

## CASE 2671—WILLIAM GEDDES

Claimant was a Corporal in the 7th Battalion—Regimental No. 16856. 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 a bruised right arm. He was repatriated to England December 3, 1918. He is not in receipt of pension. Claimant did not complete the questionnaire form and did not appear before the Commission, at Victoria, at the time appointed for his hearing. His solicitors were unable to explain his absence. A statutory declaration was filed in May 1932 reciting the instances of maltreatment, but as this has not been followed up by corroborative testimony, and as claimant did not appear when notified to do so, the claim fails for want of prosecution, and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 28, 1932.

## CASE 2544—HERBERT GLOVER

Claimant was a Private in the 13th Battalion—Regimental No. 25036. He enlisted in August 1914, at the age of 29 years, and was taken prisoner on April 24, 1915, at the second battle of Ypres, wounded in the left foot. He was repatriated to England in November 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based upon the wound in his left foot. Claimant is married and has four children. Prior to enlistment, he was a boiler maker, earning about 25 cents per hour. He is now unemployed, but has been engaged as a welder, earning from 70 to 85 per cent per hour.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of ill treatment, which has affected his memory and capacity to work.

An analysis of the evidence reveals:—

Claimant spent the first ten months of his period of captivity at the Bruderhaus hospital, at Paderborn, where he received very good treatment. Sent to Senne lager, he remained a year, and complains only of the bad food. He was then transferred to a farm, where the work was hard and the hours long. At another farm, claimant was run over and injured his head, for which he received treatment in hospital. Upon recapture, after an attempted escape, claimant was sent to prison at Minden, where he was held for five weeks. He does not complain of any particular brutality but refers to the general treatment as rough. He completed his period of captivity at a flying field near Paderborn, without special incident. Claimant declares that he feels fairly well, but suffers from loss of memory and a nervous condition.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant does not appear to be disabled and looks in good health. Claimant's medical history files refer to the wound in the foot, otherwise he is declared to have been fit upon discharge.

Claimant was subjected to no particular maltreatment while a prisoner, and has quite failed to show a present disability resulting from his experiences while in Germany. He has clearly misapprehended the scope of the activities of this Commission. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 8, 1933.

## CASE 2688—JAMES WILLIAM GOODFELLOW

Claimant was a Private in the 15th Battalion—Regimental No. 27477. He enlisted in August, 1914, at the age of 22 years, and was taken prisoner April 24, 1915, at the second battle of Ypres, wounded in the right shoulder. He was repatriated to England in November, 1918. He is not in receipt of pension but has an application pending. Claimant is unmarried. Prior to enlistment, he was a shipper with the T. Eaton Company, earning \$10 a week. He is now unemployed.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of enforced labour while ill, confinement to cells and general physical abuse and deprivation of food.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen, where he received some treatment for his wound, but was made to work in a stone quarry. For being unable to work, he was punished by being made to stand to attention. Sent to Munster, he was employed at digging drains. While there was no brutality, he was forced to work when ill. Next, at Creste (sic), he complains of being made to work on Sundays. He was then sent to Bochum, where he remained until the end of the war, working in a steel foundry. He was confined to cells for refusing to work on munitions and complains of punishment standing to attention and general harsh conditions. As a result of these experiences, claimant declares that he suffers from bronchitis and recurrent boils and general debility.

The medical record indicates that claimant suffers from bronchitis, shortness of breath, insomnia and nervousness with some disability in the wounded shoulder. His percentage of disability is unstated. Dr. W. J. Henry, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, a condition of bronchitis and emphysema being under consideration by the Board of Pension Commissioners.

Claimant's case is purely pensionable in nature. He has not established a disability resulting from maltreatment whilst a prisoner. Whatever his disability, it is due to general conditions of camp life in Germany and cannot be ascribed to maltreatment, as explained in my earlier reports upon maltreatment cases. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 14, 1933.

## CASE 2632—WALTER JOHN GRAHAM

Claimant was a Private in the 8th Battalion—Regimental No. 848. He enlisted in August 1914, at the age of 28 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the leg and hand and suffering from gas. He was repatriated to England December 14, 1918. He is in receipt of a 60 per cent disability pension, based on bronchitis, gastritis and heart trouble. He was married in 1903 and has three children. Prior to enlistment, he was employed as a steamfitter, earning about \$4 per day, and is now farming.

He alleges that while a prisoner he was subjected to maltreatment which his resulted in pecuniary damage to him. He complains of hard labour in the coal mines while ill, lack of medical treatment, exposure, and coal dust in the mines which has affected his lungs.

Claimant was sent to Munster and shortly after to the coal mines at Dortmund. Here he became deaf, due, he alleges, to the constant noise. He was forced to work at the coke ovens and in the ash cellars. He had received no treatment for his wounds after capture and was compelled to work while weak and unfit. His chief basis of complaint is that the work around the coke ovens damaged his lungs and this, coupled with medical neglect, has left him incapable of continuing his former trade. A fellow prisoner, Harry Bryant, testified that he was with claimant at Dortmund and corroborates his story. The record also contains the declaration of Arthur H. Johnston, who did not appear, a fellow-prisoner with claimant, who corroborates the story of conditions at Munster and Dortmund. A declaration of Joseph H. Leonard is also filed, together with exhibits attesting to claimant's condition after his return to Canada and his inability to keep jobs due to illness.

No medical evidence was adduced or doctors' certificates filed, claimant relying on his Pensions and Medical history files. These show a moderate heart affection, bronchitis and functional gastritis.

The claim for impaired hearing has not been made out, nor do I think claimant has been successful in showing a present disability resulting from maltreatment. It is true that he spent some time in the coal mines, working on the coke ovens, but the medical evidence does not appear to me to justify a finding that he has sustained any disability resulting therefrom. I regard the case as covered by pension. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

#### CASE 2612—ALEXANDER PATERSON GRAY

Claimant was a Sapper in the 2nd Canadian Tunnelling Company—Regimental No. 503,217. He enlisted October 9, 1915, at the age of 28 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 9, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$40 per month based on impotence. He was married a second time in September 1927 and has no children. Prior to enlistment, he was employed as a blacksmith, earning about \$1,200 per annum, and is now following the same trade but also does acetylene welding. He earns up to \$1,800 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to the external genitals due to being caught in an electric drill while working as a prisoner. He underwent operations without anaesthetic, and complains also of confinement on bread and water and forced labour while ill.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and, after two months, was removed to Duisburg, where he remained nine months. He received confinement to cells for refusing to work. With another prisoner he was placed in charge of an electric drill, and, being unfamiliar with the work, an accident occurred when the drill caught in a cable, came up and injured his testicles. He was in hospital five months following this accident and was operated on, partly without anaesthetic. He was left helpless, without attention, all night, unable to get up, and when convalescent an orderly tried to make him carry stretcher cases but was stopped and rebuked by the surgeon in charge. Upon recovery he was sent to Munster No. 3 and reported sick several times but was sent back to work.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files relate to the condition of impotence, for which he is in receipt of pension.

The accident of which claimant complains may have been due to the carelessness of the authorities in putting green men to handle drills, but I do not think it can be regarded as maltreatment. Everything possible appears to have been done for claimant after the accident, though the treatment was rough. I consider that claimant's restoration to pension covers his case. As far as this Commission is concerned claimant has not discharged the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2529—ALEXANDER EDWARD GREEN

Claimant was a Lance Corporal in the 50th Battalion—Regimental No. 446201. He enlisted April 27, 1915, at the age of 21 years and was taken prisoner November 19, 1916, unwounded. He was repatriated to England in November 1918. He is not in receipt of pension, was married in January 1923 and has two children. Prior to enlistment, he lived with his people on a farm and is now farming for himself.

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 behind the lines, beaten, had his nose broken and ribs cracked and a twisted cartilage in the knee.

An analysis of the evidence reveals:—

Claimant was first held at work behind the lines, under shell-fire, and received a beating with a rifle in attempting to seize a pumpkin by the roadside. He sustained a twisted knee due to a small truck tipping from the rails on top of him, and went to hospital. At Minden, he received a beating and 48 hours' dark cells. He received another beating for being late for morning call. This was administered by rifle butts and he sustained a broken nose and cracked ribs. He received no medical treatment for these injuries. He remained at this camp until the end and states that his knee still troubles him but admits the injury was due to accident.

No medical evidence was adduced at the hearing, the record consisting of two certificates by Dr. A. C. Greenaway, indicating a partial dislocation of cartilage of the knee which condition repeats frequently, and dysentery. The disability is fixed at from 20 per cent to 25 per cent. A further certificate by the same physician indicates nervous irritability and recurrent attacks of dysentery. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

I have been in some doubt as to this case. Claimant testifies that he worked for from four to six months behind the German lines when he was captured, in 1916. This is most unusual, because, from official records, it was much later that the Germans resorted to this form of punishment for prisoners. Again, in his statement of claim he declares he worked behind the lines from November 20, 1916, to February 1917, which is not four months. Claimant has shown very minor disability as a result of his experiences, differing in this from other prisoners who were held behind the lines. On the whole, I cannot resolve the doubt in claimant's favour and must leave him to such other recourses as may be open to him. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 20, 1933.

## CASE 2757—DAVID TUDOR GRIFFITHS

Claimant was a Lance Corporal in the 8th Battalion—Regimental No. 1103. He enlisted in August 1914, at the age of 31 years (he was possibly 34 as he gave his date of birth as May 1880, upon attestation), and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the right leg, index finger left hand, lower abdomen and left leg. He was released through Holland October 6, 1916. He is in receipt of an 100 per cent disability pension, amounting to \$104.50 per month, based on amputation at the right thigh, duodenal ulcer and pulmonary tuberculosis. He was married in February 1919 and has no children. Prior to enlistment, he was employed as a grain buyer, at \$120 per month and is now a clerk, at \$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 improper medical treatment of wounds, causing amputation, and loss of property taken by his captors to the value of \$171.

An analysis of the evidence reveals:—

Claimant states he had his watch and other valuables taken after capture. Moved from a Belgian hospital, claimant was carried in a railway truck to Hoffjager, Magdeburg, where, he states, he was thrown from the carriage window to the platform. In hospital, he claims his wound was not treated, bandages were scarce and no splints were applied to his leg. He describes one feature of his treatment thus: "They could not afford to put a cast on it, and they nailed it to a board." (This refers to his knee). He remained here for nine months and asserts that he was threatened with shooting as a reprisal. Next, taken to Aachen, he was examined by the Swiss Commission but was held back for further operations and alleges that his condition was so disgraceful from a surgical standpoint that they were ashamed to transfer him. The burden of his whole complaint is that had he received proper treatment in German hospitals, he would not have lost his leg.

The military file contains a statement by claimant after repatriation which does not agree in many particulars with the story as now told. He has no complaints of the doctors, except one, whom, he states, was no good, but says instances of neglect can only be charged to understrappers and orderlies. The conditions at Aachen, he says, were infinitely better than at Magdeburg. No medical testimony was adduced at the hearing, the record consisting of lengthy military reports on file and a certificate by Dr. C. W. Burns indicating the loss of the right leg at the mid-thigh. He states that the leg was never attended properly and there is gross deformity and shortening. He fixes the disability at 100 per cent. As instances of the discrepancies between the two stories, claimant says nothing, upon repatriation, of being thrown from the railway carriage window, nor does he mention the "nailing" of his leg to a board as part of his treatment. In all he appears to have had eleven operations in Germany, and, with the exception of one surgeon, expresses himself as satisfied with his treatment.

In this state of the record, having regard to the difficulty we have in arriving at a correct statement of the facts, the discrepancies between claimant's two stories cannot be overlooked. I cannot help but be impressed with the inconsistencies and I am constrained to find that claimant has not made out a case of malpractice on the part of the German surgeons. If neglect there was, I consider that it cannot be regarded as maltreatment, but must be put down, at worst, to error of judgment. The claim for loss of property cannot be allowed, for want of corroboration. On the whole, I find that claimant's pension award covers the case and that, before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 10, 1933.

## CASE 2685—JOHN HENRY HARRISON

Claimant was a Private in the 7th Battalion—Regimental No. 23398. He enlisted in August 1914, at the age of 18 years, and was taken prisoner April 22, 1915, at the second battle of Ypres, slightly wounded in the right arm and suffering from gas. He was repatriated to England in November 1918. He is not in receipt of pension but has an application pending. He is married and has four children. Prior to enlistment, he was a miner, earning \$1,800 per annum, and is now a clerk with the Consolidated Mining and Smelting Company, earning \$200 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bodily violence when struck in the back with a rifle, general abuse and brutality for being regarded as a malingerer and now suffers from nervous disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp and has no complaints of his treatment there. Removed to a chemical factory at Wohlgelegen (sic), Mannheim, where he remained for three years, he complains of the heavy work in his weakened condition. He was struck in the back with the butt of a rifle, while leaning over wheeling a barrow, and further struck by the guards for being unable to work, and was forced back to the task. On another occasion, still unable to work, claimant was thrown from a truck, a drop of four or five feet, by a guard, and later thrown from an upper bunk for the same reason. Though he reported sick the doctor would not listen to him and he was compelled to continue work. He was denied any hospital treatment and except for a short time at Mannheim, at the end of the war, spent all his time at the chemical works referred to. To these experiences claimant attributes nervous disorders. A fellow prisoner (Goseltine) has testified that claimant seemed to be picked on by the guards and corroborates the incident of the blow when claimant was wheeling a barrow. Other certificates have been filed attesting to the rough treatment received by claimant.

The medical record indicates that claimant suffers from "nervous irritability"—ideas of persecution, loss of appetite developed in 1930 (September)" but with complete recovery. His percentage of disability is stated by Dr. Haszard at from 30 per cent to 50 per cent on the ground of psychosis. Dr. C. L. Williams also certifies to a condition of psychoneurosis which appears to have been particularly marked in 1928, when he was advised to take a holiday, which he did. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

This case presents features of a nervous or mental condition which it is difficult to estimate. It is significant that no physical disability appears to have resulted from the blows and abuse referred to. The strain and duress of his experiences seem to have preyed upon claimant's mind to such an extent that in 1928 he developed a mental or nervous state—largely induced by brooding over his real or imaginary grievances—which incapacitated him. While he was roughly treated as a prisoner, I do not think that the record justifies a finding that he has proven the connection between his present condition and maltreatment at the hands of the enemy. I regard his case as one for the consideration of the Board of Pension Commissioners. Before this commission the claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 8, 1933.

## CASE 2571—VICTOR BENJAMIN HAWKINS

Claimant was a Corporal in the Fort Garry Horse—Regimental No. 118068. He enlisted February 1, 1915, at the age of 27 years and was taken prisoner November 20, 1917, at Fresnoy, unwounded. He was repatriated to England, November 30, 1918. He is not in receipt of pension, and is unmarried. Prior to enlistment, he was engaged in farming, earning \$160 per month, and has resumed that occupation but asserts he is merely existing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He does not set out any particulars of complaint in his declaration form.

An analysis of the evidence reveals:—

First taken to Munster, where he remained six months, he has no complaints, except as to the food. He was then sent to Dulmen, where he spent the remainder of his period of captivity. He seems to have suffered no brutality or ill treatment here and was given light work in looking after Red Cross parcels. His complaint is that due to close confinement and bad food his health has suffered.

The medical record consists of a certificate by Dr. S. McFarlane, of Carbon. Alta., who finds claimant suffering with varicose veins and myalgia and states that patient seems to be nervous and irritable. The military medical examination, upon discharge, notes "all systems normal."

There is no evidence of maltreatment in the record. Claimant appears to have been particularly fortunate as a prisoner. The fact that he does not feel as well now as he did before the war, which he attributes to the poor food received and confinement to barracks, does not meet the requirements entitling claimant to an award. The claim should never have been presented before this Commission. It must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 22, 1932.

## CASE 2749—CAMPBELL STUART HAY

Claimant was a Private in the 8th Battalion—Regimental No. 21372. He enlisted in August, 1914, at the age of 27 years and was taken prisoner April 24, 1915, unwounded but gassed. He was repatriated to England November 23, 1918. He is in receipt of a 40 per cent disability pension, although he stated at the hearing that he was not. The military records indicate constitutional psychopathic state, anxiety neurosis, dupuytren's contraction and heart trouble. He was married in 1924 but is separated from his wife and is supporting a child. Prior to enlistment, he was employed as a dyer, earning up to \$18 per week and is now similarly employed working on commission, earning at most \$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 a blow in the face with a rifle butt causing the loss of teeth, and that he had a finger broken.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Munster, Senne lager, Minden and Friederichsfeld camps. At Munster, he received the blow which knocked out his teeth and thinks it was administered because he was smoking a cigarette. At Senne lager, while engaged in road building, he was struck on the hand by a rock thrown by a guard, resulting in a broken finger. He states that the camp doctor attended to the finger. He was sent to a coal mine attached to Friederichsfeld (Westerholt) where he remained about 14 months. For an attempt to escape, he was beaten and given the usual solitary confinement. Here, he was

taken ill with dysentery but was refused medical attention. He was given long periods of standing to attention on Sundays and in general describes his experiences at Westerholt as a continued round of brutality from start to finish.

The medical record consists of a certificate by Dr. A. E. Talbot, of Calgary, which certifies that he treated the claimant at intervals since 1924 and finds him suffering from general debility, indigestion, haemorrhoids, constipation and palpitation of the heart. He also notes the loss of teeth and the injury to the right hand. His percentage of disability is stated at from 50 per cent to 100 per cent.

Claimant's story as told to the Commission would indicate very harsh treatment. But his earlier statements made upon medical examinations do not coincide with his testimony. Thus, he stated on one occasion that he had 7 months and on another that he had 3 months in the coal mines. Again, it appears from claimant's records that he had 9 teeth extracted in 1919 and the remainder in December, 1920. These contradictions cannot be overlooked and I am inclined to think that claimant's testimony cannot be fully accepted. Whatever claim he may have is properly a matter for the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 21, 1932.

#### CASE 2408—HENRY VICTOR HEAVER

Claimant was a Private in the 1st C.M.R.—Regimental No. 117068. He enlisted in December, 1914, at the age of 24 years and was taken prisoner June 2, 1916, suffering with gunshot wounds in the back, both hands, legs, right knee and scalp. He was invalided to Holland in April, 1918, and reached England in November of that year. He is in receipt of a 40 per cent disability pension, amounting to \$30 per month, based on the wound in the right hand, and tuberculosis. He is unmarried. Prior to enlistment, he was engaged in farming but is unable to state his earnings and now he is operating a farm with another man.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, of being beaten, that he was given solitary confinement and poisoned by gas while working on coke ovens.

An analysis of the evidence reveals:—

After being attended for his wounds at Courtrai, claimant was taken to Duisburg hospital, where he has no complaints; thence to Dulmen, where the only complaint is as to the food. Sent out on a working party, he attempted to escape, was recaptured, and received three weeks confinement to cells on bread and water. He was next sent to Burgsteinfurt, where he underwent long hours of labour, standing to attention and parcels were withheld. He was then returned to a factory at Duisburg, working on the coke ovens. The gas affected him and he was finally invalided to Holland.

The medical record consists of a certificate from Dr. J. S. Murray, who did not appear before the Commission, indicating chronic cholecystitis and disability in right and left hands. The disability is stated at from 50 per cent to 65 per cent. Claimant's medical history files relate to his service wounds, with some indication of tuberculosis in left wrist.

Claimant's complaints are of a general character and refer chiefly to malnutrition and heavy labour to which he was subjected. I do not think it can be said that his present disabilities are attributable to any particular maltreatment



by the enemy. He has thus failed to discharge the burden of showing a present disability resulting from maltreatment. I regard his case as 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, December 27, 1932.

### CASE 2679—THOMAS RICHARD HOBBS

Claimant was a Sergeant (though he declares he was a Private when captured) in the 43rd Cameron Highlanders of Canada—Regimental No. 234750. He enlisted April 14, 1916, at the age of 27 years and was taken prisoner March 29, 1918, unwounded. He was repatriated to England December 27, 1918. He is not in receipt of pension, was married in April, 1922, and has four children. Prior to enlistment, he was engaged in farming and is now an implement dealer on a commission basis.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation and nervous disorders due to his treatment.

An analysis of the evidence reveals:—

Claimant seems to have passed through Douai, Denain, Conde, Marchiennes, Parchim and Springhurst during his nine months captivity. He states that he escaped brutality, was not forced to work and that starvation forms the main basis of complaint. He is now extremely nervous and suffers periodic nervous breakdowns.

No medical evidence was adduced at the time of the hearing, the record consisting of a certificate by Dr. D. A. McKay, who indicates that claimant suffered no actual bodily injury, only weakened nervous condition caused by starvation and the mental anguish suffered while a prisoner. He fixes the disability at from 25 per cent to 100 per cent according to working conditions. Two declarations by acquaintances are filed, testifying to claimant's present nervous condition. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant has evidently misapprehended the scope of this Commission's activities. The record discloses what may or may not be a case for pension. It does not show any disability resulting from maltreatment. Privation is stated to be the cause of claimant's present ailments. Such ground does not constitute a good basis of claim for reparations (See Opinion annexed to my earlier report upon maltreatment cases). The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 10, 1933.

### CASE 2802—CHARLES HENRY HOPKINS

Claimant was a Private in the 3rd Battalion—Regimental No. 126311. He enlisted September 11, 1915, at the age of 22 years and was taken prisoner June 13, 1916, suffering from gun-shot wounds in the left arm and chest. He was repatriated to England January 25, 1919. He is not in receipt of pension but received a gratuity of \$25 for an injury to the third finger on the right hand. He was married in December, 1919, and has two children. Prior to enlistment,

he was employed as a railway brakeman, earning \$70 per month, and followed this occupation since discharge, earning up to \$170 per month. He is laid off at present.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, exposure and being beaten.

An analysis of the evidence reveals:—

After several days in Jülich hospital, claimant was removed to Stendal, and, in March, 1917, was transferred to Wittenberg, on farm work. From there he went successively to Quedlinburg, Halberstadt and Altengrabow. In May, 1918, the prisoners went on strike and in the melee which ensued he struck a sentry in defending himself from blows from a rifle. He was taken for court-martial but the Armistice intervened. He states also that about November 4, 1918, he received a beating with rifle butts and sustained broken ribs.

The medical record consists of a certificate by Dr. S. J. Stott indicating myocardial disease, loss of vitality, neuritis and permanent stiffness in the joint of the 4th finger of the right hand. He rates the disability at 4 per cent. Dr. Stott did not appear before the Commission. Claimant's medical history files show nothing unusual, apart from his service wounds.

The claimant states that whilst a prisoner he was on light duty all the time owing to his wounds, and that since his discharge he has never had any medical treatment. Under the circumstances claimant has failed to establish that he suffered any maltreatment which would occasion disability. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 24, 1933.

#### CASE 2725—FRANK HUBBARD

Claimant was a Lance Corporal in the 15th Battalion—Regimental No. 27483. He enlisted in August, 1914, at the age of 23 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was exchanged to Holland in March, 1918, and reached England in November of that year. He is not in receipt of pension, was married in February, 1919, and has one child. Prior to enlistment, he was employed as a salesman, at \$15 per week, and is now following the same occupation, at \$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 bad food, neglect and lack of treatment for his feet.

An analysis of the evidence reveals:—

Claimant spent about a year and a half at Gottingen camp as to which he has no complaints, apart from the food. Sent to Langensalza, he was placed in the lumber camps, where he attempted to escape and got the usual two weeks solitary confinement. He made subsequent similar attempts and received the usual punishment. His toe became infected; treatment was at first refused, was later given, but the condition had progressed so far that the treatment was ineffective. He spent the balance of his period of captivity at Cassel, and has no complaints.

The medical record consists of a report by Dr. E. R. Selby, indicating that claimant suffers from chronic bronchitis, internal haemorrhoids and constipation; has varicose veins and deformed great toes. His percentage of disability is stated at from 20 per cent to 40 per cent.

Claimant does not appear to have encountered particularly rough treatment. The condition of his toes, if constituting disability, has not been shown to be the result of maltreatment. His other ailments are quite general and are probably the sequel to general conditions of camp life in Germany. I do not consider that claimant has discharged the burden of showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 21, 1932.

#### CASE 1981—ELLIS D. HUGHES

Notice of claim was received by letter from claimant, dated January 1, 1931. Claimant was a Private in the Second Battalion—Regimental No. 7981, who enlisted in August, 1914, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He is in receipt of a 13 per cent disability pension, based on the loss of his left eye, due to an accident in Germany.

His claim is based on medical neglect causing the loss of the eye. Claimant did not complete the usual declaration forms, and when notified to appear at Toronto, on April 13, 1931, he did not do so, and advised by letter, dated November 12, 1931, that he did not wish to press his claim. He reiterated his intention of abandoning claim by letter dated February 24, 1932.

The claim is therefore dismissed for lack of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 23, 1933.

#### CASE 2152—SYDNEY A. HUSTWITT

Notice of claim was received from the above named claimant in June, 1931. The usual documents of claim were sent him for completion, but have never been returned. There is thus no information concerning the claim of record. Claimant was notified to appear before the Commission at its sittings, in Toronto, on December 7, 1932, but failed to appear. He wrote advising that he wished to withdraw the claim. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

#### CASE 2788—GEORGE HUTCHINSON

Claimant was a Private in the 4th C.M.R.—Regimental No. 113312. He enlisted on March 29, 1915, at the age of 38 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 5, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on chronic bronchitis. He was married in June, 1898, and has four children, all of age. Prior to enlistment, he was employed as foreman with the Canadian Canoe Company, earning \$15.25 per week, and followed his trade with the Canoe Company until January, 1932, at \$22.50 per week, and since that date has been doing odd jobs.

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 a gas factory without protection from the fumes, exposure, confinement and bad food.

The record indicates that claimant was first taken to Munster, then to Duisburg, where he worked at carpentry for a month and was then placed in a gas making factory, to attend furnaces. Here, he states, the fumes were overpowering and that he was not supplied with a respirator as were the civilian employees. He contracted bronchitis but was forced to carry on until he collapsed; was allowed to remain in his bunk for two weeks and then attempted to escape. He was captured and questioned by German officers and was stripped naked and sentenced to stand on a brick for three hours. He collapsed after two hours and was placed in the cells for 28 days on bread and water. He was then returned to the gas works and made to work an extra three hours per day, was subjected to blows with rifle butts on the shins and still carries scars. In November, 1917, he made another attempt to escape and got a further sentence of 28 days confinement. After serving this sentence he was not further ill-treated.

The medical record consists of a certificate by Dr. S. Walsh, indicating inflamed tonsils and general congestion in the throat, lung disorders due to exposure to gas. He fixes the percentage of disability at from 60 per cent to 80 per cent. A certificate by Dr. Hanson is also filed, who diagnoses claimant's disability as chronic bronchitis and associated tachycardia. Claimant's medical history files show the condition of bronchitis referred to, for which he is in receipt of pension.

I regard claimant's case as purely pensionable in nature. The condition of bronchitis from which he now suffers is occupational in origin, and I cannot say, from the record, that it has been shown to result from maltreatment. It may be due to the carelessness of his guards in putting him at dangerous work without proper protective devices, but I do not regard such treatment as active maltreatment. Claimant's recourse, in my opinion, is properly before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 23, 1933.

#### CASE 2770—ROBERT IRVING

Claimant was a Private in the 13th Battalion—Regimental No. 25089. 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 gunshot wound in the left thigh and gas. He was repatriated to England December 2, 1918. He is in receipt of a 100 per cent disability pension, amounting to \$127 per month, based on bronchiectasis and the wounded thigh. He was married in September, 1919, and has two children. Prior to enlistment, he was employed as a railway clerk, at \$50 per month and after discharge resumed his former occupation but had to resign in June, 1931, 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 while unfit and suffering with haemorrhages.

An analysis of the evidence reveals:—

Claimant remained in hospital at Paderborn for a year and a half and was then sent to Sennelager and thence to Staumuhl (sic). In May, 1917, he was sent to a stone quarry at Lethame (sic) expecting to be transferred to Switzer-

land. Instead, he was turned out for work and in two days had a severe haemorrhage and was returned to Minden. He was next sent to work at an incinerator at Berman (sic) but was unable to work due to continued cough and expectorating blood. Sent to Dulmen, and placed on a farm, the same thing occurred and he was finally returned to Friederichsfeld where he remained as an officer's servant. He finished his period of captivity at another officer's camp in Graudenz. His complaint is summarized by exposure, efforts to make him work when his illness demanded complete rest, and neglect of his obvious condition evidenced by haemorrhages. A letter is filed written by an association supplying invalids' comforts to prisoners of war, addressed to the Senior British Officer interned at Graudenz asking that Scott's Emulsion be procured for the claimant to relieve his conditions.

No medical testimony was adduced at the hearing and no certificate filed, claimant relying on his pension file (which is complete) as to his medical history.

Claimant himself attributes the inception of his chest condition to the chlorine gas which he received when captured and I think he is probably right as to this. The record does not disclose active maltreatment whilst a prisoner which would be apt to have the result noted or to aggravate an existing ailment. Having regard to all the circumstances, I consider that claimant's case is purely one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 10, 1933.

#### CASE 2653—DAVID ADAM JACK

The claimant was an Imperial soldier, a Private in the Cameron Highlanders—Regimental No. 21381. He first came to Canada to reside in 1921. He enlisted in November, 1915, and was taken prisoner on March 28, 1918, unwounded. He was repatriated to England in November, 1918. He is in receipt of an Imperial pension, amounting to 7/6 per week. He is unmarried. Prior to enlistment, claimant was a school boy. He is now a cook, on the fishery patrol, earning \$80 per month.

It was explained to claimant, at the hearing that, as he had not served with a Canadian Unit and had come to Canada in 1921 only, this Commission is without jurisdiction to entertain his claim. It is only in the case of Imperial soldiers who became resident in Canada previous to January 10, 1920, date of the ratification of the Treaty of Versailles, that this Commission may act (See Opinion annexed to my earlier Report upon maltreatment cases). Reserving, therefore, to claimant all his recourses, and without deciding the case upon its merits, I am compelled to disallow it before this Commission.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

#### CASE 2584—FRANK JAMES

Claimant was a Private in the 31st Battalion,—Regimental No. 434112. He enlisted December 31, 1914, at the age of 23 years and was taken prisoner March 7, 1916, unwounded. He was exchanged to Switzerland in July, 1918, and reached England in December of that year. He is in receipt of a 10 per

cent disability pension, amounting to \$7.50 per month, based on chronic bronchitis. He is unmarried. Prior to enlistment, he was employed as a brick-setter, earning fifty cents an hour and after discharge was unable to follow his trade and did odd jobs.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement, starvation diet, and beatings.

An analysis of the evidence reveals:—

Claimant was at Giessen for over a year, when he took ill in December, 1917, with a cold. Instead of being given treatment, he was placed in solitary confinement on bread and water. He was sent to hospital later and transferred to Sprottau, where he spent the remainder of his period of captivity, in hospital. He alleges that, had he been given prompt treatment for his illness, he would not now be suffering with bronchitis.

The medical record consists of a certificate of Dr.—(Doctor's name indecipherable), indicating that claimant suffers with chronic bronchitis, pulmonary tuberculosis and pharyngitis. The percentage of disability is stated at ten per cent. He received hospital treatment in England upon repatriation. Claimant's medical history files show nothing unusual and refer to the bronchial condition, for which he receives pension.

The evidence of maltreatment is neither strong nor convincing. Claimant vaguely contends that had he been properly treated for a cold, which he contracted in Germany, he would not now suffer from a chest condition. He was exposed to no particular brutality and tells a confused story of his experiences in Germany. He has quite misapprehended the scope of this Commission's activities. Whatever claim he may have is a matter for the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, December 22, 1932.

#### CASE 2690—WILLIAM JENNION

Claimant was a Corporal in the 4th C.M.R.—Regimental No. 109416. He enlisted in November, 1914, at the age of 22 years, and was taken prisoner June 2, 1916, wounded in the right shoulder, right thigh, right leg and left arm. He was repatriated from Germany on May 7, 1918. He is not in receipt of pension, but has an application pending. He is unmarried. Prior to enlistment, claimant was a structural steel draughtsman, earning \$80 per month. He is now an electrician, and, when working, earns \$1 per hour.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of lack of medical treatment and bad food, resulting in stomach and bladder affections.

An analysis of the evidence reveals:—

Claimant was first taken to Courtrai, where his wounds were attended. Removed to hospital at Duisburg, where he remained two months, the treatment was fair. He complains that he was discharged before his wounds had healed and was sent to Friederichsfeld and was denied an examination by the Swiss Commission. Sent then to Crossen (sic), followed by Kottbuss, he complains only of the food at the latter camp. After a few days at Merzdorf, he was confined in huts for no apparent reason; thence back to Kottbuss where he received further confinement. At Huseppe (sic), where claimant spent a year, he suffered from dysentery and cystitis, due to the exposure in the wet and cold

and received no medical attention. He was not beaten but was made to stand to attention in the wet snow for failing to go out on work. He completed his period of captivity in Hameln without incident. As a result of these experiences, he complains of his stomach, heart and nerves.

The medical evidence indicates that claimant suffered from, "persistent symptoms of gastric and intestinal indigestion up to November, 1928. Medical treatment from November, 1928, to November, 1930, when he was operated upon for duodenal ulcer. Condition much improved since operation. Tendencies to cystitis with repeated attacks." Dr. L. C. Skeels, who certifies to the foregoing, does not find claimant suffering from any permanent disability and finds his condition vastly improved. Claimant's medical history files show nothing unusual.

From the foregoing review of the evidence, it is clear that claimant now suffers very little disability which can be ascribed to maltreatment whilst a prisoner of war. For reasons which have been explained in general opinion annexed to my earlier report on maltreatment cases, injury to health resulting from the strain and duress of camp conditions in Germany cannot be said to have been caused by maltreatment. On the whole, the claimant has failed to discharge the burden resting upon him. The claim accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 13, 1933.

#### CASE 2714—ERNEST J. JOEL

Claimant was a private in the 4th C. M. R.—Regimental No. 405318. He enlisted in August, 1915, at the age of 21 years, and was taken prisoner June 2, 1916, wounded in the right knee. He was transferred to Switzerland, as medically unfit, in December, 1916. He is in receipt of a 45 per cent disability pension, amounting to \$67.25 per month, based upon his knee injury. Claimant is married and has five children. Prior to enlistment, he was a chauffeur, earning \$12 per week. He is now a motorman with the Toronto Transportation Company, earning 50 cents per hour.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of aggravated injury to his knee through inadequate medical attention and that his toes were injured through carelessness in hospital.

An analysis of the evidence reveals:—

Claimant was a prisoner for about six months, practically all of which time he spent in hospital at Julich. After a preliminary field dressing, though badly wounded in the knee, claimant was prodded with bayonets into walking back to a hospital behind the lines. At Julich, he underwent 7 operations to his knee and does not suggest that there was any neglect in regard thereto, but declares that he has developed hammer toes, due to the failure of the hospital authorities in not providing a cage or net to keep the weight of the bed clothes off his toes. His complaint of maltreatment is confined to this treatment.

There is no medical evidence of record and it is scarcely likely that there would be in the circumstances. Claimant's medical history files relate to his service wounds with some reference to partial ankylosis of the right great toe.

Claimant's complaint of disability to his toes, for the reason stated, is anything but convincing. He appears to have received fair treatment as a prisoner and his alleged disability, even if proven, could hardly be said to be the result of maltreatment. I regard claimant's case as entirely covered by pension. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 13, 1933.

## CASE 2713—JOHN MANNERS JOHNSON

Claimant was a Lance-Corporal in the 58th Battalion—Regimental No. 452602. He enlisted in July, 1915, at the age of 22 years, and was taken prisoner on October 8, 1916, wounded in the left leg, below the knee. He was repatriated, via Holland, in January, 1918. He is in receipt of a 65 per cent disability pension, amounting to \$48.75 per month, based upon the loss of his left leg. He is married and has three children. Prior to enlistment, claimant was doing general labour, earning very little. He is now employed by the Department of Pensions and National Health, making artificial limbs and earns about \$133 per month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of brutal treatment in hospital and that his leg was unnecessarily removed above the knee, and had he had proper treatment the leg might have been saved.

An analysis of the evidence reveals:—

Claimant encountered rough treatment whilst being taken back behind the lines and declares that he was kicked and maltreated. At a dressing station, he received no treatment and reached Cambrai several days later without having received any medical attention. Sent then to Julich hospital, he complains of the rough and cruel treatment of the orderlies. He was operated on five times in hospital and declares that he did not know the leg was to be removed. His main complaint is that his leg was amputated, at Trier, one inch above the knee, when the wound was below the knee, also that had he received proper attention, amputation might not have been necessary. As to the actual operation itself, he does not complain—it was well done. Sent to Aachen, for transfer to Holland, this was denied and he was sent to Langensalza. While he received no brutal treatment here, he complains bitterly of the food, accommodation in barracks, and lack of medical attention.

The medical evidence indicates that claimant's left leg is amputated above the knee. His percentage of disability is stated at 65 per cent. Dr. J. A. Carson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, apart from the amputated leg.

The obvious difficulty of showing malpractice is clear in this case. While his treatment may have been rough, there is nothing in the record to show that the removal of the leg was improper or that it was amputated above the knee without reason. The inference that because the wound was below the knee, the amputation should not have been performed above, has not been substantiated. I regard claimant's disability as purely pensionable in nature. He has failed to establish a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 11, 1933.

## CASE 2738—LESTER JAMES JOHNSTON

Claimant was a Private in the 4th C.M.R.—Regimental No. 11322b. He enlisted July 31, 1915, at the age of 23 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 23, 1918. He is not in receipt of pension, was married in April, 1920, and has four children. Prior to enlistment, he was an apprentice electrician, earning \$9 per week and is now an electrician, at 40 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 trench feet contracted in the coal mines, injury to the right eye by a blow from a miner's lamp and general conditions as to food and exposure.

An analysis of the evidence reveals:—

First at Dulmen, claimant has no complaints except as to the food. At Minden, he was placed on a farm but he did not work, was returned to camp and moved to Dusseldorf to the coal mines. The conditions were unbearable, no proper rigging, and working continually in salt water. He contracted trouble with his feet due to these conditions and is now incapacitated as an electrician because he is unable to climb. He was beaten and confined for an attempted escape and served in all some 90 days in dark cells and was subjected to three beatings. Finally he attempted to injure his own leg to escape this mine and was sent to Friederichfeld. He was placed on a farm and was under further sentence of confinement for attempted escape when the Armistice was signed. He recites an incident of being beaten in the mine and then struck with a lamp, leaving a scar over the right eye, because he could not understand German.

The medical record consists of a certificate by Dr. H. G. Smith, who did not appear before the Commission. He indicates that claimant suffers arthritis of all the metatarso-phalangial joints of both feet. He fixes the maximum disability at from 10 per cent to 15 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant's only complaint of disability is as to his feet, which are incapacitated and prevent him from working. The evidence as to the manner in which this condition arose has not been clearly explained, nor does the medical evidence satisfy me that this condition results from the cause ascribed. On the whole, claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, January 17, 1933.

#### CASE 2723—FRANK JOLLINEAU

Claimant was a Private in the 2nd Battalion--Regimental No. 8664. He enlisted September 23, 1914, at the age of 26 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. 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 marine fireman, earning \$70 per month and board 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 of beatings, long periods of solitary confinement, bad food and malicious extraction of teeth.

An analysis of the evidence reveals:—

Claimant was sent to Giessen and was ill in hospital with rheumatic fever for six weeks. For refusing to work in a copper mine, he was beaten with rifles and bayonets and given two months' solitary confinement on bread and water at Butsbach. He was then court-martialled and served another two months. He was next sent to Lichtenhorst and placed at road making. He received no parcels and suffered from weakness due to starvation. Conditions on a farm, where he was next confined, were fair but the work was hard. He spent the summer of 1917 at Pogelmoor, cutting sod and complains of the food. He completed his period of captivity at Hanover, where conditions as to food were better. He was detained in Germany 14 days after the Armistice.

The medical record consists of a certificate by Dr. J. P. Keith, who did not appear before the Commission. It indicates that claimant suffers headaches and tires easily. Disability 20 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant's recital of his experiences in Germany does not disclose any particular maltreatment. His complaint has to do with the effect upon his health of the poor and inadequate food he received while a prisoner. As explained in general opinion annexed to my earlier report on maltreatment cases, injury to health from such a cause cannot be regarded as the result of maltreatment. The charge contained in claimant's statement of claim of malicious extraction of teeth is not mentioned by him in his testimony. 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,  
*Commissioner.*

OTTAWA, January 17, 1933.

#### CASE 2689—ROBERT WILLIAM JONES

Claimant was a Private in the 3rd Battalion—Regimental No. 201203. He enlisted on November 12, 1915, at the age of 38 years and was taken prisoner on October 8, 1916, wounded in the right knee. He was repatriated to England in November, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$40 per month, based upon his wounds and impairment to hearing. Claimant is married. Prior to enlistment, he was a decorator, earning 25 cents per hour. He still follows the same occupation but is presently unemployed.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that a blow on the ear has affected his hearing and that he developed rheumatism due to exposure while held a captive.

An analysis of the evidence reveals:—

Claimant was taken to Stettin hospital, where his wounds were attended. Sent on to Altdamm, claimant worked in a chemical works for the remainder of his period of captivity. He was hit by a guard on the side of the face with the butt of a rifle, which he declares set up a discharge of his ear. The discharge began about a month after the blow. He confines his complaint to this incident, but speaks generally of the bad food.

The medical evidence indicates that claimant suffers from chronic muscular rheumatism of right arm and shoulder, and loss of hearing. His percentage of disability is stated at 50 per cent. Dr. W. A. McClelland, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer to the wound in the knee and some impairment in hearing, for which claimant receives pension.

Claimant rests his case for reparations upon the ear condition from which he suffers. I am informed that the blow on the head to which claimant ascribes the trouble, would not be likely to have that result, having regard to the inception of the condition and description thereof given by claimant. The discharging ear would most probably result from infection. Claimant is under a misapprehension as to the cause of his trouble. In the circumstances, therefore, claimant has failed to establish a present disability resulting from maltreatment. I regard his case as covered by pension. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 14, 1933.

## CASE 2450—CHARLES KAIN

Notice of claim was filed on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, he appears to have enlisted in August, 1915, was taken prisoner on June 2, 1916, suffering from a sprained back, and repatriated to England on January 4, 1919. A claim for pension would appear to be pending. Claimant was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to do so. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

## CASE 2480—THOMAS EDWARD KEELE

Claimant was a Private in the 3rd Battalion—Regimental No. 10046. He enlisted in August, 1914, at the age of 17 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was exchanged to Holland in May, 1918, and reached England on November 23 of that year. He is not now in receipt of pension but for four years from the time of discharge received \$12.98 per month, based on heart trouble. He was married in June, 1926, and has no children. Prior to enlistment, he was attending school and is now employed as a watchmaker, at \$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 bad food, of a blow which broke his nose requiring operations, no medical attention and confinement to cells.

An analysis of the evidence reveals:—

Claimant was moved about to various camps, first Giessen for three months and next to Elberfeld. Here, he refused to work at unloading shells and states he spent four months out of six in close confinement. He received a blow which broke his nose, being hit with a stick and this injury has caused trouble and requires an operation. He was in hospital for two and one half months due to debility. Upon recovery, he was sent to the stone quarries at Ronckhausen (sic), where, he states, he was knocked around, underfed and worked about 18 hours per day. At Hestenmoor he acquired corporal's stripes but at Grosseemoor (sic) it was apparently decided that he must work in spite of his assumed rank and he was placed at stacking peat for almost 20 hours per day. He states that he received a bayonet cut at this camp for not working fast enough and was taken to hospital. It is noted that on attestation a one inch scar running about one-half inch below the left eye was recorded. He went to Hameln and from there was exchanged to Holland. He complains of stomach trouble, the injury to his nose, and catarrh.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. J. E. C. Henderson, who notes that nasal septum is deflected to right spur on left side of septum. Both nostrils obstructed. He states: "patient is still working but is annoyed by mouth breathing and dropping in throat." He does not estimate the percentage of disability. Claimant's medical history files relate to a heart condition which may be due to privation and work while in Germany. The medical certificate above referred to makes no mention of this condition, which presumably no longer exists.

The coincidence of a scar below the eye upon enlistment, in the position in which claimant says he was injured while in Germany, may not be significant, but it casts some doubt upon the accuracy of claimant's statements. The nose injury, of which he complains, has not been shown to constitute a serious disability and could probably be relieved by operative treatment. On the whole, considering the evidence, I do not consider that claimant has been successful in showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 11, 1933.

### CASE 2407—ARINGO THOMAS KELLY

Claimant was a Private in the 2nd Battalion—Regimental No. 8112. He enlisted in August, 1914, at the age of 32 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, having been blown up by a shell, suffering injuries to the head and face, the big toe in the left foot and the privates. He was repatriated to England December 19, 1918. He is in receipt of a 5 per cent disability pension, amounting, in all, to \$6.50, based on war wounds and further consideration is being given to the question of his spine injuries and muscular atrophy. His entire disability is fixed at 80 per cent. He was married September 13, 1919, and has six children. Prior to enlistment, he was employed as a tool-maker, at \$3.20 per day, and since discharge did light work in a machine shop, averaging \$19 per week. Recently was able to work only part time due to war disabilities and for the past two years has been doing nothing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of kicks and blows while working in a creasote plant; exposure and wet while working in the moors, also inhuman labour. He collapsed, was later beaten for refusal to work on munitions, and given solitary confinement.

An analysis of the evidence reveals:—

Claimant spent his period of captivity in a very great number of German prison camps. He was at Giessen, Hanau, Saltau, Litchenhorst, Langenmoor, Sudediwick, Stuttgart, Heidenheim, Ulm, Billingsbach, Heilburn, and Rabelshausen. He complains bitterly of the food conditions whilst a prisoner and refers to Litchenhorst as a very severe camp. Exposure to the weather, without adequate clothing, he was taken ill at Langenmoor and compelled to work although unfit. At Sudediwick, he was harnessed to a harrow in place of horses and made, with others, to drag the land. He collapsed and was sent to hospital and has no particular complaints as to his treatment in hospital, or, later at another hospital, where he was sent from a farm. For refusing to work at a munitions factory, he was beaten and served confinement to cells. Later, at a farm near Billingsbach, he was taken ill and sent to hospital and does not complain particularly of his treatment during this period. Claimant suffers from his hands and back. The hand condition apparently developed for the first time in 1930 and consists of a loss of grip and a cramping of the fingers. The injury to his back apparently dates to the time of his capture when he was buried from the explosion of a shell.

The medical evidence indicates that claimant still suffers from the original wounds received at time of capture—kyphosis of dorsal spine and progressive muscular atrophy. His percentage of disability is estimated at 100 per cent.

This information is certified to and taken from his medical history file. Claimant has also submitted to a full examination by the medical adviser to the Commission, Dr. Cathcart.

I have had great difficulty, in this case, in deciding whether claimant's present condition can be ascribed to his treatment in Germany. The claimant is an old soldier, who served in the South African War and must consider that the ailments of advancing years will reduce his physical vigour. From a very careful consideration of the file, I cannot say that claimant has definitely established that his present condition results from any act or acts of maltreatment on the part of his captors. I am rather inclined to think that whatever damage to his health occurred was due to general conditions of camp life in Germany. The claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment and his claim must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 16, 1932.

### CASE 2678—JOHN KELLY

Claimant was a Private in the 7th Battalion—Regimental No. 16568. He enlisted in August, 1914, at the age of 50 years and was taken prisoner April 24, 1915, at the second battle of Ypres, wounded in the right hand and leg. He was repatriated to England December 27, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based upon the injury to his hand. He is married and has no children. Prior to enlistment, claimant was a labourer, earning \$3.50 a day. He is now working on relief, clearing land.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of rough treatment, poor food, inadequate rest and anxiety.

An analysis of the evidence reveals:—

Claimant's wounds remained unattended for five days. He spent a month in Munster hospital. He is not very clear as to the sequence of events, but mentions being made to stand out in the rain for an entire day, apparently for refusing to work. He seems to have been at Mulhoim and Hollick (sic), but without particular incident. At Hestenmoor, he complains that a farmer, for whom he was working, let a log fall off a waggon, pinning him to the ground and causing fracture of three ribs. He received practically no medical attention for the injury and still suffers therefrom.

The medical record indicates that claimant suffers from "myocarditis, general vascular and nervous deterioration, premature senility." His percentage of disability is stated at 50 per cent. Dr. D. J. Miller, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show the injury to claimant's right thumb. In other respects 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. He has not discharged the burden of showing a present disability resulting from maltreatment. At his present age, 69 years, it is not unusual to find the symptoms complained of. Claimant's recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 8, 1933.

## CASE 2754—HAROLD SIDNEY KENYON

Claimant was a Private in the 29th Battalion.—Regimental No. 76027. He enlisted November 9, 1914, at the age of 19 years and was taken prisoner April 19, 1916, suffering from shell shock. He escaped from Germany March 12, 1917. He is not in receipt of pension, was married in September, 1920, and has three children. Prior to enlistment, he was employed as a carpenter at 40 cents per hour and is now following the same trade at 75 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 confinement in a steam cell for nearly five days, unable to get fresh air, heavy labour when weakened from bad food and confinement and that he was beaten with an iron bar and rifle butt.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp and on working commandos attached thereto. His chief basis of complaint arises out of treatment received while at Heusten Iron Works. Having made two previous attempts to escape from this camp he was placed in a steam cell, which he states was full of vermin. Pipes with holes drilled in them ran around the room and live steam filled the place when the heat was turned on. Fresh air was obtained by lying on the floor or by putting the face to a crack in the door. Food conditions were bad. Resenting a blow from a civilian foreman, he became involved in a row which ended in this being knocked out by a blow from an iron bar, the sentry continuing to beat him with his rifle butt. He was thrown into an empty culvert without much clothing although it was raining. He lay there until next day, and returned to work until he succeeded in making his escape.

The military files contain a detailed account of claimant's prison life and of this three attempts to escape. This statement, made shortly after repatriation, is notable for its similarity to the story now told before this Commission.

No medical evidence was adduced at the hearing and no medical certificate is filed. Claimant's medical history files speak of disability from otitis media as negligible and also mention myalgia and haemorrhoids. He was apparently discharged as fit.

Claimant has told a very clear and frank story of his experiences in Germany. He alleges disability only in respect of deafness in the right ear, which he attributes to shell shock at the time of capture. He does not pretend to have suffered any disability as the result of maltreatment whilst a prisoner, and no medical evidence has been adduced establishing any disability. As far as this Commission is concerned, claimant has not made out a case, but may be entitled to pension, depending upon the extent of his impaired hearing. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 11, 1933.

## CASE 2643—CEDRIC HAMILTON KING

The claimant served in the Imperial Forces, with the Royal Naval Division—Naval rating No. 3307. He first came to Canada to reside in 1926. He enlisted in August, 1914, was taken prisoner at Antwerp on October 9, 1914, and repatriated to England in December, 1918. He is not in receipt of pension. Prior to enlistment, claimant was a brewery clerk, earning about £150 per annum. He is now unemployed but has worked as a machinist, and, when employed, earns \$25 per week.

It was explained to claimant at the hearing that this Commission is without jurisdiction to entertain his claim, for the reason that he came to Canada to reside in 1926. Only those Imperial soldiers who became resident here previous to January 10, 1920, date of the ratification of the Treaty of Versailles, are entitled to submit their cases to this Commission (See my earlier report upon maltreatment cases). Reserving, therefore, to claimant all his recourse, and without deciding the case upon its merits, the claim must be disallowed before this Commission.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

#### CASE 2451—JOHN PERCY KING

Claimant was a Private in the 76th Battalion—Regimental No. 142544. He enlisted November 24, 1915, at the age of 17 years, and was taken prisoner September 17, 1916, unwounded. He was repatriated to England, November 30, 1918. He is not in receipt of pension, was married in March, 1924, and has three children. Prior to enlistment he was living at home on his father's farm, and is now farming for himself on a rented property.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He did not file a formal statement of claim.

An analysis of the evidence reveals: —

Claimant was first taken to Cambrai, where he remained until the end of October, and was then taken to Dulmen till December first. His only complaint is as to the food. He was then sent to Friederichsfeld, and placed at work in the coal mines where he remained for nearly two years. He developed sores which covered his head, neck and shoulders, was sent to hospital for three weeks, was returned to work before it cleared up and had to return to the hospital. He states that he has suffered with skin disease ever since. This disease forms the main basis of his complaint. In corroboration, two declarations are filed one by his brother George H. King, testifying as to the skin disease, and another by T. V. Trowbridge to the same effect.

The medical record consists of a report by Dr. W. Wilkins, who did not appear before the Commission, indicating that claimant suffers from dermatitis on neck and face, body, arms and legs. He rates the disability at 25 per cent. Claimant's medical history files disclose no disability.

The only disability of which claimant complains and has suffered from since discharge from the army, has been a skin disease which has apparently puzzled his family physician, but which would appear to be a form of scabies. There is nothing in his story, or in the records on file, to show that this condition could have been caused by maltreatment, and, under the circumstances, I am compelled to disallow this claim.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 24, 1933.

#### CASE 2507—LELAND KOONS

There is very little information concerning this claimant of record. He has not completed the usual documents of claim, but it appears from his medical history files that he enlisted in September, 1915—Regimental No. 424998, was taken prisoner on June 6, 1916, wounded in the right arm. He was repatriated to England on January 2, 1919. He is not in receipt of pension and was apparently discharged from the service without disability.

Claimant failed to appear before the Commission at the time stated, but did appear after the Commission had adjourned its sessions in Chicago. He was afforded an opportunity to explain his claim. He spent 18 months at Stendal camp, where he was not subjected to any physical abuse. At Wittenberg, claimant speaks of the conditions as good, but at Merseberg he complains that the work in the coal mines was hard. He broke his finger accidentally and was made to continue work—his injury does not now incapacitate him.

There is no medical evidence of record, and claimant was advised at the time of the hearing that he must establish some disability resulting from maltreatment to entitle him to an award.

No further evidence has been made and it is clearly impossible to reach a finding in claimant's favour. He has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 6, 1933.

#### CASE 2508—ARCHIBALD FRANCIS LANGSTON

Claimant was a Sapper in the Canadian Railway Troops—Regimental No. 238. He enlisted March 29, 1915, at the age of 37 years and was taken prisoner March 25, 1918, at Miramont, unwounded. He was repatriated to England December 9, 1918. He is not in receipt of pension, was married in 1900 and now has six children, five of age. Prior to enlistment, he was employed as a stone quarry man, earning about \$2.50 per day and is now employed as a railway car sweeper at 41 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 severe beatings, the loss of a tooth by a blow from a rifle butt and long periods of standing to attention.

An analysis of the evidence reveals:—

Claimant spent the entire eight months of his period of captivity at Dusseldorf, employed at railway work, 12 hours per day on scant diet. He received beatings because he could not understand German and had a tooth knocked out. On two occasions he was knocked unconscious. This was followed by solitary confinement. He refused to work in the coal mines and got the second beating referred to, followed by solitary confinement. For oversleeping one morning, he was sentenced to 10 hours standing to attention. He says he now suffers from arthritis and general debility.

Dr. Alexander Guttman gave testimony and stated that he has been treating claimant for about a year and a half, for the lame shoulder, which is probably due to arthritis. He is not positive that the arthritis was caused by blows from rifle butts, but is inclined to think so. Claimant's medical history files show nothing unusual, a condition of arthritis and gastritis being referred to.

I do not think from the comparatively short time that claimant was a prisoner (8 months) that it can be said that his present condition results from his experience. The shoulder trouble, which is arthritic in character, does not necessarily result from the blow referred to and I am not convinced that the loss of one tooth from a blow constitutes disability. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 22, 1932.



## CASE 2794—FREDERICK LEBAR

Claimant was a Gunner in the First Division Trench Mortar Battery—Regimental No. 300408. He enlisted August 27, 1915, at the age of 18 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 8, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$11.50 per month, based on ventral hernia. He was married in July, 1924, and has one child. Prior to enlistment, he was an apprentice furrier, earning \$3 per week and is now employed as a furnace man, earning \$70 per month.

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 the coal mines while ill, confinement, being struck with a stick across the nose, and a rupture sustained while coupling railroad cars.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and, after three months, was transferred to K-47 coal mine. He remained here six or seven months, and, on one occasion, for refusing to work, was given long periods of standing to attention and was stood in front of the hot coke ovens for the better part of the day. He states that the gas from these ovens has permanently affected his throat. While suffering from pit poisoning, due to the water in the mines, he was compelled to continue at work and was struck across the nose with a stick by the foreman to keep him at work. He was sent to hospital after five days' illness, and remained there three months. He was returned to Munster and later sent to K 75 where iron coal cars were repaired. Here he sustained a rupture due to a German workman knocking out a coupling pin too quickly and pulling claimant over on the floor with the coupling. He states that this was intentional. He received no treatment and was given no truss but finished his captivity at a saw mill. He states he suffers with his nose at present due to the blow received from the stick and has difficulty in breathing.

No medical evidence was adduced at the hearing but claimant was closely questioned by the medical adviser to the Commission. The record consists of a certificate by Dr. J. C. Connell indicating the nasal trouble. Claimant's medical history files refer to the condition of hernia, for which he receives pension.

I am not satisfied, from the evidence, that the hernia of which claimant complains occurred in the manner stated. From its position, I am informed, it is most probably of congenital origin. At all events, even if caused as stated, it would be accidental in origin. Claimant's nose injury has not been definitely established. Dr. Connell merely says "hit on bridge of nose by German foreman with a stick." No percentage of disability is stated. Viewing the case as a whole, I do not consider that claimant has been successful in showing a present disability resulting from maltreatment while a prisoner. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 19, 1933.

## CASE 2677—THOMAS CHARLES LITTLE

Claimant was a Private in the 7th Battalion—Regimental No. 17294. He enlisted in September, 1914, at the age of 33 years and was taken prisoner April 22, 1915, unwounded. He was repatriated to England in December, 1918. He is in receipt of a 100 per cent disability pension, amounting to \$137 per month, based upon tuberculosis. Claimant was married in 1924 and has four children. Prior to enlistment, he was a plumber, earning 50 cents per hour. He is now unemployed and wholly incapacitated.

Claimant alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of ill treatment, denial of medical attention and of being made to work when unfit to do so.

An analysis of the evidence reveals:—

Claimant does not complain of his treatment at Giessen, where he was first taken. He says the work was too arduous in his weakened condition. At Saltau, he was stripped of his clothing in order to have them fumigated and suffered from exposure. Sent to a farm, he complains that the clothing and footwear was inadequate. He later worked at a sugar factory and a lime kiln where the complaint is as to the long hours of work and exposure. Here he developed a haemorrhage of the lungs. Marked for transfer to Switzerland, he was sent to a chemical factory and forced to work carrying bags of cement.

The medical record clearly establishes advanced pulmonary tuberculosis. His percentage of disability is stated at 100 per cent. Apart from the medical certificate attesting this condition, claimant's medical history files furnish corroboration of claimant's disability.

While there seems to be no question that claimant contracted tuberculosis while in Germany, I do not know that it can be said that this was induced by maltreatment. It may have been poor judgment to make claimant work in his then condition, but at most I would regard this as carelessness. I feel that claimant's case is covered by pension and that he has failed to show that his experiences in Germany have necessarily resulted in his present state of disability. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 9, 1933.

#### CASE 2763—CHARLES HUNGERFORD LOCHEAD

Claimant was a Private in the 31st Battalion—Regimental No. 808239. He enlisted January 20, 1916, at the age of 21 years and was taken prisoner March 29, 1917, suffering from a shrapnel wound in the right foot. He escaped to Denmark in August 1918. He is not in receipt of pension, was married in July 1923 and has four children. Prior to enlistment, he was a cow hand on a ranch, earning about \$400 per annum and is now on his own ranch, but doing poorly.

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, bad quarters, poor food, compelled to work while ill and weak, behind the German lines, beatings and that he was made to stand to attention for long periods.

An analysis of the evidence reveals:—

First at Lille, in hospital, and then at Fort McDonald, confined to a cement room, claimant was starved and neglected. He was then placed on working parties which, he declares, were close behind the lines, exposed to shell fire, where he was kept about two months.—He was starved and beaten due to inability to keep up with the work. Later, he was placed at bush work, and as he was suffering from his wounds, he was given lighter work to do. Finally, he was taken into Germany, reached Friederichsfeld, and received hospital treatment at Hamburg for skin disease. He relates an incident of being made to stand to attention for four hours for smiling while being forced to do the goose step. He now suffers with severe stomach disorders. Three letters are filed by fellow prisoners and acquaintances in support of his claim.

The medical record consists of two certificates by Dr. J. Kenny of Turner Valley, Alta., as to the stomach condition. He rates claimant's percentage of disability at 30 per cent. Claimant's medical history files contain a summary of the statement made by him upon repatriation, which is substantially in accord with the story related by him before the Commission. In this statement he declares that he was held close behind the lines, at Denain, whereas, from war records, in March 1917, Denain was far removed from the allied lines.

Even if claimant did spend two months behind the lines, it will be observed that this was in 1917, when conditions of brutality and cruelty were not as they later developed in 1918 in similar cases. The evidence of disability resulting from maltreatment does not, in my opinion, justify a finding in claimant's favour. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 21, 1932.

### CASE 2565—JOHN LONGWORTH

Claimant was a Sapper in the 2nd Canadian Tunnelling Company—Regimental No. 503291. He enlisted February 5, 1915, at the age of 23 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 8, 1918. He is not in receipt of pension, was married in April 1920 and has one child. Prior to enlistment, he was employed as a coal miner, at \$7.50 per day, and is now fire boss in a mine, at \$5.85 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of solitary confinement, that he was kicked and beaten while ill, about the back with rifle butt, resulting in a permanent lamed back.

An analysis of the evidence reveals:—

Claimant first spent two months at Dulmen, where he has no complaints, and the remainder of his period of captivity at Engers. At this latter camp, he recites instances of two beatings, the first while engaged in bridge work. He states he was doing extra heavy work and being unable to carry on was knocked down by a guard and kicked while on the floor. He had to be assisted to barracks by his comrades. The second incident occurred during the influenza epidemic in 1918. He was lying ill in bed when a guard beat him about the back with a rifle butt. He now suffers from lameness and weakness in the back which hinders him in his calling as a coal miner.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. C. B. Rose, indicating pain in the back and abdomen with night sweats and weakness. Disability rated from 10 per cent to 50 per cent. A further certificate by the same doctor recites that he has known claimant for six years and that during that time claimant has had repeated attacks of pain in the back and abdomen with weakness and night sweats. A certificate by Dr. J. A. Key recites that claimant had treatment from him from 1922 until 1927. He suffered from weakness, pains in the back and abdomen, night sweats and chronic gastritis. He advised him to give up coal mining. The record is completed by letters from fellow-prisoners corroborating the story of the beating and kicks in the back. Claimant's medical history files show a condition of some debility upon discharge from the service.

Claimant has sought to show that his lame back is the result of the blows he received in Germany. I do not think the evidence justifies a finding to this effect, and I am inclined to regard his disability as resulting from general con-

ditions of camp life in Germany which is not to be regarded as maltreatment. (See Opinion annexed to my earlier report upon maltreatment cases). Claimant's system was apparently unable to withstand the strain and duress of camp life, but the resultant debility can hardly be ascribed to maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

OTTAWA, January 11, 1933.

ERROL M. McDOUGALL,  
Commissioner.

### CASE 2666—CHARLES H. L. MACDONALD

Claimant was a Corporal in the 15th Battalion—Regimental No. 27923. 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 gunshot wounds in the right lung, both legs and from gas. He was released to Switzerland in November, 1917, and reached England June 15, 1918. He is in receipt of a 25 per cent disability pension, amounting to \$32.50 for himself and family, based on debility and dyspnoea, due to collapse of lower lobe of right lung and pleural adhesions. He was married November 8, 1922 and has two children. Prior to enlistment, he was a student and is now an architect, at \$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 neglect of his wounds, of being given poison when he asked for water, made to work while ill and unfit until he collapsed, tortured and harassed by drunken troops, accused of shamming illness and not released to Switzerland for a year later than he should have been so transferred.

An analysis of the evidence reveals:—

Claimant lay, unaided, for five days on the field before he was taken in by the Germans, who sat him against a tree for 24 hours. He was roughly handled until he arrived at Roulers, where he received an injection, probably anti-tetanus. He was taken to Oberhausen and placed in hospital. He relates that while en route, he asked for a drink of water and was given something by a nurse which burned his face. He remained four months in hospital and states that he had an operation by one of the finest surgeons but the care and comfort was lacking by the nurses and attendants and he was really cared for by fellow-prisoners. He was put at work as soon as he was able to hobble around and was sent to a convalescent camp at Friederichsfeld. Placed at work, he finally collapsed. The work consisted of wheeling barrows of potatoes about a mile and then being made to sit and peel them all day in damp, cold quarters. He was then transferred to Saltau and placed at a lumber camp hauling provisions and unloading cars. He was unable to carry on and was returned to camp and placed on a farm. He was accused on bluffing, and, not excused by the doctor, he finally collapsed in the field and was returned to barracks. Upon recovery, and while returning from Verdun hospital, he was placed on a train with drunken German troops who mauled and mistreated him and finally kicked him off the train. He went before the Swiss Commission for examination but asserts that the remarks of the German doctor prevented his being passed for transfer. He was next sent to Heuberg, where he was still kept at work although weak and ill and was here finally passed for exchange to Switzerland.

The medical record consists of a certificate by Dr. T. J. Simpson, who did not appear before the Commission, indicating severe neurasthenia and lung trouble. He fixes the disability at from 20 per cent to 75 per cent. A declaration by claimant's mother corroborating his nervous disorders is filed. The military medical reports are lengthy and contain a complete history of claimant's chest condition.

The basis of claimant's complaint is that he was not given proper care while in Germany and was compelled to work when he was unfit, which treatment has aggravated his disabilities and induced a nervous condition which incapacitates him. The record of claimant's hospitalization and treatment after discharge is quite extensive. He is pensioned for the original chest wound which affected his lung and I do not think that the record justifies a finding that his treatment in Germany aggravated the disability. As to his nervous condition I cannot say that this is the result of maltreatment. Claimant was roughly handled, as were other prisoners, but he could hardly expect to receive the care, consideration and attention that he would receive in a civilian hospital. The incidents related following his capture are distressing, but in the heat of battle, I am not certain that anything better was to be expected. On the whole, and after very careful thought, I consider that claimant's case is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 17, 1933.

#### CASE 2703—ROBERT MADELEY

Claimant was an Imperial soldier who served, as a Private, with the Royal Welsh Fusiliers—Regimental No. 9985. He was a reservist who enlisted in July, 1908, at the age of 20 years. He came to Canada to reside in June, 1919. He was taken prisoner October 30, 1914, at Ypres, slightly wounded and was repatriated to England November 23, 1918. He is not in receipt of pension, was married in July, 1923, and has two children. Prior to the outbreak of war, he was employed as a bricklayer, at about 13 cents per hour and is now following his trade but cannot get much work to do.

He alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, starvation, back strain, forced labour, beatings and that he was given solitary confinement.

An analysis of the evidence reveals:—

Claimant was first detained in an open compound at Munster No. 1, during the month of November, where he was compelled to stand to attention for six hours, knee deep in mud. In April, 1915, he was sent to Halverde, where he remained until January, 1916. Here, he was forced to work long hours at leveling fields for light railways. Next, he was sent to Altonessen, working on top of coal mines at repair work. He strained his back lifting heavy machinery, was refused medical aid and was forced to continue work although in great pain. He also received 10 days' solitary confinement for refusing to work at night. After seven months, he was returned to Munster, where he remained until October, 1916. Finally, he spent two years at Rhineberg (sic), unloading stone barges, breaking stones and running salt wagons. For attempting to find shelter in a severe rain storm, he was routed out and given 10 days' solitary confinement and when placed in his cell, had water thrown over him. He received hospital treatment here for malaria. He still suffers with his back and stomach. He states that he received further confinement and beatings for attempted escapes.

Dr. David A. Henderson appeared and declared he attended claimant in 1924 up till 1929, for gastritis and pains in the back. Hospital examination has failed to disclose the cause of this pain. X-ray was negative for any organic feature. He is positive that claimant suffers real pain. The medical record contains a certificate by Dr. Henderson, indicating myalgia and rheumatism of the

back, chronic indigestion and gall stones and deficient teeth. A certificate by Dr. W. H. Butt to the effect that he attended claimant in 1924 for malarial fever is also filed.

Claimant's main complaint is as to his disabled back. As appears from the evidence, the original injury was accidental, during the course of his work. It has not been shown, nor, do I suppose, could it be demonstrated that any particular treatment would have been of benefit, save perhaps bed and rest. As the injury was not evident, I do not think that the Germans can be accused of maltreatment in refusing to give him such treatment when so many prisoners were simulating illnesses to escape work. The stomach condition spoken of is clearly nutritional in origin, and cannot be regarded as the result of maltreatment. Claimant's case, in my opinion, is purely pensionable in nature. Before this Commission, he has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGAL,  
*Commissioner.*

OTTAWA, January 17, 1933.

#### CASE 2799—JOHN MANCLARK

Claimant was a Private in the 60th Battalion—Regimental No. 139640. He enlisted February 16, 1915, at the age of 39 years and was taken prisoner August 14, 1917, unwounded. He was repatriated to England December 3, 1918. He is not in receipt of pension, was married prior to enlistment and has four children. He was employed as a labourer before the war, at \$12 per week, and is now unemployed but gets occasional work, at 40 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 forced labour, bad food, inadequate clothing and exposure and denial of medical aid.

An analysis of the evidence reveals:—

Claimant first complains that his shoes were taken from him after capture and that he was given unnecessary inoculations at Dulmen. He was sent to Bochum, where he stayed some 14 months under conditions of starvation and long hours of labour in coal mines. He had an accident to his foot but received no attention from the doctor.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. Broad who treated claimant for five years, once for pleurisy, another occasion for a poisoned hand and finally for bronchitis. A certificate by Dr. D. A. McLeod is filed, indicating pains in the chest and cough and rating the disability at 50 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant is no longer young and must expect some diminution in his physical vigour. The basis of his complaint is that long hours of work upon inadequate food has injured his health. He does not complain of any particular physical brutality. Ill health resulting from general conditions of this nature, is not, in my opinion, to be regarded as the result of maltreatment (See Opinion annexed to my earlier report on maltreatment cases). Whatever claimant's case may be, it is ineligible for award before this Commission. It fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 17, 1933.

## CASE 2715—WILLIAM MARSHALL

Claimant was an Imperial soldier who served as a Private in the 1st Battalion, Royal West Kent Regiment—Regimental No. 7542. He was a reservist who enlisted in 1904, at the age of 20 years and came to Canada to reside in April, 1913. He was taken prisoner October 27, 1914, unwounded and was repatriated to England November 18, 1918. He is not in receipt of Pension, was married in April, 1913, and has six children. Prior to the outbreak of war, he was employed as a painter and decorator and is now unemployed although he earns \$25 per week when at work.

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 head with a rifle butt causing severe headaches which persist, teeth extracted without cause, and of being tied up facing the sun for four hours per day for 14 days.

An analysis of the evidence reveals:—

After being held a week behind the lines, claimant was taken to Wahn, near Cologne, where he remained nearly two years. He complains of non-receipt of parcels and that he was segregated from his companions and was struck by a sentry over the head with a rifle butt and knocked unconscious. He was returned to work in a forest after this incident. He was quartered with Russian prisoners and had to take the food given them and which he was unable to eat. He reported sick in order to have a tooth extracted and states that they extracted seven sound teeth and left the affected one. He also relates that he was given 14 days solitary confinement for an offence which he did not commit. The cell was dirty, damp and with no sanitary toilet arrangements. He had to sleep on the bare ground. While at Linburg, he was ordered to sing to make gramophone records, refused, and as punishment, was lashed to a post for four hours per day for 14 days. All the time he complained of non-receipt of parcels which were being sent from home, and received many kicks and blows from sentries due to his inability to understand German. He completed his period of captivity at a sugar beet factory, near Cologne, and received better treatment there. He states that due to dizziness and frequent nose bleeds he is unable to climb ladders or to bend down to paint floors.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. W. E. Wilkins, indicating digestive discomfort, vomiting and headaches. The disability is fixed at from 20 per cent to 25 per cent.

The story related by claimant of the malicious extraction of teeth was so incredible that he was advised that he should furnish some corroboration of the fact. This he has failed to do. I do not find in the record, evidence of a present disability which may be attributed to maltreatment. Any stomach disorder from which he may now suffer is probably attributable to general food conditions in Germany and should not be regarded as due to maltreatment. Deprivation of parcels, even if clearly established, would not in itself constitute maltreatment. On the whole, claimant has failed to establish a present disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 17, 1933.

## CASE 2717—NEIL MASON

Claimant was an Imperial soldier who served as a Private in the Royal Welsh Fusiliers—Regimental No. 8217. He was a reservist who enlisted in 1904 and who came to Canada to reside in August, 1910. He rejoined his unit in August, 1914, at the age of 29 years and was taken prisoner October 25, 1914, at Ypres, unwounded. He was repatriated to England December 14, 1918. He was in receipt of Imperial pension, since discontinued, though he says he did not receive same. He was married prior to the outbreak of war and has three children. Prior to enlistment, he was employed as a painter, at 12 cents an hour and is still following this trade but cannot find employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, no medical attention while ill and forced labour while in that condition.

An analysis of the evidence reveals:—

After capture when being marched back, he stepped out of line and received a beating. At Cottingen, after a four days' journey without food, he states conditions were bad in 1914, continual hardship and abuse. He received several blows from rifle butts due to inability to understand German. Covered with boils and very weak, he was refused aid by the German doctor. The food was bad and sanitary conditions were poor at that time. In May, 1915, he was sent to the stone quarry at Weimar. He was ill and poorly clad but was forced to work and had to sleep on a stone floor with straw. Long hours of labour and continual beatings were the routine at this quarry and after six months the prisoners refused to continue at work. They were turned out of quarters which were locked against them all day and without food or drink they were readmitted at night. Sent to Cassel, their clothes were fumigated while they stood for an hour and a half without covering in the cold. This was in October. They were returned to work in the quarry but having strained his back, claimant was allowed to return to Cassel where he remained two months in hospital. After recovery, he had an easier time and in 1917 was sent to Betauson (sic) on railway work, where living conditions were better. He received a short period of solitary confinement to cells for refusal to work and was returned to Cassel. He was put on exchange for Holland but was sent to Aachen, whence he was returned to Germany and placed on a farm, where conditions were better.

Dr. A. F. Demary testified in corroboration of his certificate on file, and stated that he has known claimant since March, 1922. He finds him suffering from bronchitis, debility and nervous disorders with dilated heart. In his certificate he rates the disability up to 75 per cent.

Claimant tells a story of general abuse and privation while a prisoner, but I cannot say, from the record, that he has established any connexion between his present condition and his experiences while a prisoner. I regard his present state, as shown in medical testimony, as due to general conditions of camp life in Germany and not due to any particular maltreatment. (See general Opinion annexed to my earlier report upon maltreatment cases). His claim, if any, is purely pensionable in nature. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 17, 1933.



## CASE 2776—HUGH McANGUS

Claimant was a Private in the 29th Battalion—Regimental No. 76031. He enlisted November 9, 1914, at the age of 21 years and was taken prisoner April 19, 1916, suffering with shrapnel wounds in both legs. He was repatriated to England January 1, 1919. He is in receipt of a 10 per cent disability pension, amounting to \$14 per month, based on his war wounds. He was married February 7, 1919, and has three children. Prior to enlistment he was employed as a teamster at \$75 per month, and is now a truck driver averaging from five to six dollars per day when working.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a bayonet wound in the leg and of frequent headaches due to having been hit over the head.

An analysis of the evidence reveals:—

Claimant was first placed in hospital at Courtrai, where he remained until September, 1916, and has no complaints as to the treatment. At Stendal, while still on crutches, he states that a guard took his crutches from him, broke one over his neck and hit him in the mouth while he was lying on the ground. This was done without any provocation and claimant states that his leg injuries were aggravated by this assault. In the spring of 1917 he was sent to Wittenburg and then to Quedlinburg and finally to the coal mine at Merseburg. He was working in an electric tram that hauled coal and, when walking to the back of the tram, was accosted by a sentry who knocked him out by a blow on the head with his rifle. He tried to stab claimant with the bayonet and, in fending the blow, claimant's hand was injured; another lunge got him in the leg. He succeeded in getting the rifle from the sentry and knocked him out. He dared not report sick lest he be punished for striking the sentry. He received periods of confinement to cells and further beatings for being too slow at work. He now complains of deafness as the result of the blow across the head. W. P. Badenoch, a fellow-prisoner, testified as to the beating received at Stendal when claimant was on crutches. George B. Gillespie, another fellow-prisoner, testified that, though he did not actually see the beating, he saw claimant immediately afterwards and that he was in bad shape.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files relate only to his service wounds. No other disability is shown.

The incidents of brutality related by claimant are quite extreme. He is corroborated by a fellow prisoner as to the occurrence at Stendal, when he was hit with one of his own crutches and kicked. The more serious incident, at Merseberg, when claimant fought with a guard, was not seen by any other prisoner, the corroboration is merely as to his condition after the fight. Unfortunately for claimant, there is no medical evidence establishing any disability resulting from these experiences. It cannot be inferred that the blow on the head referred to has induced deafness, even if that condition were definitely established. Viewing the case as a whole, I am unable to reach a finding favourable to claimant. He has not discharged the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 13, 1933.

## CASE 2448—JAMES McEWEEN

Claimant served as a Private in the 8th Battalion—Regimental No. 417. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 24, 1915, during the second battle of Ypres. He did not file any claim form and was unable to appear at the sittings in Winnipeg due to being severely ill in hospital.

The medical adviser to the Commission visited him there and discovered that he makes no claim for maltreatment and appears disinclined to apply for pension. He seems to be suffering with heart trouble and I understand that his case is now being dealt with from the point of view of pension.

In view of the above, the claim, as before me, is treated as withdrawn and is therefore disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 21, 1932.

## CASE 2691—JOHN McKENNA

Claimant was a Private in the 14th Battalion—Regimental No. 25750. He enlisted in August, 1914, at the age of 27 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wounds in the back, right forearm and left side. He was repatriated to England in January, 1919. He is not in receipt of pension, was married in April, 1921, and has three children. Prior to enlistment, he was a plumbing contractor, earning about \$30 per week and is now following the same trade, at from \$10 to \$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 forced labour, exposure and a blow on the head from a rifle butt leaving a scar.

An analysis of the evidence reveals:—

Claimant was first in hospital at Giessen for two months and then placed at work in a brick yard before his wounds were entirely healed. Being unable to do the works, he states, he received a blow on the head with a rifle butt, leaving a scar. He was transferred to Senne lager and then Vehnemoor cutting reclaimed land. The living conditions were terrible he states. He injured his eyes with fertilizer and still suffers with sore eyes. He also asserts that his feet have been injured through wearing wooden shoes.

The medical record consists of a certificate by Dr. P. V. Graham, who appeared and testified that he has known claimant for some eight years and has treated him frequently for bronchitis. His certificate indicates flat feet and poor eyesight in addition to bronchitis. Claimant made a statement upon repatriation which is general in nature and deals chiefly with the working conditions imposed upon prisoners of war and the nature of the food supplied. His medical history files shown nothing unusual.

The bronchial condition of which claimant complains is probably the result of general conditions of life and work in German camps and cannot, in my view, be regarded as the result of maltreatment. Claimant's defective vision is not attributed to the blow on the head of which he speaks but to the effects of fertilizer which blew into his eyes. The evidence does not establish the connexity between the two. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, he has failed to make out a case of present disability resulting from maltreatment while a prisoner. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 17, 1933

**CASE 2702—HOWIE MAXWELL McKINNIE**

The claimant was an Imperial soldier, a Private in the North Staffords—Regimental No. 34893. He first came to Canada in May, 1922. He enlisted in England in May, 1915, was taken prisoner on March 31, 1918, and repatriated to England on December 15, 1918. He is married and has two children. He is not in receipt of pension. Prior to enlistment, claimant was a paper maker, earning £1/8-½ per week. He is now a mail carrier for the Government, earning \$76.50 per month.

Claimant has not completed the usual documents of claim and it was explained to him, at the hearing, that as he had not served with a Canadian unit, and only came to Canada to reside after the date of the ratification of the Treaty of Versailles, viz.: January 10, 1920, this Commission was without jurisdiction to entertain the claim. For reasons which have been set forth in general opinion annexed to my earlier report upon maltreatment cases this view is now confirmed. Reserving, therefore, to claimant all his recourses, and without dealing with the case upon its merits, I am compelled to disallow it before this Commission.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 4, 1933.

**CASE 2353—COLIN McLAINE**

Claimant was an Imperial soldier who served with the 7th Argyll and Sutherland Highlanders—Regimental No. 275377. He had enlisted in March, 1914, and was called to the colours on August 4, 1914, and served in France from June 16, 1916, until he was taken prisoner March 23, 1918. In a statutory declaration made in support of his claim and in his evidence given before me, at Vancouver, September 28, 1932, he stated he arrived in Canada in January, 1920. This statement was to have been corroborated by a letter from the steamship company, but subsequently a letter was received from claimant's solicitor, dated October 17, 1932, advising that the claimant had informed him that he did not reach Canada until July, 1920.

For reasons which have been explained in my earlier report upon maltreatment cases, only those Imperial soldiers who became resident in Canada on or previous to January 10, 1920, date of the ratification of the Treaty of Versailles, are entitled to have their claims considered by this Commission.

Reserving, therefore, to claimant all other recourses, and, without deciding the case upon its merits, the claim is disallowed for want of jurisdiction.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 11, 1933.

**CASE 2509—MURDOCH McLEAN**

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that he enlisted on April 14, 1915, was taken prisoner on June 2, 1916, unwounded, and repatriated to England on December 3, 1918. An application for pension appears to be pending. Claimant was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to do so. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 28, 1932.

## CASE 2716—WALLACE ALEXANDER McLEAN

Claimant was a Corporal in the 15th Battalion—Regimental No. 27662. 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 Switzerland in December, 1916. He is in receipt of a 100 per cent pension, amounting to \$75 per month, based on pulmonary tuberculosis. He is unmarried. Prior to enlistment, he was employed as a metal pattern maker, earning twenty cents per hour, and is now practically unemployed except for occasional selling activities.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, medical neglect while ill and forced labour.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen, moved to Munster, and sent out on a working party to Sterkrade, where he was quartered in an old livery stable. He contracted pleurisy due to exposure and wet, but the doctor refused to treat him and kept sending him back to work, until finally he was sent to hospital. He was discharged February, 1916, sent to Friederichsfeld, and, after two weeks, was returned to Munster. He complains that the neglect by the doctor in not removing the fluid while he was ill with pleurisy, has much to do with his present condition. There is a suggestion by claimant that he was inoculated with tuberculosis while in hospital in Germany.

Dr. G. W. McNeill testified that he has been attending claimant since 1923, and stated that he believes that less than one-third of the lung really functions, and that it is unique that he is alive with his present chest condition. He states that the fluid should have been drawn from the lung long before it was removed. He also files a certificate, indicating pulmonary tuberculosis, and substantiates claim of carelessness in the treatment for pleurisy while a prisoner. Claimant's medical history files refer to the pulmonary condition as due to privation, undernourishment and overwork while a prisoner.

Claimant contracted pleurisy while a prisoner and it seems to be his contention that had the fluid been removed, as he pretends it should, he might not now be suffering from tuberculosis. I understand that it is questionable whether fluid should be removed if there is any chance of the malady being diagnosed as tubercular. Moreover, it appears in claimant's medical history files that fluid was removed in Germany, this information apparently being based upon statements made by claimant upon repatriation. Claimant's extended statement made upon repatriation speaks well of the treatment accorded him in German hospitals. Any question of the suggested inoculation of the disease is without foundation. I have formed the clear impression that claimant has not been successful in showing any aggravation of his condition by reason of the treatment or want of treatment, given him in Germany. His case, in my opinion, is one purely for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, January 17, 1933.

## CASE 2558—JOHN R. McLEOD

Claimant was a Sapper in the 2nd Tunnelling Company—Regimental No. 503299. He enlisted in 1915, at the age of 29 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England in April, 1918. Claimant is in receipt of a 35 per cent disability pension, amounting to \$49 per month,

based upon asthma and bronchitis—emphysema. He is married and has three children. Prior to enlistment, he was a coal miner, earning between \$9 and \$10 per day. He is now a fire boss, at a wage of \$5.85.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows causing injury, exposure to the weather and confinement.

An analysis of the evidence reveals:—

Claimant has no complaints as to Dulmen camp, where he spent the first two months of his period of captivity. Sent to Essen, for refusing to work, he, with others, was made to stand to attention till he collapsed. He next went to Wahn; he was in hospital suffering from a hernia. He has no complaints in hospital and was then sent to Cassel, where he remained for the duration of the war. First, at a farm, he has no complaints, but later, at a locomotive factory, which turned out to be a munitions plant, for refusing to work, he was beaten and sustained an injury to his knee, and his nose was broken. He was moreover confined to cells and generally abused. He was later beaten again and spent the last six months in hospital. Claimant attributes a chest condition to exposure to the wet while in cells. His knee does not now trouble him.

The medical record indicates that claimant suffers from sub-acute bronchitis and bronchial asthma and tachycardia. The certificates of Drs. G. Blair Rose, Dr. J. A. Key and Dr. F. B. Day are produced, attesting the foregoing state of health. Claimant's medical history files speak of bronchitis, asthma and a heart condition, which form the basis of his pension award.

In this state of the record I do not consider that I can reach a conclusion favourable to claimant. I regard his present condition as due to general conditions of the camp life in Germany and properly the subject of pension. Claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 10, 1933.

#### CASE 2306—ROBERT GORDON McMILLAN

Claimant was a Private in the 7th Battalion—Regimental No. 16920. He enlisted in August 1914, at the age of 19 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 and reached England November 18 of that year. He is not in receipt of pension, was married in 1925 and has two children. Prior to enlistment, he was employed as a garage mechanic, at about \$3.50 per day and is now on a farm at about \$40 per month, not including board.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, exposure, hard labour and a blow on the head with a rifle butt from which he now suffers recurrent headaches.

An analysis of the evidence reveals:—

Sent to Giessen, claimant was placed at work in the quarries and upon refusal to work was returned to Giessen. At Dedesheim, he became ill, due to lack of nourishment and was denied medical attention for four months. When he was finally allowed to see a doctor he was afforded hospital treatment and then given light work for six months. At Zerbst, he complains that dogs were kept for the purpose of preventing escape and these were set on the prisoners and in the rush to the barracks he was struck on the head with a rifle butt and now

carries the sear and suffers headaches and deafness in the right ear. The prisoners were not provided with sufficient bedding, had to sleep on the floors and had no fires. He developed rheumatism due to these conditions and from being forced to work in the rain. A declaration of John W. R. Mencar is filed. He was a fellow prisoner and corroborates the story as to camp conditions at Giessen and Zerbst.

The medical record consists of a declaration of Dr. R. F. Greer of Vancouver to the effect that claimant suffers from inflammatory rheumatism of ankles, knees, hips, shoulders, elbows, wrists and fingers, and fixes the disability at 50 per cent. A letter from the National Hospital Association, of Portland, Oregon, indicates that claimant was treated by their Dr. W. A. Trimble for rheumatic pains in both feet, in June 1926, in July of the same year by two other doctors of their staff and in January 1927 by still two other doctors. A certificate of Dr. D. A. Davis is produced to the effect that claimant was a patient in hospital at Kimberley, B.C., in January 1930, with rheumatism, and had his tonsils removed. A letter from Dr. Greer is also filed dealing with the headaches, ear condition and rheumatism. Claimant's medical history files show nothing unusual.

Claimant's rheumatic condition is his main disability. I do not consider that he has shown that this disability results from maltreatment. It is probably the result of general camp conditions in Germany to which all prisoners were exposed, and, if properly proven, will constitute a claim for pension. The head conditions—headaches—with some impairment of hearing is ascribed to the blow on the head referred to. The extent of any disability resulting therefrom has not been established nor are the circumstances surrounding the blow explained with sufficient definiteness to permit of a finding that claimant now suffers a disability in this respect resulting from maltreatment. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 21, 1932.

#### CASE 2606—JAMES McPHERSON

Claimant was an Imperial soldier, who came to Canada in 1904, went back to Scotland in 1912, intending to make a holiday visit, but remained longer than he had planned and enlisted there when the war broke out. He served, as a Private, in the 6th Gordons, 51st A Company—Regimental No. 41178. He was taken prisoner April 11, 1918, near Lebasse, un wounded. He was repatriated to England in November, 1918. He is not in receipt of pension and is unmarried. Prior to the war, while in Canada, he was employed as a carpenter, at 50 cents an hour, and is now unemployed and on relief.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work while ill, of beatings and general abuse.

An analysis of the evidence reveals:—

Claimant was not taken to Germany but was put to work near Lille at breaking up machinery and filling trucks and boats with the scrap, where he frequently had to stop work due to shell fire. He was beaten on one occasion when he reported sick. The food rations were scanty and the sanitary arrangements lacking, especially at Fort McDonald. He contends that he now suffers chiefly from nervousness.

The medical record consists of a certificate by Dr. Harold W. McGill, to the effect that claimant suffers "impaired cordiac muscular function resulting in vascular hypotension," loss of left eye with disability ranging from 30 per cent to 40 per cent. His medical history files are not available.

Claimant was a prisoner for eight months only, and, although he served behind the German lines, appears to have come off with comparatively little disability. His eye injury, on his own statement, was of post discharge date. A very evident sense of honour apparently stood claimant in good stead. I cannot say, from the record, that he has shown a present disability resulting from maltreatment. He complains of general nervousness which is too indefinite to permit of a finding in his favour. If established, it might be sufficient to give him entitlement to pension. On the whole, I consider that claimant has failed to discharge the burden resting upon him, and the claim must accordingly be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 21, 1932.

### CASE 2635—JAMES MEARES

Claimant was a Private in the 3rd Battalion—Regimental No. 9695. He enlisted in August, 1914, at the age of 39 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 8, 1918. He is not in receipt of pension, was married a second time in June, 1927, and has no children. Prior to enlistment, he was employed as a baggageman, earning about \$80 per month, and is now unemployed, although had been in a lumber yard averaging \$60 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 severe beating with rifles, sustaining a broken nose, loss of teeth and an injured ankle.

An analysis of the evidence reveals:—

Claimant spent a few weeks at Giessen and was then sent to the Geisweid Iron Works, where he served out the remainder of his period of captivity. He declares that immediately after capture and while en route to Roulers he received a severe beating with rifle butts by German soldiers, his nose being broken, teeth knocked out and his ankle crushed when a German cavalryman deliberately rode over him with a horse. This beating, he states, was because he tried to assist a wounded comrade by lifting him up. He was sent to hospital but states he received no medical attention there. The ankle is still weak and gives way under him periodically. He was sent to the coke ovens at Geisweid and harassed continually while attempting to work.

The medical record consists of two certificates by Dr. R. F. Greer, who did not appear before the Commission. He finds claimant's eyesight and hearing much below par and that he suffers from a disabled right ankle. Claimant's medical history files show nothing unusual. He was apparently discharged from the service as fit.

Claimant is no longer young and must expect the passing years to take their toll. The incident of being beaten after capture and deliberately trod upon by a German Uhlan, with permanent injury to his ankle, is, I think, overstated. The latter injury was probably accidental in the sense that the German was none too careful. I am inclined to think that claimant's recourse, if any, is before the Board of Pension Commissioners. Here, he has failed to discharge the burden of showing disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

## CASE 2752—THOMAS MERCER

Claimant was a Private in the 44th Battalion—Regimental No. 829299. He enlisted December 1, 1915, at the age of 40 years and was taken prisoner April 12, 1917, suffering from shrapnel wounds in the right forearm and hip. He was repatriated to England December 7, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a butcher, earning \$85 per month, and is now a store manager, at \$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 starvation, confinement, and excessive labour, which has undermined his health.

An analysis of the evidence reveals:—

First taken to hospital at Douai, claimant's wounds were dressed and he was then transferred to hospital at Julich, where, he contends, he suffered from neglect, his wounds taking three months to heal. He was then sent to Limburg and placed at work in a camp at Engers, digging drains, piling brick and unloading coal. He states that the food was terrible and that upon refusing to work on munitions he was placed in cells and threatened with death. When released, after two days, he was placed at harder work in the smelters and could scarcely keep up with his tasks. He now suffers chiefly from nervous disorders.

The medical record consists of a certificate by Dr. I. L. Jamieson, who did not appear before the Commission. He notes the scars of claimant's service wounds and finds him suffering from nervousness and heart trouble due to his experiences while a prisoner. He fixes his disability at 70 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

There is very little evidence of harsh treatment in this record. Claimant underwent the usual privations of camp life in Germany, and for a man of his years—he is now 57—he appears to be in excellent physical condition. I cannot find that he has established present disability resulting from maltreatment, the nervousness and heart condition of which he speaks being quite general. Claimant has thus failed to discharge the burden resting upon him. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

## CASE 2549—JOHN MILES

Claimant was a Sapper in the 2nd Canadian Engineers—Regimental No. 503492. He enlisted November 25, 1915, at the age of 23 years, and was taken prisoner June 2, 1916, suffering from concussion due to shell explosions. He was repatriated to England December 14, 1918. He is in receipt of a 10 per cent disability pension, recently granted, based on neurasthenia and pyorrhoea. He is unmarried. Prior to enlistment, he was employed as a sheep herder, at \$50 per month and board, and has now resumed this occupation at \$40 per month and board. He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a dislocated shoulder, the result of a blow from a rifle butt, abuse, starvation, solitary confinement and court-martial.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he remained for two months. Sent then to Duisburg, he worked at unloading canal barges, and received the blow in the shoulder complained of for refusal to work. It is still troublesome.



At Vanheim, he attempted to escape and was given the usual solitary confinement. Attached to Munster No. 3, he was sent to the coal mines, where he remained until the end of the war. He has no complaint as to the mines. He suffers with his heart, shoulder and bladder.

The medical record consists of the certificate of Dr. J. S. Wray, indicating "pain in left shoulder region on movement, objective signs nil," with disability rated at from 10 per cent to 25 per cent.

Claimant confines his complaint of disability resulting from maltreatment to his shoulder injury. While he may have been struck as stated, I do not think that it necessarily follows that the condition now complained of results from such blow. The evidence does not convince me that the disability is great or that it is due to the cause stated. Claimant's symptoms are purely subjective, there is no objective evidence of injury. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 21, 1932.

#### CASE 2755—CLIFFORD CLYNE MILLAR

Claimant was a Private in the 2nd Canadian Tunnelling Company—Regimental No. 503290. He enlisted February 4, 1915, at the age of 24 years and was taken prisoner June 2, 1916, at Sanctuary Wood, unwounded. He was repatriated to England December 16, 1918. He is not in receipt of pension, was married in May, 1922, and has two children. Prior to enlistment, he was a coal miner, earning an average of \$5 per day, and is now fire boss, at \$160 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 overworked in the coal mines, forced to stand to attention for long periods, confinement to cells, starvation and bad food, and of being struck with a rifle on the back and with a bayonet on the head and nose.

An analysis of the evidence reveals:—

Claimant was first sent to Dulmen, where his complaint is as to the poor food. He was soon sent to the coal mines, at Ospel No. 1, where he remained for two years and four months. He states that the mines were badly ventilated and poorly maintained and that the bosses drove them to work with rubber hose, and, in particular, forced claimant to work while unfit. When he refused to do extra labour, he was compelled to stand to attention and confined to cells. In one melee, due to refusal to work, he received cuts on the hand and nose by a bayonet and blow on the back with a rifle butt, but no serious permanent disability resulted.

No medical testimony was adduced nor any medical certificate filed. Claimant's medical history files do not show any disability. He was apparently fit upon discharge.

The record is quite incomplete in this case. There is no medical evidence of present disability. Claimant appeared to be in excellent health when he appeared before the Commission. He complained only of haemorrhoids, which he attributes to long hours standing to attention. A wound in the hand from a bayonet has left no disability. Clearly, claimant has failed to discharge the burden of showing a present disability due to maltreatment. Possibly, due to the fact that he was a miner, he came through his experiences in the coal mines practically without disability. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

## CASE 2579—ALBERT E. MILLS

Claimant was a Private in the 50th Battalion—Regimental No. 447152. He enlisted May 27, 1915, at the age of 23 years and was taken prisoner June 3, 1917, suffering from gunshot wounds in the arm, hip and leg. He was released in Holland in August, 1918, and reached England on the 18th of that month. He is in receipt of a 60 per cent disability pension, amounting to \$49.50 per month, based on the amputation of the right leg. He is unmarried. Prior to enlistment, he was a railroad fireman, earning about \$100 per month, and is now employed as a barber but only on part time, earning \$4 to \$10 per week.

He alleges that while held prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation and abuse.

An analysis of the evidence reveals:—

Claimant was a stretcher case, when captured, and his leg, which had been shattered, was removed immediately. At Aachen, in hospital, he states the treatment was bad and the dressings neglected. He contends that the amputation was improperly performed by the German surgeon. He remained in hospital during the entire period of his captivity and complains of beatings, which tore the flesh off the stump of his leg.

The medical record consists of a certificate by (doctor's name indecipherable) referring to the amputation and fixing the disability at 50 per cent. Claimant's medical history files show prolonged hospital treatment extending from date of repatriation until January, 1920.

Claimant's complaint is that his wounded leg did not receive proper surgical attention, and that, had he received better treatment, his disability would now be so great as it is. The evidence does not substantiate this contention. It was clearly necessary to amputate what remained of his leg and the record does not disclose that there was any surgical or medical neglect at the time of the operation or thereafter. The case is purely one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner*

OTTAWA, December 21, 1932.

## CASE 2526—ROBERT MORLEY

Claimant was a Private in the 7th Battalion—Regimental No. 16663. 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 gunshot wound in the right foot. He was repatriated to England December 21, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$30 per month, based on the wound in the right foot and amputation of three toes and arthritis of the great right toe. He was married in May, 1926, and has four children. Prior to enlistment, he was employed as a boiler-maker, at \$150 per month, and is now unemployed, his last job being as a steel-worker, earning up to \$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 an operation without anaesthetic, of being beaten with a horsewhip while lying wounded, that he sustained a rupture while engaged in heavy labour, starvation, confinement, and a blow in the back of the neck with a bayonet.

An analysis of the evidence reveals:—

While travelling to Germany, as a stretcher case, claimant relates that at Ohrdruf station he was horsewhipped by a German civilian, while lying wounded

in an open truck. In the lazaret at Ohrdruf he was operated upon without anaesthetic and three toes were amputated. While working on a farm, using wheelbarrows, he states he sustained a rupture in the left side due to pushing heavy barrows. If unable to do the required work, the farmer would confine him for three days in a cellar on bread and water. At Cassel, he was employed at cutting wood, and, being unable to keep up with the required loads, he was transferred to Langensalza, whence he was placed on another farm. Here, while unloading hay, he reported sick and the sentry drew his bayonet, struck claimant on the side of the head, knocking him down. He was then left for ten days in a wet cellar. He then began to notice that he was deaf.

Dr. W. C. Walsh appeared and testified that he examined the claimant and found him quite deaf, nervous, and attributes the deafness to the blow with the bayonet followed by the dampness in the cellar from which he caught cold. His certificate on file indicates a fine scar, 2 inches long, on left side of neck just below tip of mastoid process, which would show evidence of being wounded by a bayonet.

A report from military headquarters is filed which recites "there are no entries on hospitalization cards, medical case sheets, or medical boards, nor on regimental documents, which would indicate that this man had a scar on the back of his neck, resulting from a bayonet wound and causing deafness." The Pensions and National Health file of this ex-soldier has also been examined and no mention is made of this scar on his neck. Further, in his own statements, Morley has at no time mentioned this disability or made claim for pension or treatment on account of this wound or for deafness.

Claimant's explanation of the manner in which his deafness arose is not convincing. I am inclined to think that this condition was induced by an infection which has nothing to do with the blow referred to. While claimant was roughly treated, I do not think that the record establishes any connexion between his present state of health and maltreatment. I regard his case as purely pensionable in nature. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 10, 1933.

#### CASE 2633—ARCHIBALD MORRISON

The claimant was an Imperial soldier, a Private in the Argyll and Sutherland Highlanders—Regimental No. 8772. He came to Canada to reside for the first time in September, 1920. He enlisted in August, 1914, was taken prisoner on August 27, 1914, unwounded, and repatriated to England in November, 1918. He is not in receipt of pension. He is married and has two children. Prior to enlistment, claimant was a street car conductor, earning 27 shillings per week. He is now a foundry helper, at \$3.80 per day.

It was explained to claimant at the hearing that, as an Imperial soldier who first came to Canada in September, 1920, he was without right before this Commission. It is only in the cases of Imperial soldiers who were resident in Canada previous to January 10, 1920, date of ratification of the Treaty of Versailles, that this Commission has jurisdiction to entertain their claims (See my earlier report upon maltreatment cases). Reserving, therefore, to claimant all his recourses, and, without deciding the case upon its merits, the claim must be disallowed before this Commission.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 4, 1933.

## CASE 2747—THOMAS MICHAEL MULLINS

Claimant was a Corporal in the 7th Battalion—Regimental No. 16576. He enlisted in September, 1914, at the age of 34 years and was taken prisoner on April 24, 1915, at the second battle of Ypres, unwounded but suffering from gas. He was repatriated in March, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$11.25 per month, based upon defective hearing. He is unmarried. Prior to enlistment, claimant was a marine fireman, earning \$50 per month.— He has been unemployed for two years.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that having been certified as unfit for transfer to Switzerland, he was not permitted to go and was compelled to work. He suffers from a chest condition.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, and complains only of the food. Sent out to a chemical plant near Frankfurt, he suffered from the fumes. Unable to stand this work, he was returned to Giessen and sent on to Oberlanstein, where he worked in the freight sheds. Suffering with his chest, he received no medical attention and complains of the long hours of work. Sent back to Giessen, he was passed for the Swiss Commission as unfit, sent to Mulheim, awaiting transfer, but was then sent to Zerbst for 1½ years. He was not made to work and has no complaints of maltreatment, except as to general neglect and, in particular, failure to treat his ears, which were running. A number of certificates have been filed testifying highly to claimant's character.

The medical record indicates that claimant suffers from defective hearing and apparently had tuberculosis at one time, which appears to have been arrested. He is stated to be 75 per cent disabled. Dr. MacCallum, who certifies to the foregoing, did not appear before the Commission. A certificate of Dr. D. M. Baillie is also produced, containing a diagnosis of chronic bronchitis—mediastinitis, with the statement that the condition probably results from service.

Claimant told a very straightforward story of his experiences in Germany. The ear condition, for which he receives pension, cannot be ascribed to maltreatment whilst a prisoner. It was of service origin. Nor do I think that claimant has been successful in showing that the bronchial condition from which he suffers is to be ascribed to maltreatment. It is more the result of general conditions of camp life in Germany. On the whole, claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 9, 1933.

## CASE 2765—GEORGE McLEAN MUNRO

The claimant was a Private with the 16th Battalion—Regimental No. 429226. He enlisted in March, 1915, with the 47th, at the age of 21 years, and was taken prisoner on October 1, 1918, wounded in the right thigh. He was repatriated to England in December, 1918. Claimant is in receipt of a 15 per cent disability pension, based upon his leg injury. He is unmarried. Prior to enlistment, he was employed as a bank clerk, earning about \$58 per month. He is now unemployed but has worked in the mines.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his wounds were inadequately and improperly attended, which has resulted in aggravated disability.

An analysis of the evidence reveals:

Claimant was a prisoner for about 2½ months, which time he spent at Valenciennes and Gustrow. He confines his complaint to the lack of treatment for his wound, which became septic. He alleges that the wound was then improperly probed with what he describes as a "metal probe." This is alleged to have injured the bone, necessitating operations when claimant returned home. Claimant does not complain of any particular physical abuse but stresses the lack of medical treatment. Apparently claimant had an accident while working in the mines after discharge, but whether the injury then sustained aggravated his condition has not been made clear.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant relies upon his medical history files as showing his disability. These reveal nothing unusual, the disabled thigh, for which he is in receipt of pension, being referred to, with some neurosis, following an accident to the hand, post discharge.

Claimant has failed to show in what manner the treatment he received has aggravated his disability. His leg was dressed and apparently he received some surgical attention. It is quite impossible to infer, from the record, that he was the victim of any malpractice which has left him with a greater disability than he would otherwise have had. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His claim is purely pensionable in nature. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 6, 1933.

### CASE 2639—ERNEST NOBLE

Claimant was a Lance Corporal in the 29th Battalion—Regimental No. 76150. He enlisted in January, 1915, at the age of 34 years, and was taken prisoner on April 19, 1916, wounded above the left eye. He was repatriated to England in January, 1919. He is not in receipt of pension, was married in 1919 and has one child. Prior to enlistment, claimant was a carpenter, earning \$4.50 per day. He is now unemployed but when working as a carpenter earns about \$1 per hour.

Claimant alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He has not filed the usual statement of claim, but has produced an affidavit containing a statement of the maltreatment upon which he relies.

An analysis of the evidence reveals:—

Claimant does not complain of his treatment at field dressing stations nor at Courtrai. At a stone quarry, he complains of being made to stand to attention for long periods during three weeks and confinement to cells for refusal to work. Claimant tells a confused story of an attack by guards when the prisoners struck and he was apparently hit over the head by a guard with his fist. During the melee, claimant threw a couple of guards down stairs. He was beaten in cells and tried by court-martial at Friederichsfeld. Sentenced to death, upon appeal, the sentence was reduced to six years' imprisonment. Copy and translation of the court-martial sentence is filed showing confirmation of a sentence for "insubordination in the field," term of imprisonment unstated. He served seven months of this sentence in Cologne gaol. As a result of his experiences, he suffers from nervousness and a general run-down condition.

The medical record indicates that claimant suffers from "debility, insomnia, headaches, praecordial pain, dizziness and inability to work at any elevation." His percentage of disability is stated at from 50 per cent to 90 per cent. Dr. Colin MacDiarmid, who certifies to the foregoing, did not appear before the Commission. There is also filed certificate of Dr. O. S. Large, certifying to a condition of neurasthenia, sleeplessness, irritability, morbidness and loss of weight. Claimant's medical history files show nothing unusual.

Claimant's condition of neurasthenia is quite general in nature and such as would be probable to result, as in the case of other prisoners, from conditions of camp life in Germany. On the evidence, I cannot say that the court-martial which claimant underwent was so unfair and unjustified as to constitute maltreatment. It evidently arose out of a more or less serious disturbance amongst the prisoners. On the whole, I consider that claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 10, 1933.

*Commissioner.*

#### CASE 2283—ALBERT H. NURSE

Notice of claim on behalf of the claimant was received from the Canadian Legion at Ottawa, in January, 1931. The usual claim forms were sent him, but have not been returned. Filed with the application are copies of affidavits purporting to have been executed by two fellow-prisoners, from which it would appear that claimant enlisted with the 8th Battalion, Canadian Expeditionary Forces, and was taken prisoner on April 24, 1918, and spent some time at Munster camp and in a camp on the Russian front. Claimant's military record shows that an application for pension is pending before the Board of Pension Commissioners, based on neurasthenia, myositis, neuritis and bronchitis. The medical record discloses that upon discharge all systems were found normal.

Claimant was notified to appear before the Commission at its Ottawa sessions on July 27, 1932, but failed to do so. The record discloses no communication from the claimant and no effort on his part to press or substantiate his claim. In these circumstances, the claim fails and must be disallowed for want of prosecution.

ERROL M. McDOUGALL,

OTTAWA, February 9, 1933.

*Commissioner.*

#### CASE 2379—EDWARD O'CONNOR

Claimant was a Private in the 44th Battalion--Regimental No. 820509. He enlisted April 4, 1916, at the age of 29 years, was taken prisoner August 23, 1917, unwounded, and was repatriated to England on December 7, 1918. He is not in receipt of a pension, was married November 10, 1919, and has five children. Prior to enlistment, he was employed as locomotive fireman, earning \$140 per month and is now a clerk in the Civil Service of Canada, at a salary of \$1,728 per annum.

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 the coal mines and that he was struck on the hand with a shovel by a miner in charge. The blow split open his hand. He received frequent blows with pick handles, and another blow on the leg with a rifle butt, which disabled him for some time and still troubles him.

An analysis of the evidence reveals:—

Claimant was first taken to Douai and sent on to Dulmen camp. He has no complaints of his treatment at either place, but was not so fortunate at the coal mines near Essen, where he spent the remainder of his period of captivity. He encountered the usual rough usage; had his hand split open by a shovel in the hands of a guard, and upon another occasion was hit on the leg by a guard when he interfered with the punishment being meted out to another prisoner. Although this latter wound troubled him at the time, claimant does not suffer any disability therefrom at the present time but fears operative treatment may yet be necessary and it is because of this apprehension that he now asserts a claim. He has not consulted a physician for ten years and is apparently in good condition.

Claimant has produced no medical evidence and declares that he is unable to do so. His medical history files show nothing unusual. A suspected heart condition was later found to be groundless.

Claimant told his story in a very frank and convincing manner, but in the absence of evidence of a present disability from a medical point of view, it is impossible for me to speculate upon a possible disability which may arise in the future. Should occasion arise, I have no doubt that claimant will receive consideration at the hands of the Pension Commissioners. The claim fails before this Commission and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 15, 1932.

#### CASE 1985—WILLIAM AGAR O'GRADY

Claimant enlisted as a Lieutenant in the 8th Battalion, and held that rank when taken prisoner on April 24, 1915, at the second battle of Ypres. When captured he was wounded in the right leg and arm. He was transferred to Switzerland, as medically unfit, on August 11, 1916. He is in receipt of a 40 per cent disability pension, based upon the wound in his leg.

The claim is unusual in that no claim is made for disability resulting from maltreatment. Claimant merely seeks to recover the amount which he was compelled to pay for a room which he occupied, in hospital, at Paderborn, from April, 1915, to February, 1916—the amount being stated at \$180.

Filed with claimant's medical history files is a very complete statement made by claimant upon repatriation. The recital of claimant's experiences in Germany, from the time of capture to his exchange to Switzerland, is most interesting. Far from charging the Germans with maltreatment, he speaks of his treatment and that of other prisoners, as excellent, and praises the German medical and surgical services. Every consideration would appear to have been extended to claimant. He declares that the Canadians were particularly well treated, in this differing from the stories told by the great majority of claimants heard before the Commission.

The claim, as presented, seeking to recover a sum of money illegally charged to him whilst a prisoner, cannot be maintained. It appears from the statement made by him that he voluntarily agreed to make the payment in question and was quite satisfied with the arrangement made. I do not think that a charge so made and accepted is to be regarded as maltreatment within the meaning of the relevant sections of the Treaty of Versailles. Had the money been extorted under threats of abuse, the situation might have been different. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL

*Commissioner.*

OTTAWA, January 6, 1933.

## CASE 2739—WILLIAM O'ROURKE

Claimant was a Lance Corporal in the 2nd Battalion—Regimental No. 8013. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension, was married in May 1920 and has no children. Prior to enlistment, he was employed as a telephone linesman, at \$2.75 per day, and is now a city fireman, at \$95 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of stomach disorders and constipation due to under-nourishment, and confinement while a prisoner.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp during the entire period of his captivity. He worked at Geisweid in the iron works and complains only of the food. He was returned to camp, having added another stripe to his tunic and was placed in the post office. In the spring of 1918, he was moved to a farm. Previously he received 24 days' cells for an attempt to escape. He sustained very little brutal treatment other than 10 hours drill per day in wooden sabots and an occasional kick or blow. The record contains a declaration by W. J. Phillips, Chief of the Fire Department at Sault Ste. Marie, Ontario, to the effect that claimant has to be given light duty due to his condition and weak back. A declaration by Thos. A. Hynes, who has known claimant for 20 years, states that he does not enjoy the robust health he possessed before the war.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. A. Sinclair, indicating gastritis and constipation, with disability from 50 per cent to 75 per cent. Claimant's medical history files show nothing which indicates disabilities resulting from maltreatment.

This case presents practically no features of maltreatment in the way of physical abuse. Claimant appears to have been very fairly treated by his captors. His disabilities at the present time are purely nutritional in origin and do not give rise to an award for reparations. For reasons which have been explained in general opinion annexed to my earlier report upon maltreatment cases, conditions of camp life in Germany unless aggravated by special circumstances are not to be regarded as maltreatment. The mere fact that claimant was held as a prisoner does not entitle him to an award. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 18, 1933.

## CASE 2645—GEORGE E. ORR

Claimant was a Private in the 7th Battalion—Regimental No. 17155. He enlisted in August, 1914, at the age of 28 years, and was taken prisoner April 24, 1915, wounded in the back (bayonet). He was repatriated to England in December, 1918. He is not in receipt of pension; was married in September, 1921, and has one child. Prior to enlistment, he was a farmer, earning \$3.50 per day, and now operates a small farm and works for the British Columbia Nurseries, earning \$72 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 beaten into unconsciousness, hard labour in the stone quarries, exposure to the weather, which has resulted in neuritis and lumbago.



An analysis of the evidence reveals:—

Claimant declares that immediately after capture he was beaten and injured by his captors while being made to drag a machine gun. Sent on to Giessen, claimant complains of the cruel and rough treatment of his wounds by the doctor and alleges that septic poisoning resulted therefrom which laid him up for nine months. He was then sent out to work in the stone quarries where the food was insufficient, the work heavy and the abuse general. He speaks of being made to work in wet weather without change of clothing. He remained here over two years and also worked in a nearby factory, when, finally he was sent to a small farm where conditions were better. To these experiences claimant attributes a condition of neuritis and lumbago.

The medical record indicates that claimant is "subject to attacks of lumbago and neuritis if he overworks or exposes himself to inclement weather." His percentage of disability is stated at 20 per cent in his own calling and at 15 per cent in the general labour market. Dr. R. McCaffrey, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. It is significant that claimant has not applied for pension, because he does not regard himself as seriously disabled.

In this state of the record it is impossible to reach a finding in claimant's favour. Whatever disability he may suffer as the result of his experiences in Germany can only be ascribed to general camp conditions and cannot be regarded as maltreatment (See general Opinion annexed to my earlier report upon maltreatment cases). Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His claim, if any, is elsewhere. The claim is accordingly disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 6, 1933.

#### CASE 2446—ARTHUR JAMES PALMER

Claimant was a Private in the 8th Battalion—Regimental No. 92. He enlisted in August, 1914, at the age of 24 years and was taken prisoner April 26, 1915, during the second battle of Ypres, unwounded, but gassed. He was repatriated to England December 30, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$30 per month, based on neurasthenia, flat feet and bronchitis. He is unmarried. Prior to enlistment, he was employed as an elevator operator, earning \$13 per week and is now a packer of sashes and doors, at about \$30 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of poor food, exposure, general ill treatment and an injury to his back.

An analysis of the evidence reveals:

Taken to Roulers, claimant was transferred to Munster No. 1, where he has no complaints. At Gutersloh a short time, he was then sent to Dulmen, thence to some of the Munster works, where, for refusing to work he was compelled to stand to attention in the rain and was denied food. He was then moved to Dulmen and Niedershalden, where he took sick and was placed in hospital but received no treatment. He was next returned to Munster and put at work attending horses. He was subjected to general rough usage. Finally, he arrived at Wurzburg, in Bavaria, and was placed on farm work. Here he was sent to hospital for an operation and was ordered out of bed three days later. For refusing to get up, he was given two weeks' solitary confinement. He stresses this as the worst incident of maltreatment received, together with being forced to work while ill. He now suffers from lumbago, heart disorders, stomach and chest conditions.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files, upon discharge, show "all systems normal," except the respiratory system.

Claimant was subjected to rough usage of a general nature, but I do not consider that he has established that his present disabilities result from maltreatment. If a chest and neurasthenic condition exists, it must be held to result from general condition of camp life in Germany (See general Opinion annexed to my earlier report upon maltreatment cases). Claimant's case is covered by action 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, December 21, 1932.

### CASE 2786—WILLIAM JOHN PALMER

Claimant was a Private in the 3rd Canadian Mounted Rifles—Regimental No. 108449. He enlisted on the January 13, 1915, at the age of 26 years and was taken prisoner on the 2nd of June, 1916, unwounded. At the time of capture he was deaf, having been injured two months before by shell shock. He was repatriated to England on November 27, 1918. He is in receipt of 60 per cent disability pension, amounting to \$69 a month based upon deafness, rheumatism and heart trouble. Claimant is married and has two children, one adopted. Prior to enlistment, he was employed as teamster in a lumber camp, earning \$2.50 a day. He is now janitor in a school, at a salary of \$58 a month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard work, exposure to the weather, and accidental injury to his finger and aggravation of his impaired hearing due to lack of medical treatment.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he remained about five months and has no complaint as to the treatment. He was then sent out on a working party to Oberhausen where he remained until the Armistice. His ears were running, but he was denied medical attention and declares that he was knocked about on several occasions for not working fast enough, but does not complain of any particular physical brutality. He complains that working in the wet brought on a condition of rheumatism from which he still suffers and adds that no change of clothing was supplied for the prisoners. He has dizzy spells and suffers from his heart.

The medical record indicates that claimant suffers chiefly from rheumatism and heart trouble which is attributed to lack of proper food, hard work, exposure, and lessened resistance. His percentage of disability is stated at 70 per cent. Dr. Oliver Boyd, who certifies to the foregoing, did not appear before the Commission. Claimant also files certificate of Dr. Howard C. Dixon, referring to treatment given claimant for heart condition and rheumatism since 1927, as also for defective hearing. Claimant's medical history files refer to the conditions above noted.

Claimant's deafness preceded the time of his capture and I do not think the record discloses that this condition became aggravated from any lack of treatment or maltreatment while a prisoner. His remaining disabilities would appear to be the result of work and general conditions of camp life in Germany. For reasons which have been explained in my earlier reports upon

maltreatment cases, I do not consider that such disability is to be regarded as the result of maltreatment. Claimant's recourse is clearly before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 12, 1933.

*Commissioner.*

### CASE 2616—ALFRED CHARLES PEARCE

Claimant enlisted in South Africa and served with the South African Scottish Battalion, overseas Regimental No. 6103, with the rank of Sergeant. He was born in England March 29, 1883, and enlisted in August, 1914, at the age of 31 years. He was taken prisoner March 23, 1918, wounded with shrapnel in the side, spine and leg. He was repatriated to England December 3, 1918, and arrived in Canada to take up residence March 20, 1920. He is not now in receipt of a pension, although he had been receiving 20 per cent disability from the South African Government, amounting to 8 shillings per week. It was increased to 60 per cent, giving him \$30 per month, but was discontinued. He was married in July, 1917, and has one child. Prior to enlistment, he was employed as an hotel clerk, at £6 per week and board, and since discharge, has been a grocery clerk and earned up to \$24 per week but had to abandon this work, on account of ill health, and he is now unemployed.

Claimant is without right before this Commission, because he became resident in Canada after January 10, 1920. As explained in earlier Opinions annexed to my previous reports, that date was fixed as constitutive of jurisdiction, being the date upon which the Treaty of Versailles was ratified. Claimant's recourse, if any, is elsewhere. Reserving to him all other recourses, and without deciding the case upon its merits, the claim must be disallowed for want of jurisdiction.

ERROL M. McDOUGALL,

OTTAWA, December 13, 1932.

*Commissioner.*

### CASE 2781—ARTHUR MARK PEARCE

Claimant was a Private in the First C.M.R.—Regimental No. 424415. He enlisted in December, 1914, at the age of 27 years and was taken prisoner on June 2, 1916, suffering from shrapnel wounds in the back. He was repatriated to England on November 16, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed on delivery work, earning \$15 per week. He is now unemployed, but was engaged at the C.P.R. freight sheds at Transcona, at the rate of 50 cents per hour.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He has not filed any statement of claim or other documents.

An analysis of the evidence reveals:—

After some medical attention behind the lines, claimant was sent to Cassel, where he remained two months in hospital. Before his wounds had healed, he was sent out to a farm and has no complaints of the treatment. He was then sent to the coal mines at Dusseldorf, where he remained for 22 months picking coal and working underground. He complains of the long hours, general rough treatment and beatings. He was forced to work when unfit and complains generally that he was considerably maltreated. He received no attention for an injured foot and was finally sent to Friedrichsfeld about six months before the Armistice. He complains that he suffers from his stomach which he defines as "fallen stomach."

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual, claimant appearing to have been discharged without disability.

The record is quite incomplete in this case and it is impossible to reach a finding in claimant's favour. His experiences in the coal mines, while undoubtedly harsh, have not been shown to have resulted in any permanent disability. His stomach condition, if it causes disability, is, I consider, properly a matter 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,

OTTAWA, December 21, 1932.

*Commissioner.*

### CASE 2568—HUGH WHITE PHILLIPS

Claimant was a Private in the King's Own Lancashire Regiment—an Imperial unit. He first enlisted in October 1910, and went overseas with the 12th brigade, Fourth Division—Regimental No. 1697. He was taken prisoner May 8, 1915, at Ypres, and was repatriated December 30, 1918. He is not in receipt of pension and is unmarried. He did not come to Canada to reside until June, 1920, and it was explained to him that this Commission had no jurisdiction to entertain the claim as he had not established residence in Canada prior to January 10, 1920, the date constitutive of jurisdiction (See my earlier reports dealing with the question of jurisdiction).

Reserving to claimant all other recourses, and, without deciding the case upon its merits, the claim must be disallowed as far as this Commission is concerned.

ERROL M. McDOUGALL,

OTTAWA, January 13, 1933.

*Commissioner.*

### CASE 2758—ALFRED W. PHILP

Claimant was a Private in the 4th C.M.R.—Regimental No. 144827. He enlisted August 15, 1915, at the age of 19 years and was taken prisoner June 2, 1916, suffering with a slight flesh wound in the left hip. He was repatriated to England January 16, 1919. He is not in receipt of pension. Prior to enlistment, he was a machinist apprentice, earning about \$40 per month and is now unemployed but is a railway machinist by trade, earning about \$130 per month when at work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains chiefly of an injury to his head due to a beating with rifle butts and now suffers practically continuous headaches, periodic fits and dizzy spells.

An analysis of the evidence reveals:—

First at Dulmen for about two months claimant makes no complaint. He then spent a year at Minden working on a canal. Here he received a week's confinement for addressing a civilian and 21 days further cells for no apparent reason. His next experience was at Loeburg coal mines where he spent more than a year, working under ground. The usual conditions prevailed and for making attempts to escape claimant was given solitary confinement and on one occasion was struck over the head with a rifle for not moving fast enough. This blow has had permanent after effects. He suffers from dizzy spells and headaches. In August, 1918, he was sent to Friederichsfeld and in October to German Poland where he was kept until New Year's Eve.

No medical certificate is filed—claimant referring to his pension and medical history files. These show nothing unusual. He was discharged from the service as fit.

The record in this case is incomplete. There is no medical evidence establishing a present disability. Claimant's mere statement that the blow he received on the head has left him with dizzy spells and headaches is not conclusive. He appears to have been roughly handled but I do not consider that the record discloses a permanent disability resulting from maltreatment. The claim has not been established and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 27, 1932.

### CASE 2795—FRANK HOWARD PILLAR

Claimant was a Private in the 3rd Battalion—Regimental No. 9710. He enlisted in August, 1914, at the age of 16 years, and was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England in December, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based upon sinusitis. He is married and has no children. Prior to enlistment, he was a student. He is now unemployed but has been an Investigator for the Federal Laboratories, Pittsburgh, at a salary of \$225 per month and expenses.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He has not completed the usual statement of claim, but in a special memorandum speaks of arduous and degrading work, confinement to cells, exposure in wet weather, beatings, denial of medical treatment, starvation, and in particular of a blow from a rifle butt over the eye, causing permanent injury.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, and sent out to a farm, where the work was heavy and the food scarce. Later sent to Lichtenhorst, for three months, he has no complaints. He was then sent to Vordenemoor, where he remained for the duration of the war. He complains of being made to work in the water, and was struck in the face with the butt of a rifle for not working satisfactorily. After some time at Osnabruck and Alhorn, claimant was sent to work in a clay pit where he was again hit over the head by a guard and knocked unconscious. For attempted escapes, claimant received the usual confinement to cells, and seems to have spent time at Saltau and Munster. Claimant complains of headaches, nervousness and impaired eyesight. Claimant made a detailed statement upon repatriation, which refers only to maltreatment to one, Keenan. He makes no mention of any maltreatment to himself. He has also filed the certificates of a number of relatives and friends, attesting chiefly to constant headaches complained of by claimant since his return. He also files a certificate from a fellow prisoner (Kittredge) corroborating the fact of the blows on the head referred to by claimant.

The medical record consists of the testimony of Dr. A. C. Ricker, who first attended claimant in 1920. He speaks of a condition of frontal sinus and general inflammation of the throat and is inclined to connect the present condition with the treatment received by claimant as told to him. Dr. T. T. Samis files a certificate, certifying to some impairment of vision (apparently corrected by glasses). A dental certificate is also produced, attesting some injury to the jaw which is inferred to have resulted from a blow.

Claimant's pension and medical history files cast considerable doubt as to the story related by claimant before this Commission. I am quite unconvinced that claimant's disabilities, whatever they may be, are the result of maltreatment whilst a prisoner. I consider that his claim is properly one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

#### CASE 2792—SAMUEL PLATTS

Claimant was a Private in the 75th Battalion—Regimental No. 642737. He enlisted September 29, 1915, at the age of 17 years and was taken prisoner August 15, 1917, suffering from gunshot wounds in the legs, chest and back. He was released to Holland August 17, 1918. He is in receipt of a 45 per cent disability pension, amounting to \$71.75 per month for himself and family, based on his war wounds, bronchitis and pyelitis. He was married in September, 1923, and has five children. Prior to enlistment, he was an apprentice blacksmith, earning \$75 per year with keep and quarters and is now a radio inspector with salary not fixed as yet.

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, physical abuse and a blow on the head which has affected his hearing.

An analysis of the evidence reveals:—

Claimant was a hospital patient during his entire period of captivity. First in hospital at Mons, he states he lay for two or three days before he saw the doctor and 14 days later he was taken for operation to set his leg. He was given no anaesthetic at first but he made such a fuss that it was finally administered. Paper bandages were used but they did not stay on and he states that he was driven crazy with the irritation of his wounds, and an orderly, in a fit of exasperation, threw a big cup at him striking him on the right side of the head, causing permanent injury to his ears. The leg had to be broken and reset, this time without anaesthetic, a spike being driven through the knee. He contracted dysentery but could get no medical attention and for the resultant trouble which he caused, was given much rough handling. He was transferred to another hospital at Trier for a month and completed his period of captivity at Schneidemuhl, in hospital. His chief present complaint is as to the ear trouble and his chest.

The medical record consists of certificates by Dr. R. E. Ives and R. C. Shaver neither of whom appeared before the Commission. Dr. Ives certifies as to weakness, irritability and a chronic discharge from the ears, with disability rated at 80 per cent. Dr. Shaver reports concerning the ears and finds that the hearing is reduced to about 5 per cent. Both drums are inflamed and pus exudes therefrom. The military medical record is on file and goes, in great detail, into claimant's condition.

Claimant complains chiefly of his deafness as resulting from maltreatment. At the hearing, he did not appear to be as deaf as the medical certificates indicate. I am unconvinced that the origin of this trouble is to be ascribed to the blow on the head from a cup, to which claimant attributes it. It is more likely the result of an infection, which has not been explained. Claimant's statement upon repatriation made no reference to this injury and is, moreover, in several respects at variance with the testimony he gave before the Commission. On the whole, I have reached the conclusion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment while a prisoner. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

## CASE 2533—FRANK POTTER

Claimant was a Private in the 2nd Battalion—Regimental No. 8243. 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 gas. He was repatriated to England in December, 1918. He is not in receipt of pension, was married in July, 1920, and has no children. Prior to enlistment, he was employed as an engine wiper, earning about \$50 per month and is now a switchman, at about \$750 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 forced to drill and work while ill, and that he was beaten and starved.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, where, while suffering from the effects of gas, he was compelled to fall in on parades and physical exercise just as though he were fit. He was also knocked about generally. He was beaten by a civilian, while on a working party, and knocked unconscious. At Ostenholtzenmoor, he was placed on the moors and if unable to complete a specified task, was beaten. He was then transferred to a sugar factory, at Brunswick, where the work was hard and the food poor. Finally, he was sent to Linden, where he worked in a salt factory under similar conditions. He now suffers from nervous disorders. The file contains a certificate from the Brotherhood of Locomotive Firemen and Engineers to the effect that claimant was incapacitated from work from January 26, 1927, practically until April 20, 1927, and drew sick benefits from the lodge.

The medical record consists of a certificate from Dr. E. P. Scarlett, who finds claimant subject to periods of nervous attacks, suffers from dizziness, weakness and prostration, with disability estimated at 10 per cent. His medical history files are apparently not available.

Claimant was subjected to the usual rough treatment and privation of German prison camps but has not been successful in showing that his experiences have left any permanent disability. The general nervous condition of which he speaks may have resulted from the strain of his period of captivity and the denial of proper nourishment, but, as explained in general opinion annexed to my earlier report upon maltreatment cases, I do not consider that this treatment is to be regarded as maltreatment under the provisions of the Treaty of Versailles. Claimant's recourse, if any, is elsewhere. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

## CASE 2718—GEORGE POUNTNEY

Claimant was a Private in the 52nd Battalion—Regimental No. 163659. He enlisted August 6, 1915, at the age of 25 years, and was taken prisoner November 14, 1917, unwounded. He was repatriated to England January 4, 1919. He is not in receipt of pension, was married in March, 1916, and has no children. Prior to enlistment, he was employed as a labourer, earning about 30 cents an hour 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 of blows causing permanent injury and periods of standing to attention.

An analysis of the evidence reveals:—

While at work shovelling cinders at Dyrutz, claimant was struck in the mouth by a guard, with a rifle butt, knocking out a tooth, and, on another occasion, while taking potato peelings a guard knocked him down twice with a club and he received another blow with a rifle while stooping making tea, which causes him pain up to the present. He complains further of lack of sanitary arrangements in the quarters and of the cold. On another occasion, for refusing to work on a Sunday, he, with others, was compelled to stand to attention in six inches of snow until he was chilled. He contends that he has contracted arthritis as the result. G. H. Rothwell, a fellow prisoner, testified that he knew claimant in Germany and witnessed the blows received by him when taking the potato peelings and when stooping over to make tea.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. D. Perlman, indicating pain in lower part of spine and in the right shoulder. He amplifies this by a further certificate diagnosing the pains as being arthritic in character and likely due to infected teeth and tonsils. A certificate by Dr. A. J. Swanson of Toronto Western Hospital is filed, stating that claimant was a patient in April, 1926, for chronic tonsilitis, complained of pain at right angle of right scapula and high in epigastrium. A certificate is also filed by Dr. James Cotton regarding pains associated with bones of the back due to arthritic change associated with rheumatic infection from the throat. Claimant's medical history files refer to the arthritic condition, which, however, was not found to be pensionable.

It has not been shown that claimant's arthritis resulted from any maltreatment to which he was subjected while in Germany. It is quite probably the result, as suggested by the medical certificates, of infection arising from the teeth or throat. It would be too remote to ascribe any such condition to maltreatment while a prisoner. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 17, 1933.

#### CASE 1980—HOWARD RAY POWER

Claimant was a Private in the 25th Battalion—Regimental No. 733354. He enlisted December 14, 1915, at the age of 20 years and was taken prisoner April 28, 1917, suffering from gunshot wound in the right arm. He was repatriated to England January 12, 1919. He is not in receipt of a pension, was married August 5, 1920, and has four children. Prior to enlistment, he was engaged in farming with his father, earning \$2,500 per annum. He is now farming for himself but has a hard time making ends meet.

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

An analysis of the evidence reveals:—

Claimant was first taken to Langensalza and transferred to Dulmea and Munster. He complains that his wound was not treated and alleges general ill treatment. At a bread factory, he was forced to work piling bales of straw, with one hand, due to his wounded arm and was beaten for being unable to carry on. He was sent to Parchim, where he contracted dysentery and received no medical treatment and was later at a potato factory where, though ill, he was compelled to work. He protests at being made to work on Sunday. Next



sent to another factory and to a farm, he complains of the hard work, that he was locked up for not working fast enough and was detained and made to work after the Armistice had been declared. He complains that he has trouble with his stomach and nerves.

The medical evidence indicates that claimant suffers from a slight injury to his fingers due to his original wound and some stomach disorder. The physician (name indecipherable) who certifies to the foregoing, gives claimant a percentage of disability of 20 per cent. Claimant's medical history files show nothing unusual. He was discharged as fit.

Claimant's complaints of disability are very general and his account of his experiences in Germany does not, in my opinion, establish maltreatment which would result in any condition which he now advances. He was subjected to general conditions of camp life and has failed to discharge the burden of showing a present disability resulting from the treatment accorded him. His claim, if any, is a matter for the Board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 17, 1932.

#### CASE 2785—WILLIAM T. PRATT

The claimant was a Private in the 28th Battalion—Regimental No. 81990. He enlisted in June, 1915, with the 32nd Battalion, at the age of 24 years and was taken prisoner on June 6, 1916, slightly wounded in the right side of the head. He was repatriated to England in December, 1918. Claimant is not in receipt of pension. He is married and has no children. Prior to enlistment, he was engaged in farming, at a salary of from \$30 to \$35 a month. He is now employed in the Post Office as a postal clerk, at a salary of \$1,620 per annum.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He did not complete the usual documents of claim, but complains that general ill-treatment has resulted in physical disability.

An analysis of the evidence reveals:—

Claimant was first taken to Courtrai, followed by the City of Hanover and has no complaint of his treatment. He was sent on to Celle and Ruthenmoor (sic), where he complains only of the poor food. He was then sent to a farm where he completed his period of captivity. He complains of general abuse, blows from rifles and imprisonment in cells, but does not appear to have received any physical injuries leaving disability. In general, he speaks of his treatment while a farmer as fair. Claimant suffers from nervousness and has an impediment in his speech which he attributes to general rough usage while held a prisoner. He suffers also from rheumatism.

There is no medical evidence of record, not even the usual certificate of a physician, and claimant admitted at the hearing that he was in fairly good condition. His medical history files show nothing unusual; he was apparently discharged as fit.

In this state of the record it is clearly impossible to reach a conclusion in claimant's favour. The recital of maltreatment does not disclose any particular brutality and claimant has not shown that he now suffers any disability resulting from his experiences while a prisoner. He has thus failed to discharge the burden resting upon him. The claim must accordingly be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 12, 1933.

## CASE 2336—CHARLES A. PROCUNIER

Notice of claim was received from the above named claimant in April, 1931. The usual documents of claim were sent him but have never been returned completed. No information is available as to the grounds of claim. His attorneys appeared on his behalf at the Toronto sessions of the Commission on April 19, 1932, and requested a delay to complete the record. Claimant was given a further notice to appear on July 27, 1932, at Ottawa, but failed to do so. His attorneys advised that claimant did not desire to press the claim. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 28, 1932.

## CASE 2719—ROBERT RAYNHAM

Claimant was a Private in the 4th C.M.R.—Regimental No. 109563. He enlisted in November, 1914, at the age of 27 years, was taken prisoner on June 2, 1916, unwounded. He was repatriated to England in November, 1918. Claimant is in receipt of a 20 per cent disability pension, amounting to \$26 per month for wife and family, based upon bronchitis, pleuritis and emphysema, neurosis. He is married and has two children. Prior to enlistment, he was a labourer with the Grand Trunk Railway Company, earning about \$15 per week. He is now a motorman with the Toronto Transportation Commission, earning from \$20 to \$25 per week.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure to the weather, denial of medical attention, blows from the sentries and confinement to cells.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen, via Menin, and has no complaints of his treatment there. He appears also to have spent time at Minden, Saltau, Hanover and Hameln camps. Claimant tells a non-consecutive story and appeared to be much confused in his relation of details of imprisonment. He was beaten by the guards for refusing to work but was finally driven to resume work. For assisting in the escape of a prisoner, claimant was given punishment work, was beaten by guards and for attempting to avoid punishment was confined in cells for 14 days. He spent 6 weeks in hospital for a chest condition and speaks of the treatment as good. At Bohmte, he received 5 days' cells for smoking while passing the Commandant, and was also punched by a guard. As a result of these experiences, claimant declares that he suffers from nervousness, bronchitis, pleuritis, emphysema and conjunctivitis.

The medical record indicate that claimant suffers from chronic bronchitis, emphysema, deflected nasal septum, conjunctivitis and nervousness. His percentage of disability is stated at 100 per cent in his own calling and at 25 per cent in the general labour market. Dr. George Carleton, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files attribute claimant's neurathenic condition only to his experiences in Germany.

In this state of the record, I do not think that I am justified in reaching a conclusion favourable to claimant. The evidence of maltreatment is quite general and the connexity between his present condition and such treatment has

not been shown. His health may have suffered because of general conditions of camp life, but, for reasons which have been explained in my earlier report on maltreatment cases, this cannot be said to result from maltreatment. Claimant's recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 17, 1933.

### CASE 2631—THOMAS GORDON REEVES

Claimant was a Private in the 3rd C.M.R.—Regimental No. 108481. He enlisted January 7, 1915, at the age of 21 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 25, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$15 per month for himself and family, based on disability to the left wrist. He is married and has four children. Prior to enlistment, claimant was farming for himself and is at present engaged in the same occupation.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while working at an iron works, his left wrist was crushed and smashed due to carelessness and neglect in being made to work in a dangerous place notwithstanding his protests.

An analysis of the evidence reveals:—

Claimant was sent to Giessen camp. He confines his complaint of maltreatment to an incident which occurred at a working commando, out of Giessen, at Siegen. While shovelling iron ore into trolley cars, on night shift, at the foot of an embankment which was poorly lighted and dangerous because of the lumps of ore which were thrown down, his left wrist was hit and fractured. Claimant and others had already vainly remonstrated with the guards that the work was dangerous, but they were driven to continue working. He was taken to barracks, received some medical attention, but never recovered the use of his hand, which leaves him with a permanent disability and incapacitates him in his work. Claimant's remaining experiences in Germany are without particular incident. He was excused work, due to his injured wrist.

The medical record indicates that claimant has sustained a "fracture of the wrist—deformity resulting—with large callous probably incorporating radial nerve with consequent loss of power in the hand." His percentage of disability is stated at from 25 per cent to 30 per cent. Dr. Carmichael of Strome, Alta., who certifies to the foregoing, did not appear before the Commission. Apart from the injury complained of claimant's medical history files show nothing unusual. Affidavits of three fellow prisoners have been filed, testifying to the fact of the injury as reported to them by claimant.

It is clearly proven that claimant was injured in the manner stated, but I do not consider that I would be justified in finding that this constituted maltreatment. The injury was accidental, and, however careless the guards may have been in failing to protect the prisoners from injury, I do not think that such omission on their part—amounting perhaps to negligence—can be termed maltreatment, within the meaning of the relevant sections of the Treaty of Versailles. Claimant's recourse is clearly before the Board of Pension Commissioners. This Commission has nothing to do with recommendation suggesting increased pension. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 6, 1933.

## CASE 2727—WILLIAM S. REYNOLDS

Claimant was a Private in the 4th C.M.R.—Regimental No. 113511. He enlisted in August, 1915, at the age of 23 years, and was taken prisoner June 2, 1916, wounded in the back and ankle with shrapnel. He was repatriated to England in January, 1919. He is not in receipt of pension, but is on Veteran's allowance, amounting to \$40 per month. He is married and has five children. Prior to enlistment, claimant was a cook superintendent with the Grand Trunk Railway, earning \$70 per month and his keep. He is now unemployed, but was a press operator in a rubber plant, at from \$110 to \$125 per month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper food, insanitary sleeping quarters, long working hours and denial of medical attention.

An analysis of the evidence reveals:—

Claimant received some medical attention for his wounds at Courtrai, where he spent the first 3 weeks after capture. Taken to Stendal, he remained there for the duration of the war. For refusing to work because his wounds were not healed, he was given 3 weeks confinement to cells. Set at digging graves, claimant was transferred to a sugar factory and to work on a canal, where his health broke down and he was sent to hospital for 6 weeks. Upon discharge, he was sent to a farm where he complains of the long hours of work in his debilitated condition. He was not particularly brutalized but was denied medical attention. His complaint is that his health has been undermined by the general hard work on improper and inadequate diet.

The medical record indicates that claimant suffers from pulmonary tuberculosis and is disabled to the extent of 100 per cent. Dr. H. T. Veitch, who certifies to the foregoing, also appeared before the Commission. He confirms the diagnosis contained in his certificate, but is unable to say what may have been the cause of the trouble. Claimant's medical history files refer to the condition as suspected but his examination upon discharge showed no disability.

General conditions of camp life in Germany may have resulted in the condition from which claimant is now said to suffer. There is no particular record of maltreatment and I do not consider that claimant has shown that maltreatment has induced his present state of health (see Opinion annexed to my earlier report upon maltreatment cases). I regard claimant's case as purely pensionable in nature. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 18, 1933.

## CASE 2773—REGINALD H. RICHARDS

Claimant was a Private in the 27th Battalion—Regimental No. 71423. He enlisted in August, 1914 at the age of 22 years and was taken prisoner in April, 1916, suffering from a bullet wound in the arm and a blow on the head. He was repatriated to England in November, 1918. Claimant is not now in receipt of pension, although, upon discharge, he was granted \$5 a month for six months, based upon an injury to his hand. Claimant recently became naturalized as a citizen of the United States. Prior to enlistment, he was employed as a railroad fireman, with the Canadian Pacific Railway, at a salary of \$125 a month. He is now unemployed but, when working, is engaged as a fireman, at a salary of about \$80 a month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. Claimant has not completed the usual documents of claim, the entire record consisting of his testimony taken before the Commission, at Seattle, on October 2, 1932.

An analysis of the evidence reveals:—

Claimant was taken to Giessen, where he remained about six weeks, without particular incident. His wounds were dressed and he refers to the treatment as fair. He was then sent to Hagar (sic), where he remained for eighteen months working in a stone quarry. He refers to the living conditions as particularly bad and complains that he was beaten for insubordination. Apparently claimant considered it his duty to give his captors as much trouble as possible. For an attempted escape he was tried and sentenced to a punishment camp for three months. The work was heavy and the hours long. He declares that he was chained up in a narrow cell for minor breaches of discipline and seemed to be singled out for particularly harsh treatment. Claimant stresses chiefly general rough usage and complains that he seemed to have been a marked man, but this was probably due to his unwillingness to comply with orders. He admits that he can trace no present disability to his experiences in Germany and appeared to be in excellent health at the hearing. Claimant's hand was accidentally injured while working in the quarries, but he apparently suffers no disability therefrom at the present time. Claimant's testimony leaves the very distinct impression that he was truculent as a prisoner and invited most of the ill treatment which he received.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show that he suffered a nerve injury to the left hand, leaving some weakness, but this is indicated as being of accidental origin and apparently leaves little disability at the present time.

In this state of the record it is impossible to reach a conclusion in claimant's favour. There is no medical evidence establishing any present disability resulting from maltreatment. Claimant has thus failed to discharge the burden resting upon him and the claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 12, 1933.

### CASE 2515—THOMAS R. RICHARDS

Claimant was a Private in the Royal Canadian Regiment—Regimental No. 478554. He enlisted in September, 1915, at the age of 25 years, and was taken prisoner October 8, 1916. He was repatriated to England December 4, 1918. He is not in receipt of a pension. He applied for forms November 14, 1931, which were forwarded to him on the 20th of that month. They have not been completed and returned. Claimant was notified to appear before the Commission for hearing, at Truro, on Friday, June 17, 1932, but failed to appear. His absence has not been explained. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 4, 1933.

## CASE 2511—ROBERT REGINALD RICHARDSON

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files it would appear that claimant was an officer, who was seconded to the R.F.C. in July, 1917. He was wounded when captured. No other information is available. Claimant was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to appear. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 29, 1932.

## CASE 2622—HAROLD RILEY

Claimant was a Private in the Royal Canadian Rifles—Regimental No. 454394. He enlisted June 26, 1915, at the age of 18 years and was taken prisoner October 8, 1916, unwounded. He was repatriated to England December 3, 1918. He is not in receipt of pension, was married in June, 1923, and has four children. Prior to enlistment, he was a painter, earning \$7 per week and is now unemployed although he has followed his trade since discharge, earning up to 80 cents an hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, forced labour in the coal mines while ill, and of being beaten.

An analysis of the evidence reveals:—

Taken first to Dulmen, claimant remained three weeks and was transferred to a coal mine near Essen. He remained here during the most of his period of captivity, working underground exposed to cold and wet. He strained his back in lifting a truck on the track, reported sick, but was compelled to continue at work, and, for refusing to comply, received a beating. He was placed in hospital and had to lie on the floor some three weeks and was then transferred to Dulmen city hospital, where after six weeks, he recovered. He was placed at light work in the cook house but states that he still felt sick and once while late for parade he received blows and kicks, one injuring his knee. He was in hospital another week after this. He now complains of frequent pains in the back and chest and in the shin bone.

No medical evidence was adduced at the hearing but claimant was questioned by the medical adviser to the Commission. The record consists of a certificate by Dr. H. M. Alin, indicating chronic hypertrophic rheumatoid arthritis and mitral stenosis. He fixes the disability at from 25 per cent to 50 per cent. Claimant's medical history files show nothing unusual.

Claimant's recollection of his experiences in Germany is very vague and his recital thereof most casual. His present complaints are general and I do not think the record justifies a finding that he was subjected to maltreatment while a prisoner which has resulted in disability. It would require a more explicit statement from claimant to substantiate any such claim. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

NOTE: To avoid confusion, it should be noted that this case was disallowed in the previous report, due to the failure of claimant to appear. The case was later heard at further sessions of the Commission.

## CASE 2453—HARRY R. RODGERS

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that claimant enlisted on March 16, 1915, was taken prisoner on September 17, 1916, unwounded, and repatriated to England on December 16, 1918. Claimant was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to do so. The Commission was advised by the Winnipeg Command of the Canadian Legion that claimant could not be located. The claim must, accordingly, be disallowed, for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 29, 1932.

## CASE 2569—HOWARD RODGERS

Claimant was a Private in the 14th Battalion—Regimental No. 3081663. He enlisted on January 1, 1918, at the age of 29 years, and was taken prisoner September 5, 1918, wounded in the left shin bone and gassed, although his medical history files declare that he was unwounded. He was repatriated to England on December 11, 1918. He is not in receipt of pension, but has an application pending. Prior to enlistment, claimant was a mechanic, earning \$7 per day. Since discharge he has had no permanent employment and earns very little.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy labour and starvation while held behind the lines.

Claimant did not appear before the Commission, but in statement submitted he states that he received no medical attention for his wounds, was employed behind the German lines, digging trenches and dragging wagons. He, with other prisoners, was starved. For refusing to work, he was tied to wagon wheels, at night, in such a way that he could not lie down. He suffered with his eyesight and could scarcely see and had pains in his head. He complains of exposure to the cold with consequent injury to his health.

The medical record indicates that claimant suffers from "emphysema, coughs—in the morning—is short of breath on exertion—". His percentage of disability is stated at 50 per cent in his own calling and 100 per cent in the general labour market. Dr. R. R. Hughes, who certifies to the foregoing, adds that claimant's sight is somewhat impaired and his hearing defective, but cannot say if these disablements are due to service. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

The record in this case is quite inadequate to base an award. Claimant was a prisoner for a short time only and even though he was compelled to work behind the lines, I do not find evidence to support the conclusion that he now suffers a disability resulting from maltreatment. The Commission did not have the advantage of questioning the claimant and I have reached the conclusion that he has failed to make out a case. The claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 24, 1933.

## CASE 2443—WALTER ROGERS

Claimant was a Private in the 8th Battalion—Regimental No. 1080. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the right thigh and gas. He was repatriated to England December 14, 1918. He is not now in receipt of pension, but was after discharge, and lost it through his own neglect. He has an application pending for reinstatement. He was married in July, 1921, and has three children. Prior to enlistment, he was employed as a tinsmith, earning \$1,000 per annum and is now following the same trade and earning up to \$800 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long hours at hard labour, lack of food and confinement.

An analysis of the evidence reveals:—

Claimant was first placed in hospital near Paderborn where he remained three months until his wound had healed. He was then sent to Senne lager, where his chief complaint is of confinement, as punishment for foraging for food. After four months, he was sent to Kalwelke (sic), and placed at digging sewers for an airdrome. Here the work was very hard; starvation diet and confinement for an attempted escape were his lot. He now suffers from nerves and heart disorders to such an extent that he cannot climb and this interferes with his trade.

The medical record consists of a certificate by Dr. J. S. Clark of Brandon, indicating that claimant suffers from defective vision, pains in the left shoulder and neck, stomach pains. He fixes the disability at 50 per cent. Claimant's medical history files indicate nervous disorders, defective vision.

A summary of claimant's complaint is that he was made to work when he was unfit because of lack of food, which has resulted in injury to his heart and nerves. His vision is also impaired. The evidence of record covers general incidents of harsh treatment, not however amounting to such maltreatment as would account for any permanent disability. The claim in my opinion, is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 27, 1932.

## CASE 2006—BENJAMIN CLEMENT ST. GERMAIN

Claimant was a Private in the 2nd Battalion—Regimental No. 7909. He enlisted in August, 1914, at the age of 22 years and was taken prisoner April 24, 1915, suffering from gunshot wound in the right temple, and gas. He escaped to Holland, in October, 1918, and was repatriated to England on December 18th of that year. He is not in receipt of a pension. He is a widower with four children, the eldest being eleven years of age. Prior to enlistment, he was employed as a delivery clerk, earning \$14.50 per week and is now in business for himself.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement at a stone quarry, with no food for five or six days, received no medical treatment while ill with influenza for two months. He also received one bad beating with rifle butts. He is now subject to influenza every winter.



An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp and spent about one year there and at attached commandos. He has no particular complaints, except as to the food. In the stone quarries he does not speak of any particular brutality. Removed then to Lichtenhorst, where he remained for about 1½ years, he refers to the treatment as "not too bad." He was then sent to Bompé, via Saltau, and eventually reached Schweigerhoff, where he worked upon an Estate. He refers to one incident of maltreatment only, when he was knocked out of his bunk and beaten. He also complains that, when ill with the flu, he received no medical attention. As a result of these experiences, claimant says that he suffers every winter with colds and flu.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant declared that he could not procure any such evidence. His medical history files show nothing unusual. He is declared to have been fit on discharge.

In the absence of medical evidence establishing disability, the claim cannot be allowed. Moreover, it is evident from the record that the claimant was not subjected to any particular maltreatment. The mere fact that he was a prisoner of war and made to undergo the general conditions of camp life in Germany—harsh though they may have been—does not entitle him to an award. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 18, 1932.

#### CASE 2445—ALFRED SAMBROOK

Claimant was a Private in the 8th Battalion—Regimental No. 924. He enlisted in August, 1914, at the age of 31 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wound in the left elbow and from gas. He was repatriated to England November 24, 1918. He is not in receipt of a pension and is unmarried. Prior to enlistment, he was a salesman at the stock yards, earning \$100 per month and states he has had no job since his discharge.

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 left arm while working in a gas works.

An analysis of the evidence reveals:—

Claimant was attached to Munster and states he received several beatings for refusal to work in the coal mines, salt works and coke ovens. Working near Essen, he injured his elbow which was crushed between cable cars. This was the same elbow which was wounded at the time of capture. He gives but little or no detail in his testimony and does not state that the injury was other than accidental.

No medical evidence was adduced at the hearing and no certificate has been filed. Claimant's medical history files show nothing unusual. At time of discharge, claimant made no mention of his elbow injury and the Board of Pension Commissioners has not accepted the elbow condition as resulting from alleged injury in Germany. Apparently the first complaint of elbow injury was made in October, 1930.

In this state of the record, it is clearly impossible to reach a finding in claimant's favour. His story was most confused and he should perhaps receive consideration elsewhere for a mental condition. As far as this Commission is concerned, claimant has failed to show a present disability resulting from maltreatment. The elbow injury of which he alone complains, has not been shown to be the result of maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 11, 1933.

## CASE 2447—THOMAS WILLIAM SANDELLS

Claimant was a Private in the 8th Battalion—Regimental No. 905. 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, December 1, 1918. He is not in receipt of pension, his application having been rejected. He was married in 1922 but is separated from his wife, there is one child. Prior to enlistment, he was an hotel bell boy, earning up to \$12 per day and is now unemployed although he had been with a circus company.

He alleges that while a prisoner he was subject to maltreatment which has resulted in pecuniary damage to him. He complains of stomach and chest disorders and a rupture due to his ill treatment in Germany.

An analysis of the evidence reveals:—

Claimant was first taken to Munster and was transferred to Senne lager in November, 1915. At Munster, he contracted scabies and was placed in hospital and given a salve to use. At Senne, his complaint is chiefly as to the food. He was next sent to Dulmen, where he spent more than a year. He was ill with stomach trouble but received no medical treatment. This was followed by two months at Schneidemuhl and four months at a sugar factory at Monterey (sic.). Here, he was given solitary confinement for refusing to work. He injured his head unloading coal but received no treatment. Finally, while working on a farm, he ruptured himself lifting a sack of grain. He was sent back to Schneidemuhl from the farm and remained there until the Armistice. He attributes his chest condition to the dampness in the dungeon where he was confined while working at the sugar factory.

The medical record is meagre and consists of a certificate by Dr. Wm. Creighton, who did not appear before the Commission. Dr. Creighton never attended the claimant other than to examine him for the purpose of issuing a certificate. He finds him suffering with bronchiectasis and that he had a gastro-enterostomy performed for duodenal ulcer, by the Mayo brothers in 1927. He was unable to demonstrate a hernia. He fixes the disability at 20 per cent. Claimant's medical history files show nothing unusual. The condition of bronchiectasis and peptic ulcer is referred to.

Claimant's experiences in Germany were quite general as to rough treatment and I cannot find evidence of any particular maltreatment which has resulted in permanent injury to his health. His stomach disorders, whatever they may be, must be regarded as nutritional in origin and no case has been made out on the head of neglected hernia. The bronchial condition is of too general a nature to base an award. 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, December 27, 1932.

## CASE 2641—JAMES SCOTT

Claimant was an Imperial soldier, who served with the Royal Irish Rifles—Regimental No. 16996. He was taken prisoner on July 4, 1916, on the Somme, unwounded. He was repatriated to England in December, 1918 and was in receipt of an Imperial pension, now discontinued, based upon rheumatism. It developed, at the hearing, the claimant first came to Canada to reside in August, 1920, and it was explained to him that, for reasons fully explained in my earlier report upon maltreatment cases, this Commission was without jurisdiction to entertain claims of Imperial soldiers who became resident in Canada after

January 10, 1920, date of the ratification of the Treaty of Versailles. This view is now confirmed. Reserving to claimant all recourses he may have, and, without dealing with the case upon its merits, the claim must be disallowed for want of jurisdiction.

OTTAWA, December 28, 1932.

ERROL M. McDOUGALL,  
Commissioner.

### CASE 2412—JOHN ARMSTRONG SCOTT

Claimant was a Private in the 8th Battalion—Regimental No. 10. He enlisted in August, 1914, at the age of 34 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering with gunshot wounds in the left lung, right thigh, in the mouth and left arm. He escaped from Germany October 24, 1917, and reached Holland. He is in receipt of a 40 per cent disability pension, amounting to \$30 per month, based on chronic nephritis, with cardio-sclerosis and tuberculosis, with bronchitis. He was married in January, 1918, but his wife left him. There are no children. Prior to enlistment, he was engaged in labouring work, earning up to \$60 per month and board and since discharge he held various positions but has been unemployed for over a year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten, starved, confined to cells and compelled to work in the coal mines for seven months under conditions of brutality.

The record is lengthy and consists of two copies of the *Saturday Evening Post* containing articles by the claimant as to his experiences as a prisoner. He states these were toned down so as not to cause anxiety to persons who, at the time, had relatives still in the hands of the enemy. A declaration made by Thomas Stewart, a fellow prisoner, corroborates his story. A declaration of James Orr, a fellow prisoner in the coal mines, corroborates conditions.

An analysis of the evidence reveals:—

Severely wounded, claimant was taken to Roulers, placed with others in a box car, and, after a long journey reached Paderborn, where, for three months he received hospital treatment. Upon discharge from hospital, and weak from loss of blood, he was sent to Senne lager, where he was placed at work felling trees. Being unable to carry on at Bleinkestein, he refused to work and was returned to Senne lager and court-martialled. Taken ill with pleurisy before trial he was placed in hospital for about five months. Next, he was sent to Stendal and was returned for the court-martial for refusing to work and inciting mutiny. He was sentenced to 21 days and served 14 days in an overheated cell. He was released due to his illness. After some time spent at Minden and Lindhorst, a further confinement to cells in March, 1917, claimant was sent to the coal mines, at Westerholt, where he received numerous beatings, was over-worked and finally given a job on the surface and, with an English prisoner, contrived to escape into Holland in October of that year. Upon arrival in England, claimant made a lengthy statement to the authorities, which is more moderate in tone than his story as now presented.

The medical record consists only of his military medical sheets, no other certificate being filed. These indicate a condition of debility upon discharge. To quote "Looks in rather poor condition—is nervous—breathlessness on slight exertion as climbing flight of stairs. Can walk three miles at own pace. Sleeplessness—due to waking up with start and bad dreams. . . . He has moderately hardened arteries and slight arcus senilis. Other systems normal."

Claimant was examined at the hospital in Winnipeg. He is a most prolific writer and, in addition to his testimony, he has furnished the Commission with a full written account of his experiences. Add to this the story he wrote for the *Saturday Evening Post* and a very full statement made by claimant upon repatriation and it will be seen that there is no dearth of material before the

Commission. I cannot say that the evidence is entirely satisfactory. The various stories told, while in the main fairly consistent, leave much to be desired as to their detailed accuracy and I am left with the conviction that claimant's experiences have lost nothing in the telling. Particularly is this so upon comparing his testimony with the story told upon repatriation. On the whole and after very careful consideration, I have reached the conclusion that claimant's case is one for the consideration of the Board of Pension Commissioners. I do not consider that claimant has succeeded in showing a present disability resulting from maltreatment. Whatever disability he has sustained I would ascribe to general conditions of camp life in Germany. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 27, 1932.

Commissioner.

### CASE 2656—LESLIE GORDON SCOTT

Claimant was a Private in the 7th Battalion—Regimental No. 16933. He enlisted in September, 1914, at the age of 23 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, bruised but unwounded. He was repatriated to England December 27, 1918. He is not in receipt of a pension, was married in July, 1921, and has two children. Prior to enlistment, he was employed as a foreman carpenter, at \$5 per day, and is now engaged in the same trade, as contractor, at an average of \$150 per month when able to work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour, long hours, beatings, confinement, starvation, exposure, unsanitary conditions, being tied to posts and of being injured by having bricks thrown at him.

An analysis of the evidence reveals:—

First, at Giessen, the food was scarce and, being weak through starvation, claimant was unable to do heavy work in the stone quarries and was beaten with rifles and given punishment for 16 days. At Frankfurt-on-Main, he again collapsed from overwork, was beaten, and was sent to hospital. At Vehnemoor, in January, 1916, while working on the moors he was taken out and tied to a post from 7 a.m. until 1 o'clock. He was nearly frozen. At Schwaneburg, in March, 1916, he complains of overcrowding, lack of sanitary conveniences and vermin. He received another beating here and was again sent to hospital. Next, at Saltau, he states that food rations were poor and while in punishment camp, at Loburg, he was sent down to clean a well and, because he ignored a remark from the guard, the latter threw bricks down at him, injuring his head and shoulder. Claimant alleges that throughout his entire period of captivity he was a marked man and, due to a reputation acquired through inability to work, he was harassed, beaten and subjected to continual punishment.

Thomas Mercer, chiropractor, testified that he had treated claimant since 1925 for stomach disorders due to bad food, lack of food, nerve strain and mental anxiety. In a certificate supplied, he fixes the disability at from 25 to 45 per cent. A declaration as to residence in Canada, by C. F. Dawson, is filed. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

In this state of the record it is impossible for me to reach a finding in claimant's favour. There is no medical evidence of record establishing a present disability. The statement filed and testimony given, purporting to be medical, cannot be accepted. Claimant's testimony speaks of rough usage but, in the absence of evidence of disability, I do not consider that I am justified in granting him an award. I regard his case as one for the consideration of the Board of Pension Commissioners. Before this Commission the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 5, 1933.

Commissioner.

## CASE 2444—JAMES B. SCUTTER

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that he enlisted on March 25, 1915, was taken prisoner on June 2, 1916, unwounded, and repatriated to England on November 30, 1918. Claimant was notified to appear before the Commission at its sessions in Toronto on April 28, 1932, and again at Winnipeg, on September 14, 1932, but failed to appear. His defaults have remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 29, 1932.

## CASE 2301—THOMAS SHAW

Claimant was a Private in the 15th Battalion—Regimental No. 46543. He enlisted September 22, 1914, at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 28, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a coal miner, earning \$2 per day and is still engaged in the same employment, at \$4 per day, but only manages to get work about one day 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, confinement for refusing to work, stoppage of parcels and exposure while at work on the moors, where his feet were frozen. He now suffers from bronchitis, neuralgia and stomach trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he complains of denial of medical treatment for a stomach condition. Sent out to work at an ore mine, he refused to do the work and received 6 weeks confinement. He was next sent to Rumpenheim (sic), thence to Velnemoor and put to work digging ditches in the water. He remained here 18 months and suffered with neuralgia and had his feet frozen. He does not complain particularly of brutal treatment but stresses the lack of any medical attention. Claimant was then sent to a farm where he describes the treatment as good. He suffers from persistent cough and stomach trouble.

The medical evidence indicates that claimant suffers from bronchitis and sore feet, with indigestion. He was treated in 1921, by Dr. D. W. Archibald, for gastritis and bronchitis, according to certificate filed. Dr. Archibald did not appear before the Commission. Claimant's medical history files show nothing unusual. He was discharged from the service as fit.

In this state of the record it is impossible to reach a finding in claimant's favour. His disability, if any, is nutritional in origin, and, as explained in general opinion annexed to my earlier report upon maltreatment cases, such conditions cannot be regarded as resulting from maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim before this Commission fails and must be disallowed.

ERROL M. McDOUGALL  
*Commissioner.*

OTTAWA, December 15, 1932.

## CASE 2787—THOMAS SHEPPARD

Claimant served as a Sergeant with the Imperial Forces, the First Royal Welsh Fusiliers—Regimental No. 6392. Claimant was resident in Canada previous to the war and was called to the colours in August, 1914, rejoining his old unit. He was then age 34 years. He was taken prisoner on the 30th of October, 1915, at Ypres, wounded in the arm, and was repatriated to Holland on February 16, 1918. He was in receipt of Imperial pension until September 1, 1920, based upon his wounds and bronchial trouble. Claimant was married before the war and has five children. Prior to enlistment, he was a gas engineer, at a salary of about \$80 a month. He has attempted to carry on at the same occupation since his return, but is unable to continue.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of injuries received after being wounded while lying on a stretcher at Lille, resulting in a hip disability.

An analysis of the evidence reveals:—

Claimant was first taken to Munster, where he was in hospital for about eight months and was moved to Minden, where he also received treatment for his wounds. He complains that the bullets were removed from his arm without anaesthetic. He stresses the treatment received while lying on a stretcher at Lille station. Here, a number of German soldiers, who appeared to be intoxicated, attacked claimant while lying helpless on the stretcher, kicking him on both hips. He contends that this resulted in a bone injury to the hip. Claimant does not complain of any physical brutality at Munster camp after he was released from hospital, but was still suffering from his injuries and starvation. He was then sent to Dulmen, where he remained until the Armistice. Being an N.C.O. he was not required to work and the treatment at Dulmen was fair. His chief complaint centres around the incident shortly after capture, resulting in hip and stomach injury from which he still suffers. Claimant has not clearly explained the incident at Lille. He has not shown why he should be a stretcher case, unless there was some injury to his legs. His account of this incident is somewhat confused. He had been practically buried at the time of capture and it is quite probable that his legs were injured.

The medical record indicates that claimant suffers from a left oblique inguinal hernia, right hip joint movements restricted slightly, loss of practically all his teeth and some chest affection. His percentage of disability is stated at 35 per cent in his own calling and at from 60 per cent to 75 per cent in the general labour market. Dr. H. Gordon Young, who testifies to the foregoing, did not appear before the Commission and, unfortunately, the certificate given by him is very difficult to decipher. Claimant's medical history files refer to a wound in the right arm with some chest trouble and neurasthenia, stomach trouble and a spinal affection.

Claimant was evidently in great distress at the hearing and told a very frank, if somewhat confused, story of his experiences while held a prisoner. I am not, however, convinced that the disabilities from which he now suffers result from the incident of maltreatment which he particularly stresses, namely, the beating he received while lying on a stretcher at Lille. It strikes me that his wounds must have been much more considerable than he believes and that his present disabilities are in large measure due to such original wounds. On the whole, and with great reluctance, I have reached the conclusion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His case is clearly pensionable in nature. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 12, 1933.

## CASE 2777—LORNE RALPH SINCLAIR

The claimant was a Lieutenant in the Royal Flying Corps. He enlisted on June 12, 1917, at the age of 18 years. He was taken prisoner May 14, 1918, both his legs being broken in the crash of his airplane when it was brought down. He was repatriated to England November 30, 1918. He was in receipt of a pension (British) but commuted it. He was married in 1920, and has one child, aged 3 years. Previous to enlistment, he was a High School student. He is now carrying on the profession of Chartered Accountant, at a salary of \$200 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that the injury to his right leg was aggravated by the treatment he received, with the result that he has not the full use of it.

An analysis of the evidence reveals:—

Claimant spent his 6 months captivity in Cologne hospital and later at Karlsruhe. He complains of inefficient surgical attention in that improper methods were used in applying extension to his broken leg. He declares that a metal hook was drawn through the pelvic bones for the purpose of giving extension and preventing shortening of the leg. When released the wound had healed and it was only some time later that it broke open, due, according to claimant, to infection brought about by the use of this metal hook. In the result there is a permanent shortening of one inch, which, however, I am informed is not unusual in femur cases.

The medical record indicates that claimant bears "scars over right ilium near crest which prevents his sleeping on right side; the right leg is one inch short and had recurring infection with discharge 7 months after fracture which continued for five or six months." Dr. F. P. Patterson, who certifies to the foregoing rates claimant's disability at 10 per cent. Dr. Patterson also appeared before the Commission and expressed the opinion that the method of surgery adopted was unusual and, in his opinion, not proper. Claimant's medical history files relate to the injury.

I am informed that the practice of applying extension in the manner described by claimant, while not now in general use, is known to medical science. However drastic it may have been, I cannot say, from the record, that it constituted malpractice. At the worst it could be regarded as the exercise of poor judgment on the part of the surgeon. It does not follow that the use of a metal hook would necessarily involve infection in the wound. I consider, also, that if Dr. Patterson now estimates claimant's disability at 10 per cent, it can hardly be said that this is not a substantial recovery by claimant. On the whole, I consider that claimant has failed to establish maltreatment resulting in permanent disability. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 3, 1933.

## CASE 2735—CAPTAIN ERIC S. SKEAD

Claimant was a Lieutenant in the First C.M.R. He obtained his commission in May, 1915, at the age of 22 years and was taken prisoner June 2, 1916, suffering from gunshot wounds in the left chest, left arm and back, and right knee smashed by shell fire. He was released to Switzerland in December, 1917, and reached England, December 23, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$17.25 per month, based on his own wound in the

chest and arthritis in the right knee. He was married August 13, 1928, and has no children. Prior to enlistment, he was a timber estimator and culler, earning \$120 per month, and is at present unemployed but previously carried on his own business as lumber contractor but failed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, confinement to cells for long periods as a reprisal prisoner, and that he was beaten with rifles, kicked and struck with fists while still suffering the effects of his war wounds.

An analysis of the evidence reveals:—

Claimant spent time at a number of German hospitals and prison camps, viz: Mainz Niehburg, Kennuel, Festi, Rosenberg, Kronach, Crefeld, Schwarmstedt, Oldenburg, Holzminden and Helldenburg. His complaint is that he was unjustifiably confined to cells, apparently without reason, by way of reprisal and that he incurred the particular antipathy of the notorious camp commandant Niemeyer, who did everything to make his life miserable. These confinements were imposed upon him when he was still weak from the effects of his wounds and the result is that he now suffers from stomach disorders and bronchitis. While in cells, he declares that he was beaten by Niemeyer. He complains that his condition was aggravated by failure to give him medical attention for an attack of dysentery. Corroboration of claimant's statements as to reprisal confinement is furnished by the affidavit of General Victor H. S. Williams.

The medical evidence indicates that claimant suffers from gastritis and bronchitis. His percentage of disability is stated at from 10 per cent to 50 per cent. Dr. F. J. Scully, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files relate only to his service wounds, for which he is in receipt of pension.

I do not consider that the record justifies a finding in claimant's favour. Claimant's pension and medical history files appear to indicate that whatever disability he now suffers is of service origin and cannot be attributed to maltreatment whilst a prisoner. He may have been unjustly, even harshly treated, but I do not consider that he has discharged the burden of showing a present disability resulting from maltreatment. Claimant's recourse is properly before the Board of Pension Commissioners. Before this Commission, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 20, 1932.

#### CASE 2562—CHARLES FREDERICK SMITH

Claimant was a Private in the 4th C.M.R.—Regimental No. 113554. He enlisted July 21, 1915, at the age of 19 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 20, 1918. He had been in receipt of a pension, amounting to \$25 per month, which has been discontinued. He was married in November, 1921, and has two children. Prior to enlistment, he was attending school and is now employed as janitor-fireman, at approximately \$1,000 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a blow with a rifle butt in the back of the neck; that he was compelled to stand at attention facing the sun bareheaded, for days, and given bread and water for refusing to work on munitions. Later, for an attempted escape, he received a blow in the face breaking the nose. He now suffers with nerves and general impairment of health.



An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he spent three months. He complains of one incident, when he was hit over the back with the butt of a rifle and knocked unconscious. This was for not arising in the morning. No permanent disability has resulted. Sent on to Munster No. 3, Dusseldorf, and a coal mine in Saxony, he complains of the heavy work, long hours and punishment for refusing to work on munitions by being made to stand to attention, uncovered, in the sun for hours at a time. On another occasion he was struck across the face with a cane in the hands of an officer, breaking the nose. This was for refusing to divulge the name of a fellow prisoner who had tried to escape with claimant. He now suffers from nervousness and complains of a mental condition. His nose disability is insignificant.

The medical record is quite general. A certificate of a physician (name indecipherable) is produced, indicating "impairment to physical health and of nervous system." His percentage of disability is stated at from 25 per cent to 50 per cent. Claimant's medical history files show that he was subjected to a number of convictions for breaches of discipline before capture and the record as to his health is not satisfactory.

In this state of the record it is manifestly impossible to reach a finding in claimant's favour. The medical evidence is quite inadequate to establish a disability resulting from maltreatment. Whatever disability claimant may now suffer has not been shown to result from his experience whilst a prisoner of war. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 20, 1932.

#### CASE 2603—REGINALD GORDON SMITH

Claimant was a Private in the 8th Battalion—Regimental No. 496. 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 wound in the right knee and was badly gassed. He was repatriated to England in December, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$13 per month for himself and family, based on his war wounds. He was married October 22, 1921, and has two children. Prior to enlistment, he was employed as a steam-fitter, earning \$75 per month and at present is doing a little farming and odd jobs.

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, poor quarters, inadequate and bad food and no medical care or nourishment, when ill for six weeks with double pneumonia, resulting in badly impaired health.

An analysis of the evidence reveals:—

Claimant spent his period of captivity in Ohrdruf hospital and camp and at a farm near Edenbrunghausen (sic). He speaks of his treatment in hospital as "fairly good" and has no complaints of maltreatment whilst in camp. At the farm he was made to work and declares that the hours were long and the work too arduous in his weakened condition, but does not complain of any brutality. On the whole, he appears to have been fairly treated as a prisoner. He now complains of rheumatism in his back and shoulders and a more or less disabled hand, the latter disability due to neuritis from which he suffered in Germany. In other respects he declares he feels fairly well.

The medical evidence indicates that claimant suffers with pains in both shoulders, back and right knee. His percentage of disability is stated at 50 per cent in the general labour market. Dr. D. M. Rowlings, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files relate only to the knee injury which was of service origin.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. He has failed to show that any present disability results from maltreatment. The rheumatic condition in his shoulders may have resulted from general conditions of camp life in Germany and cannot be regarded as the result of maltreatment. That claimant was made to work, as were other prisoners, does not constitute maltreatment. Claimant's recourse is properly before the Board of Pension Commissioners. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 18, 1932.

#### CASE 2648—THOMAS SMITH

Claimant was a Private in the 29th Battalion—Regimental No. 75428.—He enlisted in October, 1914, at the age of 28 years, and was taken prisoner April 19, 1916, unwounded. He was repatriated to England December 15, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$28 per month, based on deafness. He was married in August, 1921, and has three children. Prior to enlistment, he was employed as a labourer, earning about 40 cents an hour, and is now engaged in farming.

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, a cut on the head, solitary confinement and starvation.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp, and, when working on a farm, a German farmer dumped half a load of potatoes from a waggon on top of him, causing an injury to his back, which persists. He insists that this was done deliberately and was not an accident. He was next sent to an iron ore mine, and in being pushed through a hole he received a scalp wound from which he still carries a scar. He was not kept at the mine but was sent to another farm, where, being unable to lift heavy logs, due to his lame back, he received a bayonet wound in the hand and was locked in the cellar for five or six days. He was returned to Giessen and sent out to other farms until, in the spring of 1918, he attempted to escape. He received the usual solitary confinement upon being recaptured.

The medical record consists of two certificates, one from Dr. E. J. Eacrett who attended claimant in 1927 for nervous breakdown and indigestion. He notes scar on the left forehead and the ball of the left thumb, and states claimant has always suffered from headaches and nervousness. The other certificate is by Dr. Lyle Telford, who fixes a disability of 25 per cent due to lameness in the back, and advises an X-ray examination. Neither of these physicians appeared before the Commission. Apart from reference to chronic catarrhal otitis media and gastritis, claimant's medical history files show nothing unusual.

Claimant complains chiefly of the injury to his back and the cut on the head. While he insists that the former injury was deliberately inflicted by dumping a load of potatoes on him, I think the evidence indicates that the incident was accidental. Similarly, with the cut on the head. His guards may

have been careless, but I think the injury was accidental. Claimant's injured hand leaves no disability. I am uncertain, from the record, how claimant's impaired hearing originated, whether at the time of capture or later in Germany. On the whole, I do not find that claimant has discharged the burden of showing a present disability resulting from maltreatment. His case is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 5, 1933.

#### CASE 2804—WALTER STAMPER

Claimant was a Sergeant in the P.P.C.L.I.—Regimental No. 29. He enlisted in August, 1914, at the age of 43 years, and was taken prisoner, May 8, 1915, wounded in the shoulder and thigh, and gassed. He was repatriated to England in September, 1917. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based upon bronchitis and asthma. He was married in 1898, is now a widower, and has one child. Prior to enlistment, claimant was employed as a steward, earning \$100 per month. He has since worked as a cook and is presently a patient at the St. Anne's Military Hospital.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of disabilities resulting from his experiences whilst a prisoner.

Claimant was unable to attend before the Commission, but his statement was taken by the Medical Adviser to the Commission at St. Anne's Hospital. Taken first to Roulers, claimant received no medical attention for his wounds. Sent on to Giessen camp, he remained until the fall of 1915. The German doctors would not pass him as fit for work in the salt mines, due to general debility and a chest condition. He was later sent to Bischofswerda camp, where he evidently acted as servant to officer prisoners. Conditions were good and he complains of no brutality, but protests that he was made to sleep in a cellar. Passed for transfer to Switzerland as medically unfit, claimant spent 2 months at Mannheim, where he complains only of starvation. As a result of his experiences, claimant complains of bronchitis and difficulty in walking due to disablement of the legs.

The medical record indicates a condition of bronchitis with some neuro muscular derangement, described as functional clonic tremors. His percentage of disability is stated at 100 per cent. Dr. M. McQuitty, who certifies to the foregoing, did not appear before the Commission. The medical Adviser to the Commission examined claimant and does not find in his condition anything which may be attributed to maltreatment whilst a prisoner.

Claimant is now aged 61 years, and must expect some diminution in his physical vigour. On the medical evidence, I cannot say that he has shown a present disability resulting from maltreatment whilst a prisoner. He does not appear to have encountered very harsh treatment and if his disablement is as extensive as he contends, his claim is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 30, 1933:

## CASE 2782—CHARLES EDWARD STANBROUGH

Claimant was a Private in the 44th Battalion—Regimental No. 829842. He enlisted in February, 1916, at the age of 27 years. He was taken prisoner on the 23rd of August, 1917, unwounded. He was repatriated to England on December 2, 1918. He is not in receipt of pension. He is married and has two children. Prior to enlistment, he was employed as a lumberman, earning as much as \$100 a month. He is now unemployed, but, when working, earns from \$90 to \$100 a month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains chiefly of ill-treatment, starvation inoculation, and injury to his eyes; that he was forced to work when ill, and denied medical attention.

An analysis of the evidence reveals:—

Claimant was first taken to Douai, where he remained about a month. He has no complaints as to his treatment there and was removed to Dulmen, where he remained until November, 1917, also without incident. He was then sent to Erkrath, where he remained until the Armistice, working in a factory, and complains of the long hours of work. He was subjected to no physical violence but complains that in the spring of 1918, while suffering from flu, he received no medical attention and was made to continue work until he dropped. He also declares that while unloading graphite from cars some of this material entered his eyes and, although he received medical treatment at Dusseldorf, this was inadequate to prevent impairment of vision. Claimant now suffers from general debility and alleges that he loses time from his work.

The medical record indicates that claimant suffers from chronic bronchitis, loss of weight, general weakness, and defective eyesight. His percentage of disability is stated at from 60 per cent in his own calling to 80 per cent in the general labour market. Dr. H. A. Gordon, who certifies to the foregoing, did not appear before the Commission. Claimant also files a certificate from Dr. G. P. Armstrong to the effect that he examined claimant on October 6, 1932, and found him suffering from general debility and chronic bronchitis. Claimant's medical history files indicate the condition of general debility and defective vision and a condition of bronchitis which is under consideration by the Board of Pension Commissioners.

The injury to claimant's eyesight was apparently accidental and resulted from the nature of his occupation while a prisoner. I do not consider that it can be ascribed to maltreatment. The evidence discloses that his eyes were examined and he was given glasses while in Germany. Claimant's remaining disabilities—a condition of general debility and bronchitis—are, I think, the result of general camp life in Germany and cannot be said to result from particular maltreatment on the part of the Germans. On the whole, I regard the case as one for the consideration of the Board of Pension Commissioners. The claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 12, 1933.

## CASE 2729—VIVIAN EDWARD STEERS

Claimant was a Private in the 4th C.M.R.—Regimental No. 113573. He enlisted June 22, 1915, at the age of 21 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 5, 1918. He is not in receipt of pension, was married in July 1928 and has one child. Prior

to enlistment, he was attending university and is now a welder earning up to \$45 per week.

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 standing to attention, beaten with injuries to the head and ears, denial of medical aid and forced to work while ill.

An analysis of the evidence reveals:—

Claimant spent a short time at Dulmen and Minden camps where the only complaint is as to the food. He was sent to a steel works at Hoerde, where, for refusal to work on munitions, he was forced to stand to attention for some 11 days at 12 hours per day. When faint from weakness, a sentry struck him on the left side of the head injuring his ear. Placed next at making fertilizer, his nose became blocked due to breathing the material and he was denied attention. He says that civilians employed at this work were supplied with masks. He burst an ear drum and was sent to a specialist in Dortmund, who, upon discovering that he was a Canadian, refused to attend him. He was sent back to work and lost a finger when a piece of iron thrown at him struck him on the hand. The doctor refused to stitch the wound. While ill with mumps, and on another occasion with influenza, he was forced to continue at work until he collapsed and was taken to Dortmund and placed in hospital. Upon recovery he was returned to work but says that ever since he has perspired chiefly on one side of his body. Near the close of the war, he, with others, was removed from a fairly comfortable barracks and placed in filthy quarters, damp and uncomfortable. He wrote to the Spanish Ambassador complaining about it. After a visit from the Ambassador he was given a severe beating and received a bayonet cut in the left hand. On attestation, a scar was noted on the left hand between the thumb and forefinger.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. J. D. Purdy, indicating scars in the head, ear, left hand, ulcers in the left nostril, scar on the right middle finger, right testicle less than half normal size, hearing impaired in the left ear and severe headaches. A letter from Dr. Moher of the Lockwood Clinic (copy) is filed, indicating nasal bleeding due to an ulcerated area on the left side; chronic sinusitis. Claimant's medical history files refer to the unusual condition of sweating on one side of the body only. The nose and head condition is not rated as serious.

Claimant's main complaint seems to be as to his nose. This is indicated as congenital in his military medical records and does not appear to have been aggravated by any of his experiences in Germany. He also speaks of breaking an ear drum from blowing his nose, which, I am informed, would be a most unusual result. The coincidence of a scar on the left hand, upon enlistment, and which is referred to in his attestation form, at or about the same place as a scar said to result from a bayonet wound sustained in Germany is noted. On the whole, I consider that claimant has failed to show a present disability resulting from maltreatment whilst a prisoner. His disabilities, if properly established, would be the subject of consideration by the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

#### CASE 2779—GEORGE STODGELL

Claimant was a Private in the 6th Battalion—Regimental No. 14751. He enlisted in August, 1914, at the age of 22 years and was taken prisoner on the 2nd of March, 1918, unwounded. He was repatriated to England on December

2, 1918. He is not in receipt of pension, but has an application pending before the Board. He was married on July 14, 1919, and has no children. Prior to enlistment, claimant was an iron worker, earning about 25 cents an hour. He is still an iron worker when employed and earns 70 cents an hour.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his back was injured while working in a coal mine owing to heavy lifting and that he still suffers therefrom.

An analysis of the evidence reveals:--

Claimant was first taken to Dulmen camp, where he remained six months. He worked on a farm and was sent to a coal mine, where he remained until the Armistice. He worked one day underground and does not complain of any particular brutality. He declares, however, that he injured his back from heavy lifting, which still troubles him when he works. Claimant recites that when he injured his back he was driven to work at the point of a revolver because he protested that the work was too heavy for one man, and, it was while pushing or lifting a truck, that he felt a sharp pain in his back. Upon reporting sick, he was forced to continue work by the foreman.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual, a condition of sciatica being referred to as pending before the Pension Tribunal. He appears to have had an operation for left inguinal hernia in 1915.

Claimant was a prisoner in Germany for ten months only and does not appear to have been subjected to any particular maltreatment. The alleged injury to his back was accidental in origin and, if it results in disability at the present time, claimant's case is properly one for the consideration of the Board of Pension Commissioners. Before this Commission he has failed to establish a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 12, 1933.

#### CASE 2095—BURTON FORSYTH STOREY

Claimant was a Private in the Royal Canadian Regiment—Regimental No. 455827. He enlisted in January, 1916, at the age of 35 years and was taken prisoner October 8, 1916, wounded in both eyes by a bursting bomb. The eyes were removed in Germany. He was released to Holland in January, 1918, and reached England on the 7th of that month. He is in receipt of a 100 per cent disability pension, amounting to \$115 per month, based on total blindness. He was married in 1902 and has one child now aged 27. His wife has left him. Prior to enlistment, he was a machinist, earning about \$5 per day and is now unable to work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being operated on after capture, without anaesthetic, and claims that due to ruthless surgery he was unnecessarily deprived of his eye-sight. Suffered neglect, starvation, bad food, and unsanitary living conditions and now suffers from stomach disorders.

Analysis of the evidence reveals:—

This is a particularly distressing case. Claimant is totally blind, both eyes being enucleated in Germany. At the time of capture he had been wounded in both eyes and though he says he could see dimly at first, by the time he was taken back to a dressing station, he was apparently without sight. Taken first to Cambrai, both eyes were removed by the German surgeon, without anaesthetic.

It is claimant's contention that this was improper surgery and that, had care been exercised, it might have been possible to save some part of the vision. Claimant was sent to Juleich hospital, followed by Trier, Aachen, Langensalza, and Mannheim. He does not complain of any particular brutality, apart from the operation at Cambrai, and general food conditions. In addition to his eye condition, he complains of stomach and intestinal disorders.

The medical evidence establishes claimant's total blindness. Apart from the evidence by medical certificates filed of record, I have consulted an eminent specialist, to whom the entire circumstances have been explained. He advises me that it is hardly possible that the German surgeons could have done anything else for claimant than what they did. The evidence discloses so serious an injury to both eyes that double enucleation was necessary.

In these circumstances, I am reluctantly led to the conclusion that the claimant has not established that his present disability is the result of maltreatment whilst a prisoner of war. His disability is due to the original service injury. Whatever claim he may have is properly a matter 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, December 19, 1932.

#### CASE 2580—WILLIAM STRACHAN

Claimant was a Sapper in the 2nd Canadian Tunnelling Company—Regimental No. 503441. He enlisted November 19, 1915, at the age of 24 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 24, 1918. He is not in receipt of pension, was married in January, 1919, and has four children. Prior to enlistment, he was employed as a section foreman, at \$79 per month, and is now in the same employment, at about \$105 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, beatings, confinement, long hours of labour and lack of clothing.

An analysis of the evidence reveals:—

Taken to Dulmen, claimant asserts that the food and sleeping accommodations were bad. At Duisburg, for refusing to work on munitions, he received a beating and served 10 days confinement. Next sent to Mettmann, where he worked on a farm, living conditions were good and the food excellent. He was then sent to Hamborn, near Essen, where, at work in the coke ovens, he served long hours of labour with 24 hour duty every second week. He attempted to escape and got the usual 21 days cells. He attributes his present condition of bronchitis to exposure and inadequate clothing, coupled with the gas fumes from the coke ovens.

No medical evidence was adduced at the hearing, the record consisting of a certificate of Dr. Kennedy, indicating chronic bronchitis.—No percentage of disability is estimated. A further certificate by Dr. Kennedy indicates that claimant suffers with his right lung. Claimant's medical history files refer to a condition of chronic bronchitis declared to be of service origin.

Claimant's complaints are confined to exposure and the effect of gas fumes whilst working on the coke ovens, which has left him with a bronchial condition. For reasons which have been explained in Opinion annexed to my earlier report on maltreatment cases, I do not consider that disabilities resulting from general condition of camp life in Germany can be regarded as constituting maltreatment.

Claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment. His claim, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 11, 1933.

Commissioner.

### CASE 2692—ALBERT VICTOR STUART

Claimant was a Private in the 4th C.M.R.—Regimental No. 109630. He enlisted in October, 1914, at the age of 25 years, and was taken prisoner June 2, 1916, slightly wounded in the left arm. He was repatriated to England November 20, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on neurasthenia. He was married in October, 1919, and has one child. Prior to enlistment, he was a foundry employee, earning \$2.50 per day, and is now acting as a janitor at \$5 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, being forced to stand over a hot fire and then deluged with cold water causing an ear injury, confinement, forced labour in coal mines, exposure, injury to toe and standing to attention.

An analysis of the evidence reveals:—

Claimant tells a disjointed story of his treatment. First at Dulmen, he has no complaints. He was transferred to Minden and thence to the coal mines at Westerholt. He worked here for thirteen months, and, for an attempted escape, was beaten and served the usual confinement. He made a second attempt and received further confinement. He had his toe smashed in an accident and states that the doctor tore the nail off. He also complains of an injury to his eye at the same time. He was sent to Milspie (sic) where, for refusing to work on munitions, he recites the incident of having to stand for half an hour over a hot fire until his clothes were scorched and burnt. He fainted and cold water was thrown over him, some of which got into his ears, causing deafness. He made a third attempt to escape and says that as punishment he got twenty-one days' confinement on water without food. Doubt was indicated in regard to the eye injury, as the military medical history files show a scar near the left eye received in France in 1916. The medical adviser to the Commission was not convinced that the deafness complained of constituted disability.

The medical records consists of certificates by Drs. A. K. Northrup and N. McArthur, neither of whom appeared before the Commission. Dr. Northrup certifies to a condition of mitral stenosis, with a 25 per cent disability. Dr. McArthur certifies to impaired vision in the right eye, sinus infection right side of nose and deafness in the left ear and fixes the disability at 50 per cent. A further certificate by Dr. (name indecipherable) dated December 26, 1932, has been filed, dealing with claimant's ear and eye condition. In effect this certificate finds the ear condition to have probably resulted from possible exposure and privation. Neither the cause nor the disability to vision is definitely stated. A declaration by J. A. Scott, a fellow-prisoner, testifies to heatings, starvation and conditions in the coal mines. Claimant's medical history files relate to the condition of neurasthenia, for which he receives pension.

Claimant's manner of giving his testimony was most unconvincing. He is certainly not stone deaf in either ear, as he was able to hear clearly remarks, from either side, in a low voice. I do not consider that claimant has shown any disability resulting from maltreatment whilst a prisoner, and, in my opinion, any disability from which he may now suffer is covered by pension. The case should not have been pressed before this Commission. It fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 18, 1933.

Commissioner.



## CASE 2557—THOMAS HENRY SUMERSFORD

Claimant was a Private in the 46th Battalion—Regimental No. 781552. He enlisted December 24, 1915, at the age of 19 years and was taken prisoner August 21, 1917, at Lens, unwounded. He was repatriated to England, December 7, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on bronchitis. He is not married. Prior to enlistment, he was a farm hand, earning \$40 per month and board, and is now doing odd jobs.

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; that he was compelled to stand to attention, was starved and beaten.

An analysis of the evidence reveals:—

Claimant was held at Douai after capture, for one month, then taken to Dulmen, where he was inoculated and transferred to Essen. Here he worked at the coke ovens long hours and was exposed to coal gas fumes. On one occasion because he slept in after a 24-hour shift he was forced to stand to attention for two hours after doing a hard day's work. On another occasion, he was beaten with a rifle butt when he fell, due to exhaustion. He states that he now has periodic fainting spells and suffers from nerves.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. H. C. Young, indicating chronic bronchitis and fixing the percentage of disability at from 25 per cent to 35 per cent. Claimant's medical history files refer to bronchitis for which he is in receipt of pension, and to pyorrhoea and epilepsy, declared to be post discharge.

Excessive work upon the coke ovens forms the basis of this complaint. I do not consider that claimant has established the connexity between his experiences in Germany and his present state of health. The bronchial condition has not been shown to result from maltreatment, nor does the record disclose the origin of the so-called epileptic seizures. Claimant's recourse is properly before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 11, 1933.

## CASE 2748—FREDERICK THOMPSON

Claimant was a Gunner in the 3rd Trench Mortar Battery—Regimental No. 348146. He enlisted October 1, 1915, at the age of 31 years, and was taken prisoner June 2, 1916, unwounded. He was exchanged to Holland in the summer of 1918 and reached England in October of that year. He is not in receipt of pension, but has just been granted veteran's disability allowance, amounting to \$20 per month. He is unmarried, and, prior to enlistment was employed as a rigger, at \$18 per week. He has been practically unemployed since discharge.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general debility and tuberculosis as a result of his imprisonment.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, then to Minden and from there to the coal mine K-47. He remained at this mine about a year and a half and suffered with septic sores which caused him to be sent to an hospital attached to the mine. He complains of the rough methods used in painting the sores with iodine and states he was returned to work in the mine before they were properly healed. Finally he was sent to Munster, and placed in a railway car repair shop. For

an attempted escape he received 20 days solitary confinement on bread and water. He was next sent to Ham and placed at tearing up a narrow gauge railroad and states that the treatment by the guards was exceptionally rough. He reported sick often and was finally examined and reported to be suffering from tuberculosis and relieved from further work. After a delay of some weeks he was recommended for exchange to Holland.

Claimant was closely questioned by the medical adviser to the Commission covering the condition of tuberculosis, as there seems to be no mention of it in his medical history documents.

The medical record consists of a certificate by Dr. C. R. Graham, who did not appear before the Commission, indicating blindness of the right eye and partial blindness in the left eye due to an injury sustained in 1924, neurasthenia and pulmonary tuberculosis.

Upon examination of claimant's medical history file, I cannot find any mention of a tubercular condition, and there is no evidence of any disability at the time of discharge nor evidence of medical treatment for years after. Whilst he apparently worked in a coal mine for a year and a half it could not have been continuous, for, according to his story, he spent a large part of his time in hospital with septic sores, and, as they could not get much work out of him, they sent him back to camp. Under the circumstances I do not consider that I am justified in reaching a finding in claimant's favour. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission the claim must, therefore, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 24, 1933.

#### CASE 2700—JACOB C. D. THOMPSON

Claimant was a Private in the 19th Battalion—Regimental No. 814303. He enlisted November 1, 1915, at the age of 19 years and was taken prisoner May 8, 1917, unwounded. He was repatriated to England January 4, 1919. He is not in receipt of pension, was married in December, 1919, and has one child. Prior to enlistment, he was employed as a store clerk, at \$12 per week, and at present is a butter maker, 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 starvation and lack of medical treatment while ill, resulting in digestive disorders.

An analysis of the evidence reveals:—

Claimant spent 10 days at the notorious Fort McDonald in Lille, where he speaks of the familiar overworking, starvation and lack of proper toilet arrangements. He was removed to Dulmen and put on latrine work. After a month of this, he was sent to Gustrow and thence to Gettorf (sic), where he was placed at railway building. The work was very hard and the guards brutal. He ruptured himself in lifting a car to the rails and went to the doctor next morning. The injury was not discernible and he was returned to work. The pain returned, and, being unable to continue, he was beaten with a rifle. He was returned to camp in a wagon and placed in hospital, given a suspensory and given light duty. He was soon returned to the railway work but was sent back to camp and was later given a truss, which did not fit but he was compelled to continue at work. Upon repatriation he made a statement which confines itself to a recital of conditions at Fort McDonald.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. J. E. Hawkings to the effect that claimant suffers from duodenal ulcer, and a certificate by Dr. McGarry, of Niagara Falls, regarding

the same trouble.—Two statements are filed by fellow-prisoners, Andrew Crozier and T. Winton, corroborative of claimant's story. Claimant's medical history files shown nothing unusual. He was apparently discharged as fit.

Claimant's hernia apparently no longer troubles him, since he does not wear a truss. It was accidental in origin and he was eventually supplied with a truss. I do not consider that this treatment can be regarded as maltreatment though he may have been left for some time without medical aid. The stomach condition of which he complains is probably nutritional in origin and cannot be related to maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 18, 1933.

### CASE 2751—THOMAS THORP

Claimant was an Imperial Reservist, who came to Canada in 1907 and returned to his unit, when called to the colours in August, 1914. He served as a Private in the King's Own Yorkshire Light Infantry—Regimental No. 7275. He was taken prisoner November 1, 1914, at Messines, unwounded. He was repatriated to England in November, 1918. He was in receipt of a pension of 8 shillings per week, which he commuted in 1921, for \$360. It was based on neurasthenia, rheumatism and stomach disorders. He was married in May, 1922, and has two children. Prior to enlistment, he operated a meat market, clearing over \$1,000 per year and is now engaged in the same business but finds it poor.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of loss of personal property taken from him after capture, the quality and scarceness of food, exposure, long hours of labour and a wearing down due to being continually harassed, beaten and confined.

An analysis of the evidence reveals:—

Taken to Altdamm, there was no barrack accommodation and claimant had to sleep in dug-outs, was given inadequate covering and suffered from exposure due to wet and snow, resulting in chronic rheumatism. The place was notoriously verminous and claimant states he often had to sleep in water, and rub himself with snow in order to keep warm. His clothes were fumigated while he was allowed a bath, but upon resuming his clothes found that they had shrunk and were wet. This was in February. The attacks of rheumatism were very severe following this treatment, and affect him periodically now. While working long hours at a beef factory, he says that after a hard night's work he was not allowed to rest being given unnecessary fatigues and jobs to do and being turned out of bed for barrack inspection several times a day. He broke down and was sent to hospital for several weeks due to nervous trouble. Food parcels were opened, the contents mixed up and rendered inedible. On several occasions he was beaten with rifles, all of which contributed to his nervous breakdown. At Schneidemuhl he, with others, refused to work in the manufacture of poison gas and he was threatened with death and was given ten days confinement. While working on farms he received thrashings, due to his unfamiliarity with the handling of oxen and was hoased in an overcrowded unsanitary cow barn.

The medical record consists of certificates by Drs. W. J. Knox, and G. L. Campbell, neither of whom appeared before the Commission. Both certify as to a condition of rheumatism and neurasthenia, together with gastric disorders. Other certificates are filed as to his condition prior to enlistment and his present ill-health. Claimant's medical history files show nothing unusual.

Claimant speaks chiefly of the exposure, labour and constant mental strain of his captivity as causing the disablement from which he now suffers, viz.: rheumatism, neurasthenia and impaired digestion. While the treatment was clearly rough, I do not think that it can be regarded as active maltreatment. The Germans were unable to cope with and care for the number of prisoners who fell into their hands in the early stages of the war, and great hardship resulted. That claimant's health should have suffered from such hardship is perhaps made out, but I am unable to say that he has discharged the burden of showing a present disability resulting from maltreatment. His claim is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 3, 1933.

### CASE 2657—WILLIAM CHARLES THURGOOD

Claimant was a Private in the 7th Battalion—Regimental No. 16367. He enlisted in August, 1914, at the age of 18 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He escaped from Germany to Holland February 16, 1917. He was born in England, came to Canada in February, 1911, and now resides in San Francisco and became a naturalized citizen of the United States September 3, 1929. An affidavit of Flora Aske, rooming house keeper in Vancouver, is filed attesting that claimant roomed in her house in 1914 and returned from overseas in October, 1917, and roomed with her for six months thereafter. He once received a 3 per cent disability pension, commuted under the Act of 1920. It was based on nervous debility. He was married in February, 1920, and has one child living. Prior to enlistment, he was employed as a plumber, earning \$6 per day and is now doing odd jobs, but had been following his trade and earned as high as \$10 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being refused medical treatment, that he was beaten, stoned and chained to posts, exposure, confinement, and of being struck over the head with a rifle causing partial paralysis.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen and there sent to Neuhammer to work at plumbing. While at work, the Germans threw stones and water on them. Twenty-six of his companions were next tied to poles in the bog for refusing to work longer, and left for four hours. This happened to claimant twice. In winter, he was compelled to strip out of doors while his clothes were being fumigated and he had to put them on wet. When he applied for medical treatment, for gas poisoning, it was refused and he received two blows on the head from rifle butts. The next camp of importance was Vordenermoor, claimant having passed through Saltau. He got two weeks dark cells for playing ball. He then passed through Hameln, Shellarton (sic) sugar refinery and Lichtenhorst. He received two weeks cells in the latter camp because he requested to go sick on account of stomach trouble and got into an argument. At Aselager, he worked in the woods and was struck over the head with a revolver butt and knocked unconscious. He contends he was afflicted with paralysis of the left side of the head and body as the result of this blow. He subsequently escaped to Holland.

Declarations are filed in support of the claim; one by Margaret Thomas, of Vancouver, who has known claimant since 1920 and knows he suffers with stomach trouble, loss of vision in the left eye and debility. A declaration by A. Gordon Spring is filed attesting to claimant's inability to follow his trade after his return to Canada, due to his condition.

The medical record consists of a certificate by Dr. W. E. Glaeser of San Francisco, who finds claimant suffering chiefly from his stomach and some limitation of movement in left leg and right hand. A certificate from the Royal Columbian Hospital is also filed, to the effect that claimant was in the hospital for 14 days in 1920. Claimant was examined by the medical examiner to this Commission who finds him suffering chiefly from stomach disorders. His medical history files contain a lengthy statement covering claimant's experiences as a prisoner and his escape.

A comparison of the statement made by claimant and appearing in his files, differs in many respects from his testimony before the Commission. Thus, there is not a word in this statement of the blow on the head, which is said to have resulted in partial paralysis. The incident of being tied to poles is also unmentioned. Claimant stresses only a stomach complaint as the disability resulting from maltreatment. Whether this may be ascribed to the gas received before capture or to general food conditions while a prisoner I cannot say, but, for reasons which have been explained in my earlier reports upon maltreatment cases, I do not think that claimant has been successful in showing a present disability resulting from maltreatment. His case, if anything, is pensionable in nature. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 3, 1933.

#### CASE 2797—JOHN TOUGH

Claimant was a Private in the 1st C. M. R.—Regimental No. 106592. He enlisted in November, 1914, at the age of 29 years, and was taken prisoner June 2, 1916, having been blown up by a shell and was suffering from broken left arm, right shoulder, broken jaw, crushed chest, and total deafness for 6 weeks. He was repatriated to England December 10, 1918. He has an application for pension pending, was married in January, 1919, and has three children. Prior to enlistment, he was on a farm, at \$45 per month and board and is now unemployed but had been engaged as a carpenter for five years, earning as high as \$1.05 per hour.

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, forced labour while unfit and no treatment for his ears, resulting in deafness.

An analysis of the evidence reveals:—

Claimant was taken to hospital at Aachen and complains of the way in which his arm and shoulder were set. He states his ears were not treated at all and that he was totally deaf for 4 weeks. Thence sent to Friederichsfeld he was placed at work pushing wagons before he had recovered from his wounds. To this treatment he attributes a present disability in the wrist. He was next sent to Holzburg, and placed at work packing ice and states his varicose veins became aggravated by this work. Later, at Eusterburg, he worked at digging ditches, up to the knees in water, which affected his legs. He received confinement to cells for keeping a diary, parcels were stopped and as a consequence he suffered from lack of food.

The medical record consists of a report by Dr. H. J. Peacock, who did not appear before the Commission, indicating inability to use left wrist properly, total deafness in left ear, with disability rated at 50 per cent. Claimant's medical history files relate to his wounds and ear condition as being under consideration by the Pensions Tribunal.

Claimant's ear condition may be traced to the time of capture and the record does not show any lack of treatment which, had it been given, might have saved the hearing. He had varicose veins upon enlistment and I do not find that any aggravation thereto can be ascribed to maltreatment while a prisoner. He complains of disability to his left wrist, through being made to work before the wound had properly healed. Again, I think the disability is attributable to his original service wound. Claimant has thus failed to show a present disability resulting from maltreatment while a prisoner. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

#### CASE 2481—ERNEST ALLISON TURNBULL

Claimant was a Private in the 1st C.M.R.—Regimental No. 106595. He enlisted in October, 1914, at the age of 19 years and was taken prisoner June 2, 1916, suffering multiple shrapnel wounds. He was repatriated to England in December, 1918. He is not in receipt of pension, was married in June, 1922, and has two children. Prior to enlistment, he was attending school and since discharge has been unable to do office work, due to ill health, and is now a commercial traveller, earning \$150 per month and expenses.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement in unheated cells, long periods of standing to attention, exposure, denial of medical attention and further confinement.

An analysis of the evidence reveals:—

After capture, claimant's wounds were dressed and he was sent to hospital at Stuttgart. Upon discharge from hospital, he was sent to camp at Stuttgart where he remained for eight months, doing rough labour. He received three days' confinement for refusing to work on munitions, also blows from rifle butts. He states that one form of punishment consisted in making a prisoner squat down with hands on hips. After ten minutes a cramp would cause him to move, whereupon he received a blow from a rifle butt. He was confined to cells, on another occasion, for failure to salute an officer. The cell was freezing cold and he attributes his bronchial trouble to this incident. The fact of such confinement is corroborated by a letter from G. H. Patterson, a fellow-prisoner. He was next sent to a farm and made an attempt to escape, was recaptured and given a further term of confinement. He was removed to hospital due to a poisoned leg after five days. He was then returned to cells for 14 days. He also recites an incident of injury to his back in carrying a barrel of sand upstairs, when he tripped and twisted his back.

The day after the hearing at Winnipeg, claimant wrote a letter to the Commission stating that he had not stressed his mental condition at the time. He states he is subject to fits of depression and nervousness and that the recital of his story recalled his experiences so vividly that he walked the streets for hours before he could rejoin his family.

The medical record consists of a certificate of Dr. F. A. Jamieson, who did not appear before the Commission, indicating a condition of chronic frontal sinus and bronchitis. He fixes the disability at 10 per cent. Claimant's medical history files show nothing unusual. The conditions of sinusitis and tonsillitis are shown as "post discharge."

Claimant stresses his mental depression as his main disability. This was probably due to the strain and duress of his period of captivity which he was not, apparently, able to take as philosophically as other prisoners. The sinus and bronchial trouble can hardly be ascribed to maltreatment by the enemy. His state of health appears to be the result of general conditions of life in prison camp, aggravated perhaps by unhealthy confinement. Viewing the case as a whole, I have reached the conclusion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 30, 1932.

#### CASE 2767—SAMUEL PARK TYNAN

Claimant was a Private in the 3rd Battalion—Regimental No. 9728. He enlisted in August, 1914, at the age of 19 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound fracturing the left arm, and a touch of g. s. He was repatriated to England December 31, 1918. He has recently been allowed a 10 per cent disability pension, amounting to \$7.50 per month, based on his service wound in the left arm. He was married in October, 1928, and had three children. Prior to enlistment, he was employed as a store clerk, earning \$16 per week, and is now a shipper with a furniture concern, 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 beatings, confinement and starvation.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Giessen, Saltau, Lichtenhorst, Unterluss and Gymbkie (sic). His chief complaints are as to neglect of his wounded arm in hospital at Giessen followed by faulty treatment there. The arm is now an inch and a half thinner than the other and is the basis of his pension. His next complaint is of treatment at Unterluss punishment camp. Being unable to do the work required on building a parade ground, due to weakness from starvation, and his injured arm, he received severe beatings, resulting in extreme nervousness and heart trouble.

The medical record consists of a certificate by Dr. T. O. Beauchemin, who did not appear before the Commission. He finds claimant generally run down, very nervous and suffering from some lung condition. He fixes the disability at from 40 per cent to 50 per cent. Claimant's medical history files relate only to his service injury.

Claimant seems to suggest that had his arm been properly treated in Germany, his disability therefrom would not now be as great as it is. I do not consider that this claim has been substantiated. His complaint as to nervousness also fails,—he has not shown that such condition, if constituting disability, necessarily results from maltreatment whilst a prisoner. On the whole, I regard claimant's case as one for the consideration of the Board of Pension Commissioners. Before this Commission, it fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 3, 1933.

## CASE 2766—JOSEPH WADE

The claimant was a Trooper in Lord Strathcona's Horse—Regimental No. 552765. He enlisted in August, 1915, at the age of 21 years, and was taken prisoner August 8, 1918, suffering from a gunshot wound in the left arm. He was repatriated to England January 13, 1919. He is in receipt of 15 per cent disability pension, based on gunshot wound left arm, chronic bronchitis, and pleural adhesion, which amount to \$22.50 per month, for self, wife, and 4 children. He was employed as a carpenter at 55 cents per hour. Since his discharge, he has had various occupations, and is now promoting the Calgary Clay Products Ltd.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of treatment for his wounded arm, as a result of which it is permanently crooked. He also states that by reason of lack of food and adequate clothing he contracted bronchitis and pleurisy.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 4 months, during which time he was not compelled to work nor was he brutalized. He confines his complaint to lack of proper surgical attention for his fractured arm and declares that had it been properly set, he would not now suffer as great a disability as he has. In his testimony he suggests that his arm was not set for some considerable time after he was captured, but his medical history files indicate (upon statements made by claimant at the time) that it was set the day after capture. Claimant also speaks of a chest condition which developed about a week before he left Germany following an attack of pleurisy. He attributes this to lack of food and exposure.

There is no medical evidence of record, apart from claimant's medical history files, which show the disabled condition of the arm with bronchitis and pleural adhesions.

In this state of the record, I do not consider that claimant has succeeded in showing a present disability resulting from maltreatment. Whether his arm should have been set, or whether it was done properly, at most would be a matter of surgical judgment. The original injury was serious and claimant has not shown that he did not receive proper treatment. The claim is covered by his pension. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

## CASE 2720—JOHN WARBURTON

Claimant was a Private in the 3rd Battalion—Regimental No. 9967. He enlisted in August, 1914, at the age of 25 years, and was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England in December, 1918. He is not in receipt of pension, was married in 1919 and has no children. Prior to enlistment, claimant was a glass beveler, earning \$16 per week. He is still so employed, and, when working, earns 64 cents per hour.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was compelled to do too heavy work on insufficient food, and was denied medical attention when ill. Exposure in inclement weather has affected his stomach and nerves.



An analysis of the evidence reveals:—

Claimant was first taken to Giessen, where he remained six months. He complains chiefly of the poor food. Sent out to Frankfurt, he worked in a railway yard. The work was heavy and he was beaten and received confinement to cells for refusing to work. He was sent on to Lichtenhorst, via Saltzu, where he remained about five months and has no complaints. He then went to Bohmte, where he remained for the duration of the war. Working on the canals, he complains of exposure to the wet and long hours. At a farm, for an attempted escape, claimant received a month's cells and was beaten by the guards. On one occasion he was struck across the head by a guard, with a bayonet, for talking to a fellow prisoner. He now suffers from his stomach and his nerves as a result of these experiences.

The medical record indicates that claimant suffers from "general instability—a nervous trembling upon slight excitement; chronic indigestion of the stomach with occasional very severe attacks of acute indigestion." His percentage of disability is stated at from 50 per cent to 70 per cent. Dr. A. A. Staley, who certifies to the foregoing, also appeared before the Commission. He confirms the diagnosis contained in his certificate and attributes the condition to bad food and exposure with heavy manual labour. The nervous state is probably induced by the gastric condition. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

In this state of the record, it seems clear that claimant's disabilities are nutritional in origin. For reasons which have been explained in general opinion annexed to my earlier report upon maltreatment cases, I do not consider that this result can be ascribed to maltreatment. It follows general conditions of camp life in Germany, to which all prisoners were exposed. Claimant's case, if any, is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, JANUARY 18, 1933.

#### CASE 2527—ROBERT FORBES WAUCHOPE

The claimant was a Corporal in the 10th Battalion—Regimental No. 20091. He enlisted in August, 1914, at the age of 39 years and was taken prisoner April 24, 1915, unwounded. He was exchanged to Holland in March, 1918, and repatriated to England November 18, 1918. He is not in receipt of pension. He states that he applied for pension, but that his application was rejected, and he is now appealing. He is a widower with no children. Prior to enlistment, he was a horseman, earning \$5 a day. After his discharge, he was for a time a clerk and time keeper, but is now unemployed.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being knocked down and kicked, and of general abuse. He alleges that he sustained a knee injury from which he still suffers, also a nervous condition.

An analysis of the evidence reveals:—

Claimant spent practically the entire period of his captivity at Giessen camp. He does not relate any particular acts of brutality, but declares that the treatment was generally harsh and brutal. His knee was injured in some manner which has not been clearly explained and he still suffers therefrom. He complains of extreme nervousness and has a very marked impediment to his speech which he attributes to the strain and duress of his experiences as a prisoner. Claimant was confined to cells on several occasions and was exposed to long hours of punishment marching around the compound.

The medical record indicates that claimant suffers from nervousness and chronic synovitis of the right knee joint. Dr. J. H. Brodie, whose certificate is produced, did not appear before the Commission. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant is now 57 years of age. He must expect some diminution in his physical vigour with the passage of years. There is little evidence of physical maltreatment in the record and whatever injurious effects claimant's experiences had upon his health must, I consider, be attributed to general conditions of camp life in Germany. For reasons explained in Opinion annexed to my earlier report, such general conditions cannot be regarded as maltreatment. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

#### CASE 2721—CLARENCE WAY

Claimant was a Private in the 4th C.M.R.—Regimental No. 113624. He enlisted in August, 1915, at the age of 18 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 1, 1918. He is not in receipt of pension, same having been discontinued in February, 1920. It was a 15 per cent disability, based on neurasthenia. He was married July 31, 1919, and has two children. Prior to enlistment, he was a factory labourer, at 15 cents an hour, and is now a machine operator, at 20 cents an hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of overwork, abuse and injury due to fumes and hot slack from a fertilizer plant.

An analysis of the evidence reveals:—

First at Dulmen, his main complaint is as to the food and long working hours. At Minden, no parcels were received and long hours of labour in the canal were the routine, with frequent blows from rifle butts. At Munster No. 2, he was sent to work at Hoerde iron factory where they made fertilizer. The fumes caused indigestion and pains in the chest. He was also placed at tempering white hot metal and did 24 hour duty at the coke ovens every second Sunday. He received fourteen days confinement as the result of an argument with a guard, and in the Spring of 1918 contracted influenza and was placed in hospital. He finished his period of captivity back at work in the fertilizer plant. After the Armistice the prisoners refused to work and were threatened with machine guns.

The medical record consists of certificates by Dr. P. A. Scott, who did not appear before the Commission, indicating heart trouble and nervous disability. He says "this man cannot do a day's work, as soon as he does heavy work his heart becomes bad, palpitation, and his nervous condition becomes so bad he has to stop work entirely." A certificate by Dr. C. A. Publow states that claimant received treatment under the D.S.C.R. in 1922 for heart and neurasthenia. Claimant's medical history files refer to the condition of neurasthenia, for which he was, at one time, in receipt of pension.

Claimant's heart affection has apparently greatly improved, since he is no longer in receipt of pension. I do not find in the evidence any record of maltreatment such as would be likely to result in permanent disability. Claimant must have expected that his treatment would not be all he desired, and any effect upon his health resulting from general conditions of camp life, while it may be pensionable, in an appropriate case, does not necessarily entitle a claimant to

reparations. On the whole, I consider that claimant has failed to show a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 18, 1933.

### CASE 1965—VAUGHN HALIBURTON WEBBER

The claimant was a Corporal in the 7th Battalion—Regimental No. 17180. He enlisted September 23, 1914, at the age of 27 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded in left leg. He was repatriated to England on November 18, 1918. He is not in receipt of pension. Prior to enlistment, he was employed as a surveyor's assistant, earning \$140 per month, and since his discharge has been practically continuously out of work, due to his condition.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of overwork, and in particular of an incident which occurred at Huesten, where he was working in a quarry. Because he did not understand what a guard said to him in German, he was kicked severely at the base of the spine, knocked down and was unable to resume work. He was carried to barracks and made to walk back to camp,—one-half mile. He was placed in hospital for six weeks and sent back to barracks, where he contracted pneumonia. He was five months in hospital and being in a weakened condition was excused all work for the remainder of his period of captivity. He declares that a growth developed at the point where he had been kicked and that he received treatment therefor. It was only in England, in 1919, that he was operated upon for the injury, and the growth removed. He declares that this injury still troubles him greatly, and that he has been unable to work as a result of the disability.

An analysis of the evidence reveals:—

Claimant stresses the injury resulting from the kick referred to as constituting maltreatment. In support of his statement as to the incident he has filed affidavits of two fellow prisoners who declare that he was in fact injured on the occasion in question, was laid up for some time and excused all duty because of his condition. Claimant also makes a claim in his deposition for loss of personal effects which were contained in a box which he shipped out of Germany but never received after reaching Holland though he made diligent search therefor. I do not consider that this claim has merit. The box may have been lost in a number of ways not attributable to the enemy.

The medical evidence consists of an affidavit of Dr. L. Broe, dated November 25, 1931, which speaks of an examination that day which revealed a broad scar, one and one-half inches long running anteroposteriorly midway between scrotum and anus, which claimant declared was due to an operation in England in 1919. The scar is now tender to pressure, which interferes with walking. Dr. Broe expresses the opinion that claimant is unfit to carry on his work of surveyor's assistant. Dr. Broe also appeared before the Commission. He confirms the findings contained in his certificate, but says it is difficult to estimate the disability resulting from the scar. He cannot say definitely that the original injury was of traumatic origin. Claimant's medical history files show that he suffered from and was operated upon for a perineal abscess, from which upon discharge, he then appeared to have made a good recovery.

The corroboration furnished by the two witnesses named brings some substantiation to claimant's story of injury, but I am not satisfied that there is any

serious disability resulting from the injury. The condition for which he was operated upon in 1919 was acute—perineal abscess—and it has not been shown that this condition was the result of the blow or kick he received in 1916 while a prisoner. Claimant's testimony did not dispel the doubt as to the accuracy of his observation of the origin of the injury and the connection between it and the subsequent operation. Viewing all the circumstances of the case, I am of opinion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 3, 1933.

### CASE 2576—HARRY JAMES WELLS

The claimant was a Private in the 3rd Battalion—Regimental No. 18698. He enlisted in August, 1914, at the age of 26 years and was taken prisoner April 24, 1915. He was not wounded, but states he was slightly gassed. He was repatriated to England, after exchange to Switzerland, in December, 1918. He is in receipt of a 10 per cent disability pension, based on neurasthenia, which amounts to \$14 per month. He was married in 1920, and has 3 children. Prior to enlistment, he was manager of a Grocery Department, at a salary of \$150 per month and a 10 per cent share of the profits. After discharge, he followed his former occupation for some years, but ultimately had to resign his position because of ill health. He is now engaged in selling real estate.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long hours, excessive work, and general abuse. He states that on one occasion he was tied to a stake for 5 hours, and on another, knocked down two flights of stairs by a guard. He complains of rheumatism and a nervous condition.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he remained 9 months, and complains only of the food. Sent on to Lichtenhorst, via Saltau, claimant remained a year working on the moor lands and complains of the hard work, inadequate food and exposure to weather. At Bohmte, the complaint is as to hard work. He was tied to a stake for 5 hours for hitting a Belgian prisoner. The exposure at Bohmte brought on the rheumatism from which he still suffers. Sent to a farm, there were no outstanding incidents. At a sugar factory, the work was hard and the food poor. He was hit on the head and knocked down two flights of stairs for engaging in an argument with a guard. Claimant served the usual 14 days in cells for an attempt to escape. After a period at Hameln, he was transferred to Switzerland. Claimant suffers chiefly from rheumatism and his nerves.

The medical record indicates that claimant suffers from recurring stiffness and pain in neck and shoulders, nervousness, insomnia, restlessness, which is diagnosed as due to arthritic cervical spine and psychoneurosis. 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. E. P. Searlett, who certifies to the foregoing did not appear before the Commission. A letter of Dr. R. D. Robertson is also filed attesting a general nervous condition. Claimant's medical history files show nothing unusual.

In this state of the record, I cannot reach the conclusion that claimant's present state of health is due to maltreatment whilst a prisoner of war. He is another victim of the general conditions of camp life in Germany and I regard

his case as one for the consideration of the Board of Pension Commissioners. Before this Commission claimant has failed to make out a case, and the claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 4, 1933.

### CASE 2699—FREDERICK WHARPOLE

Claimant was a Gunner in the 30th Battery—Regimental No. 91243. He enlisted on June 11, 1915, at the age of 22 years, and was taken prisoner on June 2, 1916, unwounded. He had been buried by a shell explosion. He was repatriated to England November 18, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$15 per month for himself and family, based upon heart and nervous trouble. He is married and has four children. Prior to enlistment, claimant was a farmer. He is now an orderly at Christie Street Hospital, Toronto, earning \$75 per month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of overwork and living conditions in Germany as having reacted unfavourably upon his heart and nerves.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he encountered no physical maltreatment, but speaks of threats of violence which affected his nerves. Sent to Engers, where he remained two years, he was employed on bridge construction. He was not beaten, but again complains that he was threatened with such punishment. He declares that the mental strain brought on epileptic fits and that his heart was weakened. He was sent to Aachen, for exchange to Switzerland, but was denied transfer.

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

In this state of the record it is clearly impossible to reach a finding in claimant's favour. Mere threats of violence can hardly be regarded as maltreatment, particularly when such treatment is compared with the lot of other prisoners who were not only threatened but actually beaten and abused. Claimant's case is purely pensionable in nature. Before this Commission, he has failed to discharge the burden of showing a present disability resulting from maltreatment while a prisoner. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 18, 1933.

### CASE 2357—RICHARD WHELAN

Claimant was a Private, who enlisted with the 228th Battalion on December 12, 1916—Regimental No. 1007079. He was taken prisoner November 30, 1917, and was repatriated to England January 2, 1919. He was born in Newfoundland and first applied to his own Government, for repatriation, in February, 1930. His claim was rejected on the ground that having served with the Canadian Expeditionary Forces it should be dealt with by the Canadian authorities. His solicitors applied to this Commission, by letter dated May 4, 1931, and forms

were sent July 23, 1931. They have never been completed and returned. Registered notice was sent to the claimant, in care of his solicitors, on May 26, 1932, notifying him to appear at the sessions of the Commission, at Halifax, on June 18, 1932. He did not appear, and his absence has remained unexplained. The claim is, according, disallowed for want of prosecution.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 28, 1932.

### CASE 2698—SYDNEY CHARLES WHITE

Claimant was a Private in the 4th C.M.R.—Regimental No. 109676. He enlisted November 27, 1914, at the age of 18 years, and was taken prisoner June 2, 1916, suffering from gunshot wounds in both legs (fractured), and the right hand. He was repatriated to England December 24, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$21 per month, based on his service wounds. He was married in May, 1919, and has three children. Prior to enlistment, he was a garage helper, earning \$12 per week, and is still in the same employment but only working part time.

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 resulting in permanent injury to his leg, exposure and under nourishment causing heart trouble and stomach disorders.

An analysis of the evidence reveals:—

Claimant was taken to hospital at Menin and then removed to Julich. He complains of neglect at both places. After leaving hospital he was sent to Stendal, and, while on crutches, was sent out to work in a stone quarry. He was unable to load the stone, and was given confinement, and beaten. He was then sent to a sugar factory, where the work was still too heavy, so he was returned to camp and given farther confinement. His wounds were still open, for which reason the blows received were additionally painful. He was returned to the sugar factory and kept at work. Finally, in 1918, he was given a light job on the parcels at the camp. He still has a piece of shrapnel in the knee, which he thinks should have been removed by the Germans.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files relate only to his service wounds.

Claimant's complaint is that because of failure to attend his wounds, he has been left with a greater disability than he would otherwise have had. He adds that being made to work before his wounds had healed, aggravated the condition. The medical evidence does not establish a present disability other than claimant's service wounds for which he receives pension. I am of opinion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment as a prisoner of war. His recourse is quite properly before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 19, 1933.

### CASE 2449—H. T. V. WHITEHEAD

Notice of claim was received on behalf of the above named claimant but the usual documents of claim have never been completed. There is no information concerning him of record, except the statement that he served as an officer.

Claimant was notified to appear before the Commission, at its Toronto sessions, on April 29, 1932, and again, at Winnipeg, on September 14, 1932, but failed to appear. The Winnipeg Command of the Canadian Legion has advised that they are unable to locate claimant. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 29, 1932.

### CASE 2793—JOSEPH ARTHUR WIGGINS

Claimant was a Private in the 4th C. M. R.—Regimental No. 113634. He enlisted July 31, 1915, at the age of 30 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 June, 1912, and has four children. Prior to enlistment, he was employed as a typewriter repair man, at \$10 per week and is now unemployed. He resumed his former occupation, after discharge, but was dismissed due to ill health and general business conditions in March, 1931. This is confirmed by a letter from his former employers.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, long hours of labour in an iron mine, of being beaten, and tied to a tree for a day without food or water.

An analysis of the evidence reveals:—

Claimant spent the first four months of his period of captivity at Dulmen, where he complains that he was compelled to stand to attention for periods ranging from a half day to two days at a time. He was next sent to Minden, where he worked in drainage ditches, standing in water for some seven months, and was then placed at unloading barges of stone in February and suffered with his feet due to exposure. Medical attention was refused and he received seven days confinement for losing an axe. At Schelm, for refusing to work in a munition factory, he was beaten and slashed across the wrist by a bayonet and cut across the head. He states that he has lost the power of his hand due to this blow. He received a further blow in the eye with a stick by a sentry for refusing to shovel snow on a Sunday, causing a permanent blurring of vision. He wound up his period of captivity on a farm where he was fairly treated.

The medical record consists of a certificate by Dr. O. F. Bryan, who did not appear before the Commission, indicating chronic bronchitis, impaired vision in the left eye, and bad feet. The disability is fixed at 60 per cent. Claimant's medical history files refer to some astigmatism of the left eye, corrected by glasses. Other disabilities are mentioned with, however, no pension action, but no record of any disability to the wrist or arm appears.

I regard claimant's case as pensionable in nature, if anything. He has not succeeded in showing that his impaired vision is due to maltreatment. He admits to some visual defect upon enlistment. His remaining ailments, if established, are more the result of general conditions of camp life in Germany than of any particular maltreatment. Claimant has thus failed to make out a case before this Commission and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 16, 1933.

## CASE 2742—WILLIAM M. WILKIE

Claimant was a Lance Sergeant in the 44th Battalion—Regimental No. 127239. He enlisted October 11, 1915, at the age of 19 years and was taken prisoner August 23, 1917. He states in his declaration form that he was suffering from gunshot wound in the right side, when captured, but in his evidence states he was not wounded or injured in any way. He was repatriated to England December 27, 1918. He is not in receipt of pension, was married in September, 1924, and has no children. Prior to enlistment, he was employed in the mailing department of a printing office, at \$8 per week, and is now still employed by a printing concern, earning \$26 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the food, resulting in present nervous trouble.

An analysis of the evidence reveals:—

Claimant spent his captivity at Douai, Minden, Saltau and Schnaber Dingen. He states that he received no actual maltreatment, his entire complaint being based on the quantity and quality of the food from which he now suffers kidney trouble.

No medical evidence was adduced at the hearing, the record consisting of certificates by Dr. A. B. McCarter, indicating Brights Disease in 1923. He must exercise care in his diet, is of a nervous disposition and subject to dizziness. Disability fixed at from 25 to 50 per cent. Certificate by Dr. H. O. Hourth is filed, indicating acute Brights Disease in 1923, six weeks' illness. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant was advised, at the hearing, that his alleged disability, which is purely nutritional in origin, does not entitle him to an award on the ground of maltreatment (See Opinion annexed to my earlier report on maltreatment cases). A perusal of the record confirms the view then expressed. Claimant has failed to make out a case and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 17, 1933.

## CASE 2722—CHARLES WILKINS

Claimant was an Imperial soldier who served as a Corporal in the 11th Essex Regiment—Regimental No. 276835. He first came to Canada in 1913 and returned to England in October, 1915. He enlisted October 6, 1916, at the age of 28 years, and was taken prisoner March 22, 1918, suffering slightly from gas. He was repatriated to England in January, 1919. He is not in receipt of pension, was married in March, 1912, and has four children. Prior to enlistment, he was employed as a cement finisher, earning \$12.50 per week and is now a letter-carrier, at \$1,250 per annum.

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 lack of medical attention.

An analysis of the evidence reveals:—

Claimant states he was four days without food after capture and was then compelled to work behind the lines, for a short time, at carrying ammunition. and, being unable to lift heavy shells, he was beaten with rifle butts over the head. He reported sick but the doctor gave him no attention, although eventually he was placed in hospital at Denain. He states he received no medical



attention here and that the food ration was short. He was taken to Antwerp, in an open truck, in cold March weather without an overcoat. His clothing was taken from him at Antwerp and thin print stuff supplied. His main complaint consists of starvation. He terminated his period of captivity at Cottbus, where the food scarcity continued.

The medical record consists of certificates by Dr. Robert Oliver, who did not appear before the Commission, indicating intermittent sore throat and rheumatic pains, badly infected gums and teeth, shortness of breath and palpitation attributed to exposure, starvation and abuse while a prisoner of war. The percentage of disability is estimated at from 25 to 60 per cent. Claimant's medical history files are not available.

Claimant was a prisoner for a short time only, and while he appears to have undergone rough treatment, I do not think it can be said that he has shown that any present disability results from maltreatment. That he was fit when discharged is evidenced by the fact that he re-enlisted and served in Ireland with the Imperial Forces. The connexity between his present alleged rheumatic condition and his experiences in Germany has not been established. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 19, 1933.

#### CASE 2323—ALBERT EDWARD WILSON

Claimant was a Private in the 25th Battalion—Regimental No. 733105. He enlisted December 8, 1915, at the age of 23 years and was taken prisoner April 28, 1917, at Vimy Ridge, suffering from gunshot wound in the left breast. He was repatriated to England December 2, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$15 per month, based on his war wounds and pleurisy. He was married May 5, 1914, and has five children. Prior to enlistment, he was employed as a railway car cleaner, earning \$20 per week, and since discharge was doing ordinary labour at \$2.50 per day, but has been unemployed until quite recently.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being knocked off his feet on two occasions by blows with rifle butts, and was compelled to stand in front of a blast furnace for three hours, for refusal to handle heavy ammunition. He suffered also from starvation and exposure.

An analysis of the evidence reveals:—

Claimant was first taken to Laugensalza where his wounds were attended. He has no complaints as to his treatment there, but at Dulmen, where he was next sent, he complains of beatings to make him work faster. Removed to Munster, he has no complaints, until he reached Dusseldorf where he remained for the duration of his period of captivity. For refusing to work upon munitions, he was beaten on several occasions and complains that he was made to stand before the iron blast furnaces as further punishment. He was employed at unloading coal and speaks of the treatment as sometimes good, sometimes bad. He contracted the flu during the epidemic and received no medical treatment. He suffers from his side (left), said to be due to a blow received during a beating, and his stomach.

The medical evidence is very vague and consists in the affidavit of Dr. C. H. Morris, who declares that claimant was "underfed and maltreated when physically unfit for work." He rates claimant's percentage of disability at 25 per cent. Claimant's medical history files refer to a condition of neurasthenia, gunshot wound left breast and a condition of pleurisy, for which latter ailment he is in receipt of pension.

Claimant was roughly handled whilst a prisoner but I do not consider that he has been successful in showing that any present disability results from any maltreatment to which he was subjected. The medical evidence is entirely inadequate to substantiate such claim. Claimant has thus failed to discharge the burden resting upon him. His claim is properly 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, December 17, 1932.

### CASE 2642—GEORGE WILSON

Claimant served as an Imperial, with the Naval Division—Official No. 4795A. In October, 1914, he was taken prisoner, near Antwerp, and sent to Doberitz prison camp. Claimant has not completed the usual documents of claim, nor did he appear before the Commission at its Vancouver sessions, on September 23, 1932, although notified to do so. His attorneys have advised that claimant first became a resident of Canada in August, 1923. For reasons which have been explained in my earlier report upon maltreatment cases, this Commission is without jurisdiction to entertain the claims of Imperial soldiers who were not resident in Canada on or before January 10, 1920, date of the ratification of the Treaty of Versailles. The claim is, accordingly, without standing before this Commission and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 11, 1933.

### CASE 2583—JOHN WILSON

Claimant served with the Imperials—First Gordon Highlanders—Regimental No. 7983. He was resident in Canada prior to the war and was called to the colours in August, 1914, while on a visit to Scotland. He was taken prisoner on August 27, 1914, during the retreat from Mons, slightly wounded in hand, and was repatriated to England in November, 1918. He was originally in receipt of an Imperial pension, but commuted it when he returned to Canada. Claimant is married and has four children. Prior to enlistment, he was a chauffeur, earning \$18 per week. He is now a miner, earning \$150 per month, when working.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, rough treatment, that he was made to work when ill, and lack of medical treatment, resulting in a general neurasthenic condition.

An analysis of the evidence reveals:—

Taken first to Senne lager, he complains of lack of food and exposure to the weather. Sent to Dulmen, he does not complain greatly of the treatment. He next found himself at a commando out of Minden, working on a railway. He was starved and on one occasion was wounded in the hand by a bayonet in the hands of a guard. His arm became injured but he was compelled to continue work. Later, he was sent to Mulheim, where he remained until the Armistice. He worked on the coke ovens and in the repair shop. Medical treatment was denied claimant, while ill, and he was made to continue working. Claimant suffers from his stomach.

The medical record indicates that claimant has suffered from stomach trouble, possibly due in part to a neurasthenic condition and was attended by Dr. Geo. H. Whitmore, of Drumheller, who has filed a certificate to that effect. Claimant's medical history files are not available.

Claimant himself attributes his present state of health to the poor and inadequate food he received in Germany. As explained in general opinion annexed to my earlier report upon maltreatment cases, I cannot regard these nutritional disabilities as the result of maltreatment. Claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 10, 1933.

### CASE 2741—JAMES HENRY WINN

The claimant was a Private in the 43rd Battalion—Regimental No. 135607. He enlisted in June, 1915, at the age of 25 years. He was taken prisoner October 8, 1916, suffering from a shrapnel wound in the left thigh. He was repatriated to England January 13, 1919. He was in receipt of a temporary disability pension of 10 per cent for six months, but is not now in receipt of a pension, and has not applied therefor. He was married November 15, 1911, and has 6 children. Prior to enlistment, he was a shoe worker. Since his discharge he has been variously occupied, but is now employed in a bakery at a salary of \$23.75 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being struck on the back with a rifle butt, and of undue exposure to wet and cold. He states that on exertion there is loss of circulation in his wounded leg, also that his hearing is affected.

An analysis of the evidence reveals:—

Claimant was first taken to Cambrai, where his wounds were dressed. This was the only treatment he received until he reached Ohrdruf hospital, some weeks later. He remained in hospital for about 6 months and declares that they did the best they could, but that he suffered from the cold. His wound healed, claimant was sent to Langensalza, where he remained until July, 1918, working at his trade of shoe making. He contracted the flu, for which he was given 4 aspirin tablets. The treatment generally was rough but not too brutal. He completed his period of captivity on a railroad line doing light work. He speaks of blows received, but does not attribute any disability thereto. He complains of nervousness and impairment of hearing in the right ear, which he attributes to the flu.

The medical record indicates moderate debility with some impairment of hearing in right ear. His percentage of disability is stated at from 60 to 75 per cent. Dr. E. F. Partello, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual.

Claimant's general state of nervousness has not been shown to result from active maltreatment. It is probably the result of the general strain of camp life in prison camps. The ear condition, as claimant says, is possibly the result of flu. I cannot say, from the record that claimant has established a permanent disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, January 3, 1933.

## CASE 2634—FRANK WOOD

The claimant was a Corporal in the 7th Battalion—Regimental No. 23352. He enlisted in August, 1914, at the age of 30 years and was taken prisoner April 24, 1915, suffering from shrapnel wounds in the legs. He states he was also gassed. He was released to Holland in March, 1918, and repatriated to England November 18, 1918. He is in receipt of a 5 per cent disability pension, based on his leg wound, which amounts to \$3.75 per month. He is unmarried. Prior to enlistment, he was employed as a cement mixer and carpenter, at an average wage of \$5 per day. Since his discharge he has been employed in various capacities at logging camps, at an average wage of \$4.50 per day, but at present he is unemployed.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was often beaten, and on one occasion was struck in the mouth with a rifle butt, with the result that he lost six teeth. On another occasion he received a bayonet cut in the hand, and states that blood poisoning set in, and, as a result he suffers from a permanent stiffening of the little finger. He alleges that he is unable to follow his pre-war occupation because of the condition of his legs.

An analysis of the evidence reveals:—

Claimant was first taken to Paderborn hospital where he remained for 4 months and has no complaint of his treatment. Removed to Steinhurst, via Senne lager, he relates an incident of a blow in the mouth which knocked out his upper teeth. He admits that he struck an officer who was maltreating another prisoner, with the result noted. Later, at Mulheim, he was cut on the little finger by a bayonet in the hands of a guard, in seeking to protect himself from a blow. No treatment was given him, with the result that infection set in and the finger has remained disabled. He speaks of numerous beatings, and claims disability due to his teeth, his hand, varicose veins and flat feet.

The medical evidence, consisting in a letter of Dr. H. W. Keith, indicates that claimant has lost all his teeth in the upper jaw and two in the lower, said to be due to a blow. Dr. Keith also indicates that claimant's right little finger is crippled. No percentage of disability is stated. Claimant's medical history files show nothing unusual. The condition of varicose veins and flat feet is declared not to give entitlement for pension. The hand injury and loss of teeth are not mentioned.

Whatever may have been the provocation, I do not think the injury to claimant's mouth can be regarded as maltreatment. He struck an officer and the punishment visited upon him was not unreasonable. I cannot find that the finger injury can be said to be due to maltreatment and moreover the disability has not been shown to be serious. As to claimant's other complaints, there is no substantiation in the record. On the whole, I find that claimant has failed to establish a present disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, January 4, 1933.

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