozen and received no medical attention. Developed stomach and bowel trouble due to the food and privation. He also suffers from nervous disorders and dental trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Roulers, after receiving some medical attention at a dressing station. He received further medical attention at Roulers and was then sent by rail to Giessen camp, where he remained until June, 1915. For refusing to work in a munitions factory, he was beaten, struck with the butts of rifles and prodded with bayonet and was later compelled to work at a cement works where the hard work combined with the dust injured his nose and throat. He complains that he was struck in the face and sustained a broken nose upon two occasions. This occurred at Wetzlar. Claimant's chief complaint was that he was compelled to work when unfit to do so, suffering from numerous boils. During the summer of 1915 claimant made three unsuccessful attempts to escape, received the usual solitary confinement upon recapture and was finally successful, on his fourth attempt, in December, 1916, in getting across the Holland border. He complains that at Vordenermoor he received a blow on the chin from a guard and sustained injury to his feet as a result of cold and exposure. Upon repatriation claimant made a long statement, copy of which is of record. It is substantially in accord with the testimony given by claimant, but the actual physical abuse is not stressed to the same extent. He deals in detail with his four attempted escapes. As a result of these experiences claimant complains that he suffers from his shoulder and his feet, that his nerves are in bad condition, that his intestines and digestive tract are impaired, that he suffers from his nose and throat and has developed pyorrhea. He has also some impairment of hearing.

The medical record indicates that claimant suffers from rhinitis and pharyngitis recurring frequently, general nervous debility and gastro-intestinal distress and tender feet. His percentage of disability is stated at 70 per cent. Dr. G. O. Barelay, who certifies to the foregoing, appeared before the Commission and, in his opinion, claimant's main complaint is as to his nervous condition. He also speaks of the intestinal condition as debilitating. Dr. J. H. Alford also appeared before the Commission and stated that claimant suffers from mucous colitis, which is a condition of the large bowel. This condition, in Dr. Alford's opinion, constitutes claimant's chief disability. He is

inclined to ascribe this condition to malnutrition. He also speaks of suspected asthma, hay fever which is manifest under certain conditions and troubles claimant considerably. Claimant's medical history files indicate that he suffered from trench feet in April, 1915, that at the time of examination in 1917, there was nothing abnormal in his condition, apart from slight lameness due to trench feet.

Claimant has made a very complete case and is undoubtedly suffering disability, but the difficulty in this case is to determine whether this disability results from maltreatment at the hands of the enemy or is not more properly due to the strain and exposure which claimant underwent on his numerous attempts to escape, in which case the matter would be purely pensionable. I have carefully examined the evidence adduced as also the very long statement made by claimant upon repatriation and I am inclined to think the claimant's disabilities are not as serious as he would have us believe. In any event I have reached the conclusion that the disabilities of which he complains were not due to maltreatment whilst a prisoner of war. The claim must accordingly be disallowed.

OTTAWA, December 2, 1931.

ERROL M. McDOUGALL,
Commissioner.

CASE 1936—J. GUY KINCH

The claimant was a private in the 26th Battalion—Regimental number 69495. Apparently under the misapprehension that this Commission was dealing with the cases of all returned soldiers, he filed a claim. He did not appear at the Halifax sessions of the Commission, and, it now develops that he was not a prisoner of war. This Commission has no authority to entertain the claim, and it is, accordingly, disallowed.

OTTAWA, December 5, 1931.

ERROL M. McDOUGALL,
Commissioner.

CASE 1938—CARL FREDERICK HAMLIN

The claimant, born in Finland, in 1881, came to Canada over thirty years ago. He went back to Finland in 1914 and enlisted with the Russian Imperial Forces. He was taken prisoner by the Austrians, at Cracow, in November, 1914. When captured, he was stripped and made to stand three hours on a winter day, out of doors.

He was advised at the hearing held at Montreal May 21, 1931, that he could have no claim before this Commission because he was not a British subject during the war period and was not serving with a British unit when taken prisoner. Claimant filed a lengthy type written statement of his experiences, relating in detail the acts of maltreatment of which he complains.

Claimant alleges that he is now a British subject, but has not filed his naturalization certificate. As far as the record goes, he was not a British subject when the war broke out, nor did he serve in a British unit. I cannot see that this Commission has jurisdiction to entertain the claim. Moreover, there is nothing to corroborate the story told by claimant, nor is there any medical evidence establishing disability as a result of the treatment alleged to have been received. In these circumstances the claim fails, and must be disallowed.

OTTAWA, December 4, 1931.

ERROL M. McDOUGALL,
Commissioner.

CASE 1946--C. F. DAVISON

The claimant was a Private, but does not name the Battalion with which he served. He has not completed the usual forms nor has he furnished any information as to his period of captivity, other than contained in a letter to the Commission dated February 25, 1931. It would appear, from this letter, that claimant does not intend to press the claim. The information furnished, at all events, would not indicate that he was subjected to such maltreatment, causing disability, as would entitle him to an award. In these circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1947—LORNE ALBERT HIGGS

The claimant was a Private in the 13th Battalion—Regimental number 16844. He enlisted in August, 1914, with the 7th Battalion, at Fernie, B.C., aged 23 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He escaped from Germany late in 1916, and was repatriated to England on November 18, 1916. He is not in receipt of pension, and has no intention of applying therefor. He is married and has six children. Prior to enlistment, he was a carpenter, earning about \$3 per day, and since his discharge, has resumed the same work, at the rate of 50 cents per hour.

Claimant has not completed the usual statement of claim, but complains generally, in his testimony, of lack of food and general conditions in Germany. He declares that he feels somewhat nervous as a result of his experiences whilst a prisoner.

Taken first to Roulers and then to Giessen, claimant has little to complain of, except as to the food. He appears to have spent time at Saltau, Lichtenhorst and Vordenmoor, but does not complain of any brutality or physical violence. He made several attempts to escape and was finally successful in November, 1916. He became a marked man, with rings painted on his uniform, but escaped beatings or brutality. He complains of hard work and insufficient food but declares that beatings could be avoided if the prisoners did what they were told.

There is no medical evidence of record. Claimant does not regard himself as disabled and speaks only of some nervousness.

Clearly, claimant has failed to make out a case of maltreatment whilst a prisoner of war, and he must be under a misapprehension in presenting a claim before this Commission. I have no hesitation in disallowing the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1948—CHARLES SCARFE

The claimant was a Corporal in the Princess Patricia Canadian Light Infantry Battalion—Regimental number 77. He enlisted in August, 1914, coming to Canada from the United States to do so, at the age of 30 years. He was taken prisoner May 8, 1915, suffering with gunshot wound in the arm and gas. He was released to Switzerland in 1916 and was repatriated to England

March 25, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month based on pleurisy. He was married August 23, 1918, and has no children. Prior to enlistment, he was employed as a steel worker earning \$30 per week, and since his discharge was employed by the Toronto street cleaning department at a wage of \$28.80 per week. Was unemployed for fifteen months on account of ill-health, and since July, 1928, has been employed by the C.P.R. as crossing watchman, at a wage of \$18 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work for fourteen months digging canals, in water to the waist. He was struck in the face with a rifle butt and lost ten teeth. Was subjected to many kicks and beatings and now suffers from chronic bronchitis and the loss of teeth.

An analysis of the evidence reveals:—

Claimant is an old soldier, having seen service in South Africa. Taken to Giessen camp he has no complaints of ill-treatment. Sent to the punishment camp, at Velmemoor, he declares that his back teeth were broken by a blow from the butt of a rifle because he refused to work in rain. The recital of this occurrence is not very convincing and it is difficult to see how all his back teeth could be broken by such a blow. He alleges that he was made to work in water, digging canals and has contracted bronchitis, from which he still suffers. He complains also of being beaten at Ostenholzenmoor and became so ill that he was finally recommended for transfer to Switzerland and was released in 1916. He complains vaguely of some impairment to his hearing and towards the end of his statement also alleges that his nerves trouble him, but evidently never realized that he was so affected until he was told by the physicians at Christie Street Hospital that such was the case. Again claimant's testimony fails to carry conviction and the impression left was not favourable.

The medical record indicates that claimant suffers from chronic bronchitis and neurasthenia. His percentage of disability is stated at 100 per cent in his own calling and at 75 per cent in the general labour market. Dr. Paul M. O'Sullivan, who certifies to the foregoing, appeared before the Commission. He finds excessive nervousness as claimant's outstanding disability, wholly incapacitating him in his own line of work.

I am not convinced that claimant's present disabilities result from any maltreatment to which he was subjected whilst a prisoner of war. I would be more inclined to think that they result from service and are the natural accompaniment of advancing years. His powers of resistance were not such as to withstand the strain of general conditions during captivity. After very careful consideration I have reached the conclusion that the claim fails. It is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1949--JOHN CURTIS

Claimant was a signaller in the 4th C.M.R.—Regimental number 109290. He enlisted in September, 1914, at the age of 19 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England January 12, 1919. He is in receipt of a 100 per cent disability pension amounting to \$100 per month, based on tuberculosis. He was married October 10, 1922, and has no children. Prior to enlistment, he was an apprentice electrician, earning about \$10 per week, and after discharge was an automobile mechanic, earning \$30 per week, but finally had to give up all work on account of his health.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the coal mines where he received several beatings and was badly undernourished. As a result of this work, on starvation diet and under poor living conditions generally he developed tuberculosis, and is now permanently disabled.

An analysis of the evidence reveals:—

Claimant is one of those unfortunates who went through the coals mines in Germany, with the result that his health has been completely wrecked. He is in a pitiable condition and came before the Commission in a wheel chair, completely paralyzed and suffering from advanced tuberculosis of the lungs. Previous to his entry into the Augusta-Victoria coal mines—K-47—he was at Dulmen, where the treatment was fair. In the mines, he was beaten and made to work long hours when unwell. When rifle butts were not available, below ground, clubs and mining lamps were used to abuse the prisoners. This went on daily. Claimant lost his voice, reported sick, and for medical treatment was kicked by the doctor. He states that the mines were most unsanitary and that he was constantly inhaling coal dust. He injured his leg, which became septic, was sent to hospital and treated by a Canadian medical man as best he could. Sent to Munster and Parchim, the treatment, though rough, was not as bad as in the mines. He worked in a bush near Crefeld, and was also beaten because he could not work fast enough. From a farm he attempted to escape, was recaptured and made to serve 35 days in dark cells as a mark of special vindictiveness on the part of the officer in charge. The story is one long recital of cruelty and brutality under which it is not surprising that claimant's health was broken, with the evident results that his appearance now attests.

The medical record indicates that claimant suffers from "pulmonary tuberculosis following miner's phthisis." His percentage of disability is rated at 100 per cent. Dr. Gordon W. Armstrong, who certifies to the foregoing, appeared before the Commission and emphasized the seriousness of claimant's condition and attributes the origin of the disease directly to claimant's experiences in Germany. He cannot explain the condition of paralysis of the legs, which may possibly be tubercular neuritis. His opinion is, however, quite definite that claimant's present condition is of service origin.

On these facts, and with this evidence before me, I have no hesitation in finding that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in irreparable and permanent disability to him and is entitled to an award. Viewing all the circumstances, and taking into consideration the pension which claimant receives, I would recommend a payment to him of \$2,000 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1952—JOHN BRATTEN PETERS

The claimant was an Imperial soldier, being a private in the Buffs—East Kent Regiment—Regimental number G/20164. He came to Canada to reside in 1908, and returned to England on a visit in October, 1914. He enlisted April 17, 1915, at the age of 33 years. He was taken prisoner November 30, 1917, at Connelieu, France, wounded below the knee. He was repatriated to England in December, 1918. He was granted pension for the wounded right knee on December 11, 1919, amounting to £5-6s. This was discontinued December 24, 1921. He is unmarried. Prior to enlistment, he was employed as a farmer,

earning about \$25 per month, and since his discharge has held various positions and is now employed at a salesman, on a commission basis.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention for his wound after capture with the result that his foot became infected, hard labour, inoculations and general abuse.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for a little over a year, part of the time in hospital. While his wound was dressed at Julich, after capture, he complains that the attention was poor, but does not specify in what manner it was deficient. He was taken to Giessen, where he complains of inoculations and failure to attend to an infected toe from which he was suffering. Removed to Meschede, he complains of the use of paper bandages and poor treatment. His statement is somewhat confused, but it would appear that he was next sent to a farm and then to the Huesten Iron Foundry, where he met with an accident, falling into a hole, and injured his knee (which had been wounded). He seems to have returned to Giessen, suffering from his knee, and was made to work, but admits that he received some treatment. He was then sent to an officers' camp at Frankfort, and points to this fact as an acknowledgment that he was injured. Apart from some disability to the knee (accidental in origin) claimant speaks of "internal trouble."

The medical record indicates a number of ailments—indigestion, low blood pressure, varicocele, haemorrhoids, constipation, neurasthenia and general fatigue. This information is furnished in certificates of Dr. V. Stanley Kaufman and Dr. T. H. P. Claimant's medical history files refer to the injured knee and speak of some stiffness, which was of service or pre-war origin.

I do not think it can be said that the disabled condition of claimant's knee is attributable to maltreatment by his captors. It was accidental in origin. Claimant's remaining maladies are so general in nature,—some of them at least consistent with his age,—that I do not consider I would be justified in finding that they are the result of any maltreatment whilst a prisoner of war. Claimant's recourse, if any, would be before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERRIOL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 1953—LEONARD L. LING

The claimant was a Private in the 15th Battalion—Regimental number 27221. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a bullet wound in the left shoulder. He was repatriated to England December 24, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$19.50 per month for himself and family, based on constitutional psychopathic inferior neurosis and sciatica. He was married April 25, 1921, and has two children. Prior to enlistment, he was employed in a tin factory earning about \$15.00 per week, and since his discharge he has been employed as a messenger with the Canadian Bank of Commerce, at a salary ranging from \$800.00 to \$1,150.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work for 3½ years in the salt mines where he received numerous blows and beatings with bayonets, fists and rifle butts, and has developed nervous trouble and sciatica as a result.

An analysis of the evidence reveals:—

Claimant was one of the unfortunate prisoners who served over three years in the salt mines in Germany. Apart from a few months spent at Gottingen after his capture, and in regard to which he has no complaints, the rest of his period of captivity was spent in the Salsted salt mines under familiar conditions of excessive work and frequent beatings. He speaks generally of his treatment and does not detail the various incidents of brutality to which he was subjected. He complains that his nerves have been seriously affected and that his eyesight has been impaired.

The medical record indicates that claimant has become prematurely grey and is nervous, noises disturb him and he becomes quite shaky at times. No percentage of disability is stated. Dr. G. L. Chambers appeared before the Commission and testified to the extreme nervousness of claimant, the reflexes being much exaggerated. He is unable to attribute this condition to any cause. The medical history files show that claimant is in receipt of pension for the reasons noted.

The evidence in support of maltreatment is not very full, but I am inclined to think claimant was reluctant to enter into full details of his experiences. We have abundant testimony of conditions in the salt mines, and as explained in Opinion annexed to the present report, almost every prisoner who underwent captivity in these mines bears the marks of his treatment. I am of opinion that claimant's contention that his health was injured by the treatment given him in the salt mines has been proven. I would, accordingly, recommend a payment to him of \$600.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 1954—ROBERT ELMER STEWART

The claimant was a Sergeant in the 13th Battalion—Regimental number 24177. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, at Ypres, suffering from gunshot wounds in the chest and left shoulder, and gas. He was released to Holland, where he remained for six months, when he was repatriated to England December 18, 1918. He is in receipt of a 10 per cent disability pension, based on his injured shoulder, which amounts to \$16.00 per month. He was married January 9, 1920, and has three children. Prior to enlistment, he was employed as a driver boss with a coal company in Fernie, B.C., at \$3.50 per day, and since his discharge he was employed as a landscape gardener, at \$100.00 per month for one year, and subsequently as a contract miner, at an average wage of \$1,400.00 per year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that when first taken prisoner he was struck in the forearm and head while marching through German reservists, and that the forearm was left with two bones protruding for a long time. The arm still pains him while at work. His subsequent treatment was not especially severe.

An analysis of the evidence reveals:—

Claimant was quite badly wounded when captured. He had lain on the field of battle, unconscious, for some time. Partially regaining consciousness he attempted to reach our own lines but was intercepted by a German Patrol. While being led through a column of German reservists he was struck down

with a blow to the head with the butt of a rifle. He was also struck on the forehead by a bullet from the head and complains that he still suffers from this injury. He is also from the head injury received at that time. Claimant was taken to three dressing stations, but only received a first dressing after some time, when the German wounded had been ordered to. Passing through Staden hospital, in Belgium, claimant reached Grossa camp and also spent time at Saitan, Lieberterst and Graftenbering camps. He has no complaints as to these various camps and confines his claim for reparations to the incidents above stated which immediately followed his capture. Claimant declares that men who behaved themselves properly were not looked about but that when they looked for trouble they got it. Claimant receives a pension for his shoulder disability, but contends that his hand and arm injuries were due to deliberate acts of maltreatment for which he has received no compensation.

While the medical record indicates quite clearly an injury to the forearm which has resulted in neuritis of the radial nerve, claimant's medical files show quite a different state of affairs. He never complained of the condition of his arm and it appears that he has been constantly employed and in fact has acquired quite a reputation as a wrestler. This he could hardly do with the arm disability of which he complains. His percentage of disability is stated at the modest figure of 10 per cent. No medical testimony was adduced.

There seems to be little doubt that claimant did not put forward a bona fide case. His statement of injury to his arm with resultant disability is entirely contradicted by his medical files. In these circumstances, the claim must be disallowed.

ERROL M. McDUGALL,

Commissioner.

Ottawa, December 2, 1931

CASE 1955 PERCY R. WHITE (deceased)

The deceased was a Capt. in in the Royal Flying Corps. He enlisted in March, 1915, and was seconded to the Royal Flying Corps October 4, 1917. He was 32 years of age at the time of enlistment and was married, with one child, then living. He died of cancer of the bowel, July 24, 1921, survived by his widow and child.

The claim is now made by the widow, Florence Georgina White, who is in receipt of a 100 per cent pension amounting to \$66.67 per month. Capt. White was taken prisoner May 16, 1918, having been shot down while flying behind the enemy lines. He is reported to have been wounded in the right thigh and leg and a shot through the left wrist, at the time of capture. He was repatriated to England December 27, 1918. In applying for a pension for the cancer of the bowel it was alleged on his behalf that at the time of the crash of the aeroplane he received a severe blow in the right side from which he suffered pain continually and due to this and the bad food given him while a prisoner, he developed the cancer. It is now alleged in support of the claim for maltreatment, that a guard struck him with a rifle in the right side while he was held prisoner awaiting transfer to a prison camp on an island in the Baltic Sea. This statement is contained in an affidavit by the son of the deceased, dated in California, February 5, 1931. Prior to the war the deceased was an Assistant Lighthouse Inspector with the Department of Marine, at a salary of \$1,650.00 per annum. After his return to Canada, he was continually ill until the time of his death.

An examination of the Soldiers Civil Re-establishment file relating to Captain White was made and the result of this indicated that the Pension authorities decided that the cancer was attributable to war causes, but apart from a reference to the bad food, there was no evidence of maltreatment.

The weight of the evidence tends to show that the cancer which developed resulted from injuries received on service, if indeed that was the cause. The statement of witnesses that the late Captain White declared he had been struck in the side by a guard, does not and cannot establish that fact. Even if that so, I am of opinion that the claim would be personal to the deceased and could not be transmitted to his widow. Her claim has been dealt with by the Board of Pension Commissioners, and I am without right in making an award in this case. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 1956—FRANK J. MUNRO

The claimant was a Private in the 28th Battalion—Regimental number 48024. He enlisted on December 18, 1914 at the age of 18 years. He was taken prisoner June 6, 1916, unwounded. He was repatriated to England November 9, 1918. He is not in receipt of pension, and states that he does not intend to apply therefor. He married on March 16, 1920 and has two children. Prior to enlistment, he was employed as a Fireman, at \$100.00 per month, and is now temporarily employed as a salesman of plants and flowers, on a commission basis, from which he derives an income averaging \$16.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was stabbed in the leg for evading work, and was denied medical attention for this and other injuries.

An analysis of the evidence reveals:—

Claimant complains chiefly of his treatment at a coal mine apparently connected with Dulmen camp. He declares that, for shirking work, he was bayoneted four times in the calf of the leg by the German sentry, but no disability appears to have resulted from this injury. On another occasion his foot was accidentally injured by a coal waggon, and though troubling him he was refused medical attention and sent back to work. Again, he was beaten by a civilian blacksmith for accidentally dropping a hammer upon him. Claimant got a steel sliver in his finger and complains of the lancing he received when the arm swelled. As a result of these experiences, he complains of his stomach, his eye-sight and that his limbs slightly.

The medical record is very inadequate. Claimant files a certificate of Dr. W. C. Acheson, which merely states that there are 4 scars on claimant's leg which may have been caused as related by claimant. It is perhaps significant to note that one of the identification marks shown on claimant's attestation paper is a scar on the left leg, two inches long. The remainder of the certificate states the history given Dr. Acheson by claimant. The last medical board received by claimant does not show any disability.

In this state of the record there is nothing to substantiate the claim for reparations. Claimant has failed to establish a disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 1957—WILLIAM MAY

The claimant was a Sapper with the Canadian Engineers—Regimental number 503466. He enlisted November 27, 1915, at the age or 33 years. He was taken prisoner June 7, 1916, at St. Pierre Wood, unwounded. He was repatriated to England December 10, 1918. He is in receipt of a 75 per cent disability pension, amounting to \$75 per month for himself and his wife, based on neurasthenia. He was married December 8, 1918, and has no children. Prior to enlistment, he was employed as a miner, earning about \$4 per day, and since his discharge was employed for a time at \$90 per month, but for the past three years has been unable to work owing to the condition of his health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being confined to cells on bread and water for five days and forced to sleep on the floor without blankets or great-coat at Harvest-Vorsten. At Westerholt camp, where he worked in the mines, conditions were terrible, the latrines close to living quarters never cleaned and piled high with filth the stench being terrible. The quarters or barracks were overcrowded, had only one door and were dirty and unendurable. Two hundred and twenty-two men lived here and they were called out at midnight for roll call and paraded for two or three hours. The last man out of barracks was generally beaten with rifle butts. They were forced to stand at attention, only partially dressed, and often in the rain. Beatings with a rubber hose were common. He was given 54 days punishment on account of attempted escapes by others. Was troubled with boils on his knees, but was compelled to crawl at work in the mine tunnels, which aggravated these. One leg became so swollen he had to drag it along. Was forced to work 8 hours per day while in this condition getting only two days off during the whole time. Claims that his lungs and heart have become affected as a result of these conditions and was finally placed in hospital.

An analysis of the evidence reveals:—

Claimant's testimony bears out the foregoing summary of his statement of claim. There is filed of record statement made by claimant upon repatriation, describing in detail his experiences, which is substantially in accord with his testimony.

The medical record is contained in claimant's pension file which shows that he suffers from disordered action of the heart, which is declared to have resulted from general service conditions, "place of origin, Germany". The heart condition claimant attributes to pneumonia for which he was in hospital in Germany.

I was at the outset inclined to view this case as one purely for the Board of Pension Commissioners, but after very careful examination of the evidence, I have reached the conclusion that the arduous labour imposed upon claimant whilst a prisoner in Germany and working in coal mines, having regard to his then physical condition, was unjustified and constitutes maltreatment in the sense of the reparation provisions of the Treaty of Versailles. Disability has followed from such treatment and it results, therefore, that claimant has successfully made out a case before this Commission. I would recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 1, 1931.