

## CASE 1958—JOHN L. DAVIS

The claimant was a Private in the 3rd Battalion—Regimental number 18036. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, although he had been buried by shell fire and was suffering from a touch of gas. He escaped January 20, 1918, and was repatriated to England March 1, 1918. He is in receipt of a 50 per cent disability pension, amounting to \$69.50 for himself and family, based on anxiety neurosis. He married a widow October 2, 1918, and has three children. Prior to enlistment, he was employed as a fireman with the City of Edmonton, at \$2.50 per day, and since his discharge has been employed in the City of Edmonton Power House, at an average salary of \$110 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings with rifle butts, heavy labour, punishments and general abuse.

An analysis of the evidence reveals:—

Claimant was first sent to Giessen camp. On a working party, at Deutz, he was beaten by the guards for not working as they desired. At Soltau he was also roughly used for minor breaches of discipline. He complains, at Hestemoor, of being stood to attention while he underwent "sword exercises", which consisted in having a sword whirled about the head and body. At a farm out of Hestemoor, he got into an altercation with a French prisoner who reported him for having hidden potatoes, and was severely punished. Again, at Soltau, he was beaten by the guards. From barracks at this camp claimant finally made good his escape. He declares that as a result of his experiences whilst a prisoner he suffers from severe neurosis. It is for this ailment that claimant receives a pension.

The medical record indicates that claimant suffers from severe psychoneurosis. Dr. H. H. Hepburn, who furnishes the foregoing information, states it is his opinion that this condition was caused by hardships suffered while a prisoner of war. He did not appear before the Commission, and without the reasons which base this opinion, I consider that it must remain merely an opinion.

The medical history files bear out the finding as to claimant's present condition, but I remain unconvinced that claimant's experiences as a prisoner have necessarily resulted in his now impaired state of health. I regard this case as one wholly for the consideration of the Board of Pension Commissioners. In the absence of further evidence, I must, accordingly, disallow the claim.

ERROL M. McDOUGALL

*Commissioner.*

OTTAWA, December 10, 1931.

## CASE 1959—JAMES WALLS

The claimant was a Private in the 9th Canadian Mounted Rifles—regimental number 114887. He enlisted December 20, 1914, at the age of 19 years. He was taken prisoner August 16, 1918, unwounded. He was repatriated to England December 1, 1918. He is not in receipt of pension but intends making application therefor. He was married March 9, 1920, and has 4 children. Prior to enlistment, he was employed as a farm labourer, and since his discharge was employed as a labourer at 45 cents per hour, at irregular work until May, 1930, when he got a position with the Post Office Department paying him \$85 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 struck in the head and knocked to the ground, causing some deafness in the right ear, severe headaches and nervous trouble, and of being beaten on other occasions.

An analysis of the evidence reveals:—

Claimant was a prisoner of war for about 3½ months, which period he would appear to have spent at Hameln and Dulmen camps. He complains of being beaten on one occasion for failing to give his number in German, and speaks of the unfairness of this action in his "run down condition," though he does not make it clear how or why he should be run down so soon after capture, since he was unwounded and had not been gassed when taken. He was again beaten on Armistice morning for refusing to continue working. When he was captured he declares that he was knocked to the ground with the butt of a rifle. Whether this occurred after he had been taken prisoner is not explained. The evidence is very general, but claimant avers that these experiences have affected his heart and it is upon this basis, as also on the ground of slight deafness, attributed to the beatings he received, that the claim is advanced.

There is no medical evidence to substantiate claimant's contention of impaired health due to maltreatment.

Claimant appears to be under the misapprehension, common to many claimants, that the mere fact of imprisonment, with some rough treatment entitles him to an award. As explained in Opinion annexed to the present report, this Commission has no mission to award punitive damages—its assessments must be limited to actual damage resulting from acts of maltreatment. Claimant has completely failed to make out such a case, and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 9, 1931.

### CASE 1961 JAMES CUBERT D'AOUST

The claimant was a gunner in the 25th Battery --Regimental number 89324. He enlisted in March, 1915, at the age of 31 years. He was taken prisoner on June 3, 1915, suffering from shrapnel wound in the right hand. He was repatriated to England on December 9, 1916. He is in receipt of disability pension, amounting to \$40 per month, including allowance for his wife, based on "gunshot wound right hand, nerve deafness." Prior to enlistment, he was a railroad fireman, averaging \$100 per month, and since his discharge has been a permanent Civil Servant, at a salary of \$1,380 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He contends that by reason of inadequate and poor medical attention his hand is more disabled than it would otherwise have been.

An analysis of the evidence reveals:—

Claimant confines his complaint to lack of proper medical attention to his wounded hand. From the evidence, it appears that he did receive medical attention, that he was advised to have the hand amputated, that he refused the operation and that the doctors then gave him such treatment as they could. I am advised that this treatment was probably quite proper. In statement made upon repatriation, claimant declares that his wounds were dressed almost daily and has no complaint to make of his treatment.

This case should not have been advanced before this Commission. Claimant has failed to show any maltreatment whilst a prisoner of war—on the contrary he appears to have been particularly fortunate. Whatever disability he may suffer is entirely a matter for the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 4, 1931.

### CASE 1963—SAMUEL RAMSDEN

The claimant was a private in the 29th Battalion—Regimental number 76013. He enlisted February 27, 1915 at the age of 26 years. He was taken prisoner April 19, 1916, at St. Eloi slightly wounded in the left instep. He was repatriated to England November 25, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$16 per month, based on neurasthenia and synovitis. He was married January 25, 1919 and has five children. Prior to enlistment, he was working in a sawmill at \$90 per month, and since his discharge he was employed as a millwright's helper, at \$1,400 per year, and is now with the post office, at a salary of \$1,500 per annum. His pre-war employment as sawyer's helper now pays about \$150 per month, but he is unable to do that work owing 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 that without provocation he was severely beaten and kicked by prison guards and was knocked down with a rifle butt, his teeth knocked out, his chin split open and was placed in a cell till the following morning without water or medical attention; was badly starved and had parcels withheld and had to sleep in a room with 12 or more prisoners with an open latrine close to his bunk. Though declared by the prison doctor only fit for light work, he was placed in an iron foundry at the heaviest work, loading iron ore and working around blast furnaces. Had to work two 24-hour shifts in six days. Was confined to the dark cells for attempting to escape. He now suffers from nervous debility and will have to use artificial teeth, both lower and upper for the rest of his life.

An analysis of the evidence reveals:—

The foregoing summary of claimant's case, taken from the statement of claim, is substantiated by claimant's testimony and the evidence of fellow prisoners. Attached to Giessen camp for the greater part of his captivity and sent out upon working parties, claimant made four unsuccessful attempts to escape and, in addition to the usual punishment of solitary confinement, was beaten. In particular, at Stoudt, this informal manner of administering punishment went to extreme limits. Hit in the face, claimant was knocked down and rendered unconscious. Later at Wurgess, (sic) while attempting to defend himself from an assault by a guard, he seized the rifle of the guard, wrested it from his hands and was then set upon by the sentries with rifles. He had his chin cut open and several teeth knocked out. This incident is corroborated by several witnesses. It is unnecessary further to detail the treatment received by claimant. His attempts to escape were clearly visited with punishment which went beyond reasonable bounds.

The medical record indicates that claimant suffers from nervous debility, loss of weight and chronic gastritis. His percentage of disability is stated at 25 per cent. The medical history files show that claimant suffers from neurasthenia and synovitis for which ailments he is in receipt of pension. The certificate of Dr. A. R. Baker, dentist, has been filed, establishing extensive damage to claimant's mouth. Dr. Baker certifies to the good condition of claimant's

teeth before the war, and to the shocking condition in which he found them upon re-examination after the war. The upper teeth had all been extracted and on the right side considerable alveolar process had been broken away. The lower teeth had all been extracted but eight had not been replaced.

Quite apart from the condition in respect of which claimant receives a pension, I am of opinion that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in disability to him. In particular I base this finding upon the condition of claimant's mouth, which is shown to have been due to blows received from German guards. Having regard to all the circumstances, and the general observations contained in Opinion annexed to the present report, I would recommend a payment to claimant of \$1,000.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 3, 1931.

### CASE 1964--ARTHUR STANLEY HERBER

This claimant was a Private in the 13th Battalion--Regimental number 24101. He enlisted September 23, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, in the gas attack at St. Julien, suffering from a gunshot wound in the right shoulder, and gas. He was released to Holland and repatriated to England February 7, 1916. He is in receipt of pension, amounting to \$30.00 per month for himself, his wife and children, and a dependent mother, based on limitation of movement, loss of power, and pain in the right shoulder, excision of the head of humerus, G.S.W. (France). Prior to enlistment, he was employed as a journeyman, having just finished his apprenticeship in making and repairing tobacco pipes, at \$15.00 per week, and since his discharge has returned to this employment, earning \$35.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which had resulted in pecuniary damage to him. He complains of inadequate medical or surgical treatment of his wound after capture, resulting in loss of function of his right arm and shoulder.

An analysis of the evidence reveals:--

Claimant did not complete the usual form of statement of claim, but was heard before the Commission in Vancouver. When captured he had severe gunshot wounds in the right shoulder. He was in hospital at Cologne, and, while he complains of the inadequate medical treatment he received, he is unable to point out the deficiency. From Cologne hospital he was sent to Stendal camp, where he complains of being chased by police dogs evidently employed to prevent the escape of prisoners. He apparently sustained no injury on this occasion. Claimant was operated upon in Germany and a small piece of bone removed. He was again operated upon in England at the Queen Alexandra Military Hospital.

The only medical evidence of record is contained in claimant's medical history sheets, appearing on his pension file. These indicate impaired function of the right arm causing disability.

In these circumstances, it is impossible to find that claimant suffers any disability as the result of maltreatment whilst a prisoner of war. There is nothing in the record to substantiate the claim that had proper medical attention been given him, claimant's arm would have been less disabled. The claim must, accordingly be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 4, 1931.

## CASE 1966—JOHN DAVID LIVINGSTONE

The claimant was a private in the 3rd C.M.R.—Regimental number 108346. He enlisted December 29, 1914, at the age of 19 years. He was taken prisoner June 2/3, 1916, at the battle of Mount Sorrel, unwounded. He was repatriated to England December 8, 1918. He is not in receipt of pension. He was married May 15, 1926, and has two children. Prior to enlistment, he did farm work at from \$30.00 to \$40.00 per month, and since his discharge, was employed as a truck driver at \$20.00 per week, and driving a taxi, on commission.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck with butts of rifles and hit in the mouth several times, but is unable to detail any specific instances of brutality. He states that he suffers from heart trouble and stomach disorders as a result of his internment.

An analysis of the evidence reveals:—

Claimant spent some time at Dulmen camp, but for the greater part of his period of captivity was employed at bridge construction on the Rhine near Coblenz. His complaints as to maltreatment are quite general; he speaks of being "knocked around" but admits that these incidents were not marked with any particular brutality, and have left no disability. He complains that he has suffered, and still suffers greatly from his stomach and heart and is unable to follow any continuous employment.

The medical record indicates that claimant suffers from "heart trouble—periodic attacks of palpitation, accompanied by dyspnoea." No percentage of disability is stated in the certificate. The only remaining information is contained in claimant's medical history files, which disclose, inferentially, that claimant's present condition is not in any way connected with his treatment whilst a prisoner of war.

In these circumstances, I am compelled to hold that claimant has wholly failed to substantiate his claim of maltreatment while a prisoner of war with resultant disability. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 9, 1931.

## CASE 1967—GEORGE ALEXANDER MCGEE

The claimant was a Private in the 87th Battalion—Regimental number 304464. He enlisted November 29, 1915, at the age of 21 years. He was taken prisoner August 15, 1917, suffering from gas and an infected arm, cut on the barbed wire when captured. He was repatriated to England December 3, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$21 per month, based on valvular disease of the heart and Tonsillitis. The claimant is a widower with two children both minors. Prior to enlistment, he was employed as a clerk on railway construction earning \$65 per month, and is now employed by the City of Toronto, Assessment Department, at a salary of \$1,700 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse, beatings with rifle butts and solitary confinement.

An analysis of the evidence reveals:—

During the first ten days of his period of captivity, claimant was compelled to submit to a series of inoculations. He was taken to Dulmen camp where

the beating other prisoners were receiving because they would not work, after the date of the Armistice. A fellow prisoner has filed a letter corroborating this fact. Claimant spent about 18 months in the salt mines. He complains of his legs, eyesight and chest as major disablements.

The medical record is restricted to the production of a certificate of Dr. K. A. Mackenzie, which is not very legible. It would appear that claimant has a chest condition, suffers from ulcers of legs, now healed, varicose in type and defective vision. His percentage of disability is stated at 50 per cent. Claimant's medical files show nothing unusual apart from the chest wound, for which he receives pension. Upon discharge from the service, all systems were declared to be normal.

Claimant underwent rough treatment whilst a prisoner, and though he has not established that the disabilities from which he suffers as a result of his treatment are very great, the fact remains that he spent 18 months in the salt mines under conditions with which we are familiar. The eye and leg condition of which claimant complains have not been satisfactorily explained, and his chest trouble appears to be of service origin. Notwithstanding these deficiencies in the evidence, I am disposed to give claimant the benefit of the doubt, because of the period he spent in the salt mines. I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1926, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 16, 1931.

#### CASE 1972—JOHN G. HADDEN

Claimant was a Private with the 4th C.M.R.—Regimental number 113270. He enlisted in December, 1914, at the age of 25 years. He was taken prisoner June 2, 1916, slightly wounded in the right knee. He was repatriated to England December 26, 1918. He is not in receipt of pension, but has an application pending before the Board. He was married in 1925 and has no children. Prior to enlistment, he was employed with a survey party earning \$75 per month and board. Since his discharge he has been operating a small fruit farm.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings for refusing to work, punishment parades, operations without anaesthetics and contends that he now suffers from neuritis in the right leg from the hips down and has to receive continual treatment. He also suffers with stomach disorders due to bad food.

An analysis of the evidence reveals:—

Claimant was first taken to Mannheim, thence to Dulmen, where he remained for three months. He has no complaint to make, until he was sent to the coal mines—K-47—where, for refusing to work, he was made to stand to attention for eight hours. His resistance being finally broken, he consented to work, and though suffering from boils, he was beaten by a guard with a pit lamp for not working as required. He fell and hit his knee and though badly wounded, was not admitted to hospital for nine days. He remained in hospital for seven months and was then sent to Parchim for fifteen months. He has no special complaint as to his treatment here. His testimony was given in a modest and straightforward manner and carried conviction. He now complains of neuritis in the leg, which he attributes to the treatment received in the coal mines.

The medical evidence is furnished by Dr. George Chisholm who appeared before the Commission. He makes it clear that claimant suffers disability from his leg from neuritis, says the scars are evident and testifies to the fact that claimant loses time due to the injury.

Claimant's wound when captured was slight and not such as would, in the natural and usual course of events, leave any disability. That treatment in the coal mines was particularly harsh is abundantly proven by the testimony of many claimants, and it is not surprising that claimant did sustain an injury which aggravated the condition of his knee. I am satisfied, from the evidence, that the incident referred to by claimant did occur as stated and that it may be regarded as maltreatment. He has suffered some disability and is entitled to an award. I would recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,

*Commissioner.*

OTTAWA, December 1, 1931.

#### CASE 1974—THOMAS BOW

The claimant was a Signaller with the Irish Brigade, First Division, British Expeditionary Forces, Regimental number S/18835. He was taken prisoner by the Germans, April 18, 1918. He was notified to appear at Regina on January 10, 1931, but wrote to say that he would not appear as he had not resided in Canada prior to January 10, 1920. His form of declaration discloses that he first arrived in Canada in 1925.

As appears from the foregoing, claimant was an Imperial soldier. For the reasons explained in the present report, his claim cannot receive consideration from this Commission. Moreover, he has practically withdrawn his claim and there is nothing in the record to substantiate his allegations of maltreatment with resultant disability. The claim must, accordingly, be disallowed, but without prejudice to any recourses claimant may otherwise have.

ERROL M. McDUGALL,

*Commissioner.*

OTTAWA, October 19, 1931.

#### CASE 1975—GEORGE SCOTT GIBSON

The claimant was a Sapper in the 2nd Tunnelling Company Canadian Engineers—Regimental number 503478. He enlisted January 10, 1916, at the age of 23 years. He was taken prisoner June 2, 1918 at the battle of Mount Sorrel, unvounded but slightly gassed. He was repatriated to England December 27, 1918. He is not in receipt of pension. He was married February 8, 1919, and has four children. Prior to enlistment, he was employed as a coal miner, earning from \$1,300 to \$2,500 per annum, and since his discharge has worked in the mines, earning \$700 per year, and in summer works on the railroad tracks.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour and insufficient food, blows, punishment, exposure and general abuse. His nerves have gone to pieces, and he suffers from leaking valve of the heart. Also claims that his lungs are affected.

longer, was beaten into unconsciousness by the guards, who considered he was shamming, and also did 21 days' solitary confinement as additional punishment. Claimant received no medical attention for his eyes, which were running matter, until finally he was admitted to hospital in Giessen. There he speaks of the treatment as good. Another form of punishment meted out to claimant was to be made to sit on stools, or stand to attention, in a room without air for such long periods that some of the prisoners collapsed. Claimant admits quite frankly that beatings were brought on by acts of insubordination and that prisoners who did what they were told generally escaped this form of punishment. I was impressed with claimant's testimony and on material facts he is corroborated by the affidavits of fellow prisoners. He complains that his eyesight has been affected and also declares that a sum of £45 was taken from him when he was captured.

The medical record indicates that claimant suffers from his eyes. The certificate of Dr. N. C. Gilchrist, filed of record, is quite general and does not describe the condition, but he expresses the opinion that he believes the impairment of vision to have resulted from claimant's experiences in Germany. Claimant's medical history file merely makes mention generally that claimant's eyes, ears and skin are normal. There is in the record a suggestion that his eye trouble may have been of pre-war origin but I consider that the affirmative evidence made of conditions whilst a prisoner is sufficient to outweigh any such suggestion.

I am satisfied in this case, that the claim of maltreatment, whilst a prisoner of war, resulting in disability, has been made out. The outrageous conditions under which claimant was compelled to work could not have resulted otherwise than in injury to his eyes. As far as may be competent to me, I would suggest that claimant apply for pension in the usual manner. Upon his appeal to this Commission, I would recommend a payment to him of \$700, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, December 2, 1931.

### CASE 1983--PETER HERMAN ROBINSON

The claimant was a Private in the 12th Battalion, transferring to the 16th Battalion—Regimental number 23045. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a gunshot wound in the right foot and a slight touch of gas. He was repatriated to England on December 31, 1918. He is in receipt of a 20 per cent disability pension, which he states is for an ulcerated stomach, and receives \$26 per month for himself, wife and two children. Prior to enlistment, he worked in a Brewery, at \$3 per day, and since his discharge has been a clerk in the British Columbia Liquor Store at Fernie, B.C. at a salary of \$120 a month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of brutal treatment through being made the subject of reprisal by the enemy, which consisted of deprivation of food through his parcels being stopped, and whilst suffering from starvation, was tied to trees morning and night and was also compelled to work when unfit to do so.

An analysis of the evidence reveals:—

Claimant was one of the unfortunate prisoners to whose lot it fell to be sent to a reprisal camp on the Russian front—near Libav, where he spent 18 months. He has no complaint as to his previous treatment. He declares that, with other prisoners, he was deliberately starved as punishment, and made to work when too weak to do so. When an occasional parcel did come through, he gorged himself with food, causing injury. For being unable to do the work required, claimant was tied to trees for 2 hours in the morning and 2 hours in the afternoon, and was generally beaten with rifle butts.

The medical evidence indicates that claimant suffers from a duodenal ulcer, said to be due to insufficient and improper food. His percentage of disability is stated at 30 per cent in his own calling and at 100 per cent in the general labour market. Dr. Douglas Corson, who certifies to the foregoing, did not appear before the Commission. Claimant's pension file bears out the gastric condition referred to, and carries some corroboration of his testimony. In the statement he told upon repatriation, which is filed of record.

Not without some hesitation, I consider that claimant has proved that he was deliberately starved by way of reprisal punishment, and that some disability to him has resulted therefrom. As stated in Opinion annexed to the present report, I do not consider that lack of food in itself constitutes maltreatment, but when this condition is intentional and deliberate I do regard it as amounting to maltreatment. Viewing all the circumstances I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL

*Commissioner.*

OTTAWA, November 30, 1931.

#### CASE 1984 WILLIAM H. ASHFORD

The claimant was a Private in the 3rd Battalion—Regimental number 10098. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from a touch of gas. He was repatriated to England December 14, 1918. He is not in receipt of pension, but may apply therefor. He was married since the war but has no children. Prior to enlistment, he was a machinist, although after coming to Canada he took on any work he could get. His wage as a machinist in the Old Country was approximately 38 shillings per week. Since his discharge he has been peddling from door to door, and can earn from \$20 to \$40 per week, depending upon weather conditions.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bronchial trouble, defective hearing, poor eyesight and a deep burn on the inner surface of the right forearm, still sensitive, which affects the use of the right hand and forearm. Has nervous trouble and defective memory. He attributes these ailments to beatings, exposure, heavy labour and confinement to cells while a prisoner.

An analysis of the evidence reveals:—

In his statement of claim, claimant asserts a large number of disabilities arising from his period of captivity in Germany. He spent time at Giessen, Mannheim, Hameln and Hueberg camps, in each of which he would appear to have encountered rough treatment. For refusing to work in lead mines, attached

at this camp for 17½ months. His hands became sore from handling raw salt and sores broke out all over his body, for which iodine and paper bandages were the only treatment. He complains of hæmorrhoids, tonsilitis and pyorrhœa as the result of these experiences.

The medical record indicates that claimant suffers from pyorrhœa, infected tonsils and hæmorrhoids. No percentage of disability is stated, and the physician (name indecipherable) who furnishes the foregoing information did not appear before the Commission. Claimant's medical history sheets reveal nothing unusual, and his board upon discharge shows all systems normal.

It would have been desirable in this case that the medical evidence be more specific. The condition in which claimant now is may very well have resulted from other causes than those he indicates. Having regard to the general observations contained in Opinion annexed to the present report—particularly as to imprisonment in the salt mines—I am resolving the doubt in favour of claimant. I find some disability resulting from maltreatment whilst a prisoner of war, and would, accordingly, recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to the date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 3, 1931.

#### CASE 1989—WILLIAM DOWLAND

The claimant was a Private in the 1st Battalion—Regimental number 114813. He enlisted January 2, 1915, at the age of 28 years. He was taken prisoner June 2, 1916, at the battle of Mount Sorrel, suffering from shrapnel wounds in the right arm and in the back. He was repatriated to England January 4, 1919. He is not in receipt of pension. He was unmarried when he enlisted but appears to have married since and has one child. In the Old Country, he was a baker by trade, but since coming to Canada he has engaged in farming, both before and since the war. He gives no statement as to his income.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his health has suffered from inadequate food and suggests that an injury to his back is due to heavy work.

The record in this case is very meagre. Claimant has not completed the usual statement of claim forms. He appeared before the Commission at Winnipeg and based his claim for reparation solely upon the ground of impairment to his health from inadequate and poor food whilst a prisoner. He had no complaint to offer as to any particular acts of brutality, nor did he speak of any permanent disability, except a general complaint of stomach disorders, and that his back troubles him. He was unable to connect his condition with any act of maltreatment. He speaks well of the medical treatment he received for his wounds, which healed completely and left no disability. It will be observed that when captured he was wounded in the back, which may account for the weakened condition he complains of.

There is no medical evidence of record. He was advised to obtain a certificate from his physician and forward same to the Commission. This he has failed to do.

In these circumstances, claimant has failed to make out a case, and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7, 1931.

## CASE 1992—ROBERT JAMES RANDOLPH RUSSELL

The claimant was a Bombardier with the First Division Ammunition Column—Regimental number 304311. He enlisted August 25, 1915 at the age of 20 years. He was taken prisoner June 2, 1913, unwounded, but suffering from a touch of gas. He was released to Holland in April or May, 1918, and was repatriated to England November 18, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$52.00 per month for himself and family, based on heart trouble. He was married August 9, 1919, and has two children. Prior to enlistment, he was employed as a clerk with the Grand Trunk Railway, earning about \$75.00 per month, and since his discharge returned to the railroad at \$110.00 per month for one year. He then entered law school, graduated in 1921, and has been practicing law ever since.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure in severe winter weather, bad food and being compelled to stand at attention for three hours at a stretch for refusing to work. He suffers from rheumatism, dizzy spells and heart trouble as a result of his imprisonment.

An analysis of the evidence reveals:—

Claimant received no physical abuse while a prisoner of war. His claim is confined to impaired health due to exposure, poor food and the cold from which he suffered greatly. Taken first to Dulman camp, thence to Minden and Pruschius, he complains only of the exposure and punishment exercise or drill. Claimant was next sent to Arys, in East Prussia, where he remained eleven months. This was a punishment camp and the conditions were particularly severe and harsh. Made to stand at attention for long hours in the cold, without sufficient clothing and with scarcely enough food to subsist upon, claimant contracted what he describes as rheumatic fever, to which he ascribes an impaired heart condition from which he now suffers.

The medical record indicates quite clearly that claimant suffers from his heart. It has become enlarged. Dr. Leonard M. Murray, who appeared before the Commission, is quite definite in his diagnosis of this condition. He considers that the trouble was probably rheumatic in origin and may have resulted from service. Claimant's medical history files bear out Dr. Murray's diagnosis and it is for this condition that claimant receives pension. "The original disease or injury" is declared to have been "debility following imprisonment in Germany," and is ascribed to "ill-nourishment, exposure and close confinement." Claimant's reports, as appearing in these sheets, are substantially consistent with his testimony.

In the absence of evidence of direct maltreatment it is difficult to establish the link of cause and effect. That general conditions, to which other prisoners were also exposed, have caused some disablement, does not, in my mind, meet the requirements of the case. Very clear proof of a deliberate subjection of claimant to exposure and hardship would be necessary to permit of a finding that he had been the victim of maltreatment. This, I consider, he has failed to show. I am of opinion that his recourse is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 9, 1931.

## CASE 1997—JAMES JOSEPH MARTIN

The claimant was a Private in the 7th Battalion—Regimental number 16914. He enlisted in August, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England January 1, 1919. He is not in receipt of pension. He was married April 3, 1919, and has three children. Prior to enlistment, he worked as a timber cruiser, earning from \$6.00 to \$8.00 per day, and since his discharge tried unsuccessfully to resume his former occupation. He also tried driving a sight-seeing automobile in Victoria, B.C., but was compelled to abandon this work, owing to fainting spells. Since then he and his wife have been selling small articles from house to house.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of broken health due to rough handling while a prisoner; that he was bayoneted twice in the left leg, had two ribs broken with rifle butts and was struck in the left side of the head, received a two-inch gash in the head from an officer's sword and was confined to cells for attempted escapes.

An analysis of the evidence reveals:—

Suffering slightly from the effects of gas, claimant was taken to Giessen camp. On the way he was stabbed twice in the leg by a guard for lagging behind, but has sustained no disability from these wounds. For refusing to work at Geisweid Steel Works, he was roughly treated. He attempted to escape, was recaptured, beaten and put in a coal bin in solitary confinement for a short period. He was beaten again, sustaining a gash in the head and two ribs broken, and was even threatened with being shot. At Eschede, claimant was again beaten, and, from his own statement, would appear to have aroused the particular hostility of his guards by his refractory conduct. He became a marked man. He speaks of another incident at salt mines (unnamed) when, weak with sickness, he was compelled to load 50 waggons of rock salt per day. He went sick and was relieved of this work. Claimant attributes a weakened heart to this experience in the salt mines, and confines his claim to this cardiac condition.

The medical record indicates that claimant suffers from nervousness, sleeplessness, chronic headache, pains in left chest, breathlessness and pains over heart. His percentage of disability is stated at 100 per cent. Dr. W. H. Kennedy, who certifies to his condition, did not appear before the Commission. No other medical evidence has been submitted.

Copy of the statement made by claimant upon repatriation is of record. Upon his own admission—as to which he said nothing in his testimony—he sustained a heart affection in Canada, at Valcartier Camp, and was practically rejected as unfit, but succeeded in accompanying his battalion to England. In other respects his story does not coincide with his earlier statement. As a result, claimant's credibility is seriously impugned. It cannot be said that his present condition of disability, from heart affection, has resulted from maltreatment whilst a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, December 10, 1931.

## CASE 1998—D'ARCY ALBERT LATIMER

The claimant was a Sergeant in the 2nd Battalion—Regimental number 8162. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from several gunshot and shrapnel wounds, with some gas. He escaped about July 16, 1916, and arrived in England on August 8, 1916. He is in receipt of a 100 per cent disability pension, amounting to \$100.00 per month, including allowance for his wife, based on "debility from neurasthenia, gunshot wound back, bronchitis." He is married, but has no children. Prior to enlistment, he was employed by the J. R. Booth Lumber Company, at \$3.00 per day. At the present time he is unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he did not receive proper attention and treatment for his wounds. He alleges also that he was beaten and on one occasion almost choked.

An analysis of the evidence reveals:—

With claimant's medical file is a long report written on April 4, 1924, to Dr. F. P. Proctor, Vancouver, medical director D.S.C.R., which agrees substantially with claimant's testimony. He complains of being beaten immediately after capture, when being taken back to Thourout, in Belgium. Sent to Giessen, he complains bitterly of the conditions as to housing, food and medical attention. Two bullets were extracted from his back without anaesthetic, and he complains of the dressings and lack of subsequent attention. He was refused X-ray examination although still suffering from his back. For sixteen months he was compelled to suffer severe pain, and from loss of sleep and lack of proper nourishment his health, physical and mental, became greatly impaired. For his persistence in demanding treatment he was sent to prison and placed in cells. Apparently for some remark addressed to a guard, he was beaten, thrown down a flight of stairs and escaped choking to death at the hands of the guards by the timely arrival of someone in authority. This was in May, 1916. In July, claimant escaped to Holland. Claimant suffers from neurasthenia, general debility, bronchitis and a gastric condition.

Claimant's medical file is particularly complete and contains a statement of his hospitalization and treatment in great detail. There can be no question that his health has been greatly impaired and the major disability would appear to be neurasthenic in nature, with gastro-intestinal complications. The case has been one of great difficulty to the medical authorities. There is, moreover, on file case report by Dr. James Cotton, M.A., of Toronto, dealing more particularly with the digestive condition.

This case also presents difficulties from the point of view of claim for reparations. I cannot say, from the evidence before me, that denial of medical treatment to claimant constituted maltreatment. Whilst the treatment may have been harsh, it has not been shown to have been improper. But I do regard the treatment which claimant received in cells as going beyond reasonable bounds. I have no reason to doubt the accuracy of claimant's recital of the incident and, I think, in his weakened condition, that such deliberate brutality had an injurious and permanent effect upon his nervous system, which is, in part at least, responsible for the highly complex nature of claimant's state of mind and health. Viewing all the circumstances, I am of opinion that claimant has made out a case of some present disability resulting from maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$800 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

## CASE 1999—WILLIAM B. McCUAIG

The claimant was a Sergeant in the 38th Battalion,—Regimental number 135534. He enlisted in July, 1915, at the age of 22 years. He was taken prisoner August 10, 1918, unwounded. He was repatriated to England December 27, 1918. He is not in receipt of pension, has not applied, but may do so. He was married October 31, 1923, and has one child. Prior to enlistment, he was employed as a printer, earning \$14 per week, and since his discharge has resumed the same occupation, with wages running from \$17 to \$39 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that immediately after capture he did not receive proper attention. Later due to the application of an antiseptic solution, his hair came out and although it grew in again was never the same resulting eventually in total baldness.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 4 months, and presents a very unusual case, based upon maltreatment. After capture, claimant was kept imprisoned close behind the lines, because he would not work. He complains of starvation and solitary confinement and denial of facilities to wash. He was not subjected to any physical abuse and was finally sent to Gustrow camp. Here he was given a bath in disinfectants, as a result of which his hair fell out. He contends that the disinfectant used was too strong, but he is unable to name or describe it in such a way as to permit of identification. The hair came in, but later, in Canada, again came out. Claimant stresses the disfigurement caused by total baldness and states that this handicaps him in his calling of salesman. He suffers from no physical ailment and makes claim wholly on the ground stated.

The medical record corroborates the loss of hair and adds that what remains is white. Dr. E. C. Tate, who certifies to the foregoing appeared before the Commission. He was, of course, unable to state the cause of claimant's loss of hair. He rates claimant's percentage of disability at 25 per cent in his own calling and at from 50 per cent to 100 per cent in the general labour market.

Claimant is over sensitive as to his condition. In appearance there is no disfigurement—at any rate such as I would regard as a disablement, and I cannot concur in the medical opinion as to claimant's degree of disability. For the reasons explained in opinion annexed to the present report, the claim cannot succeed because claimant has failed to show maltreatment followed by disability. To be given an antiseptic bath is not maltreatment, and it does not necessarily follow that this was the cause of the loss of hair. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 7, 1931.

## CASE 2000—T. B. HARTLING (Deceased)

Claim is presented on behalf of the father and sister of the above named deceased, who died at Halifax February 17, 1922, of cancer. Deceased was a private in the 8th Battalion, regimental number 1239. He was taken prisoner, April 24, 1915, at the second battle of Ypres, suffering from a gunshot wound in the right side. It appears that upon his return to Canada, he worked in the Camp Hill hospital at Halifax until his death.

It was explained to a brother-in-law of deceased, Captain B. M. Beckwith, who appeared before the Commission, in Halifax, that this Commission could not entertain the claim, which was evidently being advanced on the grounds of dependency. Claims for maltreatment as a prisoner of war are personal to the victim and are not transmitted to his dependents. In these circumstances, the claim was not further pressed. It cannot be allowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 21, 1931.

#### CASE 2001—RODNEY GEORGE KIGHTLEY

The claimant was a Sergeant in the 2nd Battalion Middlesex Regiment (Imperials), Regimental number 41340. He was born in England, and came to Canada to reside in May, 1920. He enlisted in 1916 at the age of 26 years. He was taken prisoner March 27, 1918, at Ypres, suffering from shell shock. He was repatriated to England in November, 1918. He is not in receipt of a pension, and has not applied therefor. He is married, and has four children. Prior to enlistment, he was in the employ of the Post Office Department, earning £2 per week. Since he came to Canada he has had various occupations.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that by reason of starvation and abuse he is suffering from general weakness, and in particular from a weak back.

Claimant was an Imperial soldier, who first came to reside in Canada in May, 1920. Applying the principles stated in other similar cases, and for the reasons expressed in the present report, I do not consider that I can entertain the claim. The date constitutive of jurisdiction, in civilian cases, has been fixed as of January 10, 1920, and I regard it as equally applicable in cases relating to maltreatment as prisoners of war. Reserving to claimant any other recourses he may have, and, without dealing with the merits of the case, I must, therefore, disallow the claim as here presented.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 4, 1931.

#### CASE 2002 --ROBERT JOHN PARKINSON

The claimant was a Corporal in the 7th Battalion—Regimental number 16684. He enlisted in August, 1914, at the age of 31 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds on the head, right leg and right foot, and a touch of gas. He was transferred to Switzerland December 27, 1917, and repatriated to England March 25, 1918. He was at one time in receipt of a 15 per cent disability pension which was discontinued on May 1, 1922. He is unmarried. Prior to enlistment, he was employed as a contractor, earning about \$2,000 per annum, and since his discharge held a position with the Provincial Government at a salary of \$120 per month, but was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being deprived of food and water for several days after capture, although wounded. He received several blows with rifle butts, one of which injured his back, and another knocked out his teeth. He now suffers from traumatic injury to the spine.

An analysis of the evidence reveals:—

Claimant tells a story of much brutality whilst a prisoner of war. On the way back to Paderborn hospital, he was denied food and drink, was struck with rifle butts and apparently contends that his back was injured as a result. From Paderborn he was sent to Senne-lager, employed at light work and was confined to cells for demanding his parcels. At Havelof and Laugendreer, (sic) working on a road gang he was frequently hit in the face and over the back by the guards, received no medical attention and complains that he was suffering from numerous boils that were not attended to. Sent out on a farm, he attempted to escape, was recaptured, beaten, sent back to Senne-lager, thence to Minden, where he served solitary confinement and then landed in hospital at Frankfort, where he received some attention from a Russian doctor. Here, he was again beaten for not standing to attention, but finally was transferred to Switzerland as medically unfit. When confronted with the statement appearing in his medical history file that his back was injured in falling into a hole, 9 feet deep, upon his attempted escape, claimant became very confused and was unable to offer any satisfactory explanation of the discrepancy between the two accounts of his injury. Claimant's lack of frankness created a very unfavourable impression and his credibility was greatly impugned by the contradictions in his statements.

The medical record indicates that claimant suffers from traumatic injury to the spine. His percentage of disability is stated at 85 per cent in his own calling and 100 per cent in the general labour market. Dr. G. F. Carter, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are very complete and show clearly claimant's reiterated statement as to the origin of his injury and that all his trouble dates from that time, the cause being set down as "accidental fall on back in Germany while a prisoner."

In this state of the record, it is obvious that claimant has failed to establish a case of maltreatment resulting in disability to him. The injury was of accidental origin and he has not shown that it became aggravated by his treatment in Germany. The claim must be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7, 1931.

#### CASE 2003—STEPHEN O'BRIEN

The claimant was a Private in the 4th C.M.R.,—Regimental number 113462. He enlisted June 3, 1915, at the age of 18 years. He was taken prisoner June 2, 1916, slightly wounded by shrapnel in the shin, and suffering from a touch of gas. He was repatriated to England December 12, 1918. He is in receipt of a 100 per cent disability pension, amounting to \$130 per month, for himself and family and mother, based on tuberculosis and thyroid condition resulting in hysteria. He was married September 1, 1920, and has one child. Prior to enlistment, he was an apprentice baker, earning \$7 per week, but since his discharge, he has been unable to work and has been frequently under hospital treatment. He is subject to epileptic seizures.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been tied up by the thumbs for refusing to work on munitions. Was beaten with rifle butts and was stabbed in the back of the neck causing semi-paralysis. He made several attempts to escape and received the usual punishments.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he was beaten and had two teeth knocked out for not saluting a German N.C.O. He made an attempt to escape, was recaptured, and given 14 days in cells. He engaged in a fight with a German guard, knocking him into a canal, was badly beaten, before and after serving 40 days in solitary confinement. For later attempts to escape he was confined and was tied up by the thumbs with his chin blocked. A certain truculence of manner may have provoked much of claimant's trouble. At Minden, for refusing to work and a further attempt to escape, he was again beaten and tied, and declares that he was stabbed in the neck by a German officer during the course of a scuffle with the guards in which he and an Australian prisoner engaged. He dates periodic attacks of epilepsy from this injury. To these experiences claimant attributes his tubercular condition and general debility.

The medical record indicates that claimant shows the marks of a stab wound in the neck, suffers from general debility and pulmonary tuberculosis. His percentage of disability is stated at 100 per cent. Dr. R. S. Stevens, who certifies to the foregoing, did not appear before the Commission. Claimant's medical file is quite complete, showing tuberculosis and hysteria. He is evidently a difficult patient to handle and has been frequently in trouble with the hospital authorities.

There can be no question as to the serious nature of claimant's disablement. He is under a certain misapprehension as to the scope of this Commission and seems to regard its functions as supplementary to those of the Board of Pension Commissioners. At the hearing the distinction between the two was explained to claimant. After carefully considering his case, I have reached the conclusion that, however provocative claimant's manner may have been towards his captors, he was subjected to punishment and abuse which went beyond all reasonable bounds. His health has been wrecked and although he is in receipt of 100 per cent pension, I consider him entitled to an award from this Commission, on the ground that his disability, in part at least, is due to maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 2, 1931.

#### CASE 2004—STEPHEN LEBLANC

The claimant was a Private in the 2nd Battalion—Regimental number 8225. He enlisted in August 1914 at the age of 21 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a bullet wound in the face. He was repatriated to England December 30, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$19.50 per month for himself and family, based on gastritis and neurasthenia. He was married August 25, 1923, and has two children. Prior to enlistment, he was employed as a clerk with a Gas Company, earning about \$75 per month, and since his discharge has been employed as a Postal clerk, at \$1,740 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour, starvation, standing at attention for long periods, exposure, blows, kicks, confinement to cells and being tied to posts. His gastritis and neurasthenia are attributed to the treatment he received while a prisoner.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, was also at Vehnemoor, Ostenholzenmoor, Celle-lager, Saltau and Hameln. He complains only of two acts of brutality. On one occasion he was tied to a post two hours a day, for an attempted escape; the ropes cut his ankles. For another attempt to escape he was beaten by the sentries. In all, he made four attempts to escape, and was confined to cells for 14 days for each attempt. He complains now of stomach ulcers and neurasthenia with insomnia.

There is no medical evidence as to claimant's present condition; not even the usual certificate of a physician. Claimant's medical files show nothing unusual, indicating merely that he is in receipt of pension for the ailments above complained of.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. He has failed to show a present disability resulting from maltreatment whilst a prisoner of war. His claim is one purely for the consideration of the Board of Pension Commissioners. It is, accordingly, disallowed.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, December 10, 1931.

#### CASE 2005—BERNARD J. BROWN

The claimant served as an Imperial soldier, having been Quartermaster Sergeant with the 103rd Machine Gun Company,—Regimental number 23391. He enlisted in England in August, 1915, at the age of 22 years. He was taken prisoner October 22, 1917, suffering with a shrapnel wound in the right testicle and the effects of tear gas. He was repatriated to England November 30, 1918. He is in receipt of a 25 per cent pension, amounting to \$35 a month, based on his wound and pulmonary T.B. He was married May 8, 1919, and has 3 children. Prior to enlistment, he was employed as a bookkeeper and news agent, earning about \$40 per week, and after his discharge held various positions and is now a proof reader, earning \$30 per week. He came to Canada to reside in April, 1911.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his right foot has become permanently injured through wearing wooden sabots while a prisoner. His eyesight, affected by gas, became aggravated because he was deprived of his glasses. He was also deprived of personal property and cash.

An analysis of the evidence reveals:—

Claimant was resident in Canada before the war. Refused for military service here, because of his size, he went to England and was taken on there. He was taken to Dulmen camp and sent out to a coal mine near Sodingen. Here he complains of being deprived of his glasses, without which he could scarcely see. His boots were also taken and he was made to wear wooden clogs. Claimant refused to work in the coal mines, was beaten and made to stand facing a wall until he collapsed. He was frequently beaten and bears the marks on his back. He asserts that his right foot has been permanently injured from wearing clogs, and that his eyes have suffered from being deprived of his glasses. He also speaks of a tubercular condition, which he attributes to his experiences whilst a prisoner of war.

There is no medical evidence of record, apart from what is contained in claimant's pension files. This refers only to his original injury and to tuberculosis. There is no mention of an eye or foot condition. The record of hospitalization does not disclose any treatment for either of these two latter ailments.

Clearly, as the record stands, claimant has not made out a case of disability to his eyes or foot resulting from maltreatment. All medical evidence is absent. He is pensioned for his original wound and for tuberculosis.

The evidence of maltreatment is very meagre, but, having regard to the period claimant spent in the coal mines where conditions were extremely harsh, I think the record justifies a finding of some disability resulting from his treatment, notably to his chest. Viewing all the circumstances, I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL

*Commissioner.*

OTTAWA, December 7, 1931.

#### CASE 2007—WILLIAM ALBAN RICHARDS

The claimant was a corporal in the 2nd Battalion—Regimental number 8176. He enlisted in August, 1914, at the age of 31 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded with shrapnel in the head and suffering from gas. He was released to Holland in March, 1918, and repatriated to England November 18 of that year. He is not in receipt of pension, but has made application therefor. He was married in 1923 and has two children. Prior to enlistment, he was employed as a civil engineer, and he is now a draftsman with the Department of the Interior, at a salary of \$2,160 per annum.

He alleges that while a prisoner he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of being forced to stand at attention without hat or coat in very bad weather. Developed pleurisy and pneumonia and now suffers from chronic bronchitis.

An analysis of the evidence reveals:—

Claimant has very little to complain of. At Giessen, Lichtenhorst and Hestenmoor camps he complains of no particular brutality. He protests against long hours standing to attention in all weather, and attributes to this exposure a bronchial and chest condition from which he still suffers.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical files show nothing unusual and he himself admits that he suffers very little disability and was informed by his physician that his chest and heart are "in first class shape".

This claim has evidently been put forward before this Commission under the misapprehension that it would further a pending application for pension. Claimant has failed to establish maltreatment whilst a prisoner of-war and has, moreover, not attempted to prove disability resulting therefrom. His testimony was very frank and straightforward but the grounds of his complaint are without merit. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL

*Commissioner.*

OTTAWA, December 10, 1931.

## CASE 2008--WILLIAM ERNEST COLBORNE

The claimant was a private in the 38th Battalion—Regimental number 246583. He enlisted July 10, 1916, at the age of 24 years. He was taken prisoner August 10, 1918, suffering from machine gun wound through the right chest and back. He was repatriated to England, December 8, 1918. He is not in receipt of pension, his application having been rejected. He was married July 12, 1919, and has one child. Prior to enlistment, he was employed as a decorator, earning about \$31 a week, and since his discharge has had various occupations but was unable to resume his work as a painter due to the fumes. He is now a telegrapher with the Canadian Pacific Railway, earning \$137 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while in Darmstadt camp he was unable to remove his shirt quickly to be vaccinated because his wound was sore, and the sergeant knocked him down and tore the shirt off. He took him outside in the cold and made him stand stripped to the waist for about two hours. As a result of this exposure he contracted pleurisy, received no medical attention, and now suffers from tuberculosis.

An analysis of the evidence reveals:—

Claimant was a prisoner for about four months. His testimony bears out the facts alleged in the foregoing summary of his statement of claim. Claimant ascribes to the exposure related a chest or lung condition, as to which he is more fearful for the future than he is of any present existing disability.

The medical record indicates that claimant suffers from chronic quiescent tuberculosis of left lung. His percentage of disability is stated at 20 per cent in his own calling and at 50 per cent in the general labour market. Dr. J. F. Dunn, who certifies to the foregoing, did not appear before the Commission. A certificate of Dr. J. K. Kelly is filed certifying to treatment given claimant in 1928 and 1929 for pleurisy in lower left lung.

Claimant, in common with many claimants, presents his claim with a view to supporting a pension application. He says: "I would like you to consider my case favourably and give me a little support towards pension. That is what I want." It does not necessarily follow that two hours exposure in the circumstances noted would induce tuberculosis. Many other causes may have contributed. Claimant has not, in my opinion, established the connexity between his present condition and maltreatment whilst a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL

*Commissioner.*

OTTAWA, December 7, 1931.

## CASE 2009--CHARLES A. SUMMERS

The claimant was a Private in the P.P.C.L.I.—Regimental number 246049. He enlisted March 14, 1916, at the age of 19 years. He was taken prisoner August 14, 1918, unwounded, but suffering from gas. He was repatriated to England December 1, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$15.00 per month, based on heart trouble. He was married April 1, 1931. Prior to enlistment, he was attending school, and is now employed as a Commercial Traveller, earning about \$2,000 per year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of food, that he was forced to work while not fit and was knocked about.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 4 months. Taken first to Dulmen, he complains of the inadequate food on the journey. He was then sent to Metz, where he declares that he was knocked around and made to work when he was not fit. He was subject to fainting spells, evidently due to heart condition. His complaint is that his heart affection was induced by his experience in Germany.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical files show some trouble in his respiratory system. The pension file shows disordered action of the heart.

It does not follow by any means, that claimant's disabilities are attributable to his experience in Germany. The short duration of his stay creates no such presumption. In my opinion this claim is one solely for the consideration of the Board of Pension Commissioners. Claimant has failed to show a disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 9, 1931.

#### CASE 2010—PERCY GLADSTONE STOTT

The claimant was a Lance Corporal in the 5th Battalion. He enlisted in August, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England December 27, 1918. He is not in receipt of pension, but has made application therefor. He was married July 3, 1922, and has no children. Prior to enlistment, he was employed as a Commercial Traveller, earning about \$4,800.00 per annum and expenses. He is now employed by a fur concern in Ottawa, earning \$60.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being hit in the face, and lack of medical attention for his eyesight which had been affected as a result of tear gas. He suffers from nervous trouble and stomach disorders.

An analysis of the evidence reveals:—

Claimant was hit in the mouth with the butt of a rifle while being taken back to Roulers and lost 3 teeth. Removed to Meschede, and then Giessen, he has little to complain of, declaring that brutality could be avoided upon compliance with orders. Sent to Vehnemoor, he refused to work, was beaten about in consequence but does not complain of any disabilities resulting therefrom. Working in the wet and mud has impaired his health generally. At Koenigsberg, he complains of being compelled to wear wooden clogs which damaged his feet. Transferred to Saltau and Limburg, where he worked in the salt works, he has little to complain of. Claimant's main complaint is as to the condition of his mouth, pyorrhea has developed and he has had to have most of his teeth extracted. He also complains of his eyes, but this was apparently due to the effects of tear gas, which he received at or before capture. There is some corroboration in the record as to the injury to claimant's teeth, in the form of a letter from Dr. R. J. Yeo, who saw claimant immediately upon his repatriation and is quite definite as to the injury to claimant's mouth. He saw claimant later and attributes the loss of teeth to the blow received in Germany.

The medical record indicates that claimant suffers from impaired vision, both eyes. His percentage of disability is stated at 33½ per cent. Dr. W. E. Mahood, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual, all systems being declared normal upon discharge from the service.

Clearly the eye condition from which claimant suffers must be attributed to service. There is nothing in the record to show that his treatment in Germany aggravated this condition. I do consider, however, that the incident of the blow on the mouth, with injury to his teeth and consequent disability, has been established and constitutes maltreatment whilst a prisoner of war. In these circumstances, bearing in mind the frankness with which claimant gave his testimony, I consider that he is entitled to an award. I would, accordingly, recommend a payment to him of \$600.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 3, 1931.

#### CASE 2011—FRED JAMES SHEARMAN

The claimant was a Private in the 2nd Battalion,—Regimental number 7903. He enlisted in August 1914 at the age of 23 years. He was taken prisoner April 24th, 1915, during the second battle of Ypres, suffering from two slight bullet wounds in the right ankle and right leg and from a slight touch of gas. He was repatriated to England December 27, 1918. He is not in receipt of pension, but intends making application therefor. Prior to enlistment, he was employed as a draughtsman, earning up to \$150.00 a month and since his discharge he is employed with the Dominion Government Penitentiaries Branch, as a draughtsman, earning \$2,160.00 per year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been compelled to work in a mine, lack of medical attention, forced to work in water, causing rheumatism, and blows injuring his teeth.

An analysis of the evidence reveals:—

Claimant was beaten immediately after capture, because an empty cartridge case was found on him and he was suspected of looting. He was taken to Giessen and complains only of treatment on working parties. He was struck with pick handles for not doing enough work. Sent to Vehnemoor, where he remained for three years, he complains of being made to work in the water, with injury to his feet and resulting rheumatism. He declares he was wounded in the arm by a bayonet in the hands of a guard, and complains generally of petty annoyances, such as being tied to posts. For attempting to escape, he was beaten. He complains that his left ear is almost completely deaf and still discharges, as a result of this treatment. He also suffers from rheumatism, nervousness and general weakness.

The medical record indicates that claimant suffers from loss of hearing in left ear, bronchitis, rheumatism and marked nervous irritability and mental depression. His percentage of disability is stated at 33½ per cent in the general labour market. Dr. J. H. Alford, who certifies to the foregoing, appeared before the Commission, and speaks of a number of other minor ailments, and is of opinion that the rheumatism may result from a focus of infection to be found in these ailments. Claimant's medical file contains nothing unusual, his last medical board upon discharge from the service declaring all systems normal.

Claimant's ear condition, of which he complains chiefly, may or may not have resulted from conditions of exposure whilst a prisoner of war. It is difficult to say, in this case, that claimant was subjected to particular maltreatment by the enemy. Viewing all the circumstances, I am inclined to resolve that doubt in claimant's favour, and to find that he now suffers some disability resulting from maltreatment whilst a prisoner of war. I would recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January 1920 to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 3, 1931.

### CASE 2012—DR. WALTER REUBEN WIGMORE HAIGHT

The claimant was a Captain in the Canadian Army Medical Corps. He enlisted in May 1915 at the age of 34 years. He was taken prisoner June 4, 1916, suffering from a gunshot wound in the urethra. He was repatriated to England February 24, 1918. He is not in receipt of pension but intends making application therefor. He was married February 21, 1921, and has two children. Prior to enlistment, he was engaged as House Surgeon in hospitals in Winnipeg and Vancouver, at \$100.00 per month, and since his discharge has been practising for himself, but owing to broken health is unable to make a success of it. He earns about \$2,000.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of mental strain, bad food resulting in bad teeth, is nervous and irritable and suffers with indigestion.

An analysis of the evidence reveals:—

This is a particularly distressing case but one which I fear this Commission is without authority to deal with. The claimant, a medical officer, after capture, was taken to Bischofswerda, in Saxony, where his wounds received attention, and as to which he has no complaint. He afterwards received treatment at Stuttgart and was then moved to Crefeld camp, thence to Swarmstadt and, finally, to Holzminden. He was subjected to no physical violence or abuse, but complains of the attitude of his guards and the mental strain caused by their efforts to have the prisoners mutiny or disobey, in order to punish them. This mental strain reacted upon the claimant's health and by reason of his lowered resistance, due to the bad food and close confinement, has had a very unfavourable reaction upon his nervous system. The unbalanced diet very seriously affected his teeth and he has had to have them removed since. He complains, as a result of these experiences, that his mental vigour is not the same and that he is unable to meet the exigencies of country practice. He suffers with his stomach and has frequent attacks of indigestion. To summarize his complaints, he alleges that his health has been so impaired by his war experiences that he is no longer able to care for himself and his family.

There is a certificate filed of record from Dr. Norman N. Guiou, certifying to claimant's technical qualifications and his inability to meet the requirements of practice. Claimant suffers from a severe acne which is attributed to unsanitary prison camps, and apparently also contracted a mild form of dysentery which has troubled him since. Dr. Guiou, however, states his main trouble to be from nervous system, declaring that his morale was so completely crushed that his mental state has never risen to the level where he can make use of his training to make a living. Claimant's medical files reveal nothing unusual. They indicate hospitalization in England for his original wound and for influenza.

It can hardly be said in this case that claimant's present condition results necessarily from his experience whilst a prisoner of war. With the greatest regret, I find that I am unable to reach a conclusion favourable to claimant's claim for reparation. In my opinion his case is one purely for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7th, 1931.

#### CASE 2013—HARRY JOSEPH DESLAURIER

The claimant was a Private in the 2nd Battalion,—Regimental number 8202. He enlisted in August 1914 at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was released to Holland in November 1918, and repatriated to England December 9, 1918. He is not in receipt of pension and has made no application therefor. He was married June 17, 1925, and has two children. Prior to enlistment, he was a clerk with the Ottawa Electric Co., earning \$50 a month and is now employed as railway mail clerk at \$1,800 per annum.

He states that he is unable to give any instance of maltreatment or brutality and merely complains of the camp conditions at Saltau. The food was bad and he now finds that his teeth require attention and that he suffers from nervousness.

It is scarcely necessary to analyse claimant's evidence. He complains of no maltreatment and seems to consider that this Commission has jurisdiction to award him a pension possibly for the sole reason that he was a prisoner of war. He declares that he suffers from nervous exhaustion and that he has to have his teeth extracted. If claimant suffers any disability following his period of captivity, it is entirely due to general conditions of camp life, and, in his case, these do not appear to have been harsh. As explained in Opinion annexed to the present report, there is no element of maltreatment in such circumstances. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7, 1931.

#### CASE 2015—FREDERICK VICTOR BRITT

The claimant was a Private in the 19th Battalion,—Regimental number 767212. He enlisted April 17, 1916, at the age of 19 years. He was taken prisoner May 9, 1917, and states he was suffering from a bullet wound in the left knee when captured. The military records state that he was not wounded. He escaped March 21, 1918, and was repatriated to England April 13, 1918. He commuted his pension based on neurasthenia August 30, 1920. He is unmarried. Prior to enlistment, he was employed as a shoemaker's apprentice at \$4.00 per day, and since his discharge he pre-empted land at Beaver Lake, B.C. and works occasionally on Government road work in the summer, from which he averages \$500.00 per year.

He alleges that while a prisoner of war he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of his wound being neglected, and improper treatment for a boil, which injured the jaw.

An analysis of the evidence reveals:—

Wounded in the knee, claimant was first taken to Douai hospital, thence to Rastatt camp. In June, 1917, he was sent to Hueberg and later to Loffingen camp, from which he escaped in March, 1918. Claimant does not complain of any particular acts of brutality, but alleges that he received no medical attention for his wounded knee, and has sustained a resulting disability. The statement made by claimant, upon repatriation, does not accord with his testimony before this Commission. In the statement referred to, he declares that his knee was bandaged, and, later, at Rastatt he speaks of treatment for his wound and declares himself satisfied with the treatment received. Moreover, his pension file indicates that the knee condition causes no disability. A further complaint is made as to the manner in which he was treated for boils on the chin at Loffingen. He declares that the German physician injected a fluid which worked into his teeth, and poisoned the bone, and has injuriously affected his teeth. In his original statement there is no mention of this incident.

The medical record indicates that claimant suffers from partial loss of function and weakness in left knee, partial destruction of lower jaw, neurasthenia, and general debility. His percentage of disability is declared at 25 per cent in his own calling and at 50 per cent in the general labour market. The physician who certified to the foregoing, did not appear before the Commission.

In this state of the record, I find that claimant has failed to make out a case of maltreatment whilst a prisoner of war resulting in disability to him. As stated, his testimony and statement do not agree as to the medical treatment to his knee, and he has also failed to show that the alleged inoculation for boils was improper treatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 4, 1931.

#### CASE 2016—ROBERT WILLIAM BRADLEY

The claimant was a Private in the 50th Battalion,—Regimental number 435842. He enlisted July 5, 1915, at the age of 18. (According to his Attestation Paper he was aged 22). He was taken prisoner November 19, 1916, unwounded. He was repatriated to England January 12, 1919. He is not in receipt of pension, and has not applied therefor. He was married September 28, 1921, and has two children. Prior to enlistment, he was a student and school teacher, earning \$1,200.00 per annum. After his discharge, he completed his university course, and since 1923, has practised dentistry.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that by reason of exposure and lack of food he contracted cystitis, which later led to kidney trouble, necessitating an operation, since which time his health has never been normal.

An analysis of the evidence reveals:—

Claimant, according to his evidence, was kept working behind the German lines, in retaliation for similar treatment alleged to have been imposed upon German prisoners. He thus spent several months at Cambrai, Queant, Ecourt, Souci Couchy, Denain, Rasmes, Warlaing and Marchiennes. He complains chiefly of the poor living conditions, lack of food and hard work, which brought on a bladder complaint from which he suffered severely and which finally necessitated an operation in 1921, in Canada. He does not allege any particular acts of

brutality by his guards during this period, but complains that he received no medical attention for his bladder condition. He states that practically all the prisoners suffered similarly. Claimant's later experiences at prison camps in Germany, viz: Friederichfeld and Parchim are without special incident. He contends that as a result of his period of captivity his health has been permanently impaired—the kidney condition being stressed.

The medical record indicates that claimant suffers (history of renal calculi) from characteristic urinary excretion periodically, which is attributed to exposure while a prisoner of war. His percentage of disability is stated at from 10 per cent to 20 per cent in his own calling (dentist). Dr. V. Stanley Kaufman, who certifies to the foregoing, did not appear before the Commission. Claimant has filed a letter from Dr. F. S. Patch, of Montreal, who operated upon him in December, 1921. Dr. Patch removed a calculus from the pelvis of the left kidney by a pyelo-lithotomy operation. He does not find anything in the history of the case which would definitely establish claimant's contention that the calculus dated from war service, but does express the opinion that the stone for which he operated probably had its origin or was associated with the attack of frequency which claimant suffered while in Germany. Claimant's medical history file records "all systems normal with exception of genito-urinary," but the history of the case is not entirely favourable to claimant.

In this state of the record I am compelled to find that claimant has not discharged the burden resting upon him of showing that his present condition results from any maltreatment to which he was subjected whilst a prisoner of war. The impairment to his health may possibly have been due to other causes and the claim, accordingly, fails. It is disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 4, 1931.

#### CASE 2017—CHARLES C. PARTRIDGE

The claimant was a Private in the 19th Battalion,—Regimental number 285678. He enlisted January, 5, 1917, at the age of 18 years. He was taken prisoner June 21, 1918, suffering from gunshot wounds in the left thigh, wrist and arm. He was repatriated to England December 20, 1918. He is in receipt of a 65 per cent disability pension amounting to \$87.75 per month, for himself and his family, based on the wounds in his left leg and left arm and on defective speech. He was married in September, 1924, and has three children. Prior to enlistment, he was employed as a shipping clerk, earning \$15.00 a week and since his discharge has been employed as a draughtsman, earning \$25.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while being carried back by the Germans as a prisoner and suffering from his wounds and broken leg, he suffered unspeakable torture because of the rough way his captors handled him. A German sentry kicked him in the wounded leg causing him to shriek with pain. This rough handling continued, causing his wound to break open and to discharge freely. He had not been given a bath or any proper attention but was finally allowed a tin tub partly filled with ice cold water, and left alone until he nearly froze. He states that sanitary conditions were abominable and that his leg began to swell in the region of the knee, causing him to suffer intense pain. He was operated upon without an anaesthetic on two occasions, which caused him to faint with pain. At no time during his

period of captivity was he able to put his foot to the floor or to fend for himself. As a result of this treatment, he now has to wear a full length steel splint, which gives him much pain and discomfort. He also suffers from a weakened left arm, with long spells of aching in it.

An analysis of the evidence reveals:—

The foregoing summary of claimant's statement of claim is borne out by his testimony. His story is one of revolting cruelty and inhumanity to a wounded prisoner in German hospitals. What surgical treatment he did receive was unbelievably harsh. He speaks of having a piece of protruding bone forcibly broken away by the surgeon while three guards held him down. Claimant created a very favourable impression and while it is difficult to believe his story, so gross is the detail, I am satisfied that it is substantially accurate. The medical record of his hospitalization in England and Canada is very complete. He was only discharged from hospital in 1923. The reason for the impediment in claimant's speech, which is very marked, has not been explained.

I have little hesitation in finding, in this case, that claimant was subjected to maltreatment whilst a prisoner of war, which had the effect of aggravating already serious wounds and that claimant's present evident disability is greater than it would have been had he received even casual surgical attention. What the aggravation so caused amounts to it is impossible to say, but having regard to the pension claimant is receiving, I am disposed to recommend a payment to him of \$1,200.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,  
*Commissioner.*

OTTAWA, December 1, 1931.

#### CASE 2018—CHARLES MURDOCK

The claimant was an acting Quartermaster Sergeant in the Third Battalion. He enlisted in August, 1914, at the age of 24 years, Regimental number 9813. He was taken prisoner April 24, 1915, during the second battle of Ypres suffering from a slight shrapnel wound in the back and from gas. He was released to Holland before the Armistice in 1918 and was repatriated to England October 24, 1918. He is in receipt of a 25 per cent disability pension amounting to \$32.50 per month based on heart and nervous trouble and neuralgia. He was married June 4, 1919, and has three children. Prior to enlistment, he was employed as a surveyor earning \$9.00 per week and since his discharge has been engaged as a clerk in the City Road Department, Toronto, at a salary of \$32.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been confined to dark cells on at least 20 occasions for refusing to work when unable to do so. Has trouble with his feet owing to the wearing of wooden clogs.

An analysis of the evidence reveals:—

Claimant spent the entire time of captivity at, or attached to, Giessen camp. He speaks generally of rough treatment consisting of beatings and repeated confinement to cells because he would not work. Suffering from the injury to his back, he declares that he was unable to work. He speaks of one occasion when he was beaten into unconsciousness and came to in hospital and found that several teeth had been knocked out. Furnished with wooden clogs, he was compelled to parade for long hours, which injured his feet. At a stone

quarry he was unable to work, due to his back and fainted when shoved and kicked by the guards. Returned to Giessen, he was put in cells for ten days and made to sit at attention on a stool for long periods. He complains of heart trouble and rheumatism.

The medical record indicates that claimant suffers from general physical and nervous debility, chronic endocarditis and myocarditis. His percentage of disability is stated at 40 per cent in his own calling and 100 per cent in the general labour market. Dr. J. W. Burnett, who certifies to the foregoing, appeared before the Commission. He confirms the diagnosis contained in his certificate and also speaks of some gastric trouble. He expresses the view that the heart trouble may have resulted from being compelled to work when suffering from rheumatism.

Claimant's complaints are of a general nature. None of the acts of physical abuse would appear to have left any disability, but the sum total of his experiences and the strain imposed upon his powers of resistance, has probably caused the heart affection from which he now suffers. Viewing all the circumstances of the case, and for the reasons expressed in opinion annexed to the present report, I do not consider that claimant has shown that he suffers a present disability resulting from maltreatment whilst a prisoner of war. His recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2020—ALBERT VICTOR EDWARD ALLEN

The claimant was a Private in the 4th C.M.R.—Regimental number 113054. He enlisted June 11, 1915, at the age of 27 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 18, 1918. He is not in receipt of pension although he says he made application therefor and underwent a medical examination at the Christie Street Hospital, Toronto, and received vocational training. He was married in April, 1921, and has one child. Prior to enlistment, he worked in lumber camps for \$45.00 per month and board, and since his discharge has held different positions but is now with the Post Office, at a salary of \$1,020.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse, of being compelled to work when unfit, punishment parades, beatings, confinement to cells, and exposure.

An analysis of the evidence reveals:—

Claimant spent the first three months of his captivity at Dulmen camp. The only ill-treatment complained of is that of being made to stand to attention for long hours for refusing to work. This punishment, coupled with lack of food, weakened claimant's condition of health, which was never very robust. At Minden the treatment was similar, with the additional grievance that claimant was compelled to work when unfit. He took ill with bronchitis and was in hospital, where the treatment was good. Next sent to a cement factory, he complains that the work of filling and lifting bags of cement was too heavy for him and that failing to do the amount of work assigned to him, he was beaten. The punishment of compelling prisoners to stand to attention was also resorted to here. He escaped being sent to a Russian camp, by absenting himself, was tried by court martial and sentenced to two weeks in cells. As a result of these

experiences, he complains that his back still troubles him. This condition first developed about six years ago. He also has a hernia, but this is probably of post war origin.

The medical record indicates that claimant suffers from a sprained back, left inguinal hernia and loss of hair on the head. His percentage of disability is stated at 10 per cent in the general labour market. Dr. H. K. Moir, who certifies to the foregoing, appeared before the Commission in support of claimant's case. He finds claimant's health undermined from a nervous standpoint, describing him as a "borderline nervous wreck." General debility with intercostal neuralgia is present and his capacity for heavy work greatly impaired. Claimant's medical history files are not favourable to his claim.

Claimant made a statement upon repatriation which deals solely with maltreatment to other prisoners. He does not mention himself as being subjected to ill treatment. I am inclined to think that the present application is an afterthought, and has no real merit before this Commission. Claimant has failed to show that any present disability results from maltreatment whilst a prisoner of war. His claim, if any, is one for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 9, 1931.

#### CASE 2021—ALFRED WILLIAM BECKETT

The claimant was a Private in the 3rd Battalion—Regimental number 9646. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 31, 1918. He is in receipt of 100 per cent disability pension based on dementia praecox. The claimant is insane; his father presents the claim on his behalf. There is no information as to his pre-war employment, and, after his return to Canada, he left for Detroit, where he worked for a time with the Ford Company. While there he suffered a mental breakdown.

The claimant's father alleges that while a prisoner his son was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that as a result of his son's treatment in the prison camps and salt mines, he returned home in an extremely nervous condition and is now insane and confined to Westminister Hospital, London, Ontario, with very little hope of ultimate recovery.

An analysis of the evidence reveals:—

Claim is made by the father of claimant on his behalf. Claimant, as appears above, is an inmate of Westminister Hospital, London, Ontario, suffering from dementia praecox. The evidence of a fellow prisoner is of record, but does not establish any particular maltreatment to claimant whilst he was a prisoner. The last time witness saw claimant, in 1916, he appeared to be quite sane. The military record contains entries of punishments to claimant for infractions of discipline and he appears to have been a difficult subject to handle. There is a suggestion appearing in the record, from claimant's mother, that another son also suffers from mental aberration. The case rests upon the inference that claimant's treatment in Germany induced and brought about his mental state. I do not consider that the inference so drawn is strong enough to justify a finding, in fact, that claimant's present condition results from maltreatment

whilst a prisoner of war. There is some suggestion that domestic difficulties may have contributed to the derangement of claimant's mind. As to this I cannot say. Claimant is in receipt of full disability pension. Upon the facts disclosed, I do not consider that he is entitled to claim before this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 3, 1931.

### CASE 2022—SIDNEY WILFRED BARRETT

The claimant was a Private in the 15th Battalion—Regimental number 27613. He enlisted in August, 1914, at the age of 17 years. His attestation paper indicates that he was 20 years of age. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England December 21, 1918. He was in receipt of pension amounting to \$450 per annum, based on bronchial trouble. He commuted this pension October 20, 1920, but has applied for reinstatement. He was married November 5, 1919, and has no children. Prior to enlistment, he was employed as a shipping clerk, earning about \$12 per week, and since his discharge he farmed for a while, then drove a truck, and is now employed with the Customs Department at a salary of \$1,500 per annum.

He alleges that while a prisoner he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of general abuse, work in a stone quarry and three years' labour in the salt mines at from 8 to 16 hours per day. He suffers from bronchial trouble, rheumatism and stomach disorders and complains of heart trouble and bad nerves.

An analysis of the evidence reveals:—

Except for a short period at Gottingen camp, where claimant was first taken, he spent the remainder of his captivity—3 years—in the Salsted salt mines, where the treatment, as described in this and other cases, was of the most brutal nature. Notwithstanding some reticence on the part of claimant, there is clear evidence of maltreatment in the mines. On one occasion he was struck and cut by a bayonet in the hands of a guard, for the reason that he was not working fast enough. Claimant developed salt sores, as did the other prisoners, but received no treatment therefor. Made to work long hours, poorly fed and beaten, it is not surprising that claimant's health suffered. He complains in a general way of debility and, while he has made some improvement under medical care, still suffers from bronchitis, an impaired digestive system and nervousness.

The medical record indicates that claimant suffers from anaemia, neurosis, inability to concentrate, for which he was attended by his family physician, Dr. W. G. Russel, who appeared before the Commission. Dr. Russel finds claimant in better health now than when he first examined him after the war, but is of opinion that his health will never be completely restored. He knew claimant before the war as a healthy, robust youth, and ascribes his present condition to his experiences as a prisoner. The pension files show an impaired respiratory system, for which claimant originally received a pension.

Notwithstanding the improvement in claimant's health, I am of opinion that he will suffer some permanent disability, and this I attribute directly to his experiences in Germany. The salt mines in Germany were the worst of the prison camps, and it is surprising that prisoners, who were forced to spend as

much as 3 years there, came out as well as they did. On the whole, I would recommend a payment to claimant of \$500 with interest thereon at the rate of 5 per cent per annum, from the 10th day of January, 1920, to the date of payment.

ERROL M. McDOUGALL

*Commissioner.*

OTTAWA, December 3, 1931.

#### CASE 2024—JAMES BEATTIE

The claimant was a Private in the 3rd Battalion—Regimental number 9769. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a shell fragment wound in the left thigh and a touch of gas. He was repatriated to England January 13, 1919. He is not in receipt of pension, his application having been rejected. He has appealed. He was married in March, 1919, and has no children. Prior to enlistment, he was employed as a teamster, earning \$11.50 per week, and since his discharge has followed the same occupation, and now earns about \$21 per week. He loses pay when forced to lay off work, approximately three months a year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper medical treatment for his wound; that he was beaten with fists, feet and rifle butts, and had seven teeth knocked out. He suffers from severe headaches and injury to his right arm. He asserts that his leg aches continually and that his right hand is troublesome and hinders him in his work.

An analysis of the evidence reveals:—

Claimant spent 6 months in hospital after his capture, for the wound in his thigh. While he complains generally that the treatment was improper, it appears that his leg was dressed and bandaged almost daily. There is nothing in the record to substantiate any claim for disability resulting from inadequate medical treatment. He speaks of an injury to his arm at Langemoor camp due to a beating with rifle butts by the guards, and also asserts that he had his teeth knocked out at the same time. This assault was, on claimant's statement, quite unprovoked. He also complains that he still suffers from headaches, the result of the blows received during the incident related. One other incident is referred to generally, a beating received at a sugar factory. The claim for disability is confined to the headaches and his head. Claimant's story failed to carry conviction and while he may have been roughly handled, I am of opinion that the recital of his grievances has lost nothing in the telling.

The medical evidence in support of the claim is entirely inadequate. A certificate of Dr. W. P. Thomson is filed, to the effect that claimant has "difficulty in holding a job or ordinary labouring work." His percentage of disability is stated at 50 per cent. Claimant's pension files disclose no disability, his general health is declared to be good.

It is obviously impossible to base an award upon the evidence submitted. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 7, 1931.

## CASE 2025—WILLIAM BERTRAM

The claimant was a Private in the 3rd Battalion—Regimental number 9882. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 27, 1918. He not in receipt of pension but has made application therefor. He was married in 1921 and has one child. Prior to enlistment, he was employed as a lumber shipper earning \$14.00 per week, and since his discharge has been employed as a tipper, with an ice cream manufacturing concern, earning \$28.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse and permanent injury to his toe, beatings, blows on the head, causing injury, and of being compelled to work when unfit. He now suffers from gastritis, piles, injury to his toe and nervous disorders.

An analysis of the evidence reveals:—

Claimant was held as a prisoner at Giessen for 10 months, where he worked in a stone quarry. His hands became infected and blood poisoning set in. He received no medical attention, was placed in confinement for 13 days, when finally the inflammation burst and the hands healed without any apparent disability. Claimant was sent to Dedeheim for six weeks, where he complains of general rough treatment. At Lichtenhorst, he was beaten on one occasion. Bohnte was the next camp, where claimant spent the remainder of his captivity, except for the time he was sent to a farm. He complains of being made to wear clogs, while doing farm labour, and that his feet have been permanently injured as a result. He also accuses the farmer of having deliberately dropped a plank on his foot, breaking the great toe, from which he still suffers. He admits, however, that this incident may have been an accident.

The medical record indicates that claimant suffers from choleceptitis associated with gastritis, hemorrhoids, nerves and injury to great toe. His percentage of disability is stated at 50 per cent. Dr. H. Waddington, who certifies to the foregoing, appeared before the Commission on behalf of claimant. In amplification of his certificate, he finds claimant's chief trouble to be inflammation of the gall bladder associated with gastritis. He speaks also of hemorrhoids, the injury to the great toe and nervous condition. He finds no disability to claimant's hands and attributes the internal troubles to food conditions.

From a careful review of the evidence I am unable to say that claimant's present disability is the result of maltreatment whilst a prisoner of war. The injury to claimant's toe was of accidental origin. As explained in Opinion annexed to the present report the conditions referred to by claimant were general in nature, and cannot be regarded as maltreatment, within the meaning of the relevant sections of the Treaty of Versailles. If claimant suffers a permanent disability, as he states, his recourse is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

## CASE 2026 --RICHARD BARCLAY

The claimant was a Corporal in the 3rd Battalion--Regimental number 9894. He enlisted in August, 1914, at the age of 37 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering slightly from gas. He was repatriated to England November 18, 1918. He states that he never received a pension, but the military records show that he was at one time in receipt of a pension, which has ceased. He is not married. Prior to enlistment, he was employed with the Massey Harris Company, at a wage of \$14.50 per week and since his discharge was employed with the same company earning \$63.00 every two weeks, until October 1929, when, owing to industrial conditions, the plant partly shut down and he has only been working part time since, at the same rate of pay.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper nourishment, improper dental treatment, solitary confinement in cells and punishment barracks. He suffers from serious stomach trouble and jaundice. Had to have an operation for stomach ulcers, which cost him \$325.00. Contracted pneumonia due to his run down condition.

An analysis of the evidence reveals:--

Claimant is an old soldier, having served in previous campaigns. He spent the first 8 months of his captivity at Giessen camp and complains of no particular acts of brutality. He states that his ill-treatment here was "mostly mental", being made to undergo solitary confinement and made to sit upon a stool for long hours. Because he refused to volunteer work (being a non-commissioned officer) he was sent to Hestemoor camp, where he remained for the duration of the w.r. His complaint here is that the treatment he received for his teeth, at the hands of a woman dentist, was so bad that his teeth were ruined and he was compelled to go toothless for 18 months; the plate made for him did not fit and could not be used. As a result claimant avers that his stomach has been affected, with consequent reaction upon his nerves.

The medical record in this case is not very satisfactory. Copy of what purports to be a medical certificate is filed, but the original has not, as was undertaken at the hearing, been produced. For reasons which are abundantly clear from claimant's medical history, it was essential that a very clear case should be made establishing the connexity between claimant's present condition and his treatment whilst a prisoner in Germany. Claimant declares that he is not in receipt of a pension, but the files disclose that he did receive a pension for a malady which cannot result from any imprisonment experiences. I hardly think it necessary to enlarge upon this feature of the case.

Having regard to all the circumstances, I am compelled to hold that claimant has not succeeded in making out a case within the terms of the present reference. He has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

## CASE 2027—FREDERICK W. BARRETT

The claimant was a Private in the 15th Battalion—Regimental Number 27438. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering slightly from gas. He was repatriated to England December 31, 1918. He is in receipt of a 100 per cent disability pension amounting to \$100.00 per month based on pulmonary tuberculosis. He was married August 6, 1923, and has two children. Prior to enlistment he was employed as a leather worker, earning about \$12.00 a week, and since his discharge he worked for about 6 months in a wallpaper factory, but was obliged to abandon this work and has been receiving medical treatment ever since.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the salt mines for 3½ years when physically unfit. He was repeatedly beaten and made to do heavy work, suffered from salt sores and received no treatment.

An analysis of the evidence reveals:—

Claimant spent 3 years and 8 months in the ill-famed Beienrode salt mines and was subjected to cruel and inhuman treatment with which we are familiar. (See Case 1875.) He was badly beaten on one occasion as the result of an altercation with a guard, by four sentries, with rubber hose, and after that time received constant ill treatment. In common with other prisoners, claimant contracted salt sores for which he received no treatment. He became more and more emaciated and it is not surprising now to learn that he suffers from pulmonary tuberculosis.

The medical record indicates that claimant suffers from pulmonary tuberculosis. His percentage of disability is stated at 100 per cent. Dr. Forbes Godfrey, who certifies to the foregoing, did not appear before the Commission, but claimant's medical files bear out the diagnosis, and declare the condition to be far advanced.

I have no hesitation in finding, in this case, that claimant has suffered disability as the result of maltreatment whilst a prisoner of war. As explained in Opinion annexed to the present report, the lot of those prisoners who were condemned to serve time in the salt mines was most pitiable and I have yet to find a claimant, who experienced this hardship, who has not suffered disability. I would, accordingly, recommend a payment to claimant of \$1,200, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 2, 1931.

## CASE 2028—JOHN BALL BAILEY

The claimant was a Private in the 15th Battalion,—Regimental number 27159. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a flesh wound in the foot and from gas. He was repatriated to England December 31, 1918. He is not in receipt of a pension nor has he any intention of applying therefor. He was married June 2, 1920, and has no children. Prior to enlistment, he was a railway switchman earning \$130.00 per month and since his discharge has been employed with the Canadian National Railways, earning about \$140.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse, beatings, exposure, excessive punishment in the salt mines where he spent three years and five months.

An analysis of the evidence reveals:—

Claimant is one of the few prisoners who experienced conditions in the Beienrode salt mine for 3½ years and came out apparently with little disability. He presents a very rugged appearance still and must have been endowed with a great reserve of vitality and vigour to stand the strain as he did. Sent first to Gottingen, then to Celle-lager, he has little to complain of. At the Beienrode salt mines he tells the familiar story of cruelty and deprivation accompanied by beatings and brutality of the most violent nature. His own story is very modestly told, but a fellow prisoner (T. J. Noon, Case 2083), corroborates his statements and adds a fund of detail as to the particular hostility which claimant seemed to arouse in his guards, with resultant maltreatment. He was tied to posts for long periods as a punishment for minor infractions of discipline, and made to go barefoot for 6 months. Claimant himself deprecates his disability and declares that he has not applied for a pension because "I don't suppose I am in bad enough shape for one now". It is his stomach condition which still troubles him and Dr. George Penney, who testified before the Commission regards his condition as more serious than claimant will admit.

The medical record indicates that claimant suffers from ga-stitis and bronchitis. His percentage of disability is stated at 20 per cent in his own calling and at 50 per cent in the general labour market. It will be seen, therefore, that Dr. Penney, who certifies to the foregoing, takes a more serious view of claimant's condition than does claimant himself. In his testimony, Dr. Penny states that he knew claimant before the war, when he was a strong, robust man, and that, while he may now appear in good health, his health has been impaired. There has been some improvement in later years but the patient still has lassitude and weakness at times.

I was favourably impressed with the manner in which claimant gave his testimony and his frankness in making light of his trouble is as unusual as it is deserving of close scrutiny. Having regard to the observations contained in Opinion annexed to the present report, relating to the ill-famed salt mines, I am of opinion that claimant has made out a case of disability resulting from maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$800.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 2, 1931.

#### CASE 2029—FREDERICK JAMES BRIDGMAN

The claimant was a Private in the 75th Battalion,—Regimental number 803089. He enlisted in March 1916, at the age of 24 years. He was taken prisoner July 29, 1918, unwounded, but slightly gassed. He was repatriated to England November 30, 1918. He is not in receipt of pension but has made application therefor. He was married early in 1917 and has nine children. Prior to enlistment, he was employed as a butcher earning \$12.00 per week, and since his discharge, he went into the butcher business for himself and manages to get along, although he says he is obliged to hire an assistant to do work which he otherwise could do himself, if his health permitted.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general ill-health due to abuse, beatings, starvation diet.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about four months. Apart from general food conditions, he complains only of two incidents of maltreatment, both at Friederichshaven camp. He was slapped in the face, kicked in the stomach by a German sergeant and made to stand at attention for long hours, when recaptured after an unsuccessful attempt to escape. On another occasion he was struck on the head with the butt of a rifle because he was not working fast enough. He speaks generally of nervousness, a chest condition and some digestive disturbances as resulting from these experiences.

The medical record indicates that claimant suffers from chronic colds and bronchitis, general neurasthenia, defective memory, profound depression, indigestion and constipation. His percentage of disability is stated at 50 per cent. Dr. W. H. Cameron, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, all systems having been declared to be normal upon discharge from the service.

This case should never have been advanced before this Commission. Claimant could not expect to be treated with consideration by his captors and the recital of his grievances, having regard to the abuse and cruelty to which other prisoners were exposed, leaves the conviction that he has entirely misapprehended the purpose and scope of the activities of this Commission. He has failed to show a present disability resulting from maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7, 1931.

#### CASE 2030—ALFRED GEORGE BLAKE

The claimant was a Private in the 3rd Battalion—Regimental number 9649. He enlisted in August, 1914, at the age of 40 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, and according to the military records, was suffering from a shrapnel wound in the right cheek at the time of capture, although in his evidence he says this slight wound was received after two weeks in Holland. He is not in receipt of pension, but has made application therefor. He was married March 29, 1911, and has three step-children. Prior to enlistment, he was employed as a restaurant manager, at \$25 per week with meals and a free apartment, and since his discharge he has been a motorman on the Toronto street railway, earning 60 cents per hour for an eight-hour day.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of unjustified confinement affecting his nerves, lack of medical attention, deliberate cruelty in lancing boils which has set up a permanent infection and skin trouble. He suffers with erysipelas and generally lowered resistance due to his imprisonment.

An analysis of the evidence reveals:—

Claimant told his story with reluctance, the recital appearing to arouse emotions which had been long dormant. From Roulers, he was taken to Giesen camp, where he speaks of the treatment as rough, but is quite frank in stating that brutality could be avoided by obeying orders, and that, generally

speaking, it was the recalcitrant prisoners who brought down upon themselves much of the punishment they received. At Lichtenhorst, forced to work in a nickel mine, he was left for long hours in dungeon like cavities, deep down underground, and suffered intensely from nervousness. He was not beaten but complains of the inhumanity of these enforced isolations in the mine. His next camp was Bohinte, which he describes as very bad. He was not brutalized himself, but saw a lot of it. At a farm, out of Bohinte, he contracted ringworm and was treated by a German corporal who amused himself lancing the spots on claimant's face, causing him great pain and lasting disfigurement. From Saltau camp, claimant was repatriated to Holland. Claimant's chief complaint is that he still suffers from a skin affection resulting from the poisoning of his system through the unjustified and malicious treatment accorded him by the German corporal who had no medical knowledge and resorted to the practice noted merely to torture claimant.

The medical record indicates that claimant suffers from loss of memory, loss of ability to concentrate; had erysipelas in 1927, and ulcers in September, 1928. His percentage of disability is stated at 20 per cent in his own calling and at 50 per cent in the general labour market. Dr. W. F. M. Adams, who certifies to the foregoing, also appeared before the Commission and testified to the condition of erysipelas in 1927, declared there was no organic nervous change, anything he found was of a functional nature. He could find no physical basis for the alleged loss of memory. Physically, the patient seems well but has some emotional unbalance.

Claimant is, of course, no longer young, and advancing years have not tended—nor will they—to alleviate his general condition. While it may be difficult to establish the connexity between his experiences as a prisoner of war and his present condition, I have reached the conclusion that some, at least, of his disability may be ascribed to the treatment he received at Bohinte, and working commando. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1932, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 3, 1931.

#### CASE 2031—ROBERT BURLEY

The claimant was a Private in the 14th Battalion—Regimental number 140030. He enlisted August 2, 1915, at the age of 34 years. He was taken prisoner September 26, 1916, unwounded, but had been buried by a shell explosion. He was repatriated to England December 7, 1918. He was at first in receipt of a 10 per cent disability pension which he commuted on October 16, 1920, for \$200. A letter on file from the Assistant Director of Records relative to pension stated that he has since been paid a pension in Class 19 from September, 1920, to June 30, 1929, and from July 1, 1929, to the present time at Class 20. This is based upon Rupture Rectus Femoris Muscle, right thigh, Sycosis. The question of a pension for bronchitis is still under consideration. He was married at the time of enlistment and had then three children, and has had three more since the close of the war. Prior to enlistment, he was employed as a stonemason, earning 45 cents an hour on an 8 hour day, and since his discharge he followed his trade for a time but had to abandon it because of his injuries, and since then has been doing general labour.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his thigh, denial of treatment therefor, that he was struck with rifle butts, made to do heavy labour and generally abused.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Dulmen and Hagen camps. It is of the latter that he complains, where he was compelled to work in a munitions plant. He declares that he was thrown from a wagon upon which he was working, injuring his leg. When confronted with the statement contained in his medical history files, that the origin of his thigh injury was a fall into an excavation, claimant does not furnish a very convincing explanation of the discrepancy between the two stories. He speaks of another injury received when hit over the back of the neck with a rifle butt, but it develops that this was during the course of a struggle with the guard. This blow is said to have caused a tumour, for which he was later compelled to undergo an operation. These are the only incidents of maltreatment stressed by claimant, but he does complain of the bad food, with consequent damage to his stomach and nerves. In addition, a skin eruption and bronchitis are attributed to his treatment whilst a prisoner.

Claimant brought forward no medical evidence, and relies upon his pension file to establish his present condition. The nasal and skin ailments are shown to have probably been of pre-war origin, with possible aggravation due to service. The injury to the leg is reported as the result of an incident—fall into an excavation. Some slight bronchitis is said to be present but involving no disability.

Claimant's testimony does not carry conviction. When checked as to the accuracy of his statements, he does not succeed in dispelling the doubt created by his evident desire to "make a good story." If claimant suffers any disability at the present time, his recourse is before the Board of Pension Commissioners. He has failed, before this Commission, to show maltreatment resulting in disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 9, 1931.

#### CASE 2032—ERNEST COMINS

The claimant was a Private in the 3rd Battalion—Regimental number 10013. He enlisted in August, 1914, at the age of 19 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England on December 28, 1918. He is not in receipt of disability pension, but has an application pending. He was married in November, 1920, and has two children. Prior to enlistment, he was a bread salesman, at \$22.00 to \$25.00 per week and is still so employed, at \$22.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows, that he was tied to posts as punishment, that he was beaten into unconsciousness and received inadequate medical attention.

An analysis of the evidence reveals:—

Claimant was first a prisoner at Giessen camp where, for refusing to work, he received a blow on the elbow from the butt of a rifle, as a result of which he spent six weeks in hospital. No permanent disability results from this injury. He also speaks of having been tied to a post for four hours a day during 14 to 16 days with his toes just touching the ground. Claimant was then sent to a number of camps for short periods, passing through Saltau, Lichtenhorst, Bohinte and was finally made to work in a sugar factory at Grossenweidenmoor. Here he was employed firing boilers for the machinery in the sugar factory.

The work was particularly arduous and his hands became so badly blistered that he could scarcely carry on. Compelled to do so, he worked till he collapsed, was revived with water and rifle butts. Made to continue work, he collapsed again and his blistered hands became infected, after which he was nine months in hospital at Saltau. While the medical treatment was not satisfactory, his hands gradually healed. He was sent to a farm where the conditions were not as harsh. As a result of this experience, he complains that his nerves are in bad condition and that the middle finger of his left hand is disabled.

The medical evidence indicates a number of ailments, namely, mal-formed tip of the great finger of the right hand, ascribed to infection, recurrent attacks of bronchitis, periodic attacks of indigestion and inability to control his nerves. His percentage of disability is stated at 15 per cent. Dr. Alvin Martin, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history sheets show no disability and declare all systems normal.

Claimant's testimony was given in a very frank and convincing manner and I have no reason to doubt the exactness of his recital, as to conditions and the work he was required to do in the sugar factory. I am of opinion that he has made out a case of maltreatment, in any event insofar as the injury to his right hand is concerned, which now constitutes some disability. Viewing all the circumstances, I am of opinion that claimant is entitled to an award. I would, accordingly, recommend payment to him of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1931, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 3, 1931.

### CASE 2033—RICHARD EUGENE CODRESCO

The claimant was a Private in the Princess Patricia Light Infantry Battalion—Regimental number 23637. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner May 8, 1915, at Polygon Wood, suffering from gunshot wounds in the right thigh and chest. From a medical report on file, it would appear that the leg was blown off after capture while claimant was being carried back on a stretcher. Was released August 25, 1915, on an exchange of prisoners and repatriated to England. He is in receipt of an 80 per cent disability pension, amounting to \$115.00 per month, for himself and family, based on the loss of his right leg. He was married in October, 1917, and has four children. Prior to enlistment, he was employed with a contracting firm earning approximately \$250.00 per month, and since his discharge was with the Customs Office in Toronto, earning \$1,300.00 per annum. He states in his evidence that he was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of cruel treatment while in hospital and that his leg was amputated without anaesthetic, the amputation, he alleges, being unnecessary. Was also beaten and tortured in another German hospital. The gist of his complaint is that after being wounded, he received inadequate medical attention, his leg was removed without his consent, and against his will, without anaesthetic.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about four months, which time was spent in hospital at Iseghen and later at Ghent. His complaint is confined to accusations of malpractice and medical ill-treatment on the part of the Ger-

man medical authorities who attended him. The story which he tells is so amazing as to tax one's credulity, and claimant's credibility is very seriously impugned by direct contradictions between his testimony under oath and statements made by him and appearing in his medical history files. It is only necessary to contrast these statements in order to judge of the unreliability of the claimant.

In the medical report given at Shorncliffe Hospital on October 22, 1915, appears the following notation of claimant's case:—

On May 8 while cutting barbed wire entanglement was hit in right knee by bullet. Lay two days between trenches. Was then picked up by German stretcher bearers and while being carried was hit by shrapnel, *blowing off right leg*. Six hours later was taken to Tsegum (Iseghen) and on May 19 leg was amputated, flaps left open. Went to Ghent June 16, Aix la Chappelle August 23. On August 25 exchanged. Sent to London Hospital, then Bromley. Shorncliffe Military Hospital September 29.

In his evidence before the Commission, claimant declares that the wounds from which he suffered were two shrapnel fragments—one in the back and arm and also in the right leg. He admits, as declared in his original statement, that he lay in No man's Land for two or three days. He declares that when he was taken to the first hospital they left him without any attention for two or three days and it is his reiterated statement that his leg was not off and that the wounds from which he was suffering were only flesh wounds. He goes on to describe torture by the attending physician and orderlies, but admits that his leg was placed in a plaster cast and that apparently some extension treatment was given to it. It is significant in this portion of his evidence that he admits that when being carried back on a stretcher he was hit in the arm.

Continuing to describe his treatment, claimant says that he refused morphine injections for the pain from which he was suffering and then, because he was making so much noise in the hospital ward and protesting so vigorously about his treatment, that the attending surgeon (Dr. Hannen) threatened that they were going to take his leg off. He considers that he was the object of particular vindictiveness because he was not an Anglo-Saxon. Finally, he declares that six guards came to his cot, lifted him bodily and carried him away, having first given him an injection over the left breast which paralyzed him completely. As a matter of fact, an operation appears to have been performed, and he declares that his leg was taken off without his consent and without proper anaesthetic, although the record would appear to indicate that he got, not only local, but also general anaesthesia.

Dealing with this feature of the case, it will be seen that there is an absolute contradiction between claimant's original statement made in hospital in England and in the statement now made before this Commission. It is quite possible, as he now says, that his leg was operated upon as the result of the jagged wound left when he was hit by a shell on the way back from the front and, in the alternative, if his later story is correct, I am not convinced—quite the reverse—that the treatment which he received was not the proper treatment for his wounded leg. It is impossible to say now, at this late date, whether the leg should, nor should not, have been amputated and claimant has entirely failed to establish any malpractice on the part of the attending surgeons.

It is also clear from his evidence that claimant is most intractable and violent, as is witnessed by an incident which occurred at Christie Street Hospital where he was admitted for an attack of tonsillitis. Because a nurse brought him a tray of food which he says it was obvious he could not swallow, he deliberately kicked the tray from her hands and created an uproar in the hospital.

Claimant was taken to a hospital in Ghent where he remained until August and complains of further maltreatment on the part of the hospital attendants. He also spoke, very confusedly, of another occasion on which the orderlies or physicians threatened to cut off his arm.

Under cross-examination, claimant considerably moderated his statement as to the brutality received.

The medical record indicates that claimant has received some hospitalization for myalgia and shrapnel wounds in the right forearm, apart from the loss of his leg and, as above stated, is in receipt of pension. In addition, he has filed a certificate of Dr. R. E. Davis, which merely shows that the leg had been amputated and fixes the percentage of disability at 75 per cent in claimant's own calling and at 100 per cent in the general labour market.

In this state of the record and in view of the contradiction which exists in the testimony, I am compelled to discount the story told by claimant and to regard the recital of his alleged maltreatment as exaggerated and highly coloured. Temperamentally, claimant is of the emotional and excitable type and may, quite unconsciously, believe that the grievances, of which he speaks, existed in fact. Claimant lost his leg and is in receipt of a pension therefor. He has completely failed to show that his present disability has resulted from any maltreatment whilst a prisoner of war. I specifically refrain from comment as to other features of the case which appear of record. In these circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 4, 1931.

#### CASE 2035—ALBERT EDWARD CROSS

The claimant was a Sergeant in the 2nd Battalion—Regimental number 8045. He enlisted in August, 1914, at the age of 31 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wound in left arm and right leg, also a touch of gas. He was repatriated to England November 21, 1918, having first been released to Holland in March of that year. He is not in receipt of pension, but has an application pending before the Board. He was married at the time of enlistment and has four children. Prior to enlistment, he was employed in the machine shops of the Canada Furniture Mfg. Co., at \$25.00 per week, and since his discharge has been employed as a messenger, at \$25.00 per week. He found that he could not stand the strain of working with machinery.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the stone quarries, being beaten, placed in solitary confinement, stabbed with bayonet, given punishment drill and lack of food. He now suffers from impaired vision, stomach trouble, nervousness and general debility.

An analysis of the evidence reveals:—

Claimant is an old soldier, who saw service in South Africa. His first complaint is that he received no medical attention for his wounded arm, although he was in hospital at Giessen after capture. This claim is not however, pressed as constituting maltreatment. He declares that for refusing to work, he was threatened that he would be shot, and was hit with rifle butts and even received a bayonet wound in the thigh, and points to scars as substantiating this incident. It is significant, however, that his identification marks in his attestation papers, refer to a scar apparently at the same spot but, I am advised, that the appearance of the second scar on the right thigh might bear out claimant's statement as to its origin. Eventually claimant got to Grossenweidenmoor, where he complains of enforced exercise drill, marching around the parade grounds for hours.

He was hit on the back on several occasions and made to stand facing the sun, seemingly for refusing to volunteer to work. Suffering from fever, he received no medical attention. He complains that his eye-sight has been impaired, that he has stomach trouble and digestive disturbances.

The medical record indicates that claimant suffers from an impaired digestive system—tenderness over epigastrium—poor appetite—constipation succeeded by diarrhoea and passing of slimy and bloody stool—colitis, nervous tremor of hands, impaired vision. His percentage of disability is stated at from 30 per cent to 40 per cent in his own calling, and at 50 per cent to 60 per cent in the general labour market. Dr. A. E. Sutton, who certifies to the foregoing, appeared before the Commission. His only examination of claimant was made shortly before the hearing. Claimant is underweight, has impaired vision and neurosis (possibly traumatic in origin). Claimant's medical history files disclose nothing unusual.

While there is some question as to whether claimant's disabilities result from maltreatment, I think it may be said that the injury to his thigh may be so regarded. I am disposed to give him the benefit of the doubt and to find that he suffers some disability resulting from maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2036—ANGUS CAMPBELL

The claimant was a Corporal in the 4th C.M.R.—Regimental number 109256. He enlisted April 12, 1915, at the age of 25 years. He was taken prisoner June 2, 1916, at the battle of Mount Sorrel, unwounded. He was repatriated to England December 27, 1918. He is not in receipt of pension, his application having been rejected. He did not appeal. He was married at the time of enlistment and has three children. Prior to enlistment, he was employed as a stationary fireman earning \$21.00 per week, and since his discharge has been driving a motor coach for the Toronto Transportation Commission, at \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of severe beatings and solitary confinement for attempting to escape, heavy farm labour, blows, exposure and abuse. He now suffers with a skin disease known as psoriasis, chronic bronchitis and permanent injury to his toes.

An analysis of the evidence reveals:—

Claimant spent the first few months of the period of his captivity at Dulmen and Minden camps, where he does not complain of the treatment received, except in regard to general food conditions. Claimant was then sent to a non-commissioned officers camp at Hestemoor. For refusing to volunteer to work, he was punished, with other prisoners, by being made to parade eight hours a day. Claimant then complains of maltreatment in regard to beatings which he received after attempts to escape. The first attempt was made from a farm near Minden. Besides being court martialled and condemned to serve solitary confinement, he was beaten and knocked down and hit on the feet with the butt of a rifle and still suffers from his toes. Claimant served solitary confinement at Saltau camp and was sent to Norden, an island in the North Sea, where he received an even worse beating for a further attempt to escape. As a result of these experiences, claimant's health has been generally weakened.

He suffers from a skin disease, which he attributes to the poor food, and also complains that his nervous system has been seriously impaired. It is his pretention that the punishment received for trying to escape went beyond reasonable bounds, although he admits he expected to be punished and roughly treated, upon recapture.

The medical evidence indicates that claimant suffers from neuritis in the right shoulder, psoriasis and painful feet. His percentage of disability is stated at 50 per cent in his own calling and at 20 per cent in the general labour market. Dr. F. S. Park, who certifies to the foregoing, did not appear before the Commission. Claimant's last medical report, upon discharge from the service, declares "all systems normal" and his pension file shows no disability.

Claimant undoubtedly received rough treatment whilst a prisoner of war but, after very careful consideration of the evidence, I have reached the conclusion that he has failed to discharge the burden of showing that his present disability results from maltreatment whilst prisoner of war. That he invited or provoked particular punishment for his attempts to escape is clear, but I do not think that he has succeeded in establishing that he was disabled as a result of the punishment received upon recapture. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 9, 1931.

#### CASE 2037--VICTOR WILLIAM COUCHE

The claimant was a Corporal in the 75th Battalion—Regimental number 139545. He enlisted July 23, 1915, at the age of 34 years. His attestation paper indicates that he was 30 years of age on enlistment. He was taken prisoner April 9, 1917, having previously been wounded with shrapnel in the right shoulder. He was repatriated to England January 10, 1919. He is not in receipt of pension but has an application pending. He was married in 1919 and has one child. Prior to enlistment, he was employed as a teamster, earning \$15.00 per week, and since his discharge was employed as assistant to a steam fitter, getting \$18.00 per week. He was unemployed at the time of the hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general physical abuse. Was struck by a guard and had his nose broken and four teeth knocked out. Was compelled to stand at attention for two hours in the rain and was subjected to 10 days solitary confinement on bread and water. He now suffers from rheumatism and a bad heart condition.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 20 months. He complains bitterly of the first eleven days, spent at Fort McDonald, in Lille, where with other prisoners, he was thrown into a dungeon, under unhygienic conditions, and denied food and exercise. He was then sent for a short time to Giessen, where the hours of work were very long, but there was no physical abuse. At Altdamm, claimant refused to do the work required of him, and declares that he was struck in the mouth, losing his front teeth, and was also battered on the nose, breaking it. He was also made to stand at attention before a clock for two hours. Removed to an officers' camp on an island in the Baltic, he has no complaint as to his treatment there. He complains of his stomach, heart condition, nerves and rheumatism. Upon repatriation, at Ripon, claimant made a statement to the authorities. He makes no mention of any personal abuse, and confines his complaints to the inadequacy and quality of the food.

The medical record indicates that claimant bears the evidence of a broken nose and missing teeth, that he suffers from nervousness, rheumatism, and has a heart affection. His percentage of disability is stated at from 50 per cent to 75 per cent. Dr. W. K. Fenton, who certifies to the foregoing, appeared before the Commission. He had only seen claimant once and was not very definite as to his condition. He regards the case as purely neurasthenic with some stomach trouble, but is unable to say whether these disabilities result from war service.

In this state of the record, particularly having regard to the statement made by claimant upon repatriation, and the unsatisfactory nature of the medical evidence, I do not consider that claimant has established the necessary elements to entitle him to an award. He has failed to show a present disability resulting from maltreatment whilst a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7, 1931.

#### CASE 2038--GEORGE CHAPPELL

The claimant was a Private in the 36th Battalion, and went to the front with the 4th C.M.R.--Regimental number 406977. He enlisted May 13, 1915, at the age of 17 years. He was taken prisoner June 2, 1916, during the battle of Mount Sorrell, and states that he was wounded by shrapnel in the face and left shoulder. He was repatriated to England December 27, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on neurosis. Prior to enlistment, he was employed as a plumber's apprentice earning \$6 per week, and since his discharge he has unsuccessfully tried to resume his trade. He then worked as a clerk in a shoe store, for 6 years, and is now in the shoe repairing business for himself, averaging about \$18 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work in the coal mines for two years, where he was struck and also suffered an accidental injury to his knee. He suffers from nervous trouble and stomach disorders to the extent that his earning capacity has depreciated 50 per cent.

An analysis of the evidence reveals:—

Claimant spent a large part of his period of captivity working in coal mines at Wittenberg. Previous to that time he was at Stendal, and has no complaint to make as to the treatment. On one occasion at Wittenberg, he was struck over the back of the head with a rifle butt by the guard for smoking contrary to regulations. He declares that he still feels the effects of this blow. Long hours and poor food are stressed as being particularly bad. On another occasion, claimant injured his knee while carrying a rail, was denied medical attention and forced to resume work while still suffering from the injury. No permanent injury has remained. He complains chiefly of his nervous condition which incapacitated him. He receives pension for this ailment.

The medical record indicates that claimant sustained an injury to his head and suffers from general weakness and debility with cardiac involvement, and neurosis. His percentage of disability is stated at 75 per cent in his own calling and at 90 per cent in the general labour market. Dr. C. H. Brereton, who certifies to the foregoing, appeared before the Commission. He knew claimant before the war and declares that he was in excellent condition and is now in very poor

health—his nerves and heart being chiefly affected. Dr. Brereton is of opinion that the present condition results from claimant's experience in Germany. There is also on file report of Dr. E. P. Lewis supporting this view of claimant's case.

There is no doubt that claimant is in poor health at the present time, and I think it has been shown that this condition results from treatment he received whilst a prisoner of war. It is difficult, perhaps, to trace the precise connexion between cause and effect, but on the whole I have reached the conclusion that it exists and that claimant should receive an award. I would, accordingly, recommend payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, November 30, 1931.

#### CASE 2039—JOSEPH GEORGE EDWARD CRANE

The claimant was a Private in the 15th Battalion—Regimental number 27877. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 31, 1918. He is not in receipt of pension nor has he made application therefor. He was married July 10, 1920, and has five children. Prior to enlistment, he was an apprenticed compositor earning \$7 per week and since his discharge has taken a course of training as a monotype operator and now earns \$38 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour in the salt mines, starvation, punishment and that he suffers from nervous shock due to an accident which occurred in the mine where he narrowly escaped death. He also suffers with rheumatism due to the conditions at the mines.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen, but was soon sent on to the notorious Beienrode salt mines, where he spent 3 years and 8 months. Claimant is one of the few prisoners from this camp, heard by the Commission, who speaks moderately of the conditions and treatment—the others have been most vigorous and bitter in their denunciations of the physical abuse to which they were subjected by their captors. It may be that claimant's slight stature and placative manner assisted him in avoiding punishment. He does speak of some rough handling, but he has no serious complaint of maltreatment. The incident referred to by claimant in his statement of claim of an accident which endangered his life is not mentioned. He attributes a nervous condition from which he suffers to his experiences in Germany and an impaired digestive system to the poor and inadequate food received.

The medical record indicates that claimant suffers from duodenal ulcer and neurasthenia. His percentage of disability is stated at 20 per cent in the general labour market. Dr. W. G. Macdonald, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files reveal nothing unusual, all systems being declared normal.

That claimant should have escaped the cruel and inhuman treatment accorded to other prisoners in the salt mine is surprising. Having regard to the observations contained in Opinion annexed to this report, I am inclined to think that claimant has made little of his experiences. Were it not that he served so

long a time in these mines, on the record, as it stands, I would not consider him entitled to an award. Not without hesitation, but after full consideration, I have reached the conclusion that claimant sustained some disability as a result of his experiences at Beienrode salt mines. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 2, 1931.

#### CASE 2040—ENOS COOPER

The claimant was a Private in the Princess Patricia Canadian Light Infantry Battalion—Regimental number 51111. He enlisted November 10, 1914, at the age of 39 years. He was taken prisoner May 8, 1915, unwounded but suffering from gas. He was repatriated to England January 1, 1919. He is in receipt of a 25 per cent disability pension, amounting to \$18.75 per month and received relief for four months, amounting in all to \$30.00 per month. The pension is based on bronchitis. He is unmarried. Prior to enlistment, he did contract work in the United States, earning about \$20.00 per week, and since his discharge he has tried odd jobs of light work, but does not average more than \$50.00 a year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck on the head with a bayonet immediately after capture, received blows in the face, was starved and made to work when unfit.

An analysis of the evidence reveals:—

Claimant is an old soldier, having served with the Imperials in the South African war. Taken first to Giessen Camp he refers to the treatment as "pretty good." Sent to a punishment camp, Osterenzermoor, (sic) for refusing to work at Giessen, claimant was hit in the mouth with the butt of a rifle, breaking six teeth, for not working fast enough to suit his guards. He was in hospital for a time with bronchitis and complains that he received no medical attention. On another occasion, at a cement factory, claimant declares that he was hit over the leg with a red hot poker in the hands of a guard. He was burned, but his wounds have healed and leave no disability. He complains of his bronchial condition, (tests for tuberculosis have proved negative) loss of teeth and a skin disease from which he still suffers. These various ailments are ascribed to his experiences in Germany as a prisoner.

The medical record indicates that claimant suffers from psoriasis and chronic bronchitis. His percentage of disability is stated at 50 per cent in his own calling and at 40 per cent in the general labour market. Dr. C. E. Cooper Cole, who certifies to the foregoing, appeared before the Commission at claimant's request. He confirmed his certificate, declaring the bronchitis to be of moderate severity, with certain indeterminate manifestations. The psoriasis is noted as a minor disability. Dr. Cooper Cole was inclined to think that claimant's condition could well result from the history of the case given him.

Claimant is now a man of 54 years of age, and, unfortunately, must expect some diminishment in his physical vigour, particularly after at least two campaigns, as a soldier, to his credit. He tells an impressive story of the abuse

to which he was subjected whilst a prisoner of war, and I have reached the conclusion that claimant did suffer maltreatment whilst a prisoner of war with some resultant disability (notably the teeth). I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 3, 1931.

### CASE 2041—PHILIP SYDNEY CONIBEAR

The claimant was a Private in the 15th Battalion—Regimental No. 27875. He enlisted in August, 1914, at the age of 19. He was taken prisoner 24th of April, 1915, at the second battle of Ypres, unwounded but gassed. He was repatriated to England on the 13th of December, 1918. He is in receipt of a disability pension amounting to \$19.50 per month, based on "bronchitis." He was married on the 4th March, 1919, and has two children. Prior to enlistment, he was a Customs Broker, at a salary of \$85.00 per month. Since his discharge he was employed for a time in a rubber works, and is now caretaker in a school, at \$20.00 per week.

He alleges that while prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being made to work in the salt mines, lack of medical attention for salt sores, starvation and general abuse.

An analysis of the evidence reveals:—

Claimant was in hospital at Giessen suffering from the effects of gas. The treatment was fair though the method of inoculation for cholera was rough. Taken to Gottingen, he has no particular complaints of maltreatment. Sent via Celle-lager to the notorious salt mines at Beienrode claimant speaks of being denied treatment for salt sores or boils and being made to work when suffering from this condition. In the mines he was struck frequently and refers to blows received as of daily occurrence. On one occasion he was hit on the head with a miner's lamp because he was not working fast enough to suit the guards. He attributes a present nervous condition to the malnutrition and hard labour imposed upon him at this time, together with lack of medical treatment.

The medical record indicates that claimant suffers from chronic bronchitis and a nervous condition. His percentage of disability is stated at 100 per cent in his own calling and at 80 per cent in the general labour market. Dr. H. R. Adams, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show the bronchial condition. In other respects there is nothing unusual in the case.

Claimant did not create a very favourable impression before the Commission, a certain truculence of manner rather leading to the conclusion that, if adopted whilst a prisoner, it would inevitably arouse the vindictiveness of his guards. Be this as it may, having regard to claimant's enforced stay in the salt mines, (see case No. 1875—opinion annexed to present report) I am inclined to give him the benefit of the doubt, and while the evidence is not strong, to find that he suffers some disability resulting from maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to claimant of \$700.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 2, 1931.

## CASE 2042—JOHN CODY

The claimant was a Corporal in the 3rd Battalion—Regimental number 62207. He enlisted October 26, 1914, at the age of 28 years. He was taken prisoner October 30, 1915, unwounded. He was released to Holland in March, 1918, and repatriated to England November 23 of that year. He is not in receipt of pension, but has an application pending before the Board. He was married December 21, 1918, and has four children. Prior to enlistment, he was employed in the United States as a railway brakeman, earning about \$25.00 per week, and since his discharge has been employed with the Rogers Majestic Radio Co., at a salary of \$30 a week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was compelled to work, although he was a non-commissioned officer, was knocked around with rifle butts and the flat side of a sword; compelled to do punishment drill at night and was tied by the wrists. He now suffers from general debility due to overwork, exposure, punishment and lack of nourishment.

An analysis of the evidence reveals:—

At Munster camp, where claimant was first taken, he refused to work grooming horses, on the ground that he was an N.C.O. He was beaten, kicked and hit across the face with the flat of a sword, and was even threatened with shooting. Another beating resulted from an altercation with an officer, who was ill treating another prisoner. Claimant was then sent to the coal mines, near Aschen, for a period of from 4 to 6 months. For refusing to work, he was beaten, made to stand to attention for long hours, and was tied to the wall by the wrists with his arms spread out and his feet barely touching the ground. This went on for from 8 to 10 hours a day. Condemned to dungeons, back of the coke ovens, where the heat was intense, claimant finally decided to work. He was sent to Senne-lager. Claimant complains of bronchitis, weakened back and stomach condition.

The medical record indicates that claimant suffers from general debility. His percentage of disability is stated at 100 per cent in his own calling and at 100 per cent in the general labour market. Dr. W. F. M. Adams, who certifies to the foregoing, appeared before the Commission. He found claimant suffering with his nerves, and describes him as "only half a man". The condition appears to be quite general without any particular localized disability. Claimant's medical history files show nothing unusual.

I am inclined to think that claimant may have overdrawn the picture of the hardships endured whilst a prisoner, but I am of opinion that he has made out a case of maltreatment resulting in some disability. Some of his misfortunes may have been provoked, but I regard the punishment meted out to him as unreasonable. In the result, claimant has proved the necessary elements to entitle him to an award, and I would recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day January 1920 to date of payment.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, November 30, 1931.

## CASE 2043—ARCHIBALD COOKE

The claimant was a Lance Corporal in the 2nd Battalion—Regimental No. 8172. He enlisted in August 1914 at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 7, 1918. He is not in receipt of pension, his application having been rejected. He is not married. Prior to enlistment, he was attending school, and since his discharge he has had various occupations, ranging from cigar store clerk to hotel clerk, earning from \$27.00 per week to \$15.00 per week and meals, at the present time.

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

An analysis of the evidence reveals:—

Claimant's period of captivity was spent at, or attached to, Giessen camp. He, with others, was threatened with a firing squad for refusing to salute German N.C.O's. He refused to work on several occasions, and even went the length of inflicting wounds upon himself to escape work. He speaks of being beaten for these refusals to work and of being confined in solitary cells. For attempting to escape, he received similar punishment, but admits that no permanent injuries resulted from any of the beatings. His main complaint is as to the shortness of food and the heavy labour, which, he asserts, at his age, and in his inexperience, injured his health. His nerves have been affected and his stomach gives him some trouble.

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

In this state of the record it is obviously impossible to arrive at a finding in claimant's favour. He has shown no disability resulting from maltreatment whilst a prisoner of war. Possibly he shares, with many others, the view that the mere fact of imprisonment under conditions of poor food and rough treatment, is alone sufficient to entitle him to an award. For reasons explained in Opinion annexed to the present report, such view is without merit. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

## CASE 2045—GEORGE SPARKS DAY

The claimant was a Corporal in the 4th C.M.R.—Regimental number 109298. He enlisted November 28, 1914, at the age of 22 years. He was taken prisoner June 2, 1916, at Sanctuary Wood, suffering from a slight wound in the left shoulder and a touch of gas. The military report on file has no record of his having been wounded when captured. He was repatriated to England January 2, 1919. He received a small pension at first, which he commuted for \$50.00. He was married in August 1923 and has three children. Prior to enlistment, he was a school teacher, earning about \$1,000.00 per annum, and since his discharge he attended university until 1923 and now holds a position of High School teacher, at a salary of \$3,300.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work while unfit, exposure to the cold, confinement to cells and unfairness in refusal to recognize his rank.

An analysis of the evidence reveals:—

Claimant has no particular complaint to offer as to his first two prison camps, Dulmen and Minden, covering roughly the first year of his captivity. At Saltau, succeeded by Hestenmoor, his rank of corporal was not recognized and he was compelled to work. He also received abusive treatment from the German N.C.O. in charge and spent about 43 days in cells for minor infractions of discipline. The only incident of actual physical abuse of which he speaks is a punishment of being made to stand naked in an unheated shed in November, for the greater part of a day. He missed his exchange to Holland early in 1918 through the vindictiveness of the German N.C.O. referred to, who purposely withheld information as to claimant's rank. He complains of nervousness and inability to sleep.

The medical record indicates that claimant suffers from insomnia, chronic gastritis, nervousness and general debility. His percentage of disability is stated at 40 per cent in his own calling and at 75 per cent in the general labour market. Dr. J. Gillies, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show a slightly hypochondriacal condition, which may have been of pre-war origin, but which was aggravated upon service. This condition developed after his repatriation to England.

The maltreatment in this case did not take the form of physical abuse but was largely mental. Smarting under the injustice of the refusal to recognize his rank, claimant's mental balance was, in my opinion, affected, which has had a lasting effect upon his health. Add to that such overt acts of vindictiveness as the incident related of being made to stand naked in the cold, and I consider that a case of maltreatment with some resultant disability has been made out, particularly having regard to the previous experience and calling of claimant. In the circumstances, I conclude that claimant is entitled to an award. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 1, 1931.

#### CASE 2047--ALVIN PERCY DUNBAR, D.C.M.

The claimant was a Sergeant in the 15th Battalion, Regimental number 28018. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 5, 1918. He commuted his pension but states that he has a further application pending. He is unmarried. Prior to enlistment, he was engaged in lumbering and prospecting, and earned about \$200 per month. Since his discharge he resumed prospecting, and has earned on an average of \$4,000 per annum. At the time of the hearing he was doing nothing, and declared that he was incapacitated for work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that during his imprisonment severe haemorrhoids developed due to the living conditions. He was

refused medical attention and was confined for an attempted escape and made to work, and was also hit on shoulder, causing injury. His attestation paper indicates a scar under the left shoulder blade.

An analysis of the evidence reveals:—

Claimant was first sent to Gottingen camp, where he developed haemorrhoids, for which he was denied treatment. Transferred to Cassel, claimant has no particular complaint as to the treatment. He attempted to escape, was recaptured, given fourteen days cells and then given the choice of three months further cells or work in a punishment camp, by way of reprisal for reported treatment of German prisoners. He chose cells and endured this punishment for four weeks, when he went to work. Claimant was next sent to Bohinte, where the punishment meted out consisted of long periods of standing to attention. On one occasion, the prisoners were paraded by a drunken officer and, for his amusement, compelled to enter barracks on the double and return on whistle signals. Sentries struck the laggards attempting to pass through the narrow entrances and claimant received a heavy blow on the shoulder from the butt of a rifle. He still suffers from this blow and has not the full use of his arm and shoulder, necessary to him in his calling. A copy of claimant's diary kept during the time of his captivity, contains a record of repeated and constant punishment of being made to stand to attention for long hours. Claimant's main disability at the time of the hearing was from the haemorrhoids which he attributes to the exposure and food conditions to which he was subjected.

The medical records indicate that claimant suffers from haemorrhoids (severe). His percentage of disability is stated at 100 per cent. Dr. Gordon F. Jackson, who certifies to the foregoing, also appeared before the Commission and confirmed the statement that the condition referred to was severe but declared that it was not beyond operative relief and that claimant, in his opinion, could make a complete cure upon successful operation. Claimant's medical history sheets show that he suffered from debility, but the entry appears under date of December 11, 1918, that "he has recovered from his disability and is fit." At the time of the hearing, claimant declared that he had not undergone an operation for haemorrhoids because he could not afford it. On September 20, 1931, he was admitted to Christie Street Hospital in Toronto and underwent a successful operation for this condition, with the result that he is no longer disabled. In a letter, under date of December 22, 1931, he advises that he is resuming his work and has left to take charge of a mining undertaking.

The condition noted constituted claimant's main disability. With its disappearance, his claim before this Commission becomes ineffective. That he was unable to submit to an operation at an earlier date, and sustained loss through inability to work, does not, in my opinion, constitute a good ground of recovery. I do not consider that the claim of maltreatment resulting in disability to his shoulder has been made out. In these circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 21, 1931.

#### CASE 2048—ROBERT DAVIDSON

The claimant was a Sergeant in the Royal Canadian Dragoons,—Regimental No. 257. He enlisted September 22, 1914, at the age of 29 years. His attestation paper indicates that his age was 19 on enlistment. He was taken prisoner March 24, 1917, on the Narlu-Perron road, unwounded, but lying unconscious, having been struck on the head. He was repatriated to England December 27, 1918. He is in receipt of a 20 per cent disability pension, amounting

to \$26 per month, for himself and family, based on loss of the sense of smell and varicose veins. He was married November 2<sup>d</sup>, 1914, and has two children. Prior to enlistment, he was employed as a stonecutter, earning \$5 per day, and since his discharge has been a street car motorman, earning approximately \$28.50 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food, lack of clothing and heat, exposure while working, blows, punishment parades and general abuse. He now suffers with his legs and loss of sense of smell.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 19 months. Taken first to Cambrai, he was transferred to Dulmen. He complains here of numerous inoculations, poor food and that he received no medical attention for dysentery. There was no physical abuse at Dulmen nor at Minden where he was next sent, but at Bohinte where he concluded his period of captivity, he speaks of being hit with the butt of a rifle and of being kicked about. Claimant suffered from the cold, wet feet and long periods of standing to attention, which has resulted in varicose veins and rheumatism. He also says he has lost the sense of smell.

The medical record indicates that claimant has varicose veins in legs and pigmentation, loss of olfactory sense, chronic rheumatism and spells of nervous depression. His percentage of disability is stated at from 25 per cent to 30 per cent. The physician (name indecipherable) who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files disclose nothing unusual. He receives a pension for varicose veins and loss of the sense of smell.

I have been unable to find anything in this record which would justify an award. Claimant's recourse, if any, is before the Board of Pension Commissioners, which has dealt with this case. He has not, in my opinion, shown that his present disabilities result from maltreatment whilst a prisoner of war. It does not follow that varicose veins necessarily result from the treatment related, nor does the loss of the sense of smell seem to flow from any acts of maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 9, 1931.

#### CASE 2049—EDWARD EDWARDS

The claimant was a Sergeant in the Princess Patricia Canadian Light Infantry Battalion—Regimental number 39. He enlisted in August, 1914, at the age of 39 years. He was taken prisoner May 8, 1915, at Ypres, suffering with a gunshot wound in the left foot. He escaped to Holland in August, 1916, and was repatriated to England September 16 of that year. He is not in receipt of pension, but intends applying therefor. He was married at the time of enlistment and has three children. Prior to enlistment, he was employed with the Consumers Gas Company, earning 50 cents per hour, and after his discharge was employed by the same company at 60 cents per hour, for an eight hour day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse, long terms of confinement in dark cells, lying on the floor at times, no heat and at others too much heat. Contracted arthritis and nervous disorders. He made two attempts to escape and suffered the usual punishment. Received beatings with rifle butts and was tied to a post with his arms up.

An analysis of the evidence reveals:—

Claimant is an old soldier, having seen service in South Africa. He was a prisoner in Germany for about 15 months, when he escaped upon his third attempt. Taken first to Giesser camp, he has no complaints as to his treatment. In a statement made by the claimant upon repatriation a very full account of conditions at Giessen is given. For an attempted escape he received six weeks confinement to barracks and was made to stand to attention for long hours. Removed to Celle-lager, he declares that, for refusing to work at munitions, he got one month's dark cells. His statement is somewhat at variance with the facts as related in his statement upon repatriation, where he does not refer to himself as having been requested to work on munitions and moreover declares he was at Celle-lager only four days. In other respects, a comparison of claimant's said statement (made on September 20, 1916) with his evidence before the Commission would tend to show that the later testimony has lost in accuracy. Thus, he testifies that he was tied to a post as punishment, apparently at Celle-lager. In his earlier statement he speaks of having seen other men tied up but does not state that he himself underwent this punishment. Another unsuccessful attempt to escape was visited with dark cells at Oldenburg and he would also appear to have been at Vehnemoor for a short time. His uniform was decorated with red rings or stripes to indicate that he was a marked man, presumably because of his attempt to escape. There is some disparity between his original statement and his testimony as to where he was then sent. Probably it was Parnewinkle (Celle-lager No. 1). In his first statement he says the Englishmen were well treated whereas in his testimony he declares that they were singled out for rough treatment. It was at this camp that he saw *Russians* tied to posts—not himself. Claimant created a very favourable impression before the Commission and I have dealt at length with his two statements to show the unfortunate and perhaps pardonable exaggerations which creep into stories of this kind after a lapse of years. There are other inconsistencies in the two statements which it is unnecessary to expatiate upon. The result is, of course, that the earlier statement must receive the greater credibility. He complains chiefly of rheumatism and his nerves.

The medical record indicates that claimant bears a scar on the outer side of his left foot, scar on right leg, that he suffers pain on right side of head, has arthritis of knees and shoulder pain. No percentage of disability is stated. Dr. J. F. Goodechild, who certifies to the foregoing, appeared before the Commission and stated that claimant suffers from a neurasthenic condition, neuralgia on right side of head, pain in arm of rheumatic origin, but was unable to form an opinion as to the origin of these ailments. He does not find any considerable disability. Claimant's medical history files show that, under examination of August 24, 1917, there was no nervousness then present, heart, lungs and all other systems normal.

Clearly, as well upon the facts as upon the medical record, claimant has failed to establish a case of disability resulting from maltreatment whilst a prisoner of war. Quite apart from the inconsistencies contained in his two statements, no active maltreatment has been shown, and in so far as disability is concerned, at claimant's age, it is not surprising that he should exhibit some signs of advancing years. On the whole, therefore, I must disallow the claim.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, December 10, 1931.

## CASE 2050—JAMES ALEXANDER EVERETT

The claimant was a Private in the 15th Battalion—Regimental number 27888. He enlisted in August, 1914, at the age of 16 years. He was taken prisoner April 24, 1915; during the second battle of Ypres, unwounded, but suffering badly from gas. He was exchanged to Holland March 3, 1918, and repatriated to England November 18, of that year. He is not in receipt of pension, and has made no application therefor. He was married in 1920 and has two children. Prior to enlistment he was an apprentice to the tinsmith trade, earning \$6.00 per week, and after his discharge was given vocational training and eventually became a carpenter, and now earns an average of \$39.40 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse and of having been struck by a German on the head with a pitchfork, leaving a scar on the head and cheek and had to have hospital treatment. Later his head troubled him and he had to go back to hospital for more rest, stayed six months, but did not get proper medical attention. He still suffers with pains in the head. He is now subject to quinsy every year. It is noted that upon enlistment he was carrying scars on the hand and forehead.

An analysis of the evidence reveals:—

Claimant was suffering severely from the effects of gas when captured. On the way to Gottingen camp he was prodded and kicked by the guards. Upon arrival he was set to work repairing buildings, labour alleged to have been too heavy for him in his then condition. At a farm at Bishausen, in Saxony, probably under some provocation, claimant was injured through being struck on the head by a pitchfork thrown at him. He bears a scar on his face which he declares was left by the wound then inflicted. He was sent back to Gottingen and spent some time in hospital for these wounds, but complains that he received no proper medical attention, though he does not indicate in what way it was deficient. Next sent into East Prussia, with a reprisal party, he complains of the cold, poor accommodation and general punishment, without however, charging any particular acts of maltreatment inflicted upon himself. As a further reprisal, apparently he was sent to a Russian prison camp at Libau. He is very indefinite as to specific acts of maltreatment when in this camp, but attributes his condition of quinsy to the cold and exposure endured at this period. Claimant's remaining major complaint is that he still suffers from severe headaches, which he attributes to the blow on the head and face above referred to. The record discloses that claimant sustained a pre-war injury which left scars on his forehead, as noted in his attestation paper. It is singular that the scars he now points to are practically in the same position. His explanation of this coincidence is not very satisfactory.

The medical record indicates that claimant suffers periodic pain over left frontal and parietal bones, disabling at times (with evidence of scar  $\frac{3}{8}$  inches long and  $\frac{1}{8}$  inches wide over left frontal bone and circular scar  $\frac{1}{4}$  inch on left cheek) and recurring quinsy. His percentage of disability is stated at 50 per cent. Dr. C. S. Dunning, who certifies to the foregoing, appeared before the Commission in support of claimant's case. He confirms his certificate as to the ailments, but is unable to fix the amount of claimant's disability as stated in his certificate.

This case leaves considerable doubt as to the accuracy of the claimant's recital of his experiences as a prisoner of war. I do not consider that he has established that his throat condition has resulted from any acts of maltreat-

ment and the evidence of disability resulting from the blow on the head and face is so nebulous, that I cannot base an award thereon. On the whole, I find that claimant has failed to make out a case before this Commission. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 8, 1931.

### CASE 2051—ALFRED ELLIOTT

The claimant was a Private in the 15th Battalion, Regimental number 27185. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from a slight touch of gas. He was released to Switzerland in the latter part of 1916 and was repatriated to England December 12, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$20.00 per month, based on tonsillitis, neurosis and debility. He was married March 20, 1920, and has no children. Prior to enlistment, he was employed making picture moulding at \$16.50 per week, and after discharge he followed various occupations, painting, grading, moulding work, ranging from fifty to ninety cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work when unfit, confinement to cells, unsanitary living conditions, abuse and poor food, the result of which has been debility, nervousness and defective hearing, through perforated left ear drum.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 18 months, when he was transferred to Switzerland as medically unfit. Sent first, as a prisoner, to Göttingen and then to Cassel, he complains chiefly of the poor food conditions and long hours of labour, but speaks also of rough treatment, blows, kicks, etc. He was sent out to work on a railway line near Cassel, where the work was heavy and the treatment violent. Here, he first had trouble with his ears, which apparently became infected and began to discharge. He ascribes this condition to continuous exposure and occasional beatings. He does not contend that this trouble was traumatic in origin. He received no medical attention and was forced to continue working under most harsh conditions. When he was finally released to Switzerland, he underwent an operation for his ears. In addition to this complaint, claimant speaks of nervousness resulting generally from his treatment as a prisoner.

The medical record indicates that claimant has defective hearing, right ear, due to chronic otitis media, perforated left ear drum, and suffers from debility and nervousness. His percentage of disability is stated at from 25 per cent to 50 per cent. Dr. W. C. Givens, who certifies to the foregoing, appeared before the Commission in support of claimant's case. In addition to the defective ear conditions, he speaks of claimant as debilitated and unfit for any heavy work. He expresses the opinion that the ear condition was due to infection, and does not regard the nervous complaint referred to by claimant as serious. The medical history files confirm the condition of debility, the ear trouble and some nervousness.

It is difficult to say in this case precisely what cause brought about the infection in claimant's ears. Probably his resistance became so lowered that the infection settled in these organs. This then would result from general con-

ditions in Germany at the time. Having regard to the recital of physical abuse contained in claimant's testimony, which was most frankly given. I am, however, inclined to find that there was maltreatment with some resultant disability. I say nothing about the want of medical attention. In these circumstances, I would recommend a payment to claimant of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, November 30, 1931.

*Commissioner.*

#### CASE 2053—JOHN JAMES FELLOWES

The claimant was a Private in the 3rd Battalion,—Regimental number 9783. He enlisted in August, 1914, at the age of 18 years. His attestation paper indicates that his age on enlistment was 21. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a gunshot wound in the left thigh and from gas. He was repatriated to England December 15, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$11.25 per month, based on gastritis. He was married June 1, 1927, and has one child. Prior to enlistment, he was employed as a boiler-maker's apprentice, earning \$8.00 per week, and since his discharge has been employed by the Bell Telephone Company, and is at present a chauffeur with that Company, earning about \$1,860 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of gastric ulcers of the stomach due to malnutrition while a prisoner of war. He suffered several beatings for refusing to work on munitions in Krupp's factory and in a chemical factory in Stettin. Was put to the expense of two major operations on his stomach.

An analysis of the evidence reveals:—

Claimant complains of one thing only. By reason of starvation in German prison camps, he developed gastric ulcers upon his return to Canada, and was compelled to undergo two operations, the first whereof was emergent, due to perforation. Claimant's period of captivity was spent in Paderborn hospital (3 months), Senne-lager III, Krupp Iron Works, Munster, Stettin, and a punishment camp. He speaks of the usual beatings for refusing to work, but does not ascribe any disability to these incidents. He lays stress on the fact that inadequate food, resulting in the gastric condition referred to, constitutes his entire claim.

The medical record indicates "gastric ulcers—perforation." His percentage of disability is stated at 20 per cent in his own calling and at 40 per cent in the general labour market. Dr. J. A. McCallum, who certifies to the foregoing, did not appear before the Commission. It was he who operated upon claimant for gastric ulcers. Claimant's medical history files merely show that he is in receipt of a pension for gastritis.

I do not think that claimant has established, nor do I think he could, that his present condition results from maltreatment whilst a prisoner of war. He, in common with other prisoners, did suffer from malnutrition while in Germany. The German population was in quite as sorry plight towards the end of the war. For reasons which I have explained in Opinion annexed to the present Report, I do not regard this condition as constituting maltreatment. Claimant has presented his case to the Board of Pension Commissioners, which alone, in my view, has jurisdiction to deal with it. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

*Commissioner.*

## CASE 2054—WILLIAM JOHN GRANT

The claimant was a Corporal in the Third Battalion—Regimental number 9103. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was released to Holland in March, 1918, and was repatriated to England November 19, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$23.00 per month for himself and family, based on chronic bronchitis and emphysema. He is married and has one child. Prior to enlistment, he was employed as an accountant, earning about \$1,000.00 per annum, and since his discharge has resumed his former occupation, and now earns \$2,200.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of over-work and starvation. Contracted pleurisy while working in a sugar factory and received inadequate medical attention. He developed bronchitis from which he still suffers.

An analysis of the evidence reveals:—

Claimant was first sent to Giessen, thence to Saltau, followed by Lichtenhorst. Apart from general camp conditions and long hours of enforced squad drill, and poor food, he has nothing to complain of. At Grossenweidenmoor, he complains of the food and deprivation of parcels from home. At a farm, where he worked, claimant declares that he was hit by the farmer, and did not get enough food. At a sugar factory, he contracted pneumonia and was compelled to walk several kilometres to see the doctor, who did very little for him. To this inattention and lack of heat in barracks, he attributes bronchitis from which he now suffers. At Hameln, where he concluded his period of captivity, he has no complaints. Apart from his chest condition, claimant states that he suffers from nervousness and irritability.

No medical evidence has been produced, not even the usual certificate of a medical practitioner. Claimant's medical history files show a condition of bronchitis and emphysema, for which he is in receipt of pension.

A perusal of this record emphasizes the point made in Opinion annexed to the present report, that disabilities resulting from general conditions in Germany, such as lack of food and heavy labour, while they may give rise to pension awards, do not necessarily entitle a claimant to reparations. Otherwise every prisoner would be entitled to an award before this Commission. I find, in the present case, that claimant has not discharged the burden of showing that his present disabilities result from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

## CASE 2055—ROBERT HENRY GREEN

The claimant was a Bugler in the Third Battalion—Regimental number 9863. He enlisted in August, 1914, at the age of 17 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 21, 1918. He is not in receipt of pension and has made no application therefor. He is unmarried, but supports his mother aged 65 years. Prior to enlistment, he was employed as a clerk with the C.P.R., earning \$30.00 per month, and since his discharge worked on a farm, and is now employed by the Imperial Oil Company, earning \$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 inoculation which

brought on what he terms "black diphtheria," involving paralysis for a time. He was in the hospital for 18 months during this illness. He complained of being knocked about and beaten for an unsuccessful attempt to escape. Suffers from abscessed ears and has a chronic nasal and oral discharge.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, to which he was attached for the duration of the war. About a month after he arrived, he was taken sick, with what he terms "black diphtheria" and was 18 months in hospital, for six months whereof he was blind and paralysed. He attributes this illness to inoculations which he received. He made a complete recovery and was sent out on working parties, where he encountered the usual rough treatment and an occasional beating. No permanent injuries have resulted from this treatment. For an unsuccessful attempt to escape, he served six weeks in cells. He speaks of heavy labour in a stone quarry. As a result of these experiences, claimant complains of ear trouble, with some deafness and that his nerves have been affected.

The medical record consists of the affidavits of Drs. John N. Gardiner and W. R. Newman. The former finds impaired hearing, nasal and oral discharges, chronic otitis media and rhinitis, impaired nervous system and chronic bronchitis. He rates claimant's percentage of disability at 25 per cent. Dr. Newman finds claimant's hearing very poor and speaks of general poisoning from inoculations, which information comes from claimant's statements to him. He rates the percentage of disability from 35 per cent to 50 per cent. Neither doctor appeared before the Commission. Claimant's medical history files reveal nothing unusual, his board upon discharge from the service showing "all systems normal."

The record does not show any disability due to maltreatment. Claimant's unsupported statement that he contracted diphtheria from inoculations given to him cannot be accepted as proving maltreatment. Evidently he was successfully treated for this sickness and made a good recovery. The other incidents related are not such as to have left any disablement. Claimant has thus failed to discharge the burden of showing that a present disability results from maltreatment whilst a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2056—GEORGE BELL GALLAGHER

The claimant was a Private in the 2nd Battalion—Regimental number 8408. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the Second Battle of Ypres, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of pension. He was married in June, 1922, and has one child. Prior to enlistment, he was employed as a Civil Engineer with the C.P.R., earning \$45.00 per month, and since his discharge has been engaged as a salesman, now earning about \$2,500.00.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that after an attempt to escape he was given 21 days solitary confinement and was later court-martialled and condemned to seven months of like punishment. After serving three months of this sentence he became so ill that he was released. He was then placed at shovelling coal for railway engines for a period of seven months. He now suffers from anaemia and stomach and bowel trouble.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at the following camps: Giessen, Saltau, Lichtenhorst, Celle-lager and Stuttgart and on farms attached thereto. He was not subjected to physical abuse and confines his complaint to impaired health resulting from confinement to cells for a period of three months. For an attempt to escape from Stuttgart, he was given 14 days solitary confinement. In some manner, he, with three others, was tried for mutiny and though acquitted at the first hearing, upon appeal he was condemned to 7 months, three of which he served. The cells were underground and claimant was only allowed out for an hour every four days. He collapsed at the end of three months, and was placed in hospital. Claimant ascribes a condition of anaemia to these experiences.

The medical record indicates that claimant suffers from a functional disturbance of mobile power of stomach and bowels. His percentage of disability is stated at from 60 per cent to 70 per cent. Dr. James A. Simpson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. All systems are declared normal in his medical examination upon discharge.

I do not think that it necessarily follows that claimant's anaemic condition results from the confinement of which he complains. The medical evidence would require to be much more convincing to permit of such a finding. I would regard the condition as nutritional in origin, but even were it in some measure due to imprisonment, I would require clear evidence that the sentence of the court martial, condemning claimant, was in no wise justified. The evidence is entirely lacking. Claimant has failed to make out a case and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2057—GEORGE OSBORNE RICH GREENHOW

The claimant was a private in the Third Battalion—Regimental number 9972. He enlisted in August, 1914, at the age of 33 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, unwounded. He was repatriated to England February 14, 1919. He is not in receipt of a pension, but did get a special gratuity amounting to \$250, based on nervous debility. He is unmarried. Prior to enlistment he worked as a florist, growing bulbs and earned approximately \$15 per week. Since his discharge he has been employed by the Ontario Department of Highways, at a salary of \$18 per week and hotel expenses.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse, solitary confinement, and beatings which have caused neurasthenia.

An analysis of the evidence reveals:

Claimant was a prisoner at, or attached to, Giessen camp for the duration of his captivity. He speaks of the conditions and camp life favourably. Personally, he was subjected to no physical abuse, except on the occasion of one of his unsuccessful attempts to escape, when he received a beating and was confined to cells. He admits, quite frankly, that whatever ill-treatment he received was "for doing something I ought not to have done." He was not compelled to do manual labour, but served as an orderly in the hospital for the final period of his time as a prisoner. He complains chiefly of the condition of his nerves and has some stomach trouble, both of which ailments he ascribes to his experiences while in Germany.

The medical record indicates that claimant suffers from neurasthenia, and stomach trouble. His percentage of disability is stated at 40 per cent in his own calling and at 60 per cent in the general labour market. Dr. H. Clark, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show a condition of debility and general weakness which is attributed to lack of food.

A perusal of the evidence in this case leads to the conclusion that claimant's present condition is due entirely to nutritional causes. For reasons explained in Opinion annexed to the present report, I do not consider that this general condition is to be regarded as maltreatment, per se. Claimant, therefore, has failed to establish a case of present disability resulting from maltreatment whilst a prisoner of war, and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

### CASE 2059—FREDERICK THOMAS HOUSE

The claimant was a Lance Corporal in the 15th Battalion—Regimental number 27563. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded in the ankle and suffering from gas. He was repatriated to England January 1, 1919. He had been in receipt of a 25 per cent disability pension, amounting to \$28 per month, based on an injury to his hand. This was discontinued April 1, 1926, but an application for reinstatement is pending. He was married October 30, 1919, and has two children. Prior to enlistment, he was employed as a lineman with the Hydro Electric Commission, at a wage of about \$15 per week, and since his discharge he tried gardening and poultry raising in England, and after his return to Canada has done odd jobs at painting, making about \$30 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 of having been kicked and beaten, forced to undergo solitary confinement, was starved and forced to work when unfit, received no medical attention and suffered from exposure.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp and sent to work in a copper mine. For refusing to work, he, with others, was beaten and finally driven down the mine. He had two teeth knocked out by a guard with the butt of a rifle. Persisting in their refusal to work, these prisoners were made to stand at attention for eight hours, and then sent to the civil jail at Butsbach, where they served three months and eight days; were then court martialled and given an additional month, which they served at Giessen. Sent to Lichtenhorst for 9 months, claimant was employed at cutting heather on the moors. At Bohinte, where he spent 6 or 7 months, he was digging canals in the water under conditions of extreme exposure. He was sent to a farm for 9 months, where the work was heavy but the treatment fair. Claimant then spent 5 months at a sugar factory where his hand was accidentally injured lifting pipe. He complains that proper medical attention was denied him for this wound. He suffers with his back, head, nerves and has bronchitis.

The medical record indicates that claimant suffers from nervousness, indigestion, general weakness, deformed hand and bronchitis. His percentage of disability is stated at from 80 per cent to 90 per cent in his own calling, and at 58 per cent in the general labour market. Dr. Roy J. Spence, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer only to the injured hand.

The injury to claimant's hand was accidental in origin and I do not consider that he has proven lack of proper medical attention. His evidence shows that he received treatment, such as it was, from the German doctor. I do not think, however, that claimant was subjected to maltreatment whilst in the copper mines sustaining injury which is of a permanent nature. Viewing the whole case, I would recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th January 1920, to date of payment.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, December 3, 1931.

#### CASE 2060—JOHN ALFRED HOLDSWORTH

The claimant was a Private in the 4th C.M.R.—Regimental number 113299. He enlisted July 31, 1915, at the age of 20 years. He was taken prisoner June 2, 1916, suffering from shrapnel wounds in the right arm and hand. He was released to Switzerland in December 1917 and was repatriated to England, December 9, 1918. He is in receipt of pension, amounting to \$39.00 per month for himself and family, based on weakness and limitation of movement in the right forearm and hand. He was married July 23, 1923, and has two children. Prior to enlistment, he was employed by a glass concern installing skylights and canopies. He was only a boy and earned \$15.00 per week. Since his discharge he has been with the Toronto Transportation Commission, earning \$28.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper medical attention for his wounded arm, resulting in permanent disability to that member, and of stomach trouble due to bad food, also extreme nervous conditions.

An analysis of the evidence reveals:—

Claimant was in hospital, after capture, at Courtrai and Duisburg. He received treatment for his wounded arm, but contends that the treatment was not proper and has left his arm in a disabled condition. He speaks of being knocked off the operating table on two occasions by the surgeon, seemingly, because he did not understand what was said to him. Otherwise he has no complaints. He was sent to Friederichsfeld camp for three months, where he did light work. Thence he went to Cottbus, until released to Switzerland as medically unfit. He does not complain of any physical abuse and received no permanent injury whilst a prisoner. He confines his complaint to the disablement of his arm and generally to an impaired digestive system due to undernourishment.

The medical record indicates that claimant suffers from frequent attacks of gastric indigestion and coecal stasis, with loss of function of right forearm, wrist and fingers. 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. L. O. C. Skeeles, who certifies to the foregoing, appeared before the Commission. Apart from the arm injury, which is of service origin, and quite definite, Dr. Skeeles speaks of stomach disorders, which might have been caused otherwise than upon service. Claimant does not suffer from any serious general disability.

In this state of record, there is little difficulty in reaching the conclusion that Claimant is without right before this Commission. He has failed to show that his disabled arm results from any maltreatment whilst a prisoner of war. The evidence does not justify the contention that the medical treatment received was improper. Claimant's general health is good and, as explained in Opinion

annexed to the present report, impairment to health from solely nutritional causes even if established, is insufficient to entitle him to an award. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

Commissioner.

#### CASE 2061—PERCY T. HARRELL

The claimant was a Lance Corporal in the Third Battalion—Regimental number 10040. He enlisted in August 1914 at the age of 26 years. He was taken prisoner April 24, 1915 during the Second Battle of Ypres, unwounded. He was released to Holland in March 1918 and was repatriated to England November 18 of that year. He is not in receipt of pension, but has an application pending before the board. He was married July 17, 1920 and has three children. Prior to enlistment he was employed as a clerk with the Robert Simpson Company Limited, of Toronto, at a wage of \$10.00 per week and since his discharge has returned to the same Company as a receiver, and now earns \$24.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of ill-health consisting of chronic bronchitis due to imprisonment. He received several beatings and kicks for refusing to work. Was compelled to work on the moors in all sorts of weather and suffered through dampness and exposure. Also has stomach disorders.

An analysis of the evidence reveals:—

Claimant was in Giessen camp for six months. Apart from general rough treatment from which he has suffered no injury, he has nothing to complain of. Taken to Saltau, thence to Lichtenhorst, he speaks of spraining his ankle accidentally, but does not emphasize any particular maltreatment. At Grossenweidenmoor, he complains of being forced to do hard labour, long hours, being exposed to the weather, to which he ascribes his present bronchial condition. He also complains of some digestive disturbance.

The medical record indicates that claimant suffers from "chronic bronchitis with acute attacks practically every autumn and spring." His percentage of disability is stated at 10 per cent. Dr. G. F. Ferrier, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, all systems being declared normal, upon discharge from the service.

This clearly is not a case for reparation consequent upon maltreatment whilst a prisoner of war. The general conditions of which claimant speaks were common to every prisoner. His claim, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

#### CASE 2062—BERNARD WILLIAM HANNAN

The claimant was a Private in the 15th Battalion—Regimental number 27489. He enlisted in 1914 at the age of 32 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England January 1, 1919. He is not in receipt of disability pension and has not applied therefor. He was married in January, 1921, and has no children. Prior to enlistment he was a painter earning 45 cents per hour. Since his discharge, he has been variously employed, and is now an attendant at a sanitarium in Guelph, at a salary of \$45 per month and his board.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being made to work in the salt mines, lack of treatment, exposure, beatings, starvation and general abuse. He alleges that he suffers from asthma and stomach trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp. He complains of being made to remain naked in a hut for 3 days while his clothes were being fumigated. After about 2 months at Gottingen, claimant was sent to the notorious salt mines at Beienrode, where he remained for 3½ years. His story is a reiteration of the recitals of brutality, hard work and exposure, heard from other prisoners. (See case 1875). Forced to work in the mines with no protection against the noxious gases during blasting operations, his lungs have suffered. He was hit on the foot by an irate guard in the mines for failing to do the work required and still carries the scar. He was also hit on the back of the neck and kicked because he was too weak to work, and on one occasion tore his face on a barbed wire fence trying to escape a beating from a guard. He complains of the condition of his stomach, has bronchitis and asthma and is generally debilitated.

The medical record indicates that claimant suffers from bronchial asthma, chronic antrums and nasal catarrh. His percentage of disability is stated at 50 per cent. Dr. J. I. McKay, who certifies to the foregoing, did not appear before the Commission. There is on file letter of Dr. F. H. C. Baugh, of the Homewood Sanitarium, at Guelph, where claimant is employed, stating that claimant is only fit for light work, is a conscientious worker and shows marked signs of debility.

I regard claimant as having suffered impairment to his health during his period of captivity. The fact that he was condemned to work and did work in the salt mines at Beienrode for 3½ years is almost enough to establish maltreatment, so familiar are we with the conditions of inhumanity and calculated cruelty which prevailed there. Claimant's testimony establishes the fact of maltreatment beyond doubt. He has therefore made out a case and is entitled to an award. I would recommend a payment to him of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 2, 1931.

#### CASE 2063—HERBERT SEYMOUR HUNT

The claimant was a Private in the 3rd Battalion—Regimental number 9211. He enlisted in August, 1914, at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering slightly from gas. He was repatriated to England December 8, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$21 per month, based on nephritis. He was married December 8, 1920, and has three children. Prior to enlistment, he was employed as a clerk with the Consumers Gas Company of Toronto, at a salary of \$15 per week and since his discharge has been a book-keeper with the City of Toronto, at a salary of \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his big toe caused by a German dropping a heavy piece of pig iron on it, also of numerous beatings with rifle butts, kicks and general abuse. He suffers from permanent kidney and bladder trouble due to the bad food and living conditions. Was confined to a dungeon for three weeks where the floor was covered with water so that he was unable to lie down.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at, or attached to, Giessen camp. On a working party he declares that he was hit on the head with the butt of a rifle for refusing to work. At the Geisweid iron mines, he engaged in an altercation with a German guard and, in the scuffle which ensued, he was hit on the great toe with a lump of pig iron, which has permanently injured that member. He was placed in dungeon for a month for assisting a British officer to escape, and, for again refusing to work, was strapped to a post for 24 hours. Claimant contracted pleurisy as a result of his treatment and still suffers from recurring attacks. His chief disability is nephritis and he also declares the toe injury still affects him.

The medical record indicates that claimant suffers from chronic nephritis and has an injury to his great toe. His percentage of disability is stated at 10 per cent in his own calling and at 25 per cent to 50 per cent in the general labour market. Dr. C. W. Carleton, who certifies to the foregoing, appeared before the Commission and testified that claimant's main complaint is back-ache, exhaustion and that he suffers from his toe. The nephritis is attributed to exposure. Claimant's medical history files confirm the kidney trouble.

For reasons explained in opinion annexed to the present report, I do not consider that the kidney trouble of which claimant complains can be ascribed to maltreatment. It is the result of general conditions of life which he bore in common with other prisoners. The injury to his toe has not been shown to have been deliberate—it was more probably accidentally sustained in the course of a fight with the guard. Viewing all the circumstances, claimant has, in my opinion, failed to make out a case of present disability resulting from maltreatment whilst a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2064—EDWARD PATRICK McQUADE

Claimant was a Private in the Royal Canadian Regiment—Regimental number 455139. He enlisted in August, 1915, at the age of 36 years and was taken prisoner October 12, 1916. When captured he was wounded in the right leg and shoulder, the bullet piercing the lung. He was repatriated to England March 21, 1918. Claimant is married and has five children. He is in receipt of pension amounting to \$23 a month for himself and family. Prior to enlistment, he was employed as an engineer with the Sanitary Ideal Company at Port Hope, Ontario, earning about \$3.25 per day. Since discharge he has followed various occupations with indifferent success.

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 suffers from stomach trouble due to lack of proper food.

An analysis of the evidence reveals:—

Claimant lay in a shell hole for four days after being wounded, was brought into hospital where he received some treatment and was then removed to Cambrai hospital. Here he complains of the brutal treatment by the surgeon, who probed his wounds unnecessarily and knocked him off the operating table because claimant kicked over his instrument case. Claimant developed lockjaw and complains of the brutal way in which the serum was

administered. Removed to Mulheim, he was in hospital until transferred to Switzerland. He complains of the use of paper bandages, but evidently received as good medical attention as could be expected. Claimant tells his story in very humorous vein, and while he complains bitterly of the treatment received, he has not succeeded in showing that he suffers any greater disability as a result of such treatment than he would otherwise have had.

There is no medical evidence of record, not even claimant's medical history files. It seems clear, however, that the injuries of which claimant speaks were sustained on service and there is nothing to show any aggravation by reason of his treatment as a prisoner of war.

While these experiences may have been distressing, I do not believe that they have, per se, added anything to claimant's incapacity. In these circumstances, claimant has failed to make out a case of maltreatment resulting in disability. His recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 3, 1931.

#### CASE 2066—VICTOR ALBERT JEFFERIES

The claimant was a Corporal in the 3rd Battalion—Regimental number 9328. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but slightly gassed. He was released to Holland in March, 1918, and repatriated to England January 28, 1919. He is not in receipt of pension, but has an application pending before the Board. He was married on enlistment, but has no children. Prior to enlistment, he was a furrier, earning \$35 per week, and since his discharge has been similarly engaged, at a salary of \$40 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 injury to his teeth from a blow on the mouth and defective eyesight due to confinement in dark cells.

An analysis of the evidence reveals:—

Claimant spent the first nine months of his captivity at Giessen camp. For refusing to work, through weakness, he was beaten by the guards. Taken before a medical officer, who apparently thought claimant was shamming, he was struck in the mouth by the officer, injuring his teeth. Claimant was also given 14 days dark cells and while there alleges that he was baited by his guards. He still declined to work and was sent to Lichtenhorst, thence to Hestenmoor camps. Here long hours of punishment drill was the regular routine. For protesting at the noise made by a visiting parson, in the early hours of the morning, claimant received another blow in the mouth from the sentry. This incident is corroborated by a fellow prisoner who says the blow was administered with a stick. Fourteen days in cells was added as further punishment. Again, at a later camp, for persisting in his refusal to work, claimant was given 14 days dark cells and complains again of being struck in the mouth. As a result of these experiences he declares that his teeth have been ruined, necessitating constant dental attention since his return, and that his eyesight has been impaired from his incarceration in dark cells.

The medical record indicates that claimant has in fact received considerable dental care. Dr. L. J. Bancroft certifies that he found claimant's mouth in a very septic condition, necessitating several extractions due to abscesses and broken down teeth. Dr. R. E. Fisher also certifies to extractions, insertion of

bridges and treatment to the gums. As to the eye condition, there is filed certificate of Dr. H. H. Holme, indicating 50 per cent impairment in right eye and somewhat less than that in the left. None of these medical men appeared before the Commission.

It would have been desirable in this case, to question the two dentists and the physician who gave certificates. The coincidence of repeated blows on the mouth was very marked and it would have been interesting to know if in the opinion of the witnesses referred to, the condition noted was probably due to the reason ascribed. As to the eye condition, I do not think there is much to be said. Claimant has failed to show that it was due to maltreatment. On the whole, however, I am inclined to give him the benefit of the doubt as to the injury to his mouth. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

#### CASE 2067—THOMAS JACKSON

The claimant was a Private in the 15th Battalion—Regimental number 27495. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England January 1, 1919. He is not in receipt of pension but has an application pending before the Board. He was married March 24, 1920, and has three children. Prior to enlistment, he was employed as a tool maker with the Grand Trunk Railway, at a wage of \$23 per week and since his discharge has held various positions, now being employed as a machinist, earning \$37.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work in the salt mines, where he was beaten, stabbed with a bayonet, starved and generally abused.

An analysis of the evidence reveals:—

Claimant spent a few weeks at Gottingen, Celle-lager and Hameln, before being sent to the ill-famed salt mines at Beienrode. His complaints centre about this latter camp, where he spent about two years. It is the familiar story of brutality and cruelty which we have heard from other prisoners. (See case No. 1875). Claimant appears to have invited a great deal of the punishment he received, by a certain defiant and truculent manner, which was even evident before the Commission. For refusing to work he, with others, was lined up before a firing squad. Struck on the ankle with a rifle butt, he was confined to bed for five weeks. Finally, driven to go down the mines, he encountered the usual treatment of beatings, blows from pick-handles and thrashing with belts. He was struck with a bayonet in the little finger, causing permanent injury, was kicked on the head and still bears the scar. He complains chiefly of the condition of his nerves, a disabled ankle, and lame back, all of which he attributes to the treatment received in the salt mines.

The medical record indicates that claimant's nervous system is impaired, that he suffers from stomach disorders, weak right ankle, stiff little finger. His percentage of disability is stated at 50 per cent. Dr. F. J. Snelgrove, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files contain nothing unusual.

Both as to demeanor and credibility claimant was not impressive before the Commission. Were it not for the abundant evidence which we have as to

conditions in the Beienrode salt mines, his story would not carry conviction. Viewing all the circumstances, and allowing for possible nervousness in unfamiliar surroundings before the Commission, I have reached the conclusion to give claimant the benefit of the doubt and to find that his present disability, in part at least, results from maltreatment to which he was subjected whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$700.00, with interest thereon at the rate of 5 per cent per annum from the 10th of January, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 2, 1931.

Commissioner.

#### CASE 2068—ROBERT JOHNSTON

The claimant was a Private in the 4th C.M.R.—Regimental No. 109418. He enlisted in May, 1915, at the age of 22 years. He was taken prisoner June 2, 1916, unwounded, but states he was buried by shell fire. He was repatriated to England on December 9, 1918. He is not in receipt of disability pension, and states that he does not intend to apply therefor. He was married in June, 1926, and has no children. Prior to enlistment he worked for his father on a farm, and since his discharge has been working on his own account on a farm which he rents.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was beaten for refusing to work upon munitions, placed in cells on bread and water, was denied dental treatment, and, as a result, has lost nearly all his teeth.

An analysis of the evidence reveals:

Claimant was first taken to Dulmen camp, where he remained a year. Apart from food conditions he has no complaint of his treatment there. He was sent to Friederichsfeld—or to a working party attached thereto, where he was beaten for refusing to work upon munitions. He complains also that he has lost his teeth due to refusal to give him dental attention while he was a prisoner. He declares generally, when asked what were the worst features of maltreatment to which he was subjected, that it was "persecution all the time." As a result of his treatment he complains of his nerves, but admits that he is better now than he was.

There is no medical evidence in this case, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual, the only record of hospitalization being for influenza in 1919. There is a reference to tonsillitis suffered whilst a prisoner, but no noting of any disability.

In this state of the record, clearly, I am not justified in finding in claimant's favour. As explained in opinion annexed to the present report, a claimant must show not only a present disability but must connect that disability with the treatment he received during his period of captivity. This, claimant has completely failed to do. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

#### CASE 2069—GEORGE CHRISTOPHER JENNINGS

The claimant was a Private in the 4th C.M.R.—Regimental No. 725002. He enlisted in April, 1917, at the age of 22 years. He was taken prisoner about April 22, 1918, whilst on a night raid. He was not wounded at the time. He was repatriated to England on November 25, 1918. He is not in receipt of disability pension, but has an application pending. He is a widower with two children. Prior to enlistment, he was working in a brickyard at \$30.00 per

week. Since his discharge he has been in the employ of the Toronto Fire Department, at a salary of \$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 stomach trouble, induced by improper food and living conditions, and of an injury to a finger, the result of a blow inflicted with a knife by a German guard. He also states that on one occasion the guard knocked him down and kicked him on the chin, knocking out two of his teeth.

An analysis of the evidence reveals:—

Claimant was a prisoner for about seven months, at or near Lille, where he worked as an orderly in the hospital for a time. He complains of being beaten for giving misinformation in answer to questions put to him, and being locked up. He declares that a German guard hit him with a knife for not working fast enough and almost cut the top of his finger off. He was also kicked in the mouth and lost two teeth. Sent to coal mines in Alsace Lorraine, claimant speaks of stomach trouble, which he describes as a strain. He was placed in hospital for this ailment. His health now is fairly good, but he suffers with his stomach. The beatings referred to have left no permanent disability.

The medical record, consisting of the certificates of Drs. J. H. Downing and E. C. Beer, indicate that claimant suffers from chronic indigestion and attacks of gastritis, and has lost teeth. His percentage of disability is stated by Dr. Downing as 70 per cent, and by Dr. Beer at from 50 per cent to 75 per cent. Dr. Beer merely adds that claimant bears scars on face and finger. There is no mention of a scar on the finger in his medical records. Dr. Beer also appeared before the Commission, spoke of the stomach trouble, but thought this might possibly result from the effects of gas. Poor food also might be a contributing factor.

It is evident, in this case, that claimant was under the impression that he should receive punitive damages. As explained in Opinion annexed to the present report, this Commission has no such mission. No disability has resulted from his experiences as a prisoner of war, and any claim he may have would properly be one for the consideration of the Board of Pension Commissioners. From a review of the evidence, the claim fails. It is, accordingly, disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 7, 1931.

#### CASE 2070—JOSIAH ALFRED JOHNSON

The claimant was a Private in the 13th Battalion—Regimental number 27664. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England January 13, 1919. He is not in receipt of pension, but applied and finally abandoned the application. He was married March 12, 1919, and has one child. Prior to enlistment he was employed as a book-keeper, earning about \$14.00 per week and was employed at the time of the hearing as a shipper, at \$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 lack of food, resulting in an ulcerated stomach. Had two teeth knocked out by a rifle butt and suffered three accidents while on working parties, for which he received no medical attention.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp where he remained about two months; except as to the food, he has no complaints. He was next sent to St.

Andreasburg, and worked for 13 months breaking stone and slag. There was no ill-treatment, but he received no medical attention for injuries received during the course of his work. There was no doctor within three miles of this camp. His leg was injured on one occasion and he was compelled to continue working. The work was extremely heavy, but claimant, surprisingly, declares that the food was not bad. Sent to Okar, in the Hartz Mountains, he was employed at carrying discarded rails and injured his back and left shin while so employed, for which he received no medical attention. Food conditions were very bad at this camp and claimant declares that on one occasion, for protesting in regard to the non-delivery of parcels, he was struck in the mouth by a guard with a rifle butt and had two teeth knocked out. He complains chiefly of constant headaches, stomach condition, and weakened back. He attributes these troubles to the rough treatment and poor food received. He also speaks of stomach ulcers and some heart trouble.

There is no medical evidence of record, not even the usual Certificate of a physician. Claimant's medical files indicate that he has some heart trouble, the cause being declared as infection and strain of active service.

In this state of the record, without some medical evidence, indicating a present disability and connecting the same with claimant's period of captivity, it is not possible to reach a finding in his favour. Disabilities of purely nutritional origin, as explained in Opinion annexed to the present report, cannot serve as the basis of a claim for reparations. I consider that the claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7, 1931.

#### CASE 2071—ROBERT JOSEPH KING

The claimant was a Private in the 3rd Battalion,—Regimental number 9219. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the Second Battle of Ypres, unwounded but slightly gassed. He was repatriated to England on December 16, 1918. He is not in receipt of disability pension, but states that he applied therefor on his return to Canada. It was not granted and he has not made any further application. He was married on June 1, 1927, and has one child. Prior to enlistment, he was a clerk in a wholesale warehouse, earning some \$24.00 per week. Since his discharge he worked for a time with his pre-war employers, afterwards as a builder on his own account, and is now engaged selling insurance, at which he makes some \$2,500.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that his nose was broken by a blow from the butt of a rifle, and that he received no treatment for the injury but was compelled to remain at work, also that on another occasion a similar blow knocked two of his teeth out. He complains also that a pitch-fork was deliberately thrust through his arm by a farmer for whom he was working. He alleges that he suffers from bronchial trouble and rheumatism as a result of the treatment to which he was subjected, and that the arches of his feet have fallen due to the enforced wearing of wooden clogs.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, as to which he has no complaint. He was sent to Vehnemoor and made to work digging canals on the moors. He speaks of the conditions as very harsh, the civilian guards driving the prisoners,

to exact the maximum of labour. At Ostenholzenmoor he received a blow on the nose from the butt of a rifle in the hands of a guard, for not working as fast as required. His nose was broken. Sent to Bokelah, he remained there a year and a half. For failing to rush the work, claimant with others, was lined up and rushed by the guards with fixed bayonets. In the scuffle to escape, claimant was hit across the mouth with the butt of a rifle and lost two teeth. He took ill and was given light duty for the last eight months of his stay there. On a farm, where claimant was sent, his arm was pierced by a pitchfork wielded by the farmer. This was done deliberately because claimant was not working fast enough. Claimant complains of rheumatism and neuritis, and flat feet due to the enforced use of wooden clogs.

The medical record indicates that claimant suffers from brokendown arches in both feet, deviated septum and has three teeth missing. His percentage of disability is stated at 15 per cent in his own calling and at 10 per cent in the general labour market. Dr. W. H. Philip, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files speak of a condition of chronic bronchitis, as to which, however, claimant makes no claim.

Claimant was beaten and subjected to rough treatment, and I think it may be said that he suffers disability as a result. The broken nose and loss of teeth, though they may not constitute any very great permanent disability, impair to some extent claimant's earning ability. Viewing all the circumstances, I am of opinion that claimant has made out a case and I would, accordingly, recommend a payment to him of \$500.00 with interest thereon at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2072—JOHN WYMAN KENSETT

The claimant was a Private in the 15th Battalion—Regimental No. 27214. He enlisted in August, 1914, at the age of 16 years, although he gave his age on enlistment as 19. He was taken prisoner on April 24, 1915, during the Second Battle of Ypres, unwounded, but gassed. He was repatriated to England from Switzerland in December, 1918. He is not in receipt of disability pension, but states he has made application therefor. He was married in November, 1919, and has two children. Prior to enlistment, he was employed as a clerk in a hotel, at New Liskeard, at \$10.00 per week and his board, and since his discharge he worked for a time in a factory at Niagara Falls, then on Government farms, and is now Safety Deposit Custodian at the Imperial Bank of Canada, at a salary of \$1,300.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent beatings, some inflicted upon him whilst at work, and others because he was too weak and ill to work. He states that on one occasion he was knocked off a wagon with a rifle and on another struck in the arm with a bayonet. He alleges that the treatment he received reacted upon his nervous system by reason of his youth, more than it would have done upon that of an older man. Two months before the Armistice he was examined by Swiss doctors and, as a result, was immediately sent to Switzerland.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp. Except for an incident of being knocked off a cart with the butt of a rifle, he has no complaints. At a stone quarry, where he was sent to work, his strength was insufficient and, for

ailing to do the work, he was beaten. He says that while strongly built, he was very young and could not stand the hard work, was treated as a malingerer and beaten accordingly. He declares he was even stuck in the arm with a bayonet by a guard, who thought he was shamming. His general debility is attributed to the poor food and heavy labour. At Langensalga, his condition was finally recognized as serious, and he was shortly transferred to Switzerland as medically unfit. He complains that his feet have developed an unpleasant and offensive condition, due to these experiences. He also suffers from headaches.

The medical record indicates that claimant suffers from general nervous debility and profuse perspiration of the feet. Dr. W. E. L. Sparks, who furnished a certificate, appeared before the Commission. He could attribute no particular disability to claimant and merely stated that the foot condition was the claimant's sole disability.

It is obviously impossible to find in claimant's favour in this case. That he was subjected to rough treatment is proven, but that disability has resulted therefrom is not shown. The condition of his feet may or may not be a consequence. This claim should not have been put forward before this Commission. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 8, 1931.

#### CASE 2073—FRED DAVID LORSCH

The claimant was a Sergeant in the Third Battalion—Regimental number 9160. He enlisted in August, 1914, at the age of 36 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from concussion, shell-shock and gas. He was released to Holland in March, 1918, and was repatriated to England September 1, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$20.00 per month, based on bronchitis, iritis and myalgia. He was married in February 1919 and has one child. Prior to enlistment, he was employed with the City Treasurer's Department, Toronto, at a salary of \$1,000.00 per annum, and since his discharge he continued in the employ of that City, earning about \$30.00 per week, and later joined his father in a brokerage business, from which his earnings are small at the present time.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical treatment resulting in chronic bronchitis and rheumatism. He was taken to Holland in a partly paralyzed condition and told that he would never walk again due to a spinal condition. Was placed in a plaster cast, there for seven months. His eyesight is also affected, due to the rheumatic condition. His back and legs still trouble him from time to time.

An analysis of the evidence reveals:

Claimant saw service in the South African war and is now aged 53 years. He confines his complaint to lack of medical treatment for his injuries whilst a prisoner of war. His back had been injured at the time of capture and he received no attention for this during his entire stay at Giessen camp—almost three years. He complains of no particular acts of brutality, but attributes some of his present disability to rheumatism contracted due to the damp and unhealthy conditions in barracks. Claimant was not compelled to work while a prisoner. His bronchial condition is ascribed to general conditions of imprisonment.

Claimant's medical file is very full and indicates hospitalization for chronic bronchitis, war neurosis, injuries to back, neurasthenia and spondylitis. His

pension is awarded for bronchitis, iritis and myalgia. Claimant has also produced the certificates of two physicians which bear out the statement of maladies referred to. His percentage of disability is stated at from 50 per cent to 100 per cent.

There seems to be no doubt as to impairment of claimant's health, but the difficulty is to ascribe his present condition, having regard to his age, to maltreatment whilst a prisoner of war. The evidence of maltreatment is purely negative. Whether anything could have been done for claimant's back cannot now be said. After very careful consideration, I have reached the conclusion that claimant has failed to show that his present disabilities result from maltreatment whilst a prisoner. This must be regarded as the result of general camp conditions in Germany and as such cannot form the basis of an award in claimant's favour. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 22, 1931.

#### CASE 2074—ALFRED LACEY

The Claimant was a Private in the 15th Battalion—Regimental number 47368. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England on January 6, 1919. He is not in receipt of disability pension, but states he has an application pending. He is married and has two children. Prior to enlistment he was a checker with the Swift Canadian Co., at 22 cents per hour, and since his discharge has been similarly employed, at a present rate of pay of 55 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that for refusing to work upon munitions, he was kept without food for three days and beaten all over the body with the butt of a rifle. He was also again severely beaten on another occasion for not working fast enough. He also complains of bad living conditions and poor food. He alleges a chest and lung condition.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp. On a working party, he refused to work upon munitions and was beaten and confined to barracks without food. He speaks of being frequently beaten for the same reason, until he was removed to Lichtenhorst, where the treatment was somewhat better. Sent to Eschede, via Saltau, he encountered heavy manual labour, with exposure, poor food, and unhealthy quarters. He describes conditions in detail and attributes to his life at this camp a lung and chest condition which disables him. He was in hospital at Lichtenhorst with bronchitis and received practically no medical attention. He declares that he has suffered a collapse of the right lung, or so it was described to him by his physician. While his condition has improved, he still suffers greatly from his chest condition.

The medical record indicates that claimant suffers from bronchitis and asthma and collapse of the right lung, the date whereof is stated as 1927. His percentage of disability is stated at 4 per cent. Dr. W. Gordon McCormack, who certifies to the foregoing, did not appear before the Commission. There is also filed a record, certificate of Dr. G. C. Anglin, who details claimant's symptoms at length and concludes with the finding that claimant suffers from a definite chronic bronchitis and emphysema. Claimant's medical history sheets show nothing unusual. His final medical board, upon discharge from the service, declares all systems normal.

It will be noted that the condition of which claimant complains—collapse of the lung—occurred in 1927. It can hardly be said that it would take 9 years for such a condition to develop and I am inclined to regard the disablement as of post war origin. Again, claimant's percentage of disability is rated at 4 per cent only and I do not think this is of sufficient gravity to warrant an award. On the whole, I consider that claimant has failed to make out a case. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 22, 1931.

#### CASE 2075—PHILIP L'ABBE

The claimant was a Private in the 8th Battalion—Regimental number 1260. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wound in the left shoulder and side and from gas. He was repatriated to England November 29, 1918. He is not in receipt of pension, but has an application pending before the board. He was married June 6, 1927, and has one child. Prior to enlistment, he was attending school, and is now employed as a Timber Scaler with the Ontario Government, earning \$7.00 per day while working.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in water for months, solitary confinement, and general abuse. He now suffers from broken down nervous system and rheumatism in the knees.

An analysis of the evidence reveals:—

Claimant was first taken to Roulers, where his wounds received attention. Moved to Giessen, thence to Lichtenhorst, he has no complaints to make, except as to the food received. He was then transferred to Bohinte, where he complains of the working conditions in water digging canals, without change of clothing, with the result that rheumatism developed. The labour was heavy and the food bad. Sent through Salsau, to Stuttgart, claimant made an unsuccessful attempt to escape and complains that instead of the usual 14 days confinement, he was given 3 months, which he served, was then court-martialled and sentenced to 7 months hard labour. Though he did not serve this sentence, he alleges that the fear of it preyed on his mind and has permanently affected his nervous system. He complains now of his nervous and rheumatic condition as a result of these experiences.

The medical evidence is very general, and merely declares claimant to be suffering from a broken down nervous system. His percentage of disability is stated at 75 per cent in his own calling and at 40 per cent in the general labour market. Dr. J. A. Crozier, who certifies to the foregoing, did not appear before the Commission, but a further certificate from him has been filed since the hearing. This document declares that claimant was healthy before the war and is now a physical wreck, refers to some rheumatism, and the inference is drawn that the condition must result from war strain and exposure while a prisoner of war. Claimant's medical files do not show any disability.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. The evidence of positive maltreatment is lacking, and I do not think it necessarily follows that the imprisonment claimant actually underwent, and that feared in anticipation, reacted injuriously upon his health. Claimant has failed to show a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 22, 1931.

## CASE 2076—HARRY CLAYTON MacDONNELL

The claimant was a Private in the 4th C.M.R., Regimental Number 113427. He enlisted July 23, 1915, at the age of 25 years. He was taken prisoner June 2, 1916, suffering from shrapnel wound in the left shoulder, right knee, and the back of the right hand. He was repatriated to England through Denmark, December 31, 1918. He is not in receipt of pension but has an application pending before the Board. He is married and has one stepchild. Prior to enlistment, he was employed as a railway brakeman, earning about \$75.00 per month, and since his discharge has been a switchman on the C.N.R., earning an average of \$38.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in a coal mine for two years at a twelve hour day, being given tasks physically impossible to accomplish. He has developed rheumatism, bronchitis, myocarditis, and suffers from neglected teeth and attacks of asthma.

An analysis of the evidence reveals:—

Claimant passed through Cologne and Stendal camps on his way to Merseberg, where he spent the remaining period of his captivity. As to the two former camps he has no complaint, but at Merseberg he was compelled to work in the coal mines for over two years. For failing to do the required quantity of work he was thrown into jail, beaten and starved. The work assigned to the prisoners was beyond their power to accomplish, and they were continually beaten because they could not do it. He does not speak of much brutality to himself, but stresses the heavy and continuous work. His main complaint is that he suffers from rheumatism as a result of this treatment, with weakened digestion and some nervous trouble.

The medical record indicates that claimant suffers from bronchitis, myocarditis, with attacks of asthma and rheumatism. His percentage of disability is stated at 50 per cent. Dr. W. J. O'Hara, who certifies to the foregoing, appeared before the Commission. The heart condition is quite definite, with attacks of cardiac asthma. Claimant's medical history sheets contain a statement made by him upon repatriation, which bears out his testimony.

Claimant's case is not very strong as establishing disability resulting from maltreatment whilst a prisoner of war. After a careful study of the record, I have, however, come to the conclusion that there is sufficient evidence to justify an award in his favour, particularly having regard to the period he was compelled to work in the coal mines. I would, accordingly, recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 30, 1931.

## CASE 2077—FREDERICK JAMES McMULLEN

The claimant was a Lance Corporal in the 4th Canadian Mounted Rifles—Regimental number 109158. He enlisted in November, 1914, at the age of 25 years. He was taken prisoner June 2, 1916, suffering from shrapnel wounds in the side, back and face. He escaped on October 8, 1917, and was repatriated to England on October 30, 1917. He was in receipt of pension, granted February, 1918, amounting to \$5.00 per month, which was discontinued in February, 1919. Claimant has not reappeared. He is married and has one child. Prior to enlistment, claimant was a carpenter, earning about 40 cents an hour, and since his discharge has been employed in similar work, at a wage of 85 cents an hour, per 8-hour d.y. Claimant was decorated with the Military Medal.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. While suffering from the effects of gas he received no medical attention and was compelled to work, and complains of inadequate food, confinement to cells. He suffers from depression as a consequence.

An analysis of the evidence reveals:—

Claimant was in hospital at Courtrai and Duisburg for about two months. In his testimony he complains that he did not receive proper medical attention, but in statement made upon repatriation (which is very detailed) he speaks most highly of the medical attention given him. He was sent to Friedrichsfeld camp, where he complains of beatings for not working as desired, because his wounds troubled him. In his original statement there is no mention of this. He speaks only of being required to do light work and has no complaints as to the treatment. Sent to Cassel and on various working parties claimant continues to complain of physical abuse, as to which, however, his original statement is silent except as to one incident when he says he was hit on his wound, causing great pain. From a farm at Stokum, claimant made an unsuccessful attempt to escape, was given 28 days' solitary confinement, and beaten by the guards. Again, his original statement makes no mention of the beating. He also testifies that he was beaten with a horsewhip at Stokum for failing to do the work required of him. There is not a word, in his original statement, of this incident. Other discrepancies appear between the statement referred to and claimant's testimony, which seriously discount his credibility. He complains of his stomach and pain from his wounds. When asked he also says his nerves are bad.

There is little difficulty in reaching the conclusion, that claimant's recital of his experiences in Germany has been greatly exaggerated. A comparison of his testimony with the statement made when these incidents were fresh in his mind is not favourable to his pretensions. Whatever disability he now suffers from his wounds, which were of service origin, is not a matter for this Commission. In my opinion, claimant has completely failed to make out a case of present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 7, 1931.

#### CASE 2079—JAMES CLEARY MacNEILL

The claimant was a Private in the 15th Battalion—Regimental number 28067. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England January 13, 1919. He is not in receipt of pension, but intends making application therefor. He is not married but expected to be in the fall. Prior to enlistment, he was employed as a book-keeper, earning \$100.00 per month, and since his discharge he resumed this employment, and now earns about \$175.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical treatment while ill, bad food and being compelled to work at hard labour. When he refused to work, he was placed in solitary confinement without food or water. Is now subject to spells of depression.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp suffering from the effects of gas. It is his first complaint that he received no medical attention for this condition.

He was sent to Hueberg, where he remained for the duration of the war. He speaks of being beaten and put in cells for refusing to work. Generally he complains of being constantly driven when unable to work, inadequate food and lack of medical attention. There is really very little of abuse or hardship in his testimony. As a result of these experiences he has trouble with his stomach and head—severe headaches. He declares he is run down and depressed.

The medical record indicates, in a very general manner, that claimant suffers from fits of depression. His percentage of disability is stated at 35 per cent and it is even stated that claimant may become indigent and dependent upon the Province. Dr. G. S. Buck, who certifies to the foregoing, appeared before the Commission. His evidence, if anything, detracted from the findings contained in his certificate. He finds that claimant has improved in health and is unable to say clearly in what way the so-called fits of depression incapacitate him.

Clearly, this case should not have been put before this Commission. The evidence of maltreatment is so general and vague, and the proof of disability so unconvincing, that claimant has quite failed to make out a case. If his health has been impaired through service—from the effects of gas—his recourse is not before this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 8, 1931.

#### CASE 2080—JAMES MILNE

The claimant was a Private in the 15th Battalion—Regimental number 27977. He enlisted in August, 1914, at the age of 37 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was released to Holland in March, 1918, and repatriated to England on November 2 of that year. He is not in receipt of pension nor has he made application therefor. He was a widower at the time of enlistment and has one child now 22 years of age. He has since remarried. Prior to enlistment, he was employed as a gas fitter, earning about \$10 a week, and is now employed by the City of Toronto, as a cleaner, at an average wage of \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work in the salt mines, where the labour was long and arduous, the food poor and beatings frequent. He now suffers from neurasthenia, chronic gastritis and haemorrhoids.

An analysis of the evidence reveals:—

Claimant spent three years of his period of captivity in the ill-famed Beienrode salt mines, under conditions of hardship, deprivation and cruelty with which we are familiar from the statements of other prisoners who had the misfortune to be sent there. (See case No. 1875). Claimant refers particularly to one incident, when he was hit on the head with a hammer in the hands of a guard. This was for reporting sick. Claimant refers to this period of captivity as nothing but slavery. He complains of bronchitis and a stomach condition resulting from this treatment, and is also slightly deaf in one ear.

The medical record indicates that claimant suffers from neurasthenia, chronic gastro-enteritis and haemorrhoids. His percentage of disability is stated at from 30 per cent to 35 per cent. Dr. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files would appear to attribute his bronchial condition to the effects of gas, but infer that disability has resulted from "exposure in the salt mines in Germany".

The lot of prisoners who spent time in the Beienrode salt mines has frequently been submitted to the Commission. The story told is one of constant cruelty and abuse, and as explained in Opinion annexed to the present report the fact of time spent at this camp is almost sufficient to justify an award. In the present case claimant has, I consider, shown disability resulting from his treatment at Beienrode and should receive an award. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 2, 1931.

#### CASE 2082—ROBERT GORDON McKAY

The claimant was a Private in the 15th Battalion—Regimental number 799556. He enlisted in January, 1916, at the age of 23 years. He was taken prisoner April 19, 1917, suffering from a gunshot wound in the left arm. He was repatriated to England on January 7, 1919. He is not in receipt of disability pension, but states he has made application therefor. He was married in November, 1923, and has two children. Prior to enlistment, he was driver of a bread wagon at \$12 per week, and since his discharge has been shipper in a wholesale house, at \$27 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food and insanitary living conditions, and that on one occasion he was knocked down by a guard with a rifle. He alleges a nervous condition and sleeplessness, also a swelling in the chest.

An analysis of the evidence reveals:—

Claimant was confined in Fort Macdonald, at Lille, for some time after capture under conditions with which we are familiar. This appears to have been a measure of reprisal adopted by the Germans for alleged maltreatment of their own prisoners. Very little food was given the prisoners and they were compelled to work close to the lines of fire. Claimant was moved to a number of places as to which he is not very clear. On one occasion he fell down an open trap and injured his back, from which he still suffers. Claimant appears to have spent time at Friederichsfeld, Parchim and Wurzburg (*sic*) where he complains of the heavy work and inadequate food. He complains of the condition of his nerves and the injury to his back.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history file shows nothing unusual, his last medical board, upon discharge from the service, declaring all systems normal. In his file appears a statement, made by him upon repatriation, in which he stressed the lack of food and heavy labour imposed upon prisoners close behind the lines.

In the absence of any medical evidence establishing disability, it is manifestly impossible to reach a finding in claimant's favour. He has failed to prove one of the elements necessary to an award. His recourse, if disability should be shown, will be before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 6, 1931.

## CASE 2083—THOMAS JAMES NOON

The claimant was a Private in the 15th Battalion—Regimental number 27384. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was repatriated to England December 31, 1918. He is not in receipt of pension, although he has an application now under consideration. He was married February 7, 1918, and has three children. Prior to enlistment, he was employed as an automobile mechanic, averaging from \$15 to \$25 per week and since his discharge is employed as a locomotive fireman, now earning about \$30 per week although it goes as high as \$50 per week when he is in steady employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work in the salt mines where he suffered from blows, exposure, hard labour and starvation.

An analysis of the evidence reveals:—

Claimant, after 3 months at Gottingen camp, where the treatment was rough, found himself sent, by way of Celle-lager, to the ill-famed salt mines at Beienrode where he remained 43 months. We are familiar with the cruel and harsh treatment meted out to prisoners at this camp. (See Case No. 1875) He was punished by being tied to posts, as were others, working underground and was struck across the throat with a pick handle by a guard. He lost the power of speech for 6 months and still speaks in a noticeably hoarse whisper. He speaks of other incidents of abuse, but, as these have left no permanent disability, he does not regard them as of any importance. He suffers from his stomach, which he attributes to the poor food conditions. Claimant is corroborated by other prisoners who have appeared before the Commission.

The medical record indicates that claimant has sustained a rupture of the larynx, resulting in loss of voice, and suffers from chronic bronchitis. His percentage of disability is stated at 10 per cent in his own calling and at 25 per cent in the general labour market. Dr. F. A. Adams, who certifies to the foregoing, appeared before the Commission. In his testimony he expresses the opinion that the throat condition resulted from a blow and bases this opinion upon the history of the case and his own observations. He also speaks of bronchitis and a stomach condition as disablements from which claimant suffers. Claimant's medical history files disclose nothing unusual.

As I have said in other cases arising out of imprisonment in the salt mines, it is surprising that men came through their experiences as well as they did. The treatment was brutal, violent and cruel and I have no hesitation in finding, in this case, that claimant was subjected to maltreatment which has resulted in permanent disability to him. (See opinion annexed to the present report). Having regard to all the circumstances, I would recommend a payment to claimant of \$700.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 2, 1931.

## CASE 2085—PETER COMISTON NICOLSON

The claimant was a Private in the 15th Battalion—Regimental number 27936. He enlisted in August, 1914, at the age of 31 years. He was taken prisoner April 24, 1915, during the Second Battle of Ypres, unwounded but suffering from gas. He was repatriated to England December 21, 1918. He is not in receipt of disability pension. He lately made an unsuccessful application therefor and states that he proposes to lodge an appeal. The grounds of his application were

eyesight and bronchitis. He is married, but has no children. Prior to enlistment, he was employed by the National Cash Register Co. as a repair man, at a salary of \$18.00 per week, and since his discharge has been in the employ of the Ontario Government as a gardener at Mimico Hospital, at a salary of \$1,125.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being made to work in the salt mines, of being beaten and abused, refused medical attention and starved. He states that he is suffering from a bronchial condition, and that his eyesight has been impaired by the glare of the salt mine and the gases generated by blasting.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp where he complains of a beating for refusing to work. A worse fate awaited claimant however. He was sent to the notorious Beienrode salt mines, where he remained for 3½ years. Here he was subjected to brutality with which we are familiar from the statements of other prisoners. (see Case No. 1875) He was beaten and on one occasion hit over the head with a fishplate. Suffering from boils or salt sores—he had 16 at one time—he was denied medical attention and compelled to continue working. As a result of his experiences he declared that his eyesight has been impaired due to the glare in the mines and that he suffers from bronchitis which he attributes to the fumes in the mines, against which he was given no protection. He suffers also from his stomach.

The medical record indicates that claimant suffers from chronic bronchitis, and that his eyesight is impaired. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. C. A. McClenaghan, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files refer to a neurasthenic condition.

As I have had occasion to say, in other cases coming from the Beienrode salt mines, it is surprising that the sum total of claimant's disabilities are not greater, after 3½ years imprisonment at that camp. The general testimony bearing upon conditions at Beienrode overwhelmingly establishes almost unbelievable cruelty and brutality on the part of the guards. I find evidence in this record of maltreatment which I consider has contributed to claimant's loss of health. I would, accordingly, recommend a payment to him of \$600.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 2, 1931.

#### CASE 2086—FRANK O'DONOHUE

The claimant was a Corporal in the 3rd Battalion,—Regimental No. 9944. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England November 18, 1918, having been previously released to Holland in April of that year. He is not in receipt of pension, but has made application therefor. He was married May 7, 1919, and has no children. Prior to enlistment, he was employed as cabinet maker with a piano factory, earning up to \$8 per day, and since his discharge worked at various occupations, averaging from \$4.00 to \$6.00 per day, but has not worked for the past five years.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, lack of medical attention for boils, punishment parades and general abuse.

An analysis of the evidence reveals:—

Claimant does not complain of maltreatment at Giessen, where he spent 8 months, nor at Saltau or Lichtenhorst where he was next sent for short periods. At Hestemoor, he complains of the enforced exercise of parading for hours at a time as a punishment for refusing to volunteer to work. Denial of parcels and poor food are the only other complaints at this camp. Next sent on a working party out of Saltau, his feet were injured by being forced to wear wooden clogs. Claimant suffered from boils, but the only treatment received was to be beaten with belts to break the boils. His finger became infected and because he could not work with it in that condition, he was hit with the butt of a rifle and had several teeth knocked out. Outside of bronchial asthma and some sinus trouble, claimant admits that he has no particular disability.

The medical record discloses that claimant suffers from asthma and sinus trouble—right side. His percentage of disability is stated at 50 per cent in his own calling. The physician (name indecipherable) who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files disclose nothing unusual, all systems being declared to have been normal upon discharge from the service. Claimant states that his bronchial condition was not present when he was repatriated to England.

It is obviously impossible to find in claimant's favour in this case. Not only is the medical evidence unsatisfactory, but claimant has not shown that his present condition results from any ill treatment received whilst a prisoner. The asthma may or may not have originated in Germany, and I do not find the evidence as to the loss of teeth convincing. Claimant's recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2087—GEORGE HOMER PATTERSON

The claimant was a Private in the Princess Patricia Canadian Light Infantry Battalion—Regimental No. 475984. He enlisted July 22, 1915, at the age of 22 years. He was taken prisoner June 2, 1916, suffering from gunshot wounds in the left arm and wrist, also had a slight touch of gas from liquid fire. He was repatriated to England November 8, 1918, having been exchanged to Holland in May of that year. He is in receipt of a 20% disability pension, amounting to \$23.00 per month for himself and family, based on the wound in the left shoulder. Prior to enlistment, he was employed as an Accountant with the Calgary Gas Company, at a salary of \$1,300.00 per annum, and since his discharge has held various positions, ranging from \$2,100.00 per annum to \$40.00 per week at present, being commissions as a salesman.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work in a gas plant for two years handling hot tar, shovelling coal, etc., and being punished by long solitary confinement for attempting to escape, with resultant damage to his health—his nerves, heart and eyesight being affected.

An analysis of the evidence reveals:—

After being wounded, claimant lay for several days in the field, was finally brought in and his wound dressed. Eventually the condition of his wound becoming aggravated, through lack of early attention, he was operated upon by a German surgeon. The treatment was of the best and claimant has no complaint as to the medical attention he received while in Germany. He was taken

to Stuttgart, No. 2 camp, where he remained during his entire period of captivity. In company with three other prisoners he attempted to escape, was recaptured and placed in solitary confinement. His complaint is that the conditions of this confinement were so severe and the sentences imposed upon him by court martial for the attempted escape were so unreasonable that his health has suffered. After serving 14 days, the punishment given him, he was compelled to remain in cells for a further protracted period (3 months) under conditions of sanitation which are described as filthy and inhuman. He was again tried, apparently for the same offence (which is stated to have been mutiny) and sentenced to 7 months, which, however, he did not serve. The apprehension of serving this sentence, which remained hanging over his head, in view of his previous experience in cells, was intense, and he alleges that the mental suffering entailed has affected his heart and nervous system very seriously with consequent reduction in his earning ability. He received no physical abuse at Stuttgart camp and declares that he saw none. The statement of claim, as indicated, asserts maltreatment in the work claimant was called upon to do, but at the hearing his complaint was confined to the mental strain of his confinement, and threatened incarceration under court martial.

The medical record discloses that apart from the disability to his arm, in regard to which he is receiving pension, claimant is suffering chiefly from his nerves, manifested by an inability to concentrate. His medical history sheets do not indicate any complaint by claimant on this score, nor does any diagnosis appear which would establish a disability on this head of claim. The medical affidavits filed in support of his claim give him a disability of approximately 25%, without however clearly distinguishing between his service disability and incapacity resulting from his experience as a prisoner of war. It is worthy of note that on his military file appears the statement, presumably made by claimant, that he was well treated in Germany.

Claimant undoubtedly suffered great mental strain due to his unfair imprisonment but I do not consider that this can be said to have caused him permanent disability or that the treatment can be regarded as maltreatment within the meaning of the reparation sections of the Treaty of Versailles. Viewing all the circumstances, I am of opinion that claimant's disability, if any, results from general conditions and is properly a matter for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, November 30, 1931.

#### CASE 2088—STANLEY EDWARD PARKER

The claimant was a Corporal in the 15th Battalion—Regimental No. 27528. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, unwounded but suffering from gas. He was released to Holland in June, 1918, and was repatriated to England March 6, 1919. He is not in receipt of pension, but has made application therefor. He is married and has two children. Prior to enlistment, he was employed as a mechanic, earning \$20.00 per week, as a boy, and since his discharge he has been employed as an automobile mechanic, earning from \$25.00 to \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being made to work in the salt mines, beatings, starvation, heavy labour and general abuse.

An analysis of the evidence reveals:—

Claimant was unfortunate in being selected to serve time in the notorious Beienrode salt mines. He spent three years there and tells the familiar story of cruelty, brutality and physical violence recounted by other prisoners in the same camp. (See Case No. 1875.) After a short sojourn at Gottingen and Celle-lager, at the latter of which he was tied to a post for two hours with his heels clear of the ground, facing the sun without a cap, he reached Beienrode. Here he was repeatedly beaten, hit over the head, with resultant damage to his hearing, and sent to prison in Cologne for thirty days. He received no medical treatment and was suffering from starvation and salt sores. Claimant complains chiefly of his hearing and of a body rash which still breaks out periodically.

The medical evidence indicates that claimant suffers from severe eczema over a large part of the body, and deafness. His percentage of disability is rated at from 40 per cent to 50 per cent. Dr. O. K. Thomson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show "all systems normal" upon discharge from the service.

Claimant appears to have come through his experiences in the salt mines with surprisingly little disability. There is, however, evidence of some disability now present, which, for the reasons given in Opinion annexed to the present report, I consider may be ascribed to maltreatment whilst a prisoner of war. Scarcely without exception, claimants coming from these salt mines bear the marks, mental and physical, of their experiences. I would, accordingly, recommend a payment to claimant of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 2, 1931.

#### CASE 2089—ERNEST ALBERT PAY

The claimant was a Sergeant in the 15th Battalion—Regimental number 27596. He enlisted in August, 1914, at the age of 30 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was released to Holland in March, 1918, and repatriated to England October 4 of that year. He was in receipt of a small pension, amounting to \$7 per month, based on neurasthenia but this was discontinued August 31, 1920. He has applied for reinstatement. He was married at the time of enlistment and has no children. Prior to enlistment, he followed the trade of carpenter earning about 45 cents per hour, and is still engaged in this trade, earning an average of about \$35 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work for long hours in the silver mines, starvation diet, given impossible tasks, received beatings, exposed to cold, lack of fuel and clothing, all resulting in heart and nerve trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he complains only of the food. Sent to the mines at Laurenberg, for 3 months, for refusing to work, he was beaten, but with no resultant disability. Returned to Giessen, claimant was then sent to Lichtenhorst, and thence to Hestenmoor. He does not complain of physical abuse but speaks of the long hours of punishment drill meted out to the prisoners. Sent to Hameln and Grossenmoor, claimant received some, if little, medical attention for a heart condition which was troubling him. As an N.C.O.,

he appears to have escaped much of the brutality to which other prisoners were exposed, and the disabilities from which he now suffers may be said to be consequent upon general camp life and deprivation. Claimant declares that he has sinus trouble, an ulcerated stomach and that his nerves are bad. He admits that his condition has improved.

The medical records indicate that claimant suffers from endocarditis, nerve shock, chronic rhinitis and slight deafness. His percentage of disability is stated at 20 per cent. Dr. D. A. Mackay, who certifies to the foregoing, appeared before the Commission. It is his opinion that claimant is not greatly incapacitated, but is highly nervous. Claimant's medical files show some hospitalization for neurasthenia debility in 1918.

In view of the general nature of claimant's present condition, with comparatively little disability, I do not consider that he has succeeded in showing that maltreatment whilst a prisoner of war was the originating cause. Without venturing a finding that he is presently disabled, I regard his case as one entirely for the consideration of the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2090—WILLIAM PARKER

The claimant was a Private in the 15th Battalion—Regimental number 27530. He enlisted in 1914 at the age of 20 years. He was taken prisoner April 23, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England on January 1, 1919. He is not in receipt of disability pension and states that he does not intend to apply therefor. Prior to enlistment, he was a cotton spinner earning \$1.25 per day, and since his discharge has been in the employ of the same knitting company, as a machinist, at a salary of \$18 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent beatings at the salt mines, insufficient food and general abuse. He alleges a nervous condition and chest and stomach trouble.

An analysis of the evidence reveals:—

After a short stay at Gottingen camp, claimant was sent, via Celle-lager, to the ill-famed Beienrode salt mines, where he remained for the period of his captivity. He tells a story of long hours, heavy work, constant brutality and beatings with which we have grown familiar from the statements of other prisoners in this camp. (See Case No. 1875). No medical treatment was given claimant for numerous attacks of salt poisoning which developed into boils, and he contends that he still suffers from recurring attacks of boils. He complains of his nerves, his stomach, bronchitis, and generally lowered power of resistance.

The medical record indicates that claimant suffers a bronchial affection and is susceptible to recurring boils. His percentage of disability is stated at 75 per cent in his own calling, and at 50 per cent in the general labour market. Dr. C. I. Scott, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual, his last medical board, upon discharge from the service, declaring all systems normal.

Claimant is fortunate in coming through his experiences in the notorious salt mines without greater disability. As stated in Opinion annexed to the present report, it requires very little corroborative evidence of maltreatment by claimant, to justify a finding in his favour, once he has established that he

spent time at Beienrode. The conditions were so harsh, the labour required so exacting, and the treatment accorded so cruel, that I have no hesitation in finding in claimant's favour. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 2, 1931.

#### CASE 2091—ALFRED WALTER PEAGRAM

The claimant was an Imperial soldier serving as a Lance Corporal with the Machine Gun Corps—Regimental No. 99780. He came to Canada to reside in August, 1912, and at the outbreak of war he returned to England and enlisted there, on December 10, 1915, at the age of 25 years. In his evidence he gives the date of his birth as September 10, 1897, which would make him 18 years at the time of enlistment. He was taken prisoner on the Cambrai Front March 21, 1918, unwounded. He was released November 11, 1918, and made his way back to England through Belgium, arriving December 6, 1918. He was in receipt of an Imperial pension of 40 per cent disability, which he commuted June 23, 1921, for the sum of \$434.19. This pension was based on chronic gastritis. Was married August 4, 1913, and has no children. Prior to enlistment, he was employed as a clothing salesman, earning about \$20 per week, and since his return to Canada he has been employed with a clothing concern and is now store manager, earning \$45 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that he was not sent to a prison camp in Germany but was detained behind the lines near Cambrai. Here they were wakened every morning with horsewhips. Were forced to work in different places unloading barges. Became weak through starvation, and was covered with boils but was refused medical attention. Refused to unload a cannon from a railroad truck and was beaten with a whip made of wire. He was struck in the face with this and still carries the scar. Developed stomach trouble from which he still suffers, and has tuberculosis.

An analysis of the evidence reveals:—

Claimant was a prisoner for 8 months only, but went through very harrowing experiences. His testimony bears out the treatment set out in his statement of claim. In addition he has shown that food was very scarce and the prisoners were the last to receive anything. They were even beaten for attempting to get food offered them by the civilian population. After three months of this treatment behind Courtrai, claimant was sent to Denain on similar work. Conditions were equally bad and claimant was again beaten with wire whips. He still bears on his face the scar of a blow received at this time. Later, at St. Amant, the same treatment was meted out to claimant and other prisoners. He describes himself, at this time, as a living skeleton. The lot of prisoners made to work behind the lines was most unfortunate and there is evidence to show that they were in the last stages of collapse and exhaustion when sent on to prison camps. Claimant alleges that these experiences have resulted in gastric trouble and tuberculosis, and that he is greatly incapacitated in his work.

The medical record indicates that claimant suffers from pulmonary tuberculosis. His percentage of disability is stated at 50 per cent. Dr. J. S. Green, who certifies to the foregoing, has supplemented his original certificate with a detailed report. He finds pulmonary tuberculosis of both lungs, moderately advanced, which diagnosis is confirmed by an X-ray examination. The con-

dition is apparently arrested but constitutes a constant menace to claimant. The stomach condition has greatly improved and is no longer a major disablement.

Although a prisoner for so short a time, it is beyond question that claimant was subjected to a very cruel form of maltreatment. Made to work at tasks which assisted the enemy, and deliberately starved, it is not surprising that his health gave out. I regard this case as one involving maltreatment with quite definite resultant disability. Having regard to all the circumstances, I would recommend a payment to claimant of \$1,000 with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, November 30, 1931.

### CASE 2092—GORDON JAMES PRICE

The claimant was a Private in the 15th Battalion—Regimental number 27532. He enlisted in 1914 at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but states that he was gassed. He was repatriated to England on January 31, 1919. He is not in receipt of pension, and states that he does not propose to apply therefor. He was married in June, 1920, and has one child. Prior to enlistment, he was a structural steel draughtsman, at a salary of \$125.00 per month, and he is now similarly employed, with the Dominion Bridge Company, at a salary of \$365.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains he was struck with a rifle butt and a coal shovel when he refused to work, also that the farm work he was later compelled to do was so heavy that he strained his back. He states further that he contracted rheumatism through becoming wet at his work and there being no drying facilities nor change of clothing, and, that while suffering from an attack of influenza in 1918, he received no medical attention, with the result that his lungs have been weakened.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he complains only of the food. Sent to the salt mines at Salsted, he remained only two weeks, due to an attack of boils. He was beaten for refusing to work and sent back to Gottingen. After a short stay here, claimant was sent to a farm, where he remained for about two years. The work was heavy but the treatment was fair. He complains that he injured his back, carrying heavy sacks of grain and still suffers therefrom. Transferred to Cassel, and thence to a lumber camp, where he spent a winter, he complains that he contracted rheumatism from working in the wet, without change of clothing and no heat in barracks. Sent to a saw-mill, he contracted flu and remained in bed for a month, without any medical attention, to which he attributes a chest and lung condition.

The medical evidence is very general. Certificate of Dr. M. E. Reid is filed, declaring claimant to be suffering from chronic cough, with disability stated at 20 per cent in his own calling and 50 per cent in the general labour market. Dr. N. A. Parr also filed a certificate to the effect that claimant suffers from recurrent bronchitis. Claimant's medical files show nothing unusual. All systems were declared normal, upon examination, at time of discharge from the service.

The medical evidence makes no reference to any injury to claimant's back nor to any rheumatic condition. It is impossible to say, from the record, that claimant's bronchial and possible chest condition are the result of maltreatment whilst a prisoner of war. I would regard these ailments as of general origin, and may possibly give rise to a claim for pension. As far as this Commission is concerned, the claim fails and is, accordingly, disallowed.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, December 7, 1931.

#### CASE 2093—EDWARD RODGERS

The claimant was a Sergeant in the 15th Battalion—Regimental number 27422. He enlisted in August, 1914, at the age of 34 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was released to Holland in March, 1918, and was repatriated to England on October 24 of that year. He was in receipt of pension, amounting to \$18.00 per month, based on peritonitis, but this was discontinued. He has no application pending for reinstatement. He was a widower at the time of enlistment and had three children now all of age. Prior to enlistment, he was employed as a linesman with the Hydro-Electric, earning \$27.00 a week, and is now with the same company earning \$41.00 a week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse being compelled to stand at attention for hours and non-receipt of parcels, as well as lack of medical attention. He developed bronchitis as a result of exposure.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where, suffering from hydrocele, the only attention he received from the doctor was a kick which aggravated his condition. This condition was present to some extent before enlistment. He did receive some, if little attention for this trouble, and was finally operated upon in Holland. Claimant admits that now this condition does not disable him. At Gottingen and Cassel, as an N.C.O. he was not compelled to work, but was made to stand at attention for long hours and received some rough treatment. Sent to Bohinte, the treatment was harsher, the prisoners being at the mercy of a particularly brutal officer, one Meuller. Claimant could get no medical attention, was made to stand out in all weather and generally was knocked about. He speaks also of having been hit in the mouth by a German soldier, and lost two teeth. He confines his complaint to a chest condition from which he suffers.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical files show some hospitalization in England for appendicitis and debility. An ear condition also appears in the records, but claimant makes no mention of this.

In this state of the record—there being no medical evidence—I am of opinion that claimant has failed to establish a present disability resulting from maltreatment whilst a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. The chest condition of which he complains, if proven, would be the result of general conditions of camp life in Germany. The claims must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
Commissioner.

OTTAWA, December 7, 1931.

## CASE 2094—WILLIAM RUSS

The claimant was a Sergeant in the 15th Battalion—Regimental number 27146. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was released to Holland in March, 1918, and was repatriated to England November 18 of that year. He is in receipt of a 25 per cent disability pension, amounting to \$35.00 per month for himself and family based on bronchitis and emphysema. He was married March 15, 1919, and has three children. Prior to enlistment, he was employed as a bookbinder by the T. Eaton Company, at a wage of \$10.00 per week, and since his discharge was given vocational training, returned for a time to the T. Eaton Co., and is now employed as a labourer with the City of Toronto, at \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his wrist, caused by being struck with a staff of wood. Suffers from a bronchial condition and emphysema, caused by the living conditions and exposure while held prisoner.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp. The only incident of physical abuse of which he speaks occurred here; he was struck on the wrist by a sentry who caught him purchasing rations from a Russian prisoner. The wrist was injured, but claimant does not now suffer much, if any, disability therefrom. At Cassel, Langensalza and Bohinte camps claimant has no complaint of particular maltreatment, except as to food and long periods of punishment drill and standing to attention. He complains chiefly of a bronchial condition with some disability to the wrist. The complaint is general, poor food and exposure being the main features.

The medical record indicates the presence of an old fracture of the tip of the right radius and that claimant suffers from bronchitis. 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. S. G. Parker, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files deal with his chest condition, which apparently has shown some improvement. It is for this condition that claimant receives pension.

The injury to claimant's wrist, as far as I can ascertain, does not result in disability. His bronchial condition cannot be said to result from any particular maltreatment and is more a consequence of general camp conditions. I do not regard the case as one properly for this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissiener.*

OTTAWA, December 7, 1931.

## CASE 2096—OLIVER JOSEPH SHERBOURNE

The claimant was a Private in the 14th Battalion—Regimental number 26603. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shell shock. He was repatriated to England November 18, 1918. He was in receipt of disability pension of \$6.00 per month, based on "debility," but it was discontinued in February, 1920. He states that a fresh application has been filed. He was married in 1921 and has two children. Prior to enlistment, he was employed by Gordon Mackay & Co., at a wage of \$15.00 per week, and since

his discharge has been in the employ of the Toronto Hydro for 10 years, at a salary of \$35.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck and wounded in the arm by a guard and received no medical attention, was beaten and made to work in water on the moors, was starved and subjected to general abuse.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp. For refusing to work in an ore mine, he was beaten with rifle butts and injured in the arm by a miner's lamp, the hook penetrating to the bone. He received no medical attention for this injury. Removed to Lichtenhorst, he has no complaints, but at Bradenmoor, working on draining the moors, he complains of the hard work and exposure. He made an unsuccessful attempt to escape, was beaten upon recapture and confined to cells for two weeks. Another attempt to escape from a farm earned claimant similar treatment. At a small camp out of Saltau (Lorop sic), the sergeant-major in charge was particularly brutal. Suffering from dysentery, in a cell, lying on the floor, he was kicked repeatedly by this sergeant-major. Claimant was so weak that he fainted, while hoeing potatoes, at a farm he was then sent to. He complains generally of his mental and physical condition.

The medical record indicates that claimant suffers from chronic bronchitis, nervous debility and deficient hearing—right ear. His percentage of disability is stated at 60 per cent in the general labour market. Dr. T. B. Edmison, who certifies to the foregoing, appeared before the Commission. He confirms his certificate and finds claimant's chief trouble to be his stomach and nervous condition. He speaks highly of claimant and finds him markedly debilitated. Claimant's medical history files show debility which may or may not have resulted from shell shock.

As far as claimant's defective hearing is concerned, this may be attributable to shell shock from which he was suffering when captured. His remaining disabilities are quite general, but I think the evidence will support a finding that they are, in part at least, due to maltreatment to which he was subjected whilst a prisoner of war. Viewing all the circumstances, I would recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 3, 1931.

#### CASE 2097—JAMES WILLIAM SINCLAIR

The claimant was a Private in the 3rd Battalion—Regimental number 9719. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a gunshot wound in the right leg and gas. He was repatriated to England January 1, 1919, after having spent a week in hospital in Denmark. He is in receipt of a 10 per cent disability pension, amounting to \$15.00 per month for himself and family, based on the wound in his right leg and superimposed Psycho-neurosis. Prior to enlistment he was employed at truck driving, earning \$18.00 per week and he is now employed as a labourer with the Consumers Gas Company, at \$27.60 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the coal mines where he was beaten up on two occasions, once with

a rubber hose and butts of rifles and had his arm knocked out of joint. Was sent to the salt mines and beaten because he was unable to work and was taken to hospital. Now suffers from nervous disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Roulers, and then to Magdeburg, where he was in hospital for about a year. He complains of being operated on for the removal of bone from his arm, without anaesthetic, and speaks of the treatment in hospital as persistent cruelty. He was sent to Altongrabow, where he was placed on light duty. For falling, he was beaten, resulting in blood poisoning of his wounded arm and was in hospital for nine months. The treatment in hospital was better. Upon discharge he was sent to a coal mine and for attempting to escape, was beaten and transferred to salt mines near Merseberg. He was here 7 or 8 months and was beaten for failing to work. He complains of injuries to his eyes, his wounded arm and declares that his nerves are seriously affected, with some stomach trouble.

The medical record indicates that claimant shows evidences of a gunshot wound in right leg, below the knee, that he suffers from nervous debility, causing headaches and affecting his speech. His percentage of disability is stated at 20 per cent in his own calling and at 40 per cent in the general labour market. Dr. C. M. Murray, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files speak of a nervous condition, but show that upon discharge from the service, claimant was apparently normal.

Claimant has not, I consider, succeeded in showing that lack of medical treatment in Germany caused any aggravation of the disability resulting from his wounds. He has, however, proven treatment which has had an unfavourable repercussion upon his nervous system—treatment which went beyond what was fair and reasonable—and which I regard as constituting maltreatment in the sense of the reparation clauses of the Treaty of Versailles. As always, it is difficult to measure the pecuniary damage caused, but I would recommend a payment to claimant of \$800.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, November 30, 1931.

#### CASE 2098—THOMAS WILLIAM SPALDING

The claimant was a Private in the 15th Battalion—Regimental number 27259. He enlisted in August, 1914, at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but states that he was gassed. He was repatriated to England January 1, 1919. He is not in receipt of a disability pension, but has an application pending. He is unmarried. Prior to enlistment, he was a shipping clerk in a wholesale produce warehouse at \$7 per week, and since his discharge has been employed successively by the Ford Motor Company at \$40.00 per week, and the Goodyear Tire and Rubber Company at \$25.00 per week, and more recently has had various occupations, painting and decorating on his own account, and earning approximately \$25.00 per week. For some time past he has been out of work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that the acids generated in the salt mines in which he worked for three and a half years loosened his teeth, all of which had to be extracted on his return to Canada. He also complains that the conditions in which he worked have given rise to stomach trouble and headaches, rendering it necessary for him to engage in outside work only.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, as to which he has no complaints. He was then sent to the salt mines at Beienrode, via Saltau, where he remained for 3½ years, working underground under conditions of brutality and cruelty with which we are familiar. He does not say much as to physical abuse to himself, referring only to one incident when he was badly beaten by the civilian guards for not working fast enough. He complains that the acids in the mine affected and loosened his teeth, necessitating their extraction upon his return to Canada. He also complains bitterly of the food conditions, with resultant damage to his digestive system. He moreover, attributes severe headaches to his experiences in the salt mines.

The medical record indicates that claimant suffers from pains and cramps in the stomach, fullness and distress after eating, exudation of gas. 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. Forbes Godfrey, who certifies to the foregoing, did not appear before the Commission. It would have been desirable to have some explanation of the high degree of disability stated. Claimant's medical history files show nothing unusual, all systems being declared normal upon discharge from the service.

There does not appear to be any basis in fact for the percentage of disability given this claimant. He appeared in good health before the Commission, and, were it not that he had spent so long a period in the salt mines I would not allow the claim. Knowing what we do about this ill-famed camp, and, having regard to awards made to other prisoners who were unfortunate enough to spend their period of captivity there, I am inclined to give claimant the benefit of the doubt and to find that he has suffered some disability resulting from maltreatment whilst a prisoner of war. I would, according, recommend a payment to him of \$600.00, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 8, 1931.

#### CASE 2099—DONALD SUTHERLAND

The claimant was a Corporal in the 75th Battalion—Regimental number 805649. He enlisted March 29, 1916, at the age of 20 years. He was taken prisoner April 9, 1917, suffering from gunshot wounds in the arm and leg. He was repatriated to England December 26, 1918. He is not in receipt of pension but has an application pending. He was married in June, 1928, and has no children. Prior to enlistment, he was employed as an automobile mechanic, at a wage of \$17.00 per week, and since his discharge he resumed the same employment, and now earns \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of work close behind the lines, unnecessary extraction of teeth, confinement to cells.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 20 months. After some hospitalization at Douai, where the treatment was fair, he was confined in Fort McDonald for a few days and was then compelled, with other prisoners, to work behind the German lines, on the Vimy front, digging gun pits and carrying ammunition. Under shell fire from our own guns, working at night with scarcely any food, the conditions were very harsh, beatings frequent, and the work heavy. This continued until December 1917 when claimant was removed to Friedrichsfeld and

thence to Dulmen. Apart from the cold, poor food, claimant has no complaint at this camp. He was then sent to Gustrow, where he was compelled to work on the railway, long hours and very heavy work. He was beaten on one occasion but sustained no permanent injury. He complains of rheumatism and his stomach with some nervousness as resulting from these experiences. He also speaks of having six teeth extracted unnecessarily while a prisoner. It appears that he was suffering from a face eruption and a part of the treatment consisted in extracting the teeth.

The medical record indicates that claimant has lost six teeth, suffers from articular rheumatism, neurasthenia and bilious attacks, with signs of gastric ulcer. His percentage of disability is stated at 75 per cent in his own calling. Dr. W. K. Fenton, who certifies to the foregoing, appeared before the Commission. He confirms his certificate, but is unable to specify the cause or origin of claimant's condition; declares that the rheumatic condition has improved.

The complaints which claimant puts forward are quite general, but from other evidence of conditions applying to men made to work close behind the lines, I am convinced that claimant received treatment which must be regarded as cruel and oppressive and that his health has suffered. Viewing the case as a whole, I am of opinion that there is sufficient evidence of maltreatment followed by disability to justify a finding in claimant's favour. I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from the 10th of January, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 4, 1931.

#### CASE 2100—JOSEPH SMITH

The claimant was a Private in the 15th Battalion—Regimental number 27652. He enlisted in 1914 at the age of 19 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, unwounded. He was repatriated to England on November 18, 1918, from Holland. He is not in receipt of a disability pension, but states he has an application pending. He was married in August, 1920, and has two children. Prior to enlistment, he was a tailor, earning \$15.00 per week, and since his discharge has followed the same occupation, at a salary of \$32.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent severe beatings and blows, starvation and general abuse. He alleges stomach and heart trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he served 3 months in jail for refusing to work and declares that he was beaten whilst so confined and even hit across the jaw by an officer, with his revolver. While no permanent injuries have resulted therefrom he complains that his heart was affected by the abuse and strain. Sent to Bohinte, made to work upon irrigation canals, he speaks of the conditions of labour and exposure as extremely harsh. At an iron foundry, he was beaten for not working and was put in hospital and excused all work, due to his debilitated condition. From Hameln camp he was repatriated to Holland. He complains of his heart and stomach as constituting his chief disabilities resulting from the foregoing experiences.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual. His last medical Board, upon discharge from the service, declares all systems normal. There is no record of any hospitalization.

Consideration of this record provokes the view that claimant, in common with others, regards this Commission as a step in an application for pension, and that he hopes by means of a favourable decision here to fortify his pension application. Quite apart from the fact that there is no medical evidence to support his case, I would not be inclined to say that he had established the connexion between whatever disability he may now have and maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

#### CASE 2101—THOMAS HENRY SHEAHAN

The claimant was a Private in the 3rd Battalion—Regimental number 9827. He enlisted in August, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but states that he was suffering from a touch of gas. He was repatriated to England on November 23, 1918. He is in receipt of a 100 per cent disability pension amounting to \$75 per month, based on "tuberculosis lung". He is unmarried. Prior to enlistment, he was a glass leveller, earning from 30 to 35 cents per hour, and from 1922 to 1928 he was employed by the Toronto Transportation Commission, at a salary of approximately \$35 per week. He has been unable to work for the last 3 years, but states that his position in the Toronto Transportation Commission is being held for him until he is able to return to it.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that for some two years he was compelled to do heavy work at marsh reclamation, which necessitated his standing up to his knees in water at all times, and that there was no opportunity of a change of clothing. He alleges that these conditions, combined with insufficient food, induced his present condition of health.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he speaks of the treatment as fair. For refusing to work he was given three weeks in barracks. Sent to Lichtenhorst, thence to Langemoor, he has no complaint as to the former camp, but speaks of conditions at the latter as very bad—heavy farm work and exposure. He was not physically brutalized at any time, but complains chiefly of having to work in water at Harsum, over a period of two years. There was no change of clothing and he was continually wet. To this experience he attributes his present condition of advanced tuberculosis.

The medical record discloses that claimant suffers from pulmonary tuberculosis. His percentage of disability is stated at 100 per cent by Dr. V. A. McDonough and Wm. P. Sharge. Neither of these doctors appeared before the Commission. Claimant's medical history files confirm the diagnosis quite definitely.

There is no doubt as to claimant's present unfortunate state of health. While inferentially his tubercular condition might be ascribed to the work he was called upon to do as a prisoner of war, I do not consider that this necessarily follows. Claimant's earlier medical records do not indicate this malady, the nervous system only being shown to be affected. The inference that tuberculosis was of post war origin is equally open. With the greatest of sympathy for claimant, I am compelled to find that he has not succeeded in showing that his present condition results from maltreatment whilst a prisoner of war. His recourse is properly before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

## CASE 2102—ROY STAMPS

The claimant was a Private in the 15th Battalion—Regimental number 27541. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas poisoning. He was repatriated to England December 24, 1918. Up to September 15, 1919, he was in receipt of disability pension, based on bronchitis and debility, but it was discontinued on that date. He was married on June 30, 1921, and has two children. Prior to enlistment, he was a steel engraver, at a salary of \$15 to \$18 per week, and is still similarly employed, at a salary of \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he suffers from bronchitis, rheumatism, and stomach trouble, induced by bad working and unsanitary living conditions, and lack of proper food.

An analysis of the evidence reveals:—

Claimant spent 5 or 6 months at Gottingen camp. The treatment was not bad; he was taken down with diphtheria and received fair treatment. Sent to Munster, he remained there a year and complains of being generally hounded by the guards. The work was hard in the canals, the food was bad, but he received very little physical abuse from the guards. He suffered from colds and rheumatism. At Dulmen camp he speaks of general conditions as bad. He was sent to Schne'demuhl, where he remained until repatriated to Switzerland. Working in a sugar factory, conditions were very bad, the work arduous with general, rough treatment. Claimant attributes bronchitis, rheumatism and some stomach trouble to these experiences.

The medical record indicates that claimant suffers from chronic bronchitis, catarrh, chronic rheumatism and general debility. His percentage of disability is stated at 15 per cent in his own calling and at 40 per cent in the general labour market. Dr. W. G. Kenney, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are quite full and show the conditions of bronchitis and debility, the first being attributed to the effects of gas and the second to exposure whilst a prisoner of war.

I was impressed with the frankness with which claimant gave his testimony. As far as the bronchial condition is concerned, I am bound to regard this as of service origin. On the question of debility I have reluctantly reached the conclusion that this cannot be ascribed to maltreatment whilst a prisoner of war. If disability now results from this condition, it must be laid down to routine life while in Germany, and is properly a matter for consideration by the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 7, 1931.

## CASE 2103—ALFRED GORDON SAUNDERS

The claimant was a Sergeant in the 3rd Battalion—Regimental number 9974. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, during the second battle of Ypres slightly wounded in the leg and gassed. He was repatriated to England January 30, 1919, having previously been in Holland for about a year. He is in receipt of a disability pension of \$30.00 (including wife's allowance) based on "bronchitis and nephritis." He is married, but has no children. Prior to enlistment, he was a Bank Messenger at a salary of \$15.00 per week, and since his discharge has been employed as a Silver Plate polisher, at from \$36.00 to \$40.00 per week.

He alleges that, while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, blows and general abuse, resulting in heart and lung trouble and injury to the spine.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, where he remained two weeks and complains chiefly of the exposure, not being furnished with sufficient clothing in cold weather and made to stand out on parade without an overcoat. He complains also that, when in hospital from blood poisoning through a wound in the leg, he was hit in the mouth by a nurse, with some injury to his teeth. He was transferred to Saltau and then Hestenmoor, which latter was a non-commissioned officers' punishment camp. For refusing to volunteer to work, the prisoners were given long hours of marching around the square with wooden clogs on their feet. At Hestenmoor he declares that he was struck on the back with the butt of a rifle which has permanently injured his back, and he attributes some curvature, which he says he has, to this incident. He was then taken to Hameln camp, as to which he has no complaints. As a result of these experiences, claimant declares that he suffers with his heart, lungs and has varicose veins. He also speaks about the condition of his back, which troubles him.

The medical record indicates that claimant suffers from chronic bronchitis and nephritis. His percentage of disability is stated at 30%. Dr. T. A. Carson, who certifies to the foregoing, did not appear before the Commission, and declares in his certificate, that the information is taken from the claimant's medical documents. These documents show that the claimant receives a pension for bronchitis and nephritis. There is no mention, in the detailed examination, of any injury to the back.

Claimant has not established the injury to his back. His present disabilities appear to have resulted entirely from the conditions under which he lived and are not shown to be due to any particular acts of maltreatment. I regard the case as one entirely for the consideration of the Board of Pension Commissioners. The claim is accordingly disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2104—HARRY LEWIS SCOTT STONE

The claimant was a Private in the 4th C.M.R.—Regimental number 113579. He states that he enlisted in December, 1914, although the military records show the official date as being February 4, 1915. He was then 22 years of age. He was taken prisoner June 2, 1916, suffering from slight shrapnel wounds. He was repatriated to England December 2, 1918. He is in receipt of a ten per cent disability pension amounting to \$7.50 per month, based on bronchitis and hernia. He was married in March, 1924, and has no children. Prior to enlistment, he was employed as a tinsmith earning \$18.00 per week and since his discharge has had to give up sheet metal work, and is now in the employ of the Customs Department, earning \$1,860.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while suffering from poisoning and upon refusing to work was placed in solitary confinement without medical attention. Received beatings and was injured in the back from being struck with a rifle.

An analysis of the evidence reveals:—

Claimant was first taken to Dubnen camp. He complains that his wounds were not attended to and became infected. Notwithstanding his condition he

was compelled to go out on a working party dragging heavy logs. Here, when struck by a sentry, claimant rushed at him and was struck on the nose. For engaging in an altercation with a guard whom he calls the punishment master, he was court martialled and given 14 days' cells, which he served under very harsh conditions. He complains that the heavy work broke down the scars of a hernia operation and that he still suffers therefrom. At Schneidemuhl camp, for refusing to work, claimant was in prison camp for nine months, with no medical attention. For an unsuccessful attempt to escape, claimant was given two weeks' solitary confinement, and then sent to a punishment factory, where vitriol was manufactured and complains that he was compelled to work there for seven months, when three months (the usual term of civilian employment) was the utmost of human endurance in such conditions due to the fumes. He complains of his nerves and bronchitis, which he attributes to being made to work when unfit to do so.

The medical record indicates that claimant shows hernia operation wounds broken down, suffers from varicocele, pleural adhesions on left side of chest, attributed to pleurisy with effusion and hypertrophic rhinitis. His percentage of disability is stated at 50%. Dr. J. G. Lee, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files are quite complete and show a pleuritic and hernia condition, bronchitis and varicocele.

Claimant was undoubtedly subjected to rough treatment and I believe that his complaint of being made to work when he was not fit to do so has been established. He appears to have provoked some of his troubles, but I am unable to find justification for the treatment given him. I have reached the conclusion that claimant was subjected to maltreatment which has resulted in disability to him. I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5% per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 1, 1931.

#### CASE 2105—MELVILLE TRUEMAN

The claimant was a Private in the 15th Battalion—Regimental number 27610. He enlisted in September, 1914, at the age of 17 years and was taken prisoner April 24, 1915, at the second battle of Ypres suffering from slight shrapnel wound and from the effects of gas. He was repatriated to England in February, 1918. He is in receipt of pension, amounting to \$34.20 per month, based upon neurosis and bronchitis. He was married in September, 1921, and has one child. Prior to enlistment, he was engaged working in a piano works, but is unable to state the amount of salary then received. Since his discharge, he has been working for the Corporation of the City of Toronto, at various employments, and receives a salary of \$28.80 a week.

He alleges that, while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was beaten and given punishment for refusing to work upon munitions. Was struck on the head and face with rifle butts, which have left scars. Due to lack of food and general brutal treatment, developed abscesses, which have resulted in partial paralysis of the legs.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he remained about a year. He was sent out on munitions work, refused to work, was beaten and put in punishment room and made to sit at attention on a stool from early morning to night. During this time he complains of gradually becoming weaker

from the effects of gas, from which he was suffering at the time of capture. He was sent to Geisweid Iron Mines, but was unable to carry on with the heavy labour and was returned to Giessen camp, where, he declares, his legs began to trouble him seriously and he was hardly able to get around. Claimant is very confused and incoherent as to precisely what did happen to him while he was a prisoner of war. He complains bitterly of the lack of food, to which he attributes his generally debilitated condition when repatriated to England. Claimant now appears to be robust and in good health. He complains generally of trouble with his head, with some digestive disturbance.

The medical record indicates that claimant suffers from chronic bronchitis, and from his own statement, has headaches and dizzy spells, resulting from a blow on the head, with marked limitation of leg movement. His percentage of disability is stated at from 40 per cent to 50 per cent in his own calling and at 100 per cent in the general labour market. Dr. W. C. Everest, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are quite complete and contain also a statement made by claimant upon repatriation. While he speaks therein of general maltreatment, there is not sufficient evidence of brutality to account for his present condition. His file contains a summary of his condition, as prepared at the Christie Street Hospital, in Toronto, and the conclusion reached seems to be that claimant suffers from neurasthenia and probably has some permanent physical disability as a result of his service in France, and his life as a prisoner of war for two and a half years. As stated above, he is in receipt of pension for the condition of neurasthenia and bronchitis referred to.

The condition in which claimant now finds himself is quite general and, after very careful consideration of his evidence and the file submitted, I do not consider that I would be justified in finding that claimant was subjected to such maltreatment, whilst a prisoner of war, as has caused him permanent disability. How far his mental condition may be attributed to the strain of his experiences in Germany, I am unable to say, but I consider that his case is purely one for the consideration of the Board of Pension Commissioners. The claim must accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 10, 1931.

#### CASE 2106—FRANK WILLIAM TILLEY

The claimant was a Private in the Third Battalion—Regimental number 9256. He enlisted in September, 1914, at the age of 19 years and was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England on December 31, 1918, and is not in receipt of pension. Claimant was married on September 15, 1928, and has no children. Prior to enlistment, he was employed by the Consumers' Gas Company, at a salary of \$15.00 per month and upon his discharge resumed his work for the same company, and is now earning \$37.00 a week.

He alleges that, while a prisoner of war, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of physical abuse, being forced to work and placed in solitary confinement; blows on the head, burns on the legs and face from working in an iron foundry without adequate protective equipment.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he remained until January, 1916. Sent to a farm out of Giessen, he declares that, for refusing to work, he was condemned to dark cells for two weeks and, when again taken out to work, was knocked into a trench by an officer, landing on the back of his head and

was unconscious for some time. He was then sent to Lichtenhorst, as to which he has no complaints. At Bohinte, he attempted to escape and was given the usual 14 days cells. While in cells, he was struck on the back of the head with the flat of a bayonet and suffered considerably from this blow. From Bohinte he was sent to steel works at Osnabruck. Here the work was particularly arduous, the usual day consisting of 12 hours. He was engaged in cutting steel bars with a steel saw and, during the course of the operation, the sparks of hot metal, which he was compelled to face, burned his legs and face, affecting his eyes. While he declares that he was given a small piece of netting to protect his eyes, he was not furnished with goggles such as the German civilians wore. He worked in this foundry for sixteen months and at the end of that period his body, feet and face, were one mass of small burns. He was then sent to a farm. He complains chiefly of stomach troubles and poor vision, both of which he attributes to his experiences in Germany.

The medical record indicates that claimant suffers from gastritis and constipation, that he bears scars at the corner of his eyes indicating an injury which apparently has affected his sight. His percentage of disability is stated at 20 per cent in his own calling and at 40 per cent in the general labour market. Dr. E. C. Tait, who certifies to the foregoing, did not appear before the Commission. Claimant's military history files contain nothing unusual, all systems being declared normal upon discharge from the service.

I see no reason to doubt claimant's story as to the conditions under which he was compelled to work in the iron foundry, and having regard to the medical evidence corroborating the presence of scars on the face and around the eyes. I am of opinion that claimant has suffered some disability as to his vision. The manner in which he was compelled to work indicates such a callous disregard for the life and health of a workman as, in my opinion, amounts to maltreatment. The claimant has made out a case of some present disability resulting from maltreatment while a prisoner of war. I would accordingly recommend a payment to him of \$700.00 with interest thereon at the rate of 5 per cent from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 3, 1931.

#### CASE 2107—ROBERT FRANCIS TUNSTEAD

The claimant was a Private in the 3rd Battalion—Regimental number 10174. He enlisted in August, 1914, at the age of 38 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering with shrapnel wound in the left temple and forehead at time of capture. It is noted that his attestation paper discloses that he bore a circular scar on the left temple at the time of enlistment. He was repatriated to England October 12, 1918, having been released to Holland in May of that year. He is in receipt of a 100 per cent disability pension, amounting to \$75.00 per month, based on myocarditis, defective hearing and vision and endocrine disturbance. He was married at the time of enlistment and has seven children, all of age. Prior to enlistment, he was employed as a painter, earning 50 cents an hour, and since his discharge was employed for a short time in Vet Craft shops, but says he has been unable to do any work for the past eleven years.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been struck in the back with a rifle butt, which injured his back, and was further caused to strain it by lifting a heavy iron pipe, resulting in permanent injury. Suffered an injury to his shoulder by another blow and was hit in the ear with a fist which had already been injured by his wounds, so that now he suffers permanent deafness.

An analysis of the evidence reveals:—

Claimant is an old soldier having served in the South African War. He is now 55 years of age. When captured at St. Julien, he declares that he was wounded by a piece of shrapnel—"split in head and was blown up." He points to a circular scar on his left temple as evidence of the wounds then received. In his attestation papers, one of his identification marks is noted as "circular scar on left temple." Taxed with this discrepancy between his story and his documents, he is quite unable to furnish a plausible explanation. Moreover, in his medical file appears the note, taken from claimant's statements on examination; "that he was wounded on left temple by shell fragment at St. Julien, by the Germans." Claimant has a long story of abuse and maltreatment whilst a prisoner in Germany. Stuttgart was the worst camp he was at and he complains of being struck in the back with rifle-butts by the sentries and still feels the effect of this beating. He declares the scars still exist, but upon medical examination it is doubtful, in the opinion of my medical adviser, whether there is any trace of such scars. Claimant reports many incidents of beatings at various camps, such as Giessen, Saltau, Lichtenhorst. As a consequence of these experiences, claimant declares that his hearing has been affected, that he suffers from his back, has poor vision, rheumatism and heart trouble. To judge of claimant's reliability, a comparison of the alleged cause of injury to his ears, with the statement made by him and appearing in his medical files, is sufficient:—"Patient states (no documents being available) that he was wounded in left temple by shell fragment at St. Julien, by the Germans. He having fallen after shell explosion and struck the back of his head. Both ears began to discharge from that time, and have done so ever since. Deafness has gradually increased." It is scarcely necessary to pursue the case further. It is evident that claimant endeavoured wilfully to mislead the Commission as to the manner in which his injuries were sustained, and to make it appear that his disabilities are wholly due to maltreatment whilst a prisoner. His testimony is entirely discredited and I have no hesitation in disallowing his claim.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 3, 1931.

#### CASE 2108—JOHN FREDERICK WILKINS

Claimant was a private in the 4th Canadian Mounted Rifles—Regimental number 109680. He enlisted on the 7th of April, 1915, at the age of 22 years, and was taken prisoner June 2, 1916, suffering from gun shot wound in the left leg. He was repatriated to England on December 8, 1918, and is in receipt of a disability pension of 15 per cent, equivalent to \$23.00 per month, based on flat feet and callosities of feet. Claimant is married and has three children. Prior to enlistment, he was employed as a linesman with the Metropolitan Railway and the Ontario Hydro Commission, earning about 27 cents per hour. He is now employed by the Toronto Transportation Commission and earns 77 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. Beaten by the guards he sustained injury to his back. Sent to the coal mines he was compelled to work in wooden clogs, which injured his feet and has resulted in fallen arches. His hearing has been affected by lack of medical treatment and a condition of lumbago is said to result from exposure.

An analysis of the evidence reveals:—

Claimant received some hospitalization at Dulmen and has no complaints to make. Sent to a farm at Dortmund, he was beaten because a compass was

found in his possession. He attributes a weakened back to this beating. He served 21 days in cells for the same reason. Claimant was next sent to a coal mine where he remained for the duration of the war. He spent 12 months working underground and was then given lighter work, due to his weakened condition. He complains of being compelled to wear wooden clogs, which injured his feet. In the mines he was beaten and while suffering from "flu," during the epidemic, was made to continue working. He now complains chiefly of his back and feet.

The medical record indicates that claimant suffers from recurring lumbago and flat feet. His percentage of disability is stated at 20 per cent in his own calling and at 50 per cent in the general labour market. Dr. T. B. Edmundson, who certifies to the foregoing, appeared before the Commission and gave it as his opinion that the injury to claimant's back was of traumatic origin and could very well have been caused as related. He finds claimant suffering with very bad flat feet.

The medical evidence supports to a certain extent claimant's statement of disability. I see no reason to doubt his story that he was hit across the back as described and I think it is reasonable to infer that his present condition of disablement, results in part from such treatment. Claimant has made out a case of present disability, in part at least, resulting from maltreatment, I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDUGALL,

OTTAWA, December 1, 1931.

Commissioner.

#### CASE 2109—ERNEST WEYMOUTH

The claimant was a Private in the 15th Battalion—Regimental number 27417. He enlisted in September, 1914. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a bullet through his right side, and gas. He was repatriated to England in December, 1919, via Holland. He is not in receipt of pension, nor has he applied therefor. Claimant is married and has one child. Prior to enlistment, he was learning the trade of iron welding and, when he came to Canada, worked as a car cleaner for the Canadian Pacific Railway. He is now a pipe fitter in the Canadian National Railways, and earns seventy cents an hour, per eight-hour day.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had a bullet extracted from his side without anaesthetic, that he was confined to cells without sufficient food, was knocked unconscious with rifle butts and worked in a stone quarry for six months under conditions of great hardship. He was compelled to work in water. As a result of these experiences his nervous system is seriously affected.

An analysis of the evidence reveals:—

Claimant testifies that immediately after capture, the bullet was removed from his side without anaesthetic. He was in hospital for six months at Ohrdruf and complains of the lack of attention, without, however, indicating in what way he suffered personally. Released from hospital, he complains generally of the conditions in camp and alleges that, for raiding a wagon, he was knocked unconscious with the butt of a rifle. All through his testimony he speaks of constant beatings without particularizing these incidents. Thus, he says he was knocked down several times and beaten with a whip. He was sent to work on a farm at Gottingen where the treatment was not so bad. But yet on the slightest

suggestion he refers to being knocked down from blows of rifle butts. At Langen-Salga camp he suggests that a lady dentist, who was extracting a tooth, deliberately injected a fluid which caused pyorrhea to develop. This is a mere assumption on his part. The injection was probably a local anaesthetic. Sent to a stone quarry he again relates generally incidents of maltreatment. Claimant served more time at Cassel camp and at various farms, but does not complain particularly of any brutality. He does complain of being made to work in the water and suffered from exposure. His main complaint at the present time is that these experiences have impaired his memory and he attributes this to the blows he received on the head. His testimony on this feature of the case is as unconvincing as his recital of abuses.

The medical record indicates that the claimant suffers from dental caries and pyorrhea; that he is very susceptible to infection and suffers from impaired mentality. His percentage of disability is stated at 20 per cent in his own calling and 30 per cent in the general labour market. Dr. P. G. Brown, who certifies to the foregoing, has also furnished a letter relating to his treatment of claimant. While he expresses the general opinion that claimant's health has been impaired because of his experiences as a prisoner, there is nothing definite in this statement. Claimant's medical history files show nothing unusual. Claimant was discharged from the service, "All systems normal".

Claimant made a very unfavourable impression upon the Commission. His story lacked conviction and he was evidently endeavouring to enlarge upon the instances of brutality of which he speaks. I have no hesitation in reaching the conclusion that if claimant suffers a disability at the present time, his proper recourse is before the Board of Pension Commissioners and not before this Commission. In my opinion, claimant has failed to discharge the burden of showing that he now suffers disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 6, 1931.

#### CASE 2110—WILLIAM STEPHEN WHYTE

The claimant was a Private in the 2nd Battalion—Regimental number 7916. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, un wounded. He was repatriated to England December 31, 1918. He is not in receipt of pension, and states that his application was rejected. He was married February 25, 1918, and has four children living, one having died. Prior to enlistment, he was employed in an hotel in Winnipeg, earning \$45 per month with room and board, and since his discharge he has tried several positions as a labourer but has had to give them up owing to weakness in his back. He was out of employment at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a chronic backache, due to solitary confinement and heating, and exposure to dampness, impaired hearing due to lack of medical treatment while in Germany. Had an infected ankle while a prisoner and has trouble with the leg still.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, as to which he has no particular complaints. Sent to Dusseldorf, for refusing to work in the water driving poles, the prisoners were lined up before a firing squad. Returned to Giessen, claimant was sent to Celle-lager and thence to Ostenholzenmoor, where he was hit on the

head by a sentry for failing to turn out of his bunk quickly enough. He was knocked unconscious and attributes an ear condition from which he suffers to this blow. Claimant made several unsuccessful attempts to escape, was confined to cells, beaten, and tied to a fence by way of punishment. At Vehnemoor, claimant complains of the exposure and heavy work, rain or shine, in the irrigation canals. He also protests that he was made to wear wooden clogs, with consequent injury to his feet and was denied medical attention for an infection to his ankle. He now suffers from his back and hip, his ears and his ankle.

The medical record indicates that claimant suffers some impairment to his hearing and has chronic backache. His percentage of disability is stated at 10 per cent. Dr. Harold E. Baker, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files do not disclose any disability of service or prisoner origin, all systems being declared normal.

Claimant became a marked man because of his repeated attempts to escape, and received rough handling in consequence. While there is evidence that his treatment was harsh, I do not consider that claimant has established the remaining element to entitle him to an award, i.e., present disability resulting from maltreatment. His disability, if any, is slight, and is more properly a matter for consideration by the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

#### CASE 2112—PERCY FRANCIS WHALE

Claimant was a Private in the 15th Battalion—Regimental number 27585. He enlisted in September, 1914, at the age of 19 years, and was taken prisoner April 24, 1915, suffering from wounds in the arm, hand, mouth and leg, with some gas. He was released to Switzerland at the end of 1917, and to England in January, 1918. He is in receipt of pension amounting to \$180.00 per annum. Claimant was married on March 23, 1924, and has no children. Prior to enlistment, claimant was employed as a clerk, earning \$10.00 per week. Since his discharge he has followed various occupations, and is now working for the Dominion Government in the Annuities Branch, on a commission basis.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he is incapacitated to the extent of 75 per cent, due to lack of proper medical attention to his wounds, general abuse and hardships.

An analysis of the evidence reveals:—

Claimant was seriously wounded when captured. He complains of the treatment received when taken—kicked in the wounded side by his captors. He declares also that he was left unprotected and received the wound in the mouth by shell fire after capture. He received no medical attention for 2½ days when he was given very brutal treatment by a nurse and an orderly. Claimant was taken by train to Oberhausen, and suffered greatly on the trip, but was operated upon and has no complaint. He remained in hospital for 8 or 9 months, and was then sent to Friedrichsfeld camp. He could scarcely open his jaws, from his wounds, and though unable to eat was put on regular camp fare. He did receive some dental attention, and appears to have been given a plate. In Switzerland he was further attended to in this respect. Claimant now complains of gastric ulcers, bronchitis, neurasthenia, and loss of weight.

The medical record is very complete. Dr. H. W. Cook certifies that claimant suffers from irregular heart exhaustion point low, bronchitis and gastric ulcer, with some deafness in right ear. He rates claimant's disability at 50 per cent in his

own calling and at 75 per cent in the general labour market. Dr. R. J. Spence finds claimant suffering from extreme nervousness, gastric ulcer and cardiac irregularity, with defective hearing and sight "Probably due to wound more than to enemy treatment during captivity." Dr. Spence speaks of the disability as great. Dr. C. H. Warriner finds neurasthenia, marked general debility, bronchitis, irregular action of the heart and gastric ulcers. He rates claimant's percentage of disability at from 50 per cent to 60 per cent. The defective vision and hearing, Dr. Warriner states cannot definitely be ascribed to enemy action. Claimant's medical history files contain a full statement of his condition. He receives pension for "gunshot wound right arm and jaw, chronic bronchitis and gastric ulcer, post discharge."

Claimant's present condition is in large measure due to service wounds received previous to capture, but I have reached the conclusion, after consideration of the record, that lack of attention and ill-treatment aggravated the condition and has probably left claimant with a greater degree of disability than he would otherwise have had. In these circumstances, claimant should have the benefit of the doubt. I would recommend a payment to him of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 6, 1931.

#### CASE 2113—THOMAS WARNER

The claimant was a Private in the 4th C.M.R.—Regimental number 113619. He enlisted January 22, 1915, at the age of 27 years. He was taken prisoner June 2, 1916, during the battle of Mount Sorrel, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension and has not made application therefor. He is unmarried. Prior to enlistment, he was employed as a labourer, earning \$2.30 per day, and since his discharge has been labouring and doing anything he can find.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the usual treatment, heavy labour and starvation diet, and in particular of a blow behind the ear causing injury with denial of proper medical attention for the wound. He now suffers with severe headaches and is compelled to stop working when they occur.

An analysis of the evidence reveals:—

Apart from general food conditions, claimant complains of one incident only of maltreatment. While working at a factory in Westphalia, the prisoners refused to work on Christmas Day. Apparently a melee or riot ensued during the course of which claimant was struck in the neck, behind the ear, with a flying missile, which inflicted a deep gash. Not only did claimant receive no medical attention for this wound, but, as a punishment for the refusal to work, was made to stand facing the wall for almost the entire day, with his wound still bleeding. He complains of pains in the head and dizziness which incapacitates him from working and he attributes this condition to the blow and wound above referred to. He declares that this injury necessitated an operation upon his return to Canada. Claimant's medical history sheets also refer to a weakness in the back, said to have resulted from heavy lifting in Germany, but claimant is silent as to this disability in his testimony.

The medical record indicates that claimant bears a large protruding scar in the neck, which is also borne out by the medical history sheets. The doctor, whose certificate is filed, finds that claimant suffers no disability from this

wound. It appears also from the medical files of record, that, in statement made upon repatriation, claimant made no mention of the incident referred to, although he does refer to the occasion upon which the prisoners refused to work, and declares the punishment consisted in being made to stand in the snow for four hours.

In this state of the record it is difficult to say whether the injury complained of by claimant was incurred in the manner stated. At all events, claimant has failed to show that any disability has resulted from the injury in question. His own physician does not regard it as disabling. It is clear, therefore, for the reasons expressed in opinion annexed to the present report, that the claim cannot succeed. It is, accordingly, disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 6, 1931.

### CASE 2114—FREDERICK THEODORE WEBSTER

The claimant was a Sergeant in the 2nd Battalion,—Regimental number 8166. He enlisted in August, 1914, at the age of 22. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England, from Holland, on November 18, 1918. He is not in receipt of disability pension, and states that he does not intend to apply therefor. He was married on September 2, 1919, and has two children. Prior to enlistment, he was employed as Instrument Man on a survey party, and since his discharge has been in the employ of certain firms as Surveyor and Engineer, then entered private practice, at engineering, for 3 years and is at present employed by the Ontario Government as a surveyor, at a salary of \$2,200.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that although an N.C.O. he was compelled to work, was forced to parade in wooden clogs for several hours daily with injury to his feet, sustained a fractured jaw when a tooth was extracted, and received no medical treatment. He states that as a result of this treatment, he contracted chronic bronchitis and that he is in a highly nervous condition.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp and commandos. For refusing to work in a stone quarry when he learned that N.C.O.'s were not expected to work, he, with others, was beaten, and, again, for attempting to escape, he received the same treatment and was also given solitary confinement, made to sit on a stool at attention for hours at a time. He complains that his jaw was broken during the extraction of a tooth, without anaesthetic, and that he received no medical attention. He was also punished upon two other occasions, when recaptured, after attempted escapes. Claimant's disability is purely nervous as a result of these experiences. He is unable to concentrate and cannot do continuous work. He suffers also from bronchitis. His statement as to beatings received is corroborated by a fellow prisoner.

The medical record consists of affidavits from two physicians. Dr. J. H. Alford certifies that claimant suffers from his nervous system, periodic attacks of depressive psychosis, with attempts of life. He rates claimant's percentage of disability at 50 per cent in his own calling and at 25 per cent in the general labour market. In further statement, Dr. Alford stresses the neurasthenic condition and speaks of claimant's teeth being in bad shape and also mentions bronchitis as a disablement. Dr. F. S. Lazenby finds an unstable nervous system

with periods of depression and inability to concentrate, gastro-intestinal disturbances and loss of teeth. He rates claimant's percentage of disability at 50 per cent. Neither doctor appeared before the Commission. Claimant's last medical board, upon discharge from the service, shows, "all systems normal."

In this state of the record it is difficult to say that claimant's present mental outlook and nervousness is due to maltreatment whilst a prisoner of war. I should be inclined to regard it as functional and, notwithstanding the greatest attention to his testimony, I do not think I am justified in finding that he has established the two essential elements to a favourable decision, i.e. present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

*Commissioner.*

#### CASE 2115--CHARLES JACKSON WOLSTENHOLM

The claimant was a Private in the 3rd Battalion—Regimental number 9264. He enlisted in 1914 at the age of 20 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England on the 21st December, 1918. He is not in receipt of disability pension, but has an application pending. He was married in April, 1923, and has two children. Prior to enlistment he was a timekeeper for the Massey Harris Co., at \$11.00 per week, and since his discharge was employed in the Toronto Brick Works for 4 years, then as a plasterer for one year, and for the last three years he has been a permanent Postal employee, at a salary of \$1,440.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that foot trouble was started by his being compelled to work in water, and that it was later aggravated by the wearing of wooden clogs.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at a number of camps, viz:—Giessen, Celle-lager, Vehnemoor, Lichtenhorst, Bohinte, Saltau and Osnabruck, the worst of which, he declares, was Bohinte. From working in the water, employed at straightening out a river, his feet became affected, and later, at Osnabruck, made to work in wooden clogs, the condition became aggravated, and he now suffers from extreme flat feet. His complaint is confined solely to this condition. He does not emphasize any brutal treatment at the hands of the guards, but says he suffers only from his feet. For 18 months, at Vehnemoor, he wore wooden clogs.

The medical record indicates that claimant suffers from flat feet. His percentage of disability is stated at 10 per cent. Dr. F. A. Carson, who certifies to the foregoing, did not appear before the Commission, and declares that the information furnished by him is taken from claimant's files. The medical files of record merely show that pension allowance is under consideration, for flat feet. Claimant's last medical board, upon discharge from the service, declared all systems normal.

I cannot say, from the record, that claimant has established a connexity between his condition of flat feet and maltreatment whilst a prisoner of war. It does not necessarily follow from his experiences, as related, that the condition complained of, must result. As to the use of wooden clogs, it is well known that Germany did not have, and could not obtain, boots for all its prisoners of war, and I do not consider that this deficiency can be classed as maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

*Commissioner.*

## CASE 2116—HARRY WINDSOR

Claimant was a Private in the First Queen's Own West Surrey—Regimental number 7641. While he served with the Imperials, claimant had become a resident of Canada in 1909 and returned at the outbreak of war to join his regiment. At the time of enlistment he was 29 years of age. He was captured October 31, 1914, slightly wounded in the arm. He was repatriated to England on December 22, 1918, and was in receipt of pension, amounting to \$14.00 a month, which he commuted for \$600.00 in 1920. He is married and has three children. Prior to enlistment, claimant was a plasterer, earning 50 cents an hour. He still follows the same occupation and, when working, earns about \$50.00 a week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper food and clothing, blow on the head resulting in partial deafness, injury to two fingers of the left hand and of being tied to a post as punishment.

An analysis of the evidence reveals:—

Claimant was first taken to Gustrow Camp, where he complains generally of exposure, and of being struck behind the ear by a guard, because someone had stolen a loaf of bread. It is this blow which has permanently injured claimant's ear. Claimant was sent to a number of different camps and was beaten, without provocation, for minor acts of disobedience. Finally he reached Parchin, where he remained for two years. Working in a sawmill, claimant engaged in a scuffle with other foreign prisoners and while fighting was thrown against a saw by the German sentry, injuring his hand. The treatment generally is described as rough. Claimant suffers from headaches and deafness and some rheumatism, with a deformed hand.

The medical record indicates that claimant has a deformed left hand, with limited movement and loss of power, and that he is almost completely deaf in the right ear. His percentage of disability is stated at 40 per cent. Dr. C. H. Brereton, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer only to the injury to his hand.

Claimant appears to be in good health. The injury to his ear, with deafness, is established and I think may be traced to the blow on the head of which he speaks. The injury to his hand is probably of accidental origin and cannot be regarded as the result of maltreatment. Viewing the case as a whole, I consider that claimant has made out a case of some disability resulting from maltreatment whilst a prisoner of war. I would recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, November 30, 1931.

## CASE 2117—SAMUEL WALLWORK

The claimant was a Private with the 3rd Battalion—Regimental number 9266. He enlisted in August, 1914, at the age of 38 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was repatriated to England January 7, 1919. He is in receipt of a 100 per cent disability pension, amounting to \$100.00 per month, based on arterio renal disease. He was married at the time of enlistment and has one daughter. Prior to enlistment, he was employed as a salesman at \$25.00 per week, and since his discharge has been unable to do much of anything, owing to the state of his health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse, starvation, solitary confinement, bad food and water, which affected his teeth and gave him dysentery. He was compelled to work on the moors and was exposed to severe weather, was kicked and beaten when unable to work while ill.

An analysis of the evidence reveals:—

Claimant has filed a very detailed statement of his experiences during captivity in Germany, from which it appears that he visited a great number of prison camps—he lists them as follows: Giessen, Glenhausen, Soltau, Lichtenhorst, Langenmoor, Sudedeiwicht, Nider Nochtenhausen, Bokelah. A careful perusal of his statement indicates that his complaints have to do with poor food, hard labour, exposure, lack of medical attention and general rough treatment. He was beaten on several occasions and declares that he still bears the scar of a kick on the shin at Langenmoor. It is unnecessary to summarize the detailed treatment received. The impression left after reading his statement is that any disabilities claimant may now suffer from are the result of general conditions and not to any particular maltreatment. There is evidence of some provocation by claimant, which may have earned him rougher treatment than he would otherwise have received.

The medical record indicates that claimant suffers from "high grade chronic interstitial nephritis and hypertension, together with impaired vision." His percentage of disability is stated at 100 per cent. Dr. Henry C. Wales, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files note claimant's condition as due to poor food, privation and nervous strain as prisoner of war.

There is abundant detail in this case, but the proof of disability resulting from maltreatment is inferential only. As explained in Opinion annexed to the present report, I do not consider that impairment to health resulting only from general conditions of camp life is to be regarded as maltreatment. I regard this case as one falling within the scope of activity of the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

*Commissioner.*

#### CASE 2118—JAMES WILTON

The claimant was a private with the Imperial forces—15th Cheshires—Regimental number 243046. He declares that he was resident in Canada prior to the war, but was refused for service and went back to England, enlisting on March 17, 1915, with the Post Office Rifles, London, at the age of 22 years. He was taken prisoner March 24, 1918, suffering from a gunshot wound in the abdomen. He was repatriated to England at the end of January, 1919. He was in receipt of a pension, amounting to 8 shillings a week, which he commuted in 1924. Claimant is married and has five children. Prior to enlistment he was employed as a painter and on survey work earning from \$35.00 to \$60.00 a month, and since his discharge has been doing light work. He is now earning \$20.00 a week at gardening.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck on the head by a German officer and knocked down, worked in an iron factory for six weeks under conditions of general abuse, was struck with a scabbard and knocked unconscious.

An analysis of the evidence reveals:

Claimant's evidence as to his pre-war residence in Canada is not convincing. He was to produce a letter from the York Club, corroborating his statement that he was there employed before the war. This he has not done. As to his experi-

ences in Germany, it will be noted that he was a prisoner for about nine months, the first portion whereof was spent in hospital, and while he complains of inadequate medical attention, his recital of what occurred does not indicate that any incapacity has resulted therefrom. On the contrary, the treatment appears to have been moderately good. At this period of the war, moreover, it must be borne in mind, that facilities were not easily obtainable by the Germans. Sent to Alten Grabow, he was put on light work, complains that he was operated upon without anaesthetic, developed abscesses under the arms, for which he received no treatment, was struck in the jaw by a German Corporal, for not saluting him and was hit on the head with the butt of a rifle. As a result of these experiences, claimant complains of his head and stomach, with rheumatism and nerves.

The medical record indicates that claimant suffers from indigestion, chronic gastritis, headaches, flatulence and constipation. His percentage of disability is stated at 50 per cent in his own calling and at 60 per cent in the general labour market. Dr. C. E. Hill, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files contain nothing unusual, apart from some disability resulting from the wound received previous to capture.

Quite apart from claimant's failure to establish clearly a pre war residence in Canada, I am of opinion that he has failed to show that his nine month's stay in Germany caused him any permanent injury. His evidence was not convincing and the impression was left that his story lost nothing in the telling. On the whole, I am unable to find in claimant's favour. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 4, 1931.

#### CASE 2119—FRANK WOODCOCK (Deceased)

Claim is presented on behalf of the father of the above named soldier, who died April 17, 1919. He had been a Private in the 43rd Battalion—Regimental number 136541. He enlisted December 3, 1915, at the age of 29 years. He was taken prisoner October 8, 1916, on the Somme front, suffering from gunshot wounds in the right thigh, right arm and scrotum. He was repatriated to England June 15, 1918, returned to Canada in February, 1919. His sister, Mrs. Ethel Spencer, appeared to press the claim on behalf of her aged father. She states her brother was a rubber worker, but is unaware of his salary. Deceased was ill all the time after his return to Canada, until he died of heart and stomach trouble.

She alleges that while a prisoner her brother was subjected to maltreatment which resulted in injury to his health resulting in death. She states that his wounds were neglected, that he was operated upon without anaesthetic and that he was starved. He suffered from dysentery and arrived home in a dying condition.

This claim is put forward on the ground of dependency. As a civilian claimant for the death of his son, an enlisted man, claimant is without right under the relevant sections of the Treaty of Versailles. The claim for maltreatment, as I read these sections of the Treaty, is purely personnel to the victim. Counsel for claimant was advised of this view, at the hearing, and undertook to submit memorandum supporting the pretension that dependency entitled claimant to recover. This he had not done, and I adhere to my original opinion that no recovery can be had, in the circumstances, before this Commission. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

*Commissioner.*

OTTAWA, December 4, 1931.

## CASE 2120—GEORGE WEST

The claimant was a Private in the 4th C.M.R.—Regimental number 405465. He enlisted August 17, 1915, at the age of 18 years. He was taken prisoner June 2, 1916, unwounded but slightly bruised and shaken up. He was repatriated to England January 2, 1919. He is not in receipt of pension and has not made application therefor. He was married in June 1923, and has two children. Prior to enlistment, he was attending school, and since his discharge has been employed as a clerk in the hardware business, earning about \$150.00 per month.

He alleges that while a prisoner he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of being compelled to work for long hours in the salt mines, being kicked and beaten upon several occasions and had a shovel handle broken over his back by one of the guards. He now suffers from a skin disease as a result of long confinement in the mines, and has a nervous condition.

An analysis of the evidence reveals:—

Claimant was first sent to Stendal camp, after one week in hospital at Cologne. The only incident complained of is a blow with the butt of a rifle because he threw a pail of coffee on the ground. He was sent to a salt mine at Wolfasburg (sic) where he complains of being beaten over the back by a guard for some trouble with the salt trucks. No physical disability has resulted. He remained here for the duration of the war. While the work was hard and the treatment rough, claimant has not much to complain of, at any rate nothing which has disabled him. He confines his claim entirely to a skin affection which troubles him greatly and which he attributes inferentially to his treatment whilst a prisoner. He does not suffer from bronchial or stomach conditions, and declares that he is now in fair shape physically.

The medical record indicates that claimant suffers from chronic eczema of the hands and fingers, especially about the roots of the nails. His percentage of disability is stated at 25 per cent in his own calling and at 50 per cent in the general labour market. Dr. T. J. Johnston, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual, his final medical board, upon discharge from the service, declaring all systems to be normal.

Were it not for the fact that claimant spent so long a period in the salt mines, I do not think the record would justify a finding in his favour. The disability complained of is not great, but, as in the cases of other claimants from the salt mines, I am disposed to give claimant the benefit of the doubt, and to find that he has suffered some disability resulting from maltreatment whilst a prisoner of war. Viewing all the circumstances I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 6, 1931.

## CASE 2121—ALEXANDER WILLIAM YETMAN

Claimant was a bugler in the 15th Battalion—Regimental number 27557. He enlisted in September, 1914, at the age of 28 years. He was taken prisoner on April 24, 1915, during the second battle of Ypres, unwounded but suffering from the effects of gas. He was released to Switzerland in 1917, and is in receipt of pension, amounting to \$28.75 a month, for tuberculosis of the lungs and bronchitis. He is married and has 3 children. Prior to enlistment, he was employed by the Dominion Express Company as a clerk, at a salary of from \$15 to \$18 per week. Claimant was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect and lack of medical treatment resulting in permanent chest and lung trouble.

An analysis of the evidence reveals:—

Claimant was a prisoner at Gottingen and Mannheim. He has no complaint of rough or abusive treatment, but says that when he reported sick with a bad cough, no attention was paid to him. He was not compelled to work, but played in the orchestra. Claimant confines his complaint to the statement that when taken prisoner he was strong and healthy, and when he was repatriated his health was ruined, through lack of medical attention.

The medical record indicates that claimant suffers from pulmonary tuberculosis. His percentage of disability is stated at 25 per cent. Dr. F. A. Carson, who certifies to the foregoing, did not appear before the Commission, and declares that his information is taken from claimant's military documents. These do show the condition spoken of.

It is clear, in this case, that claimant is without right before this Commission. No particular maltreatment has been shown and the connexity between his treatment as a prisoner and his present condition has not been established. The mere inference that he contracted tuberculosis from the conditions of life in Germany is insufficient to found an award. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 7, 1931.

#### CASE 2122--DAVID JOHN EVANS

The claimant was a Private in the 2nd Battalion, Welsh Regiment (Imperial)—Regimental number 1828. He enlisted on August 6, 1914, was taken prisoner on October 31, 1914, and repatriated to England at the end of November, 1918. He came to Canada to reside May 23, 1929.

He alleges maltreatment while a prisoner of war, resulting in injury to his hand and head, at Gustrow and Schneidemuhl camps. He receives no pension. Claimant appeared before the Commission at Toronto April 15, 1931, and was advised, during the course of the hearing that, as an Imperial, his case could not receive consideration, and that his claim, if any, lay with the Imperial authorities.

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

ERROL M. McDOUGALL,  
*Commissioner.*

OTTAWA, December 4, 1931.