

CASE 2123—ROBERT HENRY ROCK

The claimant was a Private in the 7th Battalion—Regimental number 21248. He enlisted September 23, 1914, at the age of 45 years, although from his attestation paper he would appear to have been 40. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the abdomen. He was repatriated to England November 18, 1918. He is not now in receipt of pension, having commuted it November 5, 1919. This pension was based on debility due to insufficient nourishment while a prisoner of war. He is unmarried. Prior to enlistment, he was employed as a club steward at \$150 per month and board, and since his discharge has resumed this employment, earning \$125 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 improper medical treatment, poor and inadequate food, exposure and general abuse.

An analysis of the evidence reveals:—

Claimant received treatment for his wounds at Paderborn Hospital where he remained for a period of six months. He complains that he was not properly treated but no particulars are furnished to permit of reaching a conclusion on this ground of claim. Not completely recovered, he was sent to Senne-lager and then to a camp near Essen, where he was called upon, with other prisoners, to work upon munitions. This they refused to do and were roughly handled, their Red Cross parcels denied them, and inadequate and poor rations served. Claimant was given solitary confinement and was made to stand at attention for long hours. The basis of his complaint is that he was made to work when he was unfit to do so. He complains of no particular acts of brutality and ascribes his condition of general debility and breakdown to his experiences whilst a prisoner of war.

The medical record indicates that claimant suffers from general debility and defective vision. His percentage of disability is stated at 100 per cent in his own calling and at 60 per cent in the general labour market. Dr. C. M. McDiarmid, who certifies to the foregoing, did not appear before the Commission. The medical history files show that claimant suffers from "debility due to insufficient nourishment while a prisoner of war in Germany". The condition is apparently quite general and may in part be put down to claimant's age and possible lowered power of resistance to the conditions of German camp life.

Having regard to the observations contained in Opinion annexed to the present report, I do not consider that lack of food whilst a prisoner of war, unless deliberately imposed upon a prisoner, is to be regarded as maltreatment. Claimant apparently received the same treatment, in this respect, as other prisoners. In these circumstances claimant has failed to make out a case and his claim must, accordingly, be disallowed.

OTTAWA, December 6, 1931.

ERROL M. McDOUGALL,
Commissioner.

CASE 2124—HENRY BERTRAM ARNOLD

The claimant was a Private in the 4th C.M.R.—Regimental number 109203. He enlisted in September, 1914, at the age of 32 years. He was taken prisoner June 2, 1916, unwounded. He escaped May 6, 1918, spent 6 weeks in Holland, and was repatriated to England June 11, 1918. At one time he received a small pension, amounting to \$7.50 per month, but this was commuted. He states that he applied for reinstatement. He was married in 1920 and has 4 children. Prior to enlistment, he was employed as a carpenter, earning 45 cents

per hour, and since his discharge has resumed his former trade, and earned about \$100.00 per month until about a year ago, when he engaged in farming.

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 under conditions of exposure to cold and heat which brought on pneumonia, for which he received no proper medical attention. As a result, he now suffers from chronic bronchitis, with a possibility of tuberculosis.

An analysis of the evidence reveals:—

Apart from poor food at Dulmen camp, claimant has no complaints as to his stay there of 7 weeks. At Munster he was beaten for not working as required. Placed in cells for 7 days he complains of the intense cold and lack of food. He caught cold and attributes his impaired chest condition to this punishment. On another occasion he declares that he was successively exposed to the intense heat of the blast furnaces and then sent out into the cold, when wet with perspiration, and contracted pneumonia as a result. In hospital, he complains of lack of treatment, which neglect is a factor in his present disability. For two unsuccessful attempts to escape, he was beaten and put in cells, became a marked man and was subjected to almost daily abuse. He now complains chiefly of his chest condition, with some nervous disturbance and an injury to his hip.

The medical record indicates that claimant suffers from chronic bronchitis, with some suggestion of pulmonary trouble. His percentage of disability is stated at 50 per cent. Dr. G. W. O. Dowsley, who certifies to the foregoing, appeared before the Commission. He had seen claimant for the first time about 2 months before the hearing. The chronic bronchial condition is quite definite, but Dr. Dowsley could not confirm the injury to claimant's hip, complained of. He does not consider claimant as seriously disabled and agrees that the bronchial condition may possibly have resulted from the effect of gas from which claimant was suffering when captured.

Claimant made a very comprehensive statement upon repatriation. The charges of maltreatment in this statement are much milder than those now advanced by him. While there is no serious discrepancy between the two statements, the general tenor of the earlier statement casts some doubt upon his later story. Viewing the case as a whole, I do not think I can ascribe claimant's present condition of health to maltreatment whilst a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2125—CHARLES EDWIN C. LONGSTAFF

The claimant was a Private in the 15th Battalion—Regimental number 27635. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas and a gunshot wound in the right leg. He was repatriated to England November 18, 1918, having first been released to Holland. He had been in receipt of a 10 per cent disability pension, based on the injury to his leg, but this he commuted in March, 1921. Has applied for reinstatement. He was married in January, 1915, and has no children. Prior to enlistment, he was employed as a painter and paperhanger, at a wage of 35 cents per hour for an 8 hour day, and since his discharge, he took a vocational course in watch-making, but could not earn enough at that employment, so resumed his old trade, at the rate of from 85 to 90 cents per hour. He was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of several beatings, a blow in the face which loosened his teeth, long hours standing to attention in the cold and snow, insufficiently clothed, contracted typhus, and now suffers from extreme nervous trouble, lack of ability to concentrate or do any steady work. Has had stomach disorders and suffers with chronic bronchitis.

An analysis of the evidence reveals:—

Claimant was in hospital at Magdeburg for 16 weeks following his capture. Apart from rather rough treatment, he has no complaint to offer and was satisfied with the medical treatment. He was then sent to Altengrabow camp, where he remained for over two years. Here he was beaten with horsewhips for refusing to work in the latrines, made to stand in the snow and ice for long periods because he did not work fast enough, was hit in the mouth by a German sergeant for no apparent reason, and had his teeth loosened. On a working party at Merseberg, he was struck by an officer with the flat of his sword for refusing to work, and at Wittenberg he received a thrashing with rubber hose for some minor offence. The Commandant at Altengrabow, nicknamed "the Tiger," was particularly brutal and took a joy in abusing the prisoners. Claimant contracted typhus and received no medical treatment. His complaints as to disability are quite general, chiefly relating to the condition of his nerves.

The medical record is not very complete. Dr. A. C. Norwich appeared before the Commission, but apart from declaring that claimant had been pensioned for nephritis and wound in the heel, was unable to find claimant suffering from any particular disability. He speaks of tonsillitis and astigmatism as being all he can find at the present time. Claimant's medical history files refer only to the wound in the heel which gives claimant some difficulty in walking. Otherwise he is shown to be in good condition.

While the medical evidence is not strong in support of claimant's plea of disability resulting from maltreatment, I have reached the conclusion, from a consideration of the evidence, that claimant was subjected to maltreatment which has resulted in some disability. I would, accordingly, recommend a payment to him 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 6, 1931.

CASE 2126—WILFRED HAND

The claimant was a Gunner with the Trench Mortar Battery—Regimental number 85725. He enlisted in October, 1914. He was taken prisoner June 2, 1916, unwounded but suffering from gas. He had been blown up. He was repatriated to England in November, 1918. He is in receipt of pension, amounting to \$26.00 per month, now increased by 10 per cent, based upon nervous condition. He was married in 1922 and has two children. Prior to enlistment, he was employed as a salesman, at a salary of \$22.00 per week, and since his discharge resumed this occupation, earning an average of \$45.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of cruel and improper dental treatment and beatings for refusing to do extra work. Was compelled to work in an iron foundry, attempted to escape and got the usual solitary confinement. He now suffers from extreme nervous trouble and mental preoccupation.

An analysis of the evidence shows:—

Claimant was first taken to Dulmen camp where his complaint is limited to rough and brutal dental treatment in the extraction of teeth. Apparently no

disability has resulted. At Geseke (sic) in Westphalia, claimant complains of the conditions under which he was compelled to work in a cement factory, and punishment, in the way of exposure to the weather. He has no complaint as to Celle-lager and was then sent to Opaladen (sic). He was knocked about and singled out for ill-treatment in the iron foundry. For an attempted escape, claimant received a thrashing, sustained a temporary injury to his thumb and was sent to Friederichsfeld and attached farms. Here he was not abused, and wound up in a paper mill, where he complains chiefly of the living conditions. Claimant suffers with his nerves.

There is no medical evidence of record. The Provincial Parole officer, under whose care claimant now is, appeared before the Commission and spoke generally about his nervous condition. Claimant's medical history files have not been produced.

In this state of the record it is obviously impossible to find in claimant's favour. His case, if disability should be established, is one purely for the Board of Pension Commissioners. The recital of his experiences in Germany is usual and he has failed to show any particular maltreatment which would account for the indefinite condition of health of which he now speaks. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2127—THOMAS LANGSTON

The claimant was a Private in the 7th Battalion—Regimental number 16443. He enlisted in August, 1914, at the age of 33 years. He was taken prisoner April 24, 1915, during the gas attack at St. Julien, suffering from gunshot wounds in the left thigh and left arm, and the right and left sides of the back. He was repatriated to England January 8, 1919. He is in receipt of a 20 per cent disability pension of \$28.00 per month, based on chronic nephritis. His eligibility for a pension for neuritis is under consideration. Prior to enlistment, he was employed as a fireman and labourer, earning \$90.00 per month, and since his discharge he has been engaged in farming.

He alleges that while held prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of three specific acts of brutality as follows:—

Was put to work in a coal mine and two German civilians kicked him in the small of the back. He was laid up for over a week.

In another mine, being sick he was unable to work and lay down in the shaft. An under officer flogged him with a three cornered bayonet while the mine engineer stood by with a revolver full cock. The blows cut through the coat and his back was black and blue for weeks.

At Stendal camp the medical officer gave him 3 days' release from work, but the guards refused to recognize it and beat him with the butts of rifles.

He also complains that at Roulers in Belgium a watch valued at \$23, and English money to the equivalent of \$51 was taken from him.

An analysis of the evidence reveals:—

The three incidents of maltreatment above referred to, and contained in statement of claim, are established by claimant's testimony. Apart from these incidents, claimant was placed in solitary confinement several times, and also complains of being inoculated nine times, which, he declares, was given as a punishment for attempting to escape.

The medical record indicates that claimant suffers from nephritis, debility, neuritis and wasting of the left shoulder. His percentage of disability is stated at 50 per cent. Dr. F. D. Sinclair, who furnished the certificate, did not appear before the Commission, but the claimant's pension record would appear to confirm the statement as to claimant's ailments—nephritis and neuritis.

Quite apart from the condition in regard to which claimant is in receipt of pension, I consider that the evidence supports a finding that claimant was subjected to maltreatment while a prisoner of war which has resulted in permanent disability to him. Having regard to the general observations contained in Opinion annexed to the present report, 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, November 30, 1931.

CASE 2129—JAMES McCABE

The claimant was a Corporal in the 7th Battalion—Regimental number 16497. He enlisted September 22, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England November 18, 1918. He is not in receipt of pension. He was married August 15, 1923, and has two children. Prior to enlistment, he was a seaman, and since his discharge has had practically no work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was repeatedly beaten and confined for refusing to work and suffered from exposure and confinement.

An analysis of the evidence reveals:—

Claimant's complaints are very general and stated in a confused manner. Taken to Giessen, he was apparently sent out to the Geisweid iron mines. For refusing to work, he was confined in a cell-like box over night with a steam pipe running through it, and, apparently passed a very uncomfortable night. He alleges that he was beaten into unconsciousness but furnishes no particulars. Removed to Butsbach, he served 3 months solitary confinement and was then sent to Cologne, where he underwent further imprisonment, for what reason, is not clear. For attempting to assist a fellow prisoner who was being beaten, claimant himself received a beating.

The medical record indicates that claimant suffers from haemorrhoids, chronic rheumatism, lowered blood pressure and neurasthenia. His percentage of disability in the general labour market is rated at 50 per cent. Dr. F. W. Lees, who certifies to the foregoing, did not appear before the Commission. The medical history files, upon discharge, do not show anything out of the ordinary in claimant's condition. He is declared to be in good physical condition and to be suffering from no disability.

Clearly this is a case in which claimant has failed to establish maltreatment whilst a prisoner of war resulting in disability to him. The mere fact of captivity with rough treatment is not sufficient to found a claim. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931

CASE 2130—ALEXANDER WILLIAM MacLEOD

The claimant was a Private in the 15th Battalion—Regimental number 46511. He enlisted September 4, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was repatriated to England December 22, 1918. He is in receipt of a pension of \$37.50 per month, based on chronic bronchitis. He was married September 3, 1923, and has four children. Prior to enlistment, he was employed as a boiler-maker's helper at \$2.50 per day; and since his discharge has held several positions. At the time of the hearing he was farming, no income stated.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that as a result of having to work in the salt mines, at hard labour, underfed and beaten, he contracted a bronchial condition which has depreciated his earning power.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp and then found his way to the notorious salt mines at Beienrode, where he remained for the period of his captivity. He is very frank in declaring that prisoners were not badly treated when they conformed to the rules and did the work assigned to them. He was more fortunate than many other prisoners in this mine and escaped much of the brutal treatment accorded to others. On one occasion, in a melee, after an attempted escape, he was hit in the mouth with the butt of a rifle and had two teeth knocked out. The prisoners were frequently beaten with bayonets but he appears to have been able to avoid any particular maltreatment. He complains chiefly that the conditions in the salt mines have weakened his lungs and chest and he is now unable to do any continuous work, for which condition he is in receipt of a pension as above noted.

The medical record indicates that claimant is affected by a "severe bronchial condition which disables him and interferes with any occupation he may pursue". He is also said to be suffering from chronic rheumatism and his percentage of disability is declared at 25 per cent. His condition will probably become aggravated in time.

In these circumstances, having regard to the pension which claimant is receiving and to the general observations contained in Opinion annexed to the present report, I was at first inclined to regard the case as fully dealt with on pension, but upon further consideration, bearing in mind the fact that claimant underwent the rigours of the salt mines for a long period, I have reached the conclusion that he is entitled to an award in addition to the pension received, on the ground of maltreatment whilst a prisoner of war. I would, accordingly, recommend 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 2, 1931.

CASE 2131—WILLIAM SULLIVAN

The claimant was a Private in the 46th Battalion—Regimental number 782451. He enlisted June 2, 1916, at the age of 34 years, although his attestation paper would indicate that he was 31. He was taken prisoner October 26, 1917, suffering from a scalp wound. He was repatriated to England December 2, 1918. He is not in receipt of pension, nor has he applied therefor. He is not married. Prior to enlistment, he was farming for himself, at an estimated income of \$4,000.00 per annum and since his discharge he tried to resume this occupation but was compelled to hire extra help due to his condition, which has reduced his earning capacity.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of persistent cruelty and bullying. He was injured accidentally on two occasions, was denied medical attention and compelled to continue working. He complains of severe stomach disorders due to the poor food.

An analysis of the evidence reveals:—

Claimant was the victim of two accidents whilst working as a prisoner of war in Germany. In both instances he attributes these accidents to the carelessness of his guards, but does not go the length of saying they were intentionally caused. On the first occasion, at Chateau du Roi, while loading cement blocks, the 3rd finger of his left hand was smashed. He complains that he received no adequate medical attention for this wound, but it appears that the finger was bandaged. He now has a deformed finger. Later while loading steel, a truck fell back upon him injuring his ankle, from which he still suffers. He also complains that rheumatism has resulted from the damp condition of his sleeping quarters and that he is still crippled as a result. He speaks of being knocked about, but does not attribute any disability to this treatment.

The medical record indicates that claimant suffers from "deformed third finger; defective left ankle joint; constant headaches and dizziness, following myalgia, back, shoulders and eyes," attributed to cruelty while at work as a prisoner in Germany. 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 hearing is also said to be defective. Dr. Colin McDiarmid, who certifies to the foregoing, did not appear before the Commission. Claimant's medical board, upon discharge from the army, declares him fit, without disability.

It will be observed that the injuries of which claimant complains were accidental in origin and I do not consider that, in their subsequent treatment, claimant has successfully made out a case of maltreatment whilst a prisoner of war. As to the rheumatism of which he complains, there is no medical evidence whatever. In these circumstances, I am of opinion that claimant has not proved his case. Claimant's recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2132—GAY S. JOHNSON

The claimant was a Private in the 44th Battalion—Regimental number 234715. He enlisted on April 12, 1916, at the age of 25 years. He was taken prisoner August 23, 1917, at Lens, unwounded. He was repatriated to England December 7, 1918. He is not in receipt of a disability pension, and has not applied therefor. He was married on May 8, 1925, and has three children. Prior to enlistment, he was a carpenter earning \$6.00 per day. Since his discharge he has worked on and off at his trade, 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 fallen arches, caused by being compelled to work in wooden shoes, and of being forced to work whilst suffering from an injured knee.

An analysis of the evidence reveals:—

Claimant passed through Douai and Dulmen, and, apart from food conditions, which were bad, he has no complaint of maltreatment. Sent to a mine near Essen, (Victoria Metias (sic)) he was compelled to work in wooden clogs which injured his feet, causing him intense pain at the time and leaving a dis-

ability. He also complains that having injured his knee in an accident, he was compelled to continue work, without medical attention, and still, feels the effect of this injury.

The medical record indicates that claimant suffers from a thickening of prepatellar bursa (sic) with formation of fluid when irritated by kneeling, has fallen arches in both feet. His percentage of disability is stated at 10 per cent. Dr. A. S. Simpson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical board, upon discharge from the service, declares all systems normal. It appears that prior to enlistment he suffered from flat feet and wore arch supports. The suggestion is conveyed that this condition became aggravated by the use of wooden clogs whilst a prisoner of war, but that this condition will disappear with wearing of arch supports.

The material upon which claimant bases his claim for reparation is very meagre, both as to the fact of maltreatment and as to resultant disability. I do not think it necessarily follows that the wearing of wooden shoes would destroy the arches in claimant's feet, and at all events it has not been shown that the Germans had any other footwear to give claimant. The injury to claimant's knee has not been substantiated. In this state of the record, I cannot find that claimant has made out a case of maltreatment whilst a prisoner of war, with resultant disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2133—MINARD GERALD HILL

The claimant was a Private with the 29th Battalion—Regimental number 76101. He enlisted November 9, 1914, at the age of 21 years. He was taken prisoner April 19, 1916, at Ypres, suffering with a gunshot wound in the left heel and had his back dislocated. He was repatriated to England December 26, 1918. He is not in receipt of pension. Prior to enlistment, he was an artieled apprentice Land Surveyor and Civil Engineer, at \$125.00 per month, and since his discharge has been engaged in general contracting and jobbing, income unstated.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of injuries to his back and head while with a reprisal company on the Russian front east of Riga.

An analysis of the evidence reveals:—

Claimant's story of maltreatment, centres around the experiences he underwent when sent to Libau, on the Russian front, with a reprisal company. He has no complaints to offer as to his treatment in Germany proper. At the time of his capture his back was injured, but the effects of this injury had completely disappeared before he was sent to Libau, where he remained from January, 1917, to July, 1917. The story he tells of his treatment in Russia is very harrowing and is corroborated in great measure by a fellow prisoner, (Ogilvie case 2134). Cruelly beaten, because he was unable to bear the weight of a log which he was carrying along with Ogilvie, his back was again injured. He was also made to work after his hands had been frozen. It was explained to these prisoners that they were deliberately being subjected to harsh treatment as a reprisal for reported treatment of German prisoners by the British. It is also asserted that the Canadians in the party were singled out for particularly severe handling, being regarded as mercenaries, etc. It is hardly necessary to describe in detail the treatment received, and, were it not for the corroboration furnished,

the recital would be scarcely credible. Claimant confines his claim to disability resulting from injuries to his back and head sustained on the occasion in question.

The medical record indicates that claimant suffers from pain and weakness in the back and legs, said to be due to injury. His percentage of disability is stated at 25 per cent in his own calling and at 50 per cent in the general labour market. In addition to the affidavit of Dr. McKechnie furnishing the foregoing information, there has been filed certificate of Dr. N. E. MacDougall, to the effect that claimant has sinus and antrum trouble which disables him. The medical history files contain a summary of the treatment received by claimant and Ogilvie, as related by claimant, which substantially bears out the evidence adduced. Claimant's medical history files show that claimant has a nasal obstruction, with deflected septum, and the posterior ends of the inferior turbinates are enlarged.

I have been surprised in this case that claimant was not more seriously disabled than he declares. That he was able to withstand the treatment he received without greater ill effects testifies to his original robustness and good health. In my opinion a clear case of maltreatment whilst a prisoner of war has been made out and disability resulting therefrom has been established. Viewing all the circumstances, I would recommend a payment to claimant of \$1,200.00, 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 2134—PERCY WINFIELD OGILVY

The claimant was a Private in the 29th Battalion—Regimental number 76077. He enlisted November 11, 1914, at the age of 16 years. He was taken prisoner April 19, 1916, at St. Eloi, suffering from shrapnel wound in the upper right thigh and a bullet wound through the right arm. He was repatriated to England December 15, 1918. He is in receipt of pension, amounting to \$11.25 per month, based on a heart disability. Prior to enlistment, he was a High School student, and since his discharge has held various positions as a salesman, averaging about \$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 complains of being sent with a reprisal party to the Russian front near Riga, where the treatment was brutal and cruel.

An analysis of the evidence reveals:

This claim may be regarded as a companion case to that of M. G. Hill—Case 2133. Claimant and Hill were sent to the Russian front, with a reprisal party, and received particularly violent and brutal treatment, being singled out, as Canadians, for the harshest treatment. Claimant was beaten into unconsciousness while attempting to carry a log with Hill and was left lying at the side of the road in the snow until fellow prisoners ventured to bring him in. Notwithstanding his weakened condition, he was compelled to work and received further severe beatings. No medical attention was given him until he was quite obviously unable to do anything more. The summary of his complaints above indicated, are corroborated by the testimony of Hill in his own case, and it is unnecessary further to dilate upon the cruelty and inhumanity of the treatment meted out by way of reprisal at this camp.

The medical record indicates that claimant suffers from defective vision. Dr. J. B. Anthony, who furnishes a certificate to this effect, did not appear before the Commission. Claimant's pension files show that he suffers from disordered action of the heart, for which he is in receipt of pension.

Claimant suffered particularly harsh treatment at the hands of his captors and it is not surprising that he has come out of it with a very definite heart condition. It would be difficult to credit his story of brutality, were the incidents not so clearly corroborated by the evidence of Hill. I am satisfied that claimant has substantiated his claim for disability resulting from maltreatment whilst a prisoner of war. Viewing all the circumstances, I would, accordingly, recommend a payment to claimant of \$1,200, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, November 30, 1931.

Commissioner.

CASE 2135—JAMES NOON

The claimant was an Imperial soldier, a Private in the Royal Dublin Fusiliers—Regimental number 7396. He was a Reservist who went to France in August, 1914, at the age of 18 years. He came to Canada to reside June 28, 1929. He was taken prisoner August 27, 1914, unwounded. He was repatriated to England in December, 1919, having been held prisoner for 4 years and 123 days. He was in receipt of a 20 per cent Imperial pension, amounting to ten pence per day, based on nervous disorder. This has now been cancelled. He is unmarried. Prior to enlistment he was employed as a grocery clerk and since his discharge he was farming in Canada and, at the time of the hearing, was employed as a stable groom, at \$25 per month and board.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general bad treatment, was court-martialled, suffered close confinement, bad food, was beaten and kicked and suffers from impaired stomach, headaches, rheumatism and general debility as a result of his treatment.

Claimant was advised, during the course of the hearing, that this Commission could not entertain his claim, because he had been an Imperial soldier and only came to Canada to reside in 1929. For reasons which have been explained in my report, dealing with civilian claims, the date constitutive of jurisdiction is January 10, 1920, when the Treaty of Versailles was ratified. I see no reason to apply a different principle to claimants who have been prisoners of war. Under full reserve of claimant's recourses, and without dealing with the merits of his case, I must disallow the claim before this Commission.

ERROL M. McDOUGALL,

OTTAWA, December 4, 1931.

Commissioner.

CASE 2136—A. G. WOODASON

The claimant was an Imperial soldier who came to Canada to reside in May 1921. He was a Gunner with the 110th Company Machine Gun Corps—Regimental number 108321. He enlisted at the age of 18 years and was taken prisoner March 22, 1918, wounded previous to capture, with a gunshot wound through the muscle on the left arm. He was repatriated to England in January, 1919. He is not in receipt of pension. He was married September 4, 1928, and has one child.

He complains that his wound was not treated while he was a prisoner, and a bandage which he placed on it himself was ripped off by a guard, causing it to bleed profusely. He was also compelled to work while suffering from influenza. He now has the use of his arm but it still throbs and is painful at

times. He also suffers with general weakness and headaches. He appeared before me at Toronto, April 13, 1931, and upon hearing from him the date of his arrival in Canada, several years after the close of the war, I advised him that he was without right before this Commission.

Upon further consideration, this now is confirmed, 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. As explained in my report, I would propose to adopt the same principle in 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 2137—DURBAN KIRBY WAITE

The claimant was a Private in the 24th Battalion—Regimental number 66006. He enlisted November 4, 1914, at the age of 33 years. He was taken prisoner June 2, 1916, unwounded, but suffering from gas. He was repatriated to England January 8, 1919. He is in receipt of a 10 per cent disability pension amounting to \$14 per month for himself and family, based on chronic bronchitis, mental deficiency and neurosis. He was married at the time of enlistment and has four children. Prior to enlistment he was employed as a checker in a foundry, earning \$1.50 per day, and since his return to Canada, has spent most of his time in hospital.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of receiving a blow between the shoulder blades with a rifle butt. Was struck with a stick on the left wrist and elbow while doing farm work. Has suffered from bronchitis, weakness in the wrist and arm where struck, and nervous disorders.

An analysis of the evidence reveals:

Claimant was first taken to Dulmen camp and was sent to work in the coal mines. His story is not very coherent but it would appear that he was struck and beaten, with some injury to his shoulders for which he received treatment. Later, he was at Muenster and then sent to a farm where his left arm was injured accidentally. He speaks of another assault upon him at a farm in East Prussia, when he was struck with a loaded stick on the wrist, causing injury from which he still suffers. This incident was also related by claimant upon repatriation, statement being contained in his medical files. The two statements are substantially similar. He is very confused as to later occurrences, but complains of being beaten for not working and upon recapture after an unsuccessful attempt to escape. Claimant is now undergoing treatment at St. Anne's Military Hospital for nervous condition.

The medical record indicates that claimant's symptoms are all subjective, though some weakness in left hand and arm is shown. Dr. Angrove, assistant chief medical officer at St. Anne's hospital, who furnishes the foregoing information, did not appear before the Commission. Claimant's medical files show that he suffers from bronchitis and neurosis and is mentally deficient.

Claimant's testimony was unsatisfactory and the evidence of actual physical disability resulting from maltreatment is very slight, but I have gained the impression that claimant was subjected to maltreatment, the results whereof

have left some permanent injury. His story coincides closely with the statement made by him upon repatriation, and I am inclined to give him the benefit of any doubt there may be. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from the 10th of January, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 1, 1931.

Commissioner.

CASE 2137—HARRY STEWART LEWIS

The above named was a 2nd Lieutenant attached to the Royal Air Force, formerly R.C.H.A., Regimental number 5956. He enlisted in August, 1914, at the age of 21 years. He was shot down while flying behind the German lines, the exact date unknown, but probably about April 6, 1918. When taken prisoner he had gunshot wounds in the legs and burns on the hands and face. He died while a prisoner, and the claim is now made by his mother, Margaret Annie Lewis, who was partially dependent upon him for support. From a letter, filed as an exhibit, it appears that Lewis only lived about 4 days after capture, and the writer of the letter gives it as his opinion that had the deceased come down behind the British lines he would have lived. It is inferred that the Germans did not give him the proper care and attention. The German doctor stated that pneumonia was the cause of death, but it is claimed that he died of neglect. Prior to enlistment, he had been employed as a clerk in a hardware store, earning \$75 per month.

The mother now claims damages for the loss of the life of her son, upon whom she was partially dependent, alleging that he died because of neglect and lack of care while lying wounded as a prisoner in the hands of the enemy.

Unfortunately this is not a claim in which I can assume jurisdiction. Claimant's son lost his life through wounds incurred on service and there is no evidence of maltreatment whilst a prisoner of war. The Treaty of Versailles—reparations provisions—does not cover a claim on behalf of a dependent mother in such circumstances. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2139—GEORGE POUND

Claimant was a Private in the 3rd Battalion—Regimental number 9706. He enlisted in August, 1914, at the age of 42 years, although upon enlistment he gave his age as 37. He was taken prisoner April 24th, 1915, during the Second Battle of Ypres, unwounded. He was repatriated to England January 1, 1919. He was in receipt of a pension of \$13 per month, based upon haemorrhoids, but this was discontinued, in 1921. He now has an application pending for reinstatement. Prior to enlistment, he was employed as a brick-layer, earning \$25 per week and after his discharge he resumed his trade, earning from \$8 to \$15 per day but has been unable to work for the past three years owing to the state 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 compelled to work while ill and of being beaten over the back and ribs, resulting in a fractured rib; that he was compelled to work in the salt mines for 22 months. He now suffers from nervous debility and mental disorder.

An analysis of the evidence reveals:

Claimant was a man of 43 years when taken prisoner. He spent the first nine months at Giessen camp. For refusing to work, he was threatened with being shot, but otherwise was not maltreated. Sent to work on the moors, he was beaten by the guards, because he was unable to keep up with the work of carrying sods, being ill. This incident is corroborated by the evidence of a fellow prisoner who declares the beating was stopped by the intervention of a German doctor. Claimant was about six weeks in hospital as a result and contends that he sustained a fractured rib on the occasion in question. He was then sent to work in salt mines (unnamed) where he spent 22 months. The treatment was very bad, he was beaten for refusing to work on Sunday. Claimant complains chiefly of his nerves, sore back and a catarrhal condition which he ascribes to his work in the salt mines.

The medical record indicates that claimant suffers from dizziness and is highly nervous, which conditions are growing worse. 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. V. Edmonds, who certifies to the foregoing, did not appear before the Commission. In claimant's medical file is contained a statement made by him upon repatriation which is substantially in accord with his testimony. Apart from haemorrhoids, for which he was in receipt of pension, there is nothing unusual on his file.

It must be borne in mind that claimant is no longer young and that advancing years will bring no alleviation to his condition. The record tends to show some mental unbalance in claimant, particularly as to his domestic relations, but this is not ascribed to his war experiences. Viewing the case as a whole and having regard to the time spent by claimant in the salt mines, I consider that he has made out a case of some disability resulting from maltreatment whilst 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 2140—SAMUEL CHARLES McCONAGHY, M.M.

The claimant was a Gunner with the 1st Canadian Division Ammunition Column—Regimental number 43752. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner June 2, 1916, at Ypres, unwounded. He escaped into Holland February 16, 1918, and was repatriated to England, March 20, 1918.—He is now in receipt of a 70 per cent disability pension, amounting to \$80.50 per month, based on Diabetes Mellitus. He was married April 24, 1922, and has one child. Prior to enlistment, he was employed as an oiler and helper on machines in a lumber yard, also as a freight handler, earning \$10 per week, and since his discharge tried various jobs at wages ranging from \$25 per week to 40 cents per hour. Had to give up work frequently owing to ill health, and recently has secured a position with the Post Office, earning \$1,080 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to stand at attention for long periods, starvation, abuse, heavy labour and lack of medical attention.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Dulmen and Engers prison camps. From the latter he escaped. He was at Dulmen for 6 weeks and has nothing to

complain of except as to the food. At Engers, a particularly brutal guard made life miserable for the prisoners, and claimant received numerous kicks and blows, which, however, he admits have left no permanent disability. He complains that the treatment for boils, from which he, with others, suffered, was very cruel. The boils were lanced and left open without dressings. The familiar punishment of standing the prisoners to attention for long hours was also resorted to and confinement to cells was claimant's lot for an unsuccessful attempt to escape. The confinement was so severe, with no food and scarcely any water that claimant collapsed upon his release from cells. The only disability stressed by claimant is diabetes which he ascribes to his experience whilst a prisoner. It is for this condition that he receives pension. Upon repatriation, claimant made a statement to the authorities, a printed copy whereof is of record. In this statement he speaks of no particular acts of brutality but refers to the food shortage as cruel and complains of the long hours of work. This statement is milder in its condemnation of prison conditions and treatment than is the testimony of claimant before this Commission.

The medical record indicates that claimant suffers from diabetes mellitus. His percentage of disability is stated at 90 per cent. Dr. T. M. Savage, of Guelph, Ont., who certifies to the foregoing, did not appear before the Commission, but supplemented his certificate by a letter showing that claimant's condition was very serious when he became one of Dr. Banting's original cases under insulin treatment. Dr. Savage attributes claimant's impaired health to the conditions under which he was forced to live and work whilst a prisoner of war in Germany.

In view of the statement made by claimant upon repatriation, when events were fresh in his mind, I do not consider that he has succeeded in showing that the disability of which he now complains, can be said to result from maltreatment. His recourse is before the Board of Pension Commissioners. The claim, must, accordingly be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, '931.

CASE 2142—JOHN GOURLAY

The claimant was a Corporal in the 2nd Battalion—Regimental number 7972. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, suffering from a bullet wound in the left forearm. He was released to Holland in March, 1918, and repatriated to England, November 18 of that same year. He is in receipt of a 10 per cent disability pension amounting to \$13 per month for himself and family, based on the bullet wound in his left arm. He was married at the time of enlistment and has two children. Prior to enlistment, he was a practising architect making about \$100 per month, and at the present time is in the employ of the Ontario Government, as draughtsman, at \$190 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while compelled to work behind the German lines, he received shrapnel wounds in the head and chest and is now troubled with dizzy spells and gas around the heart as a result. He was kicked and beaten for not working when too ill to do so.

An analysis of the evidence reveals:—

There seems to be some confusion as to the wounds claimant received before and after capture. He was first wounded on April 24, and picked up on the 26th by the Germans. He received a pension for gunshot wound in the left forearm.

He himself tells us that he was wounded through the back and shoulder, and suggests that it was maltreatment on the part of the Germans to place him in a small hut behind the firing lines, where he was hit by one of our own shells. There is no merit in this contention. All claimant's wounds must be regarded as received in combat. Claimant was taken to hospital at Roulers where he received treatment. Transferred to Abbeville he received further treatment, as to which he has no complaint. He was then sent to Muenster No. 2, where he remained until repatriated to Holland. The first six months in hospital was without incident. Claimant then appears to have been fortunate in being given light work in the post office and has no complaint of any physical abuse. His claim is confined to impaired health due to poor food. He suffers from his nerves, his digestion and headaches, all of which he ascribes to his experiences whilst a prisoner.

The medical record indicates that claimant suffers from general debility. His percentage of disability is stated at 25 per cent. Dr. K. J. MacMillan, who certifies to the foregoing very general condition, did not appear before the Commission. Claimant's medical history files deal only with his wounds, his general condition being declared normal.

Clearly this is a case solely within the scope of the activities of the Board of Pension Commissioners. The claim should not have been advanced before this Commission. The evidence of treatment in Germany is on the whole good and cannot certainly qualify as maltreatment. Claimant's disabilities, if any, are of nutritional origin, and, as explained in Opinion annexed to the present report, cannot be regarded as the result of maltreatment. The claim is, accordingly, disallowed.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2144—HENRY WILLIAM PAGE

The claimant was a Sergeant in the 15th Battalion—Regimental number 27561. He enlisted in August, 1914, at the age of 35 years. He was taken prisoner April 24, 1915, during the second battle of Ypres suffering from a gunshot wound in the side of the face. He was released to Switzerland in August, 1916, and was repatriated to England June 15, 1918. He is in receipt of pension amounting to \$15 per month, based on defective hearing, caused by gunshot wound. He was married December 23, 1922, and has no children. Prior to enlistment, he held various positions as a mechanic, earning up to forty-five cents per hour, and he is at present employed as a machine operator, earning \$31 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of various punishments including beatings, solitary confinement, being compelled to stand at attention in all weathers, unsanitary living conditions, which have resulted in tubercular glands and pulmonary tuberculosis.

An analysis of the evidence reveals:—

Claimant was gravely wounded through the head when captured. He was taken to Roulers hospital where he received some medical attention and was then transferred to hospital at Magdeburg where he remained three to four months. He has no complaints as to his treatment in hospital. Sent to Altongrabow, he was not made to work, but complains of long hours of standing at attention in the sun, and generally being kicked and abused. He also complains bitterly of the living conditions, which were congested, dirty and unsanitary. Claimant was then sent to Mannheim for three months and finally

transferred to Switzerland. Apart from deafness in one ear—the result of his wound—for which he receives pension, claimant asserts that his treatment in Germany brought on tuberculosis for which he was treated in Switzerland and, while the disease has been arrested, he regards himself as disabled thereby. He suffers from bronchitis and his nerves. The medical record indicates that claimant had or has tubercular glands in the neck (cervical), tuberculosis in chest producing chronic bronchitis (T.B. arrested), and is totally deaf in right ear. His percentage of disability is stated at 80 per cent in his own calling, and at 100 per cent in the general labour market. Dr. Sterling L. Spicer, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files are quite complete, showing the injured ear and the tubercular condition, which is arrested.

Claimant confines his complaints to the tubercular condition. As I read the evidence and documents of record, this condition is consequent upon general living conditions in Germany and cannot be ascribed to any particular acts of maltreatment. Besides, upon claimant's own statement, he apparently suffers no disability therefrom. As explained in Opinion annexed to the present report, the state of facts disclosed does not constitute maltreatment. Claimant's recourse, if any, for the condition of tuberculosis, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2145—JOHN THOMAS FELLOWS

The claimant was a Corporal in the 15th Battalion—Regimental number 27152. He enlisted in August, 1914, at the age of 30 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 July, 1918, and was repatriated to England November 18 of that year. He is not in receipt of pension, but has an application pending before the board. He was married September 12, 1930, and has no children. Prior to enlistment, he was a resident engineer constructing a gas works, earning \$25 per week and expenses, and since his discharge has been a draftsman with the Consumers Gas Company, at \$42 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work while unfit and being compelled to stand at attention. Received a blow in the chest with a rifle butt splintering the rib. Developed goitre while a prisoner and now suffers from stomach disorders, nervous condition and general debility.

An analysis of the evidence reveals:—

Claimant was a prisoner in Gottingen camp for more than a year. He states that he became poisoned by bad food and while suffering from this condition was made to work. As an N.C.O., the work was not heavy but it is claimant's contention that his health was permanently impaired thereby. Sent to Cassel, he worked in the bush cutting wood and later spent time at Sultau, Hestenmoor and Aachen camps. His only complaint of brutality is that on one occasion he was struck on the chest with the butt of a rifle, sustaining a splintered rib, which caused him great pain, but has apparently left no disability. The treatment so received has affected his nerves and induced a goitre, for which he underwent an operation, upon his return to Canada. He also complains of piles.

The medical record indicates that claimant suffers from exophthalmic goitre (operated July, 1923), general sinusitis, piles and varicose veins left leg. His percentage of disability is stated at 50 per cent in his own calling and at 90 per cent in the general labour market. Dr. F. R. Scott, who certifies to the foregoing, did not appear before the Commission. Claimant's last medical board upon discharge from the service, declares "all systems normal."

It does not follow from the evidence of record, that the goitre from which claimant suffers had its origin in Germany, due to maltreatment, nor has claimant established the connexity between his alleged nervous condition and treatment during his period of captivity. Even were this point satisfactorily proven, I am not convinced that goitre is the result of maltreatment. On the whole, I do not consider that claimant has succeeded in making out a case before this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

Commissioner.

CASE 2147—ROLFE BORROW WELCH

The claimant was a Private in the 3rd Battalion,—Regimental number 9843. He enlisted in 1914 at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England on January 11, 1919. He is in receipt of disability pension, amounting to \$19.50 per month, including allowances for his family, based on "neurosis". He was married on July 22, 1922, and has two children. Prior to enlistment, he was employed as a blue print developer, at a salary of \$14 per week, and since his discharge has been employed as a Postal Clerk, at a salary of \$1,740 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was continually beaten because of his output of work. He also complains of insufficient food and clothing. He alleges a nervous condition, and chest and stomach trouble.

An analysis of the evidence reveals:—

For the first 2½ years of his captivity, which claimant spent at Giessen and Bohinte camps and attached farms, claimant has little to complain of, except as to the heavy work and poor food. Finally he was sent to an iron foundry, at a place which he refers to as Georgian Mary's factory. Here he was employed unloading iron ore, very heavy work, and was constantly beaten because he could not accomplish his quota. He complains that he was even made to work on Sundays, and also protests that he was compelled to wear wooden clogs and did not have sufficient clothing. He does not detail the physical abuse to which he was subjected, but contends that, as a result of his experiences at this foundry, his nerves have suffered and that he has a chest condition.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual, apart from the notation that he is in receipt of pension for neurosis.

In this state of the record, without medical evidence to support claimant's application, it is impossible to find in his favour. The only corroborative evidence of disability is the fact that he receives a pension, and I do not think that I am at liberty to infer that the condition for which he is pensioned necessarily results from maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2148—GEORGE HENRY WALLACE

The claimant was a Private in the Fourth Canadian Mounted Rifles—Regimental No. 109657. He enlisted in November, 1914, at the age of 26 years and was taken prisoner June 2, 1916, slightly wounded by shrapnel in the right arm. He was repatriated to Holland in May, 1918, and to England in November, 1918. He is not in receipt of pension. Claimant was married before enlistment and now has three children. Prior to enlistment, he was employed in a wire cable works at Hamilton, Ontario, earning about \$11 a week. He is engaged in the same employment at the present time, earning about 50 cents an hour when working. In all he earns from \$12 to \$14 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 chiefly of having had to work in coal mines for about six months, where his health broke down, that he was hit on the head and beaten until he was black and blue. He complains of the condition of his nerves as a result of his experiences in Germany.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he remained about three months. Apart from poor food and starvation, he has no complaint to make. He was then transferred to Minden, where he remained for 12 months, and was made to work building the embankment of a canal. At a kommando to which he was sent near Essen, working in a coal mine, he received some physical brutality. Struck by the sergeant in charge, he engaged in a scuffle with him and was struck on the head with a shovel in the hands of the guard. He received no medical attention for this wound although he had a gash in his head, and was denied the privilege of seeing a doctor. On another occasion, while in the bath house, he was hit in the stomach with a rifle and about the back and shoulders. He does not complain of any particular disabilities resulting from these beatings, but says that shortly afterwards he developed a pain in the back which still troubles him. Apparently claimant became a marked man and was given punishment of standing to attention for long hours and, although suffering at the time, was refused medical attention. He complains only about the condition of his nerves and is rather vague as to precisely in what manner they have been affected by his experiences in Germany. It rather appears as though his main trouble is fear of the future.

The medical record indicates that claimant suffers from neurasthenia. His percentage of disability is stated at 33½ per cent in his own calling and at 50 per cent in the general labour market. Dr. James C. Copp, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files reveal nothing unusual, some reference being made to a condition of general debility, upon examination in England.

In this state of the record, it is difficult to arrive at the conclusion that claimant was subjected to maltreatment whilst a prisoner in Germany, which has resulted in permanent disability to him. The physical abuse to which he was subjected does not appear to have left any permanent disability and his claim is not based upon an injury to his back, but is purely in respect of his nerves. If he suffers disability from this condition, as stated in the medical certificate produced, I regard this as due to the general conditions of camp life in Germany and, provided claimant can establish some impairment to his health, his claim should receive consideration at the hands of the Board of Pension Commissioners. As far as this Commission is concerned, I am of opinion that he has failed to make out a case. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2149—JAMES THOMAS COX

The claimant was a Private in the 15th Battalion—Regimental number 27022. He enlisted in 1914 at the age of 38 years. He was taken prisoner 24th April, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was repatriated to England on the 8th January, 1919. He is in receipt of disability pension of \$20 per month, including wife's allowance, based on "defective hearing". He is married, with two grown-up children. Prior to enlistment he was a yard foreman earning \$12 per week. Since his discharge he has been doing casual labouring jobs, but he was at the time of the hearing, out of employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that as a result of refusing to work he was beaten and struck on the head. Later he was tied to a boiler door till he fainted and was generally abused and ill treated.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, as to which he has no complaint. Sent on a working party to a silver mine, he was badly beaten for refusing to work and struck behind the ear with the butt of a rifle, to which blow he attributes his present deafness. He was transferred to Lichtenhorst, where he remained about one year. He was not beaten and has no particular complaints to make. At a sugar factory, he was punished for being unable to work, through weakness, by being tied to a boiler door until he collapsed. He was revived by water from a hose and continued to work. At Bohinte claimant was tied to a post for 10 hours for again refusing to work. He completed his term of captivity at a farm where conditions were better. He complains of his hearing and impaired stomach condition.

Claimant's medical history files show impaired hearing, for which he receives pension. While he has not produced any other medical evidence, the fact of his deafness was quite evident at the hearing.

I see no reason to doubt claimant's account of his treatment at the silver mines, and, with the definite fact of disability so apparent, I consider that he has been successful in establishing the connexity between his impaired hearing and his treatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$800, with interest thereon, at the rate of 5 per cent per annum, from the 10th of January, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2150—ALFRED THOMPSON

The claimant was a Private in the 4th C.M.R.—Regimental number 109642. He enlisted in October 1914 at the age of 16 years, though his attestation paper indicates that he was twenty. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of pension and has made no application therefor. He was married in April 1919 and has one child and was expecting a second at the time of the hearing. Prior to enlistment, he was working as a boy around a garage, earning \$6 per week and at the time of the hearing was a member of the Toronto Police force earning about \$40 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of harsh treatment in a coal mine where he was beaten and struck, with injury to his leg, injury to his thumb through carelessness of a guard and had to work in the coke ovens on Sunday, until his hands were raw.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen Camp, where he remained two or three months. He has no complaints of his treatment here, except as to lack of food. Sent to the coal mines—K-47—(Recklinghausen) for 7 months he was subjected to long hours of standing to attention for refusing to work. Finally compelled to do so, claimant was sent down in the mines, where he speaks of the work and treatment as brutal. On one occasion he was struck by a guard and retaliated, with the result that the sentry was called, who, claimant declares, struck him across the shin bone with his rifle, skinning the bone, down the leg. Placed in cells, he was again beaten with a rubber hose and made to continue working. He was finally sent to hospital where he remained for eight months, narrowly escaping the loss of his leg. The recital of this incident, so stressed by claimant, does not agree with his account of the occurrence appearing in his medical files. For purpose of comparison, I quote the entry there appearing as follows: "In September 1917 while a prisoner in Germany working in mine a log fell and hit him on right shin and wound did not heal for eight months. Has broken open several times since. Gives him pain when walks much." Taxed with this inconsistency in the two stories, claimant does not furnish a satisfactory explanation. Continuing with his experiences, claimant refers to an injury to his thumb, which was accidental, and charges that the German doctor ripped the nail off without anaesthetic. When asked as to his disabilities, he confines his complaints to the condition of his leg.

The medical record indicates that claimant has a large scar on leg in front of tibia, skin is very thin. His percentage of disability is stated at 50 per cent in his own calling and at 75 per cent in the general labour market. Dr. C. S. H. Henderson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files, apart from the leg injury referred to, contain nothing unusual.

In cases such as these, when we are compelled to rely upon the good faith of claimants in recounting their experiences and have very little opportunity of checking the accuracy of the statements made, a contradiction such as shown above must seriously damage a claimant's credibility. I believe that the injury complained of was accidental in origin and was not due to maltreatment by the guards. Claimant has, therefore, failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2160—ALBERT THOMAS MILLS

The claimant was a Corporal in the 4th C.M.R.—Regimental No. 113398. He enlisted in July 1915 at the age of 20 years. He was taken prisoner June 4, 1916, suffering from shrapnel wounds in the right shin and right thumb. He was sent to Holland in June 1918, and repatriated to England November 18, 1918. He is not in receipt of disability pension, and states that he does not intend to apply therefor. He was married in November 1923 and has no children. Prior to enlistment, he was a steamfitter, and since his discharge has been a policeman on the Toronto Police Force, at a salary of \$42 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he did not receive proper attention for his wounds, injury to feet from compulsory wearing of wooden clogs, general abuse and that his tonsils were removed without an anaesthetic.

An analysis of the evidence reveals:—

Claimant spent two years at Gies-en camp, the first 3 months whereof in hospital. He complains of lack of medical attention to his wounded thumb. His main complaint is that his boots were taken away from him and he was compelled to wear wooden clogs, which has resulted in permanent injury to his feet—ingrown toe-nails on great toes, from which he still suffers. He also speaks of some chest trouble. In general, his complaints of physical brutality are not considerable. While he was hit and beaten, no disability resulted therefrom. For unsuccessful attempts to escape, he received the usual solitary confinement. Since his return to Canada, claimant has undergone two operations upon his toes. He suffers also, periodically with his stomach.

The medical record indicates that claimant had ingrown toe-nails—both great toes—necessitating cutting out of each nail, and suffers from bronchitis. His percentage of disability is stated at 10 per cent in his own calling and at 50 per cent in the general labour market. Dr. Fred C. Marlow, 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.

I can see no reason for the assertion of this claim before this Commission. If claimant has suffered the disability claimed, the proper forum for redress is the Board of Pension Commissioners. He is apparently under the common misapprehension that this Commission has been set up to supplement or increase awards made by the Pensions Board. The claim fails, and is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2161—WILFRED MORRISON

The claimant was a private in the 4th Canadian Mounted Rifles,—regimental number 109506. He enlisted in September 1914 at the age of 21 years, was taken prisoner June 2, 1916, unwounded. He was repatriated to England in December 1918. He is not in receipt of pension, but has made application therefor. Claimant was married on June 4, 1919, and has one child. Prior to enlistment, he was employed in railroading, as a car checker, and earned \$60 a month. He is now with the Brewers Warehouse Association, and earns \$25 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 made to work in the coal mines, contracted blood poisoning in his finger and through lack of medical attention and deliberate intent to maim, he has a permanent'y stiff finger. He also complains of the punishment given him for attempts to escape.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen Camp, as to which he has no complaints. Sent to a stone quarry near Friedrichfeld, he escaped, was recaptured, beaten and served 14 days in cells at Munster. Sent to coal mines at Lunen, for refusing to work, he was ill-treated, placed in a room with the steam on, until compelled to consent to work. In the mines he poisoned his finger, was denied treatment, compelled to work and finally, after 10 days, was admitted to hospital and underwent an operation. The hand began to heal, but claimant charges that a nurse cut the cord during a dressing and then laughed at claimant. To this treatment, he attributes a permanently disabled finger. Claimant's statements, made upon repatriation, and appearing in his medical files, are in substantial accord with his testimony. As to the rest of his period of captivity, claimant speaks of general rough treatment but does not claim any disability resulting therefrom.

He admits he is not seriously disabled. For a second attempt to escape he was again beaten and given cells.

The medical record indicates that claimant has an anklyosis of the 1st and 2nd joints of left index finger. His percentage of disability is stated at 10 per cent. Dr. C. S. Henderson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files contain a full statement as to the cause of the injury to his finger.

Claimant is in good health and confines his complaint to the disability to his finger. I have read the evidence very carefully relating to the alleged cause of this disability, and, without in any way wishing to doubt claimant's version, I think there is great doubt as to whether the injury was intentional. I am inclined to think it was accidental and while it may be classed as an act of gross carelessness on the part of the nurse, I would require more positive evidence to reach a finding that it was deliberate maltreatment. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2162—GEORGE DRAPER

The claimant was a Private in the 4th C.M.R.—Regimental number 109120. He enlisted in November, 1914, at the age of 23 years and was taken prisoner June 2, 1916, unwounded. Repatriated to England in December, 1918, he is in receipt of a disability pension amounting to \$24 per month, based on neurasthenia. He is married and has seven children. Prior to enlistment, he was employed as a screen man for a Brick Company, at the rate of pay of \$12 per week and house. Since his discharge, he has been employed on sign construction work, at the rate of \$27 per week, but he is at present unemployed.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the food conditions, that he was twice beaten and rendered unconscious, and stabbed with a bayonet.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he spent six weeks under conditions of inadequate food. He was then sent to the notorious K-47 camp, attached to Dulmen, where he remained 18 months. He was beaten into unconsciousness with a rubber hose because he could not understand the guards, and again beaten with a rifle butt about the body and legs until he collapsed. As a result he was in hospital for eight weeks, his legs being so weak he could not stand on them. He was made to stand to attention and placed in front of the coke ovens as a punishment for not completing the work assigned to him. He spent six weeks in Munster hospital, and was then sent to K-147, for a year. Here, for refusing to work he was beaten, confined to cells and on one occasion stabbed with a bayonet by a guard because he resented the action of a woman on the street who spat in his face. He complains of his nerves, pains in head, dizziness and impaired hearing, all of which he ascribes to his experience in Germany.

The medical record indicates that claimant suffers from neurasthenia and that his hearing is impaired from inner ear injury. His percentage of disability is stated at 100 per cent. Dr. F. S. Park, who certifies to the foregoing, did not appear before the Commission. From an examination of claimant's medical files, it would appear that the above statement of disability is somewhat exaggerated, but it is clear that claimant's health is impaired, his nervous system chiefly being affected.

Claimant's testimony was given in a frank and convincing manner and I have no reason to doubt the accuracy of the statements made or that injury resulted from the treatment given him. He has, therefore, met the requirements of showing some present disability resulting from maltreatment whilst a prisoner of war. I would recommend a 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 1, 1931.

CASE 2163—ROBERT BROWN

The claimant was a Private in the 15th Battalion—Regimental number 27867. He enlisted in August, 1914, at the age of 44 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, slightly gassed, but states that shortly previous to his capture he had fallen in the trench and sustained a broken breastbone and a rupture. He was repatriated to England December 22, 1918. He is in receipt of disability pension, amounting to \$11.50 per month, based on "conjunctivitis and right bubonocoele." He is married and has four children, three over the age of twenty-one years, and one aged 11 years. Prior to enlistment, he was checker in a Carpet Works, earning \$12 per week. Since his discharge he has been employed as a musician at \$45 per week, then as an attendant at a hospital, at \$44 per month, but at the time of the hearing was out of employment.

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 given no medical attention for his wounds nor for bronchitis and catarrh, which he contracted as a result of exposure whilst at work, and that in consequence his hearing has become impaired and the tear duct of one eye is affected.

An analysis of the evidence reveals:—

Claimant is an old soldier, having served in the South African war and the Zululand campaign, of 1888. He spent the first year of his captivity at Gottingen camp, working on the building of roads. His only complaint is that he received no medical attention for his injured chest and hernia, but was made to work, which aggravated the condition. He was next sent to Cassel and Langensalza camps. The heavy labour in lumbering work and exposure to the weather and continued refusal of medical attention are claimant's grievances at these camps. He complains of colds and deafness with some eye affection. Claimant's defective hearing was never reported during his medical examinations.

The medical record indicates that claimant suffers from bronchitis and nasal catarrh, with deafness; has broken breast bone and inguinal hernia, lacrymal infection and obstruction nasal duct. His percentage of disability is stated at 50 per cent. Dr. Frank Abbott, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are very complete. The chest injury and hernia were sustained before capture, due to a fall. The eye condition which developed in Germany is ascribed possibly to claimant's prewar occupation. There is no mention of any ear trouble.

Claimant is no longer young and must expect the usual diminishment of vigour which accompanies advancing years. I cannot say, from the evidence, that he has shown any aggravation of his injuries as the result of any maltreatment whilst a prisoner of war. His impairment of hearing, as far as I can

learn, is not shown to be the result of ill-treatment. Viewing all the circumstances, I do not consider that claimant has established any connexion between his present condition and his experiences in Germany. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 2164—HARVEY WALLACE

The claimant was a Sapper in the 2nd Canadian Tunnelling Co. He enlisted in September, 1915, at the age of 37,—Regimental No. 503211. He was taken prisoner June 2, 1916, at Mount Sorrel, unwounded, but had been gassed a few days previously. He was repatriated to England from Holland on November 18, 1918. He is not in receipt of pension, and has not applied therefor. He was married on July 7, 1919, and has one child. Prior to enlistment, he was engaged as a miner, earning not less than \$1,800 per annum. Since his discharge he has been engaged in various occupations, including a period of four years at his former occupation of mining, at \$5.30 per day, and is now employed as Club Steward for the Vancouver Branch of the Canadian Legion, 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 of rheumatism, nervous debility, and loss of memory, induced by brutality, neglect, exposure and general ill treatment. He states that his health has been so undermined that he will never again be able to earn his living in his proper occupation, that of miner.

An analysis of the evidence reveals:—

The complaint in this case is general and relates to living conditions, poor food and minor punishment. Although a non-commissioned officer, his rank had not been confirmed and he was exposed to rough handling for refusing to work. He has no complaint as to Dulmen camp, but complains of rough treatment at Pruschius where he was made to stand at attention for long periods. Refusal to give the prisoners their parcels is another bitter complaint. At Ayrs, in Prussia, there was no particular brutality, but claimant refers to the inoculations he was forced to undergo as having damaged his health. He complains of rheumatism which incapacitates him, and of nervousness.

The medical record indicates that claimant suffers from acute rheumatism. His percentage of disability is stated at 50 per cent. In addition to the certificate of Dr. J. Bonnell to this effect, certificate of Dr. A. E. Kelman is filed to the effect that claimant suffers from periodic attacks of acute rheumatism with severe nervous debility. Neither doctor appeared before the Commission. Claimant's medical board, upon discharge, declare him fit and does not note any disability.

In these circumstances it is difficult to ascribe claimant's rheumatic condition to his experiences as a prisoner of war. It is true that he may not have been as comfortably housed as he might have been, but these conditions were quite general. Viewing the entire record, I cannot say that claimant has established a case of disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2165—PETER NELSON

Claimant is of Danish birth, but came to Canada to reside in 1910 and became naturalized as a British subject in 1923. He enlisted November 9, 1914, in the 29th Battalion,—Regimental No. 76227, and was taken prisoner on November 1, 1915. He escaped on November 15, 1916. He is unmarried. He is not in receipt of pension but has made application therefor. Prior to enlistment, he was employed as a surveyor's chain man, and he was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that immediately after capture he was struck with the butt of a rifle in the back of the neck, injuring the skull, and when being inoculated against typhus claims that the needle was inserted too deep underneath the heart. Was struck on the nose twice at Munster and has had difficulty in breathing ever since. He made two unsuccessful attempts to escape and was placed in solitary confinement in a concrete tank and developed a sore back. Was compelled to work at digging canals in water to the knees. He received a terrific beating after the second attempt to escape.

An analysis of the evidence reveals:—

In his statement of claim, claimant alleges a blow on the head immediately after capture. In his evidence it would appear that this incident occurred while he was being captured, and cannot, therefore, be regarded as maltreatment. His testimony covers the incidents of maltreatment set out in his statement of claim, but it is significant that a copy of claimant's statement made upon repatriation, when the events were fresh in his mind, gives a much milder account of his experiences. He now complains of the injury to his nose and a lame back.

The medical record consists of a certificate from Dr. T. V. Curtin, to the effect that claimant is suffering from mediastinal and bronchial thickening with emphysema. Claimant's medical files show nothing unusual, but refer to his having sustained a fractured skull which causes no disability.

Much of claimant's punishment resulted from his attempts to escape, and from a comparison of his testimony and his statement upon repatriation, I am inclined to think that claimant has somewhat exaggerated the hardships he underwent. There is no evidence in the record establishing that any present disability results from maltreatment whilst a prisoner of war. His claim, if any, is before the Board of Pension Commissioners. It is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2166—ARTHUR DONOVAN CORKER

The claimant was a Private in the 7th Battalion,—Regimental number 16874. He enlisted September 22, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the battle of Ypres, suffering from a slight flesh wound in the right wrist and left thumb, and gas. He escaped from imprisonment June 19, 1918, and was repatriated to England July 19, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$52 per month for himself, his wife and children, based on defective hearing. He was married January 1, 1924, and has two children. Prior to enlistment, he was employed

as clerk in the Bank of Nova Scotia, and later as assistant manager of a branch of a flour milling company at Nanaimo, B.C., at \$75 per month, and since his discharge has had several occupations ranging from farming, railroad construction, millwright to carpentering, from 62 cents per hour to \$1 per hour.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement to cells and lack of food, blows on the head, lack of medical attention. States that his permanent deafness is the result of his treatment while held prisoner.

An analysis of the evidence reveals:—

Claimant has told a very clear story of his period of captivity at Giessen camp, and the working commandoes to which he was sent. There is also of record a very complete and comprehensive statement by claimant made upon his return to England. He furnishes what must be regarded as the most accurate picture of camp life, and treatment at Giessen and surrounding camps. Claimant made 7 attempts to escape, the last of which was successful, on June 7, 1918. Upon recapture after 6 unsuccessful attempts he received the usual confinement of 14 days and on one occasion 10 days additional. He complains of being beaten by the guards at Staudt. He was hit over the head and according to the testimony of a fellow prisoner (S. Ramsden, Case No. 1963) was "knocked out." Apart from inadequate food and arduous work, claimant has no other particular complaint to make. He speaks of conditions in the camp as generally fair and estimates Giessen to have been one of the best prison camps. He attributes his defective hearing, as to which he is in receipt of pension, to confinement in dark cells on short rations and possibly the blow on the head referred to.

Claimant's pension file indicates that he suffers from defective hearing. This condition was very evident at the hearing, in Vancouver. It also appears that his hearing was never very acute, due possibly to diphtheria in childhood, and several attacks of tonsillitis previous to enlistment. It is found, however, that his disability was aggravated by service and that his condition will be permanent.

In this state of the record it is extremely difficult to determine whether claimant's deafness in whole or in part may be attributed to maltreatment whilst a prisoner of war. Claimant related his experiences in a most convincing manner and I have every reason to believe that his story is accurate, particularly as it accords closely with the statement made by claimant upon repatriation. After very careful consideration, upon a view of the whole case, I have reached the conclusion that his treatment as a prisoner of war has contributed to his disability, and that he was, in fact, subjected to such maltreatment as would be likely to bring about the condition complained of. I would, accordingly, recommend a payment to claimant of \$1,000 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 3, 1931.

CASE 2167—JOHN LOMAX

The claimant was an Imperial soldier, a Private in the 26th Northumberland Fusiliers—Regimental No. 42425. He first came to Canada July 18, 1920. He enlisted in England December 14, 1915, at the age of 30 years. He was married at the time of enlistment and has two children now of age. He was taken prisoner April 11, 1918, at Armentiers, unwounded. He was repatriated

to England November 29, 1918. He had been in receipt of a 30 per cent disability pension amounting to 10/6 per week, based on valvular disease of the heart, but he commuted this pension in 1923 for about \$300. Prior to enlistment he was employed as a cotton weaver in the old country, earning about 30 shillings per week, and after discharge returned to this employment but later came to Canada and tried farming. He was unemployed at the time of the hearing due to the fact that he cannot use his left arm.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been confined to a dungeon for five weeks and given but little food and water. There were 350 other prisoners in the dungeon, and when he was released he was weak and emaciated. He suffers from trembling in the legs and arms and has neurasthenia and heart trouble.

It was explained to claimant, at the hearing, that as he had not served with a Canadian unit and only came to Canada to reside after the date of the ratification of the Treaty of Versailles, viz., January 10, 1920, this Commission was without jurisdiction to entertain the claim. Upon further consideration of the matter, this view is confirmed. For reasons explained in my general report, the date constitutive of jurisdiction is January 10, 1920. Reserving, therefore, to claimant all his recourses, and without dealing with the case upon its merits, I am compelled to disallow it before this Commission.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2168—MRS. F. CROUCHER

Claim is made by the mother of George James Adams, a Private in the 15th Battalion—Regimental number 27615. He enlisted in August, 1914, when he was slightly over 16 years of age, was taken prisoner and spent some time in Germany. His own claim was dealt with by the previous Commissioner (case No. 1363, p. 504 of the Friel Report). He received an award of \$2,000 with interest from January 10, 1920, on account of maltreatment as a prisoner of war.

Claim is now advanced by the mother, the boy being in California, seeking compensation for the worry and trouble which claimant has suffered through the imprisonment of her son. She declares that his entire moral fibre has been ruined; that he has been in prison several times, and furnishes claimant with no support. The boy went over-seas a fine upstanding, straightforward young man, but as a result of his imprisonment and treatment his whole nature has changed and his life has been ruined.

At a hearing, held at Vancouver, January 21, 1931, Mrs. Croucher appeared, and it was explained to her that no claim on her behalf could be entertained.

It is obvious that the reparation provisions of the Treaty of Versailles dealing with prisoners of war relate only to the claim of the prisoner himself. The indirect damage, if damage it be, sustained by a parent as a result of maltreatment to a son does not fall within the purview of the Treaty. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2169—DOMINIC DOLGA

The claimant was a Gunner with the First Canadian Field Artillery—Regimental number 37422. He enlisted September 22, 1914, at the age of 19 years, according to the military records, but states that he was only 17. He was taken prisoner June 3, 1916, at Ypres, unwounded. He was repatriated to England, December 5, 1918. He is not in receipt of pension. He was married in January, 1919, and has three children. Prior to enlistment, he was unemployed and since his discharge, has been doing any work he can get.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the loss of £50 and a gold watch and chain and locket to the value of \$75, also a ring worth £2. Attempted to escape, was captured, placed in confinement and beaten with a rifle, two ribs being broken and his back injured. He cannot now do heavy work.

An analysis of the evidence reveals:—

Claimant complains of one incident of maltreatment only. After capture he was taken to Dulmen camp and from there to Duisburg. He attempted to escape, was recaptured, put in a "black hole" and beaten by his guards, as a result of which he had two ribs broken and his back was injured. In addition he declares that certain personal effects, as shown in his claim, were taken from him by his captors.

The medical record is entirely silent as to claimant's condition. He has not filed the usual certificate of a physician indicating disability. Subsequently to the hearing, an X-Ray report was furnished which shows that claimant has had a fracture of the 4th right rib anteriorly, which has healed in good position. No other lesions are detectible.

In this state of the record, it is clearly impossible to find that claimant has sustained disability resulting from maltreatment whilst a prisoner of war. He has failed to discharge the burden of establishing these two essential facts. Nor do I consider his claim for loss of personal effects has been proven. If any such allowance is to be made, some corroboration must be furnished, not only as to the loss of the effects, but also as to their value. In these circumstances, I am compelled to disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2170—LYAL REA

The claimant was a Private in the 79th Battalion, and subsequently transferred to the 43rd Battalion—Regimental No. 151894. He enlisted on October 2, 1915, at the age of 24. He was taken prisoner September 21, 1916, on the Somme, suffering from a gunshot wound in the skull. He was repatriated to England on December 20, 1918. He is in receipt of a disability pension amounting to \$21 per month, based on gunshot wound head and myalgia. He was married January 26, 1920, and has three children. Prior to enlistment, he was a butcher. Since his discharge he has held various positions, and is now employed with the Pat Burns Co., at a salary of \$130 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. Made to work when ill, beaten and driven to it by the guards, and inadequate food, are the grounds upon which claimant puts forward his claim. He states that he suffers from recurring pains in the head and back, and that his back has been rendered permanently weak.

An analysis of the evidence reveals:—

Claimant received medical attention for his scalp wound shortly after capture. The bullet was removed and apparently there is no complaint as to maltreatment on this score. He was sent to Hameln camp, and apart from the occasional blow has no complaint as to his treatment here. From Hameln he went to a munitions factory near Hanover. Being unaccustomed to the arduous labour required he was taken ill, and went to barracks without permission. He was beaten by the guards with rifle butts and forced back to work. He then found himself in an officers camp where conditions were fairly good. The complaint is based upon the fact that claimant was compelled to work when he was not fit.

The medical record indicates that claimant has a scar on the top of his head causing frequent headaches, and complains of pain and tenderness in back, aggravated by movement, with pain and swelling inner side of instep of both feet. His percentage of disability is stated at 25 per cent. No medical evidence was adduced before the Commission, and claimant's medical history files refer merely to gunshot wound in head and myalgia. Claimant admits that his back condition arose before he went overseas, at Brandon Camp.

In this state of the record, the disability, if any, now suffered by claimant, is due to service conditions, and cannot be ascribed to maltreatment whilst a prisoner of war. His recourse is not before this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2171—CARMAN LIVIE JACKSON

The claimant was a Private in the 44th Battalion—Regimental number 865956. He enlisted March 22, 1917, at the age of 19 years. He was taken prisoner August 23, 1917, unwounded. He was repatriated to England December 9, 1918. He is not in receipt of pension but may apply therefor. He was married November 15, 1923, and has no children. Prior to enlistment, he was engaged in farming and since his discharge has returned to that occupation, and manages to make a living.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows on the hand from civilian guards in a coal mine and of long hours of punishment standing to attention. He now suffers with pains in his shoulder and down his back which handicaps him in his farm work.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for 15 months, the first three months of which, at Dulmen, as to which he has no complaint. The 12 months at Essen, where he was employed in a coal mine, give rise to his claim. He mentions two acts of maltreatment. On one occasion he allowed a stone wagon which he was operating to get off the track. Blamed for this, he was set upon by three civilian workers with pick handles, beaten and kicked low on the right side and was also hit across the hand, from both of which injuries he suffered for some time. His other complaint is that he was made to stand at attention for 7 hours at a time, for minor breaches of discipline. This punishment was inflicted two or three times. As a result of this treatment, claimant still suffers pains through his shoulders and down his back, which incapacitates him in his vocation of farmer.

The medical record indicates that claimant suffers "pain and slight loss of function right shoulder and arm. Pain in lumbar region." His percentage of disability is stated at 10 per cent. Dr. L. C. Stewart, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show no disability resulting from service.

Claimant is slightly disabled, but I do not consider that he has succeeded in showing that this disability results from maltreatment whilst a prisoner of war. There may be many explanations for claimant's weakened shoulder and back and it does not necessarily follow, from a recital of his experiences in Germany, that the inception of his trouble arose there. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL.

Commissioner.

OTTAWA, December 8, 1931.

CASE 2173—JOHN McKINNEY

The claimant was a Lance Corporal in the 7th Battalion—Regimental number 16917. He enlisted in August 1914 at the age of 34 years, although, on attestation, his age would appear to have been 30. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was released to Holland in September 1918 and repatriated to England November 23 of that year. He is not in receipt of pension. He was married June 7, 1926, and has one child. Prior to enlistment, he was employed in Railway construction at \$36 per week, and since his discharge has been with the Imperial Oil Company, at Vancouver, at \$36 per week and at present is employed as a labourer earning \$4 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten and having his nose broken for refusing to join with the Germans in the formation of an Irish Brigade. Also had cash and jewellery taken from him to the value of \$800. He now suffers from catarrh, stomach trouble, and deafness as a result of having had his nose broken.

An analysis of the evidence reveals:—

The claim is confined to one particular act of maltreatment. After his capture claimant was taken to Giessen camp, thence to Lembush. With other Irish prisoners, he was invited to join the battalion being recruited by Sir Roger Casement. For refusing, he was beaten by the guards and alleges that he was knocked down, hit on the nose with the butt of a rifle, had three teeth knocked out and his nose broken. His appearance indicates an injury to the nose. In addition claimant alleges that personal property—rings and jewellery was taken from him by his captors and is never been returned. He places a value upon these effects of \$800.

The medical record indicates that claimant has been treated for stomach trouble and catarrh of the nose. The affidavit of Dr. F. W. Lees indicates an old fracture of the nose with great deviation of septum, left side, and absence of lower incisor teeth. No percentage of disability is stated. This condition is borne out by certificate of Dr. C. R. Symmes, who has treated claimant for catarrh, but neither of these medical men testified before the Commission. Claimant's last medical board, upon his discharge, declares him to be fit, with no indication of any injury.

Claimant bears very clear marks of an injury to his nose, and I have no reason to doubt the accuracy of his testimony as to how this occurred. There is evidence in other files, of the brutal treatment given prisoners who refused

to join the "Irish Brigade". The medical evidence supporting the claim to disability resulting from the injury is not strong but, I consider that I am justified in finding that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in some disability to him. The claim for loss of personal effects fails for want of substantiation. Some corroboration is required in such a case. 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 10, 1931.

CASE 2176—GEORGE HARVEY

The claimant was an Imperial soldier who came to Canada to reside April 26, 1927. He enlisted December 11, 1915, and was called for service August 31, 1917, in the Yorkshire Regiment—Regimental number 35763. He was then 24 years of age and married. He now has eleven children. He was taken prisoner May 27, 1918, at Amiens, unwounded. He was repatriated to England November 24, 1918. He is not in receipt of a pension. Prior to enlistment, he was employed as a car man in the old country, earning £4 per week and is now engaged as a blacksmith's helper at about \$110 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour and starvation diet resulting in lung trouble and nervous condition. When he appeared before me at Montreal May 21, 1931, I explained to him that as he did not come to Canada until 1927, this Commission could not entertain the claim for want of jurisdiction.

Upon further consideration, the view so expressed at the hearing is confirmed. As explained in my general report, it is only in cases in which claimant became resident in Canada prior to January 20, 1920, date of the ratification of the Treaty of Versailles, that this Commission has authority to act. In these circumstances, reserving to claimant whatever recourses he may have and without deciding the case upon its merits, I am compelled to disallow it before this Commission.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2177—CAPTAIN HESKETT ST. JOHN BIGGS

The claimant was a captain in the 29th Battalion. He enlisted on November 3, 1914, at the age of 23, and received his commission later. He was taken prisoner April 9, 1916, at St. Eloi, suffering from a bayonet wound in the left leg. He was repatriated to England on November 18, 1918. He is in receipt of a 100 per cent disability pension amounting to \$145.33 per month, based on tuberculosis. He was married on November 28, 1914, and has three children. Prior to enlistment, he was employed as an audit clerk, at a salary of \$100 per month. Almost immediately following his discharge from the army he was employed for a period of four months with the Employers Association, in Vancouver, at a salary of \$100 per month and commission, but has ever since been unemployed and undergoing medical treatment and hospitalization.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. His complaint is that lack of proper food is principally responsible for his present condition of health, and he also states that living conditions generally were bad, and unsanitary.

An analysis of the evidence reveals:—

This is a distressing case. Claimant is in receipt of a 100 per cent pension for tuberculosis. He was wounded in the thigh when captured and after passing through Thielt, where he remained for three weeks, was sent to the following camps: Bischofswerda, Crefeld, Strohenmoor (sic) and Holzminden. As an officer he was not compelled to work, nor does he complain of any acts of particular brutality. His complaint is confined to inadequate and poor food, improper accommodation which induced the illness from which he now suffers.

The medical record indicates that claimant suffers from tuberculosis. He went to California some years ago for the benefit of his health, and has been in the care of Dr. Scott D. Gleeten, of Moravia, Cal., for some 7 years, who certifies that he has been wholly incapacitated for the greater part of that time.

From the file it would appear that claimant considers an award should be made as an adjunct to his pension. He does not appear to appreciate that reparation and pension are two very distinct matters. From the record, I cannot find that claimant was subjected to any particular form of maltreatment whilst a prisoner of war. He underwent the general conditions prevailing in prison camps throughout Germany, which were bad, but, as stated in general Opinion annexed to the present report, these cannot constitute the basis of a claim for disability resulting from maltreatment. Claimant's health, evidently, was not robust enough to withstand the strain of his imprisonment, but this weakness can hardly be charged to the enemy. His recourse is before the Board of Pension Commissioners, which appears to have dealt fully with his case. His claim, before this Commission, must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2178—GEORGE AITHIE

The claimant was a Private in the 15th Battalion—Regimental number 47317. He enlisted in September, 1914, at the age of 36 years. He was taken prisoner April 24, 1915, at Ypres. He states that, when captured, he was suffering from a wound in the right eye, and was also gassed, but the military record states that he was not wounded. He was released to Switzerland in December, 1917, and repatriated to England December 19, 1918. The Military records state that he is in receipt of a disability pension, based on defective vision, but the claimant denies that he has received any pension whatever. He states, however, that about October, 1930, he applied for a pension, on the ground of loss of sight and general disability. Prior to enlistment, he was employed as a lineman by the Bell Telephone Co., at a rate of pay of \$2.25 per day and board, and since his discharge has been employed in the lumber camps in B.C. He 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 states that he suffered loss of teeth, and also contracted swollen legs and ankles whilst working in a mine. He also complains that he was struck in the jaw by a German Officer, and that in the fall he hit a steel car and injured his neck. He alleges that by reason if this treatment he suffers from dizziness and headaches.

An analysis of the evidence reveals:

Claimant declares that he lost the sight of his right eye, when wounded before he was captured, and would not submit to an operation in Germany fearing the treatment he might receive. He was taken to Gottingen camp, and has no complaint of his treatment there. Transferred to Hameln, he was sent to a punishment mine (unnamed) in 1917, where he remained until released to Switzerland in that year. He complains that he was struck in the jaw by a German Officer for not working satisfactorily and fell against a car from the blow, becoming unconscious. It was then that he was released to Switzerland. He also complains that he suffered from swollen legs which he ascribes to working in the mine.

No medical evidence has been adduced or filed of record, outside of claimant's pension files. He is declared to be suffering from "defective vision, due to conditions of active service and prisoner of war." It should be noted that while claimant's record shows that he is in receipt of pension, he declares that he has not received same.

It seems clear from the record that the injury to claimant's eye occurred before he was captured, and there is nothing to establish that it became aggravated as a result of any maltreatment whilst a prisoner of war. Nor does the record establish any disability resulting to claimant from the blow to which he refers. In these circumstances no award can be made to claimant, and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2179—ROBERT SIMONS

The claimant was a Private in the 15th Battalion—Regimental number 27542. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from a touch of gas. He was repatriated to England January 1, 1919. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month for himself and his wife, based on neurasthenia. Prior to enlistment, he was employed as a boiler-maker earning \$2,500 per annum and since his discharge he has been employed at intermittent day labour. He was married April 21, 1922, and has no children.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the salt mines for two and one-half years, was beaten and abused, injured in the hand, suffered from boils, received no treatment and generally abused.

An analysis of the evidence reveals:

Claimant was one of the unfortunate prisoners who experienced the German salt mines. We are not as familiar with the mine to which he was sent, Vogelbeck (parent camp Hameln) as we are with some of the others, but the conditions related are very similar. Claimant suffered intensely from boils, but was compelled to continue working—at one time he had as many as twenty boils. The third finger of his left hand became infected and so cruel was the medical treatment given him—just a blow to break the inflammation—that the tendon was injured and the finger has become permanently disabled. Claimant was also in Gottingen and Hameln camps, but stresses chiefly his treatment in the salt mine referred to as the basis of his claim of maltreatment. He received beatings, was confined to cells for an attempted escape, also received a thrashing. He complains chiefly of his disabled finger and speaks also of his nerves.

The medical record indicates that claimant suffers loss of flexion left third finger, extreme nervous instability, restless sleeping and recurring severe dysentery. His percentage of disability is unstated in his own calling and at 50 per cent in the general labour market. Dr. H. C. Graham, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show disordered heart action and debility, for which he is in receipt of a pension. The injury to the finger is noted as constituting a weakness. Claimant's testimony is substantially borne out by the information in his medical files.

The fact of maltreatment whilst a prisoner of war with resultant disability—to claimant's finger—is clearly proven. In these circumstances claimant has established the necessary elements to entitle him to an award. Viewing all the facts, and particularly bearing in mind that claimant spent over two years in the salt mines, I would recommend a payment to him 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 3, 1931.

CASE 2181—ROBERT HAMMON (Deceased)

Claim is presented on behalf of Mrs. E. Parr, half sister of the above deceased soldier, who died at the Laurentian Sanatorium, at St. Agathe des Monts, on April 29, 1922. It appears from the record that the deceased was discharged from the army on March 21, 1919. He had enlisted in August, 1914, with the 13th Battalion—Regimental number 24262, at the age of 26 years. He was taken prisoner on April 19, 1916, unwounded. He was repatriated to England on December 15, 1919. The foregoing information is taken from his files.

The only evidence adduced before the Commission was the testimony of a son of the claimant, James Robert Parr, who could furnish no particulars of the treatment received by the deceased in Germany. It is inferred that he contracted tuberculosis whilst a prisoner of war, and the claim is apparently put forward on the ground of dependency.

It is obvious that a claim for dependency cannot lie in the circumstances, even had dependency been established. Claim for maltreatment is personal to the victim and is not transmitted to his heirs. In the second place, there is nothing to establish maltreatment, nor does it necessarily follow that the disease from which deceased died results from the experiences he may have undergone during his period of captivity. The deceased's medical files show that he was suffering from tuberculosis of the lungs, the date of origin being given as September 11, 1919, the place of origin, Canada.

In these circumstances, there is nothing in the record to justify a finding in claimant's favour and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2182—HARRY MELLOWDEW MITTON

The claimant was a signaller Corporal in the 1st C.M.R.—Regimental number 108393. He enlisted in January, 1915, at the age of 36 years. He was taken prisoner June 2, 1916, at Sanctuary Wood, wounded through the lung and in the knee. He was sent to Holland in April, 1918, and repatriated to England on November 18, 1918. He is in receipt of a disability pension, amounting to \$20 per month, including allowance for wife, based on "defective vision." He is married, with three grown-up children. Prior to enlistment, he was employed as salesman for a Company, dealer in real estate, and Church Organist, earning in all about \$3,000 per annum. Since his discharge he has been variously employed, and is now working for the Industries Institute, Toronto, at about \$40 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that as a result of informing a representative of the Dutch Ambassador of the conditions which existed at a certain camp, he was sent away to a punishment camp and there given restricted rations. He alleges a nervous condition which prevents him from performing any sustained mental work.

An analysis of the evidence reveals:

Claimant lay for four days between the trenches before being picked up by German stretcher bearers. He had been wounded through the lung and had some shrapnel in his knee and leg, with an injury to the back of his head. He received hospitalization in Field Dressing Station at Menin, Courtrai hospital in Belgium and at Aachen. He speaks of the treatment as excellent and has no complaint to offer in respect thereto. He even makes the declaration that he, at least, received better treatment than the Germans themselves. When discharged from hospital he was sent to Friedrichsfeld where he remained until the fall of 1917. At this camp claimant acquired some notoriety as advocate before the courts-martial and represented a number of Canadian and British prisoners with great success.—This success aroused the animosity of one of the camp officers who warned him that, if he continued in his work of defending British prisoners, he would be punished. Claimant also was authorized to carry on a school for prisoners at this camp. Finally, towards the end of 1917, as a result of claimant furnishing the Dutch Ambassador with a statement of abuses existing in camp, he was ordered to leave the camp and was sent to Hestenmoor, a punishment camp, where the conditions were the reverse of what he had been accustomed to up to that time. He was not subjected to any physical abuse, but complains that the lack of food, cold and general exposure was such that it reacted unfavourably upon his health. He attributes this change in his condition to the private vindictiveness of the officer at Friedrichsfeld who had threatened him. As a result of these experiences he has developed a nervous condition which still affects him. He makes no complaint about his eyes, in regard to which he is in receipt of pension, but alleges that upon attempting any heavy mental work he breaks down and is unable to carry on.

The medical record indicates that claimant has a marked susceptibility to nervous breakdowns, is very susceptible to infection, suffers from bronchitis and increasing amblyopia. His percentage of disability is stated at 40 per cent in his own calling and at 30 per cent in the general labour market. Dr. Jacob C. Schwartz, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show only the condition of defective vision, all other systems being declared normal.

While it is evident from claimant's statement that the disabilities of which he now complains are nutritional in origin, I consider that he has been successful in showing such a degree of mental ill treatment, deliberately imposed, as will entitle him to an award on the ground of "maltreatment". To a man of his intelligence, it was outrageous that he should receive punishment for successfully performing a duty with which he had been entrusted and the effect upon his health is marked. 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 6, 1931.

CASE 2184—CECIL HURST BULLOCK—

The claimant was a Corporal in the 16th Battalion—Regimental number 29074. He enlisted in August, 1914, at the age of 29 years. His attestation paper indicates the age as 26 on enlistment. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the right leg and two scalp wounds. He was repatriated to England, January 6, 1919. He is in receipt of a 10 per cent disability pension amounting to \$11.50 per month for himself and family, based on the wound to his leg. He was married in April, 1919, and has one child. Prior to enlistment, he was employed in the distribution office, earning \$75 per month, and since his discharge has not been able to do much and is still receiving hospital treatment from the D.S.C.R.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that, being an N.C.O. and exempt from work he, with others, refused to volunteer for work and as a punishment was sent to an exercise camp at Grossenweidenmoor, where they were compelled to run 335 paces round and round. His leg was still discharging while undergoing this treatment and he was beaten when he could not keep up with the rank, even though he was limping. Finally he volunteered to work and was put at carrying 176 pints of milk with yoke around the neck, apparently as a daily task. This continued for one year. His leg would break out periodically after rough treatment, and septic poisoning set in. Owing to this treatment he still suffers with his leg and is unable to work steadily. He was beaten and imprisoned for 14 days after an attempt to escape.

An analysis of the evidence reveals:

The foregoing summary of the statement of claim is borne out by claimant's testimony. It is significant, however, that while he complains that punishment, exercise and work contributed to the disabled leg condition from which he suffers, it is chiefly the monotony of camp life which he speaks of in his testimony. This can hardly be regarded as maltreatment.

Claimant brought forward no medical evidence and relies wholly upon his pension file to show the extent of his disability. This record indicates a gunshot wound in right leg. Claimant himself in describing the wound says the calf "muscles were shot off". He does not complain of lack of medical treatment, but of the exercise imposed as a punishment at Grossenweidenmoor when his leg was still unhealed.

I am inclined to regard this case as one solely for the Board of Pension Commissioners. While painful and distressing, the treatment received has not, as far as I can see, been shown to have been likely to aggravate the original service wound sustained by claimant, and to have caused him any greater disability than he would otherwise have had. I am of opinion that the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2185—HARRY H. HOWLAND

The claimant was a Private in the 7th Battalion—Regimental number 16903. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 27, 1919. He is not in receipt of pension, nor has he applied therefor. He was married April 15, 1921, and has one child. Prior to enlistment, he was employed as a painter and decorator, earning approximately \$800 per annum, and since his discharge has followed the same trade, averaging about \$1,250 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 wrongful imprisonment and a sentence of 12 years by Military Court Martial at Hanover, of beatings and general abuse in numerous camps and a broken nose resulting from a blow.

An analysis of the evidence reveals:

Claimant has had a wide experience of German prison camps. The record shows that he was at Giessen, Celle-lager, Vehnemoor, Ostenholzer, Bokelah, Cologne jail, Luneberg, Saltau, Wilhelmshaven and Baden. It is of his treatment at Bokelah and Cologne that he chiefly complains. At the former camp he was one of a party of prisoners involved in a so-called mutiny. For refusing to obey the orders of the Sergeant-Major in charge, and demanding to see the camp commandant, the guards, under orders, charged with fixed bayonets, killing one man and injuring several others. Claimant himself, in the disorder which ensued, was struck over the nose, breaking it. These prisoners were tried by Court Martial and sentenced to long terms of imprisonment—as long as 10 years being imposed. Claimant complains bitterly of the unfairness of this trial, describing it as a farce. The prisoners were represented and a member of the American Embassy was present. I am not concerned with the merits of the case as conducted before the court martial, but it results, from the report of the trial, filed of record, that the American representative found the offence clearly established. To say the least there had been a serious disobedience of orders, and I cannot say, from claimant's own statement, that the finding of the court was wholly unjustified. Claimant's demeanor before this Commission was truculent and defiant and was not such as to arouse sympathy, but rather created the impression that he was not only capable of inciting hostility but did arouse the active enmity of his captors. He served ten months of his sentence in Cologne jail, under conditions of severity and brutality which can only be explained by claimant's probable attitude to his captors. Be this as it may, I am convinced that claimant, however truculent he may have been, received punishment beyond his deserts, which cannot be justified. He declares that his health has been ruined as a result of these experiences and complains chiefly of his stomach condition.

The medical evidence is very scant and consists merely of the certificate of Dr. W. Ewing, indicating that claimant suffers from a fractured nose and dyspepsia. His percentage of disability is stated at from 10 to 15 per cent in his own calling and at 30 to 40 per cent in the general labour market. The medical report of claimant's examination, upon discharge from the service, shows no disability.

In this state of the record I have had some difficulty in reaching a conclusion, but on the whole, the recital of claimant's experiences at Bokelah camp leaves me with the conviction that he was subjected to maltreatment whilst a prisoner of war which has resulted in some disability to him—the injury to his nose is clearly such. 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 3, 1931.

CASE 2186—DUDLEY CHARLES DURRANT

The claimant was a Private in the 29th Battalion—Regimental number 75640. He enlisted December 22, 1914, at the age of 20 years. He was taken prisoner April 19, 1916, at St. Eloi, suffering from shrapnel wounds. He was repatriated to England November 18, 1918. He is not in receipt of pension. He was married June 29, 1921, and has one child. Prior to enlistment, he was articled as a law student at a salary of \$75 per month, and since his discharge has been practising his profession.

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 shot in the knee by a German sentry without justification and was arrested and placed in hospital under guard for one month.

An analysis of the evidence reveals:—

Claimant spent the period of his captivity at Giessen camp and surrounding commandos. His chief complaint relates to an accident which occurred at Gelhert. He failed to understand an order given by the sentry in German. The latter drew his revolver and shot claimant in the knee. He was removed to Giessen, where he remained in cells for 75 days awaiting a Court Martial upon a charge laid by the sentry. Eventually he was tried at Frankfort, acquitted, and sent back to Giessen. Suffering from his knee he was finally operated on in January, 1917, and the bullet extracted. This incident is to a certain extent corroborated by fellow prisoners, who saw claimant immediately after the occurrence. At a later date, at Geisweid Iron Works, claimant received a severe beating upon recapture after an attempted escape. Injured, he was confined in a wooden cupboard at night and compelled to resume work. This incident is corroborated by a fellow prisoner (Corker Case 2166) in lengthy statement made by him upon repatriation.

The medical record indicates that claimant suffers some disability from his knee. It is true that his medical history files declare that he suffers no disability from this source, but very complete evidence has been furnished before this Commission which I must accept. Dr. H. C. Powell examined claimant carefully, with the aid of an X-ray examination and declares specifically that the wound in the knee has left a definite disability. The X-ray plates

show a number of minute metallic specks present in the knee. In addition a small bony spur is seen projecting upward from the articular surface of the upper end of the tibia at its outer anterior part. This spur is smooth. In other respects the knee appears to be normal.

In these circumstances, I have reached the conclusion that claimant was subjected to maltreatment whilst a prisoner of war from which he still suffers a disability. Having regard to the particular circumstances of the incident related, 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, November 28, 1931.

CASE 2187—CAMPBELL JOHN BELL

The claimant was a Private in the 29th Battalion—Regimental number 75566. He enlisted on November 12, 1914, at the age of 28. He was taken prisoner April 19, 1916, suffering from a gunshot wound in the left ankle (slight), concussion and crushing of the left side. He was exchanged to Switzerland in the Fall of 1917, and repatriated to England on March 25, 1918. He is in receipt of a 100 per cent disability pension, based on "Myocarditis." He was unmarried on enlistment, but married after his discharge from the army, and has two children. Prior to his enlistment, he was a broker, and since his discharge he has been in the employ of the North American Life Assurance Co. For several years his earnings were good, some \$4,000 to \$5,000 per annum, but by reason of ill-health his earning capacity has since decreased, until at the present time he is living on premium renewals only.

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 heart trouble, poor circulation, chronic bronchitis, and colds nearly nine months of the year, and alleges that this condition was induced by inattention on the part of the German medical authorities, being compelled to work while unfit to do so, and general maltreatment. He states also that some eighteen months ago he suffered a fall, as a result of which he has lost his right eye, and he attributes this fall to his condition of health.

An analysis of the evidence reveals:—

Claimant, severely wounded, was taken to Thielt and eventually to Giessen. He received no attention for his wounds, and notwithstanding his protests of ill-health, was sent out on a working party to Giesweid Iron Works. Suffering from his heart, the work of shovelling ashes in a boiler pit aggravated his condition. In the Fall of 1916 he attempted to escape, was recaptured and badly beaten by the guards. He was compelled to continue work and did 14 days solitary confinement. Claimant was next sent to Huesten, where, from heavy work, cold, and inadequate clothing he developed a heavy cold. Refused medical attention, he was forced back to work. Claimant spent some time at Hersbach and Welzlar, and complains generally of rough treatment and no attention paid to his request for medical care. Later claimant was at Limburg, Mamslau (sic) and Grenzhausen, and complains of the food and general conditions. Another attempted escape was unsuccessful, and shortly thereafter claimant was released. He complains chiefly that the heavy work he was compelled to do in his weakened state aggravated the condition of his heart. He admits that the origin of this

trouble was the crushing he received before capture, but contends that had he received proper care and treatment he would not now be almost totally incapacitated.

The medical record, from his pension file, indicates that claimant suffers from myocarditis which first became apparent shortly after he had been wounded.

It is beyond question that claimant has suffered a very considerable impairment of health, part of which is directly traceable to service wounds, but some of which I consider has resulted from maltreatment whilst a prisoner of war. Claimant was a robust healthy man in appearance and his appeals for relief on the grounds of illness were not taken seriously by his captors. They evidently thought he was shamming. In the work he was made to do and the general rough handling he received in his then condition, I consider that he sustained damage. Viewing the whole case, I would recommend a payment to claimant 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 3, 1931.

CASE 2188—CAPTAIN VICTOR ALEXANDER MACLEAN

The claimant was a Lieutenant in the 16th Canadian Scottish Battalion. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering with a bullet wound in the right buttock. He was repatriated to England, November 16, 1918. He is not in receipt of pension. He is married and has two children. Prior to enlistment, he was an accountant earning \$170 per month, and since his discharge has been employed in the wholesale grocery business, at a salary of \$250 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of his treatment after capture by the guards, alleging that he was prodded with bayonets and man-handled and kicked by the commandant at Roulers, that he was sent twice to hospital to have the bullet removed, but owing to over-crowding by German wounded, was returned to prison camp, that he developed quinsy and bad throat; was operated upon without anaesthetic at the camp hospital with rusty instruments and has suffered with throat trouble ever since and has had several throat operations, nose operation and also the ears, all due to the careless and faulty operation performed in the German prison camp.

An analysis of the evidence reveals:—

Claimant confines his claim to gross medical carelessness in operating upon his throat, during an attack of quinsy, while a prisoner at Strohen prison camp. He makes no complaint of lack of medical treatment for the wound in his hip from which he was suffering when captured, nor for the rough and callous treatment accorded him while being taken back from the German lines, wounded and a prisoner. He alleges that he was taken with double quinsy at Strohen and was operated upon with unsterilized instruments without anaesthetic, which has left his throat in a seriously impaired condition, from which he still suffers and in respect whereof he has undergone several operations since his return to Canada.

The medical record indicates that claimant has suffered from his throat since 1919. Dr. G. E. Gillies certifies that the tonsil on the right side shows a deep furrow running longitudinally in it and a lesser furrow in the left tonsil. Dr. Colin Graham was called to see claimant in October, 1927, and found him suffering from an abscess on the inside of throat which was opened two or three times during the next week. From the appearance of claimant's throat, Dr. Graham draws the conclusion that the original operation was not properly performed and that an infection had then been set up. He is of opinion that had claimant received proper attention at the time of the first attack, this would have prevented the pus from burrowing along the neck and forming a pocket which has been the cause of subsequent attacks.

I see no reason whatever to doubt claimant's statement as to the origin of this trouble. I was in some doubt as to whether, at this late date, it could be declared that the original operation had not been properly performed, but upon reconsideration, I conclude that I cannot disregard the very clear statement of opinion by Dr. Graham. Such gross carelessness by the German physician is unjustifiable and cannot be set down to mere lack of judgment. I am of opinion that claimant suffers a present disability due to this act of carelessness and malpractice whilst a prisoner of war. Viewing all the circumstances, I would accordingly, recommend a payment to claimant of \$1,000, 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, November 30, 1931.

CASE 2189—WILLIAM J. H. WOODWARD

The claimant was a Private in the Royal Canadian Dragoons—Regimental No. 552847. He enlisted on January 7, 1916, at the age of about 30 years. He was taken prisoner March 26, 1918, near St. Quentin, suffering from gunshot wounds in the left foot and right arm. He was repatriated to England on January 24, 1919. He is in receipt of pension, amounting to \$70 per month, based on "gunshot wounds in right arm and left foot." He was married on April 6, 1921, but has no children. Prior to enlistment, he was a Flour Shipper earning \$1,200 per annum, and for the last 6 years he has been engaged as a Salesman, at a salary of \$1,920 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 proper attention to his wounded arm and foot, and that such attention as was given was of an improper and brutal nature, by reason of which he was caused great suffering.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 9 months and was in hospital all the time. He does not complain of maltreatment other than rough and brutal medical attention to his wounds. His wounds were first attended at a dressing station shortly after capture. He was then removed to an unnamed temporary hospital, in a shed, where he declares he was kept for 7 weeks, receiving practically no medical care except the application of peroxide to his wounds. Later taken into Bavaria, he was operated upon without anaesthetic and complains generally of the cruel treatment of the surgeons and attendants. His arm becoming inflamed, the surgeon in charge opened and probed the arm

without anaesthetic and with no regard for claimant's suffering. He declares that 28 pieces of bone were removed from his foot. His complaint is confined to this treatment, as a result whereof, inferentially, claimant suffers a disability which he might not have sustained had he been properly treated.

The only medical evidence of record is contained in claimant's pension file. The disability to claimant's arm and foot is clear, but I am unable to find in claimant's testimony substantiation for the contention that such disability results from maltreatment whilst a prisoner of war. He was treated by the Germans, in fact, on his own statement, the treatment was quite extensive. That it was not as effective or considerate as claimant might have desired cannot be regarded as maltreatment. It must be borne in mind that, at that time, in Germany, facilities for hospitalization were of necessity very inadequate. Viewing all the circumstances of the case, I am of opinion that claimant has failed to make out a case of disability resulting from maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2190--ARCHIBALD J. V. WALLACE

The claimant was a Private in the 13th Battalion—Regimental number 24461. He enlisted in September, 1914, at the age of 26 years. He was taken prisoner April 22, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England on December 31, 1918. He is in receipt of pension, amounting to \$11.25 per month, based on "bayonet wound left arm, neurasthenia." Prior to enlistment, he was a Rigger in Lumber Camps, earning \$125 per month, but since his discharge has been dependent upon odd jobs for a living.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that without having given any provocation, he was bayoneted in the left arm by a German guard, as a result of which he is unable to carry on his pre-war occupation. He also complains of beatings.

An analysis of the evidence reveals:—

Claimant has established by his own testimony, supported by the affidavit of a fellow prisoner, that he was unwounded when captured. He is now disabled in the left arm, due to a bayonet wound. He declares that he received this injury when on a working party out of Hameln camp. For not responding to a summons to work, he was set upon by the guard who ran him through the arm with his bayonet. He received no medical attention for the wound and was kept on light work. His statement as to what occurred is confused, but he contends that the attack in question was entirely without provocation. Later he tells of being badly beaten because he was fighting with another prisoner, and apparently claimant became known as a troublesome character and was roughly treated. In the salt mines, he was beaten during the course of a scuffle with guards.

The medical record is silent as to claimant's condition, but his medical history files indicate that he is in receipt of pension for bayonet wound in left arm and neurasthenia. The history would show that he received this wound at the time he engaged in the fight with another prisoner, which does not agree with the statement made before this Commission.

In this state of the record it is not without difficulty that I arrive at the conclusion that claimant's story, confused as it is, is probably true. At all events I am inclined to give him the benefit of the doubt and to find that he was in fact subjected to maltreatment whilst a prisoner of war with some resultant disability. I would recommend accordingly, 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, November 30, 1931.

CASE 2191—WALTER SUGDEN

The claimant was a Private in the 7th Battalion—Regimental number 16701. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 31, 1918. He was in receipt of a pension of 10 per cent, which he states was commuted in November, 1920. This was based on debility and amounted to \$11.25 per month. He was married January 9, 1919, and has two children. Prior to enlistment, he was employed as a Cement Finisher earning \$5 per day and upwards, and since his discharge he has been employed as an hospital orderly at \$100 per month, and a letter-carrier, at \$120 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 to work in the salt mines, was beaten while sick and made to work, suffered from starvation and general abuse.

An analysis of the evidence reveals:—

After a sojourn at Giessen camp where claimant was beaten by the guards he then had the misfortune to be sent to the salt mines near Vienenburg (sic), where he remained for about a year and a half. He tells the familiar story of brutality and ill treatment told by all prisoners who spent their captivity in the salt mines. Beaten by the guards, underfed and overworked, his health rapidly deteriorated, so that it is not surprising to find that his condition showed disablement upon and after repatriation. The sequence of events related by claimant is somewhat confused, but the testimony of maltreatment may, I consider, be accepted as substantially correct. On one occasion for passing a remark upon the alleged drowning of Lord Kitchener, claimant was unmercifully beaten, and was confined to barracks for a week as a result thereof. His head was split open and his shoulder bruised.

The medical record indicates that claimant is underweight and suffers from neurasthenia. His percentage of disability is not stated, but his pension record confirms the fact of disablement. Claimant was in receipt of a pension for debility. Dr. M. Fox, who furnished a certificate as to claimant's condition, did not appear before the Commission.

Maltreatment with resultant disability has been established in this case. Having regard to the general observations contained in Opinion annexed to the present report, particularly as to the conditions in the salt mines, I am of opinion that claimant is entitled to an award. Viewing all the circumstances I would 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 3, 1931.

CASE 2192—CHARLES ERNEST DAVIES

The claimant was a Private in the 29th Battalion,—Regimental No. 76238. He enlisted in 1914 at the age of 27 years. He was taken prisoner April 19, 1916, at St. Eloi, suffering from wound in the left hand. He was repatriated to England December 9, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$21 per month, based on debility to left forearm and limited movement of the index and middle fingers. He is married and has three children. Prior to enlistment, he was employed as a Draughtsman with the C.P.R. and as a railway fireman, earning \$150 per month, and since his discharge he has been employed with the Canadian Customs, at a salary of \$110 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was beaten, kicked and abused without provocation except that he tried to escape.

An analysis of the evidence reveals:—

Claimant has no complaint as to the treatment of his wounds after capture. He was treated at Courtrai, Hanover and Hameln. His period of captivity was spent attached to Hameln camp, until he was transferred to Switzerland. He complains that for an attempted escape from a cement factory where he had been sent to work he was badly beaten by the sentries and kicked in the stomach. When finally he returned to camp he was again beaten and hit in the mouth with the hilt of a bayonet, breaking two teeth. On another occasion he declares that cement was thrown in his eyes, and as a result his vision is defective. He also served three weeks in solitary confinement for refusing to disclose where he had got a map which was found on him when recaptured. In corroboration of his statements, claimant files the affidavit of John Spiers, a fellow prisoner at Hameln, who declares that he saw claimant immediately after the beating above referred to and that he was suffering from injuries to his eyes, face and head, which were then wrapped in bandages. He also says that claimant then told him of the treatment he had received.

The medical record indicates that claimant suffers from chronic conjunctivitis, defective vision, abdominal pains, missing and broken teeth, and bears the marks of a cut on the lower lip. His percentage of disability is declared at 50 per cent. Dr. Colin McDiarmid, who certifies to the foregoing information, did not appear before the Commission. His certificate adds that claimant suffers from general debility, chronic bronchitis and is 30 pounds under weight. The Pension files report only a disability of the left forearm and fingers for which injuries claimant is in receipt of pension. Medical Board of December 11, 1920, refers to the hand and arm condition and declares claimant to be suffering from the usual nervous disorders noticed in many returned prisoners of war. There is no mention in any of the medical records of an eye or stomach condition, other than the statement of Dr. McDiarmid above referred to. It would have been desirable to hear Dr. McDiarmid as a witness.

In this state of the record it is extremely difficult to say what particular acts of maltreatment have resulted in disability to claimant. The injury to his arm was purely a service condition and has been dealt with. As to his remaining complaints, after very careful consideration of the evidence, I have reached the conclusion that the punishment meted out to claimant for attempted escape went beyond reasonable bounds, and that he has sustained some disability as a result of this treatment. 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, November 30, 1931.

CASE 2193--WALKER KILBY

The claimant was with the Second Tunnelling Company,—Regimental No. 503331. It appears from the record that shortly before his capture by the enemy he had been promoted to the rank of Corporal, but that the promotion had not been officially confirmed. He enlisted on January 5, 1916, at the age of 25. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England on November 28, 1918. He is not in receipt of a disability pension and has not applied therefor. He is married and has four children. Prior to enlistment, he had been employed by a firm of florists, as a truck driver, at a salary of \$1,400 per annum. After his discharge he was again employed by the florists for one year. He then worked for the Corporation of Point Grey, B.C., until 1929, as a part time labourer, at the rate of pay of \$4 per day, and since 1929, he has been employed as an Inspector of sewers by the City of Vancouver, at an unstated salary.

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 nervous debility, loss of memory and occasional rheumatism and that by reason thereof he was compelled to give up what had appeared to be a permanent position with the firm of florists. He attributes this condition, generally, to unnecessary exposure, cruelty, reprisals, imprisonment in guard room, unsanitary living conditions, compulsory inoculations and confiscation of parcels.

An analysis of the evidence reveals:—

Unwounded when captured, claimant was first taken to Dulmen camp. He has no complaint as to his treatment here. Removed to Prussich, and later Arys, he complains that he was knocked around and beaten for refusing to work, but claims no disability as resulting from these incidents. It appears that claimant had been promoted to the rank of corporal, but as this rank had not been confirmed, his captors would not recognize it as exempting claimant from work. For refusing to work when he considered he was not obligated to do so, he was given "still stand" punishment, i.e., standing at attention for long hours, and was also confined in cells. As a result of these experiences, he complains of the condition of his nerves, rheumatism and debility.

Claimant produces a statement from the florists mentioned to the effect that on his discharge from the army they re-instated him in his pre-war position with them, but that, owing to his condition, he was unable to give satisfactory service and they were obliged to dispense with him after he had worked from April, 1919, to March, 1920. They state that they believed his nervous system is upset.

The medical record indicates that claimant suffers from neurasthenia and neuritis. His percentage of disability is stated at 35 per cent. Dr. G. F. Curtis, who certifies to the foregoing, did not appear before the Commission. The medical record, upon discharge, does not show that claimant suffered from any disability.

From the foregoing review of the case put forward by claimant, I cannot say that disability resulting from maltreatment whilst a prisoner of war has been established. The mere fact of imprisonment, with rough but general treatment, is insufficient to found a claim. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2194—ANDREW ROSS PATON

The claimant was a Sapper with the 2nd Tunnelling Company, Canadian Engineers,—Regimental number 503431. He enlisted November 14, 1915, at the age of 36 years although in attestation he would appear to have been 31. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 18, 1918. He is in receipt of a 60 per cent disability pension, amounting to \$46 per month, based on chronic bronchial asthma. He was married September 30, 1920, and has one child. Prior to enlistment, he was employed as a coal miner, earning about \$1,500 per annum, and since his discharge has been employed as a janitor at about \$90 per month but had to abandon this work because of dizzy spells and sick stomach but still holds a janitor's position at \$40 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 been forced to work in coal and salt mines, suffered from injurious inoculations, exposure, long hours of punishment, parades, kicks, beatings and starvation.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp where he remained from seven to nine weeks. He has no particular complaint of his treatment here, except as to the food and general rough handling. He was then sent to Muenster No. 2 and made to work in the coal mines—K-47—except for a period of three months, when he was working in salt mines (unnamed) his period of captivity was spent at Muenster No. 2 and the coal mines. For refusing to work he was made to stand to attention for long hours, beaten and exposed to the weather. He also speaks of being made to stand in front of the coke ovens as punishment. Inoculated nine times with a fluid which caused him pain in the chest, claimant attributes his bronchial condition to this treatment, which was aggravated by the long hours of enforced labour.

The medical record indicates that claimant suffers from bronchial asthma. His percentage of disability is stated at 75 per cent. Dr. R. F. Greer, who certifies to the foregoing, did not appear before the Commission, but has filed an additional certificate to the effect that claimant is quite unfit for general work, his condition being below par, his muscles soft and flabby, due to improper nerve supply. Claimant's pension record substantiates the condition noted.

The fact of disability is clearly established and the inference drawn in the pension file that the cause thereof originated in Germany is, I consider, sound. The evidence going to show the connexity between claimant's present condition and maltreatment whilst a prisoner of war is not very strong, but is sufficient to justify a finding in claimant's favour. Viewing all the circumstances, and having regard to the pension which claimant is receiving, I would 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 1, 1931.

CASE 2195—F. W. BREEDON

The claimant was a Private in the 4th C.M.R., drafted from the 48th Battalion—Regimental No. 403959. He enlisted on April 10, 1915, at the age of 35. He was taken prisoner June 2, 1916, suffering from shrapnel wounds in the back and shoulder. He was repatriated to England on December 10, 1918. He was in receipt of pension (amount not stated) until 1920, when he commuted

it. He is unmarried. Prior to enlistment, he was engaged as a clerk with the Bank of Montreal, at a salary of \$1,800 per annum. He was unemployed at the time of hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that his wounds were left unattended for three weeks after his capture, also that he was sent to work in a mine before the wounds were healed, thus causing permanent injury to health and consequent diminution of earning capacity.

An analysis of the evidence reveals:—

Wounded, claimant lay on the field of battle for 2½ days before being picked up by the Germans. While he complains of this, it is evident that the Germans were being heavily engaged and were not able immediately to attend their prisoners. Claimant was sent to Giessen camp, and then to an ore mine, where he was beaten for not working as desired. He complains of stomach trouble resulting from this beating. Later he was sent to work in another mine, where he was compelled to work in water for 6 weeks. His chief complaint is that the work was too hard and the food insufficient. He declares also that he was sent to work before his wounds had healed.

The medical record indicates that claimant suffers from myocarditis, endocarditis involving mitral valve, emphysema of lung, symptoms of duodenal ulcer, arthritis and gastro-intestinal condition. His percentage of disability is stated at 80 per cent in his own calling and at 10 per cent in the general labour market. The foregoing results from certificates of Dr. D. A. Dunbar, who, however, did not appear before the Commission to testify. The pension records indicate an impaired heart condition for which claimant originally received pension.

Outside the general complaint of lack of food and hard work, claimant has not shown any act of maltreatment which has resulted in disability to him. The general condition of prison camp life in Germany was unfavourable but in the absence of some evidence establishing the connexion between maltreatment and disability the claimant cannot succeed. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 10, 1931.

CASE 2196—JOSEPH FORTUNAT VILLENEUVE

The claimant was a Private in the 4th C.M.R.—Regimental number 113610. He enlisted January 14, 1915, at the age of 24 years. He was taken prisoner June 2, 1916, suffering from a slight gunshot wound in the right knee. He was repatriated to England December 14, 1918. He is not in receipt of pension but has an application pending. He was married in July, 1920, and has five children. Prior to enlistment, he was a railroad trainman, earning an average of \$144 per month, and he is now similarly employed, earning about \$1,800 per annum.

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 on the left side of the head, confined to cells and court martialled. He now suffers continuous pains in the head and left side of the face and defective hearing in the left ear. He received no medical treatment while ill with the "Flu".

An analysis of the evidence reveals:

Claimant has no complaint to make until he was sent to Gutersloh camp, out of Celle-lager. Here he was beaten for interfering with a guard who was punishing another prisoner. Claimant seized the guard's rifle and the latter

seized a stick of wood and hit claimant over the side of the head. In the general melee which followed, claimant received a further beating. As a result of this blow on the head, the hearing in the left ear has been impaired. Claimant also suffers from rheumatism which he attributes to exposure and hard labour in this camp.

The medical record indicates that claimant suffers from headaches and slight deafness in left ear, together with pains in back and leg. His percentage of disability is not stated, but appears to be slight. Dr. Jno. Laframboise, who certifies to the foregoing, appeared before the Commission and spoke chiefly as to the headaches of which claimant complains.

The evidence is quite general, and, while I have no reason to doubt claimant's story of the blow on the head he received, I do not consider that he has proved any particular disability therefrom. His action in seeking to defend a comrade is commendable but was hardly prudent, and in the scuffle which ensued claimant must have expected to receive rough handling. I do not regard this as maltreatment in the sense of the reparation provisions of the Treaty of Versailles. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2197—ARTHUR DUROCHER

The claimant was a Private in the 4th C.M.R.—Regimental number 113198. He enlisted on July 1, 1915, at the age of 25 years. He was taken prisoner June 2, 1916, suffering from a wound in the left leg, left hand and a touch of gas. He was repatriated to England December 14, 1918. He is not in receipt of pension, but intends to apply therefor. He was married June 29, 1920, and has no children. Prior to enlistment, he was working in a lumber camp earning about \$50 per month and board, and since his discharge has been working repairing railroad cars, at seventy cents an hour for an eight-hour day.

He alleges that while a prisoner he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains that he was forced to work in a coal mine notwithstanding the wound in his leg, for which he received no medical attention, was punished and generally abused.

An analysis of the evidence reveals:

Claimant was taken to Dulmen camp, where he remained a month. He has no complaint as to his treatment here. Sent to a coal mine near Essen, he complains of the hard work and particularly that he was compelled to work before the wound in his leg had healed. He was here for 29 months, and was denied medical treatment. He speaks of abuse by the civilians in the mines, rocks being thrown at the prisoners. Claimant was not hit. For an attempted escape he was confined to cells. Apart from poor food conditions, claimant does not allege any other incidents of maltreatment. His legs and chest trouble him, the latter complaint being due to a strain received when lifting wagon. He speaks also of stomach disorders, which he describes to the poor food.

The medical record indicates that claimant bears a scar on his left leg from knee to ankle; signs of dry arthritis (knee joint) and suffers from bronchitis. His percentage of disability is stated at 35 per cent in his own calling and at 50 per cent in the general labour market. Dr. C. M. Boutin, who certifies to the foregoing, did not appear before the Commission but has furnished a further certificate detailing claimant's condition. The medical history files show that, upon discharge from the service, all systems were found normal.

The major disability of which claimant complains is the leg injury, which was of service origin. I do not consider that he has successfully shown that this injury became aggravated through lack of medical attention or maltreatment. The treatment he was compelled to undergo was general in nature but was imposed under such harsh and brutal conditions in the coal mines, as to which there is abundant evidence, that I am inclined to give claimant the benefit of the doubt and find that he has sustained some disability resulting from maltreatment. I would, accordingly, recommend 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 8, 1931.

CASE 2198—CHARLES WESTON SUTHERLAND

The claimant was a Sapper in No. 2 Tunnelling Co.—Regimental number 503447. He enlisted December 4, 1915, at the age of 41 years although his attestation paper indicates his age on enlistment as 37. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 16, 1918. He is not in receipt of a pension, but has applied therefor. He was married February 20, 1920, and has one child. Prior to enlistment, he was employed as a miner earning \$5 per day, and since his discharge has been engaged as a hospital orderly, at \$60 per month, and as a janitor at the Vancouver Court House, at \$105 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of injuries received after capture to his hand and eyes, that he received no treatment therefor, was hit over the head resulting in injury and was generally abused.

An analysis of the evidence reveals:

Before he had been removed from the field of combat, claimant received two injuries of which he complains. Upon emerging from a tunnel, and before he knew of the presence of the enemy, a German threw liquid gas in his face, injuring his eyes. Almost immediately thereafter, in protecting himself from the prod of a bayonet, his hand was wounded. He complains that no medical attention was given these injuries and that he still suffers from both wounds. Taken to Dulmen camp, and then to Stenhausen, he complains of being hit over the head and knocked unconscious, which he later explains resulted from his interference in the beating of another prisoner. To this blow claimant attributes pains in the head and lack of memory, both of which depreciate his earning ability. He also refers generally to a stomach condition, which causes him some discomfort.

The medical record is very general and refers to laceration of the scalp from blow over head—scar only evidence present, and lacerations of left hand. No percentage of disability is stated but claimant is declared to be unfit to follow his own calling. His medical board, upon discharge, shows nothing out of the ordinary.

I do not consider that claimant is entitled to claim in respect of wounds received by him upon the field of combat. This would be entirely a matter for the Board of Pension Commissioners. Claimant admits that the liquid gas was thrown in his face before he had surrendered. I have examined the evidence very carefully, and I cannot find that claimant has made out a case of disability resulting from maltreatment as a prisoner of war. The blow on

the head to which he refers, incurred whilst he was engaged in the very laudable effort of assisting another prisoner, may or may not have had the effect stated. The medical evidence is insufficient to base a finding that it had. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 2199—PERCY ALBERT GOSELTINE

The claimant was a Private in the 7th Battalion—Regimental number 7126. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 13, 1918. He is not in receipt of pension. He was married April 17, 1920, and has one child. Prior to enlistment, he was employed as a postal clerk at a salary of \$60 per month, and since his discharge has been engaged as a letter-carrier, at a salary ranging from \$85 to \$125 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 heavy work in a chemical factory and confinement to cells for asking for lighter work. He fell on a concrete floor and injured his spine, but was forced to continue work, was again confined and received no medical attention. He suffers particularly from stomach disorders, debility and headaches.

An analysis of the evidence reveals:

Claimant was first sent to Giessen camp, where he remained a couple of months and was then sent to work at a chemical factory, near Mannheim, where he was kept for duration of the war. He was employed at carrying heavy trays containing burnt copper ore. On one occasion he tripped and fell while carrying a tray and hit the base of his spine upon an iron rail. Although injured, he was compelled to continue work and was denied rest or medical attention. For refusing to work, he was put in cells with other prisoners and complains bitterly of the conditions. Apart from being pushed around with rifle butts, claimant does not complain of any particularly brutal treatment. Asked what his particular ailments are, he says that his stomach troubles him, that he has frequent headaches and is generally debilitated. He ascribes this condition to bad food, bad sanitary and living conditions and fumes from the copper ore.

The medical record indicates that claimant suffers from chronic indigestion, nausea and at times vomiting after meals, chronic headache, loss of weight, etc., etc. Dr. G. S. Purvis, who certifies to the foregoing, did not appear before the Commission, nor has he estimated the percentage of disability. It will be observed that although claimant complains of injury to his spine as the result of a fall, there is no proof that any disability resulted therefrom. The medical evidence, such as it is, is confined to digestive disturbances and myalgia. Claimant's medical history files declare that he suffers no disability.

In this state of the record, the necessary elements to a finding of maltreatment, whilst a prisoner of war, resulting in disability are absent. As explained in Opinion annexed to the present report, inadequate and poor food cannot be regarded, in itself, as maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2200—THOMAS E. HOGARTH

The claimant was a Private in the 16th Battalion—Regimental number 29106. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the 2nd battle of Ypres, suffering from a gunshot wound in the right hip and a touch of gas. He was repatriated to England, January 1, 1919. He is not in receipt of pension. He was married July 30, 1923, and has two children. Prior to enlistment, he was employed as a city fireman at \$100 per month, and since his discharge has resumed his former employment, at a wage of about \$150 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 struck across the mouth with a lance after capture. Suffered with mouth trouble known as trench mouth, and had to have nearly all his teeth removed. Suffered from ill-health and general debility, and although still in the Fire Department is unable, through poor health, to rank for promotion and has lost his seniority.

An analysis of the evidence reveals:

Claimant complains of only one incident of maltreatment, which occurred shortly after his capture. When being taken back by two Uhlans, he was struck across the mouth with a lance, one tooth being knocked out. He attributes to this blow a very serious mouth condition which developed later, and declares that the effect upon his general health has been such that he has not been able to continue successfully in his career as a fireman on the Vancouver force. Claimant declares that he had no facilities for caring for his teeth in Germany. Many claimants have testified that they had no difficulty in this respect, as tooth brushes and paste came through to them in their parcels. At Meschede and Giessen, claimant does not complain of any particular maltreatment.

The medical record indicates that claimant suffered from indigestion in 1919-1920, with indefinite signs of ulcer. His percentage of disability is declared at nil. Dr. F. R. R. Nelles, who furnished the certificate says nothing about his teeth, but there have been filed certificates of Drs. W. J. Rutherford and W. J. Bruce showing that the teeth were not badly decayed, but the "surrounding process was badly absorbed, with pus exuding freely." Several teeth were extracted by Dr. Rutherford which appreciably ameliorated claimant's general condition. Dr. Bruce attended claimant in 1919 and 1920, and declares he was suffering from severe chronic Vincents angina which resulted in the destruction of a large portion of the alveolar process and subsequently the loss of several teeth.

There is no doubt that claimant's general condition has been weakened and his health impaired by the condition of his teeth, but I do not consider that this can be ascribed to the blow on the mouth of which he complains. It may, or may not, have been due to carelessness on the part of claimant in not caring for his teeth. I am compelled to find that claimant has not discharged the burden of showing that his disability results from maltreatment at the hands of the enemy. The claim, must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2201—COLLINGWOOD SCHREIBER

The claimant was a Private in the 29th Battalion—Regimental number 76148. He enlisted on November 9, 1914, at the age of 19 years. He was taken prisoner at St. Eloi, on April 19, 1916, unwounded. He escaped from the prison camp into Holland in December, 1917, and was repatriated to England on January 13, 1918. He is in receipt of a pension of \$23 per month, based on "tubercle of the lung". He was married on July 23, 1927, and has two children. Prior to enlistment, he was a surveyor's assistant, earning \$75 per month, and since his discharge has been engaged in farming and as a tie-contractor.

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 in ill-health he was given no medical attention and compelled to do exceptionally heavy work.

An analysis of the evidence reveals:

Claimant was a prisoner in Germany for about 20 months, his fourth attempt to escape being successful. The record contains a very full and complete account of his experiences and treatment during his captivity. He does not complain of any particular acts of brutality at Giessen camp, where he was first sent, nor at Miderschelden, where he next went. His complaint as to maltreatment centres around Grenzhausen where he was compelled to do most arduous work when he was ill and in no condition to be about. He declares quite frankly that, "I was not ill-treated at all," but through over-work and bad food his health was impaired and the tubercular condition from which he now suffers has resulted. Claimant must have caused his captors some trouble and anxiety from his repeated efforts to escape. It is his contention that had he received proper medical attention (which was refused him) he would not now be disabled. Claimant told his story in a very clear and straight-forward manner which carried conviction.

The medical record as appearing in claimant's pension file clearly shows disablement due to the chest condition noted, which is declared to have originated in Germany and to have been due to poor food and hygiene conditions.

Having regard to the general observations contained in Opinion annexed to the present report, I have given very careful consideration to the evidence relating to the conditions of labour imposed upon claimant and the food he received. While generally speaking these conditions in themselves do not in my opinion constitute maltreatment, I am clearly of opinion that the deliberate attempt to break down the morale of a prisoner by enforcing labour he cannot perform and starving him, may be regarded as maltreatment. In this case, I find that the punishment given claimant for his attempted escapes, while not going the length of brutal physical treatment, was none the less severe and unreasonable and has clearly impaired his general health. Viewing all the circumstances, I have reached the conclusion that claimant is entitled to an award and I would, accordingly, recommend 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 3, 1931.

CASE 2202--JOHN MONTAGUE CARNSEW

The claimant was a Private in the 29th Battalion—Regimental number 76061. He enlisted November 9, 1914, at the age of 18 years, although his attestation paper would indicate that his age was about 20 years on enlistment. He was taken prisoner April 19, 1916, according to the military records, although in his claim he states that the date of capture was March 17, 1916. The military records state that he was not wounded when captured, but he alleges that he was suffering from a slight wound in the foot. He was repatriated to England November 27, 1918, and is not in receipt of pension. He was married June 2, 1926, and has three children. Prior to enlistment, he had worked a few months as a clerk, and, after his discharge, he was employed as a clerk until 1928, at a salary of \$5.40 per day, and, from 1928 on, with the Coast Quarries, Limited, at a salary ranging from \$200 per month to \$250 per month and board.

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 had his nose broken with a ride, causing nasal trouble ever since. Suffered upon repatriation from run-down physical condition, causing influenza and diphtheria while overseas. Lack of dental treatment causes his present dental trouble.

An analysis of the evidence reveals:—

Claimant complains of one act of maltreatment only, as a result of which his nose was broken. It occurred at Oberhausen where he had been sent to work in a hat factory. A few days before the Armistice, the employees in this factory struck and refused to return to work. Claimant was beaten by a civilian, who apparently was present as an interpreter, and struck over the nose. He received no medical treatment for this injury and attributes some disability to the injury received. Claimant has no complaint as to his treatment whilst a prisoner of war at Giessen, Meschede and working camps in the vicinity. His nose was operated upon in England and the medical history sheets clearly corroborate an injury to the nose, which is declared to have occurred whilst in Germany. In conclusion, claimant refers to the condition of his teeth, but does not press that ailment as the result of any maltreatment, but contends that he should have received dental care in Germany, inasmuch as he had already been receiving treatment before capture in his own lines.

The medical record refers only to the condition of claimant's teeth. An affidavit of Dr. L. F. Marshall is filed indicating that "neglected Vincent's angina has undoubtedly predisposed to a chronic Pyorrhea Alveolaris." Dr. Marshall did not appear before the Commission. The medical history file shows that claimant has a deflected septum, with perforation in the anterior part, with a great deal of deformity and obstruction.

In this case the two elements required to base an award are present, viz.: maltreatment in the form of a blow on the nose and disability resulting therefrom. It is true that the disability is not great and may have but a slight effect upon claimant's working ability, but injury is definitely present, and I am of opinion that claimant has succeeded in making out a case. 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 1, 1931.

CASE 2203—ALEXANDER M. MAY

The claimant was a Private in the 7th Battalion—Regimental number 16805. He enlisted in September, 1914, at the age of 30 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a shrapnel wound in the left leg. He was repatriated to England on December 27, 1918. He is in receipt of a disability pension amounting to \$11.25 per month, based on "varix." He is unmarried. Prior to enlistment, he was a Telegraph Linesman, at \$130 per month. Since his discharge he has been doing casual work as a "Longshoreman," but was, at the time of hearing, out of employment.

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 nose was broken as the result of a blow from the butt of a rifle, and that he now has difficulty in breathing.

An analysis of the evidence reveals:—

Claimant has no complaint as to his treatment at Giessen or Vehnemoor camps where he was first taken. At Ostenholzenmoor he was beaten for not responding promptly to the parade call and given "turf drill" which consisted in picking up a piece of turf, running 60 yards with it and repeating this action for long periods. At Bokelah, where claimant spent 2 years and 4 months, his nose was broken from a blow with the butt end of a rifle, administered by a guard who did not consider claimant was working properly. For reporting sick at this camp, claimant was put upon the latrine fatigue, work of a most revolting character, and in this instance deliberately rendered more onerous. Claimant has no complaint as to Saltau camp where he terminated his period of captivity.

The medical record indicates that claimant suffers from nervous disorders, pains in left shoulder and arm, obstructions to breathing in nose, varicose veins in left leg. Dr. W. C. Walsh, who certifies to the foregoing, finds a quite definite deformity to the nose, with deviation of the septum, causing obstruction to breathing. He also finds some symptoms of gastric trouble. Dr. H. C. Powell also furnishes a certificate to the effect that claimant is suffering from chronic gastritis, which has apparently been present for several years. Neither of these physicians appeared before the Commission. The medical history files would appear to show that the varicose veins were of pre-war origin. A condition of myalgia is ascribed to exposure while a prisoner.

The story related by claimant is clear and convincing with a minimum of exaggeration. He has, in my opinion, established maltreatment whilst a prisoner of war which has resulted in some disability. I refer particularly to the broken nose resulting in a deviated septum entailing difficult breathing. Viewing all the circumstances, I consider claimant entitled to an award, and 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 2204—JAMES HURST

The claimant was a Sergeant in the 7th Battalion,—Regimental number 23346. He enlisted in August, 1914, at the age of 57 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a gunshot wound in the left temple, and had been slightly gassed. He was repatriated to England on November 18, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$21 per month, based on "Neurasthenia and defective hearing, incurred on Active Service." He was married on November 10, 1920, and has 3 children. Prior to enlistment, he was engaged as a Steamship Purser, at a salary of \$70 per month and all found, and is at present employed as a freight checker and baggage expressman, at a salary of \$95 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 general impairment of health by reason of consistent brutality, ill-usage and beatings.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Giessen, Saltau, Lichtenhorst, Hestemoor, Mannheim and Zerbst prison camps. At Giessen he was badly beaten by guards for refusing to work and was struck for talking to a fellow prisoner, who files an affidavit corroborating the incident. Claimant complains of rough treatment at the other camps and in particular being lined up before a firing squad with other prisoners, at Zerbst, for refusing to work. At Zerbst also the prisoners were kept in subjection by vicious police dogs, who were turned loose on the slightest provocation. Claimant alleges that he was bitten by these dogs. Upon transfer to Switzerland because of illness, claimant was returned to Germany and sent to Mannheim.

The medical record indicates that claimant suffers from neurasthenia, general lowering of nervous energy and lack of confidence with lessened power of concentration. His percentage of disability is declared at 25 per cent in his own calling and at 40 per cent in the general labour market. Dr. R. C. Weldon, who certifies to the foregoing, did not appear before the Commission. Claimant's pension files and medical history sheets speak of a much debilitated man, almost completely deaf in one ear. His neurasthenic condition is quite general.

It is beyond question that claimant was subjected to rough treatment whilst a prisoner of war, but my difficulty is to find some definite connexion between the treatment he received and a present disability. The defective hearing may I think be regarded as of service origin. After very careful consideration, I have reached the conclusion that claimant's nervous condition was induced as a result of his treatment whilst a prisoner of war and that he suffers a resultant disability which may, in part at least, be ascribed to such maltreatment. 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 3, 1931

CASE 2205—ALBERT FREDERICK LENDON

The claimant was a Private in the 3rd Battalion,—Regimental number 10049. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded in the head with a piece of shrapnel, and suffering from a touch of gas. He was released to Switzerland in 1917 and was repatriated to England December 24, 1918. He is not in receipt of pension declaring that his application was rejected. He is unmarried. Prior to enlistment, he was employed as a diamond setter, earning \$24 per week, and since his discharge found that he could not

continue his former occupation and had to do odd jobs, and has been taken care of by his father.

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 a chemical fertilizer plant, that he was kicked in the ankle at a farm and subjected to general abuse which affected his mental balance. He had three days confinement to cells and was tied to a bed, evidently partially out of his mind.

An analysis of the evidence reveals:—

Claimant passed through Giessen and Saltau camps without special incident. Sent to Lichtenhorst and then Langenmoor, he complains of being kicked in the ankle by a guard, sustaining a fracture, for which he received no medical attention. He was later transferred to Saltau, as a mental case, and placed in a compound with other prisoners in the same condition. His recollections of his stay here are very confused and indefinite, until he was released to Switzerland and underwent treatment. He has apparently quite recovered from any mental unbalance which may have affected him. He now complains of his injured ankle and impaired nervous system.

The medical evidence is not very satisfactory. Dr. A. M. Murray appeared before the Commission and stated that he had seen claimant for the first time 12 days before. He found him highly nervous and excitable, suffering from dizzy spells, due to debility of the heart muscles. There is no lesion but the pulse is fast. Dr. Murray states as claimant's principal disabilities, nervousness and limitation of movement in the ankle. It was clearly impossible for Dr. Murray, except from the history of the case, to ascribe these disabilities to claimant's war experiences. Claimant's medical history files show nothing unusual, and refer only to a condition of headache and a pre-war vision disability.

The point in this case seems to relate only to the ankle injury. Claimant's story of the cause of this injury is not very clear. After very careful consideration of the incident in question, I have, however, decided to give him the benefit of the doubt, and to accept his story as to the manner in which this disability originated. I find, therefore, that he has made out a case of present disability resulting from maltreatment whilst a prisoner of war, and I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2206—JOHN O'BRIEN

The claimant was a Private in the 28th Battalion—Regimental number 73194. He enlisted 24th October, 1914, at the age of 21 years. He was taken prisoner by the enemy 6th June, 1916, suffering from shrapnel wounds in the left arm and third finger of the left hand, and shell shock. He had also been buried for four hours. He escaped to Holland on or about the 16th June, 1917, and reached England 19th July, 1917. He is not in receipt of pension and states that he has never made application therefor. He was married on the 10th October, 1922, but has no children. Prior to enlistment, he was employed on a ranch at \$4 per day and at the same time was studying compressor mechanics. Since his discharge he has been employed in various capacities, his last occupation being that of an orange picker, at \$2.25 per day.

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 was roasted in front of hot coke ovens, and was struck senseless when he attempted to back

away from the heat. He also states that his back was injured when he was struck by the butt of a rifle, and further, that he was confined for 10 days in a cell three feet by six feet, on starvation rations.

An analysis of the evidence reveals:—

Claimant spent about one year as a prisoner in Germany, when he escaped. He was first at Dulmen and was then sent to the coal mines at Augusta Victoria. It is of his treatment at this latter camp that he complains. Made to stand at attention for hours after a long day's work, he was also compelled to run the gauntlet between lines of German civilians, being beaten in the process. This was for failing to do the work required. He alleges that he was struck on the shoulder and injured. As a further punishment he was made to stand before the blazing coke ovens, because he failed to load the required number of wagons. For stepping back, to escape the intense heat, he was struck and knocked unconscious. He refers to three separate occasions upon which he was subjected to the "coke oven" punishment. While claimant's statement as to this form of punishment is corroborated by a fellow prisoner, claimant's own credibility is seriously impugned by the elaborate statement made by him upon repatriation, and which is filed of record. In this statement he lays no emphasis upon the "coke oven" punishment and states that working at the coke ovens was given him for shirking work. He describes his conduct as follows: "For eight weeks after I arrived at this camp I used to go out with the other men in the morning and down the pit, but with a party of Canadians slipped away each morning and hid in a hole all day, either sleeping or chatting." He was caught and sent to work on the coke ovens, but does not refer to the roasting as a punishment but merely as an incident of the work. Great strain is placed upon one's credulity by the statement made by claimant that he knew the soup they received was made from dogs, because — "we saved the bones and eventually pieced together a small German dachshund."

The medical record is very incomplete and consists of a letter of Dr. A. M. Wilson of Los Angeles, Cal., stating he finds claimant suffering from a "nervous and physical exhaustion which makes it impossible for him to work and earn a livelihood." Claimant's medical history files show neurasthenia and impaired function of third finger of left hand attributed to shell shock and being "buried" for four hours and shrapnel wounds. As above indicated, claimant complains of an injured back, stomach trouble and nervous condition.

In this state of the record I have reached the conclusion that claimant has failed to establish a case of maltreatment whilst a prisoner of war resulting in physical disability to him. There is no proof of an injury to the back, nor do any of claimant's disabilities appear to have resulted from the "coke oven" treatment, even if claimant's story be accepted in its entirety. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

CASE 2207—GILBERT GEORGE SAWYER

The claimant was a Private in the 13th Battalion—Regimental number 24181. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England December 10, 1918. He is not in receipt of a pension and has not made application therefor. He is unmarried. Prior to enlistment, he was employed as a contract miner earning \$6.50 per day, and since his discharge was unable to return to his work as a miner until 1924. He worked with the Fernie branch of the G.W.V.A. for \$125, and then returned to mining, at \$140 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that having refused to abandon kilts and don trousers he was placed in dark cells and beaten several times while in the strafe barracks for four or five months. He was beaten, kicked and struck with rifle butts and complains of general abuse. He now suffers from insomnia, neurasthenia and general debility.

An analysis of the evidence reveals:

Claimant spent his period of captivity at, or attached to, Giessen camp. The evidence bears out the alleged fact that because he refused to leave off his kilt, which he had worn in battle, he was subjected to violent treatment, receiving two terms of imprisonment, being threatened and finally compelled to obey the wishes of his captors. For refusing to affix his signature to a statement that he was in good health he was sent upon a punishment detachment, harshly treated and further imprisoned. He refused to divulge the names of French prisoners who had attempted to escape by removing the bars on the windows near claimant's cot. For this he was severely beaten with a strap or rope. Claimant says very little as to his physical condition resulting from these experiences, but intimates that he suffers from a lung condition.

The medical record indicates that claimant suffers from insomnia, neurasthenia and general debility. His percentage of disability is stated at 50 per cent in his own calling and at 75 per cent in the general labour market. Dr. Geo. A. C. Kelman, who certifies to the foregoing, did not appear before the Commission. On the other hand, claimant's medical examination upon leaving the service reveals no disability, all systems being declared normal.

In this state of the record, having regard to the insufficiency of the medical evidence, it is manifestly impossible to allow compensation to claimant. For the reasons explained in Opinion annexed to the present report, the burden rests upon claimant of showing not only maltreatment whilst a prisoner of war but also a disability resulting therefrom. I find that claimant has not discharged this burden. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2209—HERBERT BRADSHAW

The claimant was a Private in the 3rd Battalion—Regimental number 10106. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a bullet wound in the right eye and from gas. He was repatriated to England on August 25, 1915, during the first exchange of prisoners. He is in receipt of a 40 per cent disability pension for himself and family, amounting to \$56 per month, based on the loss of his right eye from the bullet wound. He was married March 4, 1917, and has three children. Prior to enlistment, he was employed as a labourer in a lumber yard, earning about \$11 per week, and since his discharge has been employed as a stationary engineer, earning \$28 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was a stretcher case when captured and received brutal medical treatment, lost his eye and was made to work before the wounds had healed.

An analysis of the evidence reveals:

Claimant was a prisoner in Germany for about 4 months, when he was repatriated to England as medically unfit. Taken first to Roulers, he com-

plaints of brutal and inhuman attention by the medical authorities for his injured eye. The bandages were ripped off, taking the skin from his nose with them. Placed upon a table and held down by three men, the doctor probed the wound, without an anaesthetic, but apparently did not remove the bullet lodged in the orbit. This was only done in Canada when claimant was discharged. Claimant engaged in an altercation with a French orderly in a later hospital, struck him with a pail and was sent to Senne-lager as a punishment. The condition of his transfer was rough, but no disability resulted. At Senne-lager, claimant received no maltreatment but complains of the bad food and conditions generally. His complaint is summarized in the statement that he received improper medical attention at the hands of his captors and was compelled to undergo an operation without anaesthetic.

The medical record as contained in claimant's pension file is quite complete. It shows the "loss of the right eye, result of bullet wound." The bullet entered the right eye, going through the orbit and entering the cranial cavity.

Claimant is probably under the misapprehension that this Commission is empowered to grant punitive damages. As explained in opinion annexed to the present report, it has no such mission. The mere fact that claimant did not receive treatment such as he would expect in a modern hospital, furnished with every equipment, does not, I consider, constitute maltreatment. As far as the record goes, his disability has not been increased or aggravated by the treatment shown. In the circumstances, the claim fails and it is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2210—ALFRED ALLAN KINGSCOTT

The claimant was a Private in the 14th Battalion—Regimental number 27628. 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 December 27, 1918. He is not in receipt of disability pension. He applied for one in 1926, but it was not granted. He was married on July 18, 1925, but has no children. Prior to enlistment, he was an apprentice tile setter, earning \$8 per week and since his discharge has been a letter carrier in the employment of the Dominion Government, at a present salary of \$1,500 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 he was beaten when he refused to work in a mine and that the food he received was insufficient for the hard work he was compelled to perform there. He complains of a chronic bronchial condition which has resulted from the water-soaked state of the mine.

An analysis of the evidence reveals:

Claimant was first a prisoner at Giessen camp, and attached commandos. He complains of being beaten at a mine (Laurenberg) and compelled to work underground in damp and unsanitary surroundings, which brought on bronchitis, from which he still suffers. Insufficient food and hard labour reduced his powers of resistance. He received no attention for the bronchitis, was sent to Butsbach civil prison, served time for refusing to work, spent a year at Lichtenhorst (as to which he has no complaints) went to Bohinte for a time, and finally wound up on a farm. At Bohinte he was made to work in water building canals. At the farm, claimant was fairly treated and has no complaints. He declares that he is fairly well but suffers from severe coughing spells in the morning upon arising. Apparently, when examined for pension, his condition was found

to be fairly good. The pension was not allowed but he was advised to return if the bronchitis became aggravated.

The medical record indicates that claimant suffers from chronic bronchitis, "coughs most in morning since 1916". His percentage of disability is stated at 20 per cent. Dr. H. H. Murray, who certifies to the foregoing did not appear before the Commission. Claimant's medical history files contain nothing unusual and merely refer to the presence of bronchitis.

Claimant is fortunate to suffer from so minor a disablement, which, in any event, may be attributable to the effects of gas, from which he was suffering when captured and may also owe its origin to nutritional causes. The complaint is quite general, and evidence does not support a finding that claimant's disability results from maltreatment whilst a prisoner of war. His recourse, if any, will be before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2211—HERBERT LILLIE

The claimant was a Private in the 4th C.M.R.—Regimental number 109452. He enlisted in November, 1914, at the age of 20 years. He was taken prisoner June 2, 1916, suffering from a gun shot wound in the right shoulder. He escaped into Switzerland, March 19, 1918. He is not in receipt of disability pension, but states he has an application pending. He is unmarried. Prior to enlistment, he was a plumber's helper, earning \$8 per week, and is still employed as a plumber, at an average weekly wage of from \$40 to \$45.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food, heavy work and general abuse.

An analysis of the evidence reveals:

Claimant was taken to Dulmen camp and was sent on a working party to the coal mines—K 101—where he complains of the hard work and food. He was there 9 months, was taken ill and sent to hospital. He does not complain of any physical brutality. In hospital at Munster for 13 months, he was sent to Mannheim for examination by the Swiss Commissioner. He was not passed and was sent to Hueberg, where, on a working party, he made good his escape to Switzerland. Claimant's statement, upon repatriation, is filed of record and substantiates the testimony given by him before the Commission. His complaint refers generally to conditions in the camps, where he was held, with resultant injury to his health—heart, lungs, throat and left ear.

The medical record indicates that claimant sustained an injury to his ear, suffers from dizziness, chronic gastritis and chronic bronchitis. His percentage of disability is stated at 50 per cent. Dr. D. M. Crawford, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, all systems being declared normal, upon discharge from the service.

Apart from the period claimant spent in the coal mines, no unusual treatment has been established. In the mines, he admits that he himself received no physical abuse. His complaint is confined to long hours and inadequate food. These conditions were quite general and while claimant's health may have suffered, I do not consider that he has proved such maltreatment with resulting disability as will entitle him to an award. The ear injury remains unexplained. His recourse, if any, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2212—CARL JOHN McCARTHY

The claimant was a Private in the 2nd Battalion—Regimental number 8007. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He reached Metz in November, 1918, and was repatriated to England, December 8th of that year. He is not in receipt of pension, nor has he made an application therefor. He was married August 24, 1920, and has one child. Prior to enlistment, he was employed as a sheet metal worker, earning about \$13.00 per week, and is now with the Toronto Fire Department, at \$40 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of work in an Iron Foundry, solitary confinement for attempting to escape, beatings, and lack of medical attention for influenza and blood poisoning. He now suffers with trench mouth and nervous debility.

An analysis of the evidence reveals:

Claimant spent the entire period of his captivity, with the exception of four months, at Giessen camp, mostly at the Geisweid Iron works. He speaks of the usual beatings, and also recounts the manner in which prisoners attempted to escape work by maiming themselves. In fact on one occasion he suffered blood poisoning from a self inflicted wound to his finger. For two unsuccessful attempts to escape claimant was beaten and put in solitary confinement. He contracted flu, during the 1918 epidemic, but received no treatment for it. At Munster camp, he was beaten when recaptured, and served time in cells both at Munster and Giessen upon his return. Claimant suffers chiefly from nervousness, still dreams of his treatment in Germany and cannot sleep properly.

The medical record indicates that claimant suffers from trench mouth and nervous debility. His percentage of disability is stated at 15 per cent. Dr. W. M. Robb, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, all systems being declared normal, upon discharge from the service.

I am clearly of opinion, in this case, that claimant has failed to show a present disability resulting from maltreatment whilst a prisoner of war. He may have been under the misapprehension in putting forward his claim before this Commission, that it would avail him upon his pension application. His recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2213—THOMAS FRANCIS MEYERS

The claimant was a Private in the Third Battalion—Regimental number 9865. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England January 1, 1919. He is not in receipt of pension and has no application before the board. He was married at the time of enlistment, and has now one child born since the war. Prior to enlistment, he was employed as a tailor, at \$15 per week, and since his discharge has been employed as a postal letter carrier, earning \$1,500 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy work, beatings, solitary confinement, punishment parades, exposure and of being tied to posts. To this treatment he attributes a rupture and the loss of nine teeth.

An analysis of the evidence reveals:—

Claimant was an old soldier, having seen service in the South African War. He was taken to Giessen camp, sent to a farm, returned to camp and then sent to Bohinte. For refusing to work he was tied to a post, with his feet barely touching the ground, for three hours at night. His continued obstinacy in refusing to work earned him further rough treatment and beatings. At a farm he was beaten on the head and was unconscious for four hours and was beaten and given solitary confinement for one month. Later he was accused of having set fire to a field of wheat and because he would not tell who did it, he was court martialled and condemned to ten years imprisonment at Cologne, 18 months of which he served in Cologne jail. He complains of being hit in the privates with the butt of a rifle, causing an injury from which he still suffers. His last experiences in Germany were at salt mines near Saltau, and a factory out of Saltau. He suffered greatly from salt sores and was in hospital, where he speaks of the treatment as fair. Claimant regards the lack of nourishment whilst a prisoner as the greatest contributing factor of his disability.

There is no medical evidence of record, not even the usual certificate from a physician. Claimant's medical files contain nothing unusual. All systems were declared normal on his last medical board, when discharged from the service.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. It would appear from his testimony that claimant was reluctant to put forward a claim but was prevailed upon to do so. I am clearly of opinion that the case should not have been presented or pressed. In the absence of any medical testimony, the claim fails, and even were there medical evidence of record, I should require very conclusive testimony to justify an award in claimant's favour. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2214—JOHN ALBERT McINDOO

The claimant was a Private in the 4th C.M.R.—Regimental number 113435. He enlisted August 2, 1915, at the age of 16 years. He was taken prisoner on June 2, 1916, unwounded. He was repatriated to England December 18, 1918, and is in receipt of a 30 per cent disability pension amounting to about \$45 a month, for himself and family, based on chronic bronchitis, emphysema, and chronic rheumatism with arthritis. He was married July 25, 1921, and has four children. Prior to enlistment he was employed as a stereotyper, earning about 25 cents an hour, and is now employed as a painter periodically, earning about \$36 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work for 13 months in the coal mines, where as result of beatings, lack of proper food and exposure, he developed chest trouble, stomach trouble and rheumatism. He served 13 days solitary confinement on bread and water for having made attempts to escape.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, thence to Minden, as to which camps he complains of the lack of food and that he was hit over the back with a rifle. He was then sent to Friedrichsfeld, and from there to the coal mines for 13 months. Here the labour was very heavy and the treatment bad. He made three unsuccessful attempts to escape, was confined to cells upon recapture, beaten

and generally abused, made to stand to attention for long periods. At claimant's age—he was about 17—these experiences reacted very unfavourably upon his health. He complains of nervousness, stomach and heart trouble and rheumatism.

The medical record consists of the affidavits of Drs. R. J. Brooke and W. H. Holmes. Dr. Brooke finds symptoms of pulmonary tuberculosis, stomach or bowel ulcers, loss of teeth and varicocele. He estimates claimant's disability at 30 per cent in his own calling and at 100 per cent in the general labour market. Dr. Holmes finds chronic bronchitis, chronic arthritis and duodenal ulcers. He rates claimant's disability at 30 per cent in his own calling and at 100 per cent in the general labour market. Claimant's medical files show the bronchial condition with chronic rheumatism and arthritis. Generally, there is evidence of quite definite impairment of health.

While the recital of claimant's experiences in Germany is not very detailed as to particular acts of maltreatment, I think the conclusion is clearly open that claimant was subjected to maltreatment whilst working in the coal mines. The proof clearly establishes impairment to his health and, I am of opinion that claimant has succeeded in showing the necessary connexity between the two. He is, therefore, entitled to an award, and I would recommend a payment to him of \$800, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 2215—STEWART NETHERCOTT

The claimant was a Private in the 4th C.M.R.,—Regimental number 113455. He enlisted August 31, 1915, at the age of 29 years. He was taken prisoner June 2, 1916, badly hurt, having been buried in a trench and his left leg twisted. He was repatriated to England December 18, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on the injury to his left leg. He was married at the time of enlistment and was employed as a sub-foreman on the Toronto Street Railway, earning \$16.50 per week, and is now employed as a machinist earning \$22 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while ill, lack of medical attention, starvation, long periods of punishment drill and exposure.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp for a short period. He complains that he received no medical attention for his leg and was compelled to work in the rain and mud. He speaks only of one incident of being kicked for not working fast enough. Transferred to Minden, he remained there for the duration of the war. He complains generally of bad working conditions, no medical attention and unhealthy accommodation. For refusing to work on Sundays he was punished by being made to stand to attention for long hours. As a result of these experiences he declares that his health is broken, that he suffers from his stomach, has loss of memory and cannot concentrate, has haemorrhoids and fallen arches.

The medical record indicates that claimant shows premature ravages of age, suffers from disturbance of function of digestive system and partial loss of memory and inability to concentrate upon neutral problems. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. Bruce Barnes, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show some hospitalization for debility and fissure in ano.

Claimant has not shown that alleged lack of medical attention has aggravated the injury to his leg and left him with any greater disability than he would otherwise have had. As to his claim for general impairment to health, I consider that this must be regarded as the outcome of general camp conditions in Germany, and cannot be ascribed to particular maltreatment. Temperamentally, from his story, I should expect claimant to have reacted unfavourably not only to his experiences as a prisoner, but also to service conditions. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2216—ROBERT JOHN O'NEIL

The claimant was a Private in the 5th Battalion,—Regimental number 746472. He enlisted April 6, 1916, at the age of 14 years. He was taken prisoner September 1, 1918, suffering from a gunshot wound in the thigh. He was repatriated to England December 12, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$15 per month, based on the wound in his left leg. He is unmarried. Prior to enlistment, he was attending school, and since his discharge has held various positions, and now seems to be working in a Valet shop at the King Edward Hotel, Toronto, earning \$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 been struck in the left eye with the fist by a German guard, which has affected his sight. His wounded left leg is practically useless due to lack of medical attention. He also received a bullet wound in the right leg after capture.

An analysis of the evidence reveals:—

Claimant was a prisoner in the hands of the enemy for about 3 months, which he spent in hospital at Mons and Mulheim. He complains of being shot by a guard after capture, but his statement as to this incident is very confused. At Mons, he has no complaint as to his treatment. He complains that he was struck over the eye by a German guard at Mulheim, when discovered stealing potatoes, and that this blow has permanently impaired his eyesight. He has never previously complained of this disability nor asked for examination. It was not included in his pension application. Claimant declares that he enlisted at the age of 14 years although his attestation papers show him to have been several years older. He had come to Canada from the Bernardo Home in England and was on a farm at the time of enlistment.

The medical record indicates that claimant suffers from a gunshot wound in the left thigh, with injury to the sciatic nerve. As to the alleged eye condition, the symptoms are purely subjective, Dr. T. J. Snelgrove, who certifies to claimant's condition, stating merely that claimant "claims he has loss of vision in left eye from being struck over the eye." He rates claimant's percentage of disability at from 50 per cent to 75 per cent. Dr. Snelgrove did not appear before the Commission. Claimant's medical files deal only with the leg injury.

Claimant's unsupported statement of impairment to his vision cannot be accepted as proving the fact. Nor do I think that the evidence reveals any maltreatment whilst claimant was in hospital—quite the reverse. His disability is of service origin. The claim should not have been presented or pressed before this Commission. It is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2217—CHARLES TAYLOR

The claimant was a Private in the 3rd Battalion—Regimental number 9725. He enlisted in 1914 at the age of 30 years. He was taken prisoner 24th April, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England the 8th December, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$22.50 per month, including allowance for his family, based on "arthritis, loss of distal phalanx left middle finger, valvular disease of heart." He was married in March, 1920, and has four children. Prior to enlistment, he was employed as a labourer, at \$15 per week. Since his discharge he was for 3 years with the Robert Simpson Company, and has since been employed as manager of a farm, at a salary of \$50 per month, with house, fuel, fruit and potatoes.

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 given a severe beating with rifle butts and mining lamps, and that on another occasion he was beaten with a knotted rope. He alleges that his back still troubles him as a result of such beatings. He complains also that while employed on lumber work he was struck over the hand with a hatchet, with a result that part of his finger had to be amputated.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp for the entire period of his captivity. Sent out on a working party to a silver mine, he appears to have been singled out for particular treatment as an object lesson to prisoners who refused to work. He was taken out of the line before the squad and beaten with rifle butts, and declares that he still feels the effects in his back. Later, at an iron smelter, where he spent 18 months, for an unsuccessful attempt to escape, he was beaten with a knotted rope, in addition to receiving 21 days solitary confinement. He also complains that a German guard hit him on the finger with a hatchet, while he was working in a lumber camp, with the result that the finger was amputated. Contrasting this account of the incident with claimant's statement in his medical history files, reveals a contradiction. His earlier statement is that while chopping wood he chopped the end of his third finger. When confronted with this contradiction, claimant's explanation is very halting and unconvincing. Claimant complains of pains in the back and the injury to his hand.

The medical record indicates that claimant has had his middle finger left hand amputated above the distal joint, that he suffers from neuritis of rheumatic origin, and general nervousness. His percentage of disability is stated at 25 per cent in his own calling and at 40 per cent in the general labour market. Dr. H. S. Eagles, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show some heart trouble, the injury to his finger, with no objective symptoms of injury to the back.

From a perusal of claimant's testimony it is clear that he is under the misapprehension that this Commission is empowered to increase his pension allowance. It is dissatisfaction with the amount he now receives as pension which brings him before us. Claimant's demeanor before the Commission did little to dispel the doubt as to his credibility aroused by the contradiction between his testimony and his earlier statement above referred to. After a careful consideration of the record, I am of opinion that claimant has failed to show that any present disability from which he suffers is the result of maltreatment whilst a prisoner of war. His recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2218—PETER SIMPSON THORNTON

The claimant was a Corporal in the 4th C.M.R.—Regimental number 09646. He enlisted November 28, 1914, at the age of 20 years. He was taken prisoner May 2, 1916, suffering from shrapnel wounds in the head and ear, had his jaw smashed, wounds in the left chest and right leg above and below the knee. He was repatriated to England December 31, 1918. He had been in receipt of pension which he commuted for \$160, November 20, 1920, but now has an application for reinstatement pending. Prior to enlistment, he was employed as a truck driver, earning about \$15 per week, and since his discharge joined the Toronto police force, and now earns \$1,650 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while suffering from open wounds, lack of medical treatment and beatings. He alleges that he was shot in the shoulder by a German guard, armed with a revolver, and the shoulder still troubles him.

An analysis of the evidence reveals:—

Within a few hours of his capture, while lying wounded by the roadside, unable to continue marching to the hospital, claimant was shot through the back and shoulder by a German officer, who became impatient at his slow progress and protests that he was unable to continue. Claimant was taken to Duisburg, where he received very rough and inadequate medical attention for his wounds. He was sent to Friedrichsfeld camp where he was beaten for refusing to work. His wounds being still open. Sent into Russian Poland, he was beaten for the same reason, returned to Friedrichsfeld and transferred to punishment camp at Hestenmoor. Similar treatment was here meted out to claimant, who insists that his wounds were still discharging and that he could get no attention for them. At a farm, he was ill-treated by the farmer, because he could not work and was kept in confinement after the Armistice until late in December. Claimant confines his complaint to the injury to his back and shoulder above described, from which he still suffers.

The medical record indicates that claimant has an injured shoulder and left arm, shrapnel in lower left jaw and ear and suffers from impaired use of right leg. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. He is declared to be 50 per cent deaf from face injury. Dr. H. E. Reid, who certifies to the foregoing, did not appear before the Commission. The disability above stated is clearly high, in view of the work claimant is able to do, and is now doing.

There seems to be no reason to doubt the story told by claimant of the incident which occurred shortly after capture. As recounted, this incident undoubtedly constitutes maltreatment of the grossest type. There can be no justification for shooting a wounded prisoner, without provocation. It is unnecessary to deal specifically with claimant's other complaints. I find that he suffers disability resulting from maltreatment whilst a prisoner of war and I would, accordingly, recommend a payment to him 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, November 30, 1931.

CASE 2219—JOSEPH McLEAN

The claimant was a Lance-Corporal in the 2nd Canadian Tunnelling Co.—Regimental number 442740. He enlisted August 17, 1915, at the age of 31 years. He was taken prisoner June 2, 1916, at Arma Wood, unwounded. He was repatriated to England December 11, 1918. He is not in receipt of pension but an application is under consideration. He is married and has a family, 9 still living. Prior to enlistment, he was employed as a miner and continued in that work for some time after his discharge, but, at the time of the hearing, he had not been at work for 14 months.

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 stand bare-headed in the sun from 8 a.m. till 8 p.m., and if he made the slightest move he was hit with the butt of a rifle. He refused to work on Sunday and received the foregoing punishment. Received kicks and blows and was finally put to work in a copper mine breaking rock. Was in trouble all the time and attempted to escape. Was confined to a small cell. Was compelled to march at night in below zero weather in his underwear and bare feet from one end of the barracks to the other until he was nearly frozen. Was obliged to stand thus for over 2 hours. Contracted influenza after this and was compelled to return to work after 3 days. He is now receiving treatment for goitre, has lost his teeth and had his tonsils removed. He is unable to work.

An analysis of the evidence reveals:—

Claimant's testimony substantiates the foregoing summary of his statement of claim. His claim for maltreatment rests chiefly upon the ground that while a prisoner of war he contracted "flu" due to poor nourishment, and was compelled to work while still suffering from this malady. It is his contention that he contracted "flu" as a result of the exposure and cold when made to parade in the barracks compound in the cold.

No medical evidence was furnished before the Commission, but we have on file a complete medical record of the case furnished by the Department of Pensions and National Health. Claimant's main disability would appear to be toxic goitre, which is regarded as of post discharge origin. He is quite incapable of supporting himself and family and is in destitute circumstances.

In this state of the record, having regard to the destitute circumstances in which claimant finds himself, I have given the case very careful consideration. I found it difficult, at the outset, to decide that claimant had established the connexity between his present condition and "maltreatment" whilst a prisoner of war. But upon rereading the file, I find that there is evidence to support a finding that claimant was subjected to punishment, exposure in zero weather and deliberately made to undergo unreasonable hardship with some impairment of health. 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,

OTTAWA, December 6, 1931.

Commissioner.

CASE 2220—SIDNEY MEAKIN

Claimant was a Private in the 3rd Battalion and the 3rd Canadian Tunneling Company—Regimental number 457810. He enlisted on July 8, 1915, at the age of 39. He was taken prisoner September 20, 1916, near Courcellette and according to the military records, was then suffering from gunshot wounds in the left leg and thigh. Claimant states, however, that he was in addition wounded in the feet, shoulder and back of head. He was repatriated to England on December 10, 1918. He is in receipt of a 50 per cent disability pension,

amounting to \$43.35 per month, based on "gunshot wound left thigh". Prior to enlistment, he was an engineer with the General Electric Company for a number of years, earning approximately \$200 per month. He has not worked at all since his discharge from the army.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states he was shot immediately after his capture without reason and received no proper medical treatment.

An analysis of the evidence reveals:—

Claimant's case of maltreatment rests upon one incident only, which occurred immediately following his capture. While still upon the field of combat, one of his captors pointed a rifle, declaring that he would shoot claimant. In an attempt to defend himself, claimant deflected the muzzle of the rifle downward, with the result that it discharged and apparently shot him through the private parts. He was taken to hospitals at Cambrai, Cologne and Nuremberg and, except for a short period of confinement in cells, for smoking in the ward, remained in hospital until repatriated. He complains of the use of paper bandages in the dressings given him for his wounds, but otherwise has no complaint to offer.

The medical certificate of Dr. George M. Foster declares: "mental condition very obscure on certain facts that I personally know. Up to September, 1916, also since 1919, has some very strange ideas. See S.C.R. This mental condition being due to his treatment while a prisoner of war." Dr. Foster rates claimant's percentage of disability at 100 per cent and declares that he is physically unfit in the general labour market and mentally unfit to discharge any duties in a clerical way. Dr. Foster did not appear before the Commission. Upon reference to the medical history sheets it is found that claimant's injuries are declared as:—

1. Penetrating wound left thigh with injury left sciatic nerve and 2. defective vision, with the origin of the former given as the Somme and of the latter as previous to enlistment, in Canada. Claimant's pension, as stated, is awarded for "gunshot wound left thigh."

The difficulty I have had in this case has been to determine whether the injury of which claimant complains occurred before, during or after capture. He himself declares quite clearly that he was shot after he had surrendered and was in the hands of his captors, but his medical history files do not bear him out in this statement. The entry is to the effect that he was wounded and captured the same day, the context indicating that the wound preceded his capture. Nothing in the record dispels the doubt thus created and after very careful consideration, I must disallow the claim.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 30, 1931.

CASE 2222—EDWARD GYDE

The claimant was a Private in the 13th Battalion—Regimental number 24601. He enlisted September 22, 1914, at the age of 34 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the abdomen according to the military records. He declares that his wounds were in the back, left hip and right down to the left groin; also suffered from gas. He escaped to Holland in November, 1917, and was repatriated to England November 30, 1917. He is in receipt of a 20 per cent disability pension, amounting to \$20.00 per month, based on gunshot wound, fracture of left ilium, neurasthenia, associated with constipation. He was married August 30, 1918, and has no children. Prior to enlistment, he was employed as

a foreman in a logging camp at \$130.00 per month and board, and since his discharge he was employed for a few months in a shipyard but had to abandon this work on account of ill-health and is now engaged as a rope-maker.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the treatment of his wounds in hospital, no anaesthetic being used on three occasions and the pain caused him to faint more than once. He also complains of being made to work when unfit, exposure, poor food and punishment parades.

An analysis of the evidence reveals:—

Claimant's testimony coincides substantially with the statement made by him upon repatriation, which is filed of record. Suffering from wounds, he was taken to a hospital in Paderborn and has no complaint as to his treatment there. Somewhat improved in health, he was sent to Senne-lager, where he was exempted from heavy work, due to his condition. Thence, he went to Dulmen in November, 1916, where he was set to work with pick and shovel on the roads. From weakness he fainted and was then put to peeling potatoes, until, through illness, he was exempted by the doctor. Claimant was then sent to Emsdetten, where he was compelled to work in water, during zero weather, with very little to eat. For declining to work, he was made to stand at attention for 12 hours. From this camp, claimant finally escaped with two companions. Claimant tells a very clear story and points out that the German civilian population was on short rations, similar to those received by the prisoners of war. The disabilities of which claimant complains by reason of this treatment are stomach trouble and rheumatism, the former of which he attributes to dysentery from which he suffered when a prisoner, and confinement. The dysentery was a recurrence of an attack he had had in the South African War.

The medical record indicates that claimant complains of dizziness on exertion and rheumatism especially in region of injury and mentions the gunshot wound in left hip. Claimant's percentage of disability is stated at 40 per cent, but Dr. McLean, who furnishes a certificate to that effect, did not appear before the Commission. The Pension records make no mention of any stomach or rheumatic condition; his pension, as stated, being granted on the ground of fracture of the left ilium, neurasthenia, associated with constipation.

In this state of the record, I do not find that claimant has made out a case of disability, resulting from maltreatment whilst a prisoner of war. It is far more likely that his ailments result from service wounds, and general conditions of camp life during captivity, which are matters solely within the competency of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 6, 1931.

Commissioner.

CASE 2223--HAROLD LAWSON TYACK

The claimant was a Private in the 7th Battalion—Regimental number 17288. He enlisted in August, 1914, at the age of 30 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 Holland in June, 1918, and then to England in November, 1918. He is not in receipt of pension, although he had made application therefor. He is single. Prior to enlistment, he was engaged in farming and later had an interest in a Sign Painting business, his salary being \$120.00 a month. After his discharge he was for two years engaged in deep-sea fishing, earning around \$2,500.00 a year; this he had to give up on account of bad 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 work in a blast furnace resulting in heart trouble, and of being made to wear wooden clogs with resultant damage to his feet.

An analysis of the evidence reveals:—

Claimant was at Giessen camp and attached commandos during the period of his captivity. At Geisweid Iron Works, he complains of being made to work upon the blast furnaces on 24-hour shifts, and suffered from the intense heat, against which he was furnished with no protective devices. He was hit and bruised on several occasions but has suffered no disability therefrom and admits that other prisoners were treated worse than he was. He speaks of a poisoned foot which he attributes to the rubbing of wooden clogs he was forced to wear. He complains chiefly of the damp and unsanitary conditions in which he was compelled to live, rather than of any form of punishment. To the living conditions he attributes a painful attack of haemorrhoids from which he suffered and alleges that his heart was weakened and is permanently impaired. While he says little in his testimony of a kidney condition, he has been most diligent in filing the affidavits of a number of fellow prisoners who all declare, in precisely the same language that claimant "was suffering from heart and kidney trouble and blood poisoning in his foot, caused through ill treatment and exposure." The desire to assist the claimant on the part of these men is very commendable, but the weight of their testimony as establishing the physical state of claimant is not very considerable, particularly as to the cause of his trouble.

The medical record indicates that claimant suffers from chronic nephritis and myocarditis, with cardiac hypertrophy. Dr. J. A. Arthur, who certifies to the foregoing, did not appear before the Commission, but further states that claimant's condition prevents him from following his usual occupation. The pension files, of record, merely show that claimant's case is under consideration for nephritis with myocarditis.

Having regard to claimant's age, I do not consider that it necessarily follows that his present condition results from his experiences, whilst a prisoner of war. It would require more direct and convincing evidence to establish the connexion between the two. Claimant's recourse, if any, is properly a matter for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2224—WILLIAM JOHN LONG

The claimant was a Private in the 15th Battalion—Regimental number 7226. He enlisted in August, 1914, at the age of 22 years and was taken prisoner by the enemy on April 24, 1915, at the second battle of Ypres, unscathed but suffering from the effects of gas and from a bruise on the left side of the head, leaving him in a dazed condition. He was repatriated to England from Switzerland September 11, 1917. He is in receipt of a pension of \$35.00 a month based on neurasthenia, deafness in the left ear and for arrested tuberculosis of the lungs. He was married in December, 1919, and has no children. Prior to enlistment, claimant held several clerical positions, at a salary of about \$60.00 a month and since discharge he has been employed as manager of hotels; was sick during the years 1928-29 and is now cashier at the Georgia Hotel, Vancouver, at a salary of \$1,620.00 a 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 lack of

medical treatment for his lungs and ear, being forced to work before being operated upon, and being struck on the head with the butt of a rifle by a sentry.

An analysis of the evidence reveals:—

When captured claimant had received a blow on the head, which evidently injured his left ear. He was taken to Gottingen camp, where he remained about eleven months and complains that he received no adequate medical treatment for his ear, which had begun to discharge shortly after his arrival at this camp. It appears that he was assigned to light work and did have his ear washed out every morning and also had attention from a R.A.M.C. corporal. Later, another German doctor was in charge and he performed an operation upon the ear, which claimant refers to as a mastoid operation. The operation did not relieve the condition and the ear continued to discharge until claimant was finally operated upon in Switzerland, where he declares the inner ear was taken out. As to this condition, it may be well to say at once that the necessity for a mastoid operation results from infection and not from such an injury as claimant describes. I am so advised by competent medical authority. During claimant's stay at Gottingen and later, at Mannheim, he was roughly handled on one or two occasions for refusing to work, but this feature is not pressed as constituting maltreatment. He refers to an operation to remove some teeth, due to the infection which spread from his ear condition, and complains of a chest condition which he attributes to his experiences in Germany. As stated above, claimant is in receipt of a pension on the ground of tuberculosis of the lungs, defective hearing and neurasthenia.

The medical record indicates that claimant suffers from T.B. lungs, defective hearing left ear and neurasthenia. His percentage of disability is stated at 50 per cent in his own calling and at 80 per cent in the general labour market. Dr. Daniel McLellan, who certifies to the foregoing, also appeared before the Commission and spoke fully as to claimant's condition. In 1922 he was called to see claimant, found him suffering from pain in the right side and after some treatment and an X-ray examination diagnosed the trouble as gallstones, for which he finally operated, removing the gall bladder. While inclined to think this condition may have resulted from claimant's generally lowered resistance, Dr. McLellan cannot, obviously, state that this was due to any treatment which claimant may have received in Germany. As to the ear condition, Dr. McLellan readily concedes that the blow claimant received was not the inception of the trouble, but is inclined to think that the infection arose from inadequate medical attention for a condition which bore the seeds of serious trouble. The operation in Switzerland was apparently to remove bone which had become necrosed through inattention. Dr. McLellan scouts the idea that the lung condition of which claimant complains results from the original dose of gas which he received and rather infers that this impairment to the chest followed the treatment received by claimant as a prisoner. He considers claimant quite materially disabled.

The case presents features of difficulty and while I do not think it has been proven that claimant received improper medical attention whilst a prisoner, I feel that the rough handling to which he was subjected resulted in impairment to his health. On the whole, and after very serious consideration, I have reached the conclusion that he is entitled to an award. I would, accordingly, recommend payment to claimant 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, November 30, 1931.

CASE 2225—JAMES GIBSON

The claimant was a Private in the 7th Battalion—Regimental number 16311. He enlisted in August, 1914, at the age of 26 years. He was taken prisoner April 4, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England September 11, 1917, having first been released to Switzerland. He is in receipt of a 30 per cent disability pension, amounting to \$42 per month for himself, his wife and family. This pension is based on heart disease. He was married in July, 1919, and has three children. Prior to enlistment, he was employed in a mattress factory, earning \$100 per month and since his discharge has been employed as a janitor at a school, earning \$50 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 being forced to work night and day while ill, outside, and in all kinds of weather. Now suffers from heart trouble, due to the strain of heavy work while ill without proper medical attention.

An analysis of the evidence reveals:—

Claimant was suffering from the effects of gas when captured. Taken to Geissen camp, he requested medical attention but was told he was quite well and sent to work. At Geisweid Iron Works, claimant collapsed while at work, was examined by the doctor and finally sent to Switzerland. He does not complain of any particular acts of brutality, but rests his claim on the ground that the work he was compelled to do was too heavy in his weakened condition of health. There is corroboration for the fact that claimant was not well when forced to work.

The medical record indicates that claimant suffers from mitral regurgitant murmurs, left ventricular preponderance and anaemia. His percentage of disability is stated at 50 per cent. Dr. E. H. Martin, who certifies to the foregoing, did not appear before the Commission. From claimant's pension file it is quite clear that he suffers from a heart condition, which is declared to have been caused by gas poisoning.

Claimant is clearly disabled, but the difficulty is to connect his present condition with the treatment he received whilst a prisoner of war. His complaint is limited to work imposed when he was unfit to do it. As far as I can see, there would be nothing in claimant's appearance to indicate that he had a heart condition and it can hardly be termed maltreatment that his guards should insist that he conform to the working conditions. His early transfer to Switzerland and when his condition was discovered, would seem to indicate the reverse of maltreatment. Viewing the case as a whole, the claim fails and it is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2226—THOMAS W. WILLIS

The claimant was a Private in the 78th Battalion—Regimental number 721186. He enlisted in November, 1915, at the age of 27 years. He was taken prisoner in October, 1917, at Paschendale, unwounded. He was repatriated to England in January, 1919. He is not in receipt of pension but has filed application therefor. Prior to enlistment, he was an Iron Moulder by trade, and was earning \$6 a day. Since his discharge he followed the same employment until 3 years ago, when he had to give it up on account of his eyesight.

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 struck on the shoulder and knocked down, striking his nose on some ashes which resulted in the loss of sight in the left eye.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 14 months, which period he spent at Dyrotz camp. Apart from poor food conditions he complains of only one incident of maltreatment. While unloading a car of ashes, he began to sing which evidently displeased the guard, who struck claimant across the shoulders knocking him to the ground where he struck his nose, and contends that he has lost the sight of his left eye as a consequence. He now complains that the vision in the right eye is also impaired.

The medical record consists of a copy of a certificate given by Dr. Robert Crosby, the original whereof is declared to be with claimant's pension file at Shaughnessy military hospital. Dr. Crosby finds claimant has a large amount of hypermetropia in each eye, which when corrected with a proper lens in right eye gives normal vision. The left eye, however, has only very poor vision due to an old chorio retinitis. Contrasting this reported condition with claimant's medical board upon discharge from the army, I find that claimant's vision in both eyes is declared to have been normal at that time.

In the absence of more convincing evidence as to claimant's present condition, and the establishment of even a prima facie case that such condition resulted from acts of maltreatment whilst a prisoner of war, the claim cannot be allowed. The mere fact that claimant was knocked down, striking his nose, does not necessarily involve injury to the eye. The evidence lacks definiteness. In this state of the record, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2227—WALLACE ROBERT DOWNING

The claimant was a Private in the 4th C.M.R.—Regimental number 113187. He enlisted in January, 1915, at the age of 23 years. He was taken prisoner June 2, 1916, and states that he was suffering from a wounded eye, caused by debris from an explosion. The army record, however, states that he was not wounded. He was repatriated to England on November 24, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$39.00 per month, based on "detached retina left eye." He is married and has three children. Prior to enlistment, he was employed as a carpenter at the rate of 45 cents per hour. Since his discharge he has followed his old occupation, but declares that he is frequently without work.

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 suffers from stomach and heart trouble, as a result of heavy labour and insufficient food. He also complains that his injured eye received no attention.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at the following camps: Dulmer, Duisburg, Munster, Friedrichsfeld and Essen. He does not complain greatly of any particular acts of brutality but confines himself to declaring that the poor and insufficient food, combined with long and arduous work has undermined his health. He also complains that the injury to his eye received no medical attention, although obviously he cannot show that any such attention would have resulted in less disability to his sight than would otherwise have been the case. He now suffers from his heart and stomach, but does not exhibit any particular signs of debility.

The medical record indicates "poor and insufficient food, hard labour caused indigestion and disordered action of the heart." His percentage of disability is

stated at 50 per cent. Dr. C. C. Brown, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer only to the eye condition, for which claimant receives a pension.

Claimant's disabilities, apart from loss of sight, are quite general. As stated in Opinion annexed to the present report, I do not consider that ailments resulting from conditions of camp life, having to do generally with food and work, can form the basis of a claim for maltreatment. Claimant has failed to discharge the burden of showing that a present disability results from maltreatment whilst a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2228—JOHN GORDON LEONARD

The claimant was a Private in the 71st Battalion, drafted to the 3rd Battalion—Regimental number 126834. He enlisted on September 9, 1915, at the age of 19 years. He was taken prisoner October 8, 1916, suffering from a gunshot wound through the right ankle. (It is noted that the Military record gives "gunshot wound left heel"). He was repatriated to England in January, 1919. He is not in receipt of disability pension, and is undecided whether to apply therefor. He was married on January 31, 1923, and has three children. Prior to enlistment, he worked on the home farm, and since his discharge worked, from 1923 to 1928, at the Listowel City Dairy, at a salary of from \$60.00 to \$90.00 per month. He was compelled to give up this work by reason of ill health, and is now occasionally employed on a farm at \$30.00 per month, and his keep, but not that of his family.

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; that he was compelled to work in a lumber camp whilst still on crutches. He complains also that his clothes were taken away from him every night and returned to him in the morning in a frozen condition, and alleges that as a result of this treatment he is now in weakened health.

An analysis of the evidence reveals:—

Claimant was first taken to Bapaume hospital, where he complains that he received no medical attention. He has the same complaint regarding Cambrai and Parchim hospitals, adding that he was given next to nothing to eat. Sent to a lumber camp, on crutches, he complains of being made to work when unable to do so. He received no severe beatings. His story is very confused and claimant was unable to tell of his experiences with any consecutiveness. He speaks of his general condition as run down, due to exposure, complaining chiefly of his stomach and nerves. Claimant displayed marked deficiency in power to concentrate and to recount his story intelligently.

There is no medical evidence of record—not even the usual certificate of a physician. Claimant's medical history sheets contain nothing unusual, all systems being declared normal upon discharge from the service.

In this state of the record it is obviously impossible to reach a finding in claimant's favour. He has completely failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. His recourse, if any, will be before the Board of Pension Commissioners. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2234—VERNON ALBERT HENRY

The claimant was a Private in the Canadian Cavalry Brigade—Regimental number 113287. He states that he enlisted in January, 1915, the official date being March 29, 1915. He was then 22 years of age. He was taken prisoner on or about November 20, 1917, at Cambrai, unwounded. He was repatriated to England December 3, 1918. He is not in receipt of pension. He was married in February, 1919, and has four children. Prior to enlistment, he was a foundry worker, earning about \$20.00 per week, and is now engaged in the insurance business and doing fairly well.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to do heavy work while physically unable, due to illness and lack of food. Was struck over the head with a wire whip which split his head open, and struck on the jaw with a rifle butt. He had a severe attack of influenza and did not receive adequate medical treatment. He now suffers from rheumatism and nervous disorders.

An analysis of the evidence reveals:—

Claimant was a prisoner for slightly more than a year. Taken to Cambrai and Lecoteau, he was questioned and then moved to Minden camp for a month, thence to Munster No. 2, as to which camps he has no particular complaints. Sent out to work on a railroad near Valenciennes, he complains of the hard labour, long hours, poor food and rough treatment. Claimant was beaten with a whip and slashed across the head for not vacating barracks as speedily as desired. He declares he was knocked unconscious but does not attribute any permanent physical injury to this incident, though he does contend that his present nervous condition is largely due thereto. Taken with the flu during the 1918 epidemic, claimant complains that he did not receive proper medical attention. To undernourishment claimant attributes his present disabilities. He also suffers from rheumatism.

The medical record indicates that claimant suffers from lumbago, myalgia and nervous debility. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. H. M. MacDonald, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual, his last medical board, upon discharge from the service declaring all systems normal. Dr. MacDonald has furnished an additional certificate explanatory of claimant's condition. He makes the following significant statement: "These troubles I attribute to insufficient nutrition while a prisoner of war in Germany. As a result of under nutrition his general body resistance was so lowered that he developed nervous debility and rheumatic pains. He also had gastro-intestinal disturbances."

Clearly claimant's disabilities are of nutritional origin and cannot be ascribed to any particular acts of maltreatment by his captors. As explained in Opinion annexed to the present report, the failure of Germany to feed her prisoners, in the absence of evidence of deliberate intentional starvation, cannot be regarded as maltreatment under the relevant sections of the Treaty of Versailles. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2238—WALTER HAYES

The claimant was a Private in the 38th Battalion—Regimental No. 669810. He enlisted on February 19, 1916, at the age of 25 years. He was taken prisoner August 10, 1918, unwounded, but states that he was suffering from concussion. He was repatriated to England on December 6, 1918. He is not in receipt of disability pension, but appears to have accepted a gratuity of \$50.00, in lieu of a pension of \$5.00 per month, for six months. He was married in October, 1921, and has two children. Prior to enlistment, he was employed in a brickyard at \$15.50 per week, and since his discharge has been in the employ of the Toronto City Waterworks, at a salary of about \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of eczema on the lower part of the body and thighs, induced by the insufficiency and poor quality of the food issued to him, also that his nerves are in poor condition.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 4 months. He does not complain of any personal brutality, but confines his claim wholly to disabilities which he attributes to poor and inadequate food. Taken to a camp in Westphalia, (Dallinger sic) he was employed in a fertilizer plant, where, he declares, he contracted eczema, which still troubles him. He was denied medical attention for this condition. While he admits that he is in fair health now, he complains that his nerves trouble him.

The medical record indicates that claimant suffers from eczema lower part of body, scrotum and thighs. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. C. A. Ames, who certifies to the foregoing, did not appear before the Commission. In his certificate he attributes claimant's condition to poor diet, working without rest, "principally overwork and bad food." Claimant's medical history files show nothing unusual, apart from moderate war neurosis.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. As explained in Opinion annexed to the present report, failure to supply adequate and proper food in Germany cannot be regarded as "maltreatment," unless deliberately and intentionally imposed. This he has not shown. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2239—ARTHUR C. CLEVERLEY

Claimant was a Private in the 3rd Battalion—Regimental No. 10017. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England November 18, 1918, being first exchanged to Holland in March of that year. He is not in receipt of pension, but has an application pending before the Board. He was married in September, 1925, and has one child. Prior to enlistment, he was employed as an electrician, earning \$12.00 a week, and since his discharge has been employed as an assistant manager with an electrical concern, earning \$3,500.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been placed in solitary confinement, poor and inadequate food, heavy work and exposure.

An analysis of the evidence reveals:—

Claimant was a prisoner at Giessen camp for seven months. Apart from solitary confinement for refusing to work, he relates no outstanding incidents. Removed to Lichtenhorst, where he spent 13 months, he complains of the enforced marching drill. It was discovered that claimant was a self-promoted N.C.O., and he was sent to the coal mines to work. Here the food conditions were very bad, the hours long, the work hard and the clothing insufficient. He speaks of no particular acts of brutality, but ascribes an impaired stomach and digestive system to the conditions he was compelled to undergo at the coal mines.

The medical evidence consists of the testimony of Dr. Geo. S. Young, who appeared before the Commission. He states that claimant suffers from obstinate constipation amounting to digestive disturbance, due probably to atomy of the large bowel. This condition is declared to be nutritional in origin. Claimant's general health appears to have improved in recent years. Claimant's medical history files contain nothing unusual. His last medical board, upon discharge from the service, showed all systems normal.

While claimant's disability is probably nutritional in origin and, for reasons explained in Opinion annexed to the present report, would not ordinarily give rise to an award, there is one outstanding fact which brings me to the conclusion that claimant is entitled to succeed. He spent over a year in the coal mines, where conditions were so harsh and severe that I would be surprised to find that he escaped the treatment accorded without disability. Viewing all the circumstances, I am of opinion that claimant has established some disability resulting from maltreatment. I would, accordingly, recommend a payment to him 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 8, 1931.

CASE 2240—WILLIAM McCLARY REILLY

The claimant was a Private in the 14th Battalion—Regimental No. 3314099. He enlisted January 10, 1918, at the age of 21 years. He was taken prisoner October 1, 1918, at Cambrai, suffering from gunshot wound in the left thigh. He was repatriated to England January 25, 1919. He is in receipt of disability pension, amounting to \$15.00 per month based on the wound in his leg. He is unmarried. Prior to enlistment, he was employed as an hotel clerk earning \$100.00 per month and since his discharge was in the employ of the Dominion Government operating a bridge on the Welland Canal until October, 1928, when he suffered a mental breakdown and was sent to the Ontario Hospital for the Insane at Hamilton, Ont. He was recently released from the hospital and was able to appear and give testimony before me, at Toronto, on April 13, 1931. There are photostatic copies of his medical examination on file, showing that he was apparently suffering from dementia præcox.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper treatment of the wound in his thigh resulting in the shortness of one leg. It is asserted that his mental breakdown is due to the nervous condition brought on by his treatment while a prisoner in Germany.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for three months, during which time he was in hospital at Gottingen. He contends that lack of proper medical attention has resulted in greater disability than he would otherwise have had. He admits that he received some treatment, but complains that no X-ray photographs were taken and objects to the use of paper bandages and the general

discomfort of the accommodation. In October, 1930, claimant suffered a severe nervous collapse and was an inmate of the Government hospital at Hamilton, Ontario, suffering from what has been referred to as dementia præcox. He was discharged from hospital as normal shortly previous to his appearance before the Commission. In his testimony he attributes this mental condition generally to his experiences whilst a prisoner.

The medical record is quite complete, consisting of copies of claimant's hospitalization records. For the injury to his leg, claimant receives a pension.

It would require very definite evidence to establish the connexity between claimant's mental condition and his short period of captivity in Germany. I do not find that there is any relation between the two, nor do I consider that claimant has established that maltreatment has aggravated the condition of his leg. I regard the case as one purely for the attention of the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2241—WILLIAM GEORGE SINGER

The claimant was a Private in the Royal Canadian Regiment—Regimental No. 477839. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner October 8, 1916, suffering from a gunshot wound in the left arm. He was repatriated to England on December 15, 1918. He is not in receipt of pension, although he states he applied therefor in 1920. He was married on June 4, 1924, and has one child. Prior to enlistment, he was employed as an electric crane driver earning \$20.75 per week. He is now a Civil Servant (National Revenue Department) at a salary of \$90 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 denied medical treatment for the wound in his arm, but was on the contrary compelled to do heavy work. He also complains of unprovoked attacks by the prison guards.

An analysis of the evidence reveals:—

Claimant was in Stettin hospital for the wound in his arm from October, 1916, to January, 1917. Removed to Friedland in East Prussia he complains of being made to stand at attention for long hours in the cold and wet, which brought on influenza and tonsillitis. Made to work in a sawmill, he complains of the long hours and poor food, but does not refer to any particular acts of brutality. The rough treatment he received has left no disability and apart from the general statement that he suffered from starvation, claimant is unable to indicate any particular disablement, save as to his arm, which he contends still troubles him.

No medical evidence has been furnished—not even the usual certificate of a physician. Claimant's medical board, upon discharge, contains nothing out of the ordinary and shows that his general health was good.

In this state of the record it is apparent that claimant has not made out a case of maltreatment whilst a prisoner of war resulting in disability to him. The claim should not have been advanced or pressed, before this Commission. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2242—HAZELTON CLIFFORD MOORE

The claimant was a Private in the 1st C.M.R.—Regimental number 106413. He enlisted March 9, 1915, at the age of 22 years. He was taken prisoner June 2, 1916, during the battle of Mount Sorrel, suffering from wounds in the left arm, fracture of the humerus and flesh wounds on both legs and wound in the left testicle from a bomb. He is not in receipt of pension, but received a cash gratuity from the Pension Board, amounting to \$100.00 for the loss of the left testicle which had to be removed after his return to Canada in 1920. He was repatriated to England January 6, 1919. He was married October 5, 1921, and has three children. Prior to enlistment, he was employed as a book-keeper with the International Harvester Company at Brandon, at a salary of about \$100.00 per month, and since his discharge has been with the same concern, at Lethbridge, earning from \$25.00 to \$200.00 per month. He gave up office work and took a salesman's position with the same company in 1925, on 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 being compelled to work while unfit to do so, of injury to his feet from wearing clogs, of lack of medical attention for his wounds, and of heavy work in salt mines.

An analysis of the evidence reveals:—

Claimant first complains of the lack of medical treatment for his wounds, particularly the injury to his testicle in which a piece of shrapnel was lodged. He was in hospital at Menin, Courtrai and Hanover, at which latter hospital this condition first received attention, which claimant declares was quite ineffectual though excruciatingly painful. He suffered from this wound until 1900, when the testicle was removed, in Canada. He was sent to Celle-lager, and, after a period of convalescence, to work on a farm, thence to a cement factory at Wunsdorf. Here he was compelled to work in wooden clogs with resultant damage to his feet, from which he still suffers. At Rosenberg, he was made to work in salt mines for 4 months and complains that the treatment was particularly cruel and inhuman. He was beaten for failing to complete almost impossible assignments of work, made to work overtime and given very little food and that of the worst. Liberated from this camp, claimant was sent to a cement factory at Merseberg where he remained a year, working at breaking and loading rock. His health gave out, his back chiefly troubling him from the heavy work. Claimant concluded his period of captivity at a sugar factory near Brunswick. He complains of an impaired stomach, weak back, impaired feet and a nervous affection.

The medical record shows that claimant suffers from his stomach and is very nervous. His back also troubles him. This information is furnished by Dr. A. McNally, who, however, did not appear before the commission. There is also a certificate of Dr. J. S. Stewart, certifying to trench mouth and some damage to the alveolar process. Claimant also furnishes certificate of treatment for his feet and the necessity of specially made boots.

The worst feature of claimant's imprisonment was undoubtedly the four months spent in salt mines at Rosenberg. We have had abundant testimony of the cruelty to which prisoners were subjected in these camps. I do not think that claimant has been successful in showing that the lack of medical attention whilst a prisoner of war of which he complains constitutes maltreatment, but I do consider that he has made out a case of maltreatment whilst in the salt mines, which has resulted in some disability to him. I would, accordingly, 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 2243—HAROLD E. M. BENNETT

The claimant was a Private in the 44th Battalion, Regimental No. 234882. He enlisted May 2, 1916, at the age of 20 years. He was taken prisoner June 3, 1917, and states that he was wounded, having been blown up twice. This is not substantiated by the military records. He was repatriated to England December 17, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$42.00 per month for himself and family, based on neurasthenia, pulmonary T.B. and pleurisy. He is married and has three children. Prior to enlistment, he was engaged in farming, and since his discharge worked with the Post Office in Regina until 1928, earning \$125.00 per month. He was obliged to resign owing to ill-health and has been unable to work since.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work while suffering from pleurisy and neurasthenia and was discovered to be in such a state of collapse that the authorities were forced to put him in hospital in order to save his life. He was suffering from shell shock at the time of capture and was a physical wreck. He received no medical attention for about a year and suffered from privation, was extremely nervous and had lapses of memory. He kept complaining all the time about his illness, but was driven to work, unloading stone and iron for 15 hours per day. Was struck in the stomach by a rifle butt and knocked down by a guard at Altdamm in 1918. While a prisoner he contracted pleuro-pneumonia and now suffers from a chest condition and a heart condition.

An analysis of the evidence reveals:—

Claimant had been blown up twice when captured and declares that even before was not in good condition; had been recommended to be sent back to the base. All his troubles appear to have originated at and previous to capture. He states that he was "practically a wreck" when taken, and complains that, though he protested, he was made to work in that condition until he collapsed and was finally placed in hospital. He went to Douai, thence to Valenciennes and finally to Altdamm and Stettin. He was hit and knocked down on one occasion, but hard work when he was unfit to do it is the basis of his complaint. He speaks of his chest and heart condition as being the major disabilities from which he now suffers.

The medical evidence is contained in claimant's pension file. These records indicate that claimant's neurasthenic and pulmonary condition were incurred during service, as distinguished from his period of captivity. The medical observer notes the case as one of constitutional psychopathy, and that claimant uses very extravagant language about himself. It was apparent in his testimony that he was obsessed with the injustice of his treatment by the Germans, and that this obsession has reacted upon his entire nervous system.

With every sympathy for claimant, in his impaired state of health, I yet have been unable to reach the conclusion that he has any recourse before this Commission. The origin of his trouble was due to service, and I do not consider that his condition became aggravated by maltreatment whilst a prisoner of war, which has resulted in a disability he would not otherwise have had. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 19, 1931.

CASE 2246—THOMAS BRAMA DIPLOCK

The claimant was a Sergeant in the 7th Battalion—Regimental number 16267. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England November 18, 1918. He is not in receipt of pension. He was married July 22, 1919, and has three children. Prior to enlistment, he held a clerical position with a lumber company and with the Municipality of North Vancouver, at a salary of \$75 per month. Since his discharge, he has held other clerical positions with the municipality and with the Soldier Settlement Board, with salaries ranging from \$105 to \$175 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 subjected to abuse and blows from rifle butts when being escorted behind the German lines. Was transferred to Cologne, Germany, in an overcrowded box car with bad ventilation and lack of food and water. As a result of cold, poor sleeping accommodation and insufficient food in the camp he contracted haemorrhoids and catarrh. Was compelled to march in heavy wooden clogs and forced to work in the reclaiming of marsh lands. Suffers from poor nerves, haemorrhoids, catarrh and severe head pains and is advised by his doctor that his disability is permanent and likely to increase with age.

An analysis of the evidence reveals:—

The facts as shown in the foregoing summary of the statement of claim have been substantially established by claimant's testimony and supporting affidavits. No particular disability is alleged to have resulted from brutal or violent treatment. The complaint is confined to the ailment contracted by claimant—haemorrhoids—whilst a prisoner and said to be ascribable to poor living conditions, damp and cold, insufficient and poor food aggravated by long hours of punishment or exercise drill imposed upon non-commissioned officers at Giessen camp. The claim of injury to claimant's feet has not been pressed.

The medical record indicates that claimant suffers from haemorrhoids, nasal catarrh and neuritis. His percentage of disability is stated as 15 per cent in his own calling and from 50 per cent to 60 per cent in the general labour market. No other medical evidence than the certificate of Dr. R. C. McCarley has been submitted. The medical history files show that, upon discharge, claimant's general health was good.

In this state of the record I do not consider that claimant has succeeded in showing that the malady from which he suffers has resulted from maltreatment whilst a prisoner of war. He underwent the conditions imposed upon all prisoners and if, in fact, he is now suffering a permanent disability due to his experiences, I am inclined to think he should seek recourse before the Board of Pension Commissioners. I am, therefore, of the opinion that the claim must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2247—FRED GORDON COBURN

The claimant was a Private in the 2nd Battalion—Regimental number 8196. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from a touch of gas. He was repatriated to England December 18, 1918. He is not in receipt of pension, has made no application therefor, nor does he intend to do so. He was married May 4, 1921, and has two children. Prior to enlistment, he was employed as a bank clerk at a salary of \$50 per

month, and since his discharge returned to the bank at \$70 per month, and later was with the Soldier Settlement Board at Ottawa, and at the time of making this claim was earning \$255 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work digging and laying sewers and being lodged in a damp cellar. After one week's work he, with other prisoners struck. They were returned to the punishment barracks at Giessen for two weeks. He was here compelled to sit on a low stool from 6 a.m. till 8 p.m. without being allowed to sleep, talk or read. Upon release, was placed at building a dam and worked six weeks with wheelbarrows and shovel, but owing to the accidental death of the chief engineer, for which the prisoners were blamed, they were returned to Giessen for two weeks' further punishment. Suffered still another two weeks' punishment for being considered lazy. In December, 1915, was placed at work in the stone quarries handling rock covered with snow and ice, with bare hands. Attempted to escape and was taken to a Russian work camp where he was compelled to stand at attention, all night, almost naked. One of the guards struck him a blow with the butt of a rifle, on the back of the head, knocking him unconscious. He was also severely kicked. Placed in the dark cells at Giessen in the military prison where a thrashing was administered every morning. Served several periods of solitary confinement on a diet of bread and water, and for refusing to work on munitions was beaten and kicked about. Also lost a gold watch and fob taken from him behind the German lines, valued at \$50.

An analysis of the evidence reveals:—

The foregoing summary of claimant's statement of claim is borne out by his evidence before this Commission, and is supported by the affidavit of a fellow prisoner. There is no corroboration as to the loss of personal effects claimed. Claimant can point to no particular disability resulting from his experiences whilst a prisoner of war. His claim is entirely general.

There is no medical evidence of record. Claimant speaks of some trouble with his eyes but declares that he was told by an eye specialist that he could not prove his case. The medical history files show that upon medical examination upon leaving the service, claimant was found fit—"all systems normal".

While the evidence establishes ill-treatment whilst a prisoner of war, claimant has failed to prove that any disability has resulted therefrom. In the absence of some medical evidence showing disability this cannot be inferred. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2248—JOHN EDWIN ALDOUS

The claimant was a Private in the 7th Battalion—Regimental number 7193. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England November 24, 1918. He is not in receipt of pension. Prior to enlistment, he was employed as a bank clerk at a salary of \$1,100 per annum, and since his discharge has tried several jobs but has been unable to keep them, and, at the time of the hearing, was unemployed.

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 coal mines with insufficient food. He contends that his health has been ruined and his digestive organs badly impaired. Suffers attacks of asthma each year, which he attributes to the conditions under which he lived as a prisoner for three years and eight months.

An analysis of the evidence reveals:—

Practically the whole period of claimant's captivity was spent at Osterfeldt, working in the coal mines. Long hours of labour in the mines, poor accommodation and worse food are the main complaints advanced by claimant. On one occasion he was made to stand at attention in the sun for going on strike and refusing to work. He speaks also of some maltreatment in the way of being hit with butts of rifles and bayonets, but declares that he was not physically injured thereby. His impaired health is ascribed to lack of food and hard work.

The medical record indicates that claimant suffers from neurasthenia, arterio-sclerosis and intermittent attacks of asthma. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. G. A. Petrie, who certifies to this condition, did not appear before the Commission. Claimant's medical examination upon leaving the service shows "all systems normal."

The case presents difficulty in reaching a conclusion as to whether the disability of which he now complains has resulted from maltreatment while a prisoner of war. I cannot say that he has discharged the burden of showing a connexion between the two, but, having regard to the fact that he spent over 3 years in the coal mines, I feel that it is a fair inference that he has suffered some disability which may be said to be the result of maltreatment, as is more fully explained in general Opinion annexed to the present report. 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, November 30, 1931.

CASE 2250—LIEUT. ROBERT C. PITMAN

The claimant was a Flight Lieutenant in the Flying Corps; he enlisted in the Royal Canadian Regiment in October, 1915, and transferred to the Flying Corps in 1917. His age on original enlistment was 23 years. He was taken prisoner September 18, 1918, unwounded but had suffered from shell shock in the fall of 1916. He was repatriated to England in December, 1918. He is not in receipt of pension. He was married in April 1921, and has one child. Prior to enlistment, he was a Law Student and afterwards Deputy Clerk District and Surrogate Court, Saskatoon, at a salary of \$125.00 a month, and since his discharge has been employed by the Soldiers' Settlement Board, at a salary, in 1930, of \$160.00 a 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 being imprisoned in cells, lack of proper medical attention and food. He also complains that all his flying equipment was taken from him, including personal effects of his own, to the value of \$238.60.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 3 months. He does not complain of any particular acts of brutality but declares that bad living conditions, exposure, lack of medical attention and lack of nourishing and sustaining food brought on a chest condition which impairs his health. His chief complaint is that he was placed in a cell which was damp and cold and that he caught a severe chill and cold which developed into bronchitis and flu, for which he received no medical attention. This occurred at Ingolstadt, about October 12, 1918. In addition, claim is made for the loss of personal effects to a value of \$238.60, which effects claimant declares were taken from him by his captors.

the only corroboration furnished as to claimant's condition in Germany is an affidavit from a fellow prisoner that, in his opinion, claimant suffered from a chest trouble and bronchial congestion.

The medical record indicates that claimant suffers from recurring attacks of bronchitis, influenza and pleurisy. His percentage of disability is stated at 10 per cent in his own calling and at 20 per cent in the general labour market. The medical history files show nothing out of the ordinary.

It is clear, from the evidence, that at the time claimant sought medical attention, it was not available owing to the disorganization of the German forces at that time. After very careful consideration, I cannot reach the conclusion that claimant was subjected to maltreatment whilst a prisoner of war resulting in disability to him. He has failed to establish the connexity between his present condition and the treatment of which he complains. If disabled, as he says, his recourse is elsewhere. The claim for loss of personal effects also fails, for lack of corroboration. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2251—JOHN CHARLES HINES

The claimant was a Corporal in the 6th Battalion Royal West Kent Regiment—Regimental number 7665. He had been living in Canada since 1907 and was a reservist in the British army. He was called up at the outbreak of war, and sailed for England from Quebec City. He was taken prisoner April 9, 1917, unwounded, but had been previously wounded, in 1915, in the left forearm. He was repatriated to England December 30, 1918. He is not in receipt of Imperial pension nor has he made application therefor. He was married at the time he left for overseas and has three children. Prior to enlistment, he was employed as a painter on day wages, earning about \$78.00 per month, and since his discharge has not been employed steadily, but has worked as a painter making \$39.00 per week when employed. Illness and fainting spells have operated against his being able to keep at work.

In corroboration of his residence in Canada, before the war, there are certified copies of letters written to him by the Rev. Austin Ireland from Lachine, Quebec, and a letter from the Rev. Mr. Ireland from Thorold, Ontario, dated February 4, 1931, to the claimant's solicitor advising that Hines name is on the Honor Roll at St. Stephens Church, Lachine, indicating that he was one of the residents of that city who served overseas.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of impaired health due to close confinement in a temporary prison camp and avers that, as a result of his detention in the dungeon, he has developed rheumatism.

An analysis of the evidence reveals:—

Claimant served with the Imperials, as above stated, but was a resident of Canada prior to the war and went home to rejoin his old battalion. These facts have been clearly established and give this Commission jurisdiction to entertain the claim. Claimant confines his complaint as to maltreatment to his period of imprisonment in dungeon at Fort Macdonald, immediately following his capture. Owing to the crowded, filthy and unsanitary conditions of this prison he alleges that he contracted rheumatism from which he still suffers. As to his remaining experiences at Munster and Hestonmoor camps he has little complaint, but speaks generally of rough treatment.

There is no medical evidence in this case, not even the usual certificate attesting claimant's present condition and stating his degree of disability. The Canadian military records are, of course, silent as to claimant, since he was with the Imperials.

In this state of the record it is obviously impossible to find in claimant's favour. Maltreatment alone does not suffice to found a claim. Resultant disability must be shown. Were it otherwise, the mere fact of imprisonment would almost alone support a claim, and clearly, this is not the maltreatment contemplated by the reparation provisions of the Treaty of Versailles. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2252—WILLIAM MURRAY MILLER

The claimant was a Private in the 5th Battalion—Regimental number 13206. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 25, 1915, at the second battle of Ypres, suffering from a gunshot wound in the breast. He was repatriated to England on December 30, 1918. He is not in receipt of pension, but states he may now apply for one. Prior to enlistment, he was a carpenter and is now employed as a telephone man.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that three teeth were forcibly extracted without an anaesthetic being administered, with the result that the right side of his upper jaw has been considerably damaged. He also complains that on several occasions he was beaten with the flat of a bayonet.

An analysis of the evidence reveals:—

Claimant spent two months in hospital recuperating from his wounds. He was then sent to Stendal camp and working detachments connected therewith. His complaint as to maltreatment is confined to one incident. Reporting sick with toothache he was taken to a German dentist who forcibly extracted three teeth without anaesthetic. Claimant protested, but was held down by the sentry who accompanied him, while the dentist proceeded with the extraction. He also complains generally of being beaten, but did not suffer any permanent disability.

The medical record is very complete and indicates that claimant sustained considerable damage to his jaw. Dr. W. C. McKechnie certifies that upon examination he finds on the upper right maxilla there is considerable of the posterior part of the alveolar process missing as well as a portion of the jaw bone itself. The gum is loose and irregular and would prevent the proper wearing of a plate. Supplementing this certificate Dr. W. E. Wessels, dentist, appeared before the Commission and told of treatment given by him to claimant. He declares that for a distance of about an inch and one-half the gum appeared to have no bone underneath. It was loose and flabby; pus was oozing from the area. Dr. Wessels lanced the gum and found that in an extraction of teeth the posterior of the maxilla had been broken and a piece missing as large as his thumb. Examination revealed that the area was badly necrosed and for several months curetting was resorted to to remove the necrosed pieces and crumbs of bone. Dr. Wessels expresses the opinion that the condition was due to brutal dentistry, because "the whole jawbone was broken, the jawbone that holds the teeth." The injury is of course permanent and prevents claimant from ever having a proper denture.

While the medical evidence appears to justify the conclusion that claimant's teeth were extracted with the maximum of cruelty and the minimum of proper dental skill, claimant's medical files do not support his statement that these extractions occurred in Germany. The dental record, upon discharge from the service, indicates the presence of at least one tooth in the area where the greatest damage appears to have been caused. A consideration of this file casts very great doubt as to the accuracy of claimant's statements and I have reached the conclusion that claimant cannot succeed. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, November 30, 1931.

Commissioner.

CASE 2253—LIEUT. ARTHUR CLARENCE LEE

The claimant was a Lieutenant attached to the Royal Flying Corps. He enlisted March 1, 1915, at the age of 24 years. He was taken prisoner May 20, 1917, having been shot down by the enemy while flying. He sustained minor bruises in the crash of the plane. He was repatriated to England December 25, 1918. He was married December 15, 1920, and has one child. He is not in receipt of pension nor has he made application therefor. Prior to enlistment, he was working at home on his father's farm, and since discharge has been running his own farm.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of poor food, for which he had to pay out of his army pay some \$15 per month and the quantity and quality received could not be worth \$1. His nerves are bad and he suffers from lapses of memory.

An analysis of the evidence reveals:—

Claimant, a flying officer, was brought down by the enemy. He was a prisoner in Germany for about 18 months. From Karlsrue, he was sent to Strohen. He complains that he was confined to barracks for a month because his captors had discovered a tunnel other prisoners were building with a view to escape. Claimant attributes haemorrhoids from which he still suffers to this confinement and the poor food. He has no other complaint as to maltreatment, but declares that he also suffers from lapses of memory and inability to concentrate due to his experiences as a prisoner. This latter trouble developed after he had returned to Canada. Claimant claims for loss of effects and money expended in buying food whilst a prisoner.

The medical record indicates that claimant suffers from haemorrhoids and lapse of memory. His percentage of disability is stated at 25 per cent. Dr. F. T. Green, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files declare that he is not suffering from any functional or organic disease of his nervous system, without any indication of disability resulting from his period of service.

It is shown in the evidence that claimant had had several minor service accidents before capture. I am inclined to think that his lapses of memory are due to super sensitiveness on claimant's part and could be corrected by a systematic effort to improve the condition. As to his haemorrhoids, if serious, these could be reduced and a cure effected by surgical treatment, if deemed advisable. On the whole, I do not consider that claimant has established the connexion between his present disability and any maltreatment to which he was subjected whilst a prisoner of war. At all events, the claim, if any, is one for the consideration of the Board of Pension Commissioners. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2255—PERCY SEDORE

The claimant was a Private in the 7th Battalion—Regimental number 17277. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, at the second battle of Ypres, suffering from three gunshot wounds in the left leg, wound in the right groin, and had been gassed. He was repatriated to England on December 5, 1918; he is not in receipt of pension. Prior to enlistment, he was a shingler earning \$8 a day piece work, and since his discharge he continued his calling, but can only earn around \$3 a day through having to compete with others at piece work.

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 struck over the head with the butt of a rifle, and with a lance, being placed in solitary confinement for 21 days as punishment for smoking in barracks and also 14 days for not working faster. He complains further that he was hit over the head with a bayonet, the result being that he has lost the use of his hearing in one ear.

An analysis of the evidence reveals:—

Claimant, on his own admission, considered it his duty to give his captors as much trouble as possible. Quite apart from several attempts to escape, he was instrumental in organizing a small party of prisoners into a band known as the "Iron twenty," the group refusing to be cowed by the guards and taking all the punishment handed out. That they were truculent and intractable is beyond question, and the severest kind of punishment was visited upon them. They were marked men, with rings painted on their uniforms to indicate their quality. A witness called to testify as to these facts declares that he "never saw two men (the other was Martin) take such human punishment as they did and live through it." I have no reason to doubt the story told by claimant, and even though he did bring much of the brutality upon himself by his truculence and disobedience, the punishment given him went beyond reasonable bounds. He was repeatedly struck and injured, and served punishment in dark cells to the lasting injury of his health.

The medical record indicates that claimant suffers from loss of hearing, left ear; gunshot wound of left leg; impairment of function of legs and back, muscles, spine, etc. His percentage of disability is stated at 100 per cent. Dr. W. O. Brydon-Jack, who certifies to the foregoing, did not appear before the Commission but has filed a further certificate to the effect that claimant's defective hearing and injured leg very greatly disable him, and that he is unable to keep up with other workmen of his class. The medical history sheets reveal nothing out of the ordinary.

I am of opinion that the record fully justifies claimant's contention that he sustained injury whilst a prisoner of war, from which he still suffers. Notwithstanding the fact that his captors had some reason to punish him as a refractory prisoner, I am satisfied that they carried this punishment to unnecessary and unreasonable lengths, which may, for present purposes, be regarded as maltreatment. I find, therefore, that claimant has established the two necessary elements to his claim, viz., maltreatment whilst a prisoner of war, followed by resultant disability. Viewing all the circumstances, I would recommend a payment to claimant of \$1,000, 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, November 30, 1931.

CASE 2256—NATHAN RICE

The claimant was a Private in the 1st C.M.R.,—Regimental number 17162. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the right wrist and finger and from gas. He was repatriated to England November 25, 1918. He was in receipt of a pension of \$15.00 per month, for one year, when it was commuted for \$50.00. It was based on need of rest, due to tuberculosis and limited movement of the hand. He is unmarried. Prior to enlistment, he was employed as a railway trainman and resumed this employment after discharge, but was laid off just before the hearing in Vancouver due to some infraction of the rules.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the stone quarries, was struck, kicked and beaten, stabbed with a bayonet in the wrist. He complains of lack of medical treatment with injury to his eyes and wrist. It is noted that upon enlistment he bore a scar on his right wrist.

An analysis of the evidence reveals:—

Claimant spent the first six months of his captivity under treatment for his eyes. He feared that he was going blind from the effects of gas received before capture. He was well treated in hospital and when discharged he was sent to a working commando attached to Giessen camp. At a stone quarry—Huesten Gewerkschaft—he declares he was stabbed with a bayonet in the right wrist and beaten for failing to do the work required of him. He was unconscious for 24 hours following this treatment. Later, at another commando, he sustained an injury to the second finger of his right hand, but this seems to have been an accident. He complains that the grip in his right hand has been considerably weakened through these injuries. Claimant made 5 attempts to escape and underwent 4 courts martial and served many periods of solitary confinement. He speaks of other acts of abuse but lays emphasis only upon those above recited. Several affidavits have been filed in part corroborating claimant's testimony, but from their form (all identical in language) they do not carry great conviction.

Claimant has brought forward no medical evidence in support of his claim. He refers to his pension file, from which it appears that he was recommended rest due to tuberculosis of lungs, and it is noted that he has difficulty in grasping due to limited movement. There is nothing in the record indicating any report by claimant of the alleged injury due to a kick in the testicles. He refers to his gas blindness from which he has apparently completely recovered. The shrapnel injury to left wrist is noted as also the disabled finger of the right hand, but no mention is made of a scar on the right wrist.

In this state of the record, I do not consider that claimant had made out a case of present disability resulting from maltreatment whilst a prisoner of war. I was, at the outset, rather inclined to give claimant the benefit of the doubt, but upon examination of the pension files, I have felt that the doubt must be resolved in the contrary sense. On the whole, viewing all the circumstances, the claim fails. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2257—CAPTAIN DAROLD WATSON DAVIS

The claimant was a Captain in the Royal Flying Corps. He enlisted March 19, 1915, at the age of 19 years. He was taken prisoner December 21, 1916, having been shot down in an aeroplane outside Bapaume, suffering with a bullet wound in the left buttock. He was released to Holland in June, 1918, and repatriated to England November 26, 1918. He is in receipt of a 30 per cent pension, amounting to \$30.00 per month, based on weakness and pain in the back, left arm and shoulder and gunshot wound in the left buttock.

He was married October 29, 1929, and has no children. Prior to enlistment, he was employed as a Bank clerk, at a salary of \$1,400.00 per annum, and since his discharge, returned to banking and later worked for the Liquor Board of the Government of Alberta, 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 the use of explosive bullets with which he was wounded, denial of medical attention for his wounds, unsanitary and filthy living conditions, foot injury due to enforced use of wooden clogs, solitary confinement and poor food. He claims also for loss of personal effects. As a result, since discharge, he has had lengthy hospital treatment and his condition is getting worse through neglect and lack of treatment at the time when something could have been done for him.

An analysis of the evidence reveals:—

Claimant confines his claim to lack of proper and adequate medical attention whilst a prisoner in Germany. He alleges first, as an instance of maltreatment, that he was shot down with explosive bullets used by the flying officer who attacked him. This statement, standing alone, without clear corroboration, cannot be accepted. When he was brought down, claimant also sustained injury to his spine and complains bitterly that he received no medical attention for such injuries at the hospitals he was sent to. After capture, when he regained consciousness, claimant was at a field hospital, next at Cambrai, then Hanover and declares that apart from casual dressings he received no surgical treatment, such as he obviously required. He was removed to a prison camp at Karlsruhe before he was able to move about, made to wear wooden clogs which blistered and poisoned his feet, was transferred to Heidelberg, and then to Crefeld, and later to Strohenmoor. At the latter camp he complains of the unsanitary conditions, of being given 3 weeks' solitary confinement because it was alleged that his plane had contained propaganda leaflets. He does not allege any acts of brutality on the part of his captors, but protests that the food given him was not fit for a man in his condition, and that in hospital, due to the filth of his bed, he contracted bed sores, which set up an infection and poisoned his system.

The medical record indicates that claimant suffers from fracture of the 4th and 7th cervical vertebrae, 1st to 4th ribs dislocated, injury to nerve plexus. His percentage of disability is stated at 30 per cent in his own calling and at 100 per cent in the general labour market. Dr. J. A. Reid, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show an injury to the back, left arm and shoulder, with gunshot wound in buttock slight, for all of which he receives a pension.

It will be seen at once that claimant's injuries are directly the result of his war service. His effort to show that lack of medical attention aggravated the condition and has left him with a disability which he would not otherwise have had is not, in my opinion, supported by the evidence. Nor can he maintain, successfully, that the loss of his military clothing and equipment constitute a valid claim. This claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2258—EDMUND JOHN HICKS

The claimant was a Lance-Corporal in the 3rd Battalion—Regimental number 9926. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering from gas poisoning. He was repatriated to England on December 7, 1918. He was in receipt of disability pension, based on "nephritis," but this pension was discontinued in September, 1919, for the reason that claimant neglected to report back to the Pension Board. He was married on October 17, 1921, but has no children. Prior to enlistment, he was a butcher's clerk earning \$16 per week, and is still so employed, at a present salary of \$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 that he was struck on the cheekbone with a shovel, as a result of which he contracted a severe attack of erysipelas of the head, which in its turn induced the stomach trouble from which he alleges he now suffers.

An analysis of the evidence reveals:—

Claimant spent the first eight weeks of his captivity at Giessen camp, where, outside of food conditions, the treatment was fair. He was sent to a chemical factory at Mannheim, and remained attached to this camp for the duration of the war. He complains that the fumes in the factory, against which he was given no protection, injured his throat. He was injured in an accident and received no treatment, was hit in the back with butts of rifles and generally beaten. He emphasizes an incident which is alleged to have brought on erysipelas. A German guard hit him in the face with a shovel when exhibiting his skill as a bayonet instructor. Claimant declares the blow to have been intentional. He became ill, lost the hair on his head and was exempted from work for the remainder of his captivity. He still suffers as a result of this illness brought on in the manner indicated, and complains of his stomach condition.

The medical record indicates that claimant suffers from chronic gastric catarrh and colitis. The condition of erysipelas is also referred to. His percentage of disability is stated at 20 per cent. Dr. R. C. Griffith, who certifies to the foregoing, appeared before the Commission and gave very definite evidence as to claimant's impaired state of health, which he had no hesitation in attributing to claimant's experiences as a prisoner of war. He had known claimant before the war, and, while declaring that the patient is better now than when he first saw him after the war, he finds quite definite disablement. He speaks chiefly of the digestive condition, but mentions erysipelas as a contributing factor to the general impairment of claimant's health. Claimant's medical history files show also some heart affection, with possible kidney trouble.

In these circumstances, I am of opinion that claimant has made out a case of disability resulting from maltreatment whilst a prisoner of war. Leaving aside the digestive disturbance spoken of, the attack of erysipelas, induced by maltreatment, has left in its train some disability for which claimant is entitled to an award. I would recommend payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERRÖL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2259—CHARLES SHERIDAN COOKE

The claimant was a Lance-Corporal in the 7th Battalion—Regimental number 16525. He enlisted in August, 1914, at the age of 48 years, although his attestation paper indicates his age was 45. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from a touch of gas. He was repatriated to England November 30, 1918. He is not in receipt of pension, and has not made application therefor. He is not married. Prior to enlistment, he earned about \$100 per month in British Columbia, at work not specified in his claim papers, and since his discharge acted as hotel manager until 1928, at a salary of \$150 per month. Had to abandon work until February, 1930, when he became a billiard room attendant at \$75 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of severe stomach disorders and gall stones necessitating operations, which trouble originated in Germany, due to exposure, lack of food and nourishment. Was compelled to work in a foundry and to lie on a stone floor. Food was very poor and insufficient and he became badly run down and contracted a severe cold. Suffered his first attack of gall bladder trouble at Geissen in 1917.

An analysis of the evidence reveals:—

Claimant does not complain of any acts of brutality at the hands of his captors, while at Geissen and Geisweid Iron Works. He declares, quite frankly, that some men were brutally treated but that, to a certain extent, they were to blame and brought punishment and ill usage upon themselves by truculent behaviour to the guards. Claimant has suffered greatly from gall stones which he attributes to exposure and poor food.

The medical record indicates that claimant suffered from gall stones in December, 1919, and January, 1920, and was attended therefor by Dr. R. McCaffrey, who furnishes a certificate to this effect. Dr. Robert McKechnie also certifies that he operated upon claimant in September, 1926, removing his gall bladder. The pathological diagnosis was "sub-acute exacerbation in a chronic cholecystitis with Cholelithiasis."

It will be noted that claimant was not young upon enlistment and evidently was unable to stand the strain, as were others, of the food shortage in Germany. This condition was quite general, and as pointed out in opinion annexed to the present report, the failure to supply more and better food to prisoners of war cannot, in itself, be regarded as maltreatment. Even had claimant clearly demonstrated the connexity between his condition and the lack of food in Germany, I do not consider that this would have been sufficient to entitle him to an award from this Commission, unless he could have gone further and shown deliberate, intentional starvation. His recourse, if any, clearly, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2260—THOMAS SMITH

The claimant was a Sergeant in Number Two Tunnelling Company—Regimental number 503410. He enlisted on January 6, 1915, at the age of 30 years. He was taken prisoner 2nd of June, 1916, with, Brigadier General Victor Williams, and was not wounded. He was repatriated to England, via Holland, in November, 1918. He is in receipt of disability pension, class 19, based upon conjunctivitis, amounting to \$26.00 (now apparently reduced to \$11.60), per month, including wife and children. He is married and has three children. Prior to enlistment, he was engaged in the Middlesboro Collieries, at Merritt,

B.C., as a shift boss in the mines, earning \$7.00 per day and appears also to have been employed with the British Columbia police. Since his discharge, he resumed his occupation with the Middlesboro Collieries as a night watchman until he received an appointment with the British Columbia police in 1926, and is now earning \$3.80 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that immediately after being taken prisoner his face and eyes were burned with liquid fire by German soldiers, that he received no medical attention for this trouble, nor for a wound in the leg, where he was shot by a German guard after capture. He complains also of long periods of punishment parade, blows from rifle butts, the unjustified use of disinfectants, causing injury, and being hit on the head by a German officer. He attributes to this treatment impaired vision and weakened heart condition.

An analysis of the evidence reveals:—

Claimant was captured with Brigadier-General Victor Williams. He declares that on the third of June, the day after he was captured a German under-officer hit him with a rifle butt on the left breast, knocking him to the ground, hit him again while he was down and then shot him in the leg just below the knee at the back. Shortly after this episode, when he was assisted to his feet, he was burnt in the face and eyes from flame used by a German patrol and alleges that he received no attention at any time in Germany for these injuries. Claimant was then taken to Dulmen Camp, as to which he has no particular complaints, except that he received no medical attention and was made to stand at attention for long hours at a time. From Dulmen, he was sent to Minden where he remained about a year and again complains that he received no medical attention although he requested it and was made again to stand at attention for long hours as punishment. Sent from Minden to Libau in Russia, camp EK 2, he speaks of conditions as very rough. He was smashed across the face by a German officer for declaring himself a Canadian and it was at this camp that an under-officer, under directions from officers, poured disinfectant over his head, which resulted in his hair coming out and his body being burned. On this occasion he was also hit behind the ear by an officer with a riding crop and was unconscious for about half an hour. A scar appears at the point of injury. From Libau, he was taken to a camp behind the lines at Cambrai, where he complains that he was beaten with rifle butts and forced to work loading transports. From Cambrai he returned to Minden and was repatriated from that camp. There is corroboration for claimant's statement as to the injuries to his face and eyes in the affidavits of two fellow prisoners, who declare that he was suffering badly from burns in the face and the wound in the leg, and was denied medical attention for these injuries.

The medical evidence indicates that claimant suffers from neurasthenia, recurrent conjunctivitis and disordered action of the heart. His percentage of disability is stated at 50 per cent. Dr. P. P. Smyth, who certifies to the foregoing, did not appear to give evidence, but has filed an additional certificate indicating treatments given claimant by him during the years 1929 and 1930. In addition to this medical certificate, there are filed certificates from Doctors G. H. Tutill, F. J. Buckley, and J. J. Gillies, certifying that they had attended claimant at various times for conjunctivitis and heart affection. Claimant's medical history files show that he is in receipt of a pension for conjunctivitis, but there is no mention of any other disability.

A very complete record has been made in this case, and I am of opinion that the claimant has been successful in showing that he has sustained disability as a result of maltreatment whilst a prisoner in Germany. There may be some question as to whether the burning of his face and eyes was deliberately

inflicted by the German patrol or was merely due to carelessness. The story related by claimant, which is corroborated to a certain extent by fellow prisoners, however, leaves me with the impression that claimant was deliberately maltreated and that his disabilities at the present time are greater than they would otherwise have been had he received some attention for his wounds. Claimant has also advanced a claim for loss of personal effects, at or shortly after capture. Without further corroboration of the loss of these effects, this portion of the claim cannot be allowed. Viewing the case as a whole, 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 18, 1931.

CASE 2261—JOHN HARPER

The claimant was a Private in the 1st C.M.R.,—Regimental number 106270. He enlisted November 1, 1914, at the age of 20 years. He was taken prisoner June 2, 1916, at Ypres, suffering from wounds in the scalp and thigh. He was repatriated to England December 3, 1918. He is not in receipt of pension. He was married August 9, 1923, and has one child. Prior to enlistment, he was employed as a mechanic by the International Harvesting Company at Yorkton, Sask., earning \$100.00 per month, and since his discharge has been employed as manager of a battery station at \$200.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of chronic rheumatism and susceptibility to colds as a result of his treatment in Germany. After capture he was sent to hospital at Coblenz, his wounds being infected and having inflammation of the lungs. He remained there six months. In January, 1917, placed in a working party with hours from sunrise to sunset with poor food and cold weather. Placed at work in an iron ore mine after an attempt to escape, and after two weeks of this he made another attempt to escape and travelled for four days toward the border of Holland and was retaken and suffered solitary confinement for three weeks. Later, after being carried all through Germany, he was placed at loading barges on the Rhine and was sent in December, 1917, to work on a bridge near Bonn. Here the punishment was severe. He was compelled to stand at attention all day facing the sun and all night facing a wall. If he moved one inch he was flogged with rifle butts. He was by this time a marked man. He was sent to the Kaiser's Vineyards on the Mozelle river where the work was very hard but the food was better. Here he commenced to suffer with rheumatism and throat trouble and took influenza. Made another attempt to escape and fell into the hands of U.S. troops. He was in a pitiable condition of exhaustion, was fed and sent to a clearing hospital, and thence to Belgium and on to England. He has since continually suffered from his throat, rheumatism and stomach disorders.

An analysis of the evidence reveals:—

Claimant's testimony bears out the foregoing summary of his experiences as a prisoner in Germany. It is evident from his testimony that the hardships he underwent were chiefly incurred whilst he was attempting to escape. He speaks of being beaten and having been made to stand at attention for long hours, but his testimony clearly shows that lack of food and starvation was his chief complaint and the probable cause of his present condition.

The medical record indicates that claimant suffers from sore throat, frequent colds and rheumatism. His percentage of disability is stated at 10 per cent in

his own calling, and 20 per cent in the general labour market. Dr. L. W. MacNutt, who certifies to the foregoing, did not appear before the Commission, but has filed a further certificate to the effect that claimant is in fairly good general health, but suffers from rheumatism in his hips and knees, but has not been confined to bed from these causes. Dr. C. H. Vrooman also certifies that claimant suffers from some chronic fibrositis and arthritis. Claimant's medical board upon discharge declares all systems normal.

I was impressed with the frankness of claimant when examined as a witness. He told a very straightforward story, but, in my opinion, the necessary elements to establish a recovery before this Commission are absent. Claimant has failed to discharge the burden of showing that maltreatment whilst a prisoner of war has resulted in disability to him. His present condition might well have been due to his service or to hardships endured whilst attempting to escape. Viewing all the circumstances, I have reached the conclusion to disallow the claim.

ERROL M. McDOUGALL,

OTTAWA, December 6, 1931.

Commissioner.

CASE 2262—HAVELOCK HARFORD

The claimant was a Private in the 1st C.M.R.—Regimental number 117022. He enlisted January 5, 1915, at the age of 24 years. He was taken prisoner June 2, 1916, at Ypres, and states that he was neither wounded nor gassed at the time of capture. The military record on file states that he had a gun shot wound in the left leg when captured. He escaped in September, 1918, and was repatriated to England October 26, 1918. He is not in receipt of pension, although, at first, he was given a gratuity of \$25.00 on account of debility. He is not married. Prior to enlistment, he was employed as a ranch helper making about \$400.00 per annum and board, and since his discharge has been engaged in farming.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, heavy work, confinement to cells, beatings and general abuse.

An analysis of the evidence reveals:—

Claimant spent the greater part of his period of captivity at Dulmen camp and working detachments in the vicinity. He made six attempts to escape, the last of which was successful. He does not complain particularly of brutal treatment, though he does refer to one instance of a severe thrashing for going sick. His main grievance is that he was starved and made to work when he was not fit, and as a result that his nerves have been seriously affected.

The medical record, consisting of a certificate from Dr. Charles Bouck, indicates very generally that claimant is in poor physical condition and very nervous. His medical history files show that he suffered from debility, for which he received a gratuity of \$25. The diagnosis is slight disordered action of the heart, which is said to have originated whilst a prisoner of war, due to overwork and lack of food.

This is one of the familiar cases in which claimant can show some impairment to his health, but cannot establish that this condition results from maltreatment whilst a prisoner of war. He underwent the usual hardships of prison camp life and perhaps received severe punishment for attempted escapes, but, for reasons explained in general Opinion annexed to the present report, I do not consider that this alone is sufficient to qualify claimant for an award from this Commission. His recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

CASE 2263—THOMAS HENDERSON MITCHELL

The claimant was a Private in the 14th Battalion—Regimental number 463848. He enlisted on 9th August, 1915, at the age of 32 years. He was taken prisoner 7th September, 1916, suffering from a gunshot wound in the left thigh and two pieces of shrapnel in the right arm. He escaped to Holland in September, 1918, and was repatriated to England on the 18th November, 1918. He is not in receipt of disability pension. He was married after his discharge from the army and has four children. Prior to enlistment, he was engaged on pier work, and is now employed as a labourer, at the rate of \$4 per day.

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 inoculated five times with blunt instruments, lost two teeth and had a thumb broken as a result of beatings, was put into a hot boiler room to sleep, and suffers from chronic rheumatism in the knees and hip.

An analysis of the evidence reveals:—

Claimant made four attempts to escape, the fourth of which was successful. He has no complaints as to his treatment at Courtrai or at Dulmen, where he was first taken after capture, except as to the manner in which he was inoculated 5 times with what he declares to have been "blunt instruments." He was sent to Rocklinghausen for a year. For an attempted escape he was beaten and had two teeth knocked out with the butt of a rifle. In a melee which resulted from refusal to work on Sunday his thumb was broken. The statement of his experiences in Germany and of the camps where he was held is very confused, but he complains of long hours, rough treatment (particularly after unsuccessful attempts to escape), being made to stand to attention in the cold and as punishment made to sleep above a boiler room where he says he was being "slowly roasted."

The medical record is very incomplete. A letter of Dr. R. F. W. Lees is filed indicating that claimant suffers from chronic rheumatism, chiefly in the knees and hips. No percentage of disability is stated. Dr. Lees did not appear before the Commission. The last medical board, upon discharge of claimant from the service, shows "all systems normal."

In this state of the record it is clearly impossible to reach the conclusion that claimant's present condition results from maltreatment whilst a prisoner of war. He has failed to discharge the burden of showing the connexity between his present condition and any maltreatment at the hands of the enemy. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

CASE 2265—ALEXANDER BERRY

The claimant was a Private in the 113th Battalion—Regimental number 503472. He enlisted November 19, 1915, at the age of 34 years. He was taken prisoner June 2, 1916, unwounded but suffering from a touch of gas. He was repatriated to England December 31, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$30 per month, based on Myocarditis. He is not married. Prior to enlistment, he was employed as a general labourer, earning an average of 30 cents an hour, and since his discharge has had no steady employment of any kind.

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 without food, punishment parades, confinement for attempts to escape, and bayonet wound in side.

An analysis of the evidence reveals:—

Claimant's early treatment as a prisoner in Germany was without particular incident. He lacked food and was made to work, but does not complain of any specially brutal treatment. First sent to Dulmen camp, he was transferred to Duisburg, at which latter camp, with other prisoners, he went on strike because they were not being fed. The result was a period of 4 hours standing to attention in the sun, followed by a moderate beating by the guards. For an attempted escape, claimant received the usual punishment of confinement to cells—21 days in this case. He was sent to a punishment camp, where again the prisoners struck as a protest against the lack of food. Claimant was regarded as a ringleader and was roughly handled. Sent to Merseberg, conditions became even harsher. For disputing with a sentry as to the outcome of the war, claimant received a bayonet wound in the side, from which he suffered for a time, but which has left no permanent disability. Upon another occasion he was struck across the back by a guard for failing to lift a rail as required. At the time he was suffering severely with haemorrhoids, but was compelled to continue working. All medical attention was denied him. Claimant now complains that his heart has been affected, that he suffers from rheumatism and haemorrhoids and is unable to do any heavy work.

The medical record indicates that claimant suffers from myocarditis and endocarditis (mitral Stenosis). His percentage of disability is stated at 100 per cent. Dr. D. G. Stanley, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files bear out the diagnosis of myocarditis, for which he receives a pension. His medical board, upon discharge from the service, shows all systems normal.

Until the latter part of his period of captivity claimant would appear to have received very much the same treatment as other prisoners, but later, possibly because of a certain obstinacy and defiance of manner, he was subjected to abuse. I am of opinion that the treatment so accorded claimant was unreasonable and of such violence as to react detrimentally upon his health. In these circumstances, therefore, I consider that claimant has established his right to an award, and I would recommend payment to him of \$500, with interest thereon, at 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 2266—ROBERT GRAY

The claimant was a Private in the 137th Battalion—Regimental number 808243. He enlisted January 20, 1916, at the age of 30. He was taken prisoner December 11, 1917, suffering from wounds in both legs. He was repatriated to England January 3, 1919. He is not in receipt of pension, but has applied therefor. In 1921 he received a gratuity of \$100 after hospitalization, the reason assigned being "difficulty in walking". Prior to enlistment, he was in the employ of the City of Calgary, as a teamster, but since his discharge has done casual work only. He was, at the time of the hearing, unemployed.

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 suffers from excessive cold and weakness in both feet and legs as a result of the limbs having been frozen through undue exposure, and of having been compelled to work whilst a wound in the leg was still discharging.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about a year, the first 3½ months whereof he spent in hospitals at Douai, Tournai and Ingolstadt. His major complaint is that while being transferred from Tournai to Ingolstadt, he was left lying on a stretcher in zero weather without proper covering and that both his legs became frozen. He was wounded and could not help himself. As a result he still suffers with his legs, which cannot stand the cold and are greatly weakened. Discharged from hospital, where he declares the dressings for his wounds were inadequate, he was sent to Beyruth prison camp and made to work while the wound in his left leg was still discharging. Later he was sent to a farm, where the work was heavy but not beyond his ability to accomplish. Claimant's case is that his health has been impaired through exposure and lack of proper medical treatment.

The medical record indicates that claimant suffers from impaired hearing of right ear (not attributed to enemy action), oral sepsis, infected tonsils, enlarged cervical lymph nodes, vascular hypertension, general muscular spasticity and varicose veins of the legs. His percentage of disability is stated at 40 per cent. Dr. H. W. McGill, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show that he was operated upon for varicose veins (which were slightly apparent upon enlistment). It is noted that the gunshot wound in the legs have left no disability, but that there is weakness in these members, for which he receives pension.

The point which claimant stresses in his testimony—the freezing of his legs—would require corroboration, and I am not satisfied that a present disability results from this incident, even were it clearly proven. The leg weakness may as readily be ascribed to the service wounds received by claimant and the varicose condition noted. In this state of the record I do not consider that claimant has discharged the burden of showing that as a result of maltreatment he suffers from a present disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2267—THOMAS ATKINSON

The claimant was an Imperial, Private in the Queen's Royal West Surrey Regiment. He enlisted December 9, 1902, and was called from the reserve on August 14, 1914, at the age of 33 years—Regimental number 7648. He was taken prisoner October 31, 1914, at Ypres, unwounded. He was repatriated to England December 14, 1918. He came to Canada to reside in 1909. He is not in receipt of a Canadian pension, but states that he applied for and received an Imperial pension but gives no particulars. This is contradicted by his answers to the question relating to pension on his claim forms to which he replies "None". He was married at the time of enlistment and had then one child, but is now the father of seven. Prior to enlistment, he was employed with the Waterworks Department of the City of Calgary, earning about \$2.70 per day, and since his discharge returned to same work, and now earns about \$4.90 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows and beatings, lack of medical attention, starvation, heavy work in the coal mines, and general abuse. He now suffers from Bright's disease which he attributes to poor food and living conditions.

An analysis of the evidence reveals:—

Claimant, though he served with the Imperials, was a resident of Canada before the war, and I therefore consider that the case may receive consideration from this Commission. He was captured early in the war, and, though his experiences were trying, whilst a prisoner, he appears to have come through remarkably well, perhaps because he was an old soldier who had seen previous service and had gained experience. At Guströh, in Mecklenburg, on Christmas Eve, 1914, he was struck in the mouth by a German guard for no apparent reason and lost two teeth. Sent to several other camps, where the treatment was rough, but without special incident, he was finally sent to the coal mines at Ospel (sic) where he remained for 3½ years. Claimant had been a miner and understood this work. He complains of the usual knocking about for not doing the work given him, and of general maltreatment. On one occasion, for refusing to work on Christmas Day, he, with others, was lined up before a firing squad, but the threat was countermanded by an officer.

The medical record consists of the certificate of Dr. Lewis Clark, from which I extract the following: "Owing to inhuman treatment and exposure in November and December, 1914, the patient contracted chronic Bright's disease. The diseased kidneys developed a relapse in November, 1922, when he suffered an acute nephritis for 2 months". It is difficult to say how so definite a statement as to the origin of claimant's malady could be made in 1931, but it is entitled to weight in the absence of other medical evidence. He continues by declaring that claimant has no great disability, but may have trouble should there be a recurrence of the kidney trouble.

The medical evidence in this case is not very satisfactory and were it not that claimant spent over 3 years in the coal mines, where we know of the conditions of brutality which existed, I would have difficulty in finding him entitled to an award. On the whole, however, after a very careful scrutiny of the evidence, I have reached the conclusion that claimant has made out a case of some present disability, resulting from maltreatment, whilst a prisoner of war. I would, accordingly, recommend a 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 4, 1931.

CASE 2286—GORDON PIRRIE FIDDES

The claimant was a Private in the 1st C.M.R.—Regimental No. 117018. He enlisted January 12, 1915, at the age of 21 years. He was taken prisoner June 2, 1916, suffering from a shrapnel wound in the right leg. He was repatriated to England November 28, 1918. He was in receipt of a 5 per cent disability pension, based on the gunshot wound in the right leg and varicose veins, but this pension was commuted. It would seem, from the military records, that this pension is still in force. He was married but states that he is now divorced. There are no children. Prior to enlistment, he was employed as a ranch hand at \$40.00 per month and board, and since his discharge has been doing ordinary labouring work, at an average of \$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 lack of medical attention to his wounded leg and of being compelled to work while suffering with it. He was given several periods of standing at attention for stretches of from 6 to 10 hours for not doing enough work and was prodded with bayonets

if he weakened under the strain. He struck a civilian guard, who had hit him, and was placed in dark cells for 7 days without food. He also complains of the starvation rations.

An analysis of the evidence reveals:—

Claimant's testimony substantiates the above summary of his complaint as contained in statement of claim. At Dulmen he has little to complain of, apart from the shortage of food. It was at Engers that claimant received his worst treatment, his main complaint being that he was made to stand at attention for long hours, after working hours, and was not fit to stand this punishment in his weakened condition. Lack of medical attention to his wounded leg is charged, but the evidence does not bear out the contention.

The medical record indicates that claimant suffers from neurosis, spells of dizziness, headaches and insomnia. His percentage of disability is stated at 50 per cent. Dr. Fox, who certifies to the foregoing, did not appear before the Commission. There is nothing in claimant's medical history files indicating disability, except as to his original wounds.

In this state of the record I do not consider that I am justified in finding in claimant's favour. His recourse, if any, is before the Board of Pension Commissioners. As stated in other cases, many claimants seem to regard applications made before this Commission as Pension cases or appeals from decisions of that Commission. Obviously that is not the case. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2293—SAMUEL WILLIAM RHODES

The claimant was a Private in the 29th Battalion—Regimental No. 76038. He enlisted November 9, 1914, at the age of 25 years. He was taken prisoner April 19, 1916, at St. Eloi, suffering from a gunshot wound in the face. He was repatriated to England December 15, 1918. He is not in receipt of pension, and has not made application therefor. Prior to enlistment, he was employed as a chauffeur, earning about \$100.00 per month, and since his discharge he has been employed both as a barber and chauffeur, but his earnings are less than before.

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, beatings by the guards for assisting in the escape of fellow prisoners, and of not being allowed to see the doctor when ill, but being forced to work. He now suffers periodic attacks of nausea and headache.

An analysis of the evidence reveals:—

Claimant was a prisoner at Giessen camp, Halberstadt and Limbusch. He has no complaints as to Giessen, except as to the poor quality and inadequacy of the food. For attempting to escape from Halberstadt he was sent back to Giessen, served 12 days solitary confinement. He was not beaten until he reached Limbusch, when, for assisting another prisoner to escape, he received a severe thrashing. A few days later he was again beaten for reporting sick, but apparently no permanent injury resulted. The complaint is of a general nature and relates chiefly to starvation and confinement. He declares he suffers from headaches, nausea at times, and is unable to carry on.

The medical record is very incomplete. It indicates that claimant suffers from "headache vomiting (periodic)." His percentage of disability is stated at 25 per cent. Dr. C. E. Gillies, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files reveal nothing unusual, but they do contain statements made by claimant upon repatriation. This state-

ment is confined solely to an account of maltreatment to another prisoner of war, an Irishman. He does not say anything of any ill treatment to which he was himself subjected.

I am inclined to think that claimant is under the misapprehension, as are many claimants, that this Commission is empowered to grant punitive damages. As has been pointed out in Opinion annexed to the present report, this, clearly, is not the case. Claimant has failed to establish that he suffers a present disability resulting from maltreatment whilst a prisoner of war. His claim, accordingly, fails, and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2319—WALTER SCOTT

The claimant was a Private in the 1st C.M.R.—Regimental No. 108522. He enlisted January 2, 1915, at the age of 29 years. He was taken prisoner May 2, 1916, suffering from a shrapnel wound in the head. He was repatriated to England November 24, 1918. He is not in receipt of pension and has not made application therefor. The report on file from the military authorities states that he is receiving treatment at the sanitarium at Tranquille, B.C., for tuberculosis. He is unmarried. Prior to enlistment, he was employed as a telephone linesman, earning about \$130.00 per month, and since his discharge has had various occupations, cooking in camps, earning \$60.00 per month and board. He 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 that he was struck on the head by a German guard and knocked unconscious, was beaten and confined for attempting to escape, was made to do heavy work on smelting ovens, with injury to his lungs. He now suffers from a bad cough and continued colds.

An analysis of the evidence reveals:—

Claimant complains of only one incident of maltreatment at Dulmen camp, where he was first sent. He was hit over the head with a rifle butt and knocked unconscious for failing to understand an order given in German. Later for an attempted escape from Hambourn (sic) camp he was stripped and flogged with a rubber hose, but admits that no permanent injury resulted. In addition he received 21 days' solitary confinement. He speaks of other beatings at this camp for not doing all the work required of him, and complains that his chest and lungs have suffered in consequence. He was also made to work on blast furnaces, but says practically nothing about this.

The medical record indicates that claimant suffers from a diffuse bilateral military type of pulmonary tuberculosis involving the upper two-thirds of both lungs, the prognosis being very grave. Dr. F. W. Lees, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show that he is suffering from tubercular trouble. His last medical board, upon discharge from the service, declared "all systems normal."

It is difficult in a case such as this to ascribe claimant's chest condition to maltreatment whilst a prisoner of war. He underwent the general conditions prevailing in most of the camps, and none of the incidents related by him would seem to have brought on the malady complained of, except in the sense of lowering his powers of resistance to disease. I consider this case, if the disability is established, as one for consideration by the Board of Pension Commissioners. As far as this Commission is concerned, I must, accordingly, disallow the claim.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2320—ANTHONY F. PLUMMER

The claimant was a Signaller with the 29th Battalion, Regimental No. 645887. He enlisted February 23, 1916, at the age of 23 years. He was taken prisoner April 21, 1917, unwounded. He was repatriated to England December 10, 1918. He is not in receipt of pension and has made no application therefor. He was married after discharge and has two children. Prior to enlistment he was a Civil Engineer earning about \$125.00 per month, and since his discharge has been employed as a log broker at about \$200.00 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 crowded and unsanitary living conditions, lack of food, no bedding or blankets for three months. Was compelled to work 14 hours per day and was beaten once by a guard for not being able to keep up with the work. He received no parcels for a year but states that conditions improved after August, 1917. He contracted dysentery and complains of lack of medical attention while a prisoner.

An analysis of the evidence reveals:—

Claimant's case relates to the early period of his captivity, when with other prisoners, he was thrown into Fort McDonald prison for several days. The conditions of ventilation and accommodation were very bad and claimant attributes general impairment of his health thereto. It is stated that the prisoners were thus dealt with by way of reprisal by the Germans for reported similar treatment given their prisoners. Claimant complains that he received no medical attention for dysentery from which he suffered at a later camp, and was made to work when so suffering. He is quite frank in saying that though he received a beating no injury resulted, and that later in East Prussia he received excellent treatment. He admits that he is fairly well now but has fears for the future. Claimant's case was heard provisionally in Vancouver on January 22, 1931, as having been received after the expiry date. He again appeared before the Commission on October 9, 1931, declared he still felt well but that he did not know how long he would remain so.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's last medical board upon discharge from the service shows no disability, all systems being declared normal.

In this state of the record it is obviously impossible to find in claimant's favour. He has failed to establish a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

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