

CASE 2432—ALBERT EDWARD MITCHELL

Claimant was a Private in the 3rd Battalion—Regimental No. 172066. He enlisted in June 1915, but the military records give the date as August 20, 1915, at the age of 40 years. He was taken prisoner October 8, 1916, suffering from gunshot wounds in the head and left knee. He was transferred to Holland in July, 1918, and reached England October 4 of that year. He is in receipt of a 50 per cent disability pension, amounting to \$37.50 per month, based on Pyelitis. He is unmarried. Prior to enlistment, he was employed as a railroad clerk at \$75 per month and is now with the Customs Department, at \$1,200 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 his wounds, was struck on the head with a rifle and has had headaches ever since.

An analysis of the evidence reveals:—

Claimant was in hospital at Johannesthel (sic) for about two months. He complains that the treatment on the way to hospital was inhuman, that he received no medical attention and was deprived of food and water. In the hospital he was given no treatment and was discharged and sent to work before his wounds had healed. His main complaint centres about a chemical factory near Stettin, where he was compelled to work at most arduous and unhealthy work—work which could only be endured for 3 months, but at which he was kept for 8 months, to the great and lasting injury to his health. He was beaten, hit on the head, forced to accomplish this exacting labour until he developed a hernia, was given a truss and finally sent to Altdamm camp on the incapacitated list, where he remained until transferred to Holland. To these experiences, claimant attributes rheumatism, a nervous and stomach condition, with possibly some impairment to his vision. He ascribes frequent headaches to a blow on the head with a rifle butt. A fellow prisoner furnishes some general corroboration as to conditions prevailing in the chemical factory referred to, but did not see claimant particularly maltreated.

There is no medical evidence apart from claimant's pension and medical files. There is no question that he suffers disability at the present time, noted chiefly as pyelitis and loss of vision. The latter is, however, surmised to be of pre-war origin. The pyelitis is attributed to exposure.

It must be borne in mind that claimant is now 56 years of age and undoubtedly conditions of camp life in Germany had a very unfavourable reaction upon his health. The conditions in the chemical factory were severe and the work imposed a heavy burden upon claimant. I am, however, of opinion that the fact that claimant was unable to support this burden, cannot be charged as maltreatment to the enemy. I regard his case as one for the consideration of the Board of Pension Commissioners, rather than within the scope of this Commission's activities. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 16, 1932.

CASE 2627—ROBERT N. MITCHELL

Claimant was a Lance Sergeant in the 4th C.M.R.—Regimental No. 109-494. He enlisted in November, 1914, at the age of 18 years, and was taken prisoner June 2, 1916, wounded in left arm from shrapnel and suffering from concussion. He was repatriated to Holland in March, 1918, as an N.C.O. He is in receipt of a 5 per cent disability pension, amounting to \$5 per month,

based upon defective hearing. He was married in July, 1926, and has no children. Prior to enlistment, he was an apprentice electrician, earning about \$11 per week. He is still employed in the same line, working for himself, and has earned as much as \$3,300 per annum, but is now earning very little.

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 treatment, hard labour, without sufficient food.

An analysis of the evidence reveals:—

Claimant was first taken to Cologne hospital, where he received some treatment for his ears which had been injured, through concussion, prior to capture. Sent to Stendal camp for a year, he complains of being compelled to work when unfit. He was struck with rifle butts, but without permanent injury. At Gardelegen, his rank of N.C.O. was not recognized, and he was forced out to work. Returned to Stendal, his complaint is that he was compelled to work, given cells for refusing to do so, and made to stand to attention for long periods. His trouble at this time was that he was totally deaf in both ears, the result of concussion when captured, and the left ear was discharging. The only treatment he received was an occasional syringing by fellow prisoners. Claimant was next sent to Wurben (sic) camp, but has no complaint of his treatment there. He now suffers from his stomach, has rheumatism in the back and hips and has lost his teeth. He has also lost the hearing in his left ear.

The medical evidence indicates that claimant suffers loss of hearing in left ear, recurrent pains, recurrent tonsillitis, arthritis and recurrent stomach trouble. No percentage of disability is stated, but the ear condition is said to be permanent. Dr. David Muir, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files declare the ear condition to have originated in France, due to concussion.

Claimant's present disability as to his hearing is clearly of service origin, and it has not been shown that it became aggravated through maltreatment whilst a prisoner. His other ailments are general in nature and do not give rise to a finding in his favour. The case is clearly one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 8, 1932.

CASE 2383—ROBERT CHARLES MITTEN

The claimant was a Lieutenant in the Royal Air Force. He was brought down and captured by the enemy on September 28, 1918, unwounded and uninjured. He has no complaint as to maltreatment whilst held a prisoner of war. On the contrary he declares "we were used all right." He presents a claim, upon the advice of his physician, for injury to health due to ptomaine poisoning, which he alleges he contracted while being transferred from one prison camp to another.

There is nothing in the record to substantiate the claim. Claimant has not completed the usual forms and has brought forward no medical evidence. His testimony indicates that he is under misapprehension that this Commission is authorized to deal with pensions. In the circumstances the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 4, 1932.

CASE 2595—GEORGE THOMAS MORRIS

Claimant was a Private in the 4th Battalion—Regimental No. 406363. He enlisted in January, 1915, at the age of 27 years, and was taken prisoner October 8, 1916, suffering with shrapnel wound in the right knee cap. He was released to Switzerland in December, 1917, and was repatriated to England, June 15, 1918. He is now in receipt of a 20 per cent disability pension, amounting to \$23 per month, based on his knee wound. He was married at the time of enlistment and has two children. Prior to enlistment, he was a labourer earning \$12 per week and since discharge has been doing nothing, being supported by his wife.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his wounded knee was badly set with the aid of but little anaesthetic, malnutrition, medical neglect which caused the loss of teeth, and received a blow in the throat with a bayonet.

An analysis of the evidence reveals:—

Claimant was badly wounded when captured and appears to have lain on the field of battle for several days before reaching a dressing station. His account of these occurrences is very confused. He speaks of being threatened with death by a revolver. Taken to Grandcourt, he complains that the attending surgeon deliberately, under the guise of operating upon his leg, ran a "spike" through it, with the intent of rendering the leg permanently stiff. At Cambrai, he was in hospital, but apart from neglect, has no complaints. He complains chiefly of his treatment at Valenciennes, where his leg was placed in a "scoop" and he received no medical attention. Conditions were filthy and he was taken down with dysentery. Claimant infers that the lack of medical treatment and neglect has aggravated the disability from which he now suffers. After some time at Boehim and Dulmen, without particular incident, claimant was transferred to Switzerland. In addition to his leg he complains of a heart condition. The testimony is far from clear and claimant seemed incapable of coherent thought.

The medical evidence is contained in claimant's pension files. It would appear that his mental condition was carefully watched for some time and that he has improved in this respect. The service injury to claimant's knee is quite definite, with some atrophy of the right thigh.

I do not consider that claimant has been successful in showing that lack of medical treatment has brought about a greater disablement than he would otherwise have had. The mental or nervous condition is evidently of pre-war origin and cannot be ascribed to his experiences whilst a prisoner. On the whole, and after careful consideration, I have reached the conclusion that claimant's only recourse is before the Board of Pension Commissioners. He has not met the requirements entitling him to an award from this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 17, 1932.

CASE 2630—FREDERICK LIONEL MOTT

Claimant was a Private in the 4th C.M.R.—Regimental No. 113410. He enlisted August 15, 1915, at the age of 18 years and was taken prisoner June 2, 1916, suffering from two wounds in the right arm, one in the right hand, one in the right thigh, and scrotum, with loss of right testicle, and a wound in the abdomen. He was repatriated to England December 27, 1918. He is in receipt

of a 7 per cent disability pension, amounting to \$5 per month, based on his war wounds. He was married in October, 1919, and has no children. Prior to enlistment, he was employed as a weaver, earning \$18 per week, and is now doing ordinary labour and painting at from 40 cents an hour to 65 cents for painting. He is not steadily employed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings with fists and rifle butts, and a burn received while working, and was compelled to return to work before it had healed. Was knocked off a railway embankment and struck on the head with rifle butt from which he now suffers headaches periodically, also developed eczema while a prisoner.

An analysis of the evidence reveals:—

Claimant received some attention for his wounds at a dressing station, and was inoculated for tetanus. He was taken to Iseghen and Julich hospitals, where he spent about 6 months. He has no complaint of his treatment in hospital, though he suggests that the care was not of the best. Sent to Stendal, he remained 5 months and complains that the inoculations he received brought on eczema, from which he has suffered ever since. At Wittenberg, where claimant spent two months, he has no complaints. He was sent out to working commando No. 91 (Coswig, sic), where he speaks of the treatment as very bad. Working in a chemical factory, his foot was burned with acid, through the carelessness of a guard. He received no medical treatment for this injury, which became infected, and was twice lanced. Claimant contends that this injury and lack of treatment has induced a condition of flat foot from which he still suffers. He was struck over the head and knocked down an embankment, injuring his left hand, and received no treatment. He still suffers with this hand. His complaint of disability is confined to his foot and right hand, with the suggestion that his stomach and nervous condition is impaired.

The medical evidence indicates that claimant suffers from intermittent attacks of eczema "at present cleared up", and that pain is still troublesome from burn on left foot. His percentage of disability is stated at 20 per cent. Dr. E. Connor, who certifies to the foregoing, did not appear before the Commission. There is also produced certificate of Dr. J. A. Faulkner, which refers to the eczema and foot burn, with a similar rating of 20 per cent disability. Claimant's pension files relate only to his service wounds, with notation of eczema and flat left foot.

The injury to the foot of which claimant complains, I am advised, does not necessarily follow from the history of the burn, and there is event great doubt as to the existence of flat foot. The hand injuries have not been shown to constitute more than a negligible disability. I am also unconvinced that the eczema claimant speaks of, and which is now cleared up, is due to the reason ascribed—*inoculations*. On the whole, I am of opinion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. His recourse, whatever it may be, is before the Board of Pension Commissioners. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

Ottawa, October 8, 1932.

CASE 2516—RICHARD MOULTON

Claimant was a Private in the 3rd Battalion—Regimental No. 9700. He enlisted in August, 1914, at the age of 21 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly gassed. He was repatriated to England December 27, 1918. He is not in receipt of pension. He was married

in 1923 and has four children. Prior to enlistment, he was employed as a structural steel worker, and since discharge tried various jobs and is now a labourer at \$2 per day.

He alleges that while a prisoner he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of bad food, heavy labour in stone quarries; kicks and beatings for refusal to make munitions, exposure in wet clothes, and insanitary living conditions. He was also compelled to work ill from influenza for three or four months.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp where his complaints are chiefly concerned with the bad food the prisoners received. He speaks generally of being knocked about but does not ascribe any disability to this treatment. At the Geisweid Iron Works, the work was heavy, and, for refusing to make munitions, claimant was beaten, but without permanent injury. At Vehnemoor, claimant was employed cutting peat and turf, and complains of the exposure, inadequate clothing, working in the wet and poor food. Transferred to Holzminden and Lindenburg, at which latter camp he worked in a table salt factory, the living conditions are described as filthy and insanitary. He was denied medical treatment for an illness, probably the flu, and became run down and emaciated. To these experiences claimant ascribes a nervous condition, which incapacitates him. Asked to explain, he declares that the bad food and the tension under which he lived are the causes of his trouble.

The medical evidence indicates that claimant suffers from neurasthenia, chronic catarrh (constant colds), constipation followed by diarrhoea. 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. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual, he medical examination upon discharge declaring "all systems normal".

Whatever disability claimant suffers is, I think, of nutritional origin and cannot be ascribed to any particular maltreatment by the enemy. For reasons explained in general opinion annexed to my earlier report dealing with maltreatment cases, general conditions of life and food while in Germany, which have reacted unfavourably upon claimant's health, cannot found a claim before this Commission. Claimant may, or may not, be entitled to pension. As far as this Commission is concerned the claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

Ottawa, August 13, 1932.

CASE 2487—STANLEY MUNDAY

Notice of claim was received on behalf of the above named claimant through his Attorneys. No information regarding the claimant has been filed of record. Under date of March 8, 1932, these attorneys notified the Commission that the claim was withdrawn. It is accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

Ottawa, November 8, 1932.

CASE 2398—ALEXANDER MUNRO

The claimant was a private with the Imperial forces—14th Battalion the Royal Scots—Regimental No. 23005. He enlisted on May 24, 1915, and was taken prisoner on April 28, 1917, wounded in the left leg. He was repatriated to England on December 14, 1918. He came to Canada to reside in May 1921.

He alleges maltreatment while a prisoner of war resulting in osteo myelitis of left tibia due to improper medical attention. He is in receipt of an Imperial pension. Claimant appeared before the Commission at its Vancouver sessions on October 13, 1931, and was advised during the course of the hearing that as an Imperial who only came to Canada in 1921, his case could not receive consideration.

As pointed out, I do not consider that this Commission has jurisdiction to entertain the claim. For reasons which have been fully explained in opinion annexed in my earlier report upon maltreatment cases, the date constitutive of jurisdiction has been fixed as of January 10, 1920.

The claimant was not resident in Canada at or previous to that date and his claim fails. Reserving to him 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, August 6, 1932.

CASE 2233—SAMUEL JOHN MURRAY

Notice of claim was received on behalf of the above named claimant through his attorneys. He apparently enlisted in August 1914 as a private, Regimental No. 8053. He was taken prisoner April 24, 1915, wounded in the left buttock. No claim forms have been completed and no evidence was adduced. His attorneys have withdrawn the claim by general letter dated August 17, 1931. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 9, 1931.

CASE 2354—THOMAS NEIL

Claimant completed the usual claim forms, from which it appears that he served with the Imperials (First Black Watch) and came back to Canada to reside in March 1921. He was notified that this Commission was without jurisdiction to entertain the claim, but that if he desired to submit his case, the Commission would hear him at its Toronto sessions on April 19, 1932, at 10 a.m. Claimant did not appear and the claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2664—ANDREW NICHOLSON

Claimant was a Private in the 2nd Battalion—Regimental No. 8012. He enlisted September 22, 1914, at the age of 22 years, and was taken prisoner April 24, 1915, during the Second Battle of Ypres, unwounded. He was repatriated to England in December 1918. He is in receipt of disability pension, amounting to \$15 per month, based on bronchitis. He was married August 31, 1920, and has one child. Prior to enlistment, he was employed as a baker, earning \$12 per week and after discharge tried his former occupation but could not continue on account of his health. He is now employed as a cleaner, at a sanitarium, at \$35 per month and keep. His wife lives outside.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, beatings and kicks and of having been wounded in the arm and hand by a guard with a bayonet.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp to which he remained attached for the duration of his captivity. He was sent out to Geisweid to work in the iron foundry, where he encountered the usual rough usage. He was kicked and beaten for refusing to work, and declares that he was wounded in the arm and hand with a bayonet by a guard for the same reason. He suffered with rheumatic fever and was denied medical attention. Claimant stresses the conditions of camp life as particularly harsh and complains bitterly of starvation. The arm and hand injuries have left no disabilities. He declares that he now suffers from chronic bronchitis and rheumatic fever.

The medical evidence indicates that claimant suffers from chronic bronchitis and general debility. His percentage of disability is stated at 25 per cent. Dr. W. G. Pearson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical and pension files show that he suffers from bronchitis and emphysema, with "rheumatic fever causing slight disability. Post discharge".

In these circumstances I cannot reach the conclusion that claimant has suffered disability resulting from maltreatment whilst a prisoner. His health has been injuriously affected by general conditions of camp life in Germany, but, as explained in general Opinion annexed to my earlier report upon maltreatment cases, I do not regard such impairment of health as resulting from maltreatment within the meaning of the relevant sections of the Treaty of Versailles. Claimant's recourse is before the Board of Pension Commissioners. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 8, 1932.

CASE 2348—ROBERT NICOL

Notice of claim was received from the above named claimant in April, 1931, with completed forms of declaration, from which it appears that claimant served with the Imperials (1st Battalion—Scots Guard). He came to Canada to reside on August 12, 1926, and for reasons explained in my earlier report dealing with maltreatment cases, this Commission is without jurisdiction to entertain his claim. Moreover, by letter dated July 23, 1932, from his solicitor, the claim was formally withdrawn. It is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 12, 1932.

CASE 2084—JAMES NIMMO

Notice of claim was received on behalf of the above named claimant through his attorneys. No information concerning the claimant has been filed and his attorneys have withdrawn the claim, by general letter dated February 16, 1932. The claim is, accordingly disallowed for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 30, 1932.

CASE 2355—BENJAMIN NORRIS

Claimant was an Imperial soldier, who served as a Private in the King's Own Lancaster Regiment—Regimental No. 8431. He was on reserve and re-joined in August 1914, at the age of 28 years. He was taken prisoner August 26, 1914, during the retreat from Mons, suffering from gunshot wounds in the left wrist and left leg. He was repatriated in November 1918, after the Armistice, and is now in receipt of a 20 per cent Imperial pension. He came to Canada to reside in April 1921. It was explained to him by letter, and again at the time of the hearing, that he arrived in Canada too late to entitle his claim to consideration at the hands of this Commission.

Upon further consideration this view is confirmed. As explained in my earlier report, dealing with maltreatment cases, January 10, 1920, date of the ratification of the Treaty of Versailles, was filed as to the date constitutive of jurisdiction. Claimant, therefore, is without right before this Commission. Under reserve of all his recourses, and, without dealing with the case upon its merits, the claim must be disallowed as far as this Commission is concerned.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 7, 1932.

CASE 2491—ARCHIE ORR

Claimant was a Private in the 14th Battalion—Regimental No. 25987. He enlisted in August 1914 at the age of 29 years and was taken prisoner April 22, 1915, during the second battle of Ypres, suffering with gunshot wounds in the right thigh and from gas. He was repatriated to England December 25, 1918. He is not in receipt of pension, his application having been rejected. He was married at the time of enlistment and has three children all of age. Prior to enlistment, he was employed as a collector by the Canadian Pacific Railway, earning \$50 per month, and is now a kitchen steward, at \$80 per month, and board. He states that he is unable to work in the Winter time.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a blow on the head with a club from which abscesses formed, given solitary confinement on bread and water for refusal to work in munitions, was beaten and kicked and exposed to severe winter weather in Poland while inadequately clothed. Was struck on the knee with a shovel and blood poisoning set in.

An analysis of the evidence reveals:—

Claimant was first taken to Paderborn. His treatment in hospital was good. For refusing to work in a munitions factory, he was clubbed on the head, from which blow, he declares, abscesses later resulted. Sent on to Munster No. 1,

he was confined to cells for 29 days for refusing to work. He was then sent to Poland, on a reprisal party, and complains bitterly of exposure to the cold, working on a railroad, with long hours and heavy labour. The prisoners were not properly clad and suffered from the cold. He was moved about to several camps in Poland and complains of general abuse and rough treatment. As a result of these experiences claimant suffers from lack of circulation in the feet and hands, which disables him, and which he attributes to the exposure in Poland.

The medical evidence consists in a certificate of Dr. F. A. C. Scrimger, V.C. which is quite general in nature. It speaks of pain in both shoulders and in lumbar region, cramps and blanching of feet on walking, especially in cold. He appears to have had some back trouble previous to capture. The examination substantiates his statement. His wounds cause no disability and the shoulder condition is probably arthritic in origin. His disability for light work is not great and Dr. Scrimger expresses the opinion that the inability to walk or stand in cold may possibly have resulted from privations and cold endured during war experiences. Claimant's medical history files show nothing unusual. He was declared, upon discharge, to be without disability "all systems normal".

The record does not disclose, in my opinion, that claimant suffers a present disability resulting from maltreatment whilst a prisoner of war. That his health may have suffered from general conditions of camp life in Germany is probably true, but this circumstance is a matter for the consideration of the Board of Pension Commissioners. In the absence of more definite evidence of maltreatment, followed by disability, I am unable to reach a finding in claimant's favour. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 30, 1932.

CASE 2358 —ERNEST WILLIAM PAICE

Claimant was a Private in the 2nd Battalion—Regimental No. 8018. He enlisted in August 1914, at the age of 20 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the upper left arm by a bullet. He was repatriated to England January 13, 1919. He is not in receipt of pension, was married in March 1919 and has three children. Prior to enlistment, he was employed as a book-keeper, earning about \$75 per month, and is now manager of an Ontario Government Liquor store, at a salary of \$2,600 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, beatings with rifle butts and fists, exposure to wet and cold, unsanitary living conditions, solitary confinement, heavy labour and unsatisfactory medical treatment while ill with influenza.

An analysis of the evidence reveals:—

Claimant was in hospital at Giessen for five weeks and has no complaint as to the treatment. Upon discharge he remained at Giessen for some time, without incident, until removed to Lichtenhorst, where he remained a year. The work was hard—clearing land—but claimant was not abused. At a working commando (Mesmerode) (sic) claimant engaged in a fight with the farmer's son who attacked him with a hoe. The farmer laid a complaint and claimant refused to work any longer at this farm. He was beaten with rifle butts to which he attributes an eye injury. Sent back to Lichtenhorst and later on to Bohmte, claimant complains of confinement to cells, exposure and heavy work. Claimant made several unsuccessful attempts to escape, received the usual

imprisonment, during the course of which he collapsed and was taken to hospital. The treatment was not unfair in hospital. Sent to another farm, near Buer, he complains of conditions as bad. For further attempts to escape, he was beaten and confined to cells. Sent then to Piesberg, claimant worked in the stone quarries. To these experiences, claimant attributes an almost constant ache over the left eye, without, however, injury to the vision. He also complains of a heart affection and colitis.

The medical evidence indicates that claimant suffers from "neurasthenia with persistent low blood pressure and D.A.H., chronic conjunctivitis left eye, chronic colitis with obstinate constipation." His percentage of disability is stated at 25 per cent in his own calling and at 20 per cent in the general labour market. Dr. J. E. Gimby, who certifies to the foregoing, did not appear before the Commission, but there have been filed certificates of Dr. J. Fayr, confirming the injury to the eye as also from E. F. Scott, Optometrist, to the same effect. It should be added also that claimant has filed affidavits from two fellow prisoners, bearing out his statements as to the beatings received when he fought with the farmer's son. Claimant's medical history files contain nothing unusual, his medical board upon discharge showing no disability at that time.

I confess that I have had some difficulty with this case. The punishment meted out to claimant as the result of his fight with the farmer's son appears to have been excessive, but I am not satisfied that the eye condition complained of arose from this incident. Claimant's remaining complaints of disability seem to have resulted from general conditions of camp life. I regard claimant's case as more properly one for the consideration of the Board of Pension Commissioners. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 17, 1932.

CASE 2434—JOHN PALMER

Claimant completed the usual claim forms, from which it appears that he enlisted on September 22, 1914, was captured on April 24, 1915, was repatriated to England on December 9, 1918, and discharged on May 11, 1919. Claimant was notified to appear before the Commission at its Toronto sessions on April 27, 1932, but failed to do so. His attorneys were unable to explain his absence. In these circumstances, the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 18, 1932.

CASE 2155—PTE. PEROWITCH

Notice of claim was received on behalf of the above named claimant through his attorneys. No information concerning the claimant has been furnished nor was any evidence submitted. His attorneys have withdrawn the claim, by general letter dated August 17, 1931. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 9, 1932.

CASE 2596—WILLIAM K. PETERS

Claimant was a Private in the 3rd Battalion—Regimental No. 10066. He enlisted in August 1914 at the age of 17 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering with a slight bullet wound in the head and a touch of gas. He was repatriated to England December 8, 1918. He is not in receipt of pension, was married in February 1920 and has two children. Prior to enlistment, he was employed as a clerk, earning \$9 per week, and is at present driving a truck at \$25 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 in an iron works where he received burns on the hands and feet, was kicked, beaten and hit over the head by guards, long hours of labour, heavy lifting, starvation and inoculations which left bad after effects.

An analysis of the evidence reveals:—

Claimant was taken to Giessen Camp, where he remained 6 weeks and was then sent to the iron foundry at Giesweid. He complains chiefly of the food and hard labour and speaks of an incident of a blow in the face with the butt of a rifle, which injured his face, leaving a scar, but from which no permanent injury results. His main complaint is as to a condition of flat feet, which he attributes to the compulsory wearing of wooden clogs. Apart from general rough usage, claimant confines his complaint to this condition, adding that his nerves have been injuriously affected by the long hours of work and strain. Although his statement of claim has reference to injury resulting from numerous inoculations, he says nothing of this in his testimony.

The medical evidence indicates that claimant suffers from "painful flat feet—injury to inferior maxilla." His percentage of disability is stated at 75 per cent. Dr. A. C. Remington, who certifies to the foregoing, did not appear before the Commission. There is also filed of record, certificate of Dr. D. M. Low, to the effect that claimant suffers from "cellulitis of face region left inferior maxilla." No percentage of disability is stated. Claimant's medical examination upon discharge indicates no disability, all symptoms being declared normal.

It is significant that in reply to a question asking why he had not applied for pension, claimant replied, "I haven't any grounds for it." I quite agree with this statement and, clearly, if claimant has sustained no disability, he can hardly expect to receive compensation for maltreatment as a prisoner of war. (See Opinion annexed to my earlier report dealing with maltreatment cases.) The claim should not have been pressed before this Commission and is clearly unfounded. It is disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 16, 1932.

CASE 2628—WILLIAM JOSEPH PLASTER

The claimant was a Sergeant in the 4th C.M.R. —Regimental No. 111418. He enlisted in March, 1915, at the age of 23 years, and was taken prisoner June 2, 1916, suffering from a broken arm and slight gas. He was released to Holland in April, 1918, and repatriated to England January 23, 1919. He is not in receipt of pension, was married in February, 1919, and has one child. Prior to enlistment, he was working on his father's farm and since discharge has been with the Robert Simpson Company of Toronto, at \$21.50 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, general abuse, suffered from dysentery and received no proper medical treatment, with the result that this trouble persists.

An analysis of the evidence reveals:—

Claimant spent the first few months of his captivity at Dulmen camp, as to which he has no complaints, apart from inadequate food. He was sent to Minden, where he remained for a year and a half. He has no complaint of any physical brutality, although he did receive an occasional blow. He confines his claim to lack of medical treatment for an attack of dysentery, which he contracted at this camp, and attributes to this lack of treatment a present and permanent disability. He suffers from continual blood in the stools, which is debilitating.

The medical evidence indicates that claimant has suffered from nervous indigestion and a generally disorganized nervous system for eight or nine years. This is the diagnosis of Dr. E. G. Hodgson, who attended claimant during that period. Dr. Hodgson did not appear before the Commission, but Dr. F. S. Park appeared on behalf of claimant and testified that he had attended him in prison camp at Minden, where Dr. Park was also interned. He confirms claimant's statement as to the attack of dysentery and declares that he gave him what attention he could, but was unable to prescribe a proper diet, with the probable result that claimant is to some extent disabled in the manner claimed. The disease probably originated from infection due to bad sanitation. Claimant has no other disability and is spoken of by Dr. Park as an excellent citizen. Claimant's medical history files show nothing unusual. Upon discharge from the service, he was declared, upon examination, "all systems normal."

In this state of the record I do not consider that I am justified in reaching a conclusion favourable to claimant. His present condition is the result of general conditions of camp life in Germany, chiefly poor food. As pointed out in Opinion annexed to my earlier report upon maltreatment cases, I do not consider that this can be regarded as maltreatment within the meaning of the relevant sections of the Treaty of Versailles. Claimant's recourse, if any, is before the Board of Pension Commissioners. His claim, as far as this Commission is concerned, must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 10, 1932.

CASE 1931—ARTHUR D. POPE

This is a claim filed by Lieutenant A. D. Pope of the Royal Air Force and covers the loss of personal effects taken from him by the enemy, after he had been shot down behind the German lines. The claim is stated at the sum of \$261 and comprises a wrist watch, cigarette case, some money, clothing taken shortly after capture and some parcels of clothing taken from claimant shortly after the Armistice, at Grandenz, in East Prussia, due to disturbed conditions which arose when the Revolution began in Germany.

The claim is not pressed. Under date of April 28, 1931, the claimant notified the Commission that he desired to cancel the claim. It is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 4, 1932.

CASE 2393—ALBERT POTENTIER

The claimant was a Sergeant in the 7th Battalion—Regimental No. 23347. He enlisted in August, 1914, at the age of 43 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was released to Holland in April, 1918, and repatriated to England November 18 of that year. He is in receipt of a 10 per cent pension, amounting to \$10 per month, based on neurasthenia. He was married at the time of enlistment and has two children now of age. Prior to enlistment, he was employed as a smelter man at \$125 per month and since discharge has held various positions and is now out of employmen.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings and confinement for refusing to work, bad food, lack of clothing and forced labour.

An analysis of the evidence reveals:—

Claimant is an old soldier, having seen service in West Africa in 1895 and 1896 and in South Africa. After capture, he spent time at Giessen, Lichtenhorst, Hestenmoor, Casselbrook and Saltau camps. At Giessen, for refusing to work, he was badly beaten by the guards, later stripped and again beaten. Corroboration of these incidents is furnished by the affidavits of fellow prisoners. His treatment in other respects appears to have been similar to that accorded other prisoners. He declares that these experiences caused him to have fits, beginning in Germany and continuing, though less frequently, to the present time. His complaint is that he is not now the same man that he was, physically. The fits of which he speaks do not appear to be epileptic in character.

The medical record indicates that claimant suffers from "neurasthenia, profuse sweating, some muscular tremor, lack of self confidence." His percentage of disability is stated at 100 per cent in his own calling and at 65 per cent in the general labour market. Dr. F. W. Lees, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show some defective hearing and slight neurasthenia, without however any disability.

There is no explanation as to the defective hearing and I should fancy that claimant, at his age, must expect some diminution in his physical vigour. He can hardly expect now to be the "same man that he was." His experiences in Germany, while undoubtedly trying and harsh, do not, as far the record goes, indicate that his present condition is due to maltreatment. I regard the case as one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it cannot be allowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 12, 1932.

CASE 2452—WILLIAM POTTS

Notice of claim was received on behalf of the above named claimant through his Attorneys. The usual claim forms have not been completed, but it would appear from claimant's military files that he enlisted on August 15, 1915, was taken prisoner on September 17, 1916, and repatriated to England in March, 1918. Claimant was notified to appear at the Toronto sessions

of the Commission, on April 27, 1932, and again at the Montreal sessions, on May 27, 1932, but failed to present himself, and his Attorneys were unable to explain his absence. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2334—HAROLD PRICE

Claimant was a Private in the 20th Battalion—Regimental No. 775369. He enlisted December 4, 1915, at the age of 29 years. He was taken prisoner November 12, 1917, at Passchendaele, unwounded, and was repatriated to England December 4, 1918. He is not in receipt of pension, was married at the time of enlistment and has one child. Prior to enlistment, he was employed as a carpet weaver earning \$15 per week and is now in the same trade earning \$40 per week when working full time.

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 in the coal mines where he was struck on the forehead with a miner's lamp and kicked; was laid up for a month; was given solitary confinement, and was wounded in the hand by a bayonet, the wound later becoming poisoned.

An analysis of the evidence reveals:—

Claimant was a prisoner for about a year, the first few weeks whereof he spent at Courtrai, Munster, and Dulmen camps. He has no complaint of his treatment there. Removed to Munster No. 1, he was compelled to drag waggons, work which was too arduous in his weakened condition. He was then sent to Essen, where he worked in the coal mines. For interfering when another prisoner was being beaten, claimant was hit over the forehead with a mine lamp, leaving a scar, which is still visible. For treatment he was kicked by the doctor, but eventually received some attention. He was also confined to cells without food because a letter received from his wife indicated that he had made complaints of his treatment. As a result of these experiences, claimant complains of nervousness, dizziness and headaches. He also declares that as the result of a recent examination of his chest, tuberculosis is suspected. In claimant's statement of claim appears the complaint that he suffered from blood poisoning, the result of being stabbed by a guard in the hand. There is nothing in his evidence concerning this incident.

The medical evidence indicates that claimant suffers from "dizziness, nervousness, tendency to fainting, weakness and run down feeling, persistent headaches". His percentage of disability is stated at 20 per cent in his own calling and at 40 per cent in the general labour market. Dr. M. S. Cole, who certifies to the foregoing, did not appear before the Commission. Although claimant intimates that Dr. Cole feared tuberculosis, there is nothing from Dr. Cole bearing out such a diagnosis, though there is a suggestion in a certificate furnished by Dr. W. G. Russell that this disease may be present.

It will be seen that the evidence is not very satisfactory. The mere fact that claimant was compelled to work in the coal mines is some evidence of maltreatment, but I do not think from the evidence, that the duration or severity of this treatment has brought about any permanent disability. Claimant's claim, if any, is purely a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed.

ERROLL M. McDOUGALL,
Commissioner.

OTTAWA, August 16, 1932.

CASE 2335—A. PYLE

Notice of claim was received from the above named claimant, from which it appears that he served as an Imperial soldier and came to reside in Canada for the first time in October 1921. He was advised that this Commission has no jurisdiction to entertain the claim, inasmuch as the claimant became resident in Canada after January 10, 1920. Claimant has not further pressed the case, and it is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2563—B. R. RACEY

Notice of claim was received from the above named claimant on February 18, 1932. The usual forms were sent him for completion, but have never been returned. There is, therefore, no information as to the nature of his claim. He was notified to appear before the Commission at its Montreal sessions, on May 27, 1932, but failed to present himself, and default was duly entered. The claim, accordingly, fails for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 21, 1932.

CASE 2345—D. RAMSAY

Notice of claim was received from the above named claimant on April 20, 1931. The usual claim forms were sent him, but have never been returned. There are no particulars in the record of claimant's service apart from a statement that he served with the Imperials. He has not again communicated with the Commission. Notice was sent him, to his last known address, of a hearing at Hamilton, Ontario, on April 25, 1932. Claimant did not appear and his claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2346—ALFRED FREDERICK RAPER

Claimant was a Private in the 15th Battalion—Regimental No. 27943. He enlisted in August 1914 at the age of 28 years. He was taken prisoner April 24, 1915, during the second battle of Ypres suffering from gas, and was repatriated to England January 7, 1919. He is in receipt of a 100 per cent disability pension, amounting to \$100 per month for himself and family, based on pulmonary tuberculosis. He was married in June 1927 and has one adopted child. Prior to enlistment, he was employed as a furniture finisher, earning \$15 per week, but is unemployed at present due to illness; had been employed with a firm of commercial artists but had to abandon the work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy labour at a

fertilizer plant, developed heart trouble and rheumatism, was then sent to work on the moors, exposed to wet and cold, and no change of clothing; developed influenza and pleurisy and received no medical treatment.

An analysis of the evidence reveals:—

Claimant was at or attached to Giessen camp until January 1916. Sent out to work in a fertilizer factory, he complains of the arduous work, being compelled to wheel heavy barrows of material with a yoke about his neck. After 10 days he could not continue through exhaustion, and was sent back to Giessen for 21 days punishment. He was sent to hospital for two months due to rheumatism and heart trouble. Claimant was then sent out to work on the moorlands, employed at dragging a barrow, and later cutting peat and digging. He complains here of the exposure in all kinds of weather and the heavy work. He was beaten with rifle butts, but does not emphasize this treatment as causing disability. Transferred to Freistadt, and a village called Hennstedt, (sic) claimant again complains of the heavy work and exposure to the weather. Here he contracted flu and was given no medical attention. Claimant also suggests that he may have been inoculated with tuberculosis germs. He complains of rheumatism and his chest condition, due to the exposure.

The medical evidence indicates that claimant suffers from pulmonary tuberculosis and is 100 per cent disabled. Dr. J. B. Thomson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files fully bear out the diagnosis, and as stated, claimant receives 100 per cent pension.

There is no question as to claimant's disability, but to say that this is due to maltreatment at the hands of the enemy is very difficult. Claimant was compelled to do heavy work in all kinds of weather, as were the great majority of prisoners. That his constitution was not sufficiently robust to withstand the strain thus imposed, cannot, in my view, render the enemy guilty of maltreatment. I consider claimant's case as fully covered by his pension award. The claim, as here presented, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 19, 1932.

CASE 2304—WILLIAM FREDERICK REED

The claimant was a Sergeant in the 7th Battalion—Regimental No. 16268. He enlisted in August 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas, was released to Switzerland in August 1916 and repatriated to England September 11, 1917. He is in receipt of a 15 per cent pension with allowances for wife and child, amounting to \$22.50 per month, based on heart disease. He was married in October 1924 and has four children. Prior to enlistment, he was employed as a sugar refiner at \$3 per day, and since discharge has held various jobs, at present as a penitentiary guard, at a salary of \$1,200 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of kicks and beatings, and, while ill from the effects of the gas, the lack of treatment caused nausea which strained his heart and left him in his present condition.

An analysis of the evidence reveals:—

Claimant received rough treatment on the way back from the lines, and, suffering greatly from the effects of gas, was placed in the infirmary at Giessen camp. He received no treatment for this condition and was sent to Platenburg where he was compelled to work for two weeks. For refusing to continue working,

he, with others, was returned to Giessen where he spent some time in punishment barracks. He complains that a heart condition developed, due to the lack of treatment and compulsory exercise. He confines his complaint to this lack of treatment and does not allege any disablement resulting from rough and violent handling. In August 1916, after examination by a travelling medical commission, claimant was transferred to Switzerland.

The medical record indicates that claimant suffers from valvular heart disease. His percentage of disability is stated at 50 per cent. Dr. McCarley, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files bear out the conditions noted, for which he is in receipt of pension.

The evidence in this case is not sufficient to establish that claimant's present condition results from maltreatment whilst a prisoner of war. The primary cause of the heart condition is probably the gas received previous to capture. It does not necessarily follow that the lack of treatment alleged induced or aggravated the condition in question. From the evidence of a fellow prisoner, claimant was suffering from this affection very shortly after capture, I regard the case as purely pensionable. In this state of the record, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 5, 1932.

CASE 2514—VAUGHAN S. REGAN

Notice of claim was received from the above named claimant in November, 1931, and the usual claim forms were sent to him, but have never been returned completed. It appears from his military files that he enlisted in August, 1914, was taken prisoner April 24, 1915, and repatriated to England on December 7, 1918. He was notified to appear before the Commission at its sessions at Boston, Mass., on May 31, 1932, but failed to present himself, and his default has remained unexplained. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2416—DONALD RENNIE

Claimant was an Imperial soldier who served, as a Corporal, with the Royal Field Artillery—Regimental No. 656303. He first came to Canada in 1911 and enlisted October 6, 1914, in Scotland, at the age of 21 years. His return to Scotland before the war was not intended as permanent. He had joined a ship, as a member of the crew, in Montreal and when the vessel reached Austria, the crew was paid off due to some trouble and he seized the opportunity to go home. He was taken prisoner in March, 1918, unwounded, and was repatriated to England early in December of that year. He was in receipt of a 20 per cent disability pension for general debility and received 6 shillings per week from December 29, 1930, to December 27, 1931. He was married in July, 1914, and has four children. Prior to enlistment, he was a railway employee in Scotland earning \$30 when on full time, and is now employed as a chauffeur, earning \$30 when on full time.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of severe beatings, insanitary conditions, loss of mail and parcels and of a blow in the face with a rifle butt, which left a scar.

An analysis of the evidence reveals:—

While claimant served as an Imperial soldier, he has successfully shown that he was resident in Canada before the war. He was a prisoner for about 8 months, which period he spent at Flavy le Martel and Schlettdt. He appears to have been employed for a few days behind the lines moving an ammunition dump. At Schlettdt he was subjected to beatings for refusing to do N.C.O. duty, and, upon recapture, after an unsuccessful attempt to escape, he struck the commandant who was whipping him and was knocked unconscious with the butt of a rifle by a guard. His face was cut leaving a scar, but no disability has resulted therefrom. He now suffers from nervousness which he attributes to the strain of his experience whilst a prisoner. Originally he also appeared to have suffered from a stomach disorder from which, however, he is now recovered.

The medical record indicates that claimant has a scar and deformity at external corner of right eye which, however, causes no disability and has not affected the sight of the eye. Dr. C. McLean, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files, as an Imperial, are not available, an entry merely appearing that he was in receipt of pension for "general debility".

In this state of the record, it is clearly impossible to reach a finding in claimant's favour. It is not sufficient for a claimant merely to show that he was roughly treated whilst a prisoner of war. He must, in addition, establish that the maltreatment complained of has resulted in permanent disability to him (see general Opinion annexed to my earlier report upon maltreatment cases). This the present claimant has failed to show. His case must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 17, 1932.

CASE 2472—FREDERICK HERBERT REW

Claimant was a Private in the 2nd Battalion—Regimental No. 7295. He enlisted in August, 1914, at the age of 22 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the right hip and abdomen. He was released to Holland about a week after the Armistice and was repatriated to England December 12, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$23 per month, based on heart trouble. He was married in September, 1923, and has two children, one an infant. Prior to enlistment, he was employed as an hotel waiter, averaging about \$600 per annum, including board, clothes and room. He is now engaged in the same occupation and earns a living.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the bad food, solitary confinement for attempted escapes, stoppage of parcels, beatings and insanitary living conditions. He now suffers from nervous disorders and heart trouble.

An analysis of the evidence reveals:—

From a dressing station, claimant was taken to Roulers and then sent on to Paderborn hospital, where he remained for 7 months. He speaks of his treatment as excellent. Upon discharge, he was sent to Serselager, where he com-

plains chiefly of the poor food. At Stauhmuhl and Meisenvenn (sic) claimant complains of the living conditions as most insanitary. Claimant made at least 8 attempts to escape, was recaptured and served the usual confinement to cells, with long periods awaiting punishment. Apart from an odd blow and general rough usage, he does not stress physical brutality to himself. Claimant also spent time at Burgstenfurt, Dulmen, Munster, Gottingen and Dueseldorf. He attributes his present condition of health chiefly to food conditions in Germany. Corroboration as to his present nervous and run-down state is furnished by his employer, the maitre d'hotel of the Mount Royal Hotel, Montreal.

Claimant has produced no medical evidence, but his medical history files show that he suffers from general debility, said to have originated in "France and Germany". His documents contain the following notation: "When captured after being wounded and sent to Germany, owing to prison life and environment, gradually got weaker, till after 3 years and 9 months of prison life was very exhausted and anaemic when returned to England".

Claimant is in receipt of pension for his disabled condition. I think it follows, from the foregoing analysis of the evidence, that his condition is of nutritional origin, possibly aggravated by general conditions of camp life in Germany. As explained in general Opinion annexed to my earlier report upon maltreatment cases, impairment to health following the rigours and stress of conditions of life in prison camps does not entitle a claimant to reparations. He must connect his disability with direct maltreatment whilst a prisoner. This, claimant has failed to do, and I am, accordingly, bound to disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 15, 1932.

CASE 2622—HAROLD RILEY

Claimant completed the usual claim forms, from which it appears that he enlisted on June 26, 1915, was captured on October 8, 1916, was repatriated to England on December 3, 1918, and discharged January 4, 1919. Claimant was notified, through his attorneys, to appear before the Commission, at its Toronto sessions on April 30, 1932, but he failed to do so. His attorneys were unable to explain his absence. In these circumstances the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2559—JOSEPH ROBERT

Claimant was a Private in the 22nd Battalion—Regimental No. 61398. He enlisted October 26, 1914, at the age of 16 years, and was taken prisoner June 16, 1916, suffering from gunshot wounds in the fingers of the left hand. He was repatriated to England December 19, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$11.50 per month, based on his service wound in the hand. He was married in February, 1926, and has one child. Prior to enlistment, he was employed as an apprentice printer, earning \$4 per week, and is now employed though he did work for a time as a cigar store clerk, earning \$32 per week, but had to give this up due to illness.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long hours of labour

in the iron mines, also in the stone quarries, where the food was bad and no parcels were received. Was forced back to work although exhausted, and finally he was sent to hospital. Contracted influenza and managed to recover although he received no medical treatment. Now suffers from nervousness and heart trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Menin, where his wounded hand was bandaged. Sent on to Giessen, to which camp he remained attached for a year, he was sent out on working parties. First, at an iron mine he complains chiefly of the food and long hours of work. For an attempted escape he received the usual confinement to cells. Claimant was sent to a farm, from which he again attempted to escape, was returned to Giessen and sent out to work in stone quarries, where he complains of the hard work, lack of food and barrack accommodation. He speaks of being kicked, was injured in a fall in the quarry and returned to Giessen hospital for a month. He was finally transferred to Meschede, where he complains only of the food and the failure to deliver his parcels. He was not called upon to work here, but contracted the flu, for which he received no medical attention. He suffers from nervousness and a heart condition.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files refer to the disablement to his hand, with indication of neurosis and disordered action of the heart.

Claimant was exposed to the routine of general camp conditions in Germany and apparently became affected by an anxiety neurosis, which, I am informed, is readily responsive to treatment. The record does not disclose a disability resulting from maltreatment, which would entitle claimant to an award. His case is one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 28, 1932.

CASE 2724—ANGUS ROSS

Claimant was a Private in the 18th Battalion—Regimental No. 803217. He enlisted June 17, 1916, at the age of 21 years, and was taken prisoner May 9, 1917, at Fresnoy, suffering with small shrapnel wounds in the back. He was repatriated to England December 16, 1918. He received a gratuity of \$50 from the pension authorities, and is at present in Ottawa under observation in connection with pension reinstatement. He is unmarried and is a farmer by occupation; having earned \$50 per month and board before enlistment. He is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long hours of labour with Russian fellow-prisoners and no English speaking companions, crippled feet due to wearing wooden clogs without socks, starvation and bad food, confinement in a dark cellar over a week-end without food, and forced work at point of a bayonet when weak from wounds and lack of food. Suffered several solitary confinements for attempted escapes. He now suffers from stomach disorders and weak spells.

An analysis of the evidence reveals:—

After capture he was taken to hospital at Douai where he remained three days without treatment. He was then taken to a rest camp at Rasstat where he nearly starved for lack of food. After six weeks he was removed to Heidburg and was placed at work on a farm and collapsed from weakness and pain in

the back during an 18-mile walk from the train to the farm. He worked long hours at this farm and remained there six months. His feet became crippled owing to the wearing of wooden clogs. He was compelled to go to work whether he felt equal to it or not. His next task was in carrying planks at a sawmill though his back was still sore. He was knocked down by a guard for not moving more quickly and was confined to the dark cells over the week-end. He attempted to escape, was recaptured and received the usual punishment. He was returned to farm work and stayed about two months, made another attempt to escape and received the usual punishment. He was next sent to the iron foundry and found that his back was so weak and sore that he made another attempt to escape. Upon recapture he was beaten. He states that the work of carrying lumber in the sawmill aggravated his back condition so that it remains weak and sore up to the present time and he can scarcely do any lifting or heavy work.

The medical record consists of a certificate by Dr. C. R. Graham, of Ottawa, who examined the claimant on July 4, 1932. It covers the question of catarrhal deafness and finds that hearing in the right ear to tuning fork is about half normal distance and in the left ear about quarter normal distance. The bone conduction is better than air conduction in the left ear. Regarding the shrapnel wounds he finds three fairly large scars on the back of the trunk at the level of the 9th dorsal spine. Pain over the spinal column about the level of 7th dorsal spine and also about four inches to the right about the level of the 9th or 10th ribs. It is aggravated by bending forward. He states that there is still foreign body present in this region. Claimant further complains of pain in movement of the right hip which becomes worse in wet weather. These pains in back and hip interfere with his work as a labourer. He was submitted to a further X-ray examination at Ottawa a few days previous to the hearing and is now undergoing treatment.

It is difficult to determine to what extent the claimant's present disability can be attributed to his wounds received on or before capture and to the treatment meted out to him while a prisoner in being compelled to labour at heavy tasks while still suffering from the wounds in his back. In the absence of more definite and conclusive evidence that claimant's present disability results from maltreatment whilst a prisoner of war, I am unable to reach a finding in his favour. He has failed to discharge the burden resting upon him, and I regard the case as one for the consideration of the Board of Pension Commissioners. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 26, 1932.

CASE 2425—FRANCIS EDWARD RUSSELL

Claimant was a Private in the 5th C.M.R.—Regimental number 110491. He enlisted April 25, 1915, at the age of 16 years. He was taken prisoner June 2, 1916, unwounded and was repatriated to England, December 2, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was an apprenticed plumber earning 4 per week and is now unemployed, although for a time he was employed as a salesman, earning \$22.50 per week, out of which he had to pay his own expenses.

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 head with a rifle resulting in injury to the spine. Received a kick in the stomach, which, together with the bad food, resulted in stomach trouble. He also suffers from a nervous disorder.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he remained 3 months and complains only of the food. Sent out on a working party, cutting timbers in the bush, he complains of being hit over the back of the head, which resulted in an infection and necessitated his admission to hospital at Gladebeck. From his description of the treatment, it would appear that he was suffering from a carbuncle. Claimant next spent time at Munster camp, at Hagen (sic), at Friedrehsfeld, and at an officers' camp in West Prussia. He has no particular complaint as to his treatment at these latter camps, his claim for maltreatment being virtually confined to the incident at Gladebeck above referred to. He attributes to the blow on the head, then received, a present nervous debility and some digestive disturbance. It is noted that while his statement of claim mentions a kick in the stomach while a prisoner which has left a disability, he says nothing of this in his testimony.

The medical evidence indicates that claimant suffers from duodenal spasms, fissure of rectum and small haemorrhoids. His percentage of disability is stated at 10 per cent. Dr. G. W. Loughheed, who certifies to the foregoing, did not appear before the Commission. A certificate of Dr. Geo. Carroll is also filed, indicating a condition of chronic gastritis with acute exacerbations. Claimant's medical history files show nothing unusual.

Claimant's disability has not been shown to be serious. I do not think that the injury referred to can have caused the nervous trouble spoken of (but not covered by the medical certificate). Whatever disability claimant has suffered is to be regarded as the result of general camp life in Germany and does not constitute maltreatment within the meaning of the relevant sections of the Treaty of Versailles. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 15, 1932.

CASE 2509—JAMES WILLIAMSON RUTHERFORD

Claimant was a Private in the 2nd Battalion--Regimental No. 8363. He enlisted in August, 1914, at the age of 21 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly gassed. He was repatriated to England in December, 1918. He is not in receipt of pension, was married in March, 1919, and has two children. Prior to enlistment, he worked in a tannery, earning \$1.75 per day, and is now a textile dyer, earning about \$30 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 injured his knee when he was jammed against the side of a hot furnace, was compelled to do heavy labour in the stone quarries where he was continually beaten by the guards and now suffers from nervous disorders.

An analysis of the evidence reveals:—

Claimant spent the first 6 weeks of his captivity at Giessen camp, as to which he has no complaints. He was sent out to the Giesweid Iron Foundry, where he remained two years. He was made to work on the furnaces and speaks generally of beatings. While working upon a furnace, he declares that he was thrown, through carelessness of a guard, against the side of a furnace, inflicting a severe burn about the knee. He was in hospital for 6 weeks and reports the treatment as fair. Returned to Giessen, he appears to have spent 6 more weeks in hospital. Upon discharge from hospital, claimant spent two weeks at Heuston, where he sustained an accidental injury to his finger. After a further short period in Giessen, he was sent to two working commandos, returned to Giessen, and then sent out to a stone quarry, of which he complains bitterly. He was

only there two weeks but asserts that he was constantly beaten, because a German coin had been found upon him. Heavy tasks were imposed upon him until finally he injured himself intentionally by pouring boiling water on his foot and was sent to hospital, where he remained 3 months. He has no complaints as to his treatment there, nor at Hausenheimer, where he was then sent for the remainder of his captivity. He complains chiefly of his nerves, adds that his injured knee still troubles him and that his stomach is affected.

The medical evidence indicates that claimant suffers from "nervous attacks frequently especially inability to concentrate his mind after slight accidents or even loud noises". The injury to the knee is declared to be minor. Dr. A. E. McKibbin, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual.

In this state of the record I am unable to reach a finding in claimant's favour. The knee injury, which, at all events, was probably accidental in origin, is negligible. The nervous condition referred to, is too general to justify a finding that it is due to maltreatment. For reasons which have been explained in Opinion annexed to my earlier report upon maltreatment cases, disability resulting from the strain and stress of camp life in Germany is insufficient to found an award. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

Ottawa, October 8, 1932.

CASE 2292—PHILIP X. SANGSTER

The claimant was was a Private in the 46th Battalion—Regimental No. 911866. He enlisted April 13, 1916, at the age of 24 years. He was taken prisoner October 26, 1917, at Passchendaele, suffering from gunshot wound in the right femur, and was repatriated to England May 20, 1918. He is in receipt of a 25 per cent pension for himself and family, amounting to \$32.50 based on the wound received. He was married in November 1922 and has two children. Prior to enlistment, he was employed as a clerk and window-trimmer, earning about \$28 per week, and is now engaged in window-trimming and card-writing, earning \$27.50 per week.

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 forced to work too soon on his injured leg which resulted in great loss of blood and the telescoping of the bones, lack of food and exposure.

An analysis of the evidence reveals:—

Claimant was a hospital case during the entire time of his captivity—about 7 months. He complains only of the lack of proper medical treatment and contends that, had he received skillful treatment, he would not now be so seriously disabled. His leg was fractured when captured, and although his evidence shows that proper treatment was indicated, it was not effective. Extensions were applied but without beneficial results. He states that at Trier he was made to walk too soon and the fracture broke down and was never reset until his return to Canada. He now suffers a permanent shortening of the leg of from 1½ to 2 inches. I am informed that it is not unusual in femur cases of this kind for the patient to be left with some shortening.

The medical record indicates that claimant suffers from limitation of movement in the right thigh, with pain and weakness. The leg is shortened. Dr. Frank D. McTavish appeared before the Commission and explained the surgical attention he had given claimant, which has largely improved his condition. Dr.

McTavish is of opinion that the injury did not appear to have received proper medical attention at the outset, but admits from the history of the case that the treatment was in the right direction, and the inference remains that bad judgment, rather than malpractice, is responsible for the condition found.

It is always difficult in these cases charging medical ill treatment or neglect, to establish the line between lack of judgment and maltreatment. I do not think that claimant has proven that his disability would have been less had his treatment been other than it was. His injury was quite serious, and I do not consider that I should speculate as to what the outcome might have been had he been given different treatment. His case is one for the consideration of the Board of Pension Commissioners. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 8, 1932.

CASE 2598—JOHN DUNCAN SCOTT

Claimant was a Private in the 3rd Battalion—Regimental No. 9723. He enlisted in August 1914 at the age of 32 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England, December 14, 1918. He is not in receipt of pension, and is unmarried. Prior to enlistment, he was employed as a labourer, earning about \$12 per week, and while unemployed at present, his last job as labourer enabled him to earn about \$20 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in mineral mines, smelter and brick yards, and received kicks and beatings with rifle butts. Injured his feet by being made to wear wooden clogs.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp and has no complaint of his treatment during the three months he spent there. Sent out to an ore mine, at Laurenberg, he complains of being beaten for refusing to work. He was returned to Giessen and confined to barracks for not producing enough work and was then sent out to a smelter. Here, he complains of the work and declares that his feet were damaged on the hot metal, through wearing wooden clogs. He does not attribute any considerable disability to this injury. He was again beaten for refusing to work and sustained an arm injury, which, however, has left no disability. As a result of his experiences he complains of the injury to his feet and that his nervous condition is poor.

The medical evidence indicates that claimant suffers from neurasthenia, silicosis, poor blood pressure and cardiac weakness. No mention is made of any foot condition. His percentage of disability is stated at 40 per cent. Dr. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files contain nothing unusual. His medical examination, upon discharge, shows no disability.

I am inclined to think that the percentage of disability stated in the medical certificate produced is unduly high. Claimant, like other prisoners, was roughly handled, but I do not consider that he has been successful in establishing that he now suffers a disability resulting from maltreatment whilst a prisoner of war. His claim, if any, is one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 16, 1932.

CASE 2291—MERVIN CECIL SIMMONS

The claimant was a Private in the 7th Battalion—Regimental number 23445. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from bullet wound in the right shoulder blade. He escaped to Holland in September, 1916. He is not in receipt of pension. He was married in June, 1927, and has one child. Prior to enlistment, he was employed as a carpenter earning about \$110 per month and since discharge he has tried unsuccessfully to resume his trade. He then took up farming and is now teaching school, earning \$1,420 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement to cells, bad food and general conditions which affected his health.

This claimant was unable to appear before me at any of the sittings conducted in Western Canada due to the fact that he lives in a remote part of Northern British Columbia, hard to reach by mail or telegraph. He could not leave his school for the length of time necessary to come either to Vancouver or Edmonton. However, the record is fairly complete, with declarations and certificates, augmented by a lengthy statement made by the claimant upon repatriation, and I do not think he would be able to add very much by way of verbal testimony. Consequently, I shall deal with the case upon the record as filed.

After capture claimant was first taken to Giessen camp, where he remained until the end of 1915. Conditions were not bad at Giessen, apart from the food. He received hospital treatment here and has little complaint to make. He volunteered for farm work and found the treatment good. Intending to escape if possible, he and a companion made the attempt but he was retaken, returned to Giessen and placed in solitary confinement. He was given 14 days dark cells and then confined to strafe barracks for four weeks. There was no harsh treatment. He was transferred to Celle-Hanover in January, 1916, and to Vehnemoor later in the same month. Here the sanitary arrangements were bad, the food poor and the prisoners were made to work at digging peat where it was impossible to keep dry feet. He was never punished, except after a second attempt to escape, when, upon recapture, he was confined to cells for five nights; then his great coat was taken from him and he suffered from cold during 14 days subsequent to confinement. He was sent to Deinstedt in February where he received good treatment. He succeeded finally in escaping to Holland on September 10th. The foregoing outline of his treatment in Germany is taken from the statement made by him upon repatriation. In his declaration made in support of his claim he is more vehement in his denunciation of the food and living conditions, particularly of the confinement to cells. He contends that the darkness, cold and starvation had the effect of breaking down his health. A certificate is filed by Dr. W. A. Watson of Pouce Coupe, B.C. certifying to general loss of health due to ill treatment while a prisoner. He fixes claimant's disability at 100 per cent in the claimant's own calling of carpenter and at 75 per cent in the general labour market.

Declarations are filed by Edward Moe of Dawson Creek, B.C., Thomas S. Norman of the same place and James Henry Clark of Pouce Coupe, all to the effect that the claimant suffers impaired health and is extremely nervous.

Claimant underwent the usual conditions of captivity in Germany, and, for reasons explained in Opinion annexed to my earlier report on maltreatment cases. I do not consider that he was subjected to such maltreatment as will entitle him to an award. He has failed to discharge the burden of showing a present disability resulting from maltreatment. His claim for injury to health, if established, may possibly entitle him to consideration at the hands of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 5, 1932.

CASE 2429—HENRY W. SIMPSON

Notice of claim was received on behalf of the above named claimant. The usual claim forms do not appear to have been completed, but it appears from claimant's military files that he enlisted on June 26, 1915, was taken prisoner on June 2, 1916, and repatriated to England on December 30, 1918. He is in receipt of a 30 per cent disability pension. Under date of November 30, 1931, notice of withdrawal of the claim was given by claimant's Attorneys. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2235—ALEXANDER SINCLAIR

Claimant completed the usual claim forms, from which it appears that he enlisted on June 30, 1915, was captured on June 2, 1916, was repatriated to England on December 20, 1918, and discharged as medically unfit on April 8, 1919. Claimant was notified to appear before the Commission at its Toronto sessions on April 28, 1932, but failed to do so. His Attorneys were unable to explain his absence. In these circumstances, the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 18, 1932.

CASE 2417—HORACE VICTOR SINCLAIR

Claimant was a Private in the 15th Battalion—Regimental No. 27645. He enlisted in August 1914, at the age of 18 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but gassed. He was repatriated to England January 6, 1919. He is not in receipt of pension, but has an application pending therefore. He was married in January 1920, and has three children. Prior to enlistment, he was employed as a hotel clerk, earning \$18 per week, and since discharge worked with a sheet metal products company, earning \$18 per week and for the past five years has been in the Toronto Post Office, at an annual salary of \$1,560.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his back due to beatings with rifles, was forced to labour in a mineral mine, received beatings, solitary confinement for three weeks. Forced to work on railway construction and to do farm labour, made attempts to escape, was caught, beaten and confined.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp and apparently worked in a mine. He complains that he was beaten with rifle butts and though suffering from boils was compelled to work and received little medical attention. Sent to Lichtenhorst, via Celle, working on the canals he speaks of a blow with the butt of a rifle across the back, from which he was laid up for 6 weeks and the effects whereof he still complains. He was then sent to work on the railways and speaks of general rough usage. After some time at Hameln camp, claimant was sent out on a farm and was denied medical attention for a stomach condition and dizziness. He

attempted to escape, was recaptured, and given the usual 14 days cells. Another unsuccessful attempt was visited with similar punishment. He completed his period of captivity at Hanover, working in a machine shop, where he complains that his eyes were injured from the hot iron. He now suffers from nervous headaches, his back, and harbours an intense resentment at his treatment, which reacts unfavourably upon his general health.

The medical evidence indicates that claimant suffers from neurasthenia, chronic colitis and debilitated condition. His percentage of disability is stated at 25 per cent, in his own calling, and at 50 per cent in the general labour market. Dr. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Certificate of Dr. P. L. Irwin is also filed relating to some back injury spoken of by claimant, but as to which there is no external evidence. Dr. Irwin rates his disability at from 25 per cent to 50 per cent. Claimant's medical history files show that his somewhat impaired vision is of prewar origin and has not been aggravated by service. In other respects, he is declared normal.

In this state of the record, it is impossible to reach a finding in claimant's favour. The back condition, of which he complains, is too indefinite to permit of a finding that it has resulted from the blow referred to. Any diminution of vision was not the result of imprisonment and claimant's nervousness can be set down to the strain and duress of general camp life in Germany. Claimant's recourse, if any, is before the Board of Pension Commissioners, where he has an application pending. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 24, 1932.

CASE 2276—WM. SINCLAIR

The claimant was an Imperial soldier who came to Canada to reside in July 1926. He enlisted on September 4, 1914, with the 15th Royal Irish Rifles—Regimental number 6973228—and was taken prisoner on March 26, 1918, un-wounded. He was repatriated to England on November 23, 1918. He is not now in receipt of pension.

He complains of maltreatment whilst a prisoner and declares that he was hit by a guard with a wire cable and was knocked about, with resultant injury to his hearing. Claimant appeared before the Commission at Calgary, on October 2, 1931, and upon learning the date of his arrival in Canada, July 1926, he was advised that he was without right before this Commission.

Upon further consideration, this view is now confirmed. The date constitutive of jurisdiction has been fixed as of January 10, 1920, date of the ratification of the Treaty of Versailles as is explained in my earlier Report dealing with maltreatment cases. The claim, therefore fails for want of jurisdiction. 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, September 17, 1932.

CASE 2458—THOMAS SIVITER

The claimant was a Private in the 4th C.M.R.—Regimental No. 144967. He enlisted in July 1915 at the age of 20 years. He was taken prisoner June 2, 1916, neither wounded nor gassed, and was repatriated to England, December 8, 1918. He is not in receipt of pension but has an application pending therefor. He was

married in March 1922 and has three children. Prior to enlistment, he was employed as an electric fixture maker, earning \$14 per week and is now a foreman with the Scarboro Waterworks, at \$34 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of inadequate and bad food, of being compelled to stand for 12 hours in the glaring sun without covering, was prodded and kicked by guards when he fell through weakness, and was injured by a fall of 18 feet from a scaffold, but was refused medical attention and forced to continue at work.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen Camp and was sent out, with a working party, to Engers, where he remained for the period of his captivity. He complains of the bad food, refers to blows received but admits that these were not severe and did him no permanent injury. He complains bitterly of being made to stand to attention for long hours, which was punishment meted out for any infractions of discipline and was visited upon all prisoners, innocent and otherwise. He was injured from a fall into a hole, but received some medical attention for the injury. He complains chiefly of the strain of being made to stand to attention, which, he declares has impaired his nervous system. He has dizzy spells. He does not lose time from his work and appears to have made steady progress with his present employers.

The medical evidence indicates that claimant suffers from neurasthenia. No percentage of disability is stated, and Dr. R. Walters, who certifies to the foregoing condition, did not appear before the Commission. Claimant's medical history files show nothing unusual. His medical examination, upon discharge, declares "all systems normal."

The statement of claimant's disability is so vague and the medical evidence so general, that it is not possible to reach the conclusion that claimant has suffered a disability due to maltreatment whilst a prisoner of war. That he was subjected to disciplinary punishment while a prisoner does not constitute maltreatment unless such punishment be shown to be unreasonable and brutal. This, claimant has not shown. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 17, 1932.

CASE 2504—JOHN ROBERT SMITH

Claimant was a private in the 13th Battalion—Regimental No. 24398. He enlisted in August, 1914, at the age of 26 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was released to Holland in March, 1918. He is not in receipt of pension; was married in 1912 and now has four children. Prior to enlistment, he was employed in the building trade, earning about \$800 per annum, and is now groundsman, 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 a beating with a rifle which injured his head and wrist, received no medical treatment for the gas, bad food and starvation.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at a number of prison camps, viz: Meschede, Giessen, Neiderhochstadt, Sennelager, Sud Edewechtermoor, Huntlosen and Ahlhorn. It is principally of his treatment at Sud Edewechtermoor

that he complains, where he was beaten by a guard and declares that his wrist was permanently injured and that he was struck over the head and side, from the result of which blows he still suffers. He complains also that he was suffering greatly from the effects of gas which he received when captured and received no medical attention therefor, though he was coughing and obviously in need of treatment. The food conditions were very bad and claimant speaks of general rough treatment and abuse at the various camps at which he was held. Claimant attributes his present weakened condition to the effects of gas, for which he was denied treatment, and to the beatings referred to.

There is no medical evidence of record, not even the usual certificate of a physician. The absence of such evidence and the necessity of producing same was pointed out to claimant and his counsel at the hearing, but the record has not been completed. Claimant's medical history files show nothing unusual. He is declared to have been fit upon discharge.

In this state of the record it is impossible to reach a finding in claimant's favour. Not only must maltreatment be shown, but a claimant must also establish some disability resulting therefrom (see opinion annexed to my earlier report dealing with maltreatment cases). Claimant has failed to discharge the burden which rests upon him and the claim, accordingly, fails. It is disallowed.

OTTAWA, September 30, 1932.

ERROL M. McDOUGALL,
Commissioner.

CASE 2477—MAJOR FRED SMITH

Notice of claim was received on behalf of the above named claimant through his attorneys. No information regarding the claimant has been filed of record. Under date of March 8, 1932, these attorneys notified the Commission that the claim was withdrawn. It is, accordingly, disallowed for want of prosecution.

OTTAWA, November 8, 1932.

ERROL M. McDOUGALL,
Commissioner.

CASE 2287—W. E. SMITH

The claimant was a private with the Imperial forces, 2nd Battalion Wiltshire—Regimental No. 5564166. He was taken prisoner on October 24, 1914, slightly wounded in the left hand, and repatriated to England on or about November 28, 1918. He came to Canada to reside on April 17, 1921.

He alleges maltreatment while a prisoner of war resulting in stomach trouble and the loss of teeth. He receives no pension. Claimant appeared before the Commission at its Vancouver sessions, on October 7, 1931, and was advised that, as an Imperial, his case could not receive consideration, and that his claim, if any, lay with the Imperial authorities.

As pointed out, I do not consider that this Commission has jurisdiction to entertain the claim. For reasons which have been fully stated in my earlier report upon maltreatment cases, the date constitutive of jurisdiction has been fixed as of January 10, 1920.

The claimant was not a resident of Canada at or previous to that date and his claim fails. Reserving to him 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.

OTTAWA, September 7, 1932.

ERROL M. McDOUGALL,
Commissioner.

CASE 2410—GEORGE SPADEMAN

Claimant was a Private in the 3rd Battalion—Regimental No. 9717. He enlisted in August 1914, at the age of 22 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, with a bullet wound in the back, and a touch of gas. He was repatriated to England January 7, 1919. He is not in receipt of pension, and is unmarried. Prior to enlistment, he was employed as a hod carrier, earning \$2.40 per day, and since discharge worked steadily at truck driving, earning \$20 per week.

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 treatment of his wounds after capture and rough treatment in hospital, exposed to damp and wet while at work and received solitary confinement, was compelled to work while ill, bad food and insanitary living conditions.

An analysis of the evidence reveals:—

Claimant received no attention for his wounds, being packed into a box car with other prisoners, and shipped to Giessen camp. The journey consumed three days. He was in hospital for a month and complains that the treatment was unnecessarily rough. In January 1916 he was sent to Vehemoor, via Celle, where he worked in water, digging ditches, and was confined to cells for failure to do what was required of him. He was then sent to Ostenholzermoor, engaged upon similar work, followed by Bokelah, where he was taken ill and received some medical attention. He suffered from boils and was denied treatment and compelled to work. At Peterspheen, claimant contracted influenza, and was refused medical attention. He completed his period of captivity at Saltau. He now complains of his nerves and the injury to his shoulder.

The medical evidence indicates that claimant suffers from "neurasthenia, arthritis, digestion and general condition below par and right shoulder weak." His percentage of disability is stated at 75 per cent, in his own calling, and at 25 per cent in the general labour market. Dr. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission, although it was pointed out at the hearing that the medical evidence was not satisfactory. Claimant's medical history files show nothing unusual, no disability being indicated.

The injury to claimant's shoulder was of service origin and I do not find in the testimony that the condition was aggravated by lack of medical treatment as contended by claimant. The condition of his nerves and stomach is quite general, and from the record, cannot be said to result from maltreatment. Claimant has not discharged the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, August 24, 1932.

CASE 2406—CHARLES THOMAS SPENCER

Claimant was a Private in the 13th Battalion—Regimental No. 24881. He enlisted in August 1914 at the age of 22 years, and was taken prisoner October 8, 1916, on the Somme, suffering from gunshot wounds in the right hip, right forearm and deafened in the right ear by a shell explosion. He was repatriated to England January 16, 1919. He is in receipt of a 25 per cent disability pension amounting to \$35 per month, based on chronic suppuration of the ear and the wound in the right thigh. He was married February 1, 1919, and has three children. Prior to enlistment, he was employed as a waiter, earning about \$50 per month, and is now an assistant shipper, earning \$19 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, compelled to work before his wounds were healed, confinement to dark cells for refusing to work on munitions and a smashed forefinger while at work. Also received a blow from rifle butt in the face causing the loss of teeth and aggravated his ear injury.

An analysis of the evidence reveals:—

Claimant first contends that his wounds remained unattended until he reached Cambrai several days after capture. At Cambrai, and later Parchim, he says that the only treatment he received was "dry bandages" and his wounds burned with caustic. Discharged before his wounds had healed, he was compelled to work felling trees and asserts that he was hit in the mouth, knocking out eight teeth, and was also hit over the right ear, further damaging that organ. He was confined to cells for fourteen days on bread and water and speaks of punishment by being made to run to and fro for two hours at a time and then left to dry in the open. Claimant spent eight months on a farm, where he lost a part of the forefinger of his right hand and was given no medical care for this injury. The injury appears to have been accidental. He was returned to camp, had the finger attended to and was sent out to another farm, where the work was heavy and he was beaten on several occasions for no apparent reason it seems. He complains of exposure to the weather with no change of clothing. At an Iron Works, claimant was given beatings, served time in cells and upon reporting sick received a further term of imprisonment by way of treatment. He declares that he spent 43 days under arrest. He now suffers from nervousness.

The medical evidence indicates that claimant suffers or has suffered with his right hip, right side of face and right ear. His percentage of disability is stated at 75 per cent in his own calling and at 50 per cent in the general labour market. Dr. D. F. Gaspard, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files relate only to his ear condition and the injury to the hip, which were of service origin. There is no mention of the loss of teeth.

There is some discrepancy in claimant's testimony as to the loss of teeth and the manner in which this occurred. As stated, no mention is made of this in his medical record, nor, in fact, in the medical certificate produced. The remaining disabilities are clearly of service origin and no aggravation of the condition has been shown to have resulted from maltreatment. Claimant was roughly treated as a prisoner, but I consider that he has failed to show the connexity between any present disablement and such treatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 29, 1932.

CASE 2597—SYDNEY L. STANLEY

Claimant was a Private in the 4th C.M.R.—Regimental No. 109171. He enlisted in September, 1914 at the age of 23 years, and was taken prisoner June 2, 1916, unwounded, and was repatriated to England December 8, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$6.50 per month, based on flat feet and deafness. He was married in June 1919 and has two children. Prior to enlistment, he was employed learning engraving, earning up to \$12 per week. He is now a press hand, earning \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of injury to his feet because of being made to wear wooden clogs, beatings for not doing the required amount

of work, received a bayonet wound in the knee from a guard and sets out experiences of cruelty, such as being nearly hanged, and tortured by being compelled to stand in bare feet on hot tin plates, the usual starvation, confinement and standing at attention.

An analysis of the evidence reveals:—

Claimant spent the first six months of his captivity at or attached to Dulmen Camp. Sent out on a working party to Gardbeck, cutting trees, he encountered rough treatment because he could not keep up with the work. He was beaten and even threatened with hanging, was sent to cells and spent a month in hospital as the result of the beating he received. For an attempted escape, he was confined to cells and later transferred to Lunenberg (attached to Munster) where he worked in a smelter. He complains of the excessive heat and the heavy labour. Here he fainted and was sent to hospital for one month. Returned to Munster, he has no complaints, but declares that at the chemical factory of Essen, he was badly beaten and made to stand on hot tin plates for six hours because he had failed to salute General Von Hindenberg, who was passing through. To this treatment and the wearing of clogs, he attributes a condition of flat feet from which he still suffers. Claimant spent some time at Friedrichsfeld and Dulmen and complains of the filthy work on the latrines—and of beatings received. He complains of a nervous condition, his head and his feet.

The medical evidence consists of two certificates, of Drs. Edgar Rae and H. Glendenning. The former refers to a condition of boils, which persisted for 1½ years, and a general nervous condition. The latter indicates that claimant suffered from gastritis, suspected ulcer and flat feet in 1919-20. No percentage of disability is stated. Claimant's medical history files show the condition of flat feet and Otitis Media (post discharge); otherwise nothing unusual is noted.

It is evident, I think, that this case is for the Board of Pension Commissioners. Claimant received rough usage, but I do not consider that it follows, from the experiences related, that his present disablement is due to maltreatment whilst a prisoner of war. The use of clogs and the incident of standing on hot tin plates does not, in my opinion, account for the condition complained of. That claimant was unable to withstand the rigours and strain of camp conditions in Germany may be the subject of pension, but does not, in my view, found a valid claim for reparations. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 16, 1932.

CASE 2581—CHARLES STEWART

Notice of claim was received on behalf of the above named claimant, through the Canadian Legion. The usual claim forms have not been completed. From his military files, claimant appears to have enlisted on May 12, 1915, was captured November 8, 1916, and repatriated to England on December 9, 1918. He is in receipt of a 40 per cent disability pension, based upon service wounds. Under date of August 17, 1932, the Canadian Legion, Saskatchewan Command, Regina, advised that claimant did not desire to press the claim. It is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2254—C. P. STOKES

Notice of claim was received from the above named claimant, but no particulars have been furnished. He would appear to have served with the Imperials, though the record discloses that he was resident in Canada before the War. He was duly notified to appear before the Commission at its Vancouver sessions, but failed to do so, and has since given written notice that he cannot substantiate his claim. In these circumstances the claim is disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2548—B. C. STONE

Claimant completed the usual claim forms, from which it appears that he enlisted on April 24, 1915, was captured on June 4, 1916, was repatriated to England on December 10, 1918, and discharged on April 1, 1919. Claimant was notified to appear before the Commission at its Toronto sessions on April 28, 1932, but failed to do so. His attorneys were unable to explain his absence. In these circumstances, the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 18, 1932.

CASE 2539—WILLIAM HENRY STRUMBLE

Claimant was a Private in the 4th C.M.R.—Regimental No. 109629. He enlisted in August, 1915, at the age of 27 years, and was taken prisoner June 2, 1916, suffering with shrapnel wounds in the knee, the buttock, and the scar of a former operation was reopened. He was repatriated to England December 18, 1918. He is not in receipt of pension, was married in June, 1919, and has one child. Prior to enlistment, he was a teamster earning about \$9 per day per team of horses and since discharge has been employed as a janitor, at \$25 per week. Had to quit three months before the hearing due to ill health.

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 before he had recovered from his wounds. Guard broke his finger and split his chin with a rifle butt. Seems to suffer chiefly from the wound in his stomach where the former operation was performed.

An analysis of the evidence reveals:—

Claimant was first taken to Munster No. 1, where he remained for about 6 weeks and has no complaints, except as to food. He was then sent to coal mines at Mangadee (sic) where he remained until 6 weeks before the Armistice. His wounds were still troubling him, but he was compelled to work, was beaten and knocked unconscious for refusing to do what he was required. He also complains that he had his little finger broken from a blow by a guard and was hit across the chin, splitting it open and loosening his teeth. He still suffers from his finger and has lost all his teeth, which were extracted when he came home. He received no medical attention for either of these injuries. Claimant had some shrapnel removed from his knee and while complaining of the manner in which it was done, he is satisfied with the treatment given him. Claimant's story is in many respects confused and it is difficult to determine just what did occur. As

a result of his experiences, claimant declares that he suffers from his stomach. It appears that an old operation scar was reopened by shrapnel before capture. He also complains of his knee injury, which was of service origin. His eyesight is impaired, but he does not attribute this disablement to his imprisonment.

The medical evidence is quite indefinite. It consists in the statement that claimant sustained "shrapnel wounds during great war with resultant abdominal adhesions which would have to be proven or disproven by gastric X rays." His percentage of disability is stated at 25 per cent. Dr. W. J. Irwin, who certifies to the foregoing, did not appear before the Commission.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. His disabilities, except perhaps as to his finger, are of service origin and the evidence does not justify the conclusion that they became aggravated through maltreatment while a prisoner. I was inclined to regard the case as possibly meriting an award because of claimant's experiences in the coal mines, but upon reconsideration, having regard to claimant's testimony, I do not feel that he is entitled to an award from this Commission. His claim, if any, is for the consideration of the Board of Pension Commissioners. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 23, 1932.

CASE 2421—WILLIAM ALLEN SUTHERLAND

Claimant was a Private in the 3rd Battalion—Regimental No. 10172. He enlisted in August, 1914, at the age of 39 years, and was taken prisoner April 24, 1915, unwounded but slightly gassed. He was repatriated to England December 10, 1918. He is now in receipt of a 75 per cent disability pension, amounting to \$56.25 per month, based on basal nuclear changes and hypertension with neurosis. He is unmarried. Prior to enlistment, he was employed as a labourer at the rate of 25 cents per hour and since discharge has only done occasional odd jobs and cannot work steadily due to ill health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper food, bad living conditions, exposure, kicks and beatings, resulting in general debility.

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 Dedeseim, he was engaged in labouring work. He does not complain particularly of physical abuse, but declares that he was beaten on the occasion of the escape of a prisoner, for laughing at the means adopted by the guards to recapture him. He was singled out and made to work waist deep in water until he finally fell ill and was taken to hospital at Giessen. He has no complaints as to his treatment there. On another occasion, when ill, he was beaten by a guard, because he could not work and again went to hospital where he declares he received the "best of attention." From that time on, he was not subjected to maltreatment. He complains of a nervous condition as the result of his experiences.

The medical evidence indicates that claimant suffers from neurasthenia, disordered action of the heart and chronic bronchitis. His percentage of disability is stated at 100 per cent. Dr. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show the condition for which he is in receipt of pension.

It must be borne in mind that claimant is now 55 years of age and that the natural disabilities of advancing years have taken their toll. I cannot say, from a careful scrutiny of his testimony and the documents filed of record, that his present disabilities are the result of maltreatment whilst a prisoner of war. That his constitution was not sufficiently robust to withstand the strain and duress of camp conditions in Germany cannot be laid at the door of the enemy. I regard the case as one for the consideration of the Board of Pension Commissioners. As far as the Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 17, 1932.

CASE 2156—JOHN SWARTZ

Notice of claim was received on behalf of the above named claimant through his attorneys. No information concerning the claimant has been furnished, nor was any evidence submitted. His attorneys have withdrawn the claim by general letter dated August 17, 1931. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 9, 1932.

CASE 2492—SPENCER RUPERT SYMONDS

Claimant was a Private in the P.P.C.L.I.—Regimental No. 410902. He enlisted February 18, 1915, at the age of 19 years, and was taken prisoner June 3, 1916, suffering from shell shock and partial deafness. He was transferred to Switzerland January 1, 1916, and reached England in December of that year. He is in receipt of a 100 per cent disability pension, amounting to \$75 per month, based on tuberculosis, and is unmarried. Prior to enlistment, he was a student at McGill University and after discharge worked for four years at clerical work and earned \$120 per month in his last position, before illness prevented further work.

He alleges that while a prisoner he was subject to maltreatment, which has resulted in pecuniary damage to him. He complains of being compelled to work in the coal mines and compelled to stand at attention for long periods for refusal to work. This occurred in cold, wet weather; he contracted pneumonia from which he believes he developed his present disability.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen Camp, where he remained about 4 months. Apart from food conditions, he has no complaints. Sent to the coal mines at Bochum, he refused to work but was forced down the mines. For continued refusal to work in the mines, claimant was repeatedly made to stand at attention for long hours in inclement weather. On one occasion he underwent this punishment from 12 noon till 8 p.m., standing in the wet and cold. He was even threatened with shooting. Finally claimant succeeded in being sent back to Dulmen and about one week after his arrival, so greatly lowered was his power of resistance, he developed bronchial pneumonia. He was sent to hospital and has no complaints of his treatment there. He made a good recovery and remained in camp for about 6 months, when he was transferred to Sennelager and sent out on a working party in the bush. He refers to this as "a pretty

fair job" and has no complaints as to his treatment. His health had improved and he had regained his strength. Claimant contends that the exposure at the coal mines brought on the pneumonia from which he suffered and that this finally resulted in a tubercular condition. It must be noted that it was not until 1924 that claimant's condition of tuberculosis became evident. He had been examined yearly by Dr. Grant Campbell, without any evidence of this trouble, until an X-ray examination in 1924 disclosed its presence. Since that time claimant has been very seriously ill, has undergone operations, but, at the time of the hearing, appeared to have made a good recovery. His testimony was very frank and straightforward, without any attempt to lay undue emphasis upon incidents of maltreatment.

The medical evidence is contained in claimant's pension files and indicates the condition of tuberculosis referred to. It appears that upon examination at time of discharge, no disability was noted—heart and lungs and other systems were declared normal.

To reach a finding in claimant's favour it would be necessary to show that the present condition of tuberculosis and the attack of pneumonia in Germany were definitely connected and resulted from maltreatment. I do not think that claimant has succeeded in this. Claimant encountered rough treatment, but I do not think that the exposure of which he complains can be regarded as maltreatment within the meaning of the relevant sections of the Treaty of Versailles or that such treatment resulted in the disability from which claimant now suffers, which first became apparent in 1924. I regard his case as one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 18, 1932.

CASE 2467—ARCHIBALD TAYLOR

Notice of claim was received on behalf of the above named claimant through his attorneys. It developed, however, that the claimant had already filed a claim on his own behalf and was heard and the case disposed of in my previous report upon maltreatment cases, under the case number 1897, at page 73a. The present claim, therefore, has no standing, and is disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2663—EDGAR TAYLOR

Claimant was an Imperial soldier, who served as a Corporal in the 3rd Kings Own Hussars—Regimental No. 9084. He enlisted in July 1912 and was a member of the regular forces when the war broke out. He was taken prisoner September 3, 1914, unwounded, and was repatriated to England in 1918. He receives no pension, was married December 16, 1918, and has no children. His statutory declaration discloses that he did not arrive in Canada until June 19, 1920, which is later than the date constitutive of jurisdiction, as explained in report dealing with maltreatment cases. Claimant did not appear before the Commission. Reserving to claimant all other recourses, and, without deciding the case upon its merits, I must disallow the claim, in so far as this Commission is concerned.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 25, 1932.

CASE 2455—FRANK E. TAYLOR

Notice of claim was received on behalf of the above named claimant through his attorneys. The usual claim forms have not been completed, but it appears from claimant's military files that he enlisted on October 5, 1915, was taken prisoner on September 18, 1916, and repatriated to England on November 23, 1918. Claimant was notified to appear before the Commission at its Toronto sessions, on April 29, 1932, and again at its Montreal sessions, on May 27, 1932. He failed to present himself and his default has remained unexplained. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2128—JAMES HENRY TAYLOR

Notice of claim was received from the above named claimant, from which it appears that he enlisted on September 6, 1915, as a private with the 67th Battalion, and was taken prisoner on October 24, 1916. Claimant has not completed the usual claim forms, did not appear before the Commission and has not otherwise substantiated his claim. Under date of January 14, 1931, Mr. A. W. Neill, M.P., on behalf of claimant, notified the Commission that the claimant did not appear to have a valid claim, inasmuch as the conditions to which he was exposed whilst a prisoner were general. In these circumstances the claim is regarded as withdrawn and cannot be allowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 4, 1932.

CASE 2403—LOUIS GEORGE TAYLOR

The claimant was an officer in the Royal Flying Corps. He enlisted March 20, 1916, at the age of 26 years. He was taken prisoner January 25, 1918, his plane being shot down. He was not severely wounded. He was repatriated to England December 24, 1918. He is not in receipt of pension. He was married at the time of enlistment and has one child. Prior to enlistment, he was employed as an insurance agent, earning about \$50 per week and since discharge the state of his health has prevented any steady occupation. At the time of hearing, however, he was employed as a clerk with the Government of British Columbia, earning \$125 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation in an attempt to extract information from him at the time of capture. Was deprived of clothing and beaten and given confinement to cells for no particular reason. He now suffers with pulmonary trouble.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 11 months. His main complaint is that he was denied food and starved because he refused to divulge information. He does not complain of any particular acts of physical brutality, but speaks of being roughly handled at Holzminden camp, with other officers, for what appears to have been infraction of rules. He also complains of being confined to cells for 8 or 9 days at a time for no reason and estimates that he

spent in all about 80 days in cells. As a result of these experiences he complains of a chest condition which disables him and prevents him from accepting anything but outdoor work.

The medical evidence consists in a letter from Dr. W. A. Watson, which indicates that claimant suffers from chronic myocarditis with some valvular involvement and chronic bronchitis. Dr. Watson expresses the opinion that these conditions could result from the experiences related by claimant and may also be the result of an attack of influenza from which claimant suffered in Germany and lack of proper treatment therefor. Dr. Watson did not appear before the Commission. Claimant's medical history files show nothing unusual, a notation appearing "claim for pension in respect of heart and lungs not entertained owing to lapse of time."

After careful consideration of the evidence I do not consider that claimant has discharged the burden of showing that he suffers a present disability resulting from maltreatment whilst a prisoner of war. The general strain of his experiences has probably resulted in some injury to his health, but for this his proper recourse is before the Board of Pension Commissioners. Food conditions in Germany at the time of his captivity were notoriously bad and I do not think the lack of food of which he complains is to be regarded as maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 11, 1932.

CASE 2454—WILLIAM A. TAYLOR

Notice of claim was received on behalf of the above named through his attorneys. The usual claim forms have not been completed, but it appears from claimant's military files that he enlisted on August 25, 1915, was taken prisoner on September 16, 1916, and repatriated to England on December 16, 1918. Claimant was notified to appear before the Commission, at its Toronto sessions, on April 29, 1932, and again at its Montreal sessions, on May 27, 1932. He failed to present himself and his default has remained unexplained. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2329—ROBERT A. THOMPSON

Notice of claim was received from the above named claimant in March, 1931. Upon being advised of the nature of the claims being heard, claimant advised that he had not been held as a prisoner of war. Under the circumstances, therefore, the claim is disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2237—T. C. THOMPSON

Notice of claim was received from the above named claimant, who enlisted on September 22, 1914, and was taken prisoner on April 24, 1915, at the second battle of Ypres.

Claimant has not completed the usual claim forms nor did he appear before the Commission at its Toronto sessions, although notified so to do. His attorneys have advised that the claim is withdrawn. It is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 17, 1932.

CASE 2469—MAURICE TISON

Claimant was a lieutenant in the Royal Flying Corps. He enlisted in September, 1917, at the age of 22 years, was shot down behind the German lines, and taken prisoner August 8, 1918, slightly wounded with contusions over the head and body. He was repatriated to England December 24, 1918. He is not in receipt of pension, was married in September, 1923, and has one child. Prior to enlistment, he was a student at McGill University, and is now superintendent of maintenance with the Montreal City Electrical Commission, at a salary of \$3,000 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains chiefly of the lack of food and its quality, which left him with digestive disorders, unsanitary camp conditions, dampness and exposure. He was kept nearly a month close behind the lines exposed to the air bombardments of the allied air forces.

An analysis of the evidence reveals:—

Claimant was a prisoner for about six months. He does not complain of any acts of physical brutality, but confines his complaint to the injury to his health from inadequate and poor food received while a prisoner. He admits that his health is now good, but he is apprehensive for the future. He declares that when he first returned, for several years, he suffered from his stomach and still has to be careful with his diet. Claimant also condemns the barrack accommodation furnished the prisoners and complains of being deliberately exposed to shell fire in a public square at Karlsruhe camp.

The medical evidence, which consists in a letter and certificate from Dr. J. P. Lafreniere, refers generally to stomach trouble and a nervous condition but indicates that claimant is now in good health. There is nothing unusual in claimant's medical history files.

I think that claimant has misapprehended the scope of the activities of this Commission. Unless he can show a present disability resulting from maltreatment, his claim is without merit. He has completely failed to make such proof, his medical certificate indicating that he is without disability. Clearly the claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 30, 1932.

CASE 2537—ROBERT H. TOMALIN

Notice of claim was received from the above named on December 13, 1931. The usual claim forms were sent him, but have never been returned. Claimant, from his military files, appears to have enlisted on August 4, 1915, was captured on August 15, 1917, was repatriated to England on November 30, 1918, and discharged, as medically unfit, on March 6, 1919. He was at one time in receipt of a small pension. He was given notice to appear before the Commission at its Toronto sessions on April 29, 1932, but failed to do so. In these circumstances, the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 18, 1932.

CASE 2397—JOHN TREVENA

The claimant was a trooper with the Fort Garry Horse—Regimental No. 116097. He enlisted February 23, 1915, at the age of 27 years, and was taken prisoner November 20, 1917, at Cambrai, and states that he was deliberately shot in the right hip immediately after capture. He was repatriated to England December 27, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a railway fireman averaging \$90 per month and since discharge he has been working around logging camps at \$5 per day, but was out of employment 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 having been deliberately shot after capture, his two companions being killed. They had surrendered and were unarmed.

An analysis of the evidence reveals:—

Claimant confines his complaint to one incident. He declares that after he was captured—about four hours later—he was deliberately shot through the hip by his captors. Captured with five other prisoners he charges that one, Thomas, was shot and killed at the same time and another prisoner wounded. He is unable to say what happened to the other three. Claimant was closely questioned as to the unusual circumstances of this incident and apart from reiterating that he had been deliberately and unjustifiably shot, was somewhat confused as to the details. He has no complaint as to his subsequent treatment in German hospitals and on a farm where he was sent to work, except to declare generally that he did not receive proper medical attention.

The only medical evidence produced consists of the certificate of Dr. F. W. Lees, to the effect that claimant sustained a "through and through wound (apparently bullet) right hip. The wound would produce the symptoms complained of—weakness in the leg after working at manual labour and tends to increase with the years." Claimant's medical history files reveal merely that at the time of capture he was suffering from a "gun shot wound right hip." This is further described as "G.S.W. right groin, troubled with shooting pains in right thigh, otherwise no disability."

After very careful consideration of claimant's testimony I do not think he has been successful in showing that the injury occurred after capture. In the excitement of his capture I am inclined to think that he is confused as to what occurred and that he was wounded previous thereto or at the time he was taken. Difficult as it may be, I would require some corroboration to support the unusual story told by claimant, particularly as the only military records available indicate that claimant was wounded when captured. Having regard to all the

circumstances, I am of opinion that claimant has not made out a case of maltreatment whilst a prisoner resulting in present disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September, 6, 1932.

CASE 2375—JOHN HENRY TURRELL

Notice of claim was received from the above named claimant in August, 1931, from which it appears that claimant served with the Imperials. It also developed, from further correspondence, that claimant became resident in Canada for the first time in June, 1925. He was, accordingly, notified that, as an Imperial, the Commission had no jurisdiction to entertain his claim. The matter has not been further pressed, and the claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 9, 1932.

CASE 2623—GERALD VATH

Claimant was a private in the 19th Battalion—Regimental No. 55733. He enlisted November 11, 1914, at the age of 20 years, and was taken prisoner May 9, 1917, at Fresnoy, suffering from gunshot wounds in both legs and the right leg was broken. He was repatriated to England, via Sweden, in December, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$17.25 per month, based on the wound in his right leg, flat feet and bronchitis. He was married April 21, 1920, and has one child. Prior to enlistment, he was employed as a carpenter, earning about \$3 per day, and is now a carriage body builder at 54 cents per hour, working mostly 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 of bad food, exposure from which he contracted bronchitis and tubercular trouble which prevents his following his trade as carpenter, with depreciation in earning power.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 18 months, the first four months whereof he spent in hospital at Minden, receiving attention for his wounds. He has no complaints of his treatment and speaks highly of the surgical attention given him. He was then sent to Dulmen, as to which he has no complaints, and on to Gustrow, where he complains of exposure—being made to work without adequate clothing. Sent then to a farm, he complains generally of the rough treatment but does not attribute any disability thereto. His complaint is that through hard work, insufficient food and exposure to the weather, he contracted heavy colds, which have finally developed into bronchitis and possibly tuberculosis. He also complains that he received no treatment for flu, which he contracted during the 1918 epidemic.

Claimant relies upon his pension files to establish his disability. The injury to his leg is shown, which was of service origin, and no attempt has been made to show any aggravation due to poor medical attention. The decision of the Pension Tribunal, filed of record, finds that claimant also suffers from chronic bronchitis.

It will be observed that claimant is in receipt of pension for his leg wounds as also for bronchitis. It is difficult to say that the bronchitis is the direct result of maltreatment whilst a prisoner. Claimant underwent the privations and strain of camp life to which nearly all prisoners were exposed, and if he has suffered disability as a result, his case is properly one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, I find that he has not discharged the burden of showing a present disability resulting from maltreatment whilst a prisoner. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 29, 1932.

CASE 2309—ARTHUR GEORGE EDWARD WADLOW

The claimant was a private in the 13th C.M.R.—Regimental No. 228376. He enlisted on May 15, 1916, at the age of 27 years, was taken prisoner on March 25, 1918, unwounded, and was repatriated to England on November 29, 1918. He is not in receipt of pension, is married and has three children. Prior to enlistment, he was a railroad employee, earning about \$125 per month, and since his discharge is engaged in similar work and earning about \$150 per month when employed. The foregoing information is taken from the statements filed by claimant. Although notified to appear before the Commission, at its Edmonton sessions, he did not do so, and the claim must be dealt with, as far as may be, on the documents submitted.

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 and a blow on the leg with a lump of coal, causing permanent disability.

In the absence of testimony by claimant, an analysis of his story, as revealed by his letters and statements, discloses:—After capture, claimant was taken to Dulmen camp, where he remained for about three weeks. He has no complaint as to the treatment, but declares that the food was inadequate. He was then sent to Sodingen camp, where he again complains of the food, and relates the incident of being hit on the shin bone with a lump of coal by a civilian guard. He received no treatment for the injury and apparently sores developed for which he was equally denied treatment. He attributes a present weakness in the legs to this treatment.

There is no medical evidence of record, not even the usual certificate of a physician indicating disability. Claimant's medical history sheets reveal nothing unusual, and there is nothing to show any present disability.

As appears above, claimant was a prisoner in Germany for about eight months. The statement of his experiences is unconvincing as to any maltreatment received. It does not necessarily follow that the blow on the leg, even if it were proved, would leave any permanent disability. Moreover, in the absence of any medical evidence establishing such disability, claimant cannot succeed. The claim, as presented, has not been substantiated and it must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 4, 1932

CASE 2424—PERCIVAL RICHARD WAKEFIELD

Claimant was a Private in the 13th Battalion—Regimental No. 192965. He enlisted in August 1915, at the age of 18 years, and was taken prisoner October 8, 1916, suffering with shrapnel wounds in both legs. He was repatriated to England in January 1919 and is not in receipt of pension. He was married December 14, 1923 and has three children. Prior to enlistment, he was an apprenticed plumber earning about \$3 per week and since discharge he qualified in his trade and at present earns 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 improper medical attention to his wounds; that his parcels were tampered with and he was placed at heavy labour before he was fully recovered. Has resulting nervous trouble.

An analysis of the evidence reveals:—

Claimant was taken to Courtrai, where he remained in hospital for two weeks. Sent on to Parchim, he complains of the cruelty of the treatment in hospital. Operations were performed without anaesthetic and paper bandages used. He contends that the surgical care was inadequate and that he received no attention for dysentery which he contracted while there. Before he was fit to work he was sent out upon a farm and made to labour with the other prisoners. For failing to keep up with his work he was beaten. He asked to have a piece of shrapnel removed from his leg, but this was refused. He complains also of the poor food and filthy accommodation, and is very bitter in his denunciation of the manner in which parcels from home were mutilated and destroyed by the guards. He now suffers from stiffness of the leg and a nervous condition.

The medical evidence indicates that claimant has a lacerated wound of the right leg, but makes no reference to any nervous condition. His percentage of disability is stated at from 20% to 25%. Dr. C. H. Brereton, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. Upon examination when discharged, claimant is declared, "all systems normal."

The injury to claimant's leg was clearly of service origin and it has not been shown that any maltreatment, whilst a prisoner of war, has aggravated a disability existing at time of capture. The evidence as to nervous condition is quite inadequate and claimant is now aware that his claim, if any, is a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 9, 1932.

CASE 2404—LAWRENCE H. WALKER

The claimant was a Private in the 7th Battalion—Regimental No. 16826. He enlisted in August 1914 at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded with shrapnel in the back. He was repatriated to England November 29, 1918. He had been in receipt of a 20 per cent pension, based on nervous debility. This was commuted March 31, 1925, for a gratuity of \$250. He was married July 3, 1919, and has no children. Prior to enlistment, he was earning \$60 per month and board and Railway Survey work and since discharge he has been trying to operate a farm but latterly has been with the Game Board at Vancouver, at a salary of \$130 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 wounded after capture by a bayonet in the hands of a German, that he was forced to work, starved and subjected to insanitary living conditions. He injured his knee while working unloading bridge-girders and received no medical attention. He also suffered beatings by the guards and now suffers from inability to think clearly.

An analysis of the evidence reveals:—

Claimant first complains of an incident which occurred immediately after capture, when he alleges he was knocked down and stunned with the butt of a rifle and then bayoneted through the leg by a German soldier. Taken to Giessen camp, he received practically no attention for his wounds. He was sent out upon working parties in the vicinity and complains of rough treatment accompanied by beatings, but his main complaint is as to the length of the working hours and inadequate food. Claimant declares that at Gonterskirschen, Geisenheim, Oberlanstein and Siegen he was beaten, overworked and starved. He attributes to these experiences loss of memory and inability to do continuous work—he tires easily. He looks in good condition but states that his nerves are bad. He admits that the bayonet wound in his leg, above referred to, leaves no disability. At all events he did not consider this injury worth mentioning upon repatriation.

The medical record indicates that claimant suffers from neurasthenia and general debility attributed to underfeeding and overwork. His percentage of disability is not stated. Dr. C. H. West, who certifies to the foregoing did not appear before the Commission. Claimant's medical history files show that he received a gratuity of \$250 on discontinuance of pension and do not disclose any present disability.

There appears to be little question that claimant's present condition is the result of the strain of life as a prisoner in Germany, quite general in character. I cannot say, from the record that his disability, if any, is the result of maltreatment. Lack of food and hard work were universal complaints, but I do not consider that these conditions, in themselves, resulting in some impairment of health, are sufficient to base an award for reparations. The claim is properly one for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 12, 1932.

CASE 2330—GEORGE WATSON

Claimant was a Private in the 3rd Battalion—Regimental No. 404488. He enlisted in January 1915 at the age of 19 years. He was taken prisoner October 8, 1916, wounded by shrapnel in the right thigh and in the hand. He was repatriated to England November 25, 1918. He is in receipt of 20 per cent disability pension, amounting to \$15 per month, based on otitis media, neurasthenia and his wounds. He was married March 4, 1920, and has one child. Prior to enlistment, he was employed as a picture framer at \$10 per week, and is now employed as car man's helper with the Canadian Pacific Railway, at \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of food, being kicked and beaten and forced to work while ill.

An analysis of the evidence reveals:—

Claimant received some attention for his wounds at Cambrai and at a hospital (unnamed) where he spent two months. He was then sent to Giessen, to which camp he remained attached for the duration of his captivity, but was sent out to the following working commands:—Huësten Iron Works (8 days), Geisweid Iron Works (3 months), Neiderwalluf Chemical Factory (3 weeks), Breisheim Dungen Factory (7 weeks), and an iron ore mine. Of these five working camps, claimant refers to Dungen and Geisweid as the worst. He was underfed and weak, and was beaten for not working fast enough, but does not attribute any disability to these incidents. He attributes his debility to the food conditions in Germany, complaining of his stomach, nerves and impaired hearing. The latter disability would appear to have had its origin at the time of capture, due to concussion.

No medical evidence has been produced, not even the usual certificate of a physician. Claimant's medical history files do not contain much information. It is shown that he is in receipt of pension for chronic suppuration otitis media, neurasthenia and gun shot wound right thigh (negligible). In other respects he is declared to be normal.

In this state of the record, particularly without more definite medical evidence, it is impossible to reach a finding in claimant's favour. The ear injury is clearly of service origin, and no lack of proper treatment for this condition while a prisoner is alleged or shown. Claimant's remaining complaints are quite general and have not been shown to have resulted from maltreatment. I regard the case as covered by the action of the Board of Pension Commissioners. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 22, 1932.

CASE 2436—ELMO WESLEY WATT

Claimant was a Lance-Sergeant in the 75th Battalion—Regimental No. 805161. He enlisted in October, 1915, at the age of 19 years, and was taken prisoner April 9, 1917, suffering from a fractured right wrist. He was repatriated to England November 30, 1918. He is not in receipt of pension, was married April 1, 1920, and has two children. Prior to enlistment, he worked as a railroad operator earning \$65 per month, and in the Goodyear Rubber Factory, at \$1.50 per day. He is now engaged in the casualty insurance business on commission; at best times earned about \$2,200 per annum, but business has dropped off.

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 to his injuries and still suffers with his arm. Was given dirty tasks and solitary confinement.

An analysis of the evidence reveals:—

Claimant was first taken to Douai, where he received some attention for his wounds. He was then sent to Munster as to which he has no complaints. Transferred to Dulmen, where he remained for the duration of his captivity, claimant appears to have aroused the ire of his captors through some misapprehension as to his rank. He had been regarded as a sergeant and placed in charge of barracks. For refusing to single out men for special fatigues, he was put in cells for 7 or 8 days. Later, while employed in the parcel office, one of his own parcels came through addressed to him as a private. He was thereupon given the dirtiest work in the camp—cleaning latrines, and had the greatest difficulty in having his rank recognized. He was confined to cells for minor

infractions of discipline, but does not appear to have been subjected to any serious physical abuse. He does not complain of any disability to his arm, but declares that his stomach and nerves have been injuriously affected, due to general conditions.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant was advised that this would be necessary, but has failed to furnish any such evidence. His military history files disclose nothing unusual. Upon discharge, his medical examination indicates, "all systems normal."

In these circumstances it is manifestly impossible to reach a finding in claimant's favour. Quite apart from the entire absence of medical evidence establishing a disability, claimant has not shown such maltreatment whilst a prisoner as would be likely to injure him permanently. Claimant's recourse, if any, as to the arm injury, is clearly before the Board of Pension Commissioners. Before this Commission the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 10, 1932.

CASE 2600—CHARLES McGLINN WEBB

Claimant was a Private in the 4th C.M.R.—Regimental No. 109665. He enlisted January 9, 1915, at the age of 18 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 12, 1918. He is not in receipt of pension. He was married November 9, 1925, and has three children. Prior to enlistment, he was farming and earned \$240 per year and board. He is now a hair-dresser, earning about \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of food; that he was forced to do heavy labour which was beyond his strength resulting in a weakness in the left side; that he received blows between the shoulders and lost the top of his thumb and had a toe split while working at lumbering.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he remained two months and has no complaints, except as to the food. Sent out to Gladbech on a working party, he remained about a year. He complains of a severe beating, because the prisoners refused to work until two of their comrades, Shearman brothers, received medical attention. Claimant was hit over the shoulders and suffered some temporary injury. He also declares that he chopped his foot with an axe shortly afterward, while working in the bush, because the shoulder injury made him lose control of the axe. He was in hospital for a month, and, when discharged, complains that the work of lifting timbers was too heavy and he strained his side while so working and still suffers from this injury. For an attempted escape, claimant was given 10 days cells at Munster and was sent back to the farm at Gladbech. He speaks also of having lost the top of his thumb while working on a circular saw, and still suffers disablement from the injury. He complains of the injury to his side, his thumb and a general stomach and nervous condition.

The medical evidence indicates that claimant has a "lacerated 4th right toe, laceration extending up the dorsum of foot—infection, injury to left shoulder and strained muscles of left chest and abdomen, with sears on toe, foot and thumb, loss of sensation in end of thumb." His percentage of disability is stated at 20 per cent in his own calling and at 100 per cent in the general labour market. Dr. E. C. Tate, who certifies to the foregoing, did not appear before the Commission. A further certificate of Dr. Heffering, referred to in evidence, has not

been filed. Claimant's medical history files show nothing unusual, but refer to an obstinate constipation, which is declared by claimant to have arisen in Germany. Contained in this file is a statement made by claimant upon repatriation. It refers chiefly to maltreatment to others than himself.

The injury to claimant's toe was due to an accident, and I regard his contention that it was due to lack of control because of the shoulder injury as too remote to merit consideration. Similarly the injury to his side and the loss of the top of his thumb were accidental and incurred during the course of his work. His remaining complaints are quite general and have not been shown, I consider, to have resulted from maltreatment. Claimant has thus failed to discharge the burden of establishing a present disability resulting from maltreatment whilst a prisoner. His claim, if any, is one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 8, 1932.

CASE 2111—STANLEY McBRIDE WEDGEWOOD

Notice of claim was received on behalf of the above named claimant through his attorneys. Claimant apparently enlisted November 27, 1914, with the 4th C.M.R. Regimental No. 109668. He was taken prisoner June 2, 1916, wounded in the neck. No claim forms have been completed and no evidence was submitted. His attorneys have withdrawn the claim by general letter dated August 17, 1931. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 9, 1932.

CASE 2495—REGINALD R. WHITE

Notice of claim was received on behalf of the above named claimant through his attorneys. The usual claim forms have not been completed, but it appears from claimant's military files that he was taken prisoner on April 24, 1915, and repatriated to England on December 22, 1918. Claimant was notified to appear before the Commission at its Montreal session on May 28, 1932, but failed to present himself, and his default has remained unexplained. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 8, 1932.

CASE 2601—GEORGE WHITWORTH

Claimant was a Private in the 3rd Battalion—Regimental No. 10082. He enlisted in August, 1914, at the age of 27 years and was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the right forearm and the shoulder blade. He was released to Switzerland in September, 1917, and repatriated to England September 14th of that year. He is in receipt of a 50 per cent pension, amounting to \$50 per month, based on pulmonary tuberculosis.

and his war wounds. He was married in August 1911 and has one child, a boy, now of age. Prior to enlistment, he was employed as a labourer, earning from \$18 to \$24 per week. After discharge he was unable to work until 1924, and is now employed with the Equipment Department of the C.N.R. at \$87.50 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 developed a severe cough and pains in the chest for which he received no treatment, was sent to the salt mines when unable to work, was imprisoned for one month and released to Switzerland.

An analysis of the evidence reveals:—

Claimant spent the first few months of his captivity in Paderborn hospital, where his wounds received some treatment. He has no very serious complaint of his treatment and was then sent to Senne lager. He was not compelled to work, in view of his condition, but complains that he received no medical treatment. Sent to Dulmen, he complains chiefly of fatiguing delays; he was sent to a salt mine but returned to Dulmen because he was unable to work. His account of his experiences is rather confused, but it is admitted that he received no particularly brutal treatment—neglect of his condition constitutes the main grievance, together with the fact that he did not receive his parcels. Claimant was confined to cells at Dulmen for no particular reason and was transferred to Mannheim where he remained a few months, when it was decided he was suffering from tuberculosis and he was transferred to Switzerland. He complains that his chest condition developed at Dulmen and that had he been given proper medical attention he would not now be tubercular.

The medical evidence as contained in claimant's pension files is quite complete. He is now suffering from tuberculosis for which he is in receipt of pension. There is no question that he has been greatly incapacitated. This condition is assumed (in reports) to have originated from exposure while a prisoner in Germany.

Claimant's health is broken, but I cannot find in the record evidence that this disability is the result of maltreatment whilst a prisoner. Claimant was exposed to the usual strain of camp life, and, in fact, was more fortunate than some in not being forced to work while ill. That his constitution was unable to withstand the strain of these years cannot be charged to the score of the enemy. I regard his case as one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 8, 1932.

CASE 2157—JAMES WILKIE

Notice of claim was received on behalf of the above named claimant through his attorneys. It was later withdrawn by them under general letter dated August 17, 1931. This is apparently the same claim as that filed by the man in person and by him withdrawn (See Case 1930).

This claim is, accordingly disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 8, 1932.

CASE 1930—JAMES LONGMURE WILKIE

Notice of claim was received from the above named claimant, from which it appears that he enlisted on September 22, 1914, and was taken prisoner, April 24, 1915, at the second battle of Ypres. Claimant has not completed the usual claim forms, did not appear before the Commission and, in response to a request that he execute and forward the usual questionnaire, advised that he would pursue the matter no further and desired to withdraw his claim. This is evidently the same claim as that filed by attorneys representing claimant and withdrawn by them. (See case 2157). The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 4, 1932.

CASE 2208—ALBERT WILLIAMS

Claimant was a Private in the 15th Battalion—Regimental No. 799715. He enlisted January 27, 1916, at the age of 23 years, and was taken prisoner September 23, 1917, at Lens, unwounded. He was repatriated to England December 15, 1918. He is not in receipt of pension, was married in January 1919, and has three children. Prior to enlistment, he was employed in the steel sash and creator of buildings trade. Subsequent to discharge he had to abandon his former employment and is now employed in the shops of a steel roofing concern.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, inadequate clothing, forced labour in the stone quarries and that he was considerably knocked about and beaten. Was knocked out by a blow from a rifle butt and given solitary confinement for attempted escape. Suffers now from rheumatism and synovitis of knee joints.

An analysis of the evidence reveals:—

Claimant was first taken to Douai where he was questioned, but does not appear to have been brutalized for refusing to answer. Sent on to Mannheim, followed by Dulmen, he has no complaints as to maltreatment. At Heidelberg, where claimant spent the winter, he complains of not having sufficient clothing and of being made to wear wooden clogs while working in the stone quarries and generally of the rough treatment. He was next sent to a farm, where, arising out of a dispute as to the wearing of overcoats, he was hit in the eyes and declares that he was temporarily blinded. He was generally beaten up but refers only to a blow on the back of the neck which has left some disability. For an attempted escape, claimant was given 21 days in cells. As a result of his experiences claimant declares that he suffers pains in the knees, stomach trouble and pains in the back of the neck. It appears from the record that claimant suffered from rheumatism before capture, while on service.

The medical evidence indicates that claimant has some tenderness in the muscles at the back of the neck, pains in both knees and thigh muscles, pain over stomach. Dr. E. J. Williams, who certifies to the foregoing, examined claimant at or about the time of the hearing and declares the symptoms are mostly subjective. He is unable to estimate the disability. Claimant's medical history files show nothing unusual. His examination upon discharge declares "all systems normal".

In this state of the record it is impossible to reach a finding in claimant's favour. While he may have been roughly treated, I do not consider that the evidence establishes that claimant now suffers a disability attributable to

maltreatment whilst a prisoner of war. The knee condition would appear to be rheumatic in origin, and the neck injury has not been sufficiently explained or shown to constitute a disability which would warrant a finding that it was caused by maltreatment. On the whole, claimant has failed to make out a case and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 4, 1932.

CASE 2285—E. W. WILSON

The claimant was a Private in the 13th Battalion—Regimental No. 24186. He enlisted in August, 1914, at the age of 25 years, and was taken prisoner on the 23rd of April, 1915, wounded in the left arm and left leg. He was repatriated to England in December, 1918. He was married in 1922 and has two children. Claimant is not in receipt of pension. Prior to enlistment, he was engaged as an engineer in the Canadian Car and Foundry Company at Fort William, Ontario, at a salary of \$300 per month. He is now employed with them as sales representative, earning \$400 a month.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of injuries received while a prisoner of war and loss of health resulting from maltreatment.

An analysis of the evidence reveals:—

Claimant was first taken to Meschede Camp, where his wounds were attended. Removed to Giessen, he was convalescent until January, 1916, and has no complaint of his treatment. Sent on to Ostenholzermoor, via Celle, he was sent out to work on the moors and complains of the excessive labour, the wet, and inadequate clothing. He contracted a cold and first suffered from his stomach at this camp. He was admitted to hospital and received fair treatment. Claimant was not physically abused, although he speaks of such treatment to other prisoners. He was then removed to another camp on the same moor. Neubau, where he encountered the same labour conditions but, upon taking ill, was given lighter work. For an attempted escape he was placed in cells and complains of the unsanitary conditions of his confinement. Upon release from cells, he was returned to the moors and made to work and, again taking sick, was given rest in barracks for a few weeks. He injured a finger accidentally while laying rails and the wound became infected. After some delay he received treatment, but still complains that the injury so received, owing to lack of treatment, left him with a disability in this finger. Sent to Bohmte, followed by a private estate at Schweigerloff, he attempted a further escape and received 21 days' confinement to cells. He was then sent to a farm near Osnabruck for a short time and again appears to have served further time in cells at Bohmte for a further attempt to escape. Claimant was then sent to a stone quarry at Piesburg, where he was employed breaking stone. The work was arduous and the food inadequate. Finally his hand became infected and he was sent to the camp hospital where he received treatment from a Russian Red Cross prisoner and was sent to hospital at Osnabruck. He also appears to have been at Hameln camp and a convalescent camp at Muggenburgermoor and at Aachen. Claimant does not speak of any particular brutality to himself. His main disability at the present time is the condition of his stomach and general health.

The medical evidence indicates that claimant suffers from chronic gastralgia accompanied with pain, vomiting, dizziness, chronic bronchitis and osteo myelitis (right hand). His percentage of disability is stated at from ten to twenty-five per cent. Dr. George H. Park, who certifies to the foregoing, also attended

before the Commission and expressed the opinion that, from claimant's history, he would attribute his present disability to his experiences whilst a prisoner in Germany. He emphasizes the gastric condition as a disability from which claimant now suffers. Claimant's medical history files show nothing unusual. Upon examination at the time of discharge, claimant was found to be fit, "all systems normal". Contained in his medical history files are statements made by claimant upon repatriation which are substantially consistent with his testimony.

The record in this case is particularly complete and claimant has told a very clear and straight-forward story of his experiences in Germany. I gather, however, from the manner in which the claim was put forward that the claimant is under the misapprehension that the German Government is paying reparations awards. This is not the case. These claims are being paid by the Canadian taxpayer. From a careful scrutiny of the evidence and the documents filed of record, I have formed the conclusion that the claimant's major disability is nutritional in origin and that the gastric condition of which he now complains may be properly attributed to food conditions in Germany during his period of captivity. The finger injury, which was accidental in origin, does not, in my view, constitute an appreciable disability. On the whole, and, for the reasons expressed in Opinion annexed to my earlier report upon maltreatment cases, I do not consider that claimant has discharged the burden of showing a disability resulting from maltreatment while a prisoner in Germany. The disability as stated is attributable to general conditions of camp life in Germany. I regard the case as one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 12, 1932.

CASE 2525—JAMES WINK

Claimant was a Sergeant in the 15th Battalion—Regimental No. 27423. He enlisted in August, 1914, at the age of 30 years, and 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, was married in December 1918 and has three children. Prior to enlistment, he was employed as a watchmaker, at \$30 per week, and is now employed as a shipper at \$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 a blow over the right eye which now causes headaches when attempting to follow his trade. He had long periods of standing to attention, stoppage of parcels and exposure which resulted in bronchitis.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp, where he remained a year and eight months and has no complaints of his treatment. Sent to Cassel, he complains of one incident only. Having displayed some aptitude as a watch-maker (his trade before the war) he was ordered to do this work. As an N.C.O. he refused to work and was hit over the eye with the butt of a rifle, which knocked him unconscious. He still suffers from the injury and declares that he has since been unable to resume his trade as a watch-maker, due to severe headaches when he attempts the work. Claimant was later sent to Grossenweidenmoor and complains of exposure while being made to stand to attention, which has resulted in bronchitis. Claimant has no other complaints of his treatment.

The medical evidence indicates that claimant suffers from chronic bronchitis and impaired vision. His percentage of disability is stated as total in his own calling and at 50 per cent in the general labour market. Dr. F. N. Hughes, who certifies to the foregoing also appeared before the Commission. He is unable to state whether the vision is permanently affected but expresses the opinion, from the scar above claimant's eye that the condition of which he complains might have resulted from the blow. Claimant's medical history files show nothing unusual.

Claimant was very modest in his recital of the treatment received while a prisoner and I was impressed with the straight-forwardness of his story. Unfortunately for his claim, I am advised that the disability alleged could hardly result from the incident related and loss of acuity of vision is not likely to be attributable thereto. Claimant himself states that vision is good with glasses. I do not consider that the claim on the basis of a bronchial condition has been established. On the whole, therefore, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 8, 1932.

CASE 2158—ROBERT WITTON

Notice of claim was received on behalf of the above named claimant through his attorneys. No information concerning the claimant has been furnished, nor was any evidence submitted. His attorneys withdrew the claim by general letter dated August 17, 1931. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 9, 1932.

CASE 2478—HARRY WIXON

Claimant was a Private in the Royal Canadian Dragoons-Regimental No. 550587. He enlisted in January 1918, at the age of 33 years, and was taken prisoner August 9, 1918, suffering with an injured knee cap. He was repatriated to England November 30, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on flat feet and a heart condition. He was married at the time of enlistment and has one child now of age. Prior to enlistment, he was employed as a butcher, earning \$15 per week, and since discharge followed his trade intermittently, earning from \$22 to \$25 per week.

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 treatment for his injuries, hard labour, starvation and bad sanitary conditions.

An analysis of the evidence reveals:—

Claimant was a prisoner for a little over three months, the first three weeks whereof he was kept working close behind the lines and complains bitterly of the starvation, hard labour and rough usage. He sustained an injury to his knee and his wrist when knocked down and was denied medical attention and compelled to continue working. Sent back to Dulmen camp, he was made to drag waggons, very heavy work and long hours. He contracted dysentery and was given no treatment therefor. Claimant's knee does not trouble him greatly

at present and the wrist injury has left no disability. He complains of a nervous and heart condition and fallen arches, the latter ailment being attributed to long marches in Germany.

The medical evidence indicates that claimant suffers from a cardiac condition and has fallen arches. His percentage of disability is stated at 50 per cent. Dr. D. W. Wickson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show the condition of flat feet and some heart affection for which he receives pension.

I regard claimant's case as covered by his pension award. It is true that those prisoners who were compelled to work behind the lines received particularly harsh treatment, but this hardship was imposed upon claimant for a short period only. I find that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 10, 1932.

CASE 2418—HEDLEY WRIGLEY

Claimant was a bugler in the 8th Battalion—Regimental No. 944. He enlisted in August, 1914, at the age of 21 years, and was taken prisoner April 24, 1915, during the Second Battle of Ypres, suffering from gas. He was released to Holland in October, 1918, and was repatriated to England November 18 of that year. He is in receipt of a 25 per cent disability pension, amounting to \$32.50 per month, based on deafness and neurosis. He was married in February, 1919, and has two children. Prior to enlistment, he was an apprenticed plumber, earning up to \$12 weekly, and is now employed as a file clerk at the Christie Street Hospital, on relief pay, which, with his pension, brings in about \$67 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 the coal mines, received several beatings, was forced to stand at attention all day for six days without food or water, placed in solitary confinement and received a severe bayonet wound in the left thigh and left arm requiring hospital treatment.

An analysis of the evidence reveals:—

Claimant was first taken to a camp near Munster, where he remained a few months and complains only of receiving inadequate treatment for the effects of gas. Sent out on a working party to the coal mines, claimant, with other prisoners refused to work and was then sent to work on a coke oven at Sterkrade (sic). In addition to being roughly handled, claimant was made to stand at attention for long hours for his refusal to work. His health was failing and, although he asked for medical attention, none was given him. He also complains that his ear was troubling him and that he was denied medical attention therefor. He was then sent to Burgsteinfurst, a punishment camp, where he remained about a year, working at cleaning and draining land. He again complains of lack of medical treatment and confinement to cells for refusal to work. At a farm on the Baltic coast, where claimant spent two months, he was still suffering with his ears and became very nervous, but these conditions were disregarded by his captors. Sent to Oberhausen, he complains of having been run through the arm and leg with a bayonet when he interfered while a sentry was beating one of his comrades. While these wounds were painful at the time, there is apparently no

remaining disability and the treatment claimant received in hospital for these wounds was fair. Claimant has no complaint as to his treatment at Friedrichsfeld Camp, where he concluded his period of captivity. As a result of these experiences, claimant suffers from nervous and stomach trouble and his chest.

Claimant has produced no other medical evidence than that contained in his pension and medical files. It would appear that he is in receipt of pension for his ear condition and that his nervous condition is declared to be related thereto. It also appears from the medical history of the claimant that the origin of his ear trouble arose at Salisbury Plains in 1914 as a result of a cold which he contracted, setting up infection in both ears.

In this state of the record, it is clearly impossible to reach a finding in claimant's favour. The ear condition, which is his main disablement, was incurred on service and it has not been established that any maltreatment on the part of his captors has resulted in any disability from which claimant now suffers. The other injuries spoken of have left no disability and the nervous condition complained of results, in my opinion, from general conditions of camp life while a prisoner, which does not constitute maltreatment.

I am of opinion that claimant's case is one entirely for the consideration of the Board of Pension Commissioners. The claim as herein presented must accordingly be disallowed.

ERROL M. McDOUGAL,
Commissioner.

OTTAWA, August 5, 1932.

CASE 2466—AMBROSE KARL ZAPFE

Claimant was a Corporal in the P.P.C.L.I.—Regimental No. 102. He enlisted May 7, 1915, at the age of 27 years, and was taken prisoner June 4, 1916, suffering from gunshot wounds in the head and right buttock. He was released to Holland in June, 1918, and reached England October 4 of that year. He is in receipt of a 10 per cent disability pension, amounting to \$13 per month for himself and family, based on neurosis, associated with his war wounds. He was married in June, 1920, and has two children. Prior to enlistment, he was employed as a bank clerk, earning \$1,400 per annum, and he is now a branch manager at \$3,300 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper medical treatment and mental fear and distress because he was placed with venereal disease cases and feared infection.

An analysis of the evidence reveals:—

Claimant lay on the field of battle for 5 days, when he was taken to a dressing station and received first aid for his wounds. Sent then to Reserve Lazaret No. 5, he complains chiefly of the mental suffering and fear resulting from the fact that there were venereal disease patients in the wards, and no effort was made to protect claimant and others from infection. He did not contract the disease, and in fact has no complaint as to the medical treatment he received. Sent to Saltau, where he remained one year and nine months, claimant worked upon the distribution of prisoners' parcels. He does not complain of any particular brutality, but states that he was not given medical attention for an ear infection which began at this camp, and has sustained permanent injury to his hearing through such neglect. He also complains of a nervous condition, which he attributes to his experiences in Germany. It is apprehension as to increasing deafness, which has impelled claimant to present the present claim.

The medical evidence indicates that claimant's hearing is defective, the right ear being 25 per cent efficient only, due to suppuration in drum, and that he suffers from shock to his nervous system. His percentage of disability is stated at 25 per cent. Dr. Byron Campbell, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files relate only to his service wounds.

We are concerned only with the claim for loss of hearing and possibly neurosis. Claimant told his story with great frankness, and while convinced of the truth thereof, I do not consider that he has been successful in showing that his present ear disability results from maltreatment. It would require very strong evidence of improper medical treatment or deliberate denial thereof to support a finding that claimant's hearing is now worse than it would otherwise have been. Nor do I think that the neurosis from which he suffers must necessarily be ascribed to the fear of infection from being held in a venereal disease hospital. Claimant's recourse, if any, is before the Board of Pension Commissioners. As far as this Commission is concerned the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 21, 1932.

CASE 2519—JOHN CHARLES DICKSON

Claimant was a Private in the 15th Battalion—Regimental No. 27470. He enlisted in September, 1914, at the age of 28 years, according to his attestation paper but may have been older, possibly 30. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas, and was repatriated to England December 8, 1918. He is not in receipt of pension but is under treatment at Hamilton, Ont., for pulmonary tuberculosis. He was married in 1910 and has two children aged 18 and 20 years. Prior to enlistment, he was employed as a tile-setter, earning about \$22 per week and after discharge up to the time of entering hospital he resumed his trade and earned about \$10 per day while working.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour in silver mines, received a rifle blow on the chin losing about 20 teeth and lack of treatment for gas poisoning.

An analysis of the evidence reveals:—

Claimant was first taken at Giessen camp, where he has little to complain of. Sent out to a silver mine at Holzappel, for refusing to go down the mine, he, with others, was badly beaten. He was hit under the chin with the butt of a rifle during this incident and declares that all his teeth were loosened, some broken and others knocked out. The result was that he had to have most of the remaining teeth extracted. Claimant was returned to Giessen and then sent to Dedeseim, near Frankfurt, where he remained for the duration of the war working at damming a river. The treatment was rough, the work was hard and the food poor. The barrack accommodation was very crowded, with no ventilation, and claimant attributes a present tubercular condition to the exposure and insanitary living conditions he was compelled to undergo.

The medical record indicates quite clearly that claimant suffers from pulmonary tuberculosis. His percentage of disability is stated at 100%. Dr. R. S. Lane, who certifies to the foregoing did not appear before the Commission, but there is filed a very full report of Dr. J. H. Holbrook, of The Mountain Sanatorium at Hamilton, confirming the diagnosis and describing the condition as

"moderately advanced". Dr. Holbrook is of opinion that a latent tuberculosis was probably lighted up by claimant's experiences as a prisoner of war and that his present condition has been contributed to by exposure to gas and his experiences as a prisoner.

There is no doubt that claimant is seriously disabled. While I was, at first, inclined to accept claimant's story as to the loss of teeth, my view has been greatly modified upon reference to report of dental examination appearing on his military files. This report indicates that claimant's description of the loss of teeth does not correspond with those found to be present, on discharge. The origin of the pulmonary condition is more difficult to place and I think this is properly a matter for the consideration of the Board of Pension Commissioners. Having regard to all the circumstances, I have reached the conclusion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioners.

OTTAWA, October 7, 1932.

CASE 2422—WILLIAM HENRY GIBSON

Claimant was a Private in the 3rd Battalion—Regimental No. 9918. He enlisted in August, 1914, at the age of 33 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly gassed. He was repatriated to England December 11, 1918. He is not in receipt of pension but has an application pending therefor. He was married July 19, 1919, and has three children. Prior to enlistment, he was engaged in farming at a net income of about \$1,000 per year and since discharge he has resumed his former occupation.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement to cells, lack of food, the usual knocking around, being compelled to work when unfit, received a bayonet wound in the wrist from a guard and was punished for an attempted escape.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp and sent out upon working parties to the stone quarries, iron foundries and farms. He speaks generally of rough usage during the period he was held—over two years. Claimant earned for himself a commendable, if unenviable, reputation by reason of seven or eight attempts to escape. He received the usual confinement and was also beaten by way of punishment. At Wetzlar, he was kicked in the face by a guard for refusing to work upon munitions. At Weidenhal and Barnstein claimant was in constant trouble for his attempted escapes. In hospital with fever, he has no complaints as to the treatment. After some time in Meschede hospital and later upon a farm, claimant was beaten upon recapture after an attempted escape, and was stabbed in the wrist with a bayonet by a guard during what would appear to have been a melee. He was in hospital with this wound when the Armistice was declared. There is no disability resulting from the wound. There is perhaps no significance but the record discloses the fact that the scar on claimant's wrist is the result of what appears to have been an operation for abscess performed in March, 1918. Claimant's chief complaint is as to the food and hard work, combined with exposure and unhealthy barrack accommodation. He suffers from bronchitis and his nerves.

The medical evidence indicates that claimant suffers from chronic bronchitis. His percentage of disability is stated at 25% in his own calling and 40% in the general labour market. Dr. W. A. Burr, who certifies to the foregoing,

also appeared before the Commission. He spoke of a nervous condition and indigestion, in addition to the bronchitis, and gives it as his opinion that claimant's experiences as a prisoner may account for the trouble. He considers claimant as permanently disabled. Certificate of Dr. J. R. Surson is also produced to the effect that claimant has been troubled "almost continuously with gastric and nervous disorders of a decided bronchial character, which has limited his activities". Claimant's medical history files also refer to nervous disorders but without marked disability.

In this state of the record, while I am satisfied that claimant was roughly, perhaps brutally, treated whilst a prisoner of war, I do not consider that I can find that any particular disability results therefrom. Claimant's commendable attempts to escape brought down upon him much of the punishment he received, but I am constrained to hold that his present disability is the result of the strain and duress of captivity, for which, in an appropriate case, he would be entitled to pension. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioners.

OTTAWA, October 29, 1932.

CASE 2244—CAPTAIN RICHARD P. BAKER

The claimant was a Captain with the Royal Flying Corps. He enlisted September 29, 1915, at the age of 26 years, and was taken prisoner March 24, 1917, wounded in the right knee. He was repatriated to England December 12, 1918. He has recently become entitled to pension and receives 10 per cent, based on his knee wound. He was married in 1922 and has two children. Prior to enlistment, he was employed as Manager of an importing and exporting firm, at a salary of \$3,000 per annum, and since discharge he has been President of other companies, the last being Vancouver Properties Ltd., at a salary of \$6,000 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of negligence, lack of medical attention to his wounded knee, poor food, improper shelter and accommodation.

An analysis of the evidence reveals:—

Claimant was first taken to Douai, where his wounded knee was lanced and dressed. This was the only medical attention which claimant received whilst a prisoner in Germany. Removed to Munster hospital he was finally discharged on crutches, was sent to Karlsruhe, then Crefeld, Strothen and Bad Colberg. The bullet imbedded in his knee never received any surgical attention. Claimant does not complain of any brutality at the hands of his guards and confines his complaint to lack of medical care, amounting to gross carelessness, which has left him with a disability greater than he would otherwise have had. He speaks of the poor and inadequate food, but does not press this as a ground of maltreatment. His experiences are corroborated by the evidence of Captain A. C. Lumsden, who was a prisoner with claimant at the various camps referred to.

The medical record consists of the affidavit of Dr. Geo. L. Hodgins, who states that claimant suffers a disability amounting to 20 per cent in his right knee, and states his opinion that "if the wound had received proper medical attention and the bullets or fragments thereof removed as they should have been, there would not at this time have been any disability of claimant's knee." He concludes by stating that the treatment was "medical neglect of a most

decided character." This evidence is supported by certificate of Dr. Herbert A. Bruce, who examined the X-Ray plates of claimant's knee, and expresses the opinion "~~that as a consequence of his not receiving proper surgical care~~ soon after being wounded (in other words through medical neglect) Capt. Baker is now left with a permanent injury which may eventually become more serious." Dr. Hodgins appeared before the Commission and confirmed the opinion stated in his affidavits. Claimant's medical history files disclose no disability, and it would appear that the injury may not then have been troublesome but has become so since.

Notwithstanding the foregoing medical evidence, the medical adviser to the Commission held the very decided view that no improper treatment had been shown and that operation, shortly after the wound, would not have been in accord with good or safe surgical practice. In view of his dissidence, I have obtained the opinion of a very prominent surgeon on the case as submitted. In order that there may be no misapprehension on the point, I quote his report in full as follows:—

"Re Captain R. P. Baker

"Case No. 2244

"I have examined the case records and the X-ray of the above mentioned person.

"In my opinion (contrary to other medical evidence) I consider that from a surgical standpoint the safest and best treatment was adopted under the circumstances. Any efforts at the time to be more radical, such as attempting to remove the foreign bodies, would in all probability have resulted in serious damage to the knee joint, with its consequent severe disability.

"Subsequent progress of the case has proven their judgment was correct, as the knee joint is intact and the present disability is insignificant.

"Again, even to-day when conditions are much more favourable for radical operative interference, medical evidence agrees in advising against it, at the same time finding fault with the treatment at first carried out. This to me seems inconsistent."

In these circumstances I cannot find that claimant now suffers a disability resulting from maltreatment whilst a prisoner of war. Not being bound by the rules of evidence, I am entitled to go outside the record to arrive at a true appreciation of the facts. This, I have done in seeking the advice of a surgeon of my own choice and, in the result, I have reached the definite conclusion that claimant received proper medical attention for his wound and cannot attribute any part of his present disability to the neglect of his injury. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 22, 1932.

CASE 2245—ARTHUR CARR LUMSDEN

The claimant was a Captain in the 72nd Battalion. He enlisted in September 1915 at the age of 23. He was taken prisoner March 1, 1917, at Vimy Ridge, suffering with gunshot wounds in the right arm and stomach, and was repatriated to England December 31, 1918. He is not in receipt of disability pension, and has never made application therefor. He was married in January, 1931. Prior to enlistment, he was engaged in a wholesale Boot and Shoe concern, at a salary of \$125 per month, and is still so engaged, at a present salary of \$250 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his broken arm was improperly set, with the result that it is permanently crooked, also that he was several times operated upon without an anesthetic being administered. He complains also of shortage of food, and insanitary living conditions.

An analysis of the evidence reveals:—

Claimant confines his complaint to disability of his right arm which he declares to result from inadequate and improper medical attention. Taken first to Douai, and later at Munster, he received some treatment for his wounds but complains that his arm was never properly set. At Karlsruhe, Crefeld, Strohen and Bad Colberg, claimant complains bitterly of the living conditions and food. He is corroborated by Capt. R. P. Baker, who appeared before the Commission.

The medical record indicates that claimant suffers from a marked deformity of the right arm immediately below the elbow joint. The carrying angle is entirely eliminated, entailing considerable disability. Dr. S. M. Meekison, who certifies to the foregoing, did not appear before the Commission, but his certificate quite definitely states that "more adequate treatment at the time of the injury would have resulted in a much less disabled arm." Claimant's medical history files substantiated the disability.

The medical adviser to the Commission is not in agreement with the medical evidence of record. He has expressed the opinion that the evidence does not disclose that any operative treatment was omitted which might have been adopted, while claimant was a prisoner. Having regard to such opinion, I have consulted a surgeon of my own choice, to whom I have submitted the entire record. He reports as follows:—

"Re: A. C. LUMSDEN

"Case No. 2245

"I have examined the records of the above person and in my opinion a near perfect anatomical result could not be expected. I believe at the time and under the circumstances the safest and best treatment was employed.

"Attempts to be more radical would have exposed the patient to disastrous complications and what little benefit he should have received, if any, would not have compensated him.

"In civil practice these cases are just as difficult and I consider a good functional joint is all that could be hoped for under the most favourable circumstances, and this seems to have been attained."

In this state of the record, it is clearly impossible for me to reach a finding in claimant's favour. He has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. On the contrary, I would be inclined to say that had operative measures been adopted claimant would probably have been left with a more serious disability. I am left with the conviction that the German medical authorities were guilty of no neglect in his case. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

Comissioner.

OTTAWA, November 22, 1932.

CASE 2001—ALBERTA McCLUSKEY

Claimant was a Private in the 15th Battalion—Regimental No. 27515. He enlisted in August 1914 at the age of 21 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly gassed and suffering with a fractured left foot. He was repatriated to England December 21, 1918. He is not in receipt of pension, was married in February 1929 and has two children. Prior to enlistment, he was employed as hoistman in a mine at \$85 per month and is now a telegraph operator, earning \$135 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of solitary confinement for refusal to work in salt mines, beatings and kicks, bad food, further solitary

confinement for attempted escape, compelled to stand at attention, received a cut across the eye, with steel wedge, which bled profusely and was refused medical attention, still suffers pain from the wound and temporary blindness, was also compelled to work in water, suffered from exposure and was beaten with rifle butts.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he remained for 18 months. For refusing to work in the salt mines he was given confinement to cells on starvation diet and was also struck by the guards. Later he was sent to a farm, where he was invited to join the Casement Irish Battalion. He attempted escape, was recaptured and taken to Cassel, served time in cells and was kicked by the guards. On another occasion, he endeavoured to escape, was beaten upon recapture, confined to cells and transferred to Langenselza, followed by Holzappel, where he remained for 2 years. Here he was struck across the eye by a steel wedge thrown at him by a guard. He still bears the scar. The vision in the eye has been affected and constitutes claimant's main complaint of disability. He still suffers intermittent pain in the eye with temporary blindness. This incident is corroborated by the testimony of a fellow prisoner, Ernest Weymouth. Claimant also complains of his nerves and has lost considerable time from his work, which fact is borne out by his employer.

The medical evidence indicates that claimant suffers from nervous exhaustion and easy fatigability. His percentage of disability is stated at 10 per cent in his own calling and at 25 per cent in the general labour market. Dr. J. S. Fotheringham, who certifies to the foregoing, also appeared before the Commission, and declares that claimant's condition is not serious and that he expected his condition to improve. He could not speak of the eye condition, but, as to this there is filed a certificate of Dr. W. B. Cassels, to the effect that claimant has sustained "destruction of supraorbital foramen leaving deep depression in frontal bone, deep scar on left eyebrow and also scar on upper eyelid, neuralgia involving brow." Dr. Cassels rates his disability at 25 per cent and expresses the opinion that claimant has suffered partial loss of sight which will be permanent and will be subject to neuralgia of brow. Doubts having arisen as to the extent of the disability alleged by claimant, he was examined on November 18, 1932 by Dr. W. W. Wright, ophthalmologist, of Toronto. This examination shows that claimant has slight right hypermetropia and a moderate degree of mixed astigmatism of the left eye, neither of which minor defects can be regarded as of traumatic origin. Further the defects are fully corrected by glasses. In these circumstances claimant has failed to make out a case of disability resulting from maltreatment. The claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 22, 1932.

CASE 2621—JOHN ROLLAND MILLER

Claimant was a private in the 15th Battalion—Regimental No. 27521. He enlisted in August, 1914, at the age of 26 years, and was taken prisoner April 24, 1915, during the second battle of Ypres and states that he was not wounded, although the military records show a shrapnel wound in the left buttock. He denies this wound but says that he was gassed. He was repatriated to England January 1, 1916. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on bronchitis and emphysema. He was married in May, 1920, and has no children. Prior to enlistment, he was employed as a teamster with a lumbering concern, earning \$26 per month, and board. He is now unemployed but when at work he drives a truck, earning about \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of several beatings, of having teeth extracted improperly by a dentist, having to work in a tin factory where the fumes affected his lungs, was knocked unconscious and left lying in water and being confined for three days and nights in a room filled with water, which exposure aggravated his chest trouble.

An analysis of the evidence reveals:—

Claimant spent the first few months of his captivity at Gottingen and Hameln camps, and apart from insufficiency of food, has no complaints. Sent to a camp in the vicinity of Hanover (Sessen, sic) he was employed in a tin factory. He first complains of deliberate maltreatment at the hands of a dentist who under the guise of attending him, broke all his upper teeth. This is said to be because the dentist's son had been killed at the front a few days previously. He then complains that the fumes during his work in the tin factory for two years has affected his lungs and that he was laid up for five months in Germany with what the doctor told him was tuberculosis. When he returned to work he became embroiled with a pro-German Russian prisoner, was set upon by the guards, knocked unconscious, and found himself in a cell with water on the floor when he regained consciousness and he was kept there three days and three nights without food. He attributes his lung condition to these experiences and also suffers from rheumatism, which disables him.

The medical record indicates that claimant suffers from "chronic bronchi'tis following T.B." His percentage of disability is stated at 25 per cent in his own calling and at 75 per cent in the general labour market. Dr. J. H. Speers, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show the condition of bronchitis and emphysema for which he is in receipt of pension.

I was at first inclined to accept claimant's statement of the loss of his upper teeth in the manner recounted. Unfortunately for claimant, his medical dental files reporting an examination in January, 1921, at Davisville hospital do not bear him out. The report declares that "of the ten upper anterior teeth, nine were in position and intact." Clearly, therefore, claimant did not lose these teeth in the manner complained of by him. The remaining disabilities of which he speaks cannot, in my opinion, be attributed to maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 22, 1932.

SCHEDULE OF AWARDS TO MILITARY CLAIMANTS

Case No.	Name of Claimant	Award
2378	Bromley, T.....	600
2493	Campbell, W.....	500
2610	Carmichael, R. V.....	700
2368	Carroll, J. V.....	800
2439	Chatfield, T.....	500
2555	Coghill, J.....	500
2435	Dane, W.....	500
2014	Dargie, J.....	600
2340	Dugan, C.....	500
1950	Evans, W. J.....	600
2625	Gamble, F. J.....	800
2364	Gareau, J.....	500
1933	Gervais, C. N.....	500
2499	Grimsdale, H.....	500
2405	Hall, A.....	500
2431	Harding, E.....	500

Case No.	Name of Claimant	Award
2593	Howard, V. G.....	700
2591	Humes, W.....	500
2409	Johncock, H. M.....	500
1797	Johnston, W. H.....	500
2426	Kilpatrick, A. W.....	500
2461	Lockwood, R. A.....	500
2278	Lundius, W.....	800
2602	Matheson, F.....	500
2433	Melluish, A.....	600
2524	Midgley, T.....	600
2414	Nicholson, V. L.....	1,000
2344	Parton, T.....	500
2470	Pearcey, S.....	500
1995	Pindler, F. C.....	1,000
2352	Pritchard, V. A.....	700
1914	Robertson, C.....	500
2311	Ross, W. B.....	500
2662	Saunders, G.....	500
2683	Sharpe, W. H.....	500
2546	Stevens, F. S.....	500
2599	Taylor, T.....	500
2496	Williams, A. J.....	600

Total, 38.

CASE 2378—THOMAS BROMLEY

Claimant was a Lance Corporal in the 3rd Battalion—Regimental No. 10010. He enlisted in September, 1914, at the age of 33 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded by shrapnel in the leg and gassed. He was repatriated to England December 27, 1918. He is in receipt of a 25 per cent disability pension, amounting to \$32.50 per month, based on neurosis, haemorrhoids and varicose veins. He was married at the time of enlistment and has four children. Prior to enlistment, he was employed as a machinist, earning \$25 per week, and since discharge did not resume his trade but helped his father-in-law for a time with a market garden, and is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains particularly of being compelled to work long hours with abscesses on the hands and legs due to chemicals and dirt, until blood poisoning affected his right arm causing great suffering. After recovery, he served 16 months in the salt mines, and contracted sores and a skin disease which persisted for two years after his discharge. Also received a severe kick from a guard which caused him great trouble later.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, to which he remained attached for about a year. At a brick yard, he was kicked between the legs by a guard for resting from his work. An abscess developed and claimant suffered great pain. This injury has troubled him since. Sent to Vehnemoor, he was compelled to work in the water, resulting in rheumatism and spent some time in hospital at Oldenburg. He was then sent to a salt mine near Saltau where he spent 11 months, although in his statement of claim he declares that he spent 16 months in the mines. He refers to the general conditions as bad, and he contracted a skin disease, due to the filthy sleeping quarters, from which he suffered greatly and which still troubles him somewhat at times. He also complains of being made to work in a chemical factory without protective devices for the face and eyes. His hand was injured, medical attention was denied and blood poisoning set in, entailing great suffering. He was sent to hospital at Saltau. In an altercation with a Russian prisoner, at Harvemoor (sic) claimant was hit over the head

with a hose pipe and has suffered from headaches ever since. He complains of his general health, his head and stomach. The precise nature of his ailment is not very clearly made out.

There is no medical evidence, apart from that contained in claimant's medical history files. These indicate that claimant suffers from neurosis, haemorrhoids and varicose veins. Some loss of vision is of prewar origin. His remaining disabilities are attributed generally to war experiences, including his period of captivity. His nervous system is said to have become unstable due to his treatment whilst a prisoner.

Were it not for the fact that claimant spent some 11 months in the salt mines, I would not be disposed to recommend an award. From a careful examination of the evidence and also the mass of evidence in other cases of the conditions pertaining in the salt mines, I think it can fairly be said that claimant was subjected to maltreatment which has resulted in some disability. I would accordingly, recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 24, 1932.

CASE 2493—WILFRED CAMPBELL

Claimant was a Private in the 13th Battalion—Regimental No. 133148. He enlisted in November 1915, at the age of 22 years, and was taken prisoner October 8, 1916, at Courcellette, wounded in the hand and gassed. He was repatriated to England, November 29th, 1918. He is not in receipt of pension, was married in November 1922 and has two children, twins. Prior to enlistment, he was employed as an electrician, at \$15 per week, and is now engaged in the same trade, earning \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour at road work and in the coal mines and bad food resulting in stomach disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Cambrai, followed by Dulmen. He says little of his treatment at these camps, but complains bitterly of conditions and abuse at Buchum coal mines, where he was sent and remained for over two years, employed at pulling waggons and working underground. The hours were long (12 to 13 hours per day) the food was bad and the treatment rough. Claimant injured his knee, received no medical attention, and was compelled to continue working. On one occasion he struck a guard, under provocation, and was thrown down a bank, injuring his shoulder. For an attempted escape, claimant was punished. On the whole, he tells a very modest story of his treatment and confines his complaint chiefly to conditions in the coal mines. He attributes to these experiences stomach and kidney troubles and a sore back.

The medical evidence indicates that claimant suffers from pains in the abdomen, vomiting, loss of appetite and constipation. His percentage of disability is stated at 50 per cent. Dr. A. H. McCordick, who certifies to the foregoing, did not appear before the Commission. His certificate is quite general. Claimant's medical files show nothing unusual. Upon discharge the record of his examination contains the usual notation, "all systems normal."

Were it not for the fact that claimant spent about 2½ years in the coal mines, I would be inclined to disallow the claim, on the ground that disability resulting from maltreatment had not been shown. But we have had abundant testimony as to the harsh conditions prevalent in the coal mines and claimant's story is

consistent with that evidence. I consider that I am justified in inferring that he was subjected to maltreatment which has resulted in some permanent injury to his health. While claimant has not made out a strong case, I think he should have the benefit of the doubt. 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,

OTTAWA, September 2, 1932.

Commissioner.

CASE 2610—ROYAL VICTOR CARMICHAEL

Claimant was a Private in the 15th Battalion—Regimental No. 10749. He enlisted in August 1914 at the age of 30 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England in December 1918. He is in receipt of a 25 per cent disability pension, amounting to \$25 per month, based on tuberculosis of the lungs. He was married in October 1919 and has no children. Prior to enlistment, he was employed as a sailor on the Great Lakes, earning \$35 per month and keep, and since discharge he has been serving as second engineer on lake vessels when he can get a job. When working he earns from \$125 to \$135 and found.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had his nose fractured and teeth knocked out by a blow with a rifle butt, hard labour in salt mines where he had his thumb split open by a guard, and general harsh treatment.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he was refused medical attention for the effects of gas from which he was suffering. After a few weeks, he followed a route with which we have grown familiar, to the Beinerode salt mines, via Cellelager. He remained in the mines between 17 and 18 months and was subjected to the forms of maltreatment which have been recounted by other prisoners at this camp. His story is consistent with the mass of evidence before us. His thumb was injured, when a guard deliberately threw him into a lift, and no medical attention was given him. Finally he succeeded in being transferred to Hameln, on the ground that he was an engineer and could be made use of in that capacity. He was beaten, en route, by a German officer, and was only allowed to remain at Hameln for a few weeks. Sent to Bodenfeldt, he was placed in charge of stationary engines and badly beaten because one of them broke down and he was unable, immediately, to mend it. He was hit across the nose and jaw, breaking the nose and knocking out several teeth, to say nothing of blows across the shoulders, with some injury. For several attempted escapes, claimant received the usual confinement to cells, to which was added beatings of various kinds. He was eventually sent to a convalescent camp at Hameln, as to which he has no complaints. He now complains of his nerves, his chest condition, his nose and the injury to his thumb, all of which incapacitate him.

The medical evidence indicates that claimant has a deflected septum, right lower bicuspid and first two molars knocked out, suffers from nervous debility, is easily worried and of an irritable disposition, fibrosis of both lungs, at present diagnosed as arrested tuberculosis. He also has a deformed left thumb. His percentage of disability is stated at 30 per cent in his own calling and at 75 per cent in the general labour market. Dr. T. S. Simpson, who certifies to the foregoing, did not appear before the Commission, but has amplified his certificate by a more detailed report, which is of record. There is no question that claimant is disabled as the result of his treatment whilst a prisoner.

I have no hesitation in reaching the conclusion that claimant was subjected to maltreatment whilst a prisoner which has resulted in permanent injury. As stated in general Opinion annexed to my earlier report dealing with maltreatment cases, it would be surprising indeed to find a prisoner who had undergone the brutality of the Beinerode salt mines without some resultant disability. Having regard to all the circumstances, 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.

OTTAWA, November 5, 1932.

Commissioner.

CASE 2368—JAMES VICTOR CARROLL

The claimant was a Sergeant in the 7th Battalion—Regimental No. 16727. He enlisted in August, 1914, at the age of 27 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was released to Holland March 23, 1918, and was repatriated to England December 18 of that year. He is in receipt of 100 per cent disability pension, amounting to \$115 per month, based on duodenal ulcer with anaemia and pyrrhoca. He was married January 4, 1919, and has one child. Prior to enlistment, he was employed as a logger, at a wage from \$4 to \$5 per day, and since discharge he has held various positions but is now unemployed owing to ill health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been beaten, confined to cells, bad food, insanitary living conditions and stoppage of parcels.

An analysis of the evidence reveals:—

Claimant spent the first two years of his captivity at Giessen camp. He appears to have incurred the vindictiveness of his captors because he would not disclose the ringleaders of a group of prisoners who attempted to escape. As a sergeant he was also subjected to abuse for refusing to exercise command over his fellow prisoners in getting them out to work. He was condemned to cells and spent long periods of imprisonment where he was knocked about. From Giessen claimant was sent to Meschede in Westphalia where he remained several months, and complains that he was beaten and starved. Later he spent time at Sautau and Bolmtc and concluded his captivity at Membergmoor, where the treatment was good. Claimant's chief complaint is as to his confinement to cells. His statement as to treatment at Giessen is corroborated by a fellow prisoner.

The medical record indicates that claimant suffers from duodenal ulcers with anaemia and pyrrhoca, (post discharge). He is in receipt of full disability pension. No medical evidence, other than that contained in his medical history files, has been adduced.

There is no doubt that claimant has been seriously disabled and the record would appear to establish that his condition dates from the period of his captivity. While generally disabilities presumably nutritional in origin are not to be regarded as maltreatment, I think in this case that the circumstances are exceptional. The treatment given claimant at Giessen and Meschede was such as probably to result in disability. Such treatment appears to have been unwarranted, and I have reached the conclusion that claimant was subjected to maltreatment resulting in permanent disability to him. Having regard to all the circumstances and the pension received by claimant, 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, August 30, 1932.

CASE 2439—THOMAS CHATFIELD

Claimant was a Private in the 15th Battalion—Regimental number 27435. He enlisted in August, 1914, at the age of 27 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly gassed. He was repatriated to England December 31, 1918. He is not in receipt of pension, was married in September, 1920, and has three children. Prior to enlistment, he was employed as a bricklayer at sixty cents an hour and since discharge resumed his trade, in the capacity of contractor and averaged about \$25 per week; was unemployed at 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 beatings by guards, hard labour in salt mines, beaten with rifle butts for refusal to work, forced to walk long distances to the doctor and compelled to work for 24 hours consecutively on several occasions, also starved and had parcels stopped.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp, where he remained 8 weeks and was hit over the head by a German sergeant, presumably for smoking in barracks. He complains that this blow has permanently affected his eyesight. After a short time at Celle lager, he was sent to the ill famed salt mines at Beienrode (parent camp, Hameln). He tells the familiar story of beatings, hard work and lack of medical attention, recounted by other prisoners who were at this camp. He remained here 3 years and five months. On one occasion he was pushed into a wagon by a German civilian and received an injury to his breast bone, for which he received no medical attention except a painting with iodine which did nothing to alleviate the pain. On another occasion he was beaten and sustained an injury to his elbow, from which he suffered for two years. His testimony as to the injury received when pushed into a wagon is corroborated by a fellow prisoner (Wilkins, Case No. 1896). Claimant suffers from nervousness and bronchitis and is unable to carry on with his usual occupation of bricklayer.

There is no medical evidence of record and were it not for the fact that claimant spent so long a period in the salt mines, there would be no occasion to consider his case further. He appears to have come through his experience at Beienrode remarkably well and to have been left with comparatively little disability. As stated in other cases, those claimants who had to endure the brutal treatment of the salt mines, have almost all come out impaired in health. The present claimant is no exception, although his present disability may not be great.

Having regard to the circumstances noted, 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. McDUGALL,
Commissioner.

OTTAWA, August 7, 1932.

CASE 2555—JAMES COGHILL

The claimant was a Private in the 4th C.M.R.—Regimental No. 113140. He enlisted December 30, 1914, at the age of 25 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 4, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a teamster, earning \$12 per week, and since discharge he has been working on a farm for \$50 per month and found, for six months in the year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of flat feet with callouses due to long periods of standing and working with wooden clogs; hard labour in coal mines and a sear on the right arm, where he was hit with a hammer by the foreman.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp for a short time, but was soon sent on to coal mines in Westphalia (Bruchstrasse) where he worked for 2 years and 8 months. Claimant was beaten and received an injury on the right arm, from which, however, there is no disability. His fingers were also hurt as the result of an accident. Claimant does not appear to have been brutalized but complains of the hard work and undernourishment. His disability at the present time consists of flat feet, which he attributes to the wearing of wooden clogs and long hours spent on his feet.

The medical evidence indicates that claimant suffers from flat feet with callouses. His percentage of disability is stated at 25 per cent. Dr. W. S. Aitchison, who certifies to the foregoing, appeared before the Commission, and confirmed the diagnosis contained in his certificate. There is a suggestion that claimant may have had weak feet before enlistment and that his experience, chiefly undernourishment, may have brought about the condition now complained of. Dr. Aitchison declares that neither the arm nor the finger injuries constitute a disability. He is, moreover, of opinion that the flat feet might have developed from service conditions. Claimant's medical history files reveal nothing unusual. Were it not for the fact that claimant spent so great a part of his period of captivity in the coal mines, I would not be inclined to regard his case favourably. The disability shown is not considerable, but I think, having regard to conditions in the coal mines with which we are familiar, that it is a fair inference that some disability has resulted from claimant's experiences. On the whole, 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, October 3, 1932.

CASE 2435—WILLIAM DANE

Claimant was a Private in the 75th Battalion—Regimental No. 4681223. He enlisted February 18, 1916, at the age of 28 years, and was taken prisoner April 9, 1917, unwounded. He was repatriated to England December 8, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$51 per month for himself and family, based on nephritis. He was married June 7, 1916, and has six children. Prior to enlistment, he was employed as a packer and shipper in a wholesale seed warehouse at \$15 per week and is now employed as a mechanic earning about \$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 unsanitary living conditions, hard labour on railway construction, not far behind the lines, with beatings, abuse, exposure, and was compelled to work while suffering with nephritis. He was finally sent to work in a coal mine where he suffered beatings with rifle butts and fists.

Analysis of the evidence reveals:—

Claimant was first taken to Douai and then spent 12 days confined in Fort Macdonald, at Lille. He complains of the filthy living conditions and confinement. Sent out to work on a railway line, he complains of being abused,

kicked and struck with rifles and was told this treatment was by way of reprisal for similar treatment given German prisoners. Sent to Marchiennes, claimant worked in the forests. He complains of living conditions, general abuse and declares that he took ill and was sent to hospital at Valenciennes where he remained 4 weeks when he was transferred to Stendal, followed by Limburg. At the latter camp he was sick for 4 weeks. He was then sent to a coal mine, where he remained for 13 months working in an open shaft. He complains of beatings, blows and being made to stand facing a wall. As a result of these experiences, claimant alleges that his condition of nephritis, for which he is in receipt of pension, has developed.

The medical record indicates that claimant suffers from nephritis. His percentage of disability is stated at from 30 per cent to 50 per cent. Dr. D. C. Murray, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show the condition referred to and ascribe it to living conditions as a prisoner of war. It is clear, from the evidence that claimant has suffered a disability and it is not difficult, indirectly at least, to attribute some part of such disability to claimant's experiences while held close behind the lines and working in the coal mines. On the whole, I have reached the conclusion that claimant has been successful 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, October 7, 1932.

CASE 2044—JAMES DARGIE

Claimant was a Private with the Imperials, in the 4th Battalion—Black Watch—Regimental No. 200182. He first came to Canada to reside in September, 1919. He enlisted in May, 1914, and was mobilized at the outbreak of war in August, 1914. He was 17 years of age on enlistment, and was taken prisoner April 18, 1918, unwounded. He was never taken to Germany but was kept a prisoner behind the lines for seven months. He was repatriated to England November 19, 1918. He received a pension of 20 per cent, amounting to eight shillings per week, which was discontinued in 1920. This was based on a gunshot wound. He had been previously wounded, sent to England and returned to active service in France before he was taken prisoner. He was married December 31, 1920, and has two children. Prior to enlistment, he was a machinist's apprentice, earning from 15 to 20 shillings per week. Since discharge he has been doing odd jobs and sometimes averages \$15 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, starvation, hard labour behind the lines on road work and loading shells, beatings, work under fire, and in particular of a blow on the head with a rifle butt which left a scar.

An analysis of the evidence reveals:—

There was some question as to whether claimant had been resident in Canada previous to the war, but I consider that he has satisfactorily established this fact. He was a prisoner for about 9 months only, but was one of the unfortunates who was held behind the lines and compelled to work under conditions of inhumanity with which we have grown familiar and which are fully reported in official documents. His story is consistent with the knowledge thus gained of conditions prevailing behind the German lines. It is unnecessary further to detail the treatment accorded these prisoners.

The medical record indicates that claimant suffers from neurasthenia, bronchitis, pain in feet, and a generally lowered condition. 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. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are not entirely satisfactory, but there appears to be no doubt that he suffers some disability.

While the evidence as to claimant's present condition is not very definite, I have reached the conclusion that he has some disability which I regard as due to the conditions of work, starvation and brutality to which he was subjected while compelled to work behind the lines. As explained in general Opinion annexed to my earlier report on maltreatment cases, the treatment accorded to these prisoners was cruel beyond words and in direct contravention of all the laws of war. It is not surprising that claimant's health has suffered. Viewing the case as a whole, 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, August 28, 1932.

CASE 2340—CYRIL DUGAN

Claimant was a Private in the 15th Battalion—Regimental No. 27644. He enlisted in August, 1914, at the age of 20 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England January 13, 1919. He has recently been granted a 10 per cent disability pension, amounting to \$11.50 per month, based on gastritis. He was married in April, 1923, and has one child. Prior to enlistment, he was employed as a store clerk earning about \$12 per week and is now employed as a shipping clerk at \$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 starvation diet, beatings with rifle butts and solitary confinement on bread and water.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp and served time at a number of prison camps, viz: Salto, Lichtenhorst, Hameln, Butzbach, Hamburg, Munster, Ludenberg and Holzappel. His main complaint centers around this latter camp where he was compelled to work in a silver lead mine and beaten for refusing to work. We are already familiar with this camp (Cases 1886 and 1889) and know that the treatment was very severe. Claimant was repeatedly beaten and seems also to have incurred heavy penalties of confinement to cells for his persistent refusal to work and for attempted escapes. He finished his period of captivity upon a farm, as to which he has no complaints. Claimant suffers from his stomach and is subject to dizzy spells.

The medical evidence indicates that claimant suffers from neurosis, colonic stasis. His percentage of disability is stated at 15 per cent. Dr. Wm. Baillie, who certifies to the foregoing, did not appear before the Commission. Claimant's pension files refer only to a condition of gastritis, for which he is in receipt of pension.

From a careful perusal of the evidence and having regard to other evidence available as to conditions in the silver-lead mine, I think it reasonably follows that claimant has suffered some disability resulting from maltreatment whilst

a prisoner of war. (See cases 1886 and 1889). 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, October 28, 1932.

CASE 1990—WILLIAM JOHN EVANS

The claimant was a Private in the Royal Canadian Dragoons—Regimental No. 552712. He enlisted in July, 1915, at the age of 17 years, and was taken prisoner March 30, 1918, and states that he was suffering from slight wounds. He was repatriated to England January 3, 1919. He was at one time in receipt of pension for valvular disease of the heart, but commuted it. He has since made an application for re-instatement, but it has been rejected. He is now awaiting the result of an appeal from such rejection. He was married in 1920, but was divorced in 1927. He has two children aged 9 and 6 years respectively. Prior to enlistment, he was a student. He is now employed as a clerk, at a salary of \$100 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food and clothing, and of having been made to work so near to the German front line that he was frequently under fire from our own guns. He also states that on one occasion he was beaten unconscious with a pick handle. He alleges, as a general result, a present nervous condition.

An analysis of the evidence reveals:—

While claimant was a prisoner for 9 months only, he was one of the unfortunates compelled to work close behind the lines, under shell fire, and subject to conditions which are almost indescribable and as to which we have abundance of detail in the evidence of other prisoners and in the report made by the British authorities in regard to these prisoners. I refer to the general Opinion annexed to my earlier report upon maltreatment cases. Claimant's story is consistent with the information already available and consists in a recital of cruelty and brutality which need not be repeated. He was beaten, deliberately starved and made to work long hours under conditions of the greatest severity. It is not surprising to find that his health has suffered. He now complains of his nerves, his stomach and digestion.

The medical evidence indicates that claimant suffers from pain and weakness in the left side of thorax, marked neurosis, exaggerated reflexes and restlessness. His percentage of disability is stated at 50 per cent. Dr. J. Patterson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show a weakened heart condition.

Having regard to the treatment received by claimant when compelled to work as a prisoner close behind the lines, I have little hesitation in finding that he was subjected to maltreatment. That he has suffered some impairment to his health is also indicated. Viewing all the circumstances I am disposed to 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, September 11, 1932.

CASE 2625—FREDERICK JAMES GAMBLE

Claimant was a Private in the 3rd Battalion—Regimental No. 10088. He enlisted in August, 1914, at the age of 26 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, un wounded but gassed. He was repatriated to England January 13, 1919. He is not in receipt of pension, was married in July, 1920 and has two children. Prior to enlistment, he was a wholesale butcher, earning \$100 per month, is now a storage battery salesman at \$100 per month and commission.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings because of his inability to understand German, bad food, of being forced to work in a chemical factory with no protection from the fumes and fine dust, health broke down and was returned to camp duty. Later placed in the salt mines, where he was unable to complete his task and work 16 hours per day. Escaped was beaten and confined to dark cells upon recapture. Was returned to the salt mine, and, when health again broke down, was sent to hospital where he was permitted to act as an orderly.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, where he remained till January 1916. He complains only of the shortage of food. Sent to Lichtenhorst and Langenmoor, he complains bitterly of the treatment in his enfeebled condition, being driven to work on the moors and beaten. In June, 1916, he was removed to Sub-Edewechemoor (sic) where the working conditions are described as particularly harsh. This was followed by 4 months at Mannheim, working in a chemical factory. Here the work was heavy and no protective devices were furnished the prisoners against the fumes and dust, which claimant alleges has permanently injured his chest. He was beaten for having a gold coin in his possession, and served 14 days in cells at Saltau. Sent to salt mines at Oldau in Essen, claimant encountered brutal treatment, in the form of hard labour underground, long hours and beatings. Conditions became so bad, claimant attempted to escape, was recaptured and returned to the mines. In all he spent two periods of six months each in the mines. His health completely broke down and he was sent to hospital at Celle where he was seriously ill for several months. He was then employed as an orderly in the hospital. As a result of these experiences, claimant suffers from his nerves, stomach and haemorrhoids. Claimant's story as to the incident of the gold coin is corroborated by a fellow prisoner.

The medical evidence indicates that claimant suffers from neurasthenia, gastro-enteritis with chronic constipation and haemorrhoids. His percentage of disability is stated at 100 per cent in his own calling and at 25 per cent in the general labour market. Drs. H. D. Taylor and Mortimer Fleming, both of whom certify to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual.

The lot of those prisoners who served time in the salt mines was particularly distressing. We have an abundance of evidence as to the cruelty of the treatment accorded them, and claimant's statement is quite consistent with such evidence. I am of opinion that he has been successful in making out a case of maltreatment whilst a prisoner and I think also that he has shown a permanent disability resulting therefrom. He has thus met the requirements entitling him to an award. 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, August 24, 1932.

CASE 2364—JOSEPH GAREAU

The claimant was a Private in the 29th Battalion—Regimental No. 75986. He enlisted in August, 1914, at the age of 20 years, and was taken prisoner April 19, 1916, at St. Eloi, unwounded. He was repatriated to England December 24, 1918. He is in receipt of a disability pension, amounting to \$3.75 per month, based on bronchitis. He is unmarried. Prior to enlistment, he was employed as a shingler, earning \$100 per month.—He still carries on that occupation on his own account, but states that his income therefrom is practically nothing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, and that on one occasion he was compelled to crawl three miles on his hands and knees.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp where he remained for the greater part of his captivity. He was sent to the Geisweid Iron Works where he complains of being beaten and hit over the head with injury to his hearing. A statement made by claimant, in England, upon repatriation, is substantially in accord with his evidence. The incident referred to occurred upon claimant's recapture after an attempt to escape. He also speaks of being badly beaten when recaptured on another occasion and made to crawl on his hands and knees for a distance of 3 miles. He complains of the injury to his hearing and a lung condition resulting from these experiences.

Dr. Charles H. Vrooman appeared before the Commission and testified that when he first examined claimant and made a report in 1919 his conclusion was that claimant had had tuberculosis of the right and possibly the left apex, but that is was arrested. He is unable to say much as to claimant's later condition and did not again give him a thorough examination. Claimant's military files contain the statement, made upon repatriation, above referred to, but there is nothing concerning his alleged disabilities. It appears from the evidence that claimant receives a pension based on bronchitis.

There is only claimant's statement for the alleged occurrence at Geisweid. Having regard, however, to the statement made by him upon repatriation, I am inclined to credit the story told. The punishment so inflicted for an attempted escape, went beyond all reasonable bounds and constitutes, in my opinion, maltreatment which has resulted in permanent injury. The evidence is not entirely satisfactory as to such disability, but I am inclined to give the claimant the benefit of the doubt. 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, August 6, 1932.

CASE 1993—CYKIL NAPOLEON GERVAIS

Claimant was a Private in the 4th C.M.R.—Regimental No. 113242. He enlisted July 26, 1915, at the age of 17 years, and was taken prisoner June 2, 1916, suffering with a bayonet wound in the knee and received a blow in the side from a rifle butt after capture. He was repatriated to England December 4, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$45 per month for himself and family, based on chronic bronchitis. He was married June 26, 1919, and has five children. Prior to enlistment, he worked with his father on a farm and is now on a homestead but is not doing very 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 work in the coal mines where he was injured in a fall of coal and was kicked on the

nose. It was broken and still affects respiration. Also received a kick in the side of the head injuring the right ear. Was subjected to solitary confinement in a cell dripping water, after attempts to escape.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, whence, after a short period without incident, he was transferred to Recklinghausen. He worked in the coal mines for two months, when he met with an accident through the fall of coal. While lying in the debris he declares that he was kicked or hit on the ear and nose by a guard, who blamed him for the fall of coal. His nose was broken and his ear injured. Sent to hospital, he was fairly treated. Returned to the mine upon discharge from hospital, claimant was soon transferred to Munster No. 2, thence to Dulmen to convalesce, where he was compelled to work while unfit. After a short time at Staümühle, claimant was sent to Niebeckum to work in a stone quarry. He made attempts to escape, received the usual confinement to cells, and for refusing to disclose where he had obtained maps, etc., was confined in a wet cell, and when released was sent to hospital. As a result of these experiences, claimant complains of his side (this was a service injury), rheumatism, defective hearing, deviated septum and bronchitis.

The medical record indicates that claimant suffers from chronic bronchitis and partial loss of hearing in right ear. His percentage of disability is stated at 60 per cent in his own calling and at 70 per cent in the general labour market. Dr. A. R. Richards, who certifies to the foregoing, did not appear before the Commission, but there have been filed further medical certificates; one from Dr. E. T. Wood, confirming the bronchial condition and referring to rheumatism and the injury to the nose and ear; two from Dr. W. L. Higginson tending to show that claimant's condition is becoming aggravated; together with a record of treatment for bronchitis from April, 1919, to September, 1928, by Dr. W. H. Gauthier. Claimant's medical files show nothing unusual.

I have been in some doubt as to whether the injury to claimant's nose and ear occurred in the manner stated. It may have occurred in the accident which befell him. As to his remaining disabilities, these are of a general nature and cannot, in my view, be ascribed to maltreatment whilst a prisoner of war. After very careful consideration I have decided to give claimant the benefit of the doubt as to the injury to his nose and ear, and to find that these disabilities are the result of maltreatment. 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, August 8, 1932.

CASE 2499—HARRY GRIMSDALE

Claimant was a Lance-Corporal in the 13th Battalion—Regimental No. 24353. He enlisted in August, 1914, at the age of 29 years, and was taken prisoner April 22, 1915, during the second battle of Ypres, suffering with gunshot wounds in both legs and gas. He was released to Holland in June, 1918, and repatriated to England November 23 of that year. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a foreman in a glass works at \$30 per week and is now in business for himself dealing in art glass, but business is very bad at the present time.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, hard labour in stone quarries and salt mines. Had his thumb broken in the quarry. Developed rheumatism, salt sores and general debility.

An analysis of the evidence reveals:—

Claimant lay on the field, wounded, for two days before being taken to a hospital near St. Julien. He complains that he was kicked before admission to hospital and had two ribs broken for refusing to get up. Sent to hospital at Ohrdruf for two months, he has no complaints as to his treatment. From Gottingen camp claimant was sent to a stone quarry where his thumb was injured holding a drill by a sentry. Claimant declares that the blow was deliberate. He received no medical attention for the injury and a permanent disability has resulted. Sent back to camp, he was then transferred to salt mines, where he worked for six months. His story of the treatment here is consistent with the mass of evidence we have as to conditions in the salt mines, except that claimant escaped much of the physical abuse reported by other prisoners. The long hours, poor food, exposure to the wet, brought on rheumatism and indigestion from which claimant still suffers. He was sent to Erfurt, followed by Langensalza, and as an N.C.O. who refused to volunteer to work, was given long hours of punishment striding to attention. He was then sent out on a farm and has no complaints.

The medical evidence indicates that claimant suffers from "chronic rheumatism involving the legs, the knees and ankles and traumatism to left thumb with osteo-arthritis changes causing weakness and inability to grasp with thumb and first finger." His percentage of disability is stated at 50 per cent. Dr. A. A. Mackay, who certifies to the foregoing, also appeared before the Commission. He knew claimant before the war and is quite definite as to his present disabled condition. Although the symptoms are mainly subjective and the origin of his disabilities may be nutritional, Dr. Mackay seems to regard the condition of general debility as due to claimant's experiences as a prisoner. Claimant's medical history files show nothing unusual.

Claimant's experiences in the salt mines were similar to those of other prisoners and I should be surprised indeed to find that his health had not been impaired thereby. Moreover, he has some, if slight, disability to his thumb, which occurred as the result of—to say the least—culpable carelessness on the part of the guard. On the whole, principally upon the ground of six months spent in the salt mines, I have reached the conclusion that claimant has been successful in showing a present 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, September 6, 1932.

CASE 2405—ALEXANDER HALL

The claimant was a Private in the 4th C.M.R.—Regimental No. 113271. He enlisted in August, 1915, at the age of 24 years. He was taken prisoner June 2, 1916, unwounded, and was repatriated to England December 13, 1918. He is not in receipt of disability pension, but states that he proposes to apply for one. He is married and has two children, aged 20 and 16 years respectively. Prior to enlistment, he was a fireman on the G.T.R., at a salary of \$40 per month. He is still so employed, at a present salary of \$1,700 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent beatings, and that on one of these occasions he was rendered unconscious. He alleges

also that he received a bayonet stab in the arm. He complains that he received no proper medical attention for a broken pelvis bone and hip, sustained in an accident in a coal mine, with the result that he still suffers from the non-setting of the fractures.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he remained 3 months. He was made to drag a wagon a distance of $1\frac{1}{2}$ miles, twice daily and was beaten for not working fast enough. He complains also of being made to wear wooden sabots. Claimant was then sent to the coal mines at Ospel, where he remained until April, 1918. Made to work in the mines, he was beaten and declares that he was wounded in the arm by a bayonet in the hands of a guard, without however any permanent injury resulting. Claimant was provoked by a guard, struck him, was informally tried, sent to cells and while there was beaten into unconsciousness with a rubber hose. In an accident, a coal truck struck claimant, injuring his hip—the pelvis and hip bones being broken. He was abused and beaten for refusing to work with this injury. Sent to hospital, at Dortman, he remained 3 months. Claimant contends that the bones were not set and that he is left with a disability he would not otherwise have had. Upon discharge from hospital, claimant was sent to Munster, where he was put to work in the parcels office. After a month, he was transferred to Mannheim, and notwithstanding his protests that he was unfit, was made to work. Claimant's chief complaint is as to the lack of proper treatment for his hip. He made no complaint of this injury upon discharge but has produced a certificate from his employers to the effect that the records do not disclose any industrial accident while with them.

The medical evidence indicates that claimant suffers from a fractured pelvis and hip. Dr. W. Ross Walters, who certifies to the foregoing, also appeared before the Commission. He regards the condition as "more of actual discomfort than of actual disability" and does not consider that the disability prevents claimant from doing his regular work. Claimant's medical history files show nothing unusual; there is no mention of the hip injury.

I am not convinced that claimant has suffered any serious disability as a result of his experiences whilst a prisoner. Having regard, however, to the fact that he spent over two years in the coal mines and was certainly exposed to very brutal treatment, as to which there is some corroboration in the testimony of a fellow prisoner, I am inclined to give claimant the benefit of any doubt there may be and to find that he has suffered some disability as the result of 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, October 3, 1932.

CASE 2431—EDWIN HARDING

Claimant was a Private in the 4th C.M.R.—Regimental No. 113274. He enlisted June 22, 1915, at the age of 16 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 7, 1918. He is not in receipt of pension but has an application pending. He was married in 1925 and has two children. Prior to enlistment, he was a steamfitter apprentice, earning five or six dollars per week, and since discharge has had various positions and is now working two or three days per week at truck driving, averaging about \$6 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, labour in coal mines where his eyesight became affected by the coal dust and he has been handicapped by poor eyesight ever since.

An analysis of the evidence reveals:—

Claimant spent about two months at Dulmen camp, where his only complaint is as to the frequent inoculations he received. Removed to Minden for a short time, he has no complaints. This was followed by a munitions factory at Milspie (sic) where he was beaten for refusing to work. Sent on to Munster, claimant was transferred to Fredericksfeld, and sent out on a working party to Government coal mines, where he remained for about 17 months. He speaks of the conditions as particularly harsh, and was frequently beaten for not doing the required work. He points to scars on his hands as evidencing these beatings, but stresses particularly one occasion, during which he was struck in the face and right eye. He has suffered from defective vision ever since, which is gradually becoming worse. He declares that the injury became septic and that he still has a mark in his eye. Apart from reference to an injured knee, the result of an accident, claimant attributes to his experiences in Germany a condition of nervousness, which interferes with his earning capacity. While claimant made no mention of these troubles upon discharge, corroboration is furnished as to the major incidents complained of, by a fellow prisoner (Geo. Stephens No. 1915).

The medical evidence indicates that claimant has sustained an injury to his eye and suffers from general nervousness and weakness. His percentage of disability is stated at 80 per cent in his own calling and at 75 per cent in the general labour market. Dr. Noble Black, who certifies to the foregoing, did not appear before the Commission. There is filed of record, certificate from the T. Eaton Co., optical department, to the effect that claimant has very poor vision, his right eye being 20/50 and his left eye 20/80. His former employees also advise that he was compelled to leave his employment as a truck driver because of his poor eyesight.

The evidence as to the cause of the alleged eye disability is not satisfactory and were it not for the fact that claimant spent so long a period in the coal mines, I would not be inclined to find in his favour. Claimant's story was told in a frank and convincing manner, and the corroboration furnished by a fellow prisoner substantially bears him out. Having regard to the circumstances noted, I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 19, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 10, 1932.

CASE 2593—VINCENT GEORGE HOWARD

Claimant was a Private in the 15th Battalion—Regimental No. 27205. He enlisted in August, 1914, at the age of 20 years, and was taken prisoner April 24, 1915, at the second battle of Ypres, wounded in the head and suffering from gas. He was repatriated to England, through Switzerland, on December 9, 1918. He applied for disability pension on the grounds of chronic nervousness and heart trouble, but his application was rejected. He was married in 1925, and has two children, aged 6 years and 8 months respectively. Prior to enlistment, he was working in lumber camps, at about \$30 per month and his keep. For the last 3 years he has been in the employ of the Canadian Aluminum Co., earning about \$15 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He declares that he was struck in the face with a rifle butt, as a result of which a front tooth was smashed, and that on frequent other occasions he was severely beaten. He states that he was compelled to do heavy work in the salt mines for 1½ years, on inadequate food, and against the Doctor's orders, as he was then suffering from the breaking out of a head wound he had received some time before his capture, but which at the date of capture, had apparently healed.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp, but previous thereto, shortly after capture, was hit in the mouth by a guard, knocking out one of his front teeth. After a short time at Cellelager, claimant was sent to the ill famed salt mines at Beienrode (parent camp, Hameln). According to the testimony of a fellow prisoner, claimant was more roughly handled than other prisoners. There is an abundance of evidence as to the cruelty and maltreatment accorded to prisoners in these salt mines and claimant's story is quite consistent with such evidence. He spent 1½ years at Beienrode, under conditions of hardships and maltreatment which it is unnecessary to detail. He was finally transferred to Switzerland as medically unfit. He complains that his health has been affected, that he suffers from his heart, due to the hard work and ill treatment.

The medical record indicates that claimant suffers from disordered action of the heart, which is attributed to his work in the salt mines. He is nervous and has lost a front tooth. Dr. Robert E. Johnston, who certifies to the foregoing, also appeared before the Commission and confirmed the statements contained in his certificate, declaring claimant to be suffering from functional nervous debility, and expressed the opinion that his condition may well have resulted from the experiences related by claimant. Claimant's medical history files do not contain anything unusual.

In this state of the record, I have very little hesitation in reaching the conclusion that claimant was subjected to maltreatment which has resulted in injury to his health. His present condition may be more or less general, but I should be surprised to find that he had emerged from Beienrode salt mines without disability. As stated in other cases, those claimants who had to endure the brutal treatment of the salt mines, have almost all come out impaired in health. I regard claimant as no exception. I would, accordingly, 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, October 8, 1932.

CASE 2591—WILLIAM HUMES

The claimant was a Private in the 2nd Tunnelling Co.—Regimental No. 503296. He enlisted February 5, 1915, at the age of 48 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England on December 16, 1918, and is in receipt of a disability pension, amounting to \$40 per month, based on heart trouble, tremour of the hands, and has post war sciatica. He is married, and has 3 children, the youngest aged 19 years. Prior to enlistment, he was a miner, earning about \$6 per day. Upon his discharge he resumed that occupation, at about \$5.20 per day, until the accidental breaking of a leg compelled him to give it up. Since then, he has done only infrequent light work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the heavy nature

of the work he was compelled to do for more than 2 years in a coal mine, and of inadequate food. He complains also of improper medical treatment given him when he suffered an accident whilst at work in the coal mines.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp. His only complaint here is as to the nature of the work he was made to do upon the latrines. Removed to Ospeell coal mines, claimant worked under-ground for 2 years and 8 months under conditions of great hardship. He met with an accident, his hand and leg being injured, but was denied medical attention. His statement of rough treatment is corroborated by a fellow prisoner (Hall, case 2405). It is mainly of the hard work and poor food that claimant complains, also the disablement of his hand. He now suffers with his heart.

The medical record indicates that claimant suffers from tremour of right hand, arterio sclerosis, disordered action of the heart, possibly angina pectoris and general weakness. 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. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show disordered action of the heart with post discharge sciatica. It would appear that claimant suffered with his heart prior to enlistment.

Were it not for the fact that claimant spent over two years in the coal mines under conditions of great hardship and brutality, I would not be inclined to favour his case. He is, at present, 64 years of age, and must expect advancing years to take their toll. In ordinary circumstances his claim would be purely a matter for the consideration of the Board of Pension Commissioners. For the reason stated, however, I have reached the conclusion that he is entitled to an award and 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, August 6, 1932.

CASE 2409—HARRY MEDHURST JOHNSON

Claimant was a Private in the 75th Battalion—Regimental No. 681576. He enlisted in March, 1916, at the age of 32 years, and was taken prisoner April 9, 1917, at Vimy Ridge, un wounded. He was repatriated to England December 9, 1918. He is not in receipt of pension, and states he does not intend to apply therefor. He is married, and has one child, aged 20. Prior to enlistment, he was in the employ of the City of Toronto, at a salary of \$15 per week, and is still so employed, at a salary of \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of inadequate food, beatings, and that he was compelled to work under the fire of his own guns.

An analysis of the evidence reveals:—

After a few days at Douai and Fort MacDonald, at Lille, claimant was sent out to work close behind the lines, where he remained for 11 months, when he was finally taken to hospital in a weak and emaciated condition. He tells the familiar story of starvation, beatings, exposure and heavy work. During this time claimant was exposed to shell fire from our own lines. He was employed in digging trenches and gun pits. He, with others, was compelled to sleep in the open and in basements. There is an abundance of evidence as to the hardships these prisoners were compelled to undergo close behind the lines

and the story told by claimant is consistent with such evidence. He now complains of a cyst on the right arm and a hernia, the latter of which is his main disablement.

The medical evidence indicates that claimant suffers from a left inguinal hernia and lipoma on medial surface of right arm. His percentage of disability is stated at 25 per cent in the general labour market. Dr. D. C. Bastown, who certifies to the foregoing, also appeared before the Commission. He does not find any great disability in the arm condition, but declares the hernia to be disabling. He also notes a general nervous condition. Claimant's medical files show nothing unusual.

Were it not for the fact that claimant underwent the brutal and cruel treatment meted out to prisoners compelled to work close behind the lines, I would not consider that his case had much merit. In view of the fact stated, I consider that he is entitled to the benefit of any doubt there may be and while I am not entirely satisfied with the medical evidence made, I would yet 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, September 28, 1932.

CASE 1797—WILLIAM HENRY JOHNSTON

The claimant was a Private in the 47th Battalion—Regimental No. 490559. He enlisted in May, 1916, at the age of 34 years, and was taken prisoner October 26, 1917, at Paschendaele, suffering from bullet wound in the leg. He was repatriated to England January 10, 1919. He is in receipt of a disability pension, amounting to \$3.75 per month, based on "gunshot wound right leg." He is unmarried. Prior to enlistment, he was a Longshoreman and Labourer, earning about \$1 per hour, and since his discharge has been engaged solely in fishing. He does not state his income therefrom, but says it depends upon the price and the run of the fish.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his health has been impaired by reason of insufficient food. He also complains of being beaten.

An analysis of the evidence reveals:—

Claimant complains only of the treatment accorded him on Nordenev Island, where he remained about four months. The conditions as described by him in statement upon repatriation and recounted in his evidence, were very severe. The prisoners were forced to work in water for nine or ten hours a day, building a breakwater, and received practically no food. It is said that their rations were stolen and sold to civilians. Out of 135 prisoners on Nordenev Island only 89 survived. A suggestion was made that the British authorities, in recognition of the extreme hardships undergone by these prisoners, made a special grant to them. Inquiries have been made to determine the accuracy of this alleged grant, but the Commission has been informed that the British authorities have no knowledge thereof. Claimant spent some time in Germany after his experiences on Nordenev Island, but has no complaint as to his treatment. He complains that his stomach condition is impaired as a result of the starvation and hard work on Nordenev Island.

The medical record is incomplete. Claimant's medical files indicate that he sustained a gun shot wound in the right leg, for which he receives pension. There is also reference to an eye condition, which, however, is declared to be of pre-war

origin. There is nothing in the file substantiating any stomach disability, nor has claimant filed the usual medical certificate covering any present disability.

Claimant's evidence is substantially in accord with the statement made by him upon repatriation, and I have no doubt that the conditions under which he was held at Nordeney Island were of the harshest nature, the prisoners being deliberately starved. As explained in general Opinion annexed to my earlier report upon maltreatment cases, lack of proper food cannot be regarded as maltreatment, but when such treatment becomes deliberate, I think it may be so classed. While the medical evidence as to the injury to claimant's health as a result of this treatment is not satisfactory, I am inclined to give him the benefit of the doubt, and to find that he has suffered some disability due to maltreatment. 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, August 7, 1932.

CASE 2426—ALFRED WILLIAM KILPATRICK

Claimant was a Private in the 4th C.M.R.—Regimental No. 113340. He enlisted July 31, 1915, at the age of 18 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 2, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a clerk with a music supply company, earning \$10 per week and is now a railway express messenger, at \$150 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the bad food, stoppage of parcels, 19 months labour in the coal mines with frequent beatings, was struck over the head with a lamp and received a kick in the left testicle.

An analysis of the evidence reveals:—

Claimant spent the first 8 months of his captivity at Dulmen and Minden camps, where, except for the food, he has no complaints. Removed to Westerholz, he worked under ground for 19 months, in the coal mines, where he was beaten and kicked for refusing to do the work required. He speaks of being made to run the gauntlet between guards with rubber hose in their hands and suffered bruises and marks as a result. This apparently was for absenting himself from work. For an attempted escape, he was beaten and kicked, stating that he received a blow in the testicles, which has left him with hydrocele. He also complains of a hernia, which he attributes to the heavy labour he was compelled to do. This ailment, however, only developed a month after discharge. Claimant also refers to the familiar punishment of "stillstand", which was practised on Sundays, over long periods. Apart from these disabilities, claimant speaks, in a general way, of some nervousness.

The medical evidence indicates that claimant suffers from hydrocele of cord left side and inguinal hernia right side. 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. E. L. Stall, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer to the hydrocele as slight with no disability. There is no mention of the hernia, (which developed only after discharge).

Were it not for the fact that claimant spent 19 months underground in the coal mines, as to which we have an abundance of evidence of maltreatment, I would be inclined to say that he had failed to show such a disability as would entitle him to an award. Having regard to his experiences in the coal mines, I

consider that it is a fair inference, following his testimony, that claimant was subjected to maltreatment, which has resulted in some disability. 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.

OTTAWA, October 16, 1932.

ERROL M. McDOUGALL,
Commissioner.

CASE 2461—RAYMOND ATKINSON LOCKWOOD

Claimant was a Corporal in the 18th Battalion—Regimental No. 775516. He enlisted December 7, 1915, at the age of 21 years, and was taken prisoner November 12, 1917, at Paschendaele, suffering with shrapnel wound in the left leg and slightly gassed. He was repatriated to England December 27, 1918. He is not in receipt of pension. He was married in June 1919 and has two children. Prior to enlistment, he was a box factory foreman at \$18.00 per week, and for six years previously a cement finisher at 65 cents an hour. He is now employed at a drug store soda fountain, earning \$25.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, labour in the salt mines where he was struck a blow in the leg with a rifle. The wound festered and he still carries the scar.

An analysis of the evidence reveals:—

Claimant was a prisoner for about a year, the first few weeks whereof were spent at Dulmen, Saltau and Hestenmoor, as to which he has no particular complaints, except as to the food. When it was discovered that claimant was not an N.C.O. as he pretended, he was sent to the salt mines, near Wahling, where he remained about nine months, six months working underground and three above. Here he complains generally of the rough treatment, blows and abuse. He declares that after he had fainted, on one occasion, he was struck on the leg with a bayonet by an officer. A comrade thus explained the bruise on claimant's leg. He suffered from salt sores, for which he received no treatment, and still bears the scars left thereby. Claimant found that by fainting he could escape the heavier work, and resorted to this expedient on several occasions. He complains now of constipation, general nervous debility and insomnia.

The medical evidence indicates that claimant suffers from "ar neurosis, 25 pounds underweight, anaemic appearance, moderate nervous impairment of speech, insomnia, nightmares, indigestion (severe); excitable, lack of nervous control, irritable." 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. H. A. Elliott, who certifies to the foregoing, also appeared before the Commission. He confirmed the diagnosis contained in his certificate, and expresses the opinion that claimant's nervousness could well result from the experiences recounted by claimant. Claimant's medical history files reveal nothing unusual.

Were it not for the fact that claimant spent nine months of his period of captivity in the salt mines, as to which we have an abundance of evidence of maltreatment, I would be inclined to regard his case as one solely for the consideration of the Board of Pension Commissioners. Having regard to all the circumstances, I have reached the conclusion that claimant sustained some disability as the result of maltreatment whilst a prisoner of war. 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.

OTTAWA, August 17, 1932.

ERROL M. McDOUGALL,
Commissioner.

CASE 2278—WILLIAM LUNDIUS

The claimant was a Private in the 15th Battalion—Regimental No. 27505. He enlisted in August 1914 at the age of 24 years, and was taken prisoner April 24, 1915, at the second battle of Ypres. He was not wounded, but states he was suffering slightly from gas. He was repatriated to England December 31, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based on "neurasthenia." He is unmarried. Prior to enlistment, he was employed as fireman on the Great Lakes, earning \$40 and board per month. Since his discharge he has been periodically employed as a labourer, but is at present 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 of frequent beatings, and that he was compelled to work when he was physically unfit to do so.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he remained about two months. Removed to Celle, he was sent to the ill-famed salt mines at Beinrode. There is an abundance of evidence as to conditions at this camp, and claimant's experiences were similar to those of other prisoners. Claimant's health broke down and he was returned to Celle for several months. Here he worked upon the moors and describes his treatment as very rough. He was then sent to the Sarstedt salt mines, where he was beaten for an attempted escape and underwent the brutal treatment common in the salt mines. Sent to Hameln and a farm in the vicinity, he eventually reached another salt mine at Salberg, where the conditions were more harsh and cruel than any of the other camps. He was beaten, starved and denied medical attention. When the Armistice was declared claimant was at Hameln.

The medical record indicates that claimant suffers from neurasthenia. The Pension Tribunal decision is on file with the definite finding that claimant's condition is due to his experiences as a prisoner of war.

Claimant spent over two years of his period of captivity in the notorious salt mines—amongst others, Beinrode. It is not surprising, therefore, to learn that his health was injuriously affected. Having regard to the evidence before the Commission as to conditions in these camps, I have no hesitation in finding that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in disability to him. Viewing all the circumstances, I would recommend a payment to him of \$800.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920 to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 10, 1932.

CASE 2602—FRANK MATHESON

Claimant was a Private in the 13th Battalion—Regimental No. 24377. He enlisted in August 1914 at the age of 22 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 22, 1918. He is not in receipt of pension, was married in June 1920 and has three children. Prior to enlistment, he was employed as a locomotive fireman, earning \$75 per month, and is now in the same employment, earning about \$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 lack of food, exposure

due to insufficient clothing and labour in the salt mines, where he developed acne; also contracted diphtheria. Was put back to work while still weak from illness and contracted rheumatism.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he spent a few months without particular incident. He was then sent to the notorious Beinerode salt mines, where he remained for six months, until he escaped. He speaks of the conditions as harsh, but appears to have avoided much of the brutality to which other prisoners were subjected. Upon recapture, claimant was in close arrest at Gottingen, was transferred to Langensalza and worked in a sugar factory and was then sent to another salt mine (Walzenhausen, sic) for 14 months. He developed sores and still suffers from a severe form of acne. He contracted what he refers to as diphtheria, was in hospital undergoing treatment and has no complaint as to his treatment. While still weak, he was sent to Jenna (sic) and complains of the work in his weakened condition. He suffers from rheumatism which he attributes to exposure while working in the salt mines.

The medical evidence consists only in a letter from Dr. J. L. McIntosh to the effect that claimant has been under his care several times every year for rheumatism, acne, irregular action of heart and low blood pressure. Claimant's medical history files show nothing unusual.

Were it not for the fact that claimant spent about 20 months in the salt mines, I would be disinclined to give his case favourable consideration. He has not completed the usual documents, but his evidence is quite complete. While claimant appears to have come through the salt mines with comparatively little disability, I still regard him as entitled to an award, for reasons which have been explained in general opinion dealing with maltreatment cases, annexed to my earlier report. The evidence established some disability. 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, September 19, 1932.

CASE 2433—ALEXANDER MELLUISH

Claimant was a Private in the 15th Battalion—Regimental No. 27509. He enlisted in August 1914 at the age of 26 years, and 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, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$4.50 per month, based on gastritis. He was married in December 1918 and his wife died in April 1923, leaving him a widower with one child. Prior to enlistment, he was employed as a bricklayer earning about \$25 per week and is now following the same trade but cannot get steady employment. When working full time he earns \$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 being forced to work for 3½ years in the salt mines, where the work was too hard and when ill with influenza was compelled to continue work. He received the usual beatings and the food was so bad he suffered with gastric ulcers.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp, where he remained about a month. Removed to Cellelager, he was then sent, after a few days, to the salt mines at Beinerode for the remainder of this captivity. As in the case of other prisoners

who had the misfortune to be sent to these mines, claimant was subjected to brutal treatment, starved and made to work long hours. While unfit he was compelled to work long hours underground. There is an abundance of evidence as to conditions in this camp and it would be surprising indeed had claimant not sustained injury to his health. He now complains of rheumatism, stomach trouble, nervousness and his feet.

The medical evidence indicates that claimant suffers from gastric ulcers, neurasthenia, arthritis and myalgia. His percentage of disability is stated at 75 per cent in his own calling and at 50 per cent in the general labour market. Dr. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer only to gastritis.

While the evidence of permanent disability due to direct maltreatment is not strong in this case, I have come to the conclusion, as in the cases of other prisoners who were subjected to the treatment in the salt mines, that claimant is entitled to an award. Viewing all the circumstances of the case, and having regard to the observations contained in general Opinion annexed to my earlier report upon maltreatment cases, I would recommend payment to claimant of the sum of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10 1920, to date of payment.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, August 17, 1932.

CASE 2524—THOMAS MIDGLEY

Claimant was a Private in the 13th Battalion—Regimental No. 24511. He enlisted in August 1914 at the age of 36 years, and was taken prisoner April 24, 1915, during the second battle of Ypres suffering from a gunshot wound in the leg, and gas. He was repatriated to England December 24, 1918. He is in receipt of a 100 per cent disability pension, amounting to \$137 per month, based on asthma. Prior to enlistment, he was employed as a construction foreman at \$30 per week and is now unemployed. He was married at the time of enlistment and has nine children.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of solitary confinement, starvation diet, forced labour while unfit, labour in the salt mines for two years after refusing to work on munitions, and being kicked and beaten at the munition factory. Also had five teeth knocked out while being beaten, and had to stand at attention for long periods.

An analysis of the evidence reveals:—

Claimant's wounds were first attended at Roulers and he spent some time in hospital at Mecklenberg and at Altengraben, as to which he has no complaints, except that he was confined to cells for three days. Sent to Langenmoor, claimant was employed on irrigation work and was eventually sent to salt mines in Hanover, apparently as punishment for refusing to work on munitions. Here he complains of being made to work on Sunday and while he does not refer to any excessive brutality on the part of the guards, he complains of the heavy work, long hours and general punishment. Made to stand at attention until he collapsed, he was denied medical care. Claimant had several teeth knocked out during the course of a beating for refusing to work on munitions. Claimant also seems to have been in Bohmte camp. His story lacks somewhat in coherency, but it is substantially accord with statement made by him upon repatriation and may, I think, be accepted as fairly accurate.

Claimant has produced no medical evidence, but his medical history files indicate a condition of asthma for which he is in receipt of full pension.

The record is not complete, and were it not for the fact that claimant spent more than two years in the salt mines, as to which we have abundant testimony of maltreatment, I would be disposed to consider his case as covered by pension. Bearing in mind the absence of medical evidence, and, for reasons set out in Opinion annexed in my earlier report upon maltreatment cases, 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, October 3rd, 1932.

CASE 2414—VINCE L. NICHOLSON

The claimant was a Private in the 25th Battalion—Regimental No. 68095. He enlisted in September, 1914, at the age of 19 years, and was taken prisoner April 5, 1916, at St. Eloi, suffering from a slight shrapnel wound and broken shoulder blade. He was repatriated to England November 25, 1918. He is in receipt of a 10 per cent pension amounting to \$10 per month, based on myalgia (lumbar), myopic astigmatism and pyorrhoea. He was married June 23, 1929, and has no children. Prior to enlistment, he was at school and since discharge was employed as a gas-fitter but was out of work 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 beatings and kicks which permanently injured his hip. Was also compelled to labour in a stone quarry where he suffered great punishment.

An analysis of the evidence reveals:—

Claimant was a prisoner at Giessen and attached commandos. He made six attempts to escape and was severely beaten upon recapture. Upon his own admission he thought it his duty to give his captors trouble and became a marked man. He became a member of the group known as the "Iron Twenty", all of whom refused to be cowed by the guards and took all the punishment given them. They were truculent and intractable and the severest kind of punishment was visited upon them. Their organization and resource was quite remarkable in assisting prisoners to escape. I have no reason to doubt the story told by claimant, borne out, as it is, by the statements of other members of the group (Corker No. 2166) and even though claimant did bring upon himself much of the punishment, I regard the punishment as going beyond reasonable bounds. He was repeatedly struck and beaten and served punishment in dark cells to the lasting injury of his health. As a result of his experience he complains of a disabled hip and leg, the result of a particularly violent beating. He complains also of his nerves and stomach trouble.

The medical evidence in this case is very incomplete. There is not even the usual certificate of a physician and no such evidence was adduced before the Commission. Claimant's medical history files show an injury to the hip and some visual disability—though slight—and pyorrhoea.

Notwithstanding the absence of more direct medical evidence, I am of opinion that the record justifies a finding that claimant was subjected to maltreatment which has resulted in disability to him. His captors may have been entitled to punish claimant but they went beyond reasonable bounds. Viewing all the circumstances and in the light of other evidence made before the Commission as to the experiences of the group of which claimant was a member, I would recommend a payment to him of \$1,000 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, August 12, 1932.

CASE 2344—THOMAS PARTON

The claimant was a Private in the 7th Battalion—Regimental No. 23436. He enlisted in August, 1914, at the age of 28 years, and 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 is unmarried. Prior to enlistment, he was employed as a Motorman, earning about \$24 per week and since discharge has tried various jobs and was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which was resulted in pecuniary damage to him. He complains of starvation, beatings, being compelled to work in an underground mine and exposure to wet.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he remained about 10 months. His only complaint here is that he was placed in punishment barracks because he could not walk in wooden shoes. At Lichtenhorst, where he remained about a year, he was beaten and put in cells for refusing to work at cutting heather. He complains of the cells being infested with vermin to the knowledge of his captors. After a few days at Limburg, claimant was sent to an iron mine at I. leeder Hutte, where he spent 2 years, under conditions of brutality and harsh treatment with which we are familiar as existing in the mines. Claimant was beaten with bayonets for not accomplishing his allotted tasks, and, though ill, compelled to continue working. When he could work no longer he was thrown into cells, and hardly given enough food to subsist upon. As a result of these experiences he alleges that his "insides" have been greatly impaired and that he had to undergo an operation for ulcerated stomach.

The medical record indicates that claimant suffers from gastric ulcer, and underwent a gastro enterostomy, alleged to be due to poor food, living conditions and illtreatment. His percentage of disability is stated at 50 per cent. Dr. G. Clement, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files reveal nothing unusual.

Were it not for the fact that claimant spent two years in the iron mines, where conditions were particularly harsh and brutal, I would be inclined to say that he had failed to make out a case of maltreatment resulting in present disability. The evidence of his experiences in the mines, however, consistent as it is with the statement of other prisoners, who underwent similar experiences, leaves me with the conviction that claimant was subjected to maltreatment which has injuriously affected his health. The showing of disability is not very great, but viewing the case as a whole, I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920 to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 12, 1932.

CASE 2470—SAMUEL PEARCEY

Claimant was a Private in the 42nd Battalion—Regimental No. 418751. He enlisted May 1, 1915, at the age of 21 years, and was taken prisoner September 16, 1916, at Courcellette, suffering from a bullet wound in the left knee. He was repatriated to England December 22, 1918. He is not in receipt of pension. Was married in March 1919, and has three children. Prior to enlistment, he was employed as an oil refiner, earning from \$12 to \$15 per week, and is now engaged as a janitor at \$24 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 compelled to work in the salt mines and now suffers nervous disorders, indigestion and rheumatism.

An analysis of the evidence reveals:—

Claimant received but scant attention for his wounds at a dressing station, but eventually reached Gottingen camp, where he spent six months in hospital and apparently has no complaints as to his treatment. Sent to Langenselza, he was unfortunate enough to be transferred to the salt mines at Salsted, where he remained for the remainder of his period of captivity. His story of inhuman working conditions, accompanied by brutal treatment, is entirely consistent with other testimony brought before the Commission as to conditions in these mines. While he appears to have escaped the worst of the physical brutality and cruelty meted out to some prisoners, it is not surprising to find that his health has suffered from the treatment received. He complains of nervous indigestion and rheumatism, attributing the latter to the wet and unhealthy conditions underground in the salt mines.

The medical evidence indicates that claimant suffers from nervous debility and dyspepsia. His percentage of disability is unstated. Dr. J. R. McIntosh, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual.

Notwithstanding that evidence of present disability is slight, I consider that I am justified in reaching a finding in claimant's favour. As explained in general opinion annexed to my earlier report upon maltreatment cases, almost is it sufficient to justify an award for a claimant to show that he was held in the infamous salt mines. Claimant has shown some impairment to his health, and 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, September 15, 1932.

CASE 1995—FRANK G. PINDEP.

Under date of November 30, 1931, decision was rendered in this case disallowing the claim on the ground that the evidence did not disclose that the disability of which claimant complained was the direct result of a blow received by him in the face while a prisoner in Germany. The decision is contained in my earlier report upon maltreatment cases.

The claimant has alleged that he was unable at the time of the hearing to bring forward the evidence necessary to establish his claim, and has filed an affidavit averring that there has been a consequent miscarriage of justice. I have been directed, in such cases, to hear applications for the admission of such new evidence with a view to reconsideration of the claim. In the present case the claimant has effectively shown that, at the time of the first hearing, he was unable to complete the record.

The evidence which he now makes, consisting in the affidavits of a number of fellow prisoners who either witnessed the blow in the face or saw his condition immediately thereafter, in my opinion conclusively corroborates the fact of the blow. He has also brought forward medical testimony establishing the injury resulting from the blow and continuity thereof from the time of the incident to the present date. Had such evidence been made before me at the time of the original hearing, I have no hesitation in saying that the result would have been different. It is definitely established by the evidence of Dr. W. E.

Wilkes that claimant is greatly disabled and incapacitated owing to a more or less permanent sinusitis and Dr. Wilkes expresses the opinion that the present condition may well have resulted from the blow referred to.

In these circumstances, I am clearly of opinion that claimant has established the essential factors entitling him to an award, namely, maltreatment whilst a prisoner of war with resultant disability. Having regard to the evidence as now made, 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 18, 1932.

CASE 2352—VICTOR ALBERT PRITCHARD

Claimant was a Private in the 75th Battalion—Regimental No. 139165. He enlisted July 12, 1915, at the age of 23 years, and was taken prisoner June 8, 1917, during a raid. He was not wounded but was knocked unconscious in some manner unknown to him. He was repatriated to England December 27, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$21 per month, based on chronic pleuritis. He was married in April, 1919, and has three children. Prior to enlistment, he was employed as a bar tender and also as a painter and decorator, averaging about \$25 per week and since discharge has been unable to hold any position on account of physical disability. Does odd jobs and peddling, averaging from \$8 to \$10 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, beatings, exposure, stoppage of parcels. Developed tuberculosis and was sent to the tubercular huts where he lived for a time and was then put on farm work. Took pleurisy and received no medical treatment.

An analysis of the evidence reveals:—

After being taken to Douai for a short time claimant was included in a reprisal party and sent out to work close behind the German lines, engaged in demolishing buildings. He tells the familiar story of cruelty and hardship and deliberate starvation related by other prisoners who were so unfortunate as to encounter this treatment. He appears to have had 7 or 8 months of this work and it is surprising that he was able to withstand the strain. He was beaten, forced to work for long hours when unwell and was exposed to shell fire from our own lines. Finally taken back into Germany, it is not difficult to picture his condition as pitiable. He was at Schneidmühl and Altdamm and was so weak and emaciated that he was sent to a tubercular hospital for 7 weeks and then to a farm. Seeking to protect his face with a handkerchief from the lime dust he was unloading, he was beaten by the guard and the pad torn away from his face. Later, at another camp, claimant was given a period of rest, but contracted the flu and received no medical attention therefor. He was operated upon for pleurisy, without anaesthetic, and finally found himself at Stettin, as to which he has no complaints. As a result of his experiences, claimant complains of his nerves and a chest condition.

The medical evidence indicates that claimant suffers from "chronic pleuritis" (following pleurisy with effusion) of both lung bases with some subsequent debility. His percentage of disability is stated at 15 per cent. Dr. T. A. Carson, who certifies to the foregoing, as being taken from claimant's medical documents, did not appear before the Commission, but the medical documents referred to and which are filed fully bear out the diagnosis.

I cannot say that claimant's testimony was very impressive, but having regard to the abundance of evidence furnished by other prisoners who were made to work behind the lines, I am satisfied that claimant was subjected to maltreatment whilst a prisoner of war (see notes on this subject in general Opinion annexed to my earlier report on maltreatment cases). It is also established that he suffers a present disability and I am of opinion that the relationship between the two has been proven. Having regard to all the circumstances, 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, August 17, 1932.

CASE 1914—CHARLES ROBERTSON

Claimant was a Private in the 15th Battalion—Regimental No. 27249. He enlisted in August, 1914, at the age of 20 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a touch of gas. He was repatriated to England December 27, 1918. He is in receipt of a 7 per cent disability pension, amounting to \$10 per month, based on neurasthenia and otitis media. He was married November 27, 1924, and has no children. Prior to enlistment, he was an apprenticed steamfitter, earning about \$10 per week, and is now employed at light labouring, averaging about \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour, injury to his stomach due to a fall in the stone quarries, exposure in wet clothes, causing rheumatism, eight months' labour in the salt mines, blows from rifle butts and nervous and digestive disorders, so that he is unable to follow his trade.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he complains only of being compelled to wear wooden clogs and the poor food. He was then sent to Hameln camp, to which he appears to have been attached for the remainder of his captivity, but was sent out upon a number of working parties. He complains of exposure while working at a tin factory and heavy punishment for minor infractions of discipline. At a stone quarry the work was very arduous. He had a fall, injuring his stomach, and though allowed to rest, he complains that he received no proper medical treatment for this injury. He was off work for about seven months. Next sent to a farm, claimant attempted to escape and was given the usual 14 days' confinement to cells. After varied experiences at various camps, all of which claimant characterizes as rough, he again injured his stomach at a sand pit, and spent some time in Hildesheim hospital. He was eventually sent to the salt mines at Vogelbeck, where he speaks of the treatment underground as very brutal and the work too heavy. He was beaten about, denied medical treatment, and suffered severely from exposure and exhaustion. As a result of these experiences, claimant complains of his stomach and his nerves.

The medical evidence indicates that claimant suffers from "neurasthenia—moderate," with some visual disability. His percentage of disability is stated at 50 per cent in his own calling and at 25 per cent in the general labour market. Dr. Vincent W. Weirs, who certifies to the foregoing, did not appear before the Commission, but the report of a very full examination of claimant made through the medical service of the Veteran's Bureau has been filed, confirmatory of the diagnosis furnished by Dr. Weirs. Claimant's medical history files also indicate

a neurasthenic and ear condition, which is related to service with origin given as Germany.

From claimant's testimony it appears that he is dissatisfied with the pension he receives and that he is mainly anxious to have it increased. There is in the record undoubted evidence of rough and even violent treatment whilst claimant was held a prisoner. The difficulty, however, is to connect claimant's present disabilities with such treatment. Were it not for the fact that claimant spent the last eight months of his period of captivity in the salt mines, I would be inclined to regard his case as one solely for the consideration of the Board of Pension Commissioners. We have such an abundance of evidence of brutal and cruel treatment in the salt mines (see Opinion annexed to my earlier report upon maltreatment cases) that I consider whatever doubt exists should be resolved in claimant's favour. I, accordingly, conclude that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in some disability, and 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, October 13, 1932.

CASE 2311—WILLIAM BROWN ROSS

Claimant was a Sapper with the 2nd Engineers, Tunnelling Company—Regimental No. 503430. He enlisted November 16, 1915, at the age of 27 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension, was married in November, 1919, and has three children. Prior to enlistment, he was employed as a box car loader at \$3.60 per day and is now unemployed but gets occasional work in a boiler shop, as riveter, at sixty cents an hour.

He alleges that while a prisoner he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of loss of belongings, jewellery and cash, was forced to work in the coal mines where he was beaten, then transferred to the coke ovens where his eyesight became impaired due to beatings and the intense heat; was compelled to stand to attention for long periods, was deprived of food parcels and suffered injury to his feet from the heat in the coke ovens.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he remained from two to three months. He complains only of the food. Removed to camp K 47, he was compelled to work in the coal mines until shortly before the Armistice. He was made to stand to attention for long hours for refusing to work, was forced down the mines, beaten and kicked. Finally about 6 months before the Armistice, he was taken out of the mines and made to work in the coke ovens. He was beaten by the guards, had his nose cut and one tooth knocked out. He was also confined to cells on bread and water for the same refusal to work, as also for an attempted escape. He was sent to Senne lager, where he was in hospital. As a result of these experiences, claimant complains of his stomach, eyesight and the condition of his feet, all of which he attributes to the work in the coal mines and coke ovens.

The medical evidence, consisting of the affidavits of Drs. J. J. Gillis, Geo. W. Everett and D. A. McLeod, indicates that claimant suffers from indigestion, symptoms of peptic ulcer, loss of all his teeth, gastritis and defective eyesight. His percentage of disability is variously estimated at 35 per cent. None of these doctors appeared before the Commission. Claimant's medical history files

show nothing unusual. Upon examination at the time of discharge, he was declared "all systems normal."

Were it not for the fact that claimant spent so long a period of his captivity in the coal mines, I would be inclined to disallow the claim. We have abundant evidence, however, as to the harsh treatment received by prisoners at the coal mine in question. Having regard particularly to the cruelty of the work imposed in attending the coke ovens, I am of opinion that claimant has been successful in showing some disability resulting from maltreatment. 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, August 18, 1932.

CASE 2662—GEORGE SAUNDERS

Claimant was a Private in the 3rd Battalion—Regimental No. 9721. He enlisted in September, 1914, at the age of 28 years and was taken prisoner April 22, 1915, during the second battle of Ypres, unwounded. He was repatriated to England in January, 1919. He is not in receipt of pension, was married in December, 1919, and has three children. Prior to enlistment, he was employed in bridge building with the C.N.R., earning about 35 cents per hour. He is now employed as a labourer with the Consumers Gas Company, at 45 cents per hour.

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 in the salt mines, was beaten and received a blow on the shoulder with a rifle butt. Injured two fingers on the left hand which now prevent his closing his fist, also suffers from nervous trouble and indigestion.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, to which he remained attached for the greater part of his captivity. He was sent out on a working party, first to a mineral mine and later to a salt mine, where he remained, working underground, for fourteen months. During the course of his work he was beaten and forced to go down the mine, hit over the back and shoulder. The work was very heavy and claimant's story is in accord with the evidence of other prisoners as to conditions in the salt mines. His finger was injured in an accident, for which he received no medical treatment and he still suffers disability therefrom. He finally maimed himself in order to get away from this camp and was sent to Hameln and later to a farm, as to which camps he has no complaints. He now complains that his nerves are badly affected, and that he suffers disability in the right hand.

The medical evidence indicates that claimant suffers from pyorrhoea, which has affected his health seriously, that his nerves are badly shattered and he is troubled with indigestion. The first two fingers of his left hand have been injured and he cannot now close his fist, which interferes with his work. Dr. D. A. Murray, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files reveal nothing unusual.

Were it not for the fact that claimant served fourteen months of his period of captivity in the salt mines, the evidence of his present disability resulting from his treatment in Germany would be too general to permit of a finding in his case. As explained in general Opinion annexed to my earlier report dealing with maltreatment cases, those prisoners who served time in the salt mines practically all have a lasting disability which is attributable to their experiences in these mines. Having regard to all the circumstances, particularly the fact

of the brutal treatment in the salt mines, I am of opinion that claimant has made out a case, and I would recommend a payment to him of \$500, with interests thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 4, 1932.

CASE 2683—WILLIAM HENRY SHARPE

Claimant was a private in the P.P.C.L.I.—Regimental No. 51425. He enlisted November 2, 1914, at the age of 30 years, and was taken prisoner June 2, 1916, at Sanctuary Wood, wounded in the right leg and suffering from shell shock. He was repatriated to England November 23, 1918. He is in receipt of a 25 per cent disability pension, amounting to \$18.75 per month, based on neurasthenia. He had been married in 1911 and has one son, now of age. Prior to enlistment, he was employed as a sales manager at \$200 per month and since his discharge he has held different executive positions, receiving from \$200 to \$250 per month, but has been out of regular employment since June, 1931.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the bad food, and unsanitary living conditions. For an attempt at escape, he was sentenced to 14 days solitary confinement and received a bayonet wound in the right hand in trying to fend off a blow. He received no medical attention and the wound did not heal for six months. The third finger is now useless. Also suffers from neglect of hernia, the condition being aggravated by heavy lifting on a farm, and has poor teeth. Claims loss of personal property to the value of \$225.

An analysis of the evidence reveals:

Claimant was first taken to Dulmen camp, where he was employed as an interpreter in the post office. Apart from general rough treatment, he has no complaints. He was sent out to work on a railroad near Solingen, where he remained about a year. Recaptured after an attempted escape, claimant received the usual confinement to cells. Upon release, he engaged in an altercation with a guard, during the course of which, in seeking to ward off a blow from a bayonet, aimed at his neck, his hand was cut and the tendon of the finger severed. Medical attention was denied him and the wound was long in healing. It has left him with a permanent disability in that finger. This is the incident and injury chiefly stressed by claimant in putting forward his claim for reparations. Sent to Hervest Darsten, claimant served time at a number of farms and refers to the treatment as generally fair, but complains that a hernia condition from which he was suffering became aggravated by the heavy work and that he could get no medical attention for this very evident disability. The food furnished was very bad, but claimant frankly concedes that the Germans had nothing better for themselves. He is dissatisfied with his pension award and seems to have confused the functions of this Commission with those of the Board of Pension Commissioners. His claim may be resumed, in his own language, as follows: "None of my disabilities have any relationship to this Commission outside of the hand wound because that happened in Germany." A claim for loss of personal effects, failing corroboration, is not pressed.

The medical evidence indicates that claimant suffers from a marked state of general nervous debility, injured right hand showing severed tendons with loss of muscular power of ring finger, neuritis and stiffness right leg, dental caries and a dyspeptic condition. His percentage of disability is stated at 100 per cent. Dr. Neil McLeod, who certifies to the foregoing, did not appear before

the Commission. A further certificate of Dr. John T. Ryan is produced, to the effect that claimant was treated by deponent for neurasthenia and gastric neurosis, during the past five years (from May 27, 1932). Reference is also made to gunshot wound of right leg and bayonet wound of right hand and bilateral inguinal hernia. Claimant's medical history files are quite complete. The only mention therein of the injury to claimant's hand is that the disability is negligible.

Adopting claimant's own suggestion, the only disability which concerns us here is the injury to the hand, with consequent loss of the use of the middle fingers. Possibly also the hernia condition should be mentioned. His remaining disabilities are within the province of the Board of Pension Commissioners. The disability resulting from the hand injury is evident and though in his particular vocation it may not constitute a very serious handicap, I do not think it should be entirely overlooked. I confess that I have been in doubt both as to manner in which the injury was inflicted and the present disability resulting therefrom, but, from claimant's evidence, I believe that the doubt should be resolved in his favour and I am prepared to find that the injury was caused in the manner stated and that it constitutes maltreatment suffered by claimant whilst a prisoner of war. The condition of hernia referred to by claimant has not been shown to have resulted from maltreatment. In its inception it predated his capture. Viewing the case as a whole, I would recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 6, 1932.

CASE 2546—FREDERICK SIDNEY STEVENS

The claimant served with the Imperial Forces, having been a Private in the Queen's Royal West Surreys—Regimental No. 8551. He was a reservist, who came to Canada in March 1914 and was in Chapleau, Ontario, with the Canadian Pacific Railway Police. He was recalled to the colours in August 1914, being then 26 years of age. He was taken prisoner October 31, 1914, during the first battle of Ypres, suffering with a slight flesh wound. He marched into Holland when he heard that the Armistice was signed, in November 1918, and reached England about the end of that month. He was at one time in receipt of a 20 per cent disability pension, being about \$7.50 per month. It has been discontinued. He was married in November 1919 and has one child and a widowed mother to support. Prior to enlistment, he earned \$60 per month as C.P.R. constable and is now an express wagon driver, at \$116.50 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, exposure, lack of clothing and forced labour for three years in the coal mines. Now suffers from stomach trouble.

An analysis of the evidence reveals:—

Claimant was taken prisoner early in the war and appears to have spent the first year of his captivity at a camp (unnamed) in the North of Germany. He was not called upon to work and complains only of the lack of food and inadequate clothing. He was then sent on to a coal mine near Dortmund, where he remained for three years. He complains of the treatment generally and relates one incident of being hit over the head by a guard with a piece of rock, which inflicted a painful injury at the time but does not appear to have left any disfigurement. While ill he was compelled to work, but complains of no other brutality. He remarks that prisoners who did what they were told "were alright." He

received his parcels through the Red Cross regularly. He now complains of his stomach and heart as affected by these experiences.

The medical evidence is very scant and consists in a certificate of Dr. C. H. McCreary to the effect that he has attended claimant during the five years preceding May 30, 1932, and found him suffering from "general and nervous debility, gastric attacks and erratic cardiac action." There is also filed report of the Life Extension Institute, Inc., of Chicago, attesting some digestive disturbance and a slight heart condition. Claimant's medical history files are not available.

While claimant appears to have come through his experiences in Germany with comparatively little disability, the fact is that he spent several years in the coal mines, as to which we have an abundance of evidence of maltreatment. The medical evidence does not disclose any considerable disability, but I think that the doubt should be resolved in claimant's favour. I accordingly find that claimant was subjected to maltreatment which has resulted in some disability. I would recommend an award 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. McDUGALL,
Commissioner.

OTTAWA, September 28, 1932.

CASE 2599—THOMAS TAYLOR

The claimant was a Private in the 3rd Battalion—Regimental No. 9730. He enlisted in August 1914, at the age of 26 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but gassed. He was repatriated to England December 31, 1918. He is in receipt of a 25 per cent disability pension, amounting to \$40 per month, based on arthritis, pulmonary tuberculosis and deafness. He was married in 1919 and has five children. Prior to enlistment, he was employed as linesman with the Bell Telephone Company, earning about \$1.65 per day and expenses. Since discharge he was employed in farming for eight years, worked in an automobile factory for two years, and has been unable to work at all, due to ill health, for the past three years.

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 unfit, in coal mines, sugar factories, stone quarries and salt mines, was beaten and was injured in the foot by a piece of iron thrown by a fireman.

An analysis of the evidence reveals:—

Claimant tells a very confused and incoherent story of his experiences as a prisoner. After capture, he was hit over the head and knuckles and was apparently taken to hospital at Giessen. He declares that he has had trouble with his head ever since the incident referred to. There was some question of his exchange as medically unfit, but he was sent to Gardelegen camp, where he was beaten, he declares, for frying fish against regulations. He seems to have spent time on a farm, a hotel, a sugar factory, and stone quarries, but his recollection of his movements and the treatment accorded him is very vague. Finally he was at Merseberg camp for about a year and complains of being beaten with a stick because he couldn't keep up with the work. A guard threw an iron bar, hitting him on the instep, but it is impossible to state from the record whether this caused any injury. Claimant complains of arthritis and inability to work.

Claimant relies upon his medical history and pension files to establish a disability. The condition of rheumatoid arthritis is described as of post discharge origin and referred to the Tribunal. This condition was attributed to a combination of infection from otitis media and lowering of resistance due to undernourishment and malnutrition while a prisoner. The medical opinion established the relationship between the condition and the period of imprisonment. The ear

condition, which was of pre-war origin, is declared to have been aggravated on service. Claimant is also shown to have pulmonary tuberculosis.

It is difficult to reach a conclusion in this case. Claimant's own testimony is unsatisfactory, not because of any wilful inaccuracy, but by reason of its unfortunate incoherency. Claimant's health is clearly impaired, but whether this condition can be ascribed to maltreatment whilst a prisoner is not so clear. The Pension Tribunal, on the medical evidence before it, found it to be so. In these circumstances, I think claimant is entitled to the benefit of the doubt. Bearing in mind that he is in receipt of pension, 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, August 11, 1932.

CASE 2496—ALFRED JOHN WILLIAMS

Claimant was an Imperial soldier, having served as a Private in the Lancashire Fusiliers—Regimental No. 5112. He came to Canada in January 1913. He was employed at sea when the war broke out and he worked his way to England and enlisted in August, 1915, at the age of 22 years. He was taken prisoner March 21, 1918, suffering from a bullet wound in the ankle. He was detained as prisoner behind the lines and was not taken to Germany. He was demobilized in England in February, 1919. He is not in receipt of pension and is still unmarried. Prior to enlistment, he was employed as a sheet metal worker, earning \$15 per week, and is now unemployed except as assistant to his father who is a tailor, at no fixed salary.

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 behind the enemy lines for nine months, continually exposed to shell fire and air raids. Also complains of lack of food and its bad quality, and suffers from neurasthenia.

An analysis of the evidence reveals:—

Claimant was never a prisoner in Germany. He was held close behind the lines working upon ammunition dumps, exposed to allied shell fire, compelled to work long hours and deliberately starved. His story is consistent with the evidence of many other prisoners who shared the same fate, and is also in accordance with official reports of the treatment accorded prisoners so held. Claimant was struck and beaten, and on one occasion received a blow from an officer over the eye, which has left a scar. His nine months of captivity under these conditions of cruelty and brutality was spent at Le Bain, Soissons, Namur and Charleroi. It is not surprising to learn that his health has been permanently affected. He complains of extreme nervousness and stomach disorders.

The medical evidence indicates that claimant suffers from "severe neurasthenia." His percentage of disability is stated at 50 per cent. Dr. F. J. Jackson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are not available.

Although a prisoner for 9 months only, it is beyond question that claimant was subjected to a very brutal form of maltreatment. Starved, beaten, exposed to unnecessary danger and made to work almost beyond human endurance, he was a physical wreck when released. I view this case as one involving maltreatment with resultant disability. Having regard to 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, October 2, 1932.

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