

REPARATIONS

1932 - 1933

FINAL REPORT

March 4, 1933

ERROL M. McDOUGALL, K.C.
Commissioner

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OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1933

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DEPARTMENT OF THE SECRETARY OF STATE
REPARATIONS 1932-1933

FINAL REPORT

*To His Excellency
the Governor General in Council.*

MAY IT PLEASE YOUR EXCELLENCY:

I have the honour to submit the following Final Report under and in virtue of Royal Commission issued to me dated September 6, 1930, directing that I hear and make report in respect of claims for reparations not heard by the previous Commissioners, or which have been filed since the date of the earlier report.

Since the date of my Further Report, dated November 30, 1932, the Commission has held sessions at Toronto, and has heard cases at Montreal and Ottawa, with a view to completing the 286 outstanding claims. Where claimants failed to appear and the claims were pressed, they were requested to complete the records by documentary evidence. In the result, all open dockets have been closed and recommendations made in all records before the Commission.

The present report involves an expenditure of \$55,121.10, with \$36,345.19 estimated interest, at the rate of 5 per cent per annum to, say, March 14, 1933—total of \$91,466.29. Adding this total to the sums allowed in previous reports gives a grand total of \$1,123,702.08.

Summarizing the work done by the Commission, I have the honour to report the following number of cases dealt with:—

Report	No. of Cases	Date	No. of Awards	Principal		Interest		Total	
				\$	cts.	\$	cts.	\$	cts.
Interim.....	272	March 6, 1931.....	188	345,379	26	212,389	38	557,768	04
Armonian.....		May 9, 1931.....							
Supplementary.....	54	July 21, 1931.....	14	131,014	93	05,804	10	226,819	03
Maltreatment.....	340	Jan. 13, 1932.....	132	93,500	00	50,343	13	149,843	13
Otokio.....	1	March 15, 1932.....	1	35,962	58			35,962	58
Further.....	324	Nov. 30, 1932.....	57	37,810	00	24,032	41	61,842	41
Final.....	286	March 4, 1933.....	64	55,121	10	36,345	19	91,466	29
Total.....	1,277		450	698,787	87	424,914	21	1,123,702	08

NOTE.—The interest amount mentioned in the last item is an estimate.

Of the total number of 1,277 cases dealt with, 415 claims were filed by civilians and 862 claims by military ex-prisoners of war, and of these 53 civilian and 108 military claims were disallowed for lack of prosecution or withdrawal by the claimants.

Total cases heard, 1,067.

	Awards	Withdrawn etc.	Disallowed	Total
Civilian claims.....	255	53	107	415
Military claims.....	201	108	553	862
Total.....	456	161	660	1,277

The principles upon which the assessments have been made and the methods adopted in recommending awards are stated in Opinions annexed to and forming part of my earlier reports.

The present report includes findings relating to the dependents of the members of the crew of the ill-fated schooner *Otokio*, whose loss was the subject of a previous special report. These claimants were given an opportunity to be heard during the last Maritime session of the Commission.

In those cases in which claimants, for one reason or another, have advanced further claims since the date of earlier awards, a general recommendation will be found herewith, briefly stating the grounds upon which no further action is recommended.

May I again express my appreciation for the faithful, intelligent and consistent assistance and co-operation given me by the Deputy Commissioner, Major H. Spencer Relph; the Secretary, Mr. John A. Duffy; and the efficient staff, in carrying out the difficult and detailed labour involved in the preparation and hearing of these cases and the completion of the reports.

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

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, March 4, 1933.

SCHOONER "OTOKIO"

Case	Claimant	Amount claimed	Decision
1550 I.....	Acker, Charles—deceased.....	Unstated.....	\$ 1,500 00
1550 N.....	Allison, James A.—deceased.....	".....	1,500 00
1550 J.....	Burke, John F.—deceased.....	".....	1,500 00
1550 F.....	Conrad, Milledge—deceased.....	".....	1,500 00
			1,500 00
1550 C.....	Helsler, George—deceased.....	".....	Disallowed.
1550 H.....	McLeod, Calvin—deceased.....	".....	Disallowed.
1550 G.....	McLeod, John—deceased.....	".....	2,000 00
1550 D.....	Mosher, John—deceased.....	".....	1,200 00
1550 L.....	Nauss, Elwood—deceased.....	".....	1,500 00
1550 E.....	Publicover, Charles—deceased.....	".....	2,500 00
1550 A.....	Ritcey, Newton—deceased.....	".....	1,500 00
			1,500 00
1550 K.....	Ritcey, Wallace—deceased.....	".....	Disallowed.
1550 M.....	Smeltzer, Stephen—deceased.....	".....	Disallowed.
1550 B.....	Smith, Sydenham—deceased.....	".....	1,500 00
			1,500 00
			1,500 00

14 cases—10 with 5% interest from January 10, 1920.

CASES 1550 (A to N)—DEPENDENTS SCHOONER "OTOKIO"

The schooner *Otokio* was lost with her entire crew on or about September 6, 1918. I have already held that her loss is to be attributed to enemy action and awards have been rendered and paid to her owners for her loss and the cargo loss. Claims have been presented on behalf of the dependents of the ill-fated members of the crew.

As pointed out in Opinion No. 2, to my Interim Report, in considering claims of dependents for the loss of life, it is not the value of the life lost which must be determined, but the loss sustained by those who were dependent upon the deceased. The factors or elements to be considered in computing the loss have been there stated and need not be repeated. In the majority of the cases now under examination the deceased left a widow and a child or children. Many of the widows have since remarried, thus terminating in most instances any further dependency upon their former husbands. During their period of widowhood, these widows were compelled, as best they could, to provide for themselves and their children—mostly of tender years—and the burden was particularly heavy. Quite apart, therefore, from any legal principle that arrears of maintenance are not properly recoverable, I consider that the widow who has been compelled to support herself and her children through the loss of her husband, should receive compensation during the period she was in such position, covering the expense she necessarily incurred to maintain herself and her children. Taking as a basis the amount earned by the deceased and the sum he would probably have contributed to the support of his family had he survived, an estimate of the amount payable to the widow may be made. Previous cases have been decided upon this principle and I would propose to adhere thereto in the present case. I consider also that the child who has been deprived of a father's personal services in his or her care, education or supervision has sustained damage for which she or he, in the special circumstances of each case, is entitled to be compensated. Under previous awards, many of the present claimants, as heirs at law of the deceased members of the crew, have received sums of money, representing the share to which the decedent was entitled as a shareholder in the vessel, as also the share in the catch of the vessel to which such decedents became entitled. In assessing these claims I consider that this compensation should be taken into account.

With these considerations in mind, I proceed to deal with the various claims presented.

A. NEWTON RITCEY—MASTER.

The deceased, a Canadian, left a widow and one child, the latter aged 2 years and 11 months at the time of her father's death. The widow remarried November 1, 1922, and is now Mrs. Titus Conrad. It is in evidence that, during her period of widowhood, claimant, Enid Conrad, received financial assistance from her brother-in-law, Harris Ritcey, and further that the estate of her husband was probated at an amount over \$5,000, which amount was received by the widow. Claim is made by claimant on her own behalf and also on behalf of her minor child. Having regard to all the circumstances, and bearing in mind the amounts already received, as above pointed out, I would recommend payment to the claimant, Enid Conrad, of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from the 10th January, 1920, to date of payment. As to the daughter, Pauline Ritcey, now aged 17 years, I would recommend a payment of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from the 10th January, 1920, to date of payment, payable to her legal guardian, in accordance with the laws of Nova Scotia.

B. SYDENHAM SMITH—MEMBER OF CREW.

The deceased, a Canadian, left a widow and two children, Solomon Edward Smith (also called Arnold) aged one year and two months at the time of his father's death, and Cora Kathleen Smith born after her father's death (December 30, 1918). The widow remarried on December 22, 1926, and is now Mrs. Mary Lee Hirtle. I regard the widow as entitled to an award during her period of widowhood. Having regard to all the circumstances, and bearing in mind the amounts already received, as above pointed out, I would recommend a payment to Mary Lee Hirtle of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. As to the two children, now aged respectively 14 years and 13 years, both of whom were clearly dependent upon the deceased, I would recommend payment of \$1,500 each, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment, payable to their legal guardians, in accordance with the laws of Nova Scotia. A further claim was presented on behalf of a sister of the deceased, Ella Smith, who is declared to have been dependent upon him. While the claimant may, in fact, have received support from her deceased brother during his lifetime, I cannot find that she is to be regarded as a surviving dependent within the meaning of the relevant sections of the Treaty of Versailles. Her claim must be disallowed.

C. GEORGE HEISLER—MEMBER OF CREW.

The deceased, a Canadian, was unmarried. Claim is made by Kenneth Creaser, in his quality of executor to the estate of the late Margaret Creaser, by whom is said the deceased was adopted, and upon whom she was dependent. Margaret Creaser died on November 22, 1929. She had been appointed Administratrix to the estate of the deceased on November 23, 1919. There can be no claim on the ground of dependency in this case inasmuch as claimant is not a surviving dependent, even were the legal relationship between the deceased and Mrs. Creaser established, which has not been done.

D. JOHN MOSHER—MEMBER OF CREW.

The deceased, a Canadian, left a widow and one child, Anson Mosher, aged 7 years and 10 months at the time of his father's death. The widow remarried in 1920 and is now Mrs. John Himmelman. The evidence discloses that her present husband is now insane and confined in an institution, and that his wife supports herself by her own labours, and presumably may look to her son, who is now of age, for assistance. Having regard to all the circumstances, and bearing in mind the amount already received, as above pointed out, I would recommend a payment to the claimant, Mrs. John Himmelman, of \$1,200, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. As to the son, Anson Mosher, now of age, no claim is made.

E. CHARLES PUBLICOVER—MEMBER OF CREW.

The deceased, a Canadian, left a widow and two children, Geraldine, aged 18 years at the time of her father's death, and Otto, aged 12 years at that time. The widow did not remarry. Having regard to all the circumstances, and bearing in mind the amounts already received, as above pointed out, I would recommend a payment to the widow, Eliza Publicover, of \$2,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. As to the two children, there is no evidence of dependency in regard to the daughter, who was 18 years of age at the time of her father's death. The son, who is now of age, makes no claim.

F. MILLEDGE CONRAD—MEMBER OF CREW.

The deceased, a Canadian, left a widow and two children, Collins Amos Jonas, aged 2 years and 10 months at the time of his father's death, and Ralph Lorenzo Conrad, aged 1 year at the same time. The widow remarried a brother of the deceased, Lorenzo Conrad, on June 17, 1922. Claim is made by the widow of deceased as well on her own behalf as for her two minor children. Having regard to all the circumstances, and bearing in mind the amount already received, as above pointed out, I would recommend a payment to the widow, Cora Conrad, of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. As to the two children, still minors, I would recommend payment of \$1,500 each, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment, payable to their legal guardians, in accordance with the laws of Nova Scotia.

G. JOHN McLEOD—MEMBER OF CREW.

The deceased, a Canadian, left a widow and three children, Susie McLeod, aged 14 years at the time of her father's death, Ross McLeod, aged 10 years, and Horace McLeod, aged 7 years at the same time. Another son of the deceased, Calvin McLeod accompanied his father aboard the *Otokio*, and lost his life at the time of her disappearance. The widow did not remarry. Claim is made by the widow on the ground of dependency. It will be observed that the three children are now of age. They have not presented separate claims and I cannot regard them as "surviving dependents" within the meaning of the Treaty of Versailles (Annex, Sec. 1—pp. 11, Interim Report). Having regard to all the circumstances, and bearing in mind the amounts already received, as above pointed out, I would recommend a payment to the widow, Rosena McLeod, of \$2,000, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

H. CALVIN McLEOD—MEMBER OF CREW.

The deceased, a Canadian, was a son of John McLeod, also a member of the crew of the *Otokio*. Deceased was unmarried. Claim is made by the mother, Rosena McLeod, on the ground of dependency. The record does not disclose that claimant was dependent upon her son, her claim being in respect of the loss of her husband, for which she is receiving an award. The claim cannot, therefore, be allowed.

I. CHARLES ACKER—MEMBER OF CREW.

The deceased, a Canadian, was unmarried, but left a mother, by whom claim is made, on the ground of dependency. Her husband, Nathaniel Acker, died in 1924, but had been unable to work, through illness, for 12 years before his death, and claimant alleges that she supported him by her own work. This fact is corroborated by the evidence of a neighbour. The deceased contributed to the support of his mother. Having regard to all the circumstances, and bearing in mind the amount already received, as above pointed out, I would recommend payment to the mother of the deceased, Eunice Acker, of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

J. JOHN FREDERICK BURKE—MEMBER OF CREW.

The deceased, a Canadian, left a widow and one child, Jean Winifred, born a few weeks previous to the death of her father. The widow, who remarried on March 15, 1920, Spurgeon Meisner, died on April 17, 1927. Claim is made by Spurgeon Meisner, the child's stepfather, on her behalf as a dependent of the deceased. The dependency is established. Having regard to all the circum-

stances, and bearing in mind the amount already received, as above pointed out, I would recommend a payment of \$1,500. with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment, payable to the legal guardian of the minor, Jean Winifred Burke, in accordance with the laws of Nova Scotia.

K. WALLACE RITCEY—MEMBER OF CREW.

The deceased, a Canadian, was unmarried. Claim is made by his mother, Rosetta Ritcey, on the ground of dependency. It appears from the record that claimant had remarried previous to the death of her son. The claim, on the ground of dependency, is not pressed, and could not be maintained.

L. ELWOOD NAUSS—MEMBER OF CREW.

The deceased, a Canadian, left a widowed mother, who now makes claim on the ground that deceased was her sole support. Deceased was unmarried. Claimant's husband died in September, 1918, as the result of injuries sustained in 1917. The evidence establishes that claimant was partly dependent upon her son. Having regard to all the circumstances, and bearing in mind the amount already received, as above pointed out, I would recommend a payment to claimant, Antoinette Nauss, of \$1,500. with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

M. STEPHEN SMELTZER—COOK.

The deceased, a Canadian, was cook aboard the *Otokio*. He would appear to have left a widow, Letitia Smeltzer, who, however, died on October 8, 1924. Claim is now made by Harris Smeltzer, as administrator of the estate of Stephen Smeltzer and heir-at-law of the late Letitia Smeltzer. It is evident that there can be no claim on the ground of dependency, the widow of deceased having died; any claim she may have had is not transmitted to her estate.

N. JAMES A. ALLISON—MEMBER OF CREW.

The deceased, a Canadian, was unmarried, but left surviving him a father and mother. Claim is now made by the father on the ground of dependency. It is proved that claimant was ill and unable to work for many years and was supported, in part at least, by his son. I think it is only reasonable to suppose that deceased would have continued to support his indigent parents. Upon the whole and bearing in mind the amount already received, as above pointed out, I would recommend a payment to James Allison of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, February 11, 1933.

CIVILIAN CLAIMS

Case No.	Claimant	Nature of Claim	Amount claimed	Decision
2325	Anderson, August.....	Loss of personal effects on schooner <i>Wallena Gertrude</i> , sunk July 21, 1917.	Unstated...	Dismissed.
2327	Anderson, Robert Nelson.....	Loss of personal effects and solatium <i>re ss. Dundee</i> , sunk Jan. 31, 1917.	\$1,008.25...	\$800.00 interest from Jan. 10, 1920.
2392	Booth, John.....	Loss of personal effects and solatium <i>re ss. Crispin</i> , sunk March 29, 1917.	Unstated...	\$500.00 interest from Jan. 10, 1920.
2314	Breen, Miss Hattie B.....	Loss of life of brother.....	Unstated...	Dismissed.
2737	Brown, Edward W., Estate of.....	Loss of personal effects on schooner <i>Lillian H.</i>	Unstated...	Dismissed.
2366	Brown, W. A.....	Loss of personal effects on schooner <i>A. Piatt Andrews</i> , sunk August, 20, 1918.	Unstated...	Dismissed.
2513	Crooks, Capt. Arthur.....	Loss of personal effects on schooner <i>Bessie A. Crooks</i> , sunk in January, 1917.	\$875.00....	\$700.00 interest from Jan. 31, 1917.
2365	Enslow, Ellen.....	Loss of personal effects and solatium of deceased son on <i>ss. Cairngowan</i> , sunk April 20, 1916.	Unstated...	\$800.00 interest from Jan. 10, 1920.
2675	Frazier, John.....	Loss of personal effects and solatium <i>re schooner Reliance</i> , sunk August 19, 1918.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2746	Gilmore, Harry.....	Loss of personal effects and solatium <i>re ss. Mount Temple</i> , sunk December 6, 1916.	Unstated...	\$1,200.00 interest from Jan. 10, 1920.
2736	Hawx, Capt. Frederick G.....	Loss of personal effects on schooner <i>Lillian H.</i> , sunk January 17, 1917.	\$285.00....	\$285.00 interest from Jan. 17, 1917.
2789	Jardine, Charles H.....	Personal injury on <i>ss. Hesperian</i> , sunk Sept. 4, 1915.	\$5,000.00....	Dismissed.
2310	Keitley, Mrs. Minnie G.....	Loss of personal effects on <i>ss. Hesperian</i> , sunk September 4, 1915.	\$286.10....	\$286.10 interest from Sept. 4, 1915.
2534	Le Vatte, Reginald.....	Personal effects and solatium <i>re ss. Morucenna</i> , sunk May 20, 1915.	Unstated...	\$500.00 interest from Jan. 10, 1920.
2389	MacDonnell, James R., Estate of.....	Loss of personal effects of deceased and solatium <i>re schooner J. J. Flaherty</i> , sunk August 25, 1918.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2743	Marshall, William Wallace.....	Personal effects and solatium <i>re ss. Gardepee</i> sunk October 10, 1916.	Unstated...	\$500.00 interest from Jan. 10, 1920.
2369	McPherson, John.....	Loss of personal effects on <i>ss. Knutsford</i> on July 22, 1916.	Unstated...	Dismissed.
2349	Moorrees, John Pieter G., Estate of.....	Loss of personal effects of deceased and solatium <i>re schooner Mayola</i> , sunk Feb. 16, 1917.	Unstated...	\$700.00 interest from Jan. 10, 1920.
2500	Morgan, Ernest Adrian, Estate of (two claimants).	Loss of life of deceased on schooner <i>Verna M. Lohnes</i> , sunk on Sept. 9, 1918.	Unstated...	\$2,000.00 each interest from Jan. 10, 1920.
2391	Muise, William.....	Loss of personal effects on schooner <i>J. J. Flaherty</i> , sunk August 25, 1918.	Unstated...	Dismissed.
2343	Murry, Alfred.....	Loss of personal effects and solatium <i>re schooner Muriel</i> , sunk August 3, 1918.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2676	Myett, Richard, Estate of.....	Loss of personal effects of deceased and solatium <i>re schooner Reliance</i> , on August 10, 1918.	\$600.00....	\$600.00 interest from Jan. 10, 1920.
2798	Ramsay, George.....	Loss of personal effect on <i>ss. Demeterlon</i> , sunk March 13, 1917.	Unstated...	Dismissed.
2324	Sjogren, Karl.....	Loss of personal effects on <i>ss. Largo</i> .	Unstated...	Dismissed.
2333	Snow, Leonard.....	Loss of personal effects and solatium <i>re schooner Laura</i> , sunk April 25, 1917.	Unstated...	\$600.00 interest from Jan. 10, 1920.

Case No.	Claimant	Nature of Claim	Amount claimed	Decision
2390	Watt, James.....	Loss of personal effects on schooner <i>J. J. Flaherty</i> , sunk Aug. 25, 1918.	Unstated...	Disallowed.
2720	Wesley, Charles.....	Loss of personal effects and solatium re schooner <i>Lillian H.</i> , on January 17, 1917.	Unstated...	\$600.00 interest from Jan. 10, 1920.
2338	White, Leo, Estate of.....	Loss of personal effects of deceased and solatium on schooner <i>J. J. Flaherty</i> , sunk August 25, 1918.	Unstated...	\$600.00 interest from Jun. 10, 1920.
2701	Williams, Charles E.....	Loss of personal effects on schooner <i>Rob Roy</i> , sunk August 3, 1918.	Unstated...	\$250.00; no interest.
2550	York, William, Estate of.....	Loss of life of deceased on ss. <i>Lusitania</i> .	Unstated...	Dismissed.

Total..... 30

CASE 2325—AUGUST ANDERSON

This claim arises out of the destruction of the three masted schooner *Wallena Gertrude*, by enemy action, on July 21, 1917, off Santa Maria, Azores. The loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has been the subject of a previous award (Case 2326).

The claimant was employed as cook aboard the vessel and makes claim for the loss of his personal effects. It appears from claimant's testimony that he is not a British subject although he had been resident in Canada for many years. He was of Norwegian birth and never became naturalized in this country. Since the date of the hearing his attorneys have advised that claimant died suddenly on November 29, 1932, at Parrisboro, N.S.

In the circumstances, it is impossible to reach a finding in favour of claimant's estate. As an alien, claimant had no standing before the Commission and his claim failed. On the whole, neither the claimant nor his estate is entitled to make claim for loss of personal effects and solatium. The claim must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 15, 1932.

CASE 2327—ROBERT NELSON ANDERSON

This claim arises out of the destruction of the ss. *Dundee*, on January 31, 1917, by enemy action, 10 miles N. by W. from St. Ives Head, Cornwall, with loss of one life. The loss of the vessel, in the manner indicated, is established by Admiralty reports and certificate from her owners, which moreover attests the fact that claimant was aboard, as Master, at the time of the loss.

The claimant, a Canadian, makes claim for the loss of his personal effects, navigation instruments and a sum of cash which he declares to have been in the ship's safe when she went down. The claim is stated at the sum of \$1,008.25, of which amount \$615 was in cash. As to this latter item, it has not been shown that this money was the personal property of claimant. It would rather appear to have been the property of his employers.

Claimant has established the essential elements to substantiate his claim and I consider that he is entitled to an award upon the same basis as Master

Mariners in the Merchant Service. Disregarding the claim for cash lost, and dealing with the case upon the basis of the scale awards referred to in Opinion No. 3 to my Interim Report, I would recommend a payment to claimant of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 13, 1932.

CASE 2382—JOHN BOOTH

This claim arises out of the destruction of the *ss. Crispin*, by enemy action, on March 29, 1917, off Hook Point, with the loss of lives. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty reports, and the presence of claimant aboard as an able seaman has also been proven.

Claimant is a British subject, born in England. In his statement of claim, and at the hearing, he declared that he had come to Canada to reside in 1922, and for this reason the claim was disallowed for want of jurisdiction (see Opinion No. 1 to my Interim Report). Since that time claimant has alleged that he had become resident in Canada in April, 1917, at Minto, New Brunswick, where he worked as a miner and that he went to sea on June 5, 1917, signing Canadian articles as an A.B. He contends that these circumstances, coupled with his stated intention of remaining a resident of Canada, establish a residence which qualifies his claim for consideration by this Commission. Claimant has been successful in establishing that he became resident in Canada prior to January 10, 1920, and I therefore consider that his claim should be treated on the same basis as other seamen in the Merchant Service. He claims for loss of personal effects and the usual solatium. 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, February 6, 1933.

CASE 2314—MISS HATTIE B. BREEN

Notice of claim was given by the above named claimant, apparently based upon the loss of the lives of her two brothers who served, during the war, in the Navy, and upon whom she was partially dependent. Claimant was advised that this Commission could not entertain such a claim and she has pursued the matter no further, although given notice that she might appear before the Commission at its Halifax sessions on June 18, 1932. For purposes of record the claim is regarded as withdrawn.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 5, 1933.

CASE 2737—EDWARD W. BROWN, Estate of

Notice of claim was received on behalf of the Estate of the late Edward W. Brown, who was master of the schooner *Lillian H.* when she was destroyed by enemy action. The claim was filed for loss of personal effects and the usual solatium. It has since developed that the deceased had become an American citizen before the date of the loss, and notice of withdrawal of the claim has been given by his attorney. The claim is, accordingly, regarded as withdrawn.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 11, 1933.

CASE 2366—W. A. BROWN

This claim arises out of the destruction of the United States fishing schooner *A. Piatt Andrews* by enemy action on August 20, 1918, off the coast of Nova Scotia. The fact of the loss of the vessel, in the manner indicated, has been established by Report of the United States Mixed Claims Commission, and her loss has been the subject of previous awards (Case 1639 and others).

The claimant was cook aboard the vessel and lost his personal effects when the vessel went down. He now makes claim for the value thereof and the usual solatium. It is shown by the crew list, furnished by the United States Mixed Claims Commission, that claimant was aboard at the time stated. Claimant did not appear before the Commission, but alleges that he was Canadian born but is now naturalized as a citizen of the United States. The date of his naturalization is not shown. When advised of this fact claimant produced another sworn affidavit that he had never become a citizen of the United States.

In these circumstances, in the absence of better evidence of citizenship, I am unable to entertain the claim. Claimant cannot, when it serves his interest, thus alter a previously sworn statement. The claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 20, 1932.

CASE 2513—CAPTAIN ARTHUR CROOKS

The claim arises out of the loss of the three masted sailing schooner *Bessie A. Crooks*, destroyed by enemy action in January 1917. The fact of her loss, in the manner indicated, was determined in previous decision contained in my Interim Report (Case 1857, p. 53).

The claimant was master and part owner of the vessel, but did not sail aboard her upon the ill-fated voyage, due to illness at home. She sailed with Captain F. H. Walley, as Master (Case 1908). Claimant, a Canadian, now advances claim for the loss of his personal effects and navigating equipment which were aboard the vessel when she sailed and was lost. He claims a sum of \$875, as the value of such property loss. It is satisfactorily established that claimant's effects were, in fact, aboard the vessel.

Applying the principles states in Opinion No. 3 to my Interim Report, I am of opinion that claimant is entitled to an award for loss of personal effects. I

find the amount somewhat high in the circumstances, and would recommend a payment to claimant of \$700, with interest thereon, at the rate of 5-per-cent per annum, from January 31st, 1917, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 17, 1932.

CASE 2385—ELLEN ENSLOW

This claim arises out of the destruction of the ss. *Cairngowan*, by enemy action, on April 20th, 1916. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty reports and certificate of her owners.

At the time of her loss one, Nathan Enslow, a Canadian, was serving aboard as a seaman. Nathan Enslow is now deceased and claim is made by his mother for the value of the effects lost by her son, and the usual solatium. The deceased was unmarried and died intestate. His presence aboard is proven by the statements of other members of the crew and certificate from owners. It appears that Enslow had also been aboard the *Mayola* when she was destroyed by enemy action at a later date. An award was made in his favour by my predecessor, Mr. Friel (Case 6).

I consider, however, that his Estate is entitled to the usual award for loss of personal effects and solatium. There has been filed in the record an assignment in favour of their mother by the brothers and sisters of deceased of their interest in the intestate succession of their brother. In these circumstances, I consider that the award should be made to the mother, rather than to impose upon these needy people the cost of obtaining administration of deceased's Estate. I would, accordingly, recommend a payment to Mrs. Ellen Enslow of \$600, covering the loss to her deceased son (See Opinion No. 3 to my Interim Report), 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 17, 1932.

CASE 2675—JOHN FRAZIER

This claim arises out of the destruction of the United States fishing schooner *Reliance*, by enemy action, on August 10, 1918, on Georges fishing banks. The fact of the loss of the vessel, in the manner indicated, is established by report of the United States Mixed Claims Commission, which Tribunal granted an award to the vessel's owners on November 11, 1925.

Claim is now made by the above named claimant, who alleges that he was a member of the crew and lost his personal effects when the vessel was lost. He also claims the usual solatium. Claimant did not appear before the Commission, but documentary evidence has been produced establishing that he was aboard at the time of her loss, that he was apparently and still is a British subject, born in Nova Scotia, and that he took to the boats with other members of the crew. There is some confusion as to his name, which has become anglicized, but I am satisfied that claimant's identity has been properly established.

In these circumstances, I am of opinion that claimant is entitled to an award upon the same basis as other fishermen claimants (See Opinion No. 3 to

my Interim Report). 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 13, 1932.

CASE 2746—HARRY GILMORE

This claim arises out of the destruction of the ss. *Mount Temple* on December 6, 1916, by enemy action. The loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has been the subject of numerous awards by previous Commissioners, and several decisions by myself (Case 1641, J. Lacasse, p. 71, and Case 1197—Boulton, p. 68, Interim Report).

Claimant, a Canadian born, shipped on board the ss. *Mount Temple* at Montreal, November 29, 1916, in the capacity of horseman. His presence on board the vessel at the time of loss is established by a letter from the General Superintendent of the Canadian Pacific Steamships, Limited, which recites "The only Hary Gilmore I can find in my records for this ship is one signed in as horseman. After the vessel was lost he was taken with the rest of the crew to a German prison and there exchanged and proceeded back to New York from whence he was repatriated to Montreal." This office had no knowledge of Gilmore as a horseman on the vessel as in his statement of claim he stated he was a fireman. It has now been established that he signed on as a horseman but worked as a fireman when the stoking crew became short handed. After capture, he, with others, was eventually landed at Swinemunde and finally reached Brandenburg. He remained here for 23 months and was repatriated to England after the Armistice.

His claim is for loss of clothing, cash and wages, and no allegation of injury is made.

I am satisfied that claimant was a member of the crew of the ss. *Mount Temple* in the capacity of horseman and fireman, and under the circumstances I consider that he is entitled to the same consideration as that given to other claimants who suffered the same loss and internment without personal injury.

The claim for loss of personal effects and solatium can best be dealt with under a lump sum award for internment. I would therefore recommend that payment be made to the claimant of the sum 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, January 24, 1933.

CASE 2736—CAPTAIN FREDERICK G. HAWX

This claim arises out of the destruction of the Canadian sailing vessel *Lillian H.*, by enemy action, on January 17, 1917, off Old Head of Kinsale. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has been the subject of previous awards (Cases 1682, 1936).

The claimant, a Canadian, was Master of the vessel, but did not sail aboard her on her last voyage. He had left his personal effects aboard and now makes claim for the value thereof. The fact that claimant had left his effects aboard

is proven by the affidavits of two members of the crew, Charles Rector and Augustus Olsen. There is also filed copy of the transcript of the vessel's registry showing that claimant was Master of the *Lillian H.*

Claimant has established the material allegations of his statement of claim and is entitled to an award upon the same basis as other fishermen claimants (See Opinion No. 3 to my Interim Report). There is, of course, no claim for the usual solatium. I would recommend a payment to claimant of the amount shown in his statement of claim, viz., \$285 with interest thereon, at the rate of 5 per cent per annum, from January 17, 1917, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 20, 1932.

CASE 2789—CHARLES H. JARDINE

This claim arises out of the destruction of the ss. *Hesperian*, by enemy action, on September 4, 1915, in circumstances which are well known. The loss of the vessel has been the subject of many previous awards.

Claimant's mother received an award from the previous Commissioner (Case 968). The present claimant, then aged 7 years, was accompanying his mother and was taken by her into the boats with another minor child. The present claimant now makes claim, in the sum of \$5,000, for injury to health, alleged to be due to exposure in the boats on the occasion in question. In support of his claim he produces the certificate of a physician, from which I quote as follows: "For about 5 years Jardine, C. H., is nervous and irritable. He thinks he would be in better health had he not been in torpedoed boat———. He thinks he is unable to do his work without more fatigue than he should." The mother advanced no claim on behalf of her children, and it is scarcely likely that any injury to their health should have occurred. It is also quite evident, at this late date, that claimant could not establish any connection between his present state of health and exposure at the time of the loss of the vessel.

It is unnecessary to pursue the matter further. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 5, 1933.

CASE 2316—MRS MINNIE GERTRURE KEITLEY

This claim arises out of the destruction of the ss. *Hesperian* on September 4, 1915, by enemy action. The loss of the vessel, in the manner indicated, is established by Admiralty Reports and her loss has been the subject of many previous awards.

The claimant was a passenger aboard the vessel (2nd cabin) and was coming out to Canada to be married. She lost her personal effects, to a stated value of £58.17.4 (equivalent at par of exchange to \$286.10). The passenger list, furnished by owners of the vessel, shows claimant (maiden name—M. G. Palmer) to have been aboard the vessel. Claimant later came to Canada aboard the *Scandinavian* and was married on October 5, 1915. Her husband died in April, 1920, and claimant returned to England to live.

Claimant has established the material allegations of her statement of claim and is entitled to an award. I do not find the amount claimed excessive and would, accordingly, recommend a payment to her of \$286.10, with interest thereon, at the rate of 5 per cent per annum, from the date of loss, September 4, 1915, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 20, 1932.

CASE 2534—REGINALD LEVATTE

This claim arises out of the destruction of the ss. *Morwenna*, by enemy action on May 26, 1915, off the coast of Ireland, with loss of life. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports and her loss has been the subject of previous awards (Cases 1163, 1648).

The claimant, a Canadian, was employed aboard as donkeyman and lost his personal effects, for which claim is now made, as also for the usual solatium. Claimant's presence aboard is proven by certificate of the Registrar General and corroborative statements of shipmates.

Applying the principles stated in Opinion No. 3 to my Interim Report, I consider that claimant is entitled to an award upon the same basis as other seamen in the Merchant Service. 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 (Opinion No. 4 Interim Report).

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 4, 1933.

CASE 2389—JAMES R. MACDONNELL, Estate of

Notice of claim was received by letter dated May 25, 1931, from claimant's solicitor, advising that he intended presenting a claim on behalf of his client, who served as a cook on board the United States fishing schooner *J. J. Flaherty*, sunk by enemy submarine August 25, 1918. The proof of the loss of the vessel is supplied by a report given by the United States Mixed Claims Commission at Washington, which report also verifies the fact of the presence of the deceased on board at the time of loss, and that, further, he was not a citizen of the United States. These latter facts are further substantiated by letters from fellow members of the crew.

Information has been received that the claimant is now deceased and that steps are now being taken to secure administration of his estate. For the reasons expressed in Opinion No. 3 to my Interim Report I consider that the estate is entitled to the usual award for the loss of personal effects and solatium. I would, accordingly, recommend payment to the estate of James R. Macdonnell, deceased, of \$600 covering loss of personal effects and solatium, 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, January 16, 1933.

CASE 2743—WILLIAM WALLACE MARSHALL

This claim arises out of the destruction of the ss. *Gardepee*, by enemy action, on October 10, 1916, off the coast of Norway. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports and certificate of her owners.

Claimant, a Canadian, was aboard the vessel at the time of her loss in the capacity of First Mate, as is shown by certificate of her Master and letter from owners, filed of record. He now makes claim for the loss of his personal effects and the usual solatium.

While the claimant did not appear before the Commission, the documentary evidence produced establishes the essential facts. Applying the principles stated in Opinion No. 3 to my Interim Report, I consider that claimant is entitled to an award upon the same basis as other seamen claimants in the Merchant Service. 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, January 5, 1933.

CASE 2369—JOHN McPHERSON

This claim arises out of the destruction of the ss. *Knutsford*, by enemy action on July 22, 1916. The fact of the loss of the vessel, in the manner indicated, is established by certificate of the Registrar General of Shipping and Seamen, which also attests the presence of claimant aboard, as an able seaman.

The claimant now resides at Swansea, South Wales, and declares, in his statement of claim, that he was born in Prince Edward Island, in 1878. He adds that he received an award from the British Reparations Commission of £33, which is confirmed by enquiries made in England. Claimant qualified before the British Reparations authorities and was given an award for the loss of his personal effects. It is, moreover, declared that while claimant stated he had been born in Prince Edward Island, he was found to have acquired a domicile of choice in the United Kingdom. In these circumstances, claimant is without standing before this Commission, and the claim must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 20, 1932.

CASE 2349—JOHN PIETER G. MOORREES, Estate of

This claim arises out of the destruction of the fishing schooner *Mayola*, by enemy action, on February 16, 1917. The loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has already been the subject of previous awards (Cases 1 to 6, Friel Report).

The late John Pieter Gerhardus Moorrees, who died on January 26, 1926, was originally a Dutch citizen, resident in Canada, who enlisted in the Canadian Expeditionary Forces on April 17, 1915, served in France with the 13th Battalion, and No. 1 Field Ambulance and was discharged as medically unfit on June 3, 1916, in Canada. He subsequently (June 6, 1919) became naturalized as a British subject in Canada. The foregoing facts are proven by documentary evidence filed of record.

It is also proven, by documentary evidence, that the deceased was serving as Mate aboard the *Mayola* at the time of her loss. Claim is now made by a sister of deceased, alleging that she is the sole surviving heir at law of her brother, for the value of his personal effects and the usual solatium. The evidence of heirship in the claimant has not been satisfactorily proven and any award must, accordingly, be made to the Estate of the deceased.

I am, however, of opinion that the claim for loss of personal effects and solatium is valid, and, applying the principles stated in Opinion No. 3 to my Interim Report, I would recommend a payment to the Estate of the late John P. G. Moorrees of \$700, with interest thereon at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 17, 1932.

Commissioner.

CASE 2800—EARNEST ADRIAN MORGAN (deceased)

This claim arises out of the destruction of the schooner *Verna M. Lohnes*, on or about September 9, 1918, by enemy action. The loss of the vessel, in the manner indicated, is established by decisions of the previous Commissioner (See Friel Report pp. 91 et. seq). At pp. 92 of the Report, the Commissioner makes the following observation: "The dependents of _____ and E. Morgan, Cape Breton, 31, cook, presumably Canadians, are entitled to compensation which can be assessed when we get further information."

Claim is now made on behalf of the two minor children of the deceased for loss and damage resulting from the death of their father. A claim had already been presented (Case No. 1562) on behalf of a sister of deceased's mother, but was disallowed by the previous Commissioner on the ground that no dependency had been shown. It appears also that the deceased's widow (maiden name Gertrude Clyburne) remarried, and died on December 18, 1931.

The record consists of documentary evidence. Certificate of marriage of the late E. A. Morgan and the late Gertrude Clyburne is produced, evidencing their marriage on November 27, 1912. Both are shown to be British subjects by birth, and resident in Nova Scotia. Certificate of the birth of William James Morgan at Albion Mines, N.S., on April 30, 1913, issue of the marriage referred to, is filed of record, and another child was also born, issue of this marriage, on January 14, 1915, at Stellarton, N.S., named Robert Bruce Morgan. While no certificate is produced as to the birth of this child, the fact has been satisfactorily proved. The deceased enlisted in the Canadian Expeditionary Forces on October 27, 1915, then being a resident of Isaac's Harbour, N.S. The family later resided at Trenton, N.S.

At the time deceased lost his life he was cook aboard the *Verna M. Lohnes*, earning \$90 per month. His minor children were then aged 5 and 3 years respectively. The children were brought up by their mother.

In these circumstances, the claim made on behalf of the two minor children appears to have been established. For reasons which have been explained in Opinion No. 2 to my Interim Report, I consider that claimants are entitled to awards for damage resulting from the loss of their father's life. I would, accordingly, recommend payment to the legal guardians of the said William James Morgan and the said Robert Bruce Morgan, of the sum of \$2,000 each, with interest upon these sums, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment (Opinion No. 4 to Interim Report).

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 23, 1933.

CASE 2391—WILLIAM MUISE

Notice of claim was received by letter, dated May 25, 1931, from claimant's solicitor, advising that he intended presenting a claim on behalf of his client, who was a member of the crew of the United States fishing schooner *J. J. Flaherty*, sunk by enemy submarine, August 25, 1918. No further steps were taken in the matter, until by letter dated January 14, 1932, the solicitor advised that the claim was withdrawn.

The case is therefore dismissed for lack of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 16, 1933.

CASE 2343—ALFRED MURRY

This claim arises out of the destruction of the United States fishing schooner *Muriel*, by enemy action on August 3, 1918, off Seal Island, Shelburne County, N.S. The fact of the loss of the vessel, in the manner indicated, has been established in a number of earlier decisions (Cases 1647, 1609, etc.).

The claimant, a Canadian, was a fisherman aboard the vessel and now makes claim for the loss of his personal effects and the usual solatium. His presence aboard, at the time of the loss, is proven by the crew list furnished by the United States Mixed Claims Commission and affidavit of a shipmate.

Applying the principles stated in Opinion No. 3 to my Interim Report, I consider that claimant is entitled to an award upon the same basis as other fishermen claimants. I would, accordingly, recommend payment to him of \$600 for loss of personal effects and solatium, 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 15, 1932.

CASE 2676—RICHARD MYETT, Estate of

This claim arises out of the destruction of the United States fishing schooner *Reliance*, by enemy action, on August 10, 1918, on Georges fishing banks. The fact of the loss of the vessel, in the manner indicated, is established by report of the United States Mixed Claims Commission, which tribunal granted an award to the vessel's owners on November 11, 1925.

Claim is now made by the duly appointed Administratrix to the Estate of the above named deceased, in the sum of \$600, for loss of personal effects abandoned when the vessel went down, as also for loss of time due to the frustration of the voyage. The late Richard Myett died on April 21, 1923, at Gloucester, Mass. It is established that he was a British subject, born in Nova Scotia. The evidence also proves that he was aboard the vessel when she was lost and was unable to remove his personal effects before taking to the boats with other members of the crew.

I find that decedent's estate is entitled to receive the sum which would have been payable to him had he advanced the claim in his lifetime, upon the same basis as other fishermen claimants. I would, accordingly, recommend a payment to the Estate of the late Richard Myett of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment (Opinion No. 3 to Interim Report).

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 13, 1932.

CASE 2798—GEORGE RAMSAY

Notice of claim was received from the above named claimant, who served as an apprentice aboard the *ss. Demeter-ton* (sic) alleged to have been sunk by the German raider *Moewe*, on March 13, 1917. Claimant was taken prisoner and interned in Germany until November 23, 1918. It developed during the correspondence that claimant is a British subject, who first became resident in Canada on July 6, 1920. He has been advised that this Commission is without jurisdiction to entertain the claim, for reasons which have been explained in my earlier reports. The claim has not been further pressed, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 11, 1933.

CASE 2324—KARL SJOGREN

Notice of claim was received on behalf of the above named claimant, who has completed the usual documents of claim. It appears that he is of Swedish nationality and served aboard the *ss. Largo*, as also the *ss. Lorelei*, as an A.B., when these vessels are declared to have been destroyed by enemy action. Claim is made for loss of personal effects. No evidence in substantiation of the claim has been made. Claimant was notified through his attorney, that his claim would be heard at the sessions of the Commission, at Halifax, on June 18, 1932. He did not appear and his default remains unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 5, 1933.

CASE 2333—LEONARD SNOW

This claim arises out of the destruction of the schooner *Laura*, sunk by enemy action on April 25, 1917, 200 miles off the South West coast of Ireland. The fact of the loss of the vessel, in the manner indicated, is established by finding of the previous Commissioner and award to her owners (Friel Report pp. 73).

The claimant, a British subject, born in Newfoundland but resident in Canada since 1907, was a seaman aboard the vessel at the time of her loss, and now makes claim for the value of his personal effects and the usual solatium. He has successfully proven his presence aboard, in the quality stated, by his own testimony, supported by certificate from owners of the vessel.

Applying the principles stated in Opinion No. 3 to my Interim Report, I regard claimant as entitled to an award upon the same basis as other seamen in the Merchant service. 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 (Opinion No. 4, Interim Report).

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 15, 1932.

CASE 2390—JAMES WATT

Notice of claim was received by letter, dated May 25, 1931, from claimant's solicitor, advising that he intended presenting a claim on behalf of his client, who was a member of the crew of the United States fishing schooner *J. J. Flaherty*, sunk by enemy submarine August 25, 1918. No further steps were taken in the matter, until by letter dated January 14, 1932, the solicitor advised that the claim was withdrawn.

The case is therefore dismissed for lack of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 16, 1933.

CASE 2726—CHARLES WESLEY

This claim arises out of the destruction of the Canadian sailing vessel *Lillian H.* by enemy action, on January 17, 1917, off Old Head of Kinsale. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports, and her loss has been the subject of previous awards (Cases 1682, 1939).

The claimant, a Canadian, was a member of the crew and makes claim for the loss of his personal effects, loss of wages and the usual solatium. His presence aboard, at the time of the loss, is proven by certificate of the Shipping Master, at Parrsboro', N.S., supported by the affidavits of two shipmates, Charles Rector and Augustus Olsen (See Case 2736).

Applying the principles stated in Opinion No. 3 to my Interim Report, I consider that claimant is entitled to an award upon the same basis as other fishermen claimants. The claim for loss of wages cannot be entertained but I would recommend a payment to claimant, as covering loss of personal effects and solatium, 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 20, 1932.

CASE 2388—LEO WHITE, Estate of

This claim arises out of the destruction of the United States fishing schooner *J. J. Flaherty*, sunk by enemy submarine on August 25, 1918, off Miquelon Island. The loss of the vessel, in the manner indicated, is established by report of the United States Mixed Claims Commission, and her loss has already been the subject of awards made to Canadian members of the crew (Cases 1668, 1687, 652, 666).

The late Peter Leon Leblanc (Leo White) is certified by owners to have been a member of the crew and is also noted as such in report of the Mixed Claims Commission. His presence aboard is also established by affidavits of other members of the crew. While known as Leo White, it is quite definitely proven that he was baptized as Peter Leon Leblanc, in Nova Scotia, and is the son of his aged parent who now makes claim for the loss of his son's personal effects and the usual solatium. It appears that the deceased lost his life some time after the sinking of the *J. J. Flaherty*. He died intestate and unmarried and I am informed that under the law of Nova Scotia his father and mother would be his heirs.

I regard the claim for loss of personal effects and solatium as well founded, and, upon the principles declared in Opinion No. 3 to my Interim Report, I would recommend a payment to Peter Leblanc, the claimant's father, 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 15, 1932.

Commissioner.

NOTE—In this case I direct the payment to the deceased's father rather than to the estate, because these aged and needy people can scarcely afford the cost of taking out administration of deceased's estate.

CASE 2701—CHARLES E. WILLIAMS

This claim arises out of the destruction of the United States fishing schooner *Rob Roy*, sunk by enemy action on August 3, 1918, fifty miles off Cape Sable. The loss of the vessel, in the manner indicated, is established by report of the United States Mixed Claims Commission, and her loss has been the subject of previous awards (Cases 1619 and 1642).

The claimant, a Canadian, while a member of the crew of the vessel, was not aboard her at the time of the loss. He had missed the voyage in question. He now makes claim for the value of his personal effects, which had been left aboard and were lost when the vessel went down. The fact that his effects were aboard is proven by the affidavits of several shipmates.

Applying the principles stated in Opinion No. 3 to my Interim Report, I am of opinion that claimant is entitled to an award for loss of personal effects upon the same basis as other fishermen claimants. Since claimant did not appear before the Commission and has not otherwise shown that he is still a Canadian citizen, I am not disposed to allow any interest. I would recommend a payment to claimant of \$250 without interest.

ERROL M. McDOUGALL,

OTTAWA, December 20, 1932.

Commissioner.

CASE 2350—WILLIAM YORK, Estate of

This claim arises out of the destruction of the ss. *Lusitania*, by enemy action, in circumstances which are well known.

The claimant is the widow of the late William York, who was a third class passenger aboard the vessel at the time of her loss. He is stated to have come from Brantford, Ontario, and the fact of his presence aboard the *Lusitania*, and the loss of his life when the vessel went down, is proved by certificate of the owners. It seems that claimant and her deceased husband were born in England and were resident in Canada before the war. Mrs. York now resides in England and presented a claim before the British Reparations Claim Department. Award was made in her favour in January, 1925. It moreover appears that she also received an allowance out of the *Lusitania* Disaster Fund, constituted in 1915.

In these circumstances, the claim has been dealt with by the British authorities, and I do not consider that claimant has shown that she comes within the jurisdiction of this Commission. For this reason, the claim as here presented, must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 23, 1933.

Commissioner.

MISCELLANEOUS CASES

Applications have been received in some cases for reconsideration of cases already disposed of either by the previous Commissioner, or by earlier reports of this Commission. In most cases claimants have been advised that there is no authority to reopen cases already disposed of. Where, however, fresh evidence has been submitted, the cases have been reviewed with a view to determining whether any substantial injustice has occurred. The files have been carefully read and it has been found that there is no reason to adopt any further action, either because the original awards were adequate or because the new evidence adds nothing further. In order that the files may be definitely closed, the cases so receiving further consideration are disposed of as follows:—

1. 1604—JOHN AGNEW—Claim not subject to consideration by Reparations Commission. Dealt with by Dr. Pugsley.
2. 1401—ARTHUR J. CHAMBERS—Claim dealt with by Mr. Friel. No authority to reopen. Award adequate. Claimant's attorney so advised at hearing.
3. 994—LEITH CLOW—Claim dealt with by Mr. Friel. No authority to reopen.
4. 1638—CHARLES KENNAUGH—Additional amount claimed on ground further evidence shows greater loss than originally shown. Award found adequate.
5. 972—NORMAN R. MILLAR—Claim dealt with by Mr. Friel. No authority to reopen.
6. 1602—JOSHUA WARWICK—Claimant cannot be located. Case dealt with by Mr. Friel.
7. 1360—FRANCIS WATERS—Claim dealt with by Mr. Friel. No authority to reopen.

ERROL M. McDOUGALL,
Commissioner.

AWARDS TO EX-MILITARY PRISONERS OF WAR

Case	Name of Claimant	Award	
		\$	cts.
2705	Ball, Frederick.....	600	00
2693	Ball, Robert Arthur.....	600	00
2707	Blythe, Samuel D.....	500	00
2784	Brown, Thomas West.....	500	00
2572	Cameron, Herbert Luther.....	500	00
2709	Dowdney, Thomas William.....	500	00
2372	Doyle, Gregory Edward.....	500	00
2756	Empy, Harold H.....	500	00
2650	Ferris, Samuel James.....	500	00
2697	Foster, Gordon.....	500	00
2711	Gallamore, Edward Thomas.....	600	00
2769	Gallant, Frederick.....	500	00
2732	Griffin, Mansell James.....	500	00
2531	Hilderman, Fred.....	500	00
2712	Hitchman, Henry George.....	500	00
2750	Hockey, Reginald Herbert.....	600	00
2745	Jewson, Fred.....	500	00
2774	Jones, Sidney Percy.....	600	00
2730	MacKinnon, Alfred Neil.....	500	00
2540	McDonald, Malcolm.....	500	00
2654	Moore, Robert.....	500	00
2511	Peters, Duncan.....	500	00
2669	Richer, Edmund.....	500	00
2673	Riley, Charles Sidney.....	800	00
2536	Romer, Charles.....	500	00
2651	Salmon, John Arthur.....	500	00
2656	Smith, James.....	500	00
2706	Stowe, Edgar.....	500	00
2762	Sugden, Samuel Cecil.....	600	00
2658	White, Frank Samuel.....	1,000	00
2359	Woodley, Clifton Neil.....	500	00
Total.....		31	

AWARDS TO EX-MILITARY PRISONERS OF WAR

CASE 2705—FREDERICK BALL

Claimant was a Private in the 15th Battalion—Regimental No. 27443. He enlisted in August, 1914, at the age of 19 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 21, 1918. He is not in receipt of pension, was married in September 1921 and has two children. Prior to enlistment, he was employed as an oiler on Marine vessels, earning \$60 per month and board and is now a street railway conductor, at about \$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 solitary confinement, excessive labour, starvation, forced to work while ill, beatings and bad food.

An analysis of the evidence reveals:—

Claimant first spent three months at Gottingen, and received no medical treatment, although sick from the effects of gas. He was sent to the salt mines at Salsted, where he remained for three years and five months. The story of his treatment here is consistent with that of other prisoners who were in the salt mines, a recital of long hours of labour, frequent beatings for not doing enough work and several periods of solitary confinement. Being ill and unable to carry on effectively, he states he got many beatings and that his condition of weakness was enhanced by the poor quality of the food.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. G. E. Tanner, indicating duodenal ulcer, with a disability rated from 25 per cent to 50 per cent, and a further certificate by the same doctor, stating that he has been treating claimant for ten years for the above condition. The record is completed by a letter from S. W. Barrett, a fellow-prisoner, who corroborates his story as to treatment in the salt mines. Claimant's medical history files show nothing unusual. Included in the file is a statement made by claimant upon repatriation which largely bears out his testimony before the Commission.

Were it not for the fact that claimant spent over 3 years in the salt mines, I do not think the evidence as to present disability would justify a finding in his favour. His story of brutality and cruelty in the mines is similar to that told by other prisoners who had the misfortune to receive the same treatment, and I consider that claimant is entitled to the benefit of any doubt there may be. Having regard to the particular circumstances, I would recommend a payment to claimant of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 16, 1932.

CASE 2693—ROBERT ARTHUR BALL

Claimant was an Imperial soldier who served at a Private in the 2nd Norfolk Regiment—Regimental No. 7360. He first enlisted in December 1906, at the age of 19 years and rejoined the colours at the outbreak of war. He came to Canada to reside in October 1919. He was taken prisoner by the Turks in Mesopotamia April 29, 1916, unwounded. He was repatriated in November 1918 from Smyrna. He is not in receipt of pension and is unmarried. Prior to enlistment, he was a shoemaker, earning 14 shillings per week, and is now an hotel employee at \$50 per month and meals.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food and water, exposure, a blow on the nose and medical neglect, while ill with dysentery.

An analysis of the evidence reveals:—

Claimant was taken by the Turks and marched by the caravan route across the desert to Bagdad. He states he got but little food on the march, and was beaten because he could not keep up, due to illness from dysentery. His nose was injured by a blow. He received no medical attention. This march took about three months and at the end he was placed in a German hospital at Entilla, suffering with dysentery, beri-beri and malaria. He complains that while on the march he had to drink stagnant water. He moved along on another arduous march and reached Afion Kara Hissa where he again entered hospital. Here his condition improved. Six weeks prior to the Armistice, he was sent to an officers' camp to act as servant and was treated very well.

The medical record consists of a certificate by Dr. Ray J. Spence, who did not appear before the Commission, indicating chronic rhinitis with crust formation. Claimant's medical history files are not available.

This case is unusual in that it is the only claim presented by a prisoner held captive by the Turks. He tells a harrowing story of deliberate starvation and abuse whilst on the march across the desert and it is surprising that claimant is not more seriously disabled than he appears to be. So cruel was the treatment meted out by the Turks, the claimant and other prisoners welcomed the appearance of Germans, from whom they, at least, received some food. While the record as to disability is not entirely satisfactory, I am inclined to give the claimant the benefit of any doubt there may be. I find that he was subjected to maltreatment resulting in some disability and I would recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920 to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 16, 1933.

CASE 2707—SAMUEL D. BLYTHE

Claimant was a Private in the 4th C.M.R.—Regimental No. 109224. He enlisted April 7, 1915, at the age of 21 years and was taken prisoner June 2, 1916, suffering with a shrapnel wound in the right hand. He was repatriated to England January 4, 1919. He is not in receipt of pension, was married in March, 1919, and has one child. Prior to enlistment, he was a labourer, earning about \$3 per day and is now a railway car cleaner, at about \$4.25 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of attention to his wound, being forced to work with a swollen hand, beaten, overworked in a coal mine, starved and struck in the mouth with a bayonet, losing two teeth.

An analysis of the evidence reveals:—

Claimant first spent eleven months attached to Stendal camp, and states he received no attention for his wounded hand but was compelled to work. Being unable to continue at carrying ties, he was placed in the creosoting plant, where, he states, the skin of his face was burnt, through failure to supply him with a protective mask. He was then sent to a farm, where he worked from daylight to dark and was given only scraps of food. His hand became swollen and finally the shrapnel was removed by a Russian doctor, without anaesthetic. He was then sent to a second farm, at Merseburg, where the same long hours and overwork prevailed. He was finally sent to a coal mine at Gruber, where he

worked underground. Here he received three days' confinement for a trifling offence and was given neither bread nor water. He spent fifteen months at this mine and states that the place was alive with vermin, and, when ill with boils, he was routed out of bed, beaten and lost two teeth as the result of a blow from a bayonet in the mouth. His quarters were damp and his clothing inadequate and as a result he now suffers with rheumatism and stomach disorders.

No medical evidence was adduced at the hearing, the record consisting of two certificates by Dr. Mortimer Fleming indicating neurasthenia, rheumatism (arthritis) and impaired digestion. He fixes the disability at from 15 to 25 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Were it not for the fact that claimant spent 15 months of his period of captivity in the coal mines, I would not be disposed to regard his case favourably. Under the circumstances I have reached the conclusion that claimant was subjected to maltreatment. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 16, 1933.

CASE 2784—THOMAS WEST BROWN

The claimant was a Private in the P.P.C.L.I.—Regimental No. 51059. He enlisted December 22, 1914, at the age of 22 years and was taken prisoner June 2, 1916, suffering from contusions in the head and left shoulder and pelvis. He was repatriated to England January 2, 1919. He is in receipt of an 80 per cent disability pension, amounting to \$100 per month, based on neurasthenia. He was married in April, 1919, and has three children. Prior to enlistment, he was a telephone lineman, earning about \$2.50 per day, but is now unemployed and stated, at the hearing, that he hadn't done any work for about 10 years.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of labour in the coal mines, being clubbed in the stomach with a rifle butt, tied to posts, received a blow on the head with rifle and had his ankle broken. He also states that his eyesight is failing.

An analysis of the evidence reveals:—

Taken to Aachen, claimant lay in hospital for four months and received but very little treatment. Then he was sent to the coal mines and being unable to carry on with the work, was tied to a wall by his legs and wrists for three hours daily. His wound was still open and painful. Next he was sent to Stendal, to another coal mine, where he remained over a year. A sentry hit him in the stomach and across the back of the head with a rifle. He also states that while he was lying on the ground a sentry broke his ankle with a rifle butt.

The medical record consists of a certificate of Dr. (name indecipherable) who did not appear before the Commission and who finds claimant greatly run down, neurasthenic and possibly a little mentally unstable. He fixes the disability at from 60% to 100%. A certificate from Dr. G. W. Knipe of Winnipeg, who did not appear before the Commission, indicates that he treated claimant from 1920 to 1923 for stomach disorders. Certificates as to character and present conditions are filed by friends. Claimant's medical history files confirm the condition of neurasthenia and infer very clearly that this is consequent upon his period of captivity.

This is another case coming from the coal mines and exhibiting marked signs of disability. Claimant's story is consistent with the evidence of cruelty

and brutality recounted by other prisoners who experienced internment in the coal mines. The medical evidence on claimant's pension files fully substantiates his claim to disability and I have no hesitation in reaching the conclusion that his present condition is, in part, at least, due to maltreatment whilst he was held a prisoner. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, January 9, 1933.

Commissioner.

CASE 2572—HERBERT LUTHER CAMERON

Claimant was a Private in the 13th Battalion—Regimental No. 46818. He enlisted in August, 1914, at the age of 29 years and was taken prisoner April 26, 1915, during the second battle of Ypres, suffering from three shrapnel wounds in the legs. He was repatriated to England in December, 1918. He is in receipt of a 30 per cent disability pension, based on tuberculosis. He was married in February, 1919, and has four children. Prior to enlistment, he was employed as a coal miner, earning about \$6 per day, and is now doing light jobs, earning \$3.25 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure to wet weather, inadequately clad, of being tied to trees for 12 hour periods, that he was hit over the head with a rifle butt and had his nose split, was given solitary confinement for attempted escape and starved. He now suffers with sinus trouble, stomach disorders and tuberculosis.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he complains of lack of medical attention and poor food. Sent out on a working party, breaking stones, before his wounds had healed, he complains of the heavy work, rough usage and starvation and of being beaten with whips. He was tied to a tree for several hours for asking for food and later confined to cells for the same alleged offence. At Cassel camp, though examined and passed by the Swiss Commission as medically unfit, he was denied transfer and sent out on munitions work, which he refused to do, was tied up, beaten and confined as punishment. His head was split open from a blow from the butt of a rifle and on one occasion he was struck on the nose, breaking it. The scar of this blow is still visible. At a farm, and later at Langensalza, he complains of rough treatment and exposure while working. He now suffers with his nose and head and has a chest condition.

The medical evidence indicates that claimant suffers from chronic pulmonary tuberculosis, sinusitis and chronic bronchitis. In 1923, 1925 and 1930, his nose was operated upon to relieve an obstruction due to fractured nasal bones. He still suffers with sinusitis. Dr. F. E. Walsh, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer to the tubercular condition and chronic bronchitis and mention sinusitis.

I find from the evidence that claimant's story of a blow on the nose with resultant disability is borne out. As to his chest condition, I do not think this can be attributed to maltreatment and is properly a matter of pension. I was favourably impressed with claimant's testimony and conclude that he is entitled to an award for the nose injury which is attributable to maltreatment. I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 15, 1932.

CASE 2709—THOMAS WILLIAM DEWDNEY

Claimant was a Private in the 4th C.M.R.—Regimental No. 109307. He enlisted November 27, 1914, at the age of 21 years and was taken prisoner June 2, 1916, suffering from gunshot wound in the right arm, shrapnel in the shoulder and small pieces in the head and face, contusions and bruises on the legs. He was repatriated to England December 31, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on bronchitis. He was married in June, 1927, and has one child. Prior to enlistment, he was engaged in landscape gardening, at \$1,500 per annum, and is now following the same occupation, at about \$1,200 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been beaten, of long hours of labour, bad food, parcels stolen, exposure and of being forced to work while ill.

An analysis of the evidence reveals:—

While being treated at Cologne for his wounds, claimant received a beating for refusing to divulge information and was confined in the latrine for a week. He was then taken to Stendal and a few weeks later sent to Merseburg, working on the building of a chemical factory. Here, he received a beating with a walking stick, because he was unable to keep up with the work. During his three months' stay at this camp he states he received frequent beatings. He was next transferred to a coal mine at Mueheln (sic), where he remained nearly two years. The working hours varied from 12 to 18 hours depending on whether the allotted loadings were completed. Finally, he was compelled to remain in the mine for two months sleeping in an open tunnel which was cold and wet. He made two attempts to escape and received three weeks' solitary confinement as punishment in each case. He recites an instance of one beating in particular by two men, one armed with an iron shod stick and the other with a rifle, for not doing enough work. On another occasion, when stooping to pick up a derailed wagon, he received a kick from behind which caught him in the crotch and disabled him for two weeks. Upon reporting sick, possibly due to rheumatism, he was beaten and forced back to work. In the winter when going to the latrine at night, partly clad, the sentry would not let him back into the barrack and struck him with a club knocking him out. He has developed chronic bronchitis as the result of his experiences. He states that, at Madgeburg, he sustained several beatings at the hands of German recruits.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. W. C. Givens, indicating that claimant has been under his care since 1927 suffering from chronic bronchitis. He fixes the disability at 30 per cent. In a statement made upon repatriation, claimant recites the story of the killing of a fellow-prisoner but makes no mention of his own treatment.

As will be seen, claimant does not suffer any great disability, and, were it not for the fact that he spent nearly two years in the coal mines, I would not be inclined to regard his case favourably. In view of all the circumstances and other testimony available as to the harsh and brutal treatment accorded prisoners in these mines, I have reached the conclusion that claimant was subjected to maltreatment. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 16, 1933.

CASE 2372—GREGORY EDWARD DOYLE

Claimant was a Private in the 8th Brigade Machine Gun Company—Regimental No. 414340. He enlisted July 19, 1915, at the age of 21 years and was taken prisoner June 2, 1916, suffering from hand grenade wounds in the leg and chest, and a bullet wound in the side. He was repatriated to England in December, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based on his war wounds. He is unmarried. Prior to enlistment, he was employed as a structural steel worker, earning \$15 per week, and is now in the same trade, earning \$77 per week when 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 severe injuries to his head from blows with pick handles while working in the salt mines, a broken nose, digestive disorders due to starvation and bad food, and permanent nervous trouble.

An analysis of the evidence reveals:—

Claimant was taken to hospital at Courtrai, followed by Hanover and Celle lager, and was finally sent out upon a farm before his wounds had properly healed. It is of his later experiences that he chiefly complains—at Edwigsburg salt mines—where he spent over two years. The story he tells of hard work, long hours, and brutal treatment, is quite consistent with the mass of testimony adduced before the Commission as to conditions in the salt mines, although, in fact, the particular mine referred to by claimant had not previously been called to our notice. He was beaten, had his nose broken, and has scars on his head resulting from blows inflicted because he was unable to complete the allotted tasks. He now suffers from persistent diarrhoea, nervousness, and stomach trouble.

The medical evidence indicates that claimant suffers from tremulousness, nervous instability, nervous indigestion with recurrent diarrhoea, defective breathing from broken nose, scars on head, body and legs. His percentage of disability is stated at from 30 per cent to 40 per cent. Dr. J. W. Merrett, who certifies to the foregoing, also appeared before the Commission, and declared claimant's main disability to be his nervous condition. From the history of the case, he expressed the opinion that the disability could well result from the experiences recounted. A certificate of Dr. P. O'Kelly is also filed, certifying to a condition of neurasthenia, gas^{tritis} and migraine. Claimant's medical history files relate only to his service wounds.

I should be surprised indeed to learn that claimant came through his experiences in the salt mines without injury. That he did not so escape injury and disability is borne out by the record and is quite in accord with the evidence of other prisoners who had the misfortune to serve time in these mines. On the whole, and without endeavouring to trace specifically the various disabilities shown to particular maltreatment, I am of opinion that claimant is entitled to an award. I would recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 15, 1932.

CASE 2756—HAROLD H. EMPEY

Claimant was a Private in the 31st Battalion—Regimental No. 811730. He enlisted January 1, 1916, at the age of 23 years and was taken prisoner May 3, 1917, at Fresnoy, suffering from gunshot wounds in both buttocks. He

was repatriated to England December 7, 1918. He is not in receipt of pension, was married in October, 1928, and has no children. Prior to enlistment, he was engaged in farming and is now unemployed although, after discharge, he tried farming, selling, and various occupations.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, blows, kicks, standing at attention. He now suffers from nervousness and stomach disorders.

An analysis of the evidence reveals:—

Taken first to Merseberg, claimant remained three weeks, when he was sent to Munster. Here he complains of receiving too many inoculations. He was then sent to a coal mine at Karneg (sic) near Essen, where he remained until the Armistice. He states that he received several beatings, one of which rendered him unconscious, and on another occasion, was knocked down by a rifle and kicked, his ribs being broken. He received no medical attention, and, being unable to work, had to hide in the mine every day, for three weeks, to escape work. His main disability appears to be from stomach disorders, although he also complains of loss of memory and frequent headaches.

The medical record consists in a certificate of Dr. E. P. Scarlett, of Calgary, who examined claimant shortly before the hearing. He finds a functional gastro-intestinal condition and right inguinal hernia. He is unable to estimate the extent of disability. A copy of a report by the Department of Radiology of the Calgary hospital is also filed which, while technical in its terminology, indicates that there are adhesions in the region of the gall bladder, suggestive of probable gall bladder disease. Claimant's medical history files indicate that he was discharged "all systems normal."

Were it not for the fact that claimant spent over a year of his period of captivity in the coal mines, I would not be inclined to view his case with favour. His story is quite consistent with the evidence of other prisoners who were in the coal mines and I have reached the conclusion that claimant was subjected to maltreatment whilst a prisoner which has resulted in some disability to him. While his main disabilities appear to be of nutritional origin, I am yet satisfied that his unjustifiable treatment in the mines is a contributing factor. 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 22, 1932.

CASE 2650—SAMUEL JAMES FERRIS

Claimant was a Corporal in the 8th Battalion—Regimental No. 839. He enlisted in August, 1914, at the age of 32 years, and was taken prisoner April 25, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England November 23, 1918. He is in receipt of a 60 per cent disability pension, amounting to \$60 per month, based on epilepsy. He was married in May, 1919, and has no children. Prior to enlistment, he was employed as a sailor, earning \$95 per month and board, and is now a caretaker of a military building, at \$65 per month and his quarters.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, blows on the head, being compelled to stand all night and being hung up by the wrists.

An analysis of the evidence reveals:—

Claimant was at Giessen, Munster and Friederichsfeld camps. He states that because he had a picture of Lord Kitchener tattooed on his chest, he was singled out for brutal treatment. He was forced to stand against a wall practically all night for four nights. While working in a coal mine, he was struck over the head with mining lamps for not working fast enough and as a result was laid up for six months. He recites another incident of having his wrists tied together and pulled above his head while he was standing on a box. He states he was practically paralysed when allowed to get down.

Dr. T. H. Manchester appeared and testified that for many years he has been specializing in neurology and neuro-psychiatry. He examined the claimant during the routine of his work at Shaughnessy Hospital and is impressed with the consistency of his story. He testifies that the condition of epilepsy could have been caused by a severe blow on the head. He fixes claimant's disability at 75 per cent.

The file contains reports of Dr. Dobson, neuropsychiatrist, and of Dr. Manchester, covering claimant's condition as to epileptic fits and left side paralysis. A scar on the right side of the head and over the left eye bear evidence as to the blows from miner's lanterns. A submission by claimant's solicitor is also filed, subsequent to the hearing presenting arguments refuting any possibility that claimant's condition might be due to disease. Claimant's medical history files show nothing unusual, apart from the epileptic condition.

The medical evidence of Dr. Manchester, together with the certificate of Dr. Dobson, establish that the epileptic condition from which claimant suffers could very well result from the blow on the head related by claimant. I have carefully scrutinized claimant's story and have become convinced of the substantial accuracy of the statements made. There seems to me to be clear evidence that claimant's present condition, in part at least, is attributable to maltreatment whilst a prisoner of war. Other possible causes for his present state seem to have been eliminated and I consider that claimant has been successful in making out a case. On the whole, having regard to the pension he receives, 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 27, 1932.

CASE 2697—GORDON FOSTER

Claimant was a Private in the 15th Battalion—Regimental No. 27474. He enlisted in August, 1914, at the age of 19 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 31, 1918. He is not in receipt of pension, was married in November, 1920, and has three children. Prior to enlistment, he was employed as a carpenter, at about \$20 per week, and is now following the same trade but cannot find employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, overwork and abuse, eyesight affected through work underground and salt poisoning due to salt entering open wounds.

An analysis of the evidence reveals:—

Claimant passed through Gottingen and Celle lager, and arrived at the ill-famed Beinerode salt mines. He was kicked and beaten and forced to work underground, where he contracted salt sores. He states he was suspended on

a board with a rope in either end, down the mine shaft repairing the casing, where a slip meant a fall of some 600 feet. His eyesight became affected due to some refuse splashing in his eye and he states that, against doctor's orders, he was compelled to work underground in bright artificial light. He now complains of nervous trouble and heart strain and says he cannot climb buildings. A fellow-prisoner, E. W. Hopkins, testified that claimant was with him at Beinerode.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. G. W. Pringle, indicating nervousness and defective vision. He fixes the disability at 35 per cent. A report from Dr. C. E. Hill, covering the eye injury, is filed. He recommends glasses for close work. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

We have grown familiar with the cruel and brutal treatment which prevailed at the Beinerode salt mines, where claimant spent so large a part of his period of captivity. His story is consistent with that of other prisoners who were there. I am not surprised that his health has suffered, and I have little hesitation in finding that claimant was subjected to maltreatment which has resulted in some disability to him. I would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 16, 1933.

CASE 2711—EDWARD THOMAS GALLAMORE

Claimant was a Private in the 15th Battalion—Regimental No. 27478. He enlisted in August, 1914, at the age of 24 years and was taken prisoner on April 24, 1915, at the second battle of Ypres, suffering from a slight wound in the shoulder and affected by gas. He was repatriated to England on or about December 26, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$32 a month, based upon neurasthenia. He is married and has five children. Prior to enlistment, he was a butcher, earning \$15 per week. He is now an assembler at the Galt Brass Works, earning about 55 cents an hour when working.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour in the salt mines, blood poisoning, pneumonia and a nervous breakdown which results in his present neurasthenic condition.

An analysis of the evidence reveals:—

Claimant received some treatment behind the lines and was then sent on to Göttingen Camp. Almost immediately he was notified that he was being sent out to work on a farm, but found that he was destined for the ill-famed salt mine at Beinerode, where he spent three years and three months. He tells the familiar story of ill treatment, abuse, lack of food, and long working hours, recounted by other prisoners who had the misfortune to be sent to this particular camp. He still suffers from boils or salt sores which he contracted during this time in Germany. He now suffers from general weakness, lack of concentration and a nervous condition which greatly incapacitates him.

The medical evidence indicates that claimant suffers from neurasthenia and loss of control of himself. His percentage of disability is stated at 25 per cent. Dr. D. L. Mackendrick, who certifies to the foregoing, did not appear before the Commission. There is also filed in the record medical certificate of Dr.

~~Daniel Buchanan, certifying that he attended claimant in 1925 and 1929 for neurasthenia and general nervous debility. A further certificate of Dr. J. Reginald Beaven is also filed, certifying to the same condition and inferring from the history of the case that claimant's disability is due to his experiences as a prisoner in Germany.~~

I have very little hesitation in reaching the conclusion that claimant is entitled to an award. As pointed out in my earlier report upon maltreatment cases, prisoners at the Beinerode salt mines were treated with the greatest cruelty and brutality and it is not surprising to find that claimant's health has suffered as a result of his treatment. Having regard to all the circumstances, I would recommend a payment to claimant of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 13, 1933.

CASE 2769—FREDERICK GALLANT

Claimant was a Private in the 102nd Battalion—Regimental No. 703349. He enlisted in November, 1915, at the age of 32 years and was taken prisoner November 11, 1916, at Courcellette, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a logger, averaging \$100 per month and is now unemployed although he has followed lumbering operations since discharge.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being worked behind the lines under shell fire, beaten, starved and that he received no parcels.

An analysis of the evidence reveals:—

Claimant was detained at working camps behind the lines from the time of capture until August, 1917. He was subjected to rough usage, exposed to shell fire and an air bombardment, given unhealthy food and exposed to all weathers. At Ecourt St. Quentin, he complains chiefly of the lack of food, and of one guard, who continually tormented the prisoners. At Bochainc, they were bombed by allied planes, the work was hard and the food exceptionally bad. Sent to Germany, he reached Schneidemuhl, where he was placed at work carrying coal. He, with others, was beaten with whips. He also sent to Poatzig, Zadow and Krusewitz, but was subjected to no particular maltreatment. His main complaint is as to treatment to which he was subjected behind the lines at Queant, Ecourt St. Quentin and Bochainc, as a result of which he suffers from nervous disorders.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files contain a statement made by him on repatriation concerning conditions behind the lines, which is consistent with other evidence on the subject. Claimant apparently made a good recovery, because he was discharged as fit.

Claimant spent several months held behind the lines and seems to have come through his experiences with comparatively little disability. We have grown familiar with the conditions of brutality and cruelty which prevailed in these camps and, while claimant has not shown any very definite disability from his treatment, I think he should receive an award on the general ground of the nature of the captivity and brutality he was forced to endure. 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 30, 1932.

~~CASE 2732—MANSELL JAMES GRIFFIN~~

Claimant was a Private in the 7th Battalion—Regimental No. 21696. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 23, 1915, during the second battle of Ypres, suffering with shrapnel wounds in the knee and groin. He was repatriated to England, December 10, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on nephritis. He states he recently received a letter advising that his pension has been discontinued. He was married in May, 1921, and has no children. Prior to enlistment, he was farming, earning \$60 per month and board and is now engaged in fur farming but finds it hard to keep out of debt.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, solitary confinement and denial of medical attention while ill.

An analysis of the evidence reveals:—

Claimant was attached to Giessen Camp during his period of captivity and was sent out to different working commandos. He was sent to a plant at Neiderschelden, where, upon discovering he was expected to work on munitions, he refused to comply and attempted to escape. Recaptured, he was given 14 days cells at Giessen, and was sent back to the same plant, where, upon further refusal to work on shells, he was kicked and beaten with a rifle and was placed in a small tool shed which was bricked in after him. He was removed after four hours and placed in a cell for 21 days. He received a blow from a rifle butt on the side of the head and shoulder, knocking him unconscious. He was also kicked in the face, eye, ribs and stomach. He was then taken to the barracks, where other British prisoners were confined (declarations by two of whom are on file attesting to claimant's condition immediately after this beating). He contracted influenza and was refused attention. At Giesweid, he was placed in the steam box, so-called. As a result of the beating, he complains of his arm and shoulder and deafness in the right ear. The affidavit of H. S. Kenyon was read into the record as corroborating claimant's story.

The medical record consists of a certificate by Dr. W. Ross Stone, who examined claimant subsequent to the hearing. He finds lameness and pain in the right shoulder, which he attributes to a blow on the right shoulder. A certificate of Dr. H. R. Mustard is also filed, certifying to nerve and catarrhal deafness in both ears. Neither physician appeared before the Commission. Claimant's medical history files show the condition of nephritis and refer to arthritis and otitis media as "post discharge".

A puzzling feature of this case is that claimant made no claim at the time of his medical examination or discharge of an injured shoulder, but referred only to a minor foot injury, since cleared up. He appears to have aroused the particular hostility of his guards by his persistent refusal to work upon munitions. He was apparently one of the first to adopt this course at Giessen and his case came to be regarded as a test case. The evidence of abuse, by way of punishment, to which he was subjected, is clear. His own statements are corroborated by the affidavits of fellow prisoners. I do not believe, however, that the partial deafness of which he speaks, resulted from this treatment. That his shoulder was injured from blows of a rifle is not clear but I think he should have the benefit of the doubt and I find that he has been left with some disability from such treatment. I regard the punishment he received as going beyond all reasonable bounds and as constituting maltreatment. On the whole, I think claimant has made out a case, and I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 30, 1932.

CASE 2531—FRED HILDERMAN

Claimant was a Private in the 50th Battalion—Regimental No. 447929. He enlisted November 17, 1915, at the age of 15 years. He was born in Russia and states that he obtained his naturalization papers this year. He was taken prisoner November 18, 1916, unwounded. He was repatriated to England, December 9th, 1918, and is in receipt of a 15 per cent disability pension, amounting to \$19.50 per month, based on viscerotoposis and appendicitis. He was married in May, 1928, and has two children. Prior to enlistment, he was an hotel bell-boy, at \$10 per month and tips, and since 1924 has been a dining car waiter, earning from \$90 to \$175 per month. He was laid off 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 starvation and lack of medical attention.

An analysis of the evidence reveals:—

After capture, claimant was detained for some weeks behind the lines. He was sent to Maritz, in France, and placed on road work, also behind the lines. He was starved, and describes the conditions as to food and heavy labour as particularly harsh. When unfit for further work, he was next taken to Munster No. 2, and thence to Minden, where he was fairly treated until January, 1918, when he was sent to Witten. He was sent back to Minden, charged with having incited mutiny, and went to hospital with bronchitis, where he remained until after the Armistice.

The medical record consists of certificates by Drs. H. Gordon Young and F. D. Wilson, neither of whom appeared before the Commission, and a report of an X-ray examination of the thorax. Dr. Young certifies that he treated claimant for bronchitis and Dr. Wilson treated him for about five months for bronchiectasis. Claimant's medical history files show the conditions referred to, and contain statements made by claimant upon repatriation. Unfortunately, a part of these is practically indecipherable.

Claimant's main complaint centres around his experiences while held behind the lines and made to work. While the conditions behind the lines as applying to prisoners there held, from the official reports, appear to have been later in date than the Fall of 1916 and beginning of 1917, I have reached the conclusion from claimant's testimony and statements made on repatriation, that he was subjected to this particularly harsh form of punishment. When he was sent back into Germany, as unfit for further work, he was emaciated and in a pitiable condition. I consider that evidence of maltreatment has been made, and it is not surprising that injury to health has resulted. I am inclined to give claimant the benefit of any doubt there may be, and would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 28, 1932.

CASE 2712—HENRY GEORGE HITCHMAN

Claimant was a Private in the 4th C.M.R.—Regimental No. 113292. He enlisted in July, 1915, at the age of 21 years and was taken prisoner on June 2, 1916, unwounded. He was repatriated to England in November, 1918. He is not in receipt of pension, was married May 2, 1920, and has two children. Prior to enlistment, he was a shipper with Campiell Flour Mills, earning \$14 per week. He is now without steady employment.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being struck on the head, nose and finger, with resultant injury, excessive labour and punishment.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, as to which he has no complaints. He was then sent to the coal mines—Commando 47—where he remained for the duration of the war. He was struck over the head and nose for not working fast enough. Claimant apparently retaliated, was tried sentenced and served confinement to cells. Claimant tells a rather confused story but stresses the two occasions when he was struck as above stated. He suffers with his chest, bronchitis and haemorrhoids.

The medical record indicates that claimant suffers from haemorrhoids (bleeding), chronic bronchitis and symptoms of gastric ulcer. His percentage of disability is stated at from 50 per cent to 60 per cent. Dr. F. N. Hughes, who certifies to the foregoing, appeared before the Commission and declared claimant's main disability to be the condition of gastric ulcer for which he was treating him. He also suffers from bronchitis. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Were it not for the fact that claimant spent twenty-seven months in the coal mines I would not be inclined to view his case with favour. I am satisfied, however, that he was subjected to maltreatment, and 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, January 14, 1933.

CASE 2750—REGINALD HERBERT HOCKEY

Claimant was a Private in the 48th Battalion—Regimental No. 430215. He enlisted in February, 1915, at the age of 20 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension, was married in 1922, and has no children. Prior to enlistment, he was employed as a stair builder, earning \$4.50 per day and is now a Life Insurance salesman, ranging from \$175 to \$300 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour while ill, long hours, blows, starvation and long stretches of standing to attention in the heat of the sun.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he remained six weeks and was then removed to the coal mines at Oespel No. 1, where he spent two years and a half. For refusing to work, he, with others, was compelled to stand to attention for eleven hour periods and received blows for the slightest movement. He collapsed after several days of this treatment and finally went to work. He was suffering with rheumatism at the time, due to work at the coke ovens, and was forcibly carried from bed and put to work. Unable to carry on at work, he received repeated beatings. The food was scarce and contributed to the inability to work on account of weakness. He suffers with his eyes—his main complaint—which he attributes to the work done in the mine, by artificial light. He seems to have had a touch of sleeping sickness in 1922-23 and had slight hallucinations.

The medical record consists of certificates by Doctors Gunn, Hackney and Shore of Calgary who find claimant suffering from catarrhal deafness in both ears with chronic conjunctivitis and blepharitis. Patient had several attacks of double vision and was unable to remain awake. A certificate by Dr. J. V. Follett is also filed, indicating that he treated claimant for double vision in 1923 and prescribed spectacles. Again, in 1925, he treated him for deafness. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant stresses the condition of his eyes as resulting from his experiences in Germany. While I am informed that the work on the coke ovens and in the coal mines was not likely to induce the trouble complained of, the evidence indicating that impaired vision is attributable to his post discharge illness I yet feel that the extreme harshness of the treatment to which claimant was subjected in being made to work in his then condition may have contributed to his disability. Having regard to the fact that claimant spent over two years in the coal mines as to which we have an abundance of evidence of cruelty and maltreatment I am disposed to resolve whatever doubts there may be in his favour. I would recommend a payment to claimant of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 23, 1932.

CASE 2445—FRED JEWSON

Claimant was a Private in the 49th Battalion—Regimental No. 432762. He enlisted on January 14, 1915, at the age of 31 years, and was taken prisoner on June 4, 1916, unwounded. He was repatriated to England on November 15, 1918. Claimant is in receipt of a 25 per cent disability pension, amounting to \$25 per month, based on neurasthenia. He is married and has six children, all of age. Prior to enlistment, he was a bricklayer, earning about \$5 per day. When working now, he is a plasterer and earns \$8 per day.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse, violent beatings about the head and body and excessive punishment.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp and was sent out to a farm for a year. While ill he was knocked off his bunk and beaten, being hit on the head and confined to cells. As a result he spent four weeks in hospital and was then sent to an ore mine at Hagen to work. He was again beaten, being regarded by the guards as lazy. An attempt to escape earned claimant six weeks punishment work in a stone quarry. Claimant complains chiefly of the blows he received on the head and suffers from neurasthenia. Claimant's statement of rough treatment at the ore mines is corroborated by the affidavit of a fellow prisoner.

The medical record indicates that claimant is suffering from "weakness and lack of control. Has not strength to work, losing weight—cannot sleep or eat, pulse 84—is suffering from nervous debility." His percentage of disability is stated at 100 per cent. Dr. A. V. Webster, who certifies to the foregoing, did not appear before the Commission. A further certificate of Dr. O. S. Large is filed to the effect that claimant suffers from very marked neurasthenia, anaemia, gastric disturbances, sleeplessness and depression. His medical history files refer to the neurasthenic condition, for which he receives pension.

Were it not for the fact that claimant served time in the ore mines, I would be inclined to regard his case as purely pensionable. The medical evidence clearly establishes disability and I think the record justifies a finding that claimant was subjected to maltreatment which has resulted in some permanent disability. Claimant's own evidence is not entirely satisfactory, but I am disposed to give him the benefit of the doubt. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, January 7, 1933.

Commissioner.

CASE 2774—SIDNEY PERCY JONES

Claimant was a Private in the 28th Battalion—Regimental No. 73668. He enlisted October 23, 1914, at the age of 17 years and was taken prisoner June 6, 1916, suffering from shrapnel wounds in both arms and thighs. He was repatriated to England December 22, 1918. He is not in receipt of a pension, was married in March 1919, and has one child. Prior to enlistment, he was employed as a waiter, earning \$25 per month and tips and is now a gas works operator, at about \$5 per day.

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

An analysis of the evidence reveals:—

Claimant was treated in hospital for two months and has no complaints of his treatment. Sent then to Hameln, and placed at work in a salt mine under the usual conditions of hard labour, long hours and poor ventilation, he attempted to escape, was recaptured, received two weeks confinement and was then returned to work in the mine. Due to excessive labour, he refused to carry on and was placed, with others, in a small engine room which had been so sealed up that they could scarcely breathe. Upon release, he did another two weeks confinement. In another salt mine, he received a beating for remonstrating with a sentry. He contracted salt poisoning but received no medical treatment and finally commenced spitting blood whereupon he was placed on a farm. He finally resorted to pouring scalding water over his foot, in order to escape being hounded to work. Hugh H. Legate testified that he knew claimant before and after the war and affirms his present condition of nervousness.

No medical testimony was adduced at the hearing, the record consisting of a certificate by Dr. G. H. Wilson, who examined claimant prior to the hearing. He states "in my opinion he sustained a very severe shock to his nervous system before maturity which he is unlikely to recover from. This likely accounts for the early change in his blood vessels with the accompanying high blood pressure. Diagnosis—Arterio-sclerosis, neurasthenia". Claimant's medical history files refer to a slight weakness of the nervous system, but causing no disability. The record is completed by a certificate from the Ancient Order of United Workmen, refusing claimant membership in 1924 due to his medical unfitness.

Claimant's salt mine experiences are very similar to those spoken of by other prisoners who were subjected to the same conditions. The story is one of constant cruelty and brutality (See Opinion annexed to my earlier report on maltreatment cases). I find that claimant has shown a disability resulting from maltreatment and I would recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, January 10, 1933.

Commissioner.

CASE 2730—ALFRED NEIL MACKINNON

Claimant was a Private in the 15th Battalion—Regimental No. 28063. He enlisted September 22, 1914, at the age of 21 years, and was taken prisoner April 22, 1915, during the second battle of Ypres, suffering from gas. He was released to Holland about August 1, 1918, and reached England November 2 of that year. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on bronchitis. He is unmarried. Prior to enlistment, he was employed as a tailor, earning \$18 per week. He is now unemployed. He tried several jobs after discharge but had to give them up, due 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 kicks and blows and severe beatings for refusal to work on munitions, given solitary confinement and his life threatened several times. While ill and unclothed was kicked out doors in January. Was tied to posts for four hour periods, over five days, and sent to three different salt mines where the labour and punishments were brutal. Finally, in a state of collapse, he was sent to Holland, where he remained in hospital until shortly before the Armistice.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, where he complains of general rough treatment. For refusing to work at munitions at Hildesheim, he was beaten and confined to cells on starvation diet. Sent on to Vehnemoor, claimant complains that while sick he was thrown out of his bunk, practically naked, and put out in the open in January. At Ostenholzenmoor, claimant was beaten for not working fast enough and tied to a post at Celle lager for four hour periods on several successive days. He then had the misfortune to be sent to the notorious salt mines at Beimerode, where he worked for four months under conditions of cruelty with which we have grown familiar from the statements of other prisoners. He escaped, was recaptured and sent to another salt mine, near Hildesheim, where the treatment was equally severe. Sent to Hameln, claimant was in hospital for three weeks and then found himself at another salt mine at Granau, where he encountered rough and abusive treatment. As a result of these experiences, claimant suffers from nervousness, rheumatism, bronchitis and general debility.

There is no medical evidence of record and claimant relies upon his medical history files to establish his disability. While this record is not entirely favourable to claimant's contentions, I think the evidence, as a whole, justifies a finding of maltreatment with some resultant disability.

Were it not for the fact that claimant spent about sixteen months of his period of captivity in the ill famed salt mines, I would not be disposed to regard his claim with favour, having regard to his medical history files. As stated above, claimant was exposed to extreme hardship, and I am prepared to give him the benefit of the doubt in recommending 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 20, 1932.

NOTE.—I would suggest that the payment in this case be forwarded in care of the Secretary of the local branch of the Canadian Legion.

CASE 2540—MALCOLM McDONALD

Claimant was a Private in the Royal Canadian Rifles—Regimental No. 478532. He enlisted August 23, 1915, at the age of 20 years and was taken prisoner October 8, 1916, on the Somme, unwounded. He was repatriated to England in December, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$22.50 per month, based on stomach disorders. He is unmarried but has the care of younger brothers and sisters. Prior to enlistment, he was employed as a coal miner, earning \$1.45 per day and after discharge resumed his trade, making \$5 per day. He is now unemployed due to ill health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of labour in coal mines, bad food, exposure and injury to finger on the right hand, smashed in the coal mines, for which he received no treatment.

An analysis of the evidence reveals:—

Claimant was first sent to Dulmen camp, where he remained 3 weeks and has no complaints. Sent to Friedrichsfeld, he remained at the coal mines for the remainder of his period of captivity. He does not complain of any particular brutality, but declares that the food conditions were very bad. He is very frank in declaring that his present stomach condition is attributable to the poor food received. Probably because claimant was a miner by trade, he was able to bear up under the trying conditions in the mine. On one occasion he sustained an injury to his finger, for which he received practically no medical treatment. He was also subjected to the usual "stillestande" punishment for attempted escapes by other prisoners. His complaint is confined to the condition of his stomach.

The medical evidence indicates that claimant suffers from duodenal ulcer, for which he was treated since 1925 by Dr. E. W. Macdonald, and by Dr. C. J. Sparrow, at an earlier date, for the same condition. Neither of these doctors appeared before the Commission. Claimant's medical history files show nothing unusual, the stomach condition being referred to as entitlement to pension.

Having regard to the fact that claimant spent two years in the coal mines I am disposed to resolve whatever doubts there may be in his favour. I would recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 15, 1932.

CASE 2654—ROBERT MOORE

Claimant was a Private in the 7th Battalion—Regimental No. 16800. He enlisted in August, 1914, at the age of 38 years, and was taken prisoner on April 24, 1915, during the second battle of Ypres, wounded in the calf of the left leg. He was repatriated to England in November 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based upon his wound. Claimant was married upon enlistment and has four children. Prior to enlistment, he was a carpenter, earning \$4.50 per day. He is now unemployed, but still follows his trade when possible.

Claimant alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of conditions in the coal mines, frequent beatings, and general abuse, resulting in disability due to rheumatism.

An analysis of the evidence reveals:—

Claimant was taken to Paderborn hospital, via Roulers, and received nothing to eat for five days. In hospital, at Paderborn, his wounds were attended roughly but efficiently. Sent to Sennelager, he was given light work for two months, and after a short time at Straümuhl, was sent to Dulmen for about a year. The work was severe—cutting down trees, but finally he was given lighter work and complains of general rough treatment. Sent then to the coal mines at Mengede, he remained two years and tells the familiar story of almost constant brutality and ill treatment. He was beaten and knocked unconscious on one occasion and refers to his period here as “one continuous batting around.” Claimant complains of rheumatism, impairment of vision and some indigestion.

The medical record indicates that claimant suffers from “muscular rheumatism involving arms and legs, and rheumatic iritis.” His percentage of disability is stated at 10 per cent. Dr. J. W. Lennox, who certifies to the foregoing, also appeared before the Commission. He is unable to say whether claimant’s condition results from the experiences related—it might result from exposure, and he can say little as to the eye condition. Claimant’s medical history files show nothing unusual. The wound in his leg is alone referred to.

As will be seen, claimant does not suffer any great disability, and, were it not for the fact that he spent about two years in the coal mines, I would not be inclined to regard his case favourably. In view of all the circumstances and other testimony available as to the harsh and brutal treatment accorded prisoners in these mines, I have reached the conclusion that claimant was subjected to maltreatment which has resulted in some disability. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 10, 1933.

CASE 2541—DUNCAN PETERS

Claimant was a Private in the 113th Battalion—Regimental No. 736806. He enlisted March 17, 1916, at the age of 30 years and was taken prisoner March 15, 1917, at Vimy Ridge, unwounded. He was repatriated to England December 9, 1918. He is not in receipt of pension, was married in November, 1919, and has an adopted son, now 18 years of age. Prior to enlistment, he was employed as a brick burner at about \$4 per day, is now farming for himself and making a living.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings and kicks and being forced to work when not fit.

An analysis of the evidence reveals:—

Claimant first spent 15 days in Fort McDonald and complains of the lack of food, ventilation and sanitary conditions. He was placed on working parties behind the lines for some eight months, under shell fire. Here he received a beating by an officer because he was a Canadian. Sent to Germany he was first placed in the lazaret, at Zerbst, where he had a rest and was then sent to Elsburg, where he took ill with influenza. Placed at lumbering work, he received several blows one of which injured his ear, causing frequent buzzing. He finished his period of captivity at Elsburg.

The medical record consists of a certificate by Dr. J. B. Snyder, who finds claimant physically unfit and suffering from premature senility. He fixes his disability at from 40 per cent to 50 per cent. Claimant’s medical history files

indicate that he suffered from influenza in Germany, in September, 1918, with no disability on discharge.

Were it not for the fact that claimant spent 8 months working behind the German lines, under shell fire and subjected to starvation, I would not be disposed to regard his case favourably. We have had an abundance of evidence as to conditions behind the lines and claimant's statement is consistent therewith (See Opinion annexed to my earlier report on maltreatment cases). It is true that the official records and evidence given refer to conditions behind the lines in 1918, but I have no reason to doubt claimant's story of similar treatment in 1917. I consider that claimant has established impairment to health due to maltreatment whilst a prisoner of war. I would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 21, 1932.

CASE 2669—EDMUND RICHER

Claimant was a Private in the 4th C.M.R.—Regimental No. 113515. He enlisted July 15, 1915, at the age of 18 years and was taken prisoner June 2, 1916, suffering from a touch of shell gas. He was repatriated to England December 10, 1918. He is not in receipt of pension, was married July 9, 1920, and has three children. Prior to enlistment, he was an apprenticed printer, at no salary, and after discharge did odd jobs but has been unemployed for the past two years.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of labour in coal mines for many months, long hours of work, beaten, shot at, and given confinement alternately in hot and cold rooms, and received injuries to his hands trying to fend off a bayonet in the hands of the guard. He still carries scars. He is now subject to weakness and fainting spells and cannot hold a job. His attestation paper indicates that there were scars on both thumbs when he enlisted.

An analysis of the evidence reveals:—

Claimant does not complain particularly of his treatment at Dulmen or Munster No. 3 Camps, to which he was first sent. His complaints centre around his experiences in the coal mines at Lunen in 1917, and later at Karlingsburg. He spent sixteen months in the coal mines and complains of the hard work, long hours and poor food. On one occasion he was shot at by a guard, the bullet piercing the skin, and was hit on the head with a revolver, knocking him unconscious. Placed in cells, he was alternately exposed to hot and cold. He also ran foul of a guard and was wounded by a bayonet in the hands of a guard when he tried to fend off blows aimed at his head. His statement made upon repatriation, while less detailed, is substantially in accord with his testimony. Claimant suffers from what he calls fits.

The medical evidence is very general and consists merely in the certificate of Dr. J. A. Labelle to the effect that in 1921 he attended claimant and found him in a generally run down condition which is assumed to have been due to maltreatment. Claimant's medical history files show nothing unusual.

While the medical evidence is not strong as showing serious disability, I have reached the conclusion based upon claimant's coal mine experiences,

that any doubt there may be should be resolved in his favour. 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 20, 1932.

CASE 2673—CHARLES SIDNEY RILEY

Claimant was a Private in the 14th Battalion—Regimental No. 25884. He enlisted in August 1914, at the age of 18 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a slight scalp wound received two weeks earlier, and a touch of gas. He was repatriated to England December 13, 1918. He is not in receipt of pension, was married in February, 1919, and has one child. Prior to enlistment, he was an acrobat, earning \$30 per week and is now unemployed but had been engaged in theatrical dancing, etcetera, until 1931.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of poor medical attention for a broken arm, four beatings, injury to his foot and long periods of solitary confinement.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp but was sent out on some thirty different working commandos. He became associated with a group of fellow prisoners who refused to work and became organized for the purpose of effecting an escape. He states that he did fourteen months' continuous confinement to cells at Giessen for a crime he did not commit. He was not in the dark cells all the time and was with fellow-prisoners part of the time. His confinement to dark cells was limited to three days at a stretch. He was beaten four times, the worst being at a stone quarry at Wetzlau, where his wrist bone was broken. He says he received bad medical attention as the bone was not properly set. In an iron foundry at Weidenau, the foreman pushed a heavy iron bar he was helping to unload from a flat car, so that it fell crushing his instep. He received medical attention. His term of imprisonment was the result of a court-martial; claimant had been singled out as the ringleader of a strike in which he had no part. He was sentenced to 14 months for inciting a mutiny. On top of this sentence, he served three months at Cologne for refusing to work in a terrific rainstorm. Here, he was placed in a straight-jacket for insubordination. Claimant was questioned by the medical adviser to the Commission for corroboration as to the broken wrist and a letter from W. Walker, a fellow-prisoner, was read into the record. This letter substantiates the story of this incident. In response to enquiries made by this Commission, letters have been received from George D. Scott, and R. H. Green, fellow prisoners, which further corroborate the story of the broken wrist. Subsequent to the hearing, claimant wrote the Commission to amplify his evidence. In his letter, he asserts that while a prisoner he deemed it his duty to cause all the trouble possible to the enemy, threw away tools, made six attempts to escape and aided others to do so, as the result of which he suffered extreme abuse and punishment. He alleges that he was a member of the "iron twenty." He encloses a friendly letter from G. D. Scott as an indication of his close relationship with him, while in Germany.

The medical record consists of a certificate by Dr. F. S. Minns, indicating injury to the left foot, fracture of the left forearm and weak eyes. The

disability is rated at from 25 per cent to 100 per cent. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

The claimant told his story in a very straightforward and convincing manner and I must say that whilst his story is not substantiated by the medical records, which are somewhat meagre, I am satisfied with the corroboration of three fellow prisoners, G. D. Scott, W. Walker, and R. H. Green, as to the injury received by him to his arm. There is no doubt that he suffered a disability which must have handicapped him to some extent in his profession and whilst he may have brought some of the brutality upon himself, I believe that he did what he considered his duty. Viewing the case as a whole, 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, January 24, 1933.

CASE 2536—CHARLES ROMER

Claimant was a Private in the 7th Battalion—Regimental No. 16690. He enlisted in August, 1914, at the age of 33 years and was taken prisoner on April 24, 1915, at the second battle of Ypres, slightly wounded. He was repatriated to England in December, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, claimant was a labourer, earning about \$100 per month. He has not worked for two years and is on city relief.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, excessive hard labour, inadequate food and general rough treatment by way of reprisals. He suffers from neurasthenic depression, melancholia and general debility.

An analysis of the evidence reveals:—

Claimant was taken to Munster, via Roulers, and soon sent out to a mine near Sterkrade. He was beaten because of the escape of other prisoners and made to stand to attention for a long period. He was here about nine months and complains bitterly of the poor food and heavy labour. Taken sick, he was returned to Munster, and, after a few weeks sent to the Russian front, as a reprisal prisoner. Here, he was employed at making roads, cutting timbers. The guards were very brutal. Claimant became weak, reported sick and was sent back into Germany to Munster, followed by Langensalza and a railway construction party. Later at Plowe (sic) he was hit by the guards for inability to work. For an attempted escape from the railway construction gang, claimant was beaten and confined to cells. Claimant's symptoms would appear to indicate a depressive psychosis. Claimant has brought forward testimony of persons who knew him before and after his period of captivity. They declare him to be greatly altered as well physically as mentally.

The medical record indicates that claimant suffers from neurasthenia and despondency. Dr. T. V. Curvin, who so certifies, also appeared before the Commission and confirmed his certificate. He is unable to state the cause of claimant's condition, having seen him for the first time in 1931. The medical history files show nothing unusual. Claimant was apparently discharged as fit.

Claimant was clearly in a nervous condition at the hearing and told a very pitiful story of hardship and brutality. The memory of his ill treatment and resentment therefor seem to have preyed upon his mind to the extent of inducing the condition of which he now complains. After anxious reflection, I am inclined to give claimant the benefit of whatever doubt there may be

and to find that he was subjected to maltreatment which has resulted in some disability. In doing so, I bear clearly in mind his experiences, as a reprisal prisoner on the Russian front, as also time spent in the coal 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, January 9, 1933.

CASE 2681—JOHN ARTHUR SALMON

Claimant was a Private in the 44th Battalion—Regimental No. 219917. He enlisted October 26, 1915, at the age of 15 years, and was taken prisoner August 23, 1917, unwounded. He was repatriated to England December 7, 1918. He is in receipt of a 60 per cent disability pension, amounting to \$77 per month for himself and family, based on neurasthenia. He was married December 20, 1915, and has three children, one adopted. Prior to enlistment, he was employed as a farm labourer, earning about \$136 per year with board, and is at present unemployed but held many different jobs since discharge.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten with a hammer in the back causing permanent injury, refusal of proper medical treatment, long hours of heavy labour while ill, and starvation.

An analysis of the evidence reveals:—

Claimant was first taken to Douai, where he was compelled to work on stone barges without sufficient food to sustain him. After a month he was sent to Friederichsfeld, attached to Dulmen, where he remained another month. Finally he arrived at Essen, to work in the Victory coal mines, where he remained for more than a year. He speaks of one occasion, when, ill with stomach pains, the doctor refused him medical aid and sent him back to work. He fell from weakness due to the pains and heavy work and the guard struck him twice with a shovel and he was again struck by the German mine boss with a heavy hammer twice across the back leaving him with an injured back. Later, due to an outbreak of boils, he tried to have them lanced, but as the doctor was about to use an unsterilized instrument which he had just used on a Russian prisoner, the claimant refused to let him proceed, and was sent back to work. He tried to get a little sleep down in the mine but received another beating from the mine boss, this time with the handle of the hammer. He states that these blows have left a definite injury to the back and have contributed to his condition of neurasthenia. He was only about 16 years of age at the time and was compelled to do a man's work, with 24 hours shifts at the week-ends, and complains that he did not get nearly enough sleep. He is now unable to do any lifting and had to give up several jobs due to the condition of his back.

Dr. William A. Dobson appeared and verified a certificate given by him indicating that neurasthenia is attributable to overseas service and not unlikely brought on by experiences while a prisoner of war in Germany. He first saw claimant in 1925, who then complained of stomach disorders, pain in the lower spine, aching of the eyes, and that his legs tired easily. In 1926 and 1927 the complaints were the same and he placed him in hospital in April, 1931. His diagnosis continued to be neurasthenia on defective basis. He says the defective condition would not have any connection with overseas service. The neurasthenia condition, however, has been recognized as a service condition, qualifying him for pension. The record further contains a report of Dr.

A. P. Procter, who did not appear, indicating that an examination had been made by him of claimant's file. The reports thereon testify to a condition of neurasthenia and anxiety or repression neurosis said to have originated at Essen, Germany. A further letter from Dr. Procter recites as follows: "His condition has never improved and he has a fairly severe neurasthenia based on anxiety neurosis." A specialist's report by Dr. J. Brown is also filed.

Having regard to the fact that claimant spent over a year in the coal mines and the medical evidence, which attributes a part at least of his disability to these experiences, I am disposed to view the case favourably. Claimant's statements of brutality and duress, while working in the coal mines, are quite consistent with other evidence as to the conditions which there prevailed. On the whole, I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 6, 1933.

CASE 2686—JAMES SMITH

Claimant was a Private in the Fort Garry Horse—Regimental No. 116094. He enlisted March 29, 1915, at the age of 26 years and was taken prisoner November 20, 1917, unwounded. He was repatriated to England in November, 1918. He is not in receipt of pension, was married in July, 1920, and has four children. Prior to enlistment, he was employed as a carpenter, earning about \$5 per day and since discharge he tried farming but had to give up due to ill health. He then tried working as a car repairer but could not continue the work regularly.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of glandular trouble in the neck, ascribed to bad barrack accommodation and neglect while a prisoner. Also stomach disorders.

An analysis of the evidence reveals:—

After capture, claimant was held in France for six weeks. He states that the barrack accommodations there were bad; that the prisoners were overcrowded in an old brewery and exposed to draughts and dampness which resulted, in claimant's case, in swelling of the glands of his neck. He loses much time from work, mostly in winter. He was taken to Munster, in Westphalia, but was returned to France and made to work behind the lines from February till October, 1918. The food was bad and the guards would not allow him to report sick.

The medical record consists of certificates by Doctors G. C. Paine, N. M. McNeil and G. S. Purvis, none of whom appeared before the Commission. Dr. Paine certifies that he treated claimant in 1922-23 for swollen glands and general debility. Dr. McNeill examined him in April, 1932, and finds gastric dyspepsia and an enlarged lymph gland in the right neck. In 1919 he examined him and found a larger swelling in the neck than at present. Dr. Purvis supplies a certificate, dated May 23, 1932, and finds recurrent duodenal ulcer and fixes the disability at 25 per cent. He finds a posterior cervical chain of glands, right side of neck, greatly enlarged. As to the stomach disorders he finds symptoms quite definitely suggestive of duodenal ulcer of the recurrent type. He furnishes a letter, dated May 7, 1932, attributing the ulcer to the nature of the food received by claimant while a prisoner. Claimant's medical history files show nothing unusual.

Were it not for the fact that claimant was held and made to work close behind the German lines for several months, under conditions of harshness and cruelty with which we have grown familiar, I would not be disposed to regard his case favourably, because the disability, if any, from which he suffers has not been clearly shown as resulting directly from maltreatment. For the reason stated, however, I consider that claimant has been successful in showing some disability which may be attributed to maltreatment, and I would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 3, 1933.

CASE 2706—EDGAR STOWE

Claimant was a Private in the P.P.C.I.I.—Regimental No. 51417. He was born in England, came to Canada in March, 1903, returned here after the war and remained until 1922, when he went to California for his health. He is now naturalized in the United States, having secured his certificate on January 24, 1930. He enlisted November 2, 1914, at the age of 28 years, and was taken prisoner May 8, 1915, suffering from gunshot wounds in the right upper arm and left shoulder. He escaped into Holland September 26, 1917. He is in receipt of a 20 per cent disability pension, amounting to \$15 per month, based on heart trouble and deafness. He was married in December, 1920, and has two children. Prior to enlistment, he was engaged in farming and is now employed as a painter, earning \$7 per day when able to work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of treatment of his wounds and refusal to extract bullets, was forced to work in the coal mines, where, upon reporting sick, he received solitary confinement, and injury to his left ear in a powder explosion.

An analysis of the evidence reveals:—

Claimant was taken to Ghent after capture and received treatment for about five days. He was transferred to hospital at Cologne and has no complaints as to his treatment there, although they would not remove the bullets in spite of his requests. Before the wounds had healed, he was taken from hospital and sent to the coal mines at Castrup, where he remained for two years. He was not beaten but was forced to work an eight hour shift with his wounds not healed. For refusal to carry on with the work he was compelled to stand to attention and then confined to cells. This happened on five or six occasions. He now suffers with neuritis and attributes his deafness to an explosion of powder in the mine, which occurred without warning.

The medical record consists of certificates by Doctors C. G. Sutherlin as to deafness and F. M. Bantum who attended claimant for nine years. He certifies as to neuritis, enlarged heart, pains in the left shoulder and back, deafness and general nervous decline. He fixes the disability at 50 per cent. Neither of these physicians appeared before the Commission. Claimant's medical history files refer to the ear condition and a heart affection, for which he is in receipt of pension.

While there may be some uncertainty as to whether claimant's disability is due to actual maltreatment. I am inclined, in view of his two years in the coal mines, to resolve the doubt in his favour, and 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, January 4, 1933.

CASE 2762—SAMUEL CECIL SUGDEN

Claimant was a Private in the 31st Battalion—Regimental No. 809115. He enlisted in March 1916, at the age of 23 years, and was taken prisoner March 29, 1917, at St. Eloi, suffering from shrapnel wounds in the legs. He was repatriated to England January 12, 1919. He is not in receipt of pension, was married in April 1919, and has three children. Prior to enlistment, he was employed as an apprentice druggist, earning \$12.00 per week, and is now a garage mechanic, averaging \$100.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a severe blow on the back of the head with a rifle butt, causing severe headaches, poor vision and fainting spells.

An analysis of the evidence reveals:—

Claimant was first taken to Fort McDonald, at Lille, and encountered the insanitary conditions prevailing there. He was starved and his wounds neglected, resulting in the development of septic poisoning. He was compelled to work behind the lines, exposed to shell-fire, and alleges long hours of labour, bad food, overcrowding in sleeping quarters and that he was knocked about with rifles. Sent to Marchiennes, in Belgium, he suffered similar treatment and received no parcels for 13 months from the date of his capture. In Germany, he was taken to Friederichsfeld camp and states that machine guns and gas shells were turned on the prisoners who became unruly. At Parem, he met his brother who was blind, but has no complaints of special ill-treatment. He finished his period of captivity on a farm out of Hamburg. As a result of having been beaten behind the lines over the back and shoulders with rifle butts he suffers pain and headaches, is unable to read more than 10 minutes at a time, and suffers from nervous disorders.

The medical record consists of a certificate by Dr. G. L. McGuffin, who did not appear before the Commission, indicating that claimant suffers headaches and pain running from back of the neck to the forehead and back of the eyes. The record is completed by a letter from C. H. Lohead, a fellow-prisoner, who witnessed the blow with the rifle butt and corroborates claimant's story, and a certificate of Rev. G. F. Driver of Calgary as to claimant's character. Claimant's medical history files show nothing unusual. He was apparently discharged from the service as fit.

Claimant tells the familiar story common to all prisoners who were held and made to work close behind the lines. He was finally sent back into Germany when he had become so emaciated through starvation that he could no longer work. His statement is quite consistent with the official records of cruelty and brutality to these prisoners, although earlier in date than the period these records cover. While the evidence of present disability is not very convincing, I consider that claimant should receive an award upon the ground of the nature of the captivity and punishment to which he was subjected. The evidence justifies a finding of some disability resulting therefrom. 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, January 3, 1933.

CASE 2658—FRANK SAMUEL WHITE

The claimant was a Private in the 7th Battalion.—Regimental No. 16946. He enlisted in August 1914, at the age of 19 years and was taken prisoner April 24, 1915, suffering from a slight shrapnel wound. He was repatriated to England December 21, 1918. He is in receipt of 100 per cent disability pension, based on chronic rheumatoid arthritis, which amounts to \$75 per month. He is also in receipt of an additional "helplessness allowance" for an attendant, amounting to \$49 per month. He is unmarried. Prior to enlistment he was employed as a waiter, at \$50 per month, and all found, but by reason of his helplessness he is now unable to follow any occupation.

He alleges that while a prisoner of war he was subject to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck in the mouth with a rifle butt, with the result that several upper teeth were broken off, and some of the lower teeth cracked. He also states that his knee has been permanently injured through the faulty construction of a car on which he was working. He alleges also that he was violently struck on the back by a guard, as a result of which he has become a permanent invalid.

An analysis of the evidence reveals:—

Claimant has no serious complaint to make of his treatment during the first period of his captivity, which he spent at Roulers, Hofsgresen (sic), Langensalza and Gottingen. In August 1916, he had the misfortune to be sent to the salt mines at Londerhausen (apparently near Beinerode) and here his treatment was cruel and brutal. The story which he tells is consistent with the recitals of other prisoners who spent time in the salt mines. In particular he complains of an injury to the knee, hip and left leg, which were injured in an accident when struck by a truck. He was laid up for several weeks with very little medical attention. On another occasion, claimant was struck in the mouth with the butt of a rifle, knocking out several teeth. He received no treatment for this injury. His teeth have since been extracted. Later he was hit across the back by a guard while stopping over, the injury now constituting claimant's main disability. Claimant is permanently crippled with his back and knee and has trouble with his mouth.

The medical record indicates that claimant suffers from "arthritis generalized." His percentage of disability is stated at 100 per cent. Dr. J. McCallum, who certifies to the foregoing, did not appear before the Commission, but Dr. J. N. Taylor appeared on behalf of claimant. He finds both hips ankylosed with considerable knee injury, not necessarily arthritic. Claimant's back is completely ankylosed from rheumatoid arthritis, with a fracture of the transverse process between the 4th and 6th lumbar vertebrae, which might well be traumatic in origin. Claimant also files certificate of Dr. W. J. Gibson, dentist, evidencing the removal of teeth and the fitting of upper and lower dentures. Claimant's medical history files bear out his contentions to a certain extent.

There is no question that claimant is seriously, if not totally, disabled. The case again brings to light the evil conditions which prevailed in the salt mine camps. I have no hesitation in finding that claimant was subjected to maltreatment which has resulted in permanent disability. Having regard to all the circumstances, and bearing in mind the pension which claimant receives, I would recommend a payment to him of \$1,000 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 4, 1933.

CASE 2359—CLIFTON NEIL WOODLEY

Claimant was a Private in the 4th C.M.R.—Regimental No. 145059. He enlisted September 6, 1915, at the age of 20 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of a pension, was married May 17, 1923, and has two children. Prior to enlistment, he was attending school and now he is postmaster at Shawville, P.Q.; at \$1,968 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the coal mines although suffering with influenza, heavy work and exposure. An analysis of the evidence reveals:—

Claimant was first taken to Dulmen and sent to Minden, as to which camp he has no complaints. His grievances centre around a coal mine, which he refers to as "J.O. 32," where he remained for 18 months and was made to work underground. He does not complain of any particular brutality, but was made to work when he was ill, the hours were long and the work too heavy with the result that he developed a chest condition which has persisted and still troubles him. He attributes this condition to exposure in the coal mines.

The medical evidence indicates that claimant suffers from chronic laryngitis and chronic left bronchitis. His percentage of disability is stated at 60 per cent in his own calling and at 50 per cent in the general labour market. Dr. C. J. Macpherson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. He was declared fit upon discharge.

Were it not for the fact that claimant spent eighteen months in the coal mines, I would not be inclined to view his case with favour. Under the circumstances, however, 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, January 20, 1933.

CLAIMS OF EX-MILITARY PRISONERS OF WAR—DISALLOWED

Case No.	Name of Claimant	Case No.	Name of Claimant
2636	Abbott, Frederick J.	2551	Foottit, William
2638	Adam, John A.	2728	Fretwell, Herbert
2740	Allan, Douglas G.	2775	Frost, Fred
2611	Arsenault, Theodore E.	2530	Fuller, Walter
2561	Ashdown, William Gordon	2780	Gamage, George
2614	Austman, Joseph Victor	2554	Gaw, John Darrell
2528	Babb, Richard	2377	Gawn, Alfred
2772	Baddeley, Archibald	2671	Geddes, William
2647	Baller, Harvey John	2544	Glover, Herbert
2585	Balmer, Walter Brown	2688	Goodfellow, James William
2764	Barlow, Frank	2632	Graham, Walter John
2771	Bell, Harry	2612	Gray, Alexander Paterson
2321	Bigney, James	2529	Green, Alexander Edward
2506	Bircham, Philip	2757	Griffiths, David Tudor
2566	Blakey, Thomas	2635	Harrison, John Henry
2305	Boswell, J. A.	2571	Hawkins, Victor Benjamin
2734	Bradley, George Edward	2749	Hay, Campbell Stuart
2564	Bremner, Donald	2408	Heaver, Henry Victor
2605	Bridge, Captain Harold E.	2679	Hobbs, Thomas Richard
2370	Bronskill, Frank Henry	2802	Hopkins, Charles Henry
2604	Brown, Abraham	2725	Hubbard, Frank
2649	Bruce, Joseph Charles	1981	Hughes, Ellis D.
2640	Bryant, Harry H.	2152	Hustwitt, Sydney A.
2582	Burgess, Vincent Thomas	2788	Hutchinson, George
2442	Burton, Arthur F.	2770	Irving, Robert
2796	Callaghan, Robert	2653	Jack, David Adam
2289	Cartwright, Frederick Arthur	2584	James, Frank
2680	Christy, Norman	2690	Jennion, William
2670	Clarke, Walter W.	2714	Joel, Ernest J.
2760	Clarke, Wilfred	2713	Johnson, John Manners
2651	Clifford, Colin Charles	2738	Johnston, Lester James
2510	Clifford, Frederick G.	2723	Jollineau, Frank
2538	Clougher, John Joseph	2689	Jones, Robert William
2694	Coates, Christopher	2450	Kain, Charles
2607	Collins, H. H.	2480	Keele, Thomas Edward
2790	Colliver, Hugo Ross	2407	Kelly, Aringo Thomas
2483	Comfort, Ithamer	2678	Kelly, John
2778	Conley, Walter	2754	Kenyon, Harold Sidney
2532	Connolly, John Alexander	2643	King, Cedric Hamilton
2708	Cormack, Alfred	2451	King, John Percy
2759	Cowie, Andrew	2507	Koons, Leland
2517	Cranston, Norman	2508	Langston, Archibald Francis
2753	Crawford, John	2794	Lebar, Frederick
2803	Crawley, Charles	2677	Little, Thomas Charles
2577	Crichton, Robert	2763	Lochead, Charles Hungerford
2731	Crofts, Ernest Henry	2565	Longworth, John
2733	Cruikshank, Stanley Lavern	2666	MacDonald, Charles H. L.
2768	Dalbeck, Edwin	2703	Madeley, Robert
2655	Darley, Harry	2799	Manclark, John
2791	Davey, Charles	2715	Marshall, William
2046	Davidson, Bryce	2717	Mason, Neil
2710	Davidson, James	2776	McAngus, Hugh
2550	Davidson, James H.	2448	McEwen, James
2805	de la Gorgondiere, Robert	2691	McKenna, John
2646	Fempster, Robert	2702	McKinnie, Howie Maxwell
2783	Devonshire, Lancelot Cyril	2353	McLaine, Colin
2761	Dexter, William Crews	2509	McLean, Murdoch
2652	Dorman, John	2716	McLean, Wallace Alexander
2801	Downing, William T.	2558	McLeod, John R.
2578	Drope, Harry Earl, M.M.	2306	McMillan, Robert Gordon
2695	Dudley, William Wright	2606	McPherson, James
2687	Dusenbury, Ralph	2635	Meares, James
2644	Elliott, Capt. Dawson W.	2752	Mercer, Thomas
2617	Erickson, Einer Carl	2549	Miles, John
2696	Evans, Charles H. M.	2755	Millar, Clifford Clyne
2456	Fanning, Earl G.	2679	Mills, Albert E.
2637	Finnie, Andrew Fleming	2526	Morley, Robert

Case No.	Name of Claimant	Case No.	Name of Claimant
2633	Morrison, Archibald	2301	Shaw, Thomas
2747	Mullins, Thomas Michael	2787	Sheppard, Thomas
2765	Munro, George McLean	2777	Sinclair, Lorne Ralph
2639	Noble, Ernest	2735	Skead, Capt. Eric S.
2283	Nurse, Albert H.	2562	Smith, Charles Frederick
2379	O'Connor, Edward	2603	Smith, Reginald Gordon
1985	O'Grady, William Agar	2643	Smith, Thomas
2739	O'Rourke, William	2804	Stamper, Walter
2645	Orr, George E.	2782	Stanborough, Charles Edward
2446	Palmer, Arthur James	2729	Steers, Vivian Edward
2786	Palmer, William John	2779	Stodgell, George
2616	Pearce, Alfred Charles	2095	Storey, Burton Forsythe
2781	Pearce, Arthur Mark	2580	Strachan, William
2568	Phillips, Hugh White	2692	Stuart, Albert Victor
2758	Philp, Alfred W.	2557	Sumersford, Thomas Henry
2795	Pillar, Frank Howard	2748	Thompson, Frederick
2792	Platts, Samuel	2700	Thompson, Jacob C. D.
2533	Potter, Frank	2751	Thorp, Thomas
2718	Pountney, George	2657	Thurgood, William Charles
1950	Power, Howard Ray	2797	Tough, John
2785	Pratt, William T.	2481	Turnbull, Ernest Allison
2336	Procunier, Charles A.	2767	Tynan, Samuel Park
2719	Raynham, Robert	2766	Wade, Joseph
2631	Reeves, Thomas Gordon	2720	Warburton, John
2727	Reynolds, William S.	2527	Wauchope, Robert Forbes
2773	Richards, Reginald H.	2721	Way, Clarence
2515	Richards, Thomas R.	1965	Webber, Vaughn Haliburton
2511	Richardson, Robert Reginald	2576	Wells, Harry James
2622	Riley, Harold	2699	Wharpole, Frederick
2453	Rodgers, Harry R.	2357	Whelan, Richard
2569	Rodgers, Howard	2693	White, Sydney Charles
2443	Rogers, Walter	2449	Whitehead, H. T. V.
2006	St. Germain, Benjamin Clement	2793	Wiggins, Joseph Arthur
2445	Sambrook, Alfred	2742	Wilkie, William M.
2447	Sandells, Thomas William	2722	Wilkins, Charles
2641	Scott, James	2323	Wilson, Albert Edward
2412	Scott, John Armstrong	2642	Wilson, George
2656	Scott, Leslie Gordon	2583	Wilson, John
2444	Scutter, James B.	2741	Winn, James Henry
		2634	Wood, Frank
			Total.....213

CASE 2636—FREDERICK J. ABBOTT

Claimant was an Imperial soldier who served in the 2nd Battalion of the Welsh Regiment—Regimental No. 6612. He arrived in Canada, to take up residence, in November, 1920. He was taken prisoner October 30, 1914, and was repatriated in December, 1918. It was explained to the claimant's solicitor, at the time of the hearing that the date of the claimant's arrival in Canada precluded the assumption of jurisdiction by this Commission. The date constitutive of jurisdiction has been fixed as January 10, 1920, the date of the ratification of the Treaty of Versailles (See my earlier report upon maltreatment cases). Reserving to claimant all other recourses, and, without deciding the case upon its merits, I am, accordingly, bound to disallow the claim in so far as this Commission is concerned.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1932.

CASE 2638—JOHN A. ADAM

Claimant was a Private in the 7th Battalion—Regimental No. 16973. He enlisted in August, 1914, at the age of 19 years and was taken prisoner February 27, 1917, near Lens, slightly wounded in the hip by a concussion bomb. He was repatriated to England December 12, 1918. He is not in receipt of a pension, was married February 9, 1919, and has five children. Prior to enlistment, he was employed as a broker, earning 45 per month and is now unemployed and on relief.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the coal mines where he became affected by the gases, served terms of solitary confinement for attempted escapes and had his foot injured by a falling rock while at work in the mine.

An analysis of the evidence reveals:—

Claimant spent the greater part of his captivity at Dulmen camp, working out therefrom, first at a farm at Froman. He made two attempts to escape and received as punishment two terms of solitary confinement of 28 days each on bread and water. After the second attempt and following his period of confinement he was sent to a coal mine at Bergbarback, where he was compelled to work underground from 10 to 16 hours per day including Sundays. The mine was badly ventilated and the heat was intense. Here, he met with an accident due to falling rock and had his foot cut across the instep. He received a first aid dressing, was put on light work but states he received no treatment for his injury for some 10 days thereafter. He was, however, then sent to Munster as being unfit to work further in the mine, and remained there until the Armistice. He now suffers from dizzy spells, vomiting and frequent perspiration.

Two medical certificates are filed although neither physician appeared before the Commission. Dr. A. B. Cameron, of Edmonton, certifies that he attended the claimant at different times from October, 1919, until the year 1926, and found him to be suffering from a serious disorder of the lungs and stomach. He infers that the conditions under which the claimant had to work while in the coal mines, due to bad ventilation and gas, are probably the direct cause of his present disability, which prevents his following his former occupation of baker. Dr. J. A. McIver, of Vancouver, certifies that claimant suffers from chronic bronchitis, bilious and vomiting attacks, and that he cannot work

in a closed room where there is much heat. He fixes the percentage of disability at 50 per cent permanent.

Notwithstanding the fact that claimant spent several months in the coal mines, I cannot find in the record evidence that claimant was subjected to maltreatment which has resulted in disability to him. Whatever his disability may be, I am of the opinion that it must be ascribed to general conditions of camp life in Germany (See Opinion annexed to my earlier report upon maltreatment cases). The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1932.

CASE 2740—DOUGLAS G. ALLAN

Claimant was a Captain in the 3rd Battalion, and was taken prisoner on April 24, 1915, at the second battle of Ypres, apparently unwounded. He made claim upon the ground of general mental perturbation due to the strain of his experiences as a prisoner of war. When it was pointed out to him that reparation payments were being paid out of the Consolidated Revenue Fund of this country, he withdrew his claim, declaring that he did not wish to press the matter further. The claim is, accordingly, regarded as withdrawn.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 20, 1932.

CASE 2611—THEODORE E. ARSENAULT

Claimant was a Private in the 25th Battalion—Regimental No. 712553. He enlisted in December, 1915, at the age of 16 years and was taken prisoner April 28, 1917, at Fresnoy Wood, suffering from shrapnel wound in the right leg. He was released to Holland in June, 1918. He is in receipt of a 75 per cent disability pension on behalf of himself and family, amounting to \$116 per month, based on the loss of his leg. He was married November 29, 1922, and has four children. Prior to enlistment, he was employed as a labourer, earning about \$10 per week and is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the loss of his right leg by amputation in Germany four days after capture. He asserts that due to neglect, poisoning set in, and that this could have been avoided with proper care.

An analysis of the evidence reveals:—

Claimant was badly wounded in the right leg when captured. He does not complain of any particular brutality whilst a prisoner but contends that had his leg been properly treated it would not have been necessary to amputate it so close to the thigh and that his disability would not have been so great. After capture, he received some attention at a dressing station and was sent to a hospital at Ohrdruf, where he remained 3 months. Here his leg was amputated 4 days after capture. Apparently it had become infested, was swollen and black to the thigh. Claimant declares that except for a broken ankle, as far as he knows the wounds were only flesh wounds. He does not complain of the operations themselves but regards the treatment as coming too late to save at least a part of the leg. Sent to Langensalza camp, on crutches, claimant declares the treatment to have been fair.

The medical evidence confirms the loss of the leg by amputation and gives claimant a disability of 75 per cent. The doctor (name indecipherable) who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual.

Claimant has not been able to indicate in what way the amputation of his leg constitutes improper surgery. On his own statement, having regard to the condition declared to exist at the time of the operation, the amputation would appear not only to have been justified but even necessary to save claimant's life. There is nothing in the record to support the claim that claimant was subjected to malpractice on the part of the German medical authorities. The claim is quite properly pensionable in nature. As far as this Commission is concerned, it cannot be allowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 15, 1932.

CASE 2561—WILLIAM GORDON ASHDOWN

Claimant was a Private in the P.P.C.L.I.—Regimental No. 475753. He enlisted July 29, 1915, at the age of 27 years and was taken prisoner June 2, 1916, having been burnt with liquid fire and suffering from a slight scalp wound. He was repatriated to England on December 19, 1918. He is not in receipt of pension, was married in June, 1920, and has two children. Prior to enlistment, he was employed as a salesman, earning \$1,800 per year and expenses and is now unemployed although he tried various jobs and was in business for himself for a time but failed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, being compelled to work before his wounds were healed and of being beaten and knocked down while ill with influenza.

An analysis of the evidence reveals:—

Claimant spent 8 weeks, immediately after capture, in hospital at Julich, where the treatment was fair. He was then sent to Stendal, where, for 8 months, he did fatigue duty working around the gardens. At Gottlein, for 6 months, he was employed at farm labour but has no complaints. He was next sent to Welmerstadt Sugar Factory, where he was subjected to beatings with rifle butts, was compelled to work, at shovelling coal, from twelve to eighteen hours per day and suffered general rough usage, which he avers, has affected him mentally. In particular he complains that in the spring of 1918 he contracted influenza and while lying in bed, was hauled out on the floor and knocked down. He received no medical treatment while ill and after two weeks was put to work shovelling and hauling gravel on a railway embankment. He made one attempt to escape, was recaptured, and suffered the usual solitary confinement.

There is no medical evidence of record, the claimant relying on the medical records of the Board of Pension Commissioners. The neurological report of that body indicates that an examination of the nervous system is negative for organic disease. "This man is in quite a bad way with psychoneurosis. His mind is in a perfect turmoil. . . . Business worries and the hopelessness of his future outlook are overwhelming him. . . . There is no doubt but what his morale has been lowered by his experience on June 2 (date of capture) and his period of war service."

In cases such as this, where a nervous or mental condition constitutes the disability, it is particularly difficult to determine whether this mental state may be attributed to maltreatment. Claimant received harsh treatment, but

I cannot say, from the record, that it was unusual or deliberately inflicted. He suffered from the general conditions of camp life in Germany and the repercussions upon his mental outlook may possibly have had ill results. On the whole, however, I cannot find that his experiences have induced the condition of which he now complains. I regard the case as purely pensionable in nature. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 13, 1932.

CASE 2614—JOSEPH VICTOR AUSTMAN

Claimant was a Corporal in the 8th Battalion—Regimental No. 812. He enlisted in August, 1914, at the age of 22 years and was taken prisoner April 25, 1915, during the second battle of Ypres, slightly wounded in the calf of the left leg and gassed. He was exchanged to Holland November 1, 1918, and reached England on the 18th of that month. He is in receipt of a 20 per cent disability pension, amounting to \$15 per month, based on neurasthenia. He is unmarried. Prior to enlistment, he was employed with his father as a building contractor, earning up to \$3,000 per annum, and is now farming.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of excessive solitary confinement on bread and water, excessive hard labour without proper nourishment.

An analysis of the evidence reveals:—

First taken to Magdeburg, claimant remained six weeks, receiving treatment for his wounded leg. He was next sent to Altengrabow, where he spent two years, confined behind barbed wire. There was no work and is no complaint as to this camp. The remainder of his period of captivity, some 18 months, was spent at Stuttgart, where, he states, it was a case of hard labour or solitary confinement all the time. There was no brutality, but, for attempts to escape, he received confinement, became a marked man and received many sentences to cells for varying periods, making a total of some six months during his stay at the camp. He now suffers nervous disorders, due to excessive confinement, heavy labour and lack of nourishment.

The medical record consists of a certificate by Dr. A. T. Mathers, who did not appear before the Commission, indicating a marked fatigability, aching in head and back of neck, dizziness and odd bodily sensations at night. He rates the disability at from 40 per cent to 60 per cent. Claimant's medical history files refer to a neurasthenic condition, for which he is in receipt of pension.

Claimant does not complain of any particular brutality, but stresses the long hours of labour and periods of confinement as reacting unfavourably upon his nervous system. The strain and duress of prison life in Germany bore heavily upon all prisoners, but I do not consider that these general conditions are to be regarded as maltreatment. (See Opinion annexed to my earlier report upon maltreatment cases.) Claimant has failed to establish a present disability resulting from maltreatment. His case is purely pensionable in nature. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 9, 1933.

CASE 2528—RICHARD BABB

Notice of claim was received on behalf of the above named claimant from the Canadian Legion in Alberta through the Dominion Headquarters at Ottawa. Claim forms were forwarded to the Legion to be completed but these were never returned. A reminder was sent to the Legion on August 11, 1932, and a registered notice was mailed to the claimant in care of the Canadian Legion at Calgary, on August 25, 1932, advising of sittings to be held at that city, on September 16, 1932. The claimant did not appear and no information concerning his claim has ever been received. The claim must, therefore, be disallowed for lack of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1932.

CASE 2772—ARCHIBALD BADDELEY

Claimant was a Bugler in the 8th Battalion—Regimental No. 1253. He enlisted September 22, 1914, at the age of 20 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was sent to Switzerland in December, 1916, and was repatriated to England September 11, 1917. He is in receipt of a 40 per cent disability pension, amounting to \$46 per month, based on asthma, was married July 1, 1919, and has one child. Prior to enlistment, he was employed as a printer's apprentice, at \$6 per week, and is now a salesman, earning about \$5 per day when working.

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

An analysis of the evidence reveals:—

Claimant was taken from Roulers to Munster in a box car and when he reached Cologne was beaten by the civilians. He was three months at Munster and was transferred to an officers' camp at Gutersloh, where he acted as an orderly. Sent to Dulmen, he was placed in the lazaret and required to do light work. Suffering from stomach trouble and gas, he received no medical treatment. At Mannheim, he was supposedly passed by the Swiss Commission for transfer to Switzerland but, instead, was put to work at a munitions plant. He refused to work and was knocked unconscious. He was carried to Cologne on a stretcher. Three months later he was sent to Switzerland. He complains of impaired vision and a chest condition.

No medical testimony was adduced and no certificate filed. Claimant's medical history files indicate that, upon discharge, he suffered from chest and stomach disorders.

Claimant has not shown that the eye condition of which he complains is due to any maltreatment. His stomach affection is nutritional in origin and cannot be set down to maltreatment. (See Opinion annexed to my earlier report upon maltreatment cases.) There is no medical evidence to substantiate the disabilities claimed by claimant. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 28, 1932.

CASE 2647—HARVEY JOHN BALLER

Claimant was a Private in the 1st C.M.R.—Regimental No. 114788. He enlisted December 27, 1915, at the age of 25 years, and was taken prisoner June 3 or 4, 1916, suffering from gunshot wounds in the right arm and hand and the left thigh, ankle and foot. He was released into Switzerland in June, 1918. He is in receipt of a 35 per cent disability pension, amounting to \$26.25 per month, based on his service wounds. He is unmarried. Prior to enlistment, he was a carpenter apprentice, at 35 cents an hour, and now states he has not had steady employment for over two years.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds resulting in amputation of fingers.

An analysis of the evidence reveals:—

Claimant lay on the field wounded, for three or four days before he was picked up and carried to Menin. At hospital, in Stuttgart, he states his wounds were dressed every third or fourth day but never had his hand washed. After ten months he was transferred to Depot 2 but after two months his hand became infected and he went back to hospital. He complains of a nurse who tortured him with tweezers but apart from the alleged lack of treatment to his wounded hand and use of paper bandages, he makes no special charge of brutality. Two fingers were amputated in Winnipeg in 1919.

The medical record consists of a report by Dr. C. E. McCutcheon, who did not appear before the Commission, which indicates the loss of the ring and little fingers of the right hand and contracture of muscles in right forearm. Also metatarsalgia right foot from shrapnel, right ankle painful and loss of power from shrapnel, also general nervousness. The disability is fixed at 50 per cent. A statement is also filed, made by Charles G. Ritter, who was in hospital at Stuttgart, Germany. He knew claimant while in the camp and corroborates the story as to hospital treatment. The military medical report details the disability due to the war wounds.

Claimant's case rests upon alleged malpractice in not attending to his wounded hand. It appears that the original wound was quite extensive and I do not think that the record discloses that claimant's wounds were neglected or that anything that could have been done for him was omitted. He did receive treatment and dressings and the evidence fails to show any malpractice on the part of his captors. I regard the case as covered by pension. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 9, 1933.

CASE 2585—WALTER BROWN BALMER

Claimant was a Private in the 15th Battalion—Regimental No. 27160. He enlisted in August 1914, at the age of 18 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England January 1, 1919. He is not in receipt of pension, was married in June 1926 and has one child. Prior to enlistment, he was employed as a book-keeper, earning about \$10 per week, and is now a salesman, at about \$30 per week. Born in Scotland he came to Canada in 1912 and lived here until 1924 when he went to Chicago.

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

brutality for refusal to work on iron materials, illness and solitary confinement on bread and water and injury to the eyes while at work in the stone quarries.

An analysis of the evidence reveals:—

Claimant was attached to two main prison camps, Gottingen and Cassel, but worked at Commandos out of these two main camps at various places. He seems to have been subjected to rough treatment and suffered the usual beatings, blows from rifle butts, solitary confinement and long hours of labour, due to refusal to obey orders and to do the work prescribed. He evidently brought much of the trouble upon himself by his attitude to his guards. His present disorders, upon which he bases his claim, are defective vision, loss of teeth, nervousness, and stomach trouble. While at a stone quarry in Furstenwald (sic), his eye was accidentally injured by a piece of stone, and he was rushed to Cassel, where he was examined and given a shield to wear until he could get glasses at his own expense. The eye has always been troublesome since and he has had to get corrected glasses from time to time at his own expense. His teeth became defective and he had to have several upper front teeth extracted, also at his own expense. This he believes was due to the quality of the food.

A somewhat lengthy medical report is filed, prepared by Dr. J. F. Donahoe, of Chicago, who states that he has had the claimant under observation for six months and finds him suffering from a form of neurasthenia directly traceable to injuries and hardships experienced in Germany. The results of his examination indicate that the claimant has defective vision, chronic inflammation in the throat, enlarged uvula and missing teeth. Apart from the defective teeth, which can be attributed to the food, the disabilities attributable to claimant's experiences as a prisoner are chiefly the eye injury and the nervous disorders. The eye injury was the result of an accident and he was, seemingly, rushed to a doctor for examination without delay. Whether the treatment received was adequate, it is impossible to say, at least it has not been established that there was neglect and improper treatment sufficient to constitute maltreatment.

Claimant did not create a favourable impression before the Commission. His truculence of manner and general resentment, if adopted while a prisoner, must surely have brought down upon him punishment and harsh treatment. I cannot say from the record, that this treatment went beyond reasonable bounds as to amount to maltreatment. The accidental eye injury claimant sustained appears to have received treatment and it is not shown that he was neglected in this regard. The nervous affection complained of can scarcely be attributed to maltreatment. I am inclined to view it as temperamental. The complaint as to the extraction of teeth has not been shown to constitute maltreatment. On the whole, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 13, 1932.

CASE 2764—FRANK BARLOW

Claimant was a Private in the 16th Battalion—Regimental No. 28565. He enlisted in August, 1914, at the age of 25 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England January 7, 1919. He states that he had been in receipt of a 10 per cent pension, amounting to \$5 per month, based on deafness in the left ear. It was discontinued. He was married in April, 1919 and has one child. Prior to enlistment, he worked at clearing land, earning \$4.50 per day and is now unemployed but had been a road work foreman, earning \$90 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a kick in the leg causing varicose veins, that he was beaten about the head, resulting in deafness, and of solitary confinement.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at the following camps, Giessen, Cellelager, Vehnemoor, Ostenmoor and Bokelah. He received a kick in the leg while at Bokelah causing a swelling. He was sent to hospital and cold compresses applied until the swelling subsided. While working on the latrines he received a severe beating about the head and was given five days in the cells for not obeying orders. Subsequently, in hospital, he was operated on in the ear without anaesthetic. He states that his ear now discharges continually.

The medical record consists of a certificate of Dr. D. J. Millar, who did not appear before the Commission. He finds claimant to be "suffering from impaired hearing with chronic disease of the left canal, general impairment of health as regards nervous system with tendency to functional disorders." He fixes the percentage of disability at 25 per cent. Claimant's medical history files refer to the ear condition and varicosity of the legs.

Claimant confines his complaint to his partial deafness and disabled legs due to varicose veins. I am informed that it is unlikely that either of these conditions resulted from the blows related. It is significant perhaps that in the statement made by claimant upon repatriation, no mention is made of any assault upon himself—he recites a general bayonet charge upon the prisoners as a group. On the whole, I have reached the conclusion that claimant has not discharged the burden of showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 28, 1932.

CASE 2771—HARRY BELL

Claimant has not completed the usual documents of claim. He came before the Commission at Seattle, Washington, and explained his case. It appears that he served with the Imperial forces—the Kiltless Scotch Battalion—Regimental No. 41737. He enlisted on November 1, 1917, at 18 years of age, was taken prisoner on October 16, 1918, and repatriated to England on December 7, 1918. He is in receipt of pension. Prior to enlistment, he was an apprentice and since discharge has been a salesman but is now unemployed.

Claimant has applied for naturalization as an American citizen. It was explained to him at the hearing that this Commission is without jurisdiction to entertain his claim, because he became resident in Canada after January 10, 1920, date of the ratification of the Treaty of Versailles. For reasons which have been explained in my earlier report upon maltreatment cases, this Commission is without jurisdiction in such cases. Reserving, therefore, to claimant all his recourses, and without deciding the case upon its merits the claim must be disallowed before this Commission.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 4, 1933.

CASE 2321—JAMES BIGNEY

Claimant was a Private in the 17th Battalion—Regimental No. 46050. He enlisted in August, 1914, at the age of 20 years and was taken prisoner in March, 1918, at Amiens, suffering from a bullet wound in the left shoulder. He was repatriated to England near the last of November, 1918. He is not in receipt of a pension, was married in 1919 and has five children. Prior to enlistment, he was employed as a miner, earning about \$1.75 per day, and is now following the same employment, averaging about \$15 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the coal mines, beatings with pick handles, that he was compelled to wear clogs which injured his feet and was badly smashed up by the falling roof of the mine shaft due to a misunderstanding of the guard.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 9 months. Taken first to Dulmen, he has no complaints. Sent to a coal mine at Vorbeck he complains of the hard work and beatings and an accident to which he attributes a weakened back. He was in the mines about 3 weeks. He was sent to hospital where he remained till about two weeks before the Armistice. He has no complaints of his treatment in hospital. Sent then to Munster No. 2, he was transferred to Holland. Claimant complains chiefly of his treatment during the first 3 months of his captivity when he was held behind the lines, and made to work handling bags of feed, notwithstanding his wounds. He speaks of the poor and inadequate food. He confines his complaint to the injury to his back.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant has not completed the usual declaration forms. His medical history files show nothing unusual. In the file appears a statement made by claimant upon repatriation which relates almost entirely to maltreatment to an Imperial soldier. He says practically nothing of his own treatment.

In this state of the record, it is clearly impossible to reach a finding in claimant's favour. Not only is there an entire absence of medical evidence showing any present disability, but the record does not disclose incidents of maltreatment which were likely permanently to injure claimant. He has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 15, 1932.

CASE 2506—PHILIP BIRCHAM

Claimant was a Private in the 1st C.M.R.—Regimental No. 622017. He enlisted December 22, 1914, at the age of 29 years and was taken prisoner June 2, 1916, suffering with a bullet wound in the left thigh. He was repatriated to England December 24, 1918. He is not in receipt of a pension but received a gratuity, based on a 3 per cent disability, amounting to \$75, covering his war service wound. He was married at the time of enlistment and had four children one of whom is now married and another deceased. Prior to enlistment, he worked as a freight hand, approximating about \$50 per month and is still employed in the freight sheds, earning about \$95 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper medical treatment of his wounds, bad food and of being compelled to work when unfit to do so.

An analysis of the evidence reveals:—

The claimant received hospital treatment at Duisburg, Friederichsfeld and Cottbus, where his wounds were dressed, but he complains of the use of improper bandages. He was given garden work in 1918, and later put at wheeling barrows at a gas factory. He found this work too heavy, due to the condition of his wounded leg and complained so insistently that he was taken before a doctor at Frankfurt. He states that he had to complain that the food was poisoning his stomach, before the guard would take him to the doctor. As a result, he faced court-martial for stating that the food was poisoned. Nothing came of his trial and he suffered no punishment.

Claimant adduced no medical evidence before the Commission, relying upon the record appearing in his medical history files. These reveal nothing unusual, his award of pension on the ground of neurasthenia being now before the Pension Appeal Court. He now complains of rheumatism, his stomach condition and continual headaches.

It would seem from the claimant's own story, and by comparison with the recitals of other prisoners, that he received fair treatment while a prisoner and suffered no particular abuse resulting in permanent disability. The mere fact of internment, without proof of maltreatment followed by disability, does not constitute a valid ground of claim. I have no hesitation in finding that the claim fails. It must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1932.

CASE 2566—THOMAS BLAKEY

Claimant was a Sapper in the 2nd Canadian Engineers—Regimental No. 503313. He enlisted March 9, 1915, at the age of 33 years and was taken prisoner June 2, 1916, unwounded, but slightly gassed. He was repatriated to England December 14, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on the loss of the ring finger of the left hand and teno-synovitis of the right wrist. He was married at the time of enlistment and has two children. Prior to enlistment, he was employed as a coal-cutter in a coal mine, earning \$150 per month, and is now a shoe repairer, not earning more than \$70 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, forced labour while ill, of being compelled to stand to attention for long periods, confinement, and an injury to the ring finger on the left hand, which necessitated amputation. He now suffers fairly constant pain in the head.

An analysis of the evidence reveals:—

Claimant first spent 2 months at Dulmen, where he suffered from starvation. He was moved about from place to place but was attached to Minden and Munster camps during practically the whole period of his captivity. Out of Minden, he worked at Abbe, Hanover and Frankfurt-on-Main and suffered two or three illnesses in hospital due to rectal haemorrhage, which he thinks was caused by the bad food. He was subjected to the usual rough treatment for refusal to work on Sundays, was compelled to stand to attention for long periods and given solitary confinement. While working in a blacksmith shop, he met with two accidents. The first was the result of a fall on a piece of broken bottle. He cut his wrist badly and had to have several stitches. He states that he received but little medical attention for this injury and as a result, the wrist movement is still weak. Later, while placing a piece of iron on a machine,

which was not properly guarded, he injured his finger requiring several amputations, finally resulting in the loss of the whole finger. He states that these amputations in Germany were performed without anaesthetic and that, with proper care, the finger could have been saved. He appears to have been excused from work for some twelve weeks after this injury and was then sent to a farm for the remainder of his period of captivity.

No physician appeared at the hearing but the medical record consists of four medical certificates by doctors J. S. McLeod, H. C. Dixon, J. R. Patterson, and Oliver Boyd, all of Medicine Hat, the last named having performed the final amputation of the finger. All of these certificates confine themselves to the injured finger and wrist which constitute the claimant's present disability.

Apart from the haemorrhages which are probably due to the condition of food in Germany, the claimant fails to establish any permanent disability due to maltreatment. Disabilities resulting from general food conditions in Germany, cannot be regarded as due to maltreatment (See Opinion annexed to my earlier report upon maltreatment cases). The loss of the finger and injury to the wrist are admittedly of accidental origin, and it has not been proved that had better treatment been received the finger might have been saved. Claimant is in receipt of pension, covering these disabilities, which, if not adequate, must be the subject of further submission to the pension authorities. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGA' L,
Commissioner.

OTTAWA, December 7, 1932.

CASE 2305—J. A. BOSWELL

Claim was made by the above named claimant, apparently on the ground of maltreatment as a prisoner of war, but no particulars have been filed of record. It has since developed that claimant was not a prisoner of war. The claim is, accordingly, without standing before this Commission.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 20, 1932.

CASE 2734—GEORGE EDWARD BRADLEY

Claimant was an Imperial soldier who served as a Corporal in the Royal Field Artillery—Regimental No. 56886. He was a reservist who had come to Canada in 1912 and was called up to the colours in August, 1914, at the age of 28 years. He was taken prisoner in April 22, 1915, suffering from gas, and was repatriated in March, 1918, through Holland. He had been in receipt of an Imperial pension of 6 shillings per week plus childrens' allowance, which pension was terminated by a 1 per cent permanent award, October, 1919. It was based on hernia. He was married in Canada in January, 1914, and has three children. Prior to enlistment, he was a plastering contractor, at \$5 per day, and is now an employee of the Ontario Liquor Control Board, at \$1,440 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, confinement, forced to labour in iron mines, where he developed hernia.

An analysis of the evidence reveals:—

Taken to Meschede, claimant was forced to work although his rank was recognized. He complains chiefly of the food. At Giessen, he was given three weeks punishment barracks for refusing to work. He was sent to Saltau for a short period and thence to Hestemoor, where he was made to parade 10 hours per day. For attempting to escape he was paraded on bare feet around the barrack and received two weeks confinement. He was sent to an iron mine, where, in pushing a barrow laden with ore, he slipped and ruptured himself. He was given a truss but it was not satisfactory. He was immediately sent back to work, although suffering pain.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. W. T. Gemmell, who certifies that claimant is a nervous wreck, and suffers severe headaches. He fixes the disability at 50 per cent. Dr. J. A. Beatty certifies as to the condition of the teeth. All were extracted. Affidavits are filed by two acquaintances who knew claimant before and after the war, and who certify as to his present debilitated condition.

I regard claimant's case as purely pensionable in nature. The hernia which he developed while at work must be regarded as accidental in origin and not as resulting from maltreatment. Claimant's remaining complaints have to do with general conditions of camp life in Germany and do not, in my opinion, constitute such maltreatment as has resulted in disability (See Opinion annexed to my earlier report upon maltreatment cases). The claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 16, 1933.

CASE 2564—DONALD BREMNER

Claimant served with the Imperial forces, having enlisted in 1913, with the Royal Naval Reserve—No. 5312A—at the age of 16 years. He was taken prisoner in November, 1914, at Antwerp, and was repatriated to England in December, 1918. He is now in receipt of a 20 per cent disability pension amounting to 8/7 per month, based on myocarditis. He came to Canada to reside in August, 1924. It was explained to him by letter, dated March 9, 1932, and also at the hearing at Calgary, on September 16, 1932, that the date of his arrival in Canada would preclude his claim from consideration at the hands of this Commission (See Opinion attached to my earlier report on maltreatment cases). A claimant must show that he established residence in Canada on or before January 10, 1920, the date of the ratification of the Treaty of Versailles, to entitle him to consideration before this Commission. Reserving to claimant all other recourses, and, without deciding the case upon its merits, it is disallowed, in so far as this Commission is concerned.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 13, 1932.

CASE 2605—CAPTAIN HAROLD E. BRIDGE

Claimant was a Captain in the 19th Battalion. He enlisted in January, 1915, at the age of 28 years and was taken prisoner May 8, 1917, having been wounded by an exploding bomb, in the body, fore left hand, right forearm, left knee, feet and neck. He held the rank of Lieutenant when captured. He was

exchanged in April, 1918, and reached England August 30th of that year. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on disability in the left hand. He was married twice, first in 1916 and the second time in September, 1928, and has two step-children, one of age. Prior to enlistment, he was a Divinity student at Trinity College and is now teaching privately.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect to his wounds, dressings without anaesthetic, insanitary, and filthy hospital wards, cruelty of a German surgeon in operating on his nose, and confinement.

An analysis of the evidence reveals:—

Claimant was first at Douai, where he remained five days without food. Taken to Tournai, he suffered neglect of his wounds, the dressings having become putrified. At Kempton, Bavaria, his finger was amputated after six weeks in hospital. He claims the amputation would not have been necessary had his wounds been properly attended. Here, the surgeon, without warning and with anaesthetic, operated on his nose, with the result that it caused intense pain and has never properly functioned since. It was never dressed. He blames deafness on this condition. He further complains that he was confined to one room in hospital at Bavaria for 7½ months although able to be out. He was finally allowed to go to one of the regular officers' camps. He attributes his nervous condition to this long confinement, the room being, he says "nothing more or less than a morgue." Due to the careless treatment of his hand he has lost power to grip and this is the basis of his pension. He finally landed in an officers' camp at Karlsruhe, whence he was exchanged.

The medical record consists of certificates of Drs. A. T. Spankie and E. P. Scarlett, neither of whom appeared before the Commission. Dr. Spankie certifies as to the nasal obstruction and defective hearing and fixes the disability at 100 per cent, in claimant's own calling. Dr. Scarlett submitted a lengthy report, dated March 20, 1932, with a finding of hyperactive nervous system. Subsequently he wrote, on May 30, 1932, to the Secretary of the Commission, requesting that his statement of March 29 be ignored. He says "It is my opinion that this man is a constitutional psychopathic individual, and, under such circumstances, hardly comes under the jurisdiction of the Reparations Commission." Claimant's medical history files note a neurasthenic condition without disability.

This case is somewhat unusual as to its neurasthenic aspects. Why claimant should have been kept confined for 7½ months in the manner described cannot be explained by claimant, nor does the record furnish any good reason therefor, unless it be inferred that he was already suffering from a form of neurasthenia, which, as will be seen from the medical evidence, was and is constitutional. Claimant was a prisoner for about a year and I cannot say that the evidence justifies a finding that claimant was subjected to maltreatment resulting in permanent disability. His pretention that his wounds were improperly and inadequately attended to with resultant disability has not been proven. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 27, 1932.

CASE 2370—FRANK HENRY BRONSKILL

Claimant enlisted as a Private in August, 1914, at the age of 24 years, with the second Battery C.F.A. He obtained a Commission November 6, 1916, and transferred to the Royal Flying Corps and held the rank of Lieutenant at the

time of capture. He was shot down while flying over Lille and was slightly wounded by a ricochet bullet which struck him in the chest. This occurred February 1, 1917. He was released from Germany December 25, 1918. He is not in receipt of a pension. He was married April 27, 1922, and has two children. Prior to enlistment, he was a bank accountant, earning \$1,100 per annum and held different positions after discharge and is now an accountant with a lumber firm, receiving \$1,300 per annum, although this is increased when the business is operating, to \$2,400.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, solitary confinement, exposure to cold, crowded quarters, insanitary living conditions, and he now suffers from impaired eyesight, nervousness, stomach trouble, loss of memory and general debility.

An analysis of the evidence reveals:—

Claimant's case is synopsised in his statement of claim. At Douai, he complains of solitary confinement, cold quarters, and poor food. At Karlshruc, he was again confined, without cause. At Dobeln, conditions were much the same, but in his deposition he declares that "monotony" of imprisonment is his main grievance. An explanation for these confinements may be found in the fact that claimant with others, dismantled and removed a detectaphone apparatus discovered in their cells. At Schweidnitz, conditions were better but poor accommodation, lack of exercise and bad food are stressed as the main complaints. He complains of stomach disorders, loss of vision, nervousness and general debility as resulting from these experiences.

The medical evidence indicates that claimant suffers "almost complete loss of sight of left eye following ulcerative kerastitis dating from 1918." His percentage of disability is stated at from 15 per cent to 30 per cent. Dr. J. H. Box, who certifies to the foregoing, also appeared before the Commission. He confirmed his diagnosis and explained that the impaired vision could result from under nourishment and blood infection. Claimant's medical history files show nothing unusual. He was discharged as fit.

The evidence does not disclose any particular maltreatment. That claimant was confined may have been due to his action in destroying the German detectaphone apparatus installed in his quarters. Whatever disabilities he may now suffer are nutritional in origin and cannot, in my opinion, be ascribed to maltreatment. The disability resulting from impaired vision, if established, would be a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 20, 1932.

Commissioner.

CASE 2604—ABRAHAM BROWN

Claimant completed the usual declaration forms, from which it appears that he served with the Black Watch—Regimental No. 5869, was taken prisoner March 21, 1918, wounded through the right shoulder. He was in receipt of an Imperial pension, which was discontinued in 1920. Claimant sets up maltreatment in Germany while a prisoner, resulting in disability, but did not appear before the Commission, although notified to do so, to substantiate his claim. Nothing has been heard of or from him for several months. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

OTTAWA, December 28, 1932.

Commissioner.

CASE 2649—JOSEPH CHARLES BRUCE

Claimant was a Corporal in the 16th Battalion—Regimental No. 28715. He enlisted in August, 1914, at the age of 27 years and was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the right leg, and gassed. He was released to Holland in October, 1918, and reached England November 18 of that year. He is not in receipt of pension, was married in 1918, and has three children. Prior to enlistment, he was employed as an electrical lineman, earning \$5.40 per day and is now a stationery engineer, earning about \$150 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that, as an N.C.O., he properly refused to work and received several periods of confinement in dark cells, attempted to escape, was unduly punished and was refused his exchange, which should have been granted fully fifteen months earlier.

An analysis of the evidence reveals:—

Taken first to Giessen, claimant was then sent to Hestemoor and to a punishment camp Z. X 10, where he with others, was forced to exercise by walking around in a circle 10 hours per day because they refused to work. He was compelled to remove his jacket and stand to attention for an hour, getting soaked to the skin. Then he was sent to Saltau and his certificate of rank ignored and torn up. For refusal to work on munitions, he was given periods of imprisonment in the cells with increasing terms. His exchange to Holland was unduly delayed owing to refusal to recognize his rank and he was finally released one month before the Armistice. He now suffers with rheumatism.

No medical certificates are filed and the military medical records indicate that on March 11, 1915, prior to capture, claimant was admitted to hospital suffering with rheumatic fever and discharged a few days later.

In this state of the record, it has not been established that claimant's present disability, if any, was the result of maltreatment at the hands of the enemy. His treatment does not appear to have been unduly harsh and he has failed to discharge the burden of showing a present disability resulting from maltreatment. The rheumatic condition of which he complains, was clearly present previous to capture. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 14, 1932.

CASE 2640—HARRY H. BRYANT

Claimant was a Private in the 7th Battalion—Regimental No. 16754. He enlisted in August, 1914, at the age of 26 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but gassed. He was repatriated to England December 1, 1918. He is not in receipt of a pension, was married in December, 1918, and has four children. Prior to enlistment, he was employed as a general labourer, earning \$3.50 per day, and after discharge resumed this occupation but is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour at coke ovens; that he was beaten with rifles and shovels because he was unable to work and received a cut in the leg during one of the beatings; was compelled to stand as near to the ovens as was possible and then compelled to

stand to attention for a long period. He states that he suffers with lung trouble due to gas, aggravated by the gas from the coke ovens.

An analysis of the evidence reveals:—

Claimant was first taken to Munster, and, after six weeks treatment, was sent to Dortmund and put to work on the coke ovens. He recites instances of beatings two or three times per week, and of being forced to stand within 10 or 12 feet of the ovens. The coke was pushed out towards him while sentries stood with bayonets to prevent him from backing away. This would last all day, chiefly on Sundays. Another Sunday, he with others, was lined up on a railway track while an engine approached. It stopped before they were run down. Sentries stood on either side of the track to prevent them breaking away. This treatment was as punishment for inability to work. He now suffers with chest trouble.

He files two certificates by Dr. A. D. Morgan of Alberni, B.C., to the effect that he suffers with bronchial trouble and fibrosis of both lungs. He fixes the percentage of disability at 75 per cent. He attributes the condition to dust and gas fumes from the coke ovens in Germany.

An earlier certificate of Dr. Morgan, written in 1930, and appearing on the Departmental files attributes claimant's lung condition to the gas he received when captured. An X-ray examination made in July, 1930, at the Shaughnessy Hospital, shows heart, lungs and mediastinum normal. Later examinations fail to reveal any disability in claimant. It is scarcely necessary to discuss the case further. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 13, 1932.

CASE 2582—VINCENT THOMAS BURGESS

Claimant was a Private in the 1st Canadian Motor Machine Gun Brigade—Regimental No. 107125. He enlisted November 13, 1914, at the age of 27 years and was taken prisoner March 23, 1918, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of pension, was married in August, 1928, and has six children, three being step-children. Prior to enlistment, he was a dredge repair worker, at \$4 per day and board and is now homesteading.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the bad food, forced labour, lack of medical treatment and stoppage of parcels.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen and then to Darmstadt, where he went to hospital as the result of a fainting spell. After three or four weeks, he was returned to Giessen and then sent to Burgholms (sic) to work at a smelter. Here he suffered eye strain due to the glare and sulphur fumes. He accidentally broke his finger, shovelling iron ore, and was laid off for 4 days after his hand was bandaged. Later, he scalded his foot in another accident and had to walk four miles before he received any medical attention. He speaks of receiving a beating at Burgholms for not working fast enough. He complains of a stomach condition, due to the poor food.

No medical evidence was adduced and no medical certificate was filed. The military examination upon discharge notes the scars from the scald but otherwise nothing unusual.

Claimant was a prisoner for about eight months and, in comparison with other prisoners, appears to have received very little maltreatment. I do not find, in the record, any evidence of disability resulting from maltreatment. In such circumstances, claimant has failed to discharge the burden resting upon him and the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 9, 1933.

CASE 2442—ARTHUR F. BURTON

Claimant was a Private in the 1st C.M.R.—Regimental No. 106119. He enlisted February 20, 1915, at the age of 37 years and was taken prisoner June 9, 1916. He was repatriated to England December 16, 1918.

Notice of claim was filed by a firm of solicitors, in Toronto, but no documents, affidavits or other material in support of the claim have been filed. The claimant was notified to appear at Winnipeg for hearing, on September 13, 1932, but failed to do so. He, however, wrote to the representative of the Canadian Legion at Winnipeg under date of September 11, stating that it would be impossible for him to appear and asked him to present his case. This he was unable to do as he had no information.

It is obviously impossible to deal with this case in the absence of documentary or other evidence. The claimant has made no effort by way of correspondence or affidavit to furnish particulars, and, consequently, the claim must be disallowed, for lack of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1932.

CASE 2796—ROBERT CALLAGHAN

Claimant was an Imperial soldier who served as a Private in the Royal North Lancashire Regiment—Regimental No. 201826. He came to Canada in 1907, and enlisted November 30, 1915, at the age of 18 years. He states that he tried to enlist in Canada but was rejected on account of his youth so he returned to England and enlisted there. He was taken prisoner August 8, 1916, on the Somme, unwounded, and was repatriated to England in December, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a deckhand on ocean vessels sailing out of Montreal, earning up to \$18 per week and is at present unemployed although at his last job, as labourer, he earned \$22.50 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows on the head while working in the coal mines resulting in complete deafness in the right ear and injury to eyesight.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and, after two months, was sent to the stone quarry where he states the work was too hard and the food inadequate. He was moved to Munster and was placed in a coal mine at Eekearm (sic), where he stayed about a year. While working with civilians in the shaft, he was knocked down by one of them for not working fast enough. A fight ensued and he received several blows over the head rendering him unconscious. He is

now deaf in the right ear. He was shipped back to Munster No. 2 and was placed before a court-martial but was acquitted. He was then shipped to a munition factory at Witten where he remained until the Armistice. For refusing to work on munitions, he was given a period of standing to attention. A compromise was effected whereby he and others were to work around the factory but not at munitions. He received a beating here with a rubber hose for no cause. He complains now of head trouble consisting of dizzy spells and blurred vision.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files are not available.

Claimant bases his complaint upon deafness in the right ear. It was evident, at the hearing, that he was far from deaf in this ear and could hear questions put to him in a low voice from the right side. In the absence of medical evidence establishing some present disability connected with claimant's experiences as a prisoner, the claim cannot succeed. Such evidence has not been furnished. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 18 1933.

CASE 2289—FREDERICK ARTHUR CARTWRIGHT

Claimant was a Private in the 29th Battalion—Regimental No. 706412. He enlisted December 27, 1915, at the age of 18 years and was taken prisoner May 8, 1917, suffering from slight shrapnel wounds in the right cheek, and concussion. He was repatriated to England December 12, 1918. He is not in receipt of a pension, was married in March, 1925, and has one child. Prior to enlistment, he was employed as a lather, earning \$6 per day and is now unemployed although he had been in a logging camp at \$3.50 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, confinement, being tied up by the thumbs and compelled to stand to attention; also that he was struck in the groin by a bayonet.

An analysis of the evidence reveals:—

First taken to Douai, claimant states that he was beaten into unconsciousness for refusing to divulge information concerning the Canadian army. He was then confined to a cell for three days without food. At Fort McDonald, he was again interrogated and strung up by the thumbs for refusal to answer. He hung with toes touching the floor for five hours. He was then left in confinement for 21 days on bread and water. He was again struck on the head with a rifle and knocked unconscious and lost a tooth. In Germany, he was attached to three camps. First at Dulmen, where he complains of the food, then at Burgensteinfort, and finally at Munster. From this latter camp he was sent to work at an iron foundry, where, for refusal to work, he was compelled to stand to attention in the hot sun. After 6 hours he collapsed. He went through this again at Duisburg and again collapsed. He now suffers severe headaches as the result of this treatment. At Munster, the day after the Armistice, he remarked to a sentry that the war was over and was struck in the groin by a bayonet. He now carries the scar. He further complains of neuritis in the knee due to working in the rain.

There is no medical evidence of record not even the usual certificate of a doctor. Claimant's medical history files show nothing unusual. He was discharged from the service with the notation "all systems normal."

Claimant has failed to establish any disability resulting from maltreatment. His mere statement, unsupported by medical testimony, that he suffers from headaches, his knee and possibly a leg injury, is insufficient to establish such fact. Claimant's recourse, if any, would appear to be before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 28, 1932.

CASE 2680—NORMAN CHRISTY

Claimant was a Lance-Corporal in the 7th Battalion—Regimental No. 16853. He enlisted in August, 1914, at the age of 20 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 12, 1918. He is not in receipt of pension, was married in March, 1924, and has four children. Prior to enlistment, he was working as an electrician in a saw mill, earning \$4 per day, and is now unemployed, though for a time he was with the Dominion Forestry Branch, at \$165 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, that he was forced to work while ill, was beaten, and desired medical and dental treatment. The file contains a declaration by Harold L. Tyack, a fellow prisoner, who corroborates his story as to illness while a prisoner.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, where he spent about five weeks in hospital. He complains of the food, both as to its quality and scarcity. He contracted rheumatic fever due to dampness, exposure and his weakened condition. At a saw mill in Westphalia, while suffering from rheumatism, he tried to lay up, was badly beaten with a rifle, and received a blow in the back of the neck which still pains him. Every time he was sent out on working parties he eventually was returned to Giessen because of his illness.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files refer to a condition of nervous debility.

Claimant's chief complaint seems to be that he suffers from rheumatism. It is difficult to say that any maltreatment in Germany induced this condition. It may more properly be said to be due to exposure, lack of food and poor living conditions (See Opinion annexed to my earlier report upon maltreatment cases). Viewing the case as a whole, and in the absence of medical evidence, claimant has not established a present disability resulting from maltreatment. I consider that his case is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 28, 1932.

CASE 2670—WALTER W. CLARKE

Claimant was a Private in the 87th Battalion—Regimental No. 793137. He enlisted in January, 1916, at the age of 39 years, and was taken prisoner August 17, 1917, suffering from gunshot wounds in the right thigh and left foot.

He was repatriated to England in December, 1918. He is not in receipt of a pension, but received a gratuity of \$100 for his wounds. He was married at the time of enlistment and has three children, two of whom are of age. Prior to enlistment, he was employed as a lumberman, earning \$4 per day, and is now trying to farm but without much success. He expects to lose his farm through foreclosure.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, absence of medical treatment and lack of food, that he was compelled to work in the woods although scarcely able to walk, and was kept at work on a farm in the interior of Germany until long after the Armistice.

An analysis of the evidence reveals:—

Claimant was first taken to Lens, where his wounds were attended. He complains that the treatment was inadequate. Removed to Langensalza, he again complains that he received no medical attention, and of starvation. He was not subjected to physical abuse nor was he compelled to work. Sent out and made to work in the woods, he declares that he was unfit to do so in his condition of weakness and injury. He was next sent to a farm but has no complaints, except as to being confined to cells for what appears to have been minor infractions of discipline. He now complains of a heart condition and weakness in the legs.

The medical evidence indicates that claimant suffers from arterio sclerosis with heart lesion. His percentage of disability is stated at 100 per cent in the general labour market. Dr. W. B. Grant, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer to the heart condition, which is evidently the subject of pension consideration at the moment.

In this state of the record it is impossible to reach a finding in claimant's favour. His main complaint is as to lack of food. As explained in Opinion annexed to my earlier reports, this general condition of camp life cannot of itself be regarded as maltreatment. I do not think it follows that claimant's present state of health results from these conditions. At his present age, claimant must expect some diminution in his physical vigour. On the whole, I must find that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His claim, if any, is a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 13, 1932.

CASE 2760—WILFRED CLARKE

Claimant was a Private in the 3rd C.M.R.—Regimental No. 108154. He enlisted December 18, 1914, at the age of 29 years and was taken prisoner June 2, 1916, suffering from gunshot wounds in right shoulder and left arm. He was repatriated to England December 27, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$11.25 per month, based on varicose veins. He was married in 1905 and has three children, now all of age. Prior to enlistment, he was employed as a plasterer, earning \$6 per day and is now unemployed, but tried farming for a time after discharge and had to abandon it owing to 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, hard labour and confiscation of parcels.

An analysis of the evidence reveals:—

Claimant was treated for his wounds at Courtrai, and sent to hospital at Julich, as to which he has no complaints. He seems to have spent short periods at Stendal, Wittenberg, Quedlinburg and Altengradow. He speaks of a thrashing received at Wittenberg, because of inability to understand German. He was sent to work in a coal mine, on surface work, and was beaten on several occasions. He began to be troubled with varicose veins but received no treatment. He was next sent to work at a sugar factory at Alderstadt, where he complains of very hard work. Returned to Wittenberg he was placed at cutting wood and complains that food parcels were confiscated. He remained here until the Armistice.

The medical record consists of a certificate by Dr. John W. Scott, of Edmonton, who states that he has known the claimant for some 18 months and finds him suffering from severe enlargement of the heart, and varicose veins in the left leg. The certificate recites: "This man has myocardial degeneration. His overseas experience was undoubtedly a factor in aggravating the condition." Claimant's medical history files refer to the conditions noted and indicate that the inception of varicose veins occurred before capture.

I regard this case as one for the consideration of the Board of Pension Commissioners. Claimant's health appears to have been affected by the general conditions of camp life in Germany and not by any particular maltreatment on the part of his captors (See general Opinion annexed to my earlier report upon maltreatment cases). Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 22, 1932.

CASE 2651—COLIN CHARLES CLIFFORD

Claimant was a Private in the 7th Battalion—Regimental No. 23377. He enlisted in August 1914, at the age of 34 years and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded with shrapnel in the leg. He was repatriated to England January 1, 1919. He is not in receipt of a pension, was married in October 1919 and has no children. Prior to enlistment, he worked as a miner and on construction work, earning from \$120 per month, upwards. He is now unemployed but had been engaged in leasing mines, averaging about \$400 per year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being knocked down, kicked and beaten with rifles, resulting in a rupture. Denial of medical attention, forced to work while unfit. Received blows which fractured the skull and smashed his right foot and leg.

An analysis of the evidence reveals:—

Claimant served his period of captivity attached to several main camps in the following order, Giessen, Saltau, Lichtenhorst, Eschede and Hameln. At Giessen he states he asked for medical treatment of his wounds which was refused. While working at Lechbach, breaking up scrap iron, he was badly beaten and kicked, resulting in a rupture. This beating was because he refused to continue longer with this work believing it to be for the manufacture of munitions. At Eschede, he had contracted elephantiasis, his legs being so swollen he could scarcely stand. He was forced to continue at work and when he asked for medical attention it was denied him and he received another beating, causing an injury to his head and smashing the bones in his ankles. He was still refused medical attention. The rupture again protruded after this beating. He alleges

that he was never insubordinate and only refused to work when he believed he was being asked to do what he should not have been compelled to do. Since discharge, he claims he is unable to carry on his ordinary employment and has been under medical observation practically ever since. Questioned as to the swollen legs, he admits it may not have been elephantiasis but says they had to call it something and gave it that name.

The medical record consists of two certificates by Dr. A. Francis, who did not appear before the Commission. He finds claimant suffering from headaches, dizziness, pain and swelling in the right ankle and foot, cramp in the right leg, general weakness and an abdominal pain over the umbilicus. X-ray photos of the head are on file, revealing a healed fracture of the inner table of the skull. There is an umbilical hernia, the opening admitting the index finger. A marked varicose condition of the right leg is noted and a healed scar extending over the right tibia can be made out. The military medical examination upon discharge reveals nothing unusual. In a statement made after repatriation he speaks only in general terms of camp life in Germany and does not relate any of the instances of maltreatment which are set out in the evidence given before the Commission. Several certificates are filed by former prisoners, employers and acquaintances, to corroborate the story of his condition upon return to Canada.

The disparity between claimant's testimony and the statement made by him upon repatriation is quite marked. In the latter document he scarcely refers to any brutality to himself but confines his statement to general recitals of harsh treatment to others. It seems inconceivable, had he encountered the personal brutality he later tells, that he would not have reported it fully when examined in England. Having regard to this state of facts and to the medical evidence of record, I do not consider that I would be justified in reaching a finding in claimant's favour. On the whole, I regard the claim as possibly one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 27, 1932.

CASE 2510—FREDERICK G. CLIFFORD

Notice of claim was received on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that he enlisted on July 5, 1915, was taken prisoner on June 5, 1916 and repatriated to England on November 30, 1918. He is in receipt of a 20 per cent disability pension. No other information concerning claimant is available. He was notified to appear before the Commission at its Winnipeg sessions, on September 13, 1932, but failed to appear. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 28, 1932.

CASE 2538—JOHN JOSEPH CLOUGHER

Claimant has not completed the usual documents of claim. He came before the Commission, at Edmonton, and explained his case. It appears that he served with the Imperials—4th Battalion (Notts & Derbys)—Regimental No. 20032.

Claimant first came to Canada in May, 1926. He enlisted in April, 1916, at 18 years of age, was taken prisoner on April 23, 1917, unwounded, and repatriated to England in December, 1918. He was in receipt of pension, which has since been discontinued. He is married and has six children. Prior to enlistment, claimant was employed on a farm. He is still following the same occupation.

It was explained to claimant, at the hearing, that, as an Imperial who first came to Canada in 1926, he has no standing before this Commission. In cases of Imperial soldiers, it is only those who became resident in Canada previous to January 10, 1920, date of the ratification of the Treaty of Versailles, who are entitled to consideration (See my earlier report upon maltreatment cases). Reserving, therefore, to claimant all his recourses, and without deciding the case upon its merits, the claim must be disallowed before this Commission.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 4, 1933.

CASE 2694—CHRISTOPHER COATES

Claimant was a Private in the 15th Battalion—Regimental No. 799870. He enlisted in January, 1916, at the age of 19 years and was taken prisoner September 23, 1917. He states he was not wounded, although the military records indicate gunshot wounds in the back, face and left hand, either at time of capture or shortly before. He was repatriated to England December 15, 1918. He is not in receipt of pension, was married in December, 1919, and has one child. Prior to enlistment, he was employed in the hardware trade, earning \$12 per week and is now with the Toronto City Parks Department, at \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour in the stone quarries, exposure to cold due to lack of clothes, of beatings, having his head cut open, and confinement to dark cells.

An analysis of the evidence reveals:—

Claimant was first detained at Douai, Mannheim and Dulmen for short periods but has no complaints, except as to the food. Sent to the stone quarries at Heuburg, he complains of having to work in the winter without underclothing. Next sent to a farm at Bochum, he states he was knocked down a flight of steps by a sentry, cutting open his head and injuring his nose. This was followed by a period of confinement for five days without food. He still has trouble with the injured nose.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. J. L. Gardiner, indicating a fracture of nasal septum and dislocation of nasal bones with a disability up to 90 per cent in claimant's own calling. A certificate by Dr. A. J. Prentice is filed, who finds that claimant is very nervous, rapid pulse on exertion, has a cough with expectoration; diagnosis acute bronchitis. A certificate by Dr. H. A. Hession is also filed. He states that claimant suffers from neurasthenia coupled with nervous exhaustion, rapid heart, chronic bronchitis and nervous indigestion and declares that he cannot follow an indoor occupation. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

By comparison with the statements of other prisoners in Germany, claimant's experiences were not particularly harsh. I cannot say, from the record, that the nose injury has left any appreciable disability. His remaining ailments, if attributable to his experiences as a prisoner, would appear to be the result of general conditions of life which were common to all prisoners, and can-

not be said to follow from any particular maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 16, 1933.

CASE 2607—H. H. COLLINS

Claimant was a Private in the 13th Battalion—Regimental No. 445011. He enlisted in June, 1915, was taken prisoner in October, 1916, and was repatriated in December, 1918. He made application to this Commission in March, 1932, and forms were forwarded to him on March 21st of this year. They have never been returned, nor is any additional information available. Claimant was notified to appear for hearing, at St. John, N.B., on June 15, 1932, but failed to do so. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 28, 1932.

CASE 2790—HUGO ROSS COLLVER

Claimant was a Private in the 14th Battalion—Regimental No. 796542. He enlisted December 23, 1915, at the age of 19 years and was taken prisoner April 21, 1917, unwounded. He was repatriated to England November 28, 1918. He is in receipt of a 70 per cent disability pension, amounting to \$103.50 per month for himself and family, based on osteo-arthritis of the spine. He was married in July, 1921, and has four children. Prior to enlistment, he lived with his father on a farm and is now engaged in teaching school, at \$1,800 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour at heavy tasks, exposure, inadequate clothing and starvation.

An analysis of the evidence reveals:—

Claimant passed through the notorious Fort McDonald at Lille, where he received no food, and landed at Avelin reprisal camp. Here he worked long hours per day, seven days per week and was compelled to continue while suffering from boils. Finally he was admitted to hospital at Tournai, suffering from septic sores and states that he was vaccinated against smallpox, which spread to the sores. He received no medical treatment for this condition. Upon recovery, he was sent to Aniche, near Douai, where he worked in a lumber yard and no fires were allowed in the billet. The prisoners gathered wood and made a fire which was put out by the guards and they were driven to their bunks with rifle butts. The exposure and cold resulted in claimant developing rheumatism. At Denain, he was placed at loading shells on freight cars and pushing the cars about a mile down the track. He states that besides being illegal, this work was too arduous. He received beatings on several occasions but no permanent injury resulted. He was exposed to shell fire from the front line at times. Next he was at Soignes (sic) working in a tannery and finally at Leige until the Armistice. He now suffers with arthritis of the spine as a result of the treatment and exposure while a prisoner. Claimant was questioned by the medical examiner to the Commission concerning his diary which does not seem to bear out entirely his story of maltreatment.

No medical evidence was adduced at the hearing, the record consisting of a copy of a certificate of Dr. B. C. Archibald, which indicates that claimant suffers with osteo arthritis localized in the lower dorsal and lumber vertebrae. A copy of a certificate by Dr. G. E. McCartney is filed, indicating the same trouble. A further certificate by Dr. McCartney fixes the disability at from 70 per cent to 90 per cent. The record is completed by copies of certificates by fellow prisoners corroborating claimant's story. Claimant's medical history files show nothing unusual, apart from the condition for which he receives pension.

Claimant has filed a diary kept by him while he was a prisoner. In reading this document, it is, at once, apparent that claimant's treatment was not as severe as his testimony would now indicate. This fact was pointed out to claimant at the hearing, but the explanation of the discrepancies was not very satisfactory. I am not convinced that the condition of arthritis, of which claimant complains, can be ascribed to his treatment as a prisoner. It may, and probably did, result from general conditions of camp life in Germany and in my opinion, is fully covered by the pension which claimant receives. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 16, 1933.

CASE 2483—ITHAMER COMFORT

Claimant was a Sapper in the 2nd Tunnelling Company—Regimental No. 503456. He enlisted January 13, 1916, at the age of 26 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918, having reached Holland on the 7th of that month. He is not in receipt of pension but has an application therefor pending. He was married in February, 1919, and has three children. Prior to enlistment, he was employed as a dairyman, earning \$60 per month and board and at present is selling insurance, earning about \$60 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, rough treatment, heavy labour and that he received a kick, which resulted in hernia.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and then sent to the village of Engers, where he was placed on railway construction. The work was heavy and while lifting steel girders, which were too heavy, he received a kick in the groin and was made to lift the burden. About an hour later he felt pain and states that "my side all came down." He was left in barracks for a week, without medical attention, and was then placed on a farm, where he remained a year and received fair treatment. In June, 1918, he was sent to Limburg and was placed at firing furnaces in a glass factory but could not continue, so he was placed in a factory at light work. His condition became worse and he was supplied with a truss which did not fit. He finally reached Holland.

No medical testimony was adduced at the hearing, but a certificate of Dr. R. L. Stewart, of Blairmore, Alta. is filed, indicating that claimant suffers from a right inguinal hernia. He fixes the disability at from 30 per cent in his own calling to 50 per cent in the general labour market.

I do not consider that it can be said that the hernia from which claimant suffers is traumatic in origin. I am informed that such a result is rare. I am inclined to think that the injury was accidental in origin. It is referred to in

claimant's pension documents as "Post discharge." Claimant made no mention thereof when discharged and was apparently passed "all systems normal." In these circumstances, claimant has failed to show a disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 13, 1932.

CASE 2778—WALTER CONLEY

Claimant was a Private in the 4th C.M.R.—Regimental No. 111107. He enlisted November 28, 1914, at the age of 25 years, and was taken prisoner June 2, 1916, suffering with shrapnel wounds in the head and legs and a touch of gas. He was repatriated to England December 24, 1918. He is not in receipt of pension, was married in April, 1920, and has four children. Prior to enlistment, he was employed in the kitchen of a passenger vessel, earning \$35 per month and board, and is now an elevator operator at \$17 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a double hernia, the result of a blow with a rifle while he was in the act of lifting a heavy steel girder. Now suffers severe pain and has to wear a suspensory.

An analysis of the evidence reveals:—

Claimant received hospital treatment at Aachen and Cologne, was transferred to Stendal and thence to Wittenburg. Here he worked on a farm and complains as to the food and a beating received for not being able to work. For resisting this beating and striking the guard he received fourteen days confinement. He was next sent to Altengrabow and succeeded in having corporal's stripes sewn on his sleeve. Unable to verify his rank he was taken to Gardeleben and then to Zerbst, where he was placed at hard labour. In moving iron girders he was struck by a guard with a rifle, in the side, just as he was lifting, which is stated to have caused the hernia from which he now suffers. After a short lay-off, and being fitted with a truss, he was put back to work, but after a collapse he was allowed rest until the Armistice. He states that an operation was performed in Canada for the hernia, which was successful, and that he now suffers from his chest and pains in the back.

The medical record consists of a certificate by Dr. J. R. Davidson, who did not appear before the Commission. He has known claimant since 1920, and finds that he suffers from periodic attacks of sub-acute bronchitis. He fixes the disability at from 35 per cent to 40 per cent. The military medical board on discharge indicates "double inguinal hernia. Operation military hospital St. John 15/3/19. Good recovery. No disability at present time."

Claimant was successfully operated upon for hernia and suffers no disability therefrom. His explanation of the origin of this injury is not the same in his testimony as it appears in statement appearing on his medical files. In one case he says it was due to a blow lifting steel girders, and in the other that it was developed while lifting heavy bags. Claimant speaks of being gassed when captured. This is practically the only case in which the Germans are said to have employed gas on June 2, 1916. Claimant may have been treated roughly, but I do not consider that he has succeeded in showing a present disability resulting from maltreatment. His story of his experience was not impressive. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 9, 1933.

CASE 2532—JOHN ALEXANDER CONNOLLY

Claimant was a Private in the 13th Battalion—Regimental No. 427058. He enlisted May 4, 1915, at the age of 31 years and was taken prisoner October 8, 1916, suffering from gunshot wound in the left arm and a superficial shrapnel wound in the stomach. He was repatriated to England December 15, 1918. He is not in receipt of a pension, and is unmarried. Prior to enlistment, he was employed as a clerk on the staff of the Y.M.C.A. at Regina, at \$75 per month, and is now a salesman in a shoe store, earning \$100 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while ill with influenza, that he was made to stand to attention during the dinner hour because of unfinished work and kept at work late at night until the day's work was completed. Blows from rifle butts and bayonets.

An analysis of the evidence reveals:—

Claimant was first sent to hospital after capture, where he remained four months. He has no complaints as to his treatment in hospital. After release, he was sent to Altdamm, and, after a short stay, was sent to a chemical factory near Stettin, where he served the remainder of his period of captivity. Here he was placed at labour shovelling and wheeling coal and phosphate and received the usual knocks and blows but suffered no permanent injury. The work was too heavy and more than a man could do, and, in consequence, he states that he now suffers from heart strain and stomach disorders.

A medical certificate by Dr. W. A. Lincoln is filed, indicating that claimant has a permanent enlargement of the heart, probably the result of war service. His medical history files show nothing unusual.

There is no evidence of maltreatment beyond the excessive hard labour which seems to have been the lot of most prisoners. The claimant has thus failed to establish the elements necessary to an award, viz: maltreatment followed by permanent disability. His recourse, if any, should be found before the Board of Pension Commissioners. Before this Commission the claim fails and must be disallowed.

ERROLL M. McDOUGALL,

Commissioner.

OTTAWA, December 13, 1932.

CASE 2708—ALFRED CORMACK

Claimant was a Private in the 4th Battalion—Regimental No. 784034. He enlisted November 15, 1915, at the age of 24 years and was taken prisoner in January, 1918, unwounded. He was repatriated to England December 4, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$23 per month, based on chronic bronchitis. He was married in May 1921 and has one child. Prior to enlistment, he was employed as a shoemaker, earning \$15 per week and is now a postal-helper, at \$1,020 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent beatings and of having his side crushed, fractured ribs in the coal mines, denial of medical aid, and of starvation.

An analysis of the evidence reveals:—

Claimant first spent two weeks in confinement at Fort McDonald in Lille. He received a beating from guards for not understanding orders while hauling coal. He was then taken to Stoppenburg to work in a coal mine, but stopped at Dulmen en route, where he remained eleven days undergoing seven or eight

inoculations. At Stoppenburg, he relates that his side was crushed when a horse was driven against him in the narrow mine tunnel. The doctor instead of treating him for his fractured ribs, knocked him down. He received other beatings and states the quarters were poor, the food bad, and that he suffered from the cold due to lack of clothing and heat in the barracks. He states that an attempt was made to force him and other prisoners to work after the Armistice was signed and that they were fired upon by the sentries and three prisoners were killed.

No medical evidence was adduced at the hearing, the record consisting of a certificate by a doctor (name indecipherable) indicating chronic bronchitis with a 20 per cent disability. Claimant's medical history files show the condition of bronchitis, for which he receives pension.

Claimant's testimony varies materially from the statement made by him upon repatriation, which is filed with his military record. I am not convinced that the incident of having his ribs crushed by a horse, if it occurred as related, was deliberate, nor does the evidence establish any disability resulting therefrom. The condition of bronchitis, if established, might give claimant entitlement to pension but does not meet the requirements before this Commission, viz., proof of present disability resulting from maltreatment. On the whole, claimant has failed to discharge the burden resting upon him. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 16, 1933.

CASE 2759—ANDREW COWIE

Claimant was a Private in the 31st Battalion—Regimental No. 161092. He enlisted December 15, 1915, at the age of 35 years, and was taken prisoner May 3, 1917, suffering with gunshot wounds in the right buttock and a fractured kneecap. He was repatriated to England December 7, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on his war service injuries. He was married in April, 1903, and has three children, all now of age. Prior to enlistment, he was employed as a building contractor, earning about \$7 per day, and since discharge he has been farming.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury due to a plank falling on his head, forced to labour in coal mines, beatings, and an injury in the mine, being caught between the coal hatch and the cage.

An analysis of the evidence reveals:—

Claimant was marched 18 kilometres to Douai, suffering with fractured kneecap. He received treatment for his knee injury and was in hospital four months. Here, he injured his head due to the accidental falling of a 16-foot plank. At Dulmen, for three weeks, he has no complaints, but in the coal mine at Bochum he suffered injuries to his back due to having been jammed in a hatch. He was carried out on a stretcher, was sent to hospital for six weeks and has no complaints. Thence he was sent to Munster, in Westphalia, where he remained until the end of his period of captivity.

Attached to the declaration is a certificate by Dr. A. H. Mann, who has attended claimant since June, 1921. He finds him to be suffering from sciatica and lumbago, with disability from 75 per cent to 100 per cent. Other medical certificates are appended indicating the condition of lumbago, weakness in the knee, arthritis and infected teeth.

The injuries received by claimant while a prisoner are the result of accidents and cannot be attributed to maltreatment. It is not unusual to find a man of claimant's present age suffering with lumbago and rheumatism, and I cannot find in his evidence any indication that maltreatment, whilst a prisoner, induced or augmented his disabilities. I am not unmindful that claimant spent some months in the coal mines, but this period of his captivity was of comparatively short duration (see Opinion annexed to my earlier report on maltreatment cases). On the whole, I am of opinion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 13, 1932.

CASE 2517—NORMAN CRANSTON

Notice of claim was received from the above-named claimant in 1931. It appears that he served with the Imperials, Durham Light Infantry, Regimental No. 21/408. He asserts that he had been resident in Canada since 1913, but went home to enlist in 1915. He was taken prisoner on April 23, 1918, unwounded, and repatriated to England on December 23, 1918. Although appearing as an Imperial, claimant was notified to appear before the Commission at its Calgary sessions, on September 16, 1932, but failed to do so. His default has remained unexplained. The claim must, accordingly, be dismissed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 28, 1932.

CASE 2753—JOHN CRAWFORD

Claimant was a private in the 7th Battalion—Regimental No. 17209. He enlisted in August, 1914, at the age of 37 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England December 27, 1918. He is not in receipt of pension but is receiving the Veteran's allowance of \$20 per month, and is a widower, with one child, now of age. Prior to enlistment, he was employed as a contract miner, earning about \$150 per month, and is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, confinement, forced labour while ill, and a broken finger from a blow by a rifle butt.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, where he remained for about 8 months and was then sent to Mannheim to work on munitions. The work was too heavy for him and he was given a beating and was confined to barracks for one month. He was next tried at the gas factory and received another beating for not working fast enough. He was sent to Lichtenhorst in January, 1916, and was examined by a Belgian doctor and pronounced unfit to work due to a swollen ankle. He was, however, placed at work on the moors and being unable to carry on due to his ankle, was knocked about and had two teeth knocked out by a rifle butt and a finger broken. He was then confined to cells, and while there,

received another beating. He was confined for 10 days, without any food whatsoever for two days. He was next given light work and was sent up for examination before the Swiss Commission. He was then sent to Saltau and finally to Königsberg on lumbering work. He worked here until the summer of 1918. During this period, he was suffering from a rupture and being unable to work further was returned to Saltau, where he remained until the Armistice. Claimant complains of swollen legs (varicose veins) and injury to his little finger. Claimant made a statement upon repatriation which coincides with the story now told before the Commission.

No medical evidence was adduced and no certificate is filed in support of the claim. Claimant's medical history files refer to his disabilities as post discharge.

In the absence of medical evidence establishing a present disability resulting from maltreatment, it is impossible to reach a finding in claimant's favour. He told a very straightforward story but the mere statement by him that his disabilities are the result of his experiences in Germany is not sufficient to base an award, particularly since his pension records indicate his ailments of varicose veins, duodenal ulcer and neurasthenia as post discharge. The hernia condition has not been shown as otherwise than accidental. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 24, 1933.

CASE 2803—CHARLES CRAWLEY

Claimant was a Private in the R.C.R.—Regimental No. 552029. He enlisted in February, 1915, at the age of 29 years, and was taken prisoner on October 8, 1916, unwounded. He was repatriated to England in November, 1918. He is not in receipt of pension, was married in 1924, and has one child, adopted. Prior to enlistment, claimant was a farmer, earning \$40 per month, and is now a night watchman at a garage, earning about \$30 per month.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy work in the coal mines, where his fingers were injured and he was compelled to work notwithstanding such injuries, and made to stand to attention for long hours, as punishment.

Claimant did not appear before the Commission, but in detailed statement submitted he complains that in March, 1917, while working in the coal mines near Bochum, he was hit across the fingers of the left hand with an iron bar in the hands of a guard, tearing the finger nails off the first three fingers. He received some medical attention for the injury, but was compelled to return to work almost immediately, and suffered intense pain. Because he could not work, he was made to stand to attention for periods of six hours. Again, in May, 1918, while loading rocks the German guards were so careless in throwing the rocks that the index finger of claimant's right hand was broken. He had protested as to the danger of the work, but his protests were unavailing. He was again compelled to continue working in this condition. He has no complaints as to the medical treatment received but stresses the fact that he was compelled to work when unfit.

The medical evidence indicates that claimant is unable to "flex the terminal phalanx of index finger, right hand. When forcibly flexed and let go it snaps back. Very slight sensation in skin of the terminal $\frac{3}{4}$ inch of this finger." His percentage of disability is stated at 10 per cent. Dr. S. W. Walker, who cer-

tifies to the foregoing, did not appear before the Commission. Claimant's medical history files show no disability upon discharge from the service.

It will be observed, from the medical evidence, that there is apparently no disability in claimant's left hand. The injury to the finger of the right alone is mentioned. The injury was accidental in origin, however careless the guard may have been, and I cannot say, from the record, that there is any evidence supporting the view that the present 10 per cent disability results from maltreatment. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 30, 1933.

CASE 2577—ROBERT CRICHTON

Claimant was a Private in the 13th Battalion--Regimental No. 24120. He enlisted in August 1914, at the age of 34 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 27, 1918. He is not in receipt of pension, was married in January 1922, and brought up two children, having married a widow. Prior to enlistment, he was employed as a miner, earning \$3.50 per day, and is now a fire boss, earning \$6.75 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, bad food and an injury to his foot which seems to have occurred before capture.

An analysis of the evidence reveals:—

Claimant was first taken to Meschede, where his only complaint is as to the food. At Giessen, he was sent out gardening and seems to have been fairly treated, except that his injured foot troubled him and he was not allowed medical attention. The foot seems to have been sprained in jumping a trench some time before his capture. He was sent to the moors to labour, as punishment for laughing at a German Corporal, and complains of exposure, being compelled to work long hours in water. He received several clouts with rifle butts, but suffered no permanent injury.

Dr. G. Blair Ross, of Hillcrest, Alta., certifies that he has attended the claimant for the past ten years and finds that every three months the left foot becomes swollen and tender, requiring absolute rest, with elevation, for from three to five days. Claimant's medical history files show nothing unusual.

Claimant is evidently under the misapprehension that the Commission is authorized to deal with pensions. His present disability results from the wound received at or before the time of capture, and the evidence does not justify a finding that the injury was aggravated due to maltreatment whilst a prisoner. The hard labour, of which he complains, has not been shown to have resulted in disability. The claim, if any, is one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 13, 1932.

CASE 2731—ERNEST HENRY CROFTS

Claimant was a private in the 4th C.M.R.—Regimental No. 113155. He enlisted August 19, 1915, at the age of 22 years and was taken prisoner June 2, 1916, suffering from gunshot wound in the right hip, gas and shell-shock. He was repatriated to England January 4, 1919. He is in receipt of a 60 per cent disability pension, amounting to \$60 per month, based on bronchitis and asthma. He was married in March 1921 and has no children. Prior to enlistment, he was employed as a cooper, at \$1.75 per day, and is now doing light jobs, at about \$3.50 per day.

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

An analysis of the evidence reveals:—

Claimant first spent a few weeks in Cologne hospital, followed by six months at Stendal where he complains that he was compelled to be out at work in all weathers. Next on a working party in the woods at Magdeburg, for three months, he states he was kept out in snow and rain and was nearly frozen at night. Received the usual kicks and blows but nothing serious enough to cause disablement. This was followed by three months at Wittenberg under the same conditions of hardships and exposure. At Altdamm and Zerbst, the complaints are similar.

No medical evidence was adduced at the hearing, the record consisting of two certificates by Dr. W. A. Baker, who has treated claimant periodically since 1919. He finds him to be suffering from chronic asthma and subject to swelling in the face which he is unable to diagnose. He fixes the disability at from 40 per cent to 100 percent. Claimant's medical history files refer to bronchitis and asthma, for which he receives pension.

Claimant's complaints are quite general in nature. General conditions of camp life, exposure to the weather while at work and privation, form the basis of his complaint, to which he attributes his present chest condition. For reasons which have been explained in my earlier report on maltreatment cases, I do not regard these conditions as constituting maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. ... DOUGALL,

Commissioner.

OTTAWA, January 16, 1933.

CASE 2733—STANLEY LAVERN CRUIKSHANK

Claimant was a Lance Corporal in the 4th C.M.R.—Regimental No. 109288. He enlisted November 27, 1914, at the age of 16 years and was taken prisoner June 2, 1916, suffering from shrapnel wounds in the chest, hip and near the spine. He was repatriated to England December 31st 1918. He has an application for pension now under consideration, was married in April 1919, and has one child. Prior to enlistment, he was a railroad labourer, earning \$18 per week and is now a bus driver, at \$25.50 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, bad food, starvation and a kick in the back, causing permanent injury.

An analysis of the evidence reveals:—

Claimant was first in hospital at Giessen, where, he states, the attention given his wounds was very poor. He developed septic poisoning and was discharged from hospital to camp with his wounds still discharging. After eight months, he was sent to Saultau and placed at work clearing land. He was kicked and knocked about and received a blow in the back which still gives him trouble. He was made to work in the rain and cold and had no place to dry his wet clothes. He now suffers from bronchitis. He was sent to hospital in Hanover with this complaint and received no medical treatment. After six weeks, he was placed in a car factory, where he remained until the Armistice, a period of some 18 months. There was no particular brutality here, the complaint being of general rough treatment.

The medical record consists of certificates by Dr. W. E. Henderson, who did not appear before the Commission. He indicates that claimant suffers from chronic bronchitis, which existed to his knowledge since 1922. He also notes a complaint of sharp pains through the chest and back attributed either to a blow received in the back or his wound in that region. He fixes the disability at from 10 per cent to 100 per cent. (It is unusual to find a statement by claimant included in the statement of the physician). Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

Claimant appeared to be in good health at the hearing. His complaint is confined to bronchitis, attributed to exposure whilst a prisoner. I consider that the case is purely pensionable in nature. Claimant has not shown such maltreatment as would cause disability. The bronchial condition, if established, would result from general conditions of camp life in Germany. He also speaks of a back injury, from a blow, but this condition has not been proved. On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 16, 1933.

CASE 2768—EDWIN DALBECK

Claimant was a Private in the 44th Battalion—Regimental No. 829654. He enlisted December 7, 1915, at the age of 24 years and was taken prisoner August 23, 1917, at Lens, unwounded. The military records state he had a gunshot wound in the left shoulder (probably incurred previously). He was repatriated to England November 24, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a labourer, earning about \$100 per month, and is now unemployed. Since discharge, he states he has never been able to work more than six months per year due to weakness.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beating, excessive labour and refusal of medical attention while ill with influenza.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, and then transferred to Oberhausen, where he was placed at very heavy work on a smelter. In the spring of 1918 he became ill with influenza and after three days in bed he walked to a doctor some three kilometers away. The doctor, without examining him, knocked him down and kicked him out of the office and he was marched back to work. His fellow prisoners helped with the work until he partially recovered his strength. His entire complaint is that he was forced to do excessively heavy work while unfit, with the result that he suffers with his nerves and heart.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual. He was apparently discharged from the service as fit.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. His mere statement that he suffers from his nerves, and a heart condition, without medical evidence showing a present disability, cannot establish the fact. Claimant was subjected to heavy work and if his health has suffered from the strain, I do not consider that this can be regarded as the result of maltreatment. His recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 30, 1932.

CASE 2655—HARRY DARLEY

Claimant was a Private in the 7th Battalion—Regimental No. 16879. He enlisted in August 1914, at the age of 25 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering with gunshot wound in the right shoulder. He was repatriated to England December 15, 1918. He is not in receipt of pension, was married in February 1919 and has one child. Prior to enlistment, he was employed as a logger, earning from \$3 to \$6 per day. He is now a sash and door maker, at 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 of the food, unsanitary conditions, exposure, and of being forced to work while ill.

An analysis of the evidence reveals:—

Taken to Roulers, claimant had the usual five day journey in a box car into Germany on starvation rations. Upon reaching Paderborn he was placed in hospital and remained under treatment eight or nine weeks. When discharged he was taken to Yangengreer and placed at railway work. He remained here until repatriated, and complains chiefly of the damp quarters, the food rations, and, when ill with dysentery that he was compelled to carry on at work. He escaped beatings and brutality, he says, because he kept his mouth closed. He now suffers with chronic catarrh.

The medical record consists of a certificate of Dr. A. D. Bechtel, who did not appear before the Commission, indicating a catarrhal condition of the nasal chamber, throat and pharynx, and bronchitis. A declaration is also filed by Leslie G. Scott, of Victoria, who states he has known claimant since 1912 and that he has been a resident of Victoria since then. Claimant's medical history files show nothing unusual. He is declared to have been without disability upon discharge from the service.

The complaint in this case rests chiefly upon disability resulting from exposure while at work and inadequate food. No incidents of physical brutality are recounted. For reasons which have been explained in general Opinion annexed to my earlier report dealing with maltreatment cases, I do not regard such general conditions of camp life in Germany as constituting maltreatment within the meaning of the Treaty of Versailles. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 28, 1932.

CASE 2791—CHARLES DAVEY

Claimant was a Lance Corporal in the 3rd Battalion—Regimental No. 9666. He enlisted in August 1914, at the age of 49 years and was taken prisoner April 24, 1915, during the second of Ypres, suffering from gas. He was released to Holland in March 1918 and reached England in November of that year. He is in receipt of a 100 per cent disability pension, amounting to \$100 per month, based on heart trouble. He was married in 1888 and has three children, none dependent upon him for support. Prior to enlistment, he was employed as a carpenter, earning about \$4.80 per day and states that he has not worked for years since discharge.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury when struck with a rifle butt over the back of the head, shoulders and knee, causing severe headaches, loss of memory, defective hearing in the right ear and continual pain in the left knee, starvation and loss of parcels.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Giessen, Recklinhausen, Kreg-haimer (sic), Saltau, Lichtenhorst and Vehnemoor. While working in a stone-quarry, he received a severe beating for not keeping up with the work and received the blows from the rifle butt in the head, shoulder and knee, causing the disabilities which form the basis of his complaint. He complains of stoppage of parcels while working at Lichtenhorst and also at Vehnemoor, where he was engaged in cutting peat.

No medical evidence was adduced at the hearing, the record consisting of a certificate by Dr. W. J. Corrigan indicating an enlarged heart with poor muscle, also pain swelling in the left knee. Disability is fixed at 100 per cent. A certificate is filed by Dr. E. K. Richardson covering the condition of claimant's wife due to shock and worry concerning him. Claimant's medical history files deal with a heart condition, for which he receives pension.

Claimant's knee injury, together with some deafness, form the basis of his complaint. It will be observed that his medical history files, upon discharge, carry the following notation. "Ear and hearing normal". There is no mention of any knee injury in these documents, the record dealing only with the heart condition. In the absence of more definite evidence as to the two disabilities stated, and having regard to claimant's present age—66 years—I do not think I would be justified in finding that claimant now suffers a disability resulting from maltreatment. The claim thus fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 16 1933.

Commissioner.

CASE 2046—BRYCE DAVIDSON

Notice of claim was received from the above named claimant, who has completed the usual documents of claim. It appears that he was a Private in the 2nd Battalion—Regimental No. 8538. He was taken prisoner on April 24, 1915, at the second battle of Ypres, unwounded, and was repatriated to England in January 1919. He complains of general maltreatment while a prisoner.

Claimant was notified to appear before the Commission at its Toronto sessions on December 7, 1932, but failed to present himself. His default has remained unexplained. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

OTTAWA, January 11, 1933.

Commissioner.

CASE 2710—JAMES DAVIDSON

Claimant was a Private in the 14th Battalion—Regimental No. 26187. He enlisted in August 1914, at the age of 29 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the chest and thigh. He was repatriated to England December 31, 1918. He is not in receipt of a pension, was married in August 1919 and has one child. Prior to enlistment, he was employed in a brick-yard, at about \$16 per week and is now a "receiver", earning \$20 per week.

He alleged that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He does not set out details of his complaint in his declaration forms.

An analysis of the evidence reveals:—

Claimant was first taken to hospital at Ohrdruf, where his wounds were dressed. In October 1915, he was sent to Gottingen and was slated for work in a salt mine but the condition of his leg exempted him from that work. In January 1916, he entered hospital for treatment to his leg and has no complaint, except as to the food. In March 1916, he was placed on a farm, and, for an attempted escape, received the usual 14 days' confinement on bread and water. From January 1917 until the Armistice, he worked in a stone quarry where he received about a dozen beatings, was compelled to work at top speed under conditions of exposure to cold and wet in all kinds of weather with no facilities for drying clothes. He suffers from nervousness and rheumatism.

No medical evidence was adduced at the hearing, the record consisting of two certificates by Dr. Ray Spence, indicating arthritis, neurasthenia and bronchitis. No percentage of disability is estimated. Claimant's medical history files show nothing unusual.

Claimant's complain's are quite general in character and I cannot say, from the record, that he has succeeded in showing a permanent disability resulting from maltreatment whilst a prisoner (See Opinion annexed to my earlier report upon maltreatment cases). The conditions complained of may or may not give entitlement to pension. As far as this Commission is concerned, the claim has not been established and cannot be allowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 16, 1933.

CASE 2550—JAMES H. DAVISON

The claimant was a Private in the 49th Battalion—Regimental No. 161001. He enlisted on December 29, 1915, at the age of 24 years and was taken prisoner on October 9, 1916, un wounded. He was repatriated to England on December 2, 1918, and is not in receipt of pension. He was married January 18, 1923, and has one child. Prior to enlistment, claimant was a farmer and is still engaged in the same pursuit.

Claimant was unable to appear before the Commission at its Edmonton sessions. He complains of maltreatment and alleges that his health has been undermined thereby, attributing this condition to privation and abuse. He declares that he is nervous and suffers with his legs.

Claimant apparently spent some time at Dulmen camp and was also at the coal mines at Bochum. There is no detailed statement of his experiences and the record is, perhaps unfortunately for claimant, quite incomplete.

A medical certificate of Dr. W. Merritt has been produced indicating that claimant complains of pains in the legs and nervousness. Objectively, Dr.

Merritt finds slight disability which he is unable upon examination to estimate. He is declared to be a "robust appearing, well developed man, heart and lungs normal, abdominal examination negative, suffers from some pyorrhoea, deep reflexes unexaggerated." Claimant's medical history files show nothing unusual. He was discharged from the service as fit.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. The documents submitted would appear to show but slight disability and it is entirely unlikely that had claimant appeared he could have made out a case of disability resulting from maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner,

OTTAWA, December 29, 1932.

CASE 2805—ROBERT de la GORDONDIERE

Claimant was a Private in the 5th Battalion—Regimental No. 13414. He enlisted August 17, 1914, at the age of 21 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the left knee. He was repatriated to England in December, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$11.50 per month, based on rheumatoid arthritis in the left knee. He was married in April, 1920, and has one child. Prior to enlistment, he was employed as a bank clerk, earning \$100 per month, and is now employed as a letter-carrier, on part time, at \$34 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour at the smelting ovens for three years, without pay, including Sundays.

An analysis of the evidence reveals:—

Claimant was first taken to Paderborn hospital, where he remained three months, and was later transferred to Senne lager, and, after a short stay, to Bergeborbeck (sic) and employed as a stoker on the smelting ovens. Here he worked incessantly, with poor food, and under conditions of intense heat. He was overcome by weakness, had fainting spells and lost greatly in weight. Claimant does not complain particularly of physical abuse, but says he was "buted" about. His complaint is confined to injury to his health from overwork and improper food.

The medical record indicates that claimant suffers from nervousness, rheumatism, injured left knee, with some impairment of vision. Dr. Jules A. Brien, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, apart from his service wounds, for which he receives pension.

Claimant's disabilities, apart from his service wounds, are general in nature and are ascribed by him to overwork and undernourishment while a prisoner. As explained in general Opinion annexed to my earlier report upon maltreatment cases, injury to health from such causes cannot be regarded as the result of maltreatment. Claimant's recourse, whatever it may be, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 24, 1933.

CASE 2646—ROBERT DEMPSTER

Claimant was an Imperial reservist, who came to Canada to reside in 1912, and was called to the colours at the outbreak of war, in August, 1914. He served as a Corporal with the Gordon Highlanders, Regimental No. 9249, being 27 years of age when he enlisted. He was taken prisoner October 26, 1914, at La Bassée, suffering with a bullet wound in the left hip joint. He was released to Switzerland in the summer of 1916 and reached England September 13, 1917. He is in receipt of a 60 per cent disability pension, based on his injured thigh. He was married in 1912 and has three children. Prior to leaving Canada, he was employed as a tailor, earning \$30 per week, and has since resumed that trade, earning \$1 cents per hour for a four hour day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being shot in the shoulder by a German soldier while he was lying wounded on the field, was roughly handled and neglected after capture and improperly treated and operated upon in a German hospital.

An analysis of the evidence reveals:—

Claimant lay wounded on the field for about three days, exposed to rain and damp. A party of Germans approached and one fired and struck the claimant in the shoulder; an officer stopped the man from firing again. He was removed to a field hospital, his clothes removed and a pair of canvas pants and an old shirt supplied; no dressing given. At Namur, about six days later, he received his first nourishment and dressing for his wounds. He remained here until February, 1916. He speaks well of his treatment in hospital at Namur. He was transferred to Hamburg and placed in a hospital which had formerly been a prison, and contends that an operation was performed here with dirty instruments, without anaesthetic, causing him to faint. A week later this was repeated, but he did not faint the second time. He then lay for four months, unattended by the doctor. He describes two further operations, performed with the use of chloroform and details the fact of an abscess which formed in his leg and burst. He finally reached Gustrow and was exchanged to Switzerland. He states that his leg is now 2½ inches short and alleges that his condition is due to improper medical attention in German prison hospitals. A letter from a fellow prisoner in corroboration of his story is filed, but only in so far as it deals with the incidents at the time of capture and immediately after. There is no corroboration of the shooting nor the operations performed at Hamburg and claimant's Imperial Pension files make no mention of the incident of being shot after capture.

No medical testimony was produced nor have any medical certificates been filed. Claimant's medical history files relate only to his service wound.

Claimant tells a very gruesome story of his treatment in German hospitals. However rough his treatment may have been, I do not think that he has shown that he now suffers a greater disability than he would otherwise have had. The original wound involved the hip joint and bone and it is difficult to see what could have been done that was neglected. His complaints of being left on the field of battle for several days does not constitute maltreatment and the incident of being shot in the shoulder while he was lying on the ground, would require corroboration. On the whole, I regard the case as one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 22, 1932.

CASE 2783—LANCELOT CYRIL DEVONSHIRE

Claimant was a Private in the 1st C.M.R.—Regimental No. 106192. He enlisted January 4, 1915, at the age of 23 years and was taken prisoner June 2, 1916, suffering from gunshot wounds in the left foot, right thigh and right foot. He was repatriated to England December 19, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$15 per month, based on amputation of great and little toes of the left foot. He was married in June, 1919, and has two children. Prior to enlistment, he was engaged in farming and is now a hospital patient, since January, 1932. Before that, he was employed as a clerk, earning \$15 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work while his foot was unhealed, starved, medical neglect while ill and non-receipt of parcels.

An analysis of the evidence reveals:—

Claimant was a stretcher case after capture, received a dressing at a field station and had the great toe amputated at a temporary hospital. He was taken to Isighen monastery hospital where he remained until June 13, but states that he received no treatment. He finally arrived at Julich hospital where he was kept until the latter part of October. He then went to Trier until Christmas. He was next sent to Giessen where he stayed until April, 1917. His complaint chiefly centres around the treatment received at Giessen. He alleges that due to inoculations given him without sterilization, he has contracted disease which, he states, could have been contracted in no other way. Claimant does not recite other instances of maltreatment but confines himself to the inoculations to which he attributes the disease.

The medical record consists of a certificate by Dr. W. A. Gardner, which indicates the amputations of toes on the left foot and fixes the disability at from 25 per cent to 50 per cent, and a certificate from Dr. D. F. McIntyre indicating the presence of disease, with a 50 per cent disability. Neither of these physicians appeared before the Commission. The possibility of contracting the disease, which did not become apparent until March, 1932, is commented upon by the medical adviser to the Commission, and must be regarded as quite improbable. While claimant declares that he suffered therefrom since 1920, it is significant that the condition was first diagnosed in 1932.

This case is quite unusual in some respects. Claimant confines his complaint to disease which he avers was contracted through inoculations received in Germany, either by deliberate intent or gross carelessness on the part of the German medical officers. The ailment, if indeed he suffers from it, has so preyed upon his mind, that he is now obsessed with the thought of it and the possible consequences. I am informed and I believe that claimant has no ground for his apprehension and, at all events, I am quite unable to find that, were the condition as stated, there was any deliberate attempt to injure claimant in the manner stated. Such a speculation would be too terrible and is beyond the bounds of reasonable probability. Claimant has not succeeded in making out a case and the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 9, 1933.

CASE 2761—WILLIAM CREWS DEXTER

Claimant was a Private in the 3rd Battalion—Regimental No. 18767. He enlisted in August, 1914, at the age of 22 years and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the left thigh and head. He was released to Switzerland in September, 1916, and reached England September 11, 1917. He is in receipt of a 20 per cent disability pension, amounting to \$26 per month for himself and family, based on his war wounds and psychoneurosis. He was married in December, 1921, and has two children. Prior to enlistment, he was employed in a laundry, earning \$15 per week, and is now a salesman, at \$100 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He did not file the usual claim forms, having appeared before the Commission at Calgary to give direct testimony.

An analysis of the evidence reveals:—

After capture, complainant received field dressings and was then taken to hospital, near Cassel, where he remained about three months. He has no particular complaint as to the treatment in hospital, except some kicking and shoving about. Upon release from hospital, he was sent to Gottingen, where he spent three months further in hospital and six months in the camp. He was sent to Cologne for an operation known as a bone graft. His complaint is that this operation should have been performed at an earlier date. He now suffers with headaches, loss of memory, stomach disorders and pyorrhea. The medical adviser to the Commission pointed out to the claimant that the best practice is to leave such wounds open and that the fact that the operation was delayed could not be considered bad practice. There is no medical evidence of record and claimant's medical history files refer only to his service wounds.

There is no evidence of maltreatment in the record. Claimant's contention that the operation to his leg should have been performed at an earlier date is untenable. I am of opinion that the evidence discloses that claimant received every attention he could expect from his captors. This case should never have been presented to this Commission. The claim is disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 22, 1932.

CASE 2652—JOHN DORMAN

Claimant was a lance-corporal in the 28th Battalion—Regimental No. 73775. He enlisted October 24, 1914, at the age of 24 years and was taken prisoner June 6, 1916, suffering from injuries due to having been blown up and buried. He was injured in the left side, back and abdomen, internal injuries and bones broken in the lower part of the back and minor bruises and cuts. He escaped from Germany to Holland in February, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on lumbosacral arthritis and vertebral hernia. He was married June 25, 1923, and has two step-children. Prior to enlistment he was employed on steel construction, at \$125 per month, and after discharge tried various jobs but is now employed as a janitor, at \$80 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 attention, being forced to work while unfit, beaten with rifles, kicked and forced to stand to attention.

An analysis of the evidence reveals:—

Claimant was severely injured before capture and it was only with the assistance of his comrades that he was able to march into captivity. He received no treatment for his injuries but was taken to Dulmen, where he remained three months. He states that he made several complaints to the guards concerning his condition but was only given a cursory examination. He was next taken to Engers, where he was forced to work on bridge construction. He, with others, refused to work and asked to be allowed to see the doctor. They were compelled to stand to attention and when he collapsed was kicked up again and beaten with rifle butts. Unable to carry on at work, he received further punishment and had to stand with nose and toes touching a wall until nine o'clock at night and was also given solitary confinement on bread and water. He made an attempt to escape, was recaptured, confined and then sent to Wahn, returned to Engers, given fourteen days' further confinement and was beaten by the sentries. He states that he was continually asking for medical treatment, which was refused. At the time of his escape, a fellow-prisoner, who got away with him, J. S. Home, recites in a declaration (a copy is on file) that Dorman's hip got so sore he was unable to travel. He fell into a gravel pit one night. The pain in his hip was very severe after the accident. C. A. Scott, another fellow-prisoner, recites, in a declaration (copy on file), that in the fall of 1916 Dorman attempted to escape and after he was captured he complained of the pains in the hip and back which rendered it impossible for him to work.

Dr. Thomas Miller appeared and testified that claimant first consulted him in May 1929. He produced an X-ray photograph which shows an exostosis in the pelvic bone probably due to a break or of traumatic origin (opinion of Dr. W. M. Carr, who identified the photograph, by statutory declaration). This injury, he admitted, would not be likely to be discovered by the German doctors without an X-ray. There was a difference of opinion between the witness and the medical adviser to the Commission as to whether the X-ray indicates proof of injury or could have been caused otherwise. Dr. Miller also supplies medical certificates in which he finds indication of umbilical hernia, scoliosis in the left lumbo-sacral region and states that the spine is very rigid. He finds evidence of a fracture of the left ischium which has produced a bony spur projecting into the pelvic cavity, which causes considerable distress in walking or in lifting. He fixes the disability at 50 per cent. The record further contains a certificate of character from General Embury and declarations by two fellow prisoners as to conditions in Germany, corroborating claimant's story as to beatings and medical neglect.

The military record contains a lengthy statement made by claimant upon repatriation which is general in nature and recites instances of maltreatment meted out to other prisoners without particular reference to himself. He says that as to Dulmen he has no particular complaint except as to the lack of food and the non-receipt of parcels. At Engers, he complains of over-crowding, lack of food, the standing to attention, confinement, and says he was allowed to see a doctor but once. He sums up his experiences at Engers however by saying "on the whole, our treatment at Engers was not so bad, and I think we might have been worse off".

As will be seen from the foregoing analysis of a very voluminous record, there is great doubt as to the nature and extent of claimant's injury. His complaint is confined to lack of treatment for his back and hip while in Germany. The evidence shows that the condition complained of would only show under X-ray examination, and it can hardly be termed maltreatment by his captors to have made him work when his injury was not manifest. Again, when claimant attempted to escape he was injured by a fall which he admits aggravated the condition. This can hardly be charged to the Germans. A comparison of claimant's statement upon repatriation, when events were fresh in his mind, with his testimony given at the hearing would show that in the former document he referred to

~~every little maltreatment to himself. His statement refers to rough treatment to other prisoners. After very careful consideration of the record, I have reached the conclusion that claimant has not succeeded in showing that denial of medical treatment and neglect of his condition has increased his disability, and this is the basis of his complaint. Claimant's recourse, if any, is before the Board of Pension Commissioners. On the whole the claim fails and must be disallowed.~~

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 4, 1933.

CASE 2801—WILLIAM T. DOWNING

Claimant was a Private in the 13th Battalion—Regimental No. 426327. He enlisted on January 11, 1915, at the age of 27 years, and was taken prisoner on October 8, 1916, unwounded. He was repatriated to England on November 30, 1918. He declares that he is in receipt of a disability pension of 4 per cent, based upon rheumatism (decision pending *re* nerve deafness). He was married November 4, 1920, and has two children. Prior to enlistment, claimant was farming and worked for the City of Moose Jaw, at \$3 per day. He has since worked, at times, as a coach cleaner, with the C.P.R., at from 44 cent to 47 cents per hour.

Claimant alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains generally of heavy work, exposure to the weather, starvation, punishment parades with resultant injury to his health.

Claimant's documents were filed too late to give him an opportunity to be heard before the Commission during its last Western sessions. From his statement of claim and a supplementary affidavit setting forth his experiences it appears that he spent the period of his captivity at Dulmen camp and at the coal mines at Bochum. He speaks of no particular physical brutality but attributes a rheumatic condition to the exposure and hard labour. He was denied medical attention when ill, and received no treatment for a condition of deafness which developed whilst he was a prisoner. He complains of deafness and nervous disorders.

The medical record indicates that claimant suffers from articular rheumatism. His percentage of disability is stated at from 20 per cent to 40 per cent in certificate of Dr. H. Gordon Young, who, however, makes no mention of impaired hearing or nervous disorders. Claimant's medical history files show nothing unusual. He was apparently discharged as fit. His pension files refer to rheumatism, dental caries, and nerve deafness (under consideration).

In view of the detailed statement contained in the affidavit filed by claimant, I do not think that, even if claimant had been heard, he would have been able to show that his present disabilities are the result of maltreatment whilst a prisoner. His rheumatic condition may possibly be attributed to the nature of the work he was compelled to do, but I do not think that it necessarily follows that such condition results from maltreatment. There is no medical evidence to support the claim of deafness and nervousness. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 30, 1933.

CASE 2578—HARRY EARL DROPE, M.M.

Claimant was a Private in the P.P.C.L.I.—Regimental No. 475823. He enlisted August 2, 1915, at the age of 26 years and was taken prisoner June 2, 1916, suffering from slight shrapnel wounds in the legs. He escaped from Germany August 19, 1918. He is not in receipt of a pension. The military records indicate that he received a gratuity of \$75, due to flat feet. He was married in April, 1919, and has four children. Prior to enlistment, he was manager for a life insurance company, earning \$225 per month and is now in business, at a salary of about \$400 per month.

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

An analysis of the evidence reveals:—

Taken first to Dulmen, he has no complaint except as to the food. After two months, he was transferred to Goldop (Heidelberg) and placed on pick and shovel work. His complaints as to conditions here are general in nature being as to food, housing conditions and general treatment. He escaped beatings, had long hours of labour and did not get any parcels for months. The camp buildings were unheated and sanitary arrangement very bad. He left camp to escape in June, 1918, and succeeded in getting into Russia. He complains of digestive troubles.

The medical record consists of two certificates by Dr. W. H. Harvie, who did not appear before the Commission. He finds claimant suffering from gastritis, constipation, defective liver function and nervous exhaustion. He fixes the disability at 20 percent in claimant's own calling. Claimant's medical history files refer to a condition of flat feet but indicate that this may have been of pre-war origin. Lumbago is also referred to.

Claimant appears to be in excellent health and I am at a loss to understand why the claim was presented to this Commission. There is no particular evidence of maltreatment and practically no disability has been shown. Digestive disturbances may result from a number of causes and the medical files indicate that claimant was subject to constipation before the war. I conclude that claimant has failed to make out a case of disability resulting from maltreatment whilst held a prisoner. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 9, 1933.

CASE 2695—WILLIAM WRIGHT DUDLEY

Claimant was a Private in the 4th C.M.R.—Regimental No. 113194. Enlisted January 2, 1915, at the age of 21 years and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 12, 1918. He has an application for pension now under consideration. He was married in December 1921 and has three children. Prior to enlistment, he was a locomotive fireman, earning up to \$94 per month and for the past two years has been idle due to ill-health. Prior thereto he was employed as a labourer in bridge building.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, labour in the coal mines, and beatings which have left scars.

An analysis of the evidence reveals:—

First claimant spent three months at Dulmen, but has no particular complaint. He was sent to the coal mines at Ospell No. 2, where he laboured for some 19 months. He relates an incident wherein a German was killed due to an accident at the mine for which he, and other prisoners, was blamed. They were court-martialled and given 30 days' confinement on bread and water, also beaten and claimant carries a scar near the eye as the result of a blow. Next he was sent to Munster No. 3, where he remained 7 months until the Armistice (Claimant says it was 29 months, which is clearly wrong). His chief complaint is concerning his stomach.

No medical evidence was adduced at the hearing, nor has any medical certificate been filed. Claimant's medical history files show nothing unusual. He was apparently discharged as fit.

On claimant's own admission, he suffers no disability at the present time, nor is there any medical evidence establishing this essential fact. Claimant may have been under the misapprehension that the fact of being held a prisoner was alone sufficient to entitle him to an award. The record does not justify a finding in his favour. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 16, 1933.

CASE 2687—RALPH DUSENBURY

Claimant was a Private in the 21st Battalion—Regimental No. 59281. He enlisted November 5, 1914, at the age of 17 years and was taken prisoner June 2, 1916, unwounded. He escaped in July 1917, to Holland. At the time of hearing he had an application for pension pending, was married in August 1922 and has two children. Prior to enlistment, he was at school and is now a factory worker, earning 40 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his eye due to a blow, and a weakened knee resulting from a blow with a rifle butt, leaving it permanently weakened.

An analysis of the evidence reveals:—

Claimant first spent a few months at Dulmen and was then transferred to Duisburg. Here, he attempted to escape, was recaptured, and received a beating in which his knee was knocked out of joint by a blow from a rifle butt. His left eye was also injured. He then served seven days' solitary confinement. He was then sent to Munster No. 1 and placed at work in the stone quarries. After two or three months, he succeeded in making his escape. The knee goes out of place periodically and the sight of the left eye is practically gone. Claimant made a statement upon return to England but did not tell of the beating in which his knee and eye were injured.

No medical testimony was adduced at the hearing, the record consisting of a certificate by Dr. W. H. Birks, stating that he treated claimant in 1931 for dislocation of semi-lunar (sic) cartilage of right knee. This dislocation has recurred several times since. Impaired vision in left eye. Disability rated at 15 per cent. Claimant's medical history files refer to a knee and eye injury, but his record upon discharge contains the following comment: "This soldier is in perfect physical condition and fit for category A2, but Headquarters' authority says he must not be permitted to return overseas under any circumstances" (because he was an escaped prisoner).

A perusal of the statement made by claimant upon repatriation does not show any particular maltreatment. The injury to his eye and knee, stressed in his testimony, is not even referred to and he refers to the treatment generally as good. It is hardly necessary to discuss the case further. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner,

OTTAWA, January 19, 1933.

CASE 2644—CAPTAIN DAWSON W. ELLIOTT

Claimant was a Lieutenant in the 27th Battalion. He enlisted in the latter part of 1914 and was appointed to the Overseas Battalion February 1, 1915, at the age of 31 years. He was taken prisoner April 5, 1916, wounded in the head and ruptured. He was transferred to Switzerland in May, 1918 and reached England in December of that year. He is in receipt of a 5 per cent disability pension, amounting to \$4 per month, based on deafness. He was married in 1907 and has two children. Prior to enlistment, he was employed as an assistant credit manager, at \$4,500 per annum and is now retired.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of long periods of solitary confinement which has caused nervous disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Duisburg hospital for two weeks and then sent to Gutersloh, where he remained until July, 1916. From there to Crefeld, where he attempted to escape, was recaptured, and served five months solitary confinement. After release he was sent to Schwarmstadt. He was here four months and began to suffer from insomnia. Transferred to Freiburg, he suffered with his nerves due to frequent allied bombardments. He was given electric-ray treatments at Freiburg University and finally passed for exchange to Switzerland.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual. His deafness is referred to and certain post discharge disabilities are shown. His general health is declared to have been good upon discharge from the service.

Solitary confinement for 5 months as punishment for an attempted escape, with resultant injury to claimant's nervous system and general health seems to be the basis of this claim. In addition conditions at Freiburg camp are said to have been very trying. No medical evidence has been adduced showing present disability. It is clearly impossible to reach a finding in claimant's favour. His recourse, if any, is elsewhere. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 28, 1932.

CASE 2617—EINER CARL ERICKSON

Claimant was born in Iceland and naturalized in Canada in December, 1920. He arrived in Canada in February, 1911 and enlisted in the 78th Battalion July 11, 1916, at the age of 33 years—Regimental No. 826755. He served as a Private and was taken prisoner August 11, 1918, suffering with gunshot wound through the

right lung. He was repatriated to England December 7, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10 per month, based on his chest wound. He was married in 1930 and has no children. Prior to enlistment, he was a donkey-engine driver, earning from \$6 to \$8 per day and now is employed as a night watchman, at \$4.70 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he received no medical attention for his wounded chest for several weeks after capture. He was compelled to work while still suffering from the wound and was struck with rifle butt, causing haemorrhage and further illness.

An analysis of the evidence reveals:—

Taken to St. Quentin, claimant was given a dressing and sent on to Mons, where he was forced to walk from the station to the hospital and was then forced to stand in the rain for 5 or 6 hours; was in hospital for three weeks and was then removed to Giessen. Here he was refused treatment and was sent out to work at loading cord wood. He only lasted one day at this work, because the sentry struck him in the back with a rifle butt, kicking him down, and a haemorrhage of the lung commenced. He was allowed to lie in his bunk for a week without medical attention. The Armistice was signed shortly after and he eventually reached England.

Dr. Robert F. Greer testified that he had been treating claimant for several years. He finds that there is no expansion in the right side of the chest at all due to the effect of the abscess in the lung. He says that under proper treatment and rest the wound should have completely healed and states that the blow received would be calculated to retard recovery and bring on haemorrhage. He fixes the disability at 50 per cent. An X-ray report is on file.

Claimant was a prisoner for about 4 months. Apparently 9 weeks after he had been wounded he was put to work. He contends that his wound, while it may have given the appearance of being healed, was not so in fact and that it was maltreatment to send him to work in that condition and to knock him down when he couldn't do the work. The evidence shows that he was medically examined before being sent to work and declared fit. This may have been a grave error of judgment on the part of the doctor, but does not, in my view, constitute maltreatment. I am not convinced that claimant's experiences in Germany have resulted in a greater disability than he would otherwise have had. The claim is one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 22, 1932.

CASE 2696—CHARLES H. M. EVANS

Claimant was a Sergeant in the 4th C.M.R.—Regimental No. 109330. He enlisted November 27, 1914, at the age of 39 years, and was taken prisoner June 2, 1916, suffering from shell shock. He was released to Holland in April, 1918, and reached England November 23 of that year. He is in receipt of a 40 per cent disability pension, amounting to \$46 per month for himself and family, based on cardiac enlargement, hypertension and neurosis. He was married in December, 1897, and has now six children. Prior to enlistment, he was employed as an iron founder at \$30 per week, and is now unemployed, due to ill health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been tied to a post, had teeth knocked out by a rifle butt, starvation, and long periods of standing to attention.

An analysis of the evidence reveals:—

First at Dulmen, where he remained about a year, claimant recites an incident of having been tied to a post for two hours because a guard saw him throwing out food which claimant claims was unfit to eat. This occurred in cold March weather. He also states that he had teeth knocked out by a guard for not obeying an order. Next, at Minden, he says he has no complaint, except as to food and punishment parades every Sunday, consisting of long periods of standing to attention. At Saltau, for five days, he was then sent to Bohmte, where, upon arrival, he was forced to stand to attention all night. Attempts were made to force him to work, and he was daily made to stand to attention. He finished his captivity at farm labour, without particular incident, until he was exchanged to Holland.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files relate to a heart condition and neurosis.

Claimant is now a man of 57 years and, after careful examination of the record, I have reached the conclusion that his case is purely pensionable in nature. He infers that his period of captivity has induced the heart and nervous infections from which he now suffers. While this may be so, I do not find that any particular maltreatment was the cause. It is more the result of general conditions of camp life in Germany (see Opinion annexed to my earlier report on maltreatment cases). On the whole, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 16, 1933.

CASE 2456—EARL G. FANNING

Notice of claim was filed on behalf of the above named claimant, but the usual documents of claim have never been completed. From his medical history files, it would appear that he enlisted on September 28, 1915, was taken prisoner on September 15, 1916, wounded in the back, right arm and right side, and repatriated to England on June 15, 1918, medically unfit. He was in receipt of a 30 per cent disability pension, but appears to have died on September 12, 1927, which information was only received recently. There can be no claim in such circumstances.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 28, 1932.

CASE 2637—ANDREW FLEMING FINNIE

Claimant was a Private in the 13th Battalion—Regimental No. 24250. He enlisted in August, 1914, at the age of 25 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a flesh wound in calf of right leg and gas. He was repatriated to England January 11, 1919. He is in receipt of a 5 per cent disability pension, amounting to \$3.35 per month, based on chronic bronchitis. He is unmarried. Prior to enlistment, he was employed as a machinist, earning \$4.75 per day, and has been unemployed since the summer of 1931, when he worked as a labourer.

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 over heated furnaces where oil fumes would overcome him and caused him to collapse, but he was kicked and beaten back to work. He now suffers with stomach trouble and dizziness.

An analysis of the evidence reveals:—

Held prisoner for more than three years and eight months in Germany, claimant confines his complaint to the last twenty months which he spent at Weitz, working at an oil-refinery in an isolated spot. Here, with other prisoners and civilian prison convicts, he was compelled to work over a hot furnace forcing oil sand through holes in a conveyer. The fumes were overpowering and on several occasions he fainted. When he revived he would be beaten and kicked until he returned to work. Finally about a week before the Armistice he collapsed entirely and was transferred, as a stretcher case, to Holland and eventually to England.

The medical record consists of certificates by Dr. G. H. Kearney, who finds claimant to be suffering with a lung condition, heart enlarged and weakened and an enlarged liver. He fixes the disability at 100 per cent. Dr. D. W. McKay certifies to attendances upon claimant in 1927 for throat and bronchitis, and Dr. H. McGregor certifies to attendance on claimant in 1921-22 for bronchitis and asthmatic attacks. None of these doctors gave evidence before the Commission. Certificates are also filed by former officers as to the character of the claimant. His medical history files relate to a condition of chronic bronchitis for which he receives pension.

As will be seen claimant's complaint is of an occupational character. While the work he was compelled to do was of a distressing nature the evidence does not satisfy me that his present disabilities result therefrom. It must not be overlooked that claimant had been badly gassed when captured and his chest condition may well be the result thereof. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. His recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 27, 1932.

CASE 2551—WILLIAM FOOTTIT

Claimant was a Private in the 4th C.M.R.—Regimental No. 113220. He enlisted in January 1915, at the age of 22 years and was taken prisoner June 2, 1918, unwounded. He was repatriated to England December 12, 1918. He is not in receipt of pension, was married in December 1919 and has two children. Prior to enlistment, he was employed as a farm labourer, earning \$20 per month and board and is now engaged in carpentering, at 40 cents per hour, but is unable to work steadily due to illness.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of ill-health due to treatment while a prisoner but does not give details in his claim papers.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen, where he remained six weeks. He has no special complaint as to treatment there, but, after transfer to Geseke (sic) cement factory, he began to experience difficulties. Here he was given fourteen days' cells for an attempted escape, fed on bread and water. He was physically unable to do the required work due to stomach trouble. The hours were long, with 24 hour duty at week-ends. The work, lifting heavy stones in a quarry,

shovelling hot lime so that they worked in a cloud of dust continually, has caused him now to suffer shortness of breath and stomach disorders. He contracted influenza in the Fall of 1917 and was given no medical treatment.

No medical testimony was adduced at the hearing, the record consisting of several certificates. Two by Dr. D. S. Johnstone, indicate neurasthenia and gastric neurosis. He fixes the disability at from 30 per cent to 50 per cent. A certificate by Dr. J. B. Ritchie, who examined claimant in September 1930, indicates symptoms of chronic duodenal ulcer and apparently cured pulmonary tuberculosis. A certificate by Dr. A. M. Miller recites that he treated claimant, about 1925, for acute gastritis. The military records indicate that the application for pension is still under advisement.

The record does not disclose such maltreatment as would induce the condition now complained of by claimant. Whatever disability he may now suffer is probably due to general conditions of camp life in Germany and is almost certainly nutritional in origin. For reasons which have been explained in Opinion annexed to my earlier report upon maltreatment cases, I do not regard this as constituting maltreatment within the relevant sections of the Treaty of Versailles. Claimant's recourse, if any, is elsewhere. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, January 10, 1933.

CASE 2728—HERBERT FRETWELL

Claimant was a Private in the 7th Battalion—Regimental No. 16888. He enlisted in August 1914, at the age of 24 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a gunshot wound in the right forearm and a touch of gas. He was repatriated to England December 7, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on gastric ulcer. He had been married in June 1913 and has one child, now 18 years of age. Prior to enlistment, he was employed as a cement finisher, earning about \$3.75 per day, and is now unemployed. Previously did odd jobs at labouring, earning, at most, \$5.40 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse by a German guard after capture because he was unable to keep his place on the march, and was shot in the left thigh. He was exposed to the wet while lying wounded, and upon arrival at hospital was given no medical attention.

An analysis of the evidence reveals:—

On the march to Roulers, after capture, the column was scattered by a German battery coming into action, and claimant was kicked and beaten by a sentry for lagging. He heard a shot and next thing he knew there was a hole in his thigh, bleeding profusely. He received but little attention in hospital at Roulers and was taken to Paderborn, where he remained in hospital until July. Next sent to Senne lager No. 3, where on one occasion all prisoners were forced to stand to attention in the snow until 4 a.m. His chief complaints regarding this camp are as to the food and exposure. At Minden, he received Red Cross parcels, and was frequently in hospital with stomach trouble. The parcels were often held back and became unfit to eat when received. He spent a short time at Herford, working at unloading coal for a brewery, but eventually landed at Friederichsfeld, where he tells of an order to lay the beds in the open where they became wet, and several influenza patients died as the result. A statement as to this is filed with the military records. From there he was sent to work at Gossen-

baum, at a piano factory and again placed at unloading coal trucks, contracted a cold, but received no medical treatment. Here he complains that his tunic was taken from him and his parcels withheld.

Dr. Thomas McPherson appeared and testified that he had treated claimant since June 1930. He performed two operations for gastric ulcer. He also furnishes a certificate covering the stomach conditions and fixes disability at from 40 per cent to 60 per cent. A declaration of Walter J. Pearson is filed, attesting to claimant's pre-war residence in Canada. Claimant's medical history files refer to his stomach condition, and describe his service and other wounds as constituting a negligible disability.

Claimant complains chiefly of the wound in the hip received after capture, when he declares he was deliberately shot by a guard. His version of the affair is rather vague and, to establish so unusual an incident, some corroboration would be necessary. Moreover, as far as the medical record goes, the disability resulting from the wound is insignificant. Claimant's own physician makes no mention of it and confines his statements to a gastric condition. It is to be observed that claimant was suffering with his stomach immediately after capture. It is entirely likely that the condition now present is nutritional in origin and cannot be regarded as the result of maltreatment whilst a prisoner. I regard the case as one for the consideration of the Board of Pension Commissioners. Before this Commission the claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 28, 1932.

CASE 2775--FRED FROST

Claimant was a Private in the 7th Battalion--Regimental No. 16309. He enlisted in August 1914, at the age of 30 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England in December 1918. He is not in receipt of pension, was married in July 1920, and has two children. Prior to enlistment, he was employed as a labourer, earning up to \$3 per day and is now a road foreman, earning \$110 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He does not specify the grounds of complaint in his statutory declaration.

An analysis of the evidence reveals:--

Claimant was taken to Giessen to which camp he remained attached for the whole period of his captivity. He was first sent to a stone quarry, where three men were injured. The whole party refused to carry on and were given five days solitary confinement. He speaks particularly of two years spent in an iron foundry at Giesselwekschapt (sic), where he was compelled to handle pig iron ore, twelve hour shifts, with 24 hour duty at the week-ends. The work was very hard and the food insufficient, and had it not been for the parcels received, the prisoners could not have survived. Finally, he could carry on no longer and was sent to a farm at Hochstat, where he remained fifteen months. He was kicked and beaten into unconsciousness because he failed to salute an officer quickly enough and retaliated when the officer struck him. He complains that he was kicked about the head, neck and shoulders from which he now suffers pain in the back, neck and chest.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files contain a statement by claimant that he hurt his left side by letting fall a bar of iron while a prisoner. In a statement made upon repatriation he recites instances of maltreatment inflicted upon other prisoners. He also states he was kicked and punched by a sentry for talking to a fellow-prisoner about Italy's joining the Allies, but makes no reference to the beating consequent upon his neglect to salute the officer.

Claimant has not established any definite disability resulting from maltreatment. He speaks of pains in the shoulders and chest, which he attributes to the beating referred to. I cannot say, from the record, that the connection between the incident and a present disability has been shown, nor can it be inferred. Claimant's recourse, if any, is before the Board of Pension Commissioners. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 30, 1932.

CASE 2530—WALTER FULLER

Claimant was a Private in the 2nd Battalion—Regimental No. 18642. He enlisted in August 1914, at the age of 18 years and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly gassed. He was repatriated to England December 24, 1918. He is in receipt of a 25 per cent disability pension, amounting to \$32.50 per month for himself and family, based on neurasthenia. He was married in August 1928 and has two children. Prior to enlistment, he was employed as a locomotive fireman, earning \$150 per month but has been unable to work for the past two years due to illness.

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

An analysis of the evidence reveals:—

Claimant was first placed at farm work out of Giessen and for refusing to work after supper, was confined in strafe barracks and made to sit on a stool from morning till night. Next he was sent to Vehnemoor, where he has no complaints. He was then taken to Bokelah, where he remained 6 months. Here, while employed at laying fertilizer and laying track, he, with others, complained of the severity of the task and asked to see the Commandant. This was refused and they were driven, under rifle fire, out to the moors. He states one man was killed. Tried for mutiny at Hanover, the prisoners involved were sentenced to ten years hard labour and taken to the fortress at Cologne. While suffering from dysentery and unable to rise, he was set upon by guards and placed in a straight-jacket for three hours. After ten months imprisonment, he was taken to Wilhelmshaven, where he remained some nine months but received no maltreatment. At Ostenholzenmoor, he was stripped, made to place sods on his head and run around the square. This occurred in October and he contends that he contracted a cold which developed into chronic bronchitis. Claimant finished his period of captivity at Vehnemoor and at Saltau, without incident.

The medical record consists of a certificate of Dr. A. Greenaway, who did not appear before the Commission. He finds a condition of under-nourishment and fixes the disability at 60 per cent. Claimant's medical history files appear to indicate a condition of general debility upon discharge.

I am inclined to regard claimant's case as more a matter for the consideration of the Board of Pension Commissioners than of this Commission. He was

undoubtedly subjected to harsh treatment, but the impression is created that this may have been due, in part at least, to the actions of the prisoners themselves, particularly at Bokeloh, where the incident occurred for which claimant was tried and condemned to ten years hard labour (ten months of which he served). Acts of so called mutiny on the part of prisoners may and must be suppressed as the captor deems expedient and I do not think that the records show that the punishment inflicted went beyond reasonable bounds. Claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 9, 1933.

Commissioner.

CASE 2780—GEORGE GAMAGE

Claimant was a Private in the 44th Battalion—Regimental No. 865955. He enlisted March 24, 1917, according to his attestation paper although in his evidence he says 1916. He was then 24 years of age. He was taken prisoner August 23, 1917, suffering with slight shrapnel wounds in both legs. He was repatriated to England November 24, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$45 per month for himself and family, based on duodenal ulcer. He was married in December, 1918, and has four children. Prior to enlistment, he was employed as a labourer, earning \$60 per month and is now unemployed but had been with a dairy company, at \$26 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, forced labour while ill, excessive inoculations, that he was beaten and kicked, resulting in nervous trouble and failing eyesight.

An analysis of the evidence reveals:—

Claimant went through Dulmen and Friederichsfeld camps and landed at the Krupps works at Oberhausen. He remained here for more than a year working at firing boilers. While ill, he refused to work at the boilers and received a beating at the hands of the guards with a rifle and was also kicked. He was under the doctor's care for five weeks, saw him every three days and states that he was given an inoculation upon the occasion of every visit until he received some 16 or 17 inoculations in all. His nerves and eyesight are now affected as the result of his treatment.

No medical evidence was adduced at the hearing, the record consisting of a certificate from Dr. S. B. Walker, who certifies as to the duodenal ulcer with obstruction followed by gastro-enterostomy. He fixes the disability at 30 per cent. A report from the Department of Pensions and National Health discloses that the left eye was found to be defective in vision upon examination by a specialist, who concluded that any defect was not due to stoking furnace. Since December, 1924, there is a record of complaint of gastric symptoms and some recent bronchial trouble. Claimant's medical history files show nothing unusual, referring only to the stomach condition.

In these circumstances, I am unable to reach a finding in claimant's favour. He has quite failed to show that any disability from which he now suffers results from maltreatment whilst he was a prisoner of war. Impaired vision is advanced as a cause of entitlement, but the record does not justify any finding in regard thereto. Whatever gastric condition claimant may be suffering from must be regarded as nutritional in origin, and is covered by pension. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, January 10, 1933.

Commissioner.

CASE 2554—JOHN DARRELL GAW

Claimant was a Private in the 4th C.M.R.—Regimental No. 113238. He enlisted January 14, 1915, at the age of 18 years and was taken prisoner June 2, 1916, suffering from gunshot wounds in the thigh and neck. He was released to Switzerland in January, 1918, and repatriated to England in March of that year. He is in receipt of a 50 per cent disability pension, amounting to \$37.50, based on wound in the left leg with limitation of movement of the knee. He was married in England in 1918, divorced in 1931, and remarried in Ottawa, December 12, 1932. There are no children. Prior to enlistment, he was a machinist's apprentice, earning \$8 per week, and since discharge was employed as telegraph operator, at \$95 per month, but had to abandon the work due to nerves, and was unemployed for two years. He has been an elevator operator for the past eight years, at \$100 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being thrown on a pile of rocks and struck over the head with his crutches, leaving a scar, because he peeled potatoes unsatisfactorily. Was also kicked in the back while in hospital because he had no gifts of soap or sugar for the guard. The treatment of his wounds after capture was unnecessarily rough.

An analysis of the evidence reveals:—

Claimant was taken, on a stretcher, to a dressing station, where his wounds were first attended. Removed to Courtrai, he remained in hospital for a short time and was removed to Stuttgart hospital, where he remained eight months. He has no complaint as to the treatment except that it was rough. He underwent about six operations here and apparently the German surgeons did all that was possible for him. He was next sent to Aix-la-Chapelle and spent some time at Limburg and Mannheim camps awaiting repatriation. His main complaint is in regard to an incident which occurred at Cologne, where he was kicked in the back by a guard, apparently because he was not peeling potatoes to the satisfaction of the guard. He complains that his back still troubles him from this kick. He was also beaten on another occasion, in Cologne, by a guard to whom he had not given sugar and soap from his parcels, but no ill effects appear to have resulted from this blow. Claimant confines his complaint to the back injury and his nerves. He does not contend that, due to inadequate surgical attention, his disability is now greater than it would otherwise have been.

Claimant has produced no medical evidence and relies upon the medical history contained in his pension files. The record is substantially in accordance with the statements made by claimant but no particular stress is laid upon the back injury.

In this state of the record it is impossible to reach a conclusion in claimant's favour. There is no medical evidence establishing any back disability and the claimant's pension for service wounds would appear to cover his other ailments. Claimant told a very frank story, but I feel that he has not discharged the burden of showing a present disability resulting from maltreatment whilst a prisoner. The claim must accordingly be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 16, 1932.

CASE 2377—ALFRED GAWN

Claimant was a Private in the 4th C.M.R.—Regimental No. 113239. He enlisted in January 1915, at the age of 20 years and was taken prisoner June 2, 1916, suffering with gas. He was repatriated to England January 1, 1919. He is in receipt of an 100 per cent disability pension, amounting to \$127 per month,

based on tuberculosis. He was married November 8, 1922, and has two children. Prior to enlistment, he was a machinist by trade, but was railroading immediately before the war, earning \$75 per month. After discharge, he was employed with the I.C.M.P. at \$142.60 per month and is also in receipt of a service pension from that body, amounting to \$27 per month, but has been a patient in the Royal Ottawa Sanitarium since March of this 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 constantly overworked, starved and given bad food and of terrible living conditions. Had to work in coal mines and complains of the coal dust. He had his cough at that time, notwithstanding which he was subjected to exposure and beatings while working in a sugar factory.

An analysis of the evidence reveals:—

Claimant was quite seriously gassed when captured. He was taken to Dulmen Camp where he remained, in all, about 12 months. He has no complaint as to his treatment at Dulmen. He was then sent on to a coal mine, where he complains that the coal dust greatly aggravated his condition and, notwithstanding his weakness, that he was compelled to continue work. He made an attempt to escape, received the usual fourteen days' confinement and was sent on to Minden Camp and returned to Dulmen, apparently his chest condition gradually becoming more serious. He was later sent to a stone quarry, near Hameln, where the work was arduous and the food very poor. He was apparently attached to this camp for about three months and speaks of the accommodation in barracks as unhealthy. It is claimant's contention that, had he received proper medical attention, he would not now be 100 per cent disabled. Claimant also appears to have spent some time at a salt mine, not clearly identified. He worked underground for a short time, but refers to his treatment at a sugar factory, shortly thereafter, as the worst feature of his period of captivity. He was beaten on several occasions for minor breaches of discipline, was steadily losing weight and appears to have been in serious condition when the Armistice was declared. He complains, in addition to his condition of tuberculosis, of gastritis and neurosis, but admits quite frankly that he was "spitting blood when I went into Germany," so that the condition was apparently advanced at that time.

The medical evidence indicates that claimant suffers from pulmonary tuberculosis, his percentage of disability being stated to be 100 per cent. Dr. D. A. Carmichael, who certified to the foregoing, did not appear before the Commission. Claimant's medical history files are quite complete and show the condition of tuberculosis above referred to, for which he is in receipt of 100 per cent disability pension.

It seems clear in this case that the originating cause of claimant's present malady was the gas which he received at the time of capture. While it is quite true that a man in claimant's condition should not have been compelled to do hard work, I cannot say that the fact that his captors disregarded his condition and made him work constitutes active maltreatment. Even had he received the best of care, I am not convinced that he would not still be a victim of tuberculosis. Viewing the case as a whole, I am inclined to think that whatever aggravation there may have been to claimant's condition, that this is the result of general camp conditions in Germany. It is perhaps worthy of note that claimant declared that he had been 18 months in the salt mines, whereas in his testimony this period is considerably lessened. Claimant has thus failed to establish a present disability resulting from maltreatment. I regard his case as one entirely for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 16, 1932.