

REPARATIONS

1932

FURTHER REPORT

ERROL M. McDOUGALL, K.C.,
Commissioner

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OTTAWA
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DEPARTMENT OF THE SECRETARY OF STATE
REPARATIONS, 1932

REPORT

*To His Excellency,
the Governor General in Council.*

MAY IT PLEASE YOUR EXCELLENCY:

I have the honour to submit the following Report:—

Following my Report, dated January 13, 1932, comprising 340 cases relating to maltreatment claims of former prisoners of war, the Commission has continued its activities and has held sittings at the following places: Toronto, Hamilton, Montreal, St. John, N.B., Truro, Halifax, Bridgewater, Winnipeg (2 sessions), Calgary, Vancouver (2 sessions), Victoria, Edmonton, Saskatoon, Ottawa, and at Boston, Chicago and Seattle, in the United States. A further large number of maltreatment cases have been heard as also whatever civilian cases were ready for presentation. The present report is designed to comprise all cases heard down to June 1, 1932, and consists of decisions in 324 cases, of which 44 are civilian and 280 maltreatment cases. Of this latter number, 99 cases may be classed as default cases, in which claimants have failed to appear and in which it was thought advisable to complete and close the records by definite findings.

I beg leave to refer to my earlier reports as indicating the guiding principles and considerations which have entered into the decision of these cases. For convenience of reference, the material here presented has been divided into three categories—1st, Civilian claims, 2nd, Maltreatment cases disallowed, and 3rd, Maltreatment cases allowed, with an alphabetical index covering all the decisions. In the present report awards have been recommended in 37 maltreatment cases, which represents about twenty per cent of the cases in this category which were fully heard, a proportion of allowances considerably less than in the former report on maltreatment cases. It has become increasingly evident that the great majority of these belated cases are, if anything, purely pensionable in nature and should not have been presented or pressed before this Commission.

A number of applications were received from unsuccessful claimants, who represented that their cases had not been fully heard, and requested that they be given a rehearing to produce additional evidence. In all cases in which claimants alleged, by affidavit, that there had been a miscarriage of justice in dealing with their cases, by reason of the record being incomplete, I was directed to hear such applications to determine whether any error had been committed. This seemed desirable, because the medical adviser to the Commission was not present upon the first Western trip when these cases were heard, and it seemed quite possible that some omission in the appreciation of a claimant's physical condition might have occurred. In all, 28 such applications were filed. These claimants were, accordingly, given an opportunity to put forward the grounds upon which their applications were based, during the last Western trip of the Commission. In all but one case, it was found that there was no reason to disturb the original findings. There was no indication that any injustice had been committed and the additional evidence offered was not of such a nature as to affect the result. In the one case referred to, the additional evidence was deemed to be important and, upon careful consideration, of sufficient weight to entitle the claimant to have the earlier decision revised. I refer to the case of Captain F. G. Pinder, No. 1995. Such revised decision is included with the present report.

The present report involves an expenditure amounting to \$37,810.00, with \$24,032.41 estimated interest, at the rate of 5 per cent per annum, to, say, December 31, 1932, a total of \$61,842.41.

As will appear from my earlier report, 666 cases had then been heard and disposed of. Since that time decision was reached in the "Otokio" case, bringing the total, including the cases now under report, to 991 cases. There remain 256 cases to be disposed of, as to which, 169 have been heard and are awaiting decision.

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

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1932.

SCHEDULE OF CIVILIAN CLAIMS

Cuse No.	Name of Claimant	Decision
2356	Bennett, J. T.	\$500.00
2360	Blake, A. J.	500.00
2382	Booth, J.	Disallowed
2362	Brown, Mrs. G.	Disallowed
2384	Burke, H. E.	Disallowed
2547	Byers, W.	\$700.00
2401	Campbell, J.	1,500.00
2386	Cann, T.	600.00
993	Coapman, E. A.	Disallowed
2365	Copeland, G. R.	Disallowed
2277	Cotton, L. A.	Disallowed
2318	Davis, E. J.	Disallowed
2313	Davis, I.	Disallowed
2323	Dehase, P. A.	Disallowed
2332	Doane, E. J.	\$600.00
2317	Dunn, A.	Disallowed
2338	Edmond, C. H.	Disallowed
2415	Erickson, V.	Disallowed
2543	Ferguson, W. A.	\$1,500.00
2299	Flint, Mrs. G. H.	1,200.00
2387	Frazier (Fougere), A.	600.00
2205	Gilbert, J.	Disallowed
2634	Helic, J. D.	\$750.00
2204	Hill, J. J.	Disallowed
2402	Johnson, W. T.	Disallowed
1950	Jones, E.	\$1,750.00
2744	Kavanagh, A.	500.00
2363	Kayser, J. R.	Disallowed
2308	Knight, Mrs. A. E.	Disallowed
2376	Lilburn, C.	\$700.00
2300	Luck, E. L. (Marjorie Luck)	Disallowed
2512	Lynch, E.	\$500.00
2396	McCutcheon, T. F.	Disallowed
2337	Morgan, Miss M.	Disallowed
782	Morris, H. C. S.	Disallowed
2413	Morrison, T. E.	Disallowed
2315	Parker, Mrs. E.	Disallowed
2667	Sord, H.	\$500.00
2328	Sutherland, W.	600.00
2374	Tierney, J.	2,000.00
1601	Tippett, S. C.	210.00
2326	Tower, R. P.	500.00
2312	Venn, R. G.	Disallowed
2371	Walker, J.	Disallowed

Total claims 44—19 allowed, 25 disallowed

CASE 2356—J. T. BENNETT

This claim arises out of the destruction of the ss. *St. Ursula* by enemy action on December 12, 1916. The loss of the vessel, in the manner indicated, is established by Admiralty reports and certificates from her owners, which also proves that claimant was aboard at the time.

The claimant, a British subject, resident in Canada since September, 1914, shipped aboard the *St. Ursula* as a horseman. He was intending to tranship aboard a Donaldson Line liner at Newport News to return to England and had bought a new outfit. All his effects were lost when the vessel went down. The crew took to the boats and were later picked up by the *Century* and taken into Malta.

Claimant advances a very modest claim for the value of his effects. 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 payment to him of the sum of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. (Opinion No. 4 to Interim Report.)

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2360—ALFRED J. BLAKE

This claim arises out of the destruction of the ss. *Belgian* by enemy action, off the coast of Ireland, on May 24, 1917. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty reports.

Claimant, a Canadian, was employed aboard as second cook. His presence on the ship in that quality, is proven by letter from her owners, Frederick Leyland & Co. Ltd., dated April 20, 1931. He claims for the loss of his personal effects, cash, and loss of wages, a total sum of \$300.

For the reasons expressed in Opinion No. 3 to my Interim Report, I consider that claimant is entitled to an award for loss of personal effects and solatium similar to awards to seamen of the same classes. It is unnecessary to consider in detail the itemized list of effects submitted. I do not regard him as entitled to any amount for loss of time. I would recommend a payment to claimant of the sum of \$500, covering loss of effects and solatium, with interest thereon, 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, August 30, 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 aboard of claimant, as an able seaman, has also been proven.

Claimant is a British subject, born in England, who came to Canada to reside in 1922. He makes claim for the loss of his personal effects, which were left aboard at the time the vessel was destroyed.

For reasons detailed in Opinion No. 1 to my Interim Report, I regret that the claim cannot be allowed, because claimant was not resident in Canada at or previous to January 10, 1920, date of the ratification of the Treaty of Versailles. That date has been accepted as constitutive of jurisdiction to base claims before this Commission, and it is unfortunate for claimant, whose claim otherwise appears to be well founded, that he must be found ineligible for compensation. The claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2362—MRS. G. BROWN

This claim arises out of the destruction of the United States fishing schooner *A. Piatt Andrew*, 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, is established by report of the United States Mixed Claims Commission.

Claimant, a British subject, now resident in Gloucester, Mass., makes claim, as the wife of Wilfrid A. Brown, who is declared to have been cook aboard the vessel at the time of her loss. Claimant alleges that her husband left her in the Fall of 1923, and that she has not since heard from or of him. She advances the claim upon the assumption that he is now dead and asks for the balance of the amount due for the share in the catch payable to her husband, and also for the value of his personal effects which were lost when the vessel went down. It developed later, and is shown by correspondence, that Brown is not dead and has been paid the balance due for his share of the catch by owners.

Claimant did not appear before the Commission at its sessions held in Boston on May 31, 1932, but her counsel reported the foregoing facts and did not press the claim further.

It is clear, in the circumstances, that claimant is without right in putting forward the present claim. It is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2384—HAROLD E. BURKE

This claim is supplementary to an award made and paid to claimant by my predecessor, Mr. Friel (Case No. 5). Claimant now seeks to obtain an award covering cash which he had with him aboard the *Mayola*, and later the *Drina*, when these vessels were destroyed by enemy action. He also contends that the previous award—\$600 for loss of personal effects and solatium—did not cover the value of his personal effects. It is contended that he was not present before the previous Commissioner and that his claim was assessed upon a crew list furnished by owners. Claimant was advised, at the hearing, that this Commission has no authority to reopen or review decisions of the previous Commissioners, and I adhere to the view then expressed. There is, moreover, a serious question as to the nationality of claimant at the time of the loss referred to. He was an American citizen, and the mere fact that

he subsequently enlisted in the Canadian forces, would not, in my view, as to a civilian claim, constitute him a Canadian national and entitled to claim before this Commission. There are other unusual circumstances connected with the case, which need not be set out at length. On the whole, having regard to all the circumstances, the present claim is unfounded and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 12, 1932.

CASE 2547—WILLIAM BYERS

This claim arises out of the destruction of the ss. *Empress of Midland*, by enemy action, on March 27, 1916, in the North Sea. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty reports and certificate from her owners.

The claimant, a British subject, resident in Canada since 1903, was Chief Engineer aboard the vessel when she was lost. He claims for the loss of his personal effects and for solatium and, moreover, asserts a claim for impairment of health resulting from the casualty. In all he claims the sum of \$1,500. It is clearly established, from certificate of the owner and supporting testimony of a shipmate, that claimant was aboard, in the quality stated, when the vessel was destroyed.

Claimant declares that he was compelled to take to the boats in his shirt sleeves and had no opportunity to remove any of his effects. He was uninjured but declares that the exposure in an open boat, about an hour and a half, before they were picked up has affected his nervous system and that he suffers from rheumatism.

As to the claim for loss of personal effects and for solatium, claimant has made out a case and is entitled to succeed. It is unnecessary to itemize and value the effects lost, since scale awards have been made in these cases in accordance with the observations contained in Opinion No. 3, annexed to my Interim Report. Having regard to the scale there adopted, I would consider claimant entitled to an allowance of \$700, including solatium.

I do not find that claimant has made good his claim for injury to his health. Dr. J. E. Bond came before the Commission and explained that he had attended claimant since 1918, that his complaints are insomnia and nervousness and pains in knee and joints. He infers that exposure at the time of the casualty may have had something to do with the arthritic condition, but of course cannot do more than express an opinion on the subject. I hardly think that exposure in an open boat for 1½ hours, unless attended by more severe hardship than has been shewn, would affect claimant's health permanently. It must be borne in mind that claimant is now over 60 years of age and must expect to suffer the usual ailments of advancing years.

On the whole, therefore, I cannot allow the claim for injury to health, but I would recommend a payment to claimant of \$700, 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. (Opinion No. 4 to Interim Report).

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 23, 1932.

CASE 2401—JAMES CAMPBELL

This claim arises out of the destruction, by enemy action, of the ss. *Gartness* on August 19, 1917, in the Mediterranean. The loss of the vessel, in the manner indicated, is established by Admiralty Reports.

Claimant is a British subject by birth, who came to Canada to reside permanently in 1913. He was a fireman aboard the vessel when she was hit by torpedo and escaped in a boat, which was overturned. After several hours in the water claimant, with others, was picked up by a trawler and landed in Malta. There was some confusion at the outset, due to the use of the names John and James as applied to claimant, in establishing that claimant was in fact aboard at the time of the loss. Full investigations have been conducted and it has now been satisfactorily proven that claimant was aboard the vessel. Claimant declares that he sustained a fracture of the leg while in the water, that he received some treatment therefor at Malta, but that the leg still suppurates and constitutes a disablement. Report from the Treasury Department, Malta, indicates that claimant was there landed, as a survivor of the *Gartness*, but it does not appear that he was admitted to hospital on that occasion. He was repatriated ex ss. *Itria* on September 13, 1917. A certificate from the Captain of the Port of Gibraltar, dated October 3, 1917, has been produced, which in part bears out claimant's contention that he was injured when the vessel went down. This certificate reads as follows:—"This is to certify that the bearer, J. Campbell, whose photo is attached is a disabled British seaman landed at this port from the ss. *Itria*, on the grounds injured when vessel British ss. *Gartness* torpedoed. Then follows a description of the man, with his photograph. This record is substantially consistent with the story told by claimant before the Commission. I consider, therefore, that claimant has established that he sustained an injury to his leg when the vessel was torpedoed.

The medical evidence discloses that claimant sustained a "compound fracture tibia and fibula left leg in lower third. Five inch scar down the shin, and the tibia has apparently been split and is now wider than normal. The ankle is partially ankylosed." His percentage of disability is stated at 35 per cent. Dr. F. W. Lees, who certifies to the foregoing did not appear before the Commission.

Claimant still suffers with this leg and is unable to make any continuous use thereof. He claims for personal injuries a sum of \$5,000, and for loss of earnings an additional sum of \$5,000. The only amount received by him was £7, from the Board of Trade, for loss of kit. It does not appear that he ever made claim for personal injury.

For the reasons stated in Opinion No. 3 to my Interim Report, I consider claimant entitled to an award for the loss of his personal effects, and the usual solatium, on the basis of awards made to seamen in the Merchant service. This will amount to \$500 without deduction for any sums paid by the British authorities. As to the personal injuries I consider that a sum of \$1,000 will be adequate compensation. I would, accordingly, recommend a total payment to claimant of \$1,500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. (Opinion No. 4 to the Interim Report).

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2386—THOMAS CANN

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 previous awards (Cases 1668 and 1687). The presence of claimant aboard the vessel, as a fisherman, is proven by the crew list furnished by the Mixed Claims Commission, corroborated by the statement of a witness who was a shipmate with claimant.

Claimant is a British subject, born in Nova Scotia; now resident in the United States, but retaining his British citizenship. He makes claim for the loss of his personal effects and the usual solatium.

Applying the principles stated in Opinion No. 3 to my Interim Report, I consider claimant entitled to an award upon the same basis as other fishermen claimants. I would, accordingly, recommend a payment to claimant of the sum of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. (Opinion No. 4 to Interim Report).

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 993—EDGAR A. COAPMAN

This is an application to reopen an award made by the late Dr. Pugsley, for the purpose of obtaining interest beyond the date stated in the decision. It is contended that interest should run from the date of the loss rather than from the date of the ratification of the Treaty of Versailles, January 10, 1920, as allowed by Dr. Pugsley.

I am clearly of opinion that I have no authority to reopen and revise a decision of a previous Commissioner, whatever my views may be as to the date from which interest should run. The case is distinguishable from the decision in case No. 1211 wherein supplementary interest was allowed because of what appeared to have been an inadvertent omission in the original award.

The present claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2365—GEORGE R. COPELAND

This claim is advanced by the brother of one E. P. Copeland, who is alleged to have been a passenger aboard a vessel which was torpedoed on her way home from India in the year 1917. The name of the vessel is not given. The claim is for loss of personal effects, amounting to the sum of \$3,500, left by deceased aboard when he escaped in his pyjamas. It is moreover alleged that deceased died shortly afterwards as a result of exposure.

Claimant appeared before the Commission at Vancouver but was unable to give any particulars of the claim. It appears that deceased left no will, that claimant is one of four surviving brothers and sisters, and the general statement is made that upon intestacy they would be entitled to inherit the estate of

deceased. The remaining brothers and sisters reside in Scotland. Claimant himself, while he came out to Canada previous to January 10, 1920, did not actually take up residence here until sometime in September, 1920.

It was explained to claimant, at the hearing, that the evidence submitted was quite inadequate to base an award and he was requested to obtain the name of the vessel, some evidence of his brother's presence aboard, letters of administration of deceased's estate and better evidence of the cash alleged to have been carried by deceased and the value of the personal effects. Claimant has not produced any further evidence.

In this state of the record, quite apart from the fact that claimant does not appear to have been a resident of Canada on or before January 10, 1920 (see Opinion No. 1 to interim Report), there is no substantiation for the claim. It must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2277—L. A. COTTON

The claimant is a member of the religious sect known as the Christadelphians. It is a tenet of his faith that he cannot bear arms, and for refusing to do so, as a member of the First Battalion, he was imprisoned in England, sent to Canada, under guard, and remained in confinement. He makes claim for \$25.00 the value of a watch and chain, taken from him whilst so detained in England. He declares that this property was taken from him by one named Boon, possibly a sergeant with the Canadians. It was pointed out to claimant, at the hearing, that his claim did not fall within the relevant sections of the Treaty of Versailles and that since he could not show a loss due to enemy action, this Commission was without jurisdiction to entertain the claim. Upon a perusal of the record and the evidence given by claimant this view is confirmed. The claim is unfounded and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2318—E. J. DAVIS

Claimant was a trained munition worker, residing in Canada, at the outbreak of war. He was taken to England and set to work upon shells at the Messrs. Vickers, where he remained for over 3 years, constantly employed upon night shift. He suffered a nervous collapse and was returned to Canada, with high commendation of his war time service. He developed epilepsy, from which he still suffers, and which he attributes to the long and continuous work upon night shift and also indefinitely to the fear of air raids over England.

The medical certificates produced by claimant bear out his statement that he is subject to epileptic fits and that he is not in normal condition. He still suffers from the malady. At the hearing, claimant was confused and was not able to give a very clear account of what had happened to him. He does say that his condition was brought about by the overstrain of his work, which broke down his powers of resistance.

In this state of the record, I cannot find that claimant's present condition is attributable to enemy action except in a very indirect manner. His health broke down as the result of work which he was called upon to do and for which he was paid. I do not regard his case as falling within the relevant sections of the Treaty of Versailles. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 12, 1932.

CASE 2313—LEO DAVIS

Notice of claim was received from the above named claimant on March 2, 1931. It appears from the demand that claimant was enlisted in the Navy and claims for injury to his nerves as a result of having been through the battle of Jutland. He was advised that these facts did not constitute a valid claim, but that if he desired to appear before the Commission his claim would be heard on April 23, at Toronto. Claimant failed to appear. The claim is accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2322—PHILIPPE A. DEHASE

Claimant, originally a Belgian, first came to Canada to reside in March, 1920, and became naturalized as a British subject in 1926. During the war he was living in Belgium near Brussels. His household effects and property were requisitioned by the German troops. He now makes claim for the value thereof, some \$600, and explains that he had already filed claim with the Belgian authorities, but that his claim was disallowed because of his change of nationality.

It was explained to claimant, at the hearing, that this Commission had no authority to entertain his claim because he was not a British subject at the time of the alleged loss and moreover, had only become resident in Canada after January 10, 1920, date of the ratification of the Treaty of Versailles. Upon further consideration, this view is confirmed and the claim must be disallowed for want of jurisdiction. (See Opinion No. 1 to Interim Report).

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 30, 1932.

CASE 2332—EMERY J. DOANE

This claim arises out of the destruction of the United States fishing schooner *Sylvania*, sunk by the enemy raider *Triumph* on August 21, 1918 on Quero fishing grounds. The fact of 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 made by this Commission.

The claimant was Canadian born but became naturalized in the United States on January 15, 1919. He makes claim for the loss of his personal effects and the solatium paid to other survivors of the crew. Claimant's presence

aboard the vessel is established by the crew list filed by owners of the vessel and is moreover attested by the statements of other members of the crew. Claim is also made for loss of time and an alleged share in the catch of the vessel. I cannot allow these two latter claims, which were also denied in the cases of other members of the crew.

Applying the principles stated in the various Opinions accompanying my Interim Report and in particular, having regard to Opinion No. 3, I consider the claimant entitled to an award upon the same basis as other fishermen claimants. I would, accordingly, recommend a payment to claimant of \$600, but, without interest, because of claimant's American citizenship, prior to January 10, 1920. (Opinion No. 4 to Interim Report).

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 12, 1932.

CASE 2317—ALBERT DUNN

Claimant has been resident in Canada since 1904. In the year 1915 he was engaged in the dairy business in partnership with his brother. The brother operated a farm at Dudley, B.C. and claimant retailed the milk in Vancouver. It seems that the brother sold the cattle and went off to the United States without accounting to claimant. The brother sailed on the ill fated *Lusitania* and appears to have written claimant that he would make good to the latter the amount of his defalcation. Claim is now made that had the brother not lost his life when the *Lusitania* was lost he would have fulfilled this promise.

Clearly the case is without foundation. The mere conjecture that the deceased would have made good to claimant his loss cannot support a claim for loss through enemy action. It is unnecessary to deal further with the matter. The claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 12, 1932.

CASE 2338—C. H. EDMOND

Claimant is a British subject, resident in Canada, with his family, long before the war. When he enlisted in the Canadian Expeditionary forces in 1916 his family, consisting of his wife and three young children, went to England to live. They took up residence on Babbington Road, Streatham, London. Claimant was in the North of England, with his unit. In the month of September 1916 an air raid took place over this section of London and the house next door was struck and blown up. Mrs. Edmond thus describes the incident.

"It was in the middle of the night sometime, and I woke up and I heard a terrific bang somewhere, and I jumped up and ran in to the children, and Bob woke up and woke up the other two, and I said, 'It is alright, it is just a thunder storm'. But Bob would not go to sleep and I sat with him and I was supposed to take them downstairs, but I was at the top of the building, and I was supposed to take them downstairs, but but I was by myself and I could not take one and leave two, or I could not take two and leave one; and then we smelt gun-powder and everything else and we heard the people scream."

As a result of this experience, it is alleged that the child Bob, then aged about 5 years, sustained a nervous collapse, his growth, mental and physical, became arrested and it was only when he was about sixteen years of age that he appeared to become normal. He is now 21 years of age, is six feet one inch tall and is apparently in good physical condition. The two little girls, who were also present at the time of the raid, sustained no injury. It is declared that this boy had been a normal healthy child before the occurrence and thereafter was terrified at noises, and manifested signs of mental deficiency. It has been impossible to give the lad a proper education and he is now unable to earn a living. Claim is made by his father, the claimant, for the expense he has incurred through his son's illness and the estimated cost of educating the boy now to take his proper station in life. The boy was present before the Commission, and appeared to be a normal, healthy young man. It is stated that in some respects he is quite intelligent, but in others he is almost wholly deficient in ability to learn. He is a great reader and retains much of his reading.

Dr. W. J. McKenzie appeared as a witness, and declared he had seen the boy on several occasions since 1927. He finds that the boy cannot concentrate on certain things such as mathematics, but is clever in other respects. From the history of the case, Dr. McKenzie expresses the opinion that the boy's condition may be traced and attributed to the air raid in question. The family history is good and there appears to be no other cause for such sub-normality.

I have given very careful consideration to this case and have conferred with the Medical Adviser to the Commission, Dr. Cathcart, who was present at the hearing and who examined the boy. I concur in the view expressed by him that the cause and effect has not been definitely established. I cannot say, from the record, that claimant's son sustained such injury at the time of the air raid as would account for his subsequent condition and his present deficiencies. With great regret, therefore, I cannot allow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 12, 1932.

CASE 2415—VICTOR ERICKSON

This claim arises out of the destruction of the ss. *Snowdon Range* by enemy action on March 28th 1917, off the Irish Coast. The loss of the vessel, in the manner indicated, is established by Admiralty reports.

Claimant, a naturalized British subject, was employed aboard as a stoker. He claims for the loss of his personal effects. It appears from the record that claimant was originally a Swedish subject, who was naturalized in Cardiff, Wales, in 1911. He came to Canada to reside in September 1920. At the hearing, he was advised that this Commission had no jurisdiction to entertain the claim, because he had not become a resident of Canada, on or prior to January 10th, 1920.

This view is now confirmed. For reasons set forth in Opinion No. 1, annexed to my Interim Report, January 10th, 1920, date of the ratification of the Treaty of Versailles, was selected as the date constitutive of jurisdiction. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2543—WILLIAM A. FERGUSON

This claim arises out of the destruction of the ss. *Mount Temple*, by enemy action, on December 6th, 1916. 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.

Claimant, a British subject, resident in Canada since 1905, was employed aboard the vessel as a horseman. When the *Mount Temple* was captured by the *Moewe*, claimant, with other members of the crew, was made prisoner, was finally landed in Germany and held in various camps for the duration of the war. He was at Swinemund, Brandenburg, Premnitz and Dulmen, and served in coal mines near the Austrian border until repatriated to England in November 1918. He was unwounded when captured, but complains that as a result of his experience his health has been shattered and his earning ability very seriously reduced. His claim is restricted to disability resulting from maltreatment. He tells the story, with which we have grown familiar in the numerous prisoner of war cases, of hard labour, insufficient food and frequent beatings. While he suffers no disability from these beatings, he urges that the stress and strain upon his physique, with starvation conditions, has impaired his health. Taken ill while at work, he was denied medical attention and was driven to work. He complains chiefly of his nervous condition and stomach ailments.

The medical evidence indicates that claimant suffers from chronic indigestion, loss of weight and strength. His percentage of disability is stated at from 33½ per cent to 50 per cent. Dr. Clarence F. A. Gray, who certifies to the foregoing, did not appear before the Commission, but states it as his opinion, in his certificate, that claimant's experiences may well have resulted in his present debilitated condition.

The main difficulty in this case is lack of corroboration as to claimant's presence aboard the *Mount Temple*. There is only his unsupported statement to establish the fact. I have, however, carefully compared his statement of the circumstances surrounding the loss of the vessel and the sequence of events which followed, and, I find that the recital is entirely consistent with the statements of other members of the crew who were captured at the same time. Claimant's version tallies so closely with other evidence, that I have become convinced that he was, in fact, aboard the vessel and was taken prisoner as stated. The medical evidence connecting his present condition with his experiences in Germany, also leaves much to be desired, but, again, having regard to the mass of testimony brought before us, in prisoner of war cases as to the conditions prevailing in the coal mines, where claimant was compelled to work, I regard it as more than probable that claimant's health suffered as a result of his treatment there. I am of opinion, therefore, that claimant has been successful in showing some disability resulting from treatment while held captive.

I have analyzed the decisions of previous Commissioners dealing with prisoners taken from the *Mount Temple* and who underwent treatment somewhat similar to that meted out to claimant. Even in the case of a prisoner wounded at the time of capture the highest award made was \$1,595, which covered damage to health, loss of effects and loss of time. It must be borne in mind that claimant, unlike military prisoners of war, is not entitled to pension, and received no accumulated pay upon repatriation. His position is, therefore, quite different to that of soldier claimants. Applying the principles stated in Opinion No. 2 to my Interim Report, and having regard to the circumstances of claimant's captivity, I would recommend a payment to claimant 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, August 31, 1932.

CASE 2299—MRS. G. H. FLINT

The claimant is a Canadian, widow of the late G. H. Flint. At the outbreak of war she was resident in Leipsic, Germany, with her two daughters, aged 21 and 19 years respectively. These young ladies were completing their musical education. Claimant had furnished an apartment from the savings effected by her out of moneys supplied by her husband. For several months, apart from petty annoyances, claimant and her daughters were not interfered with by the German authorities. Finally, early in November, 1914, an opportunity arose to leave the country and claimant left her apartment with her two daughters, taking only a few suit cases, containing their personal effects. At this time, a son was living with them. He was not allowed to leave and remained on in the apartment until January 1915, when he was abruptly arrested and taken to Ruhleben camp, where he remained for the duration of the war.

Claim is now made by claimant for the value of her household furniture and effects, which she abandoned in her precipitate departure from Germany. This portion of the claim is placed at the sum of \$1,800, \$800 for a grand piano, and the remainder for household effects. Claimant also seeks to recover a further sum of \$2,000 for "food supplies to my son, W. G. Flint, in German prison and partial support of his wife and family in Canada." I may say, at once, that I do not regard this latter claim as having merit. The damage is too remote and, moreover, has not been established.

As to the claim for loss of effects, I find it proved that Mrs. Flint and her two daughters were resident in Germany, as alleged, and that they probably had the effects for which claim is made. I find also that these effects were properly her property. The evidence as to why these goods were not stored is not entirely satisfactory nor has it been shown that efforts have been made to recover the property since the war. Notwithstanding these discrepancies in the record, I have reached the conclusion that it is a proper inference from the facts shown that the goods in question were seized or taken possession of by the German authorities upon the arrest of claimant's son. The evidence of value is not complete, but having regard to all the circumstances, I believe it is fair to say that claimant sustained damage by the illegal taking of her property, to the extent of \$1,200.00 and I would, accordingly, recommend payment to her of this sum, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment. (Opinion No. 4. to Interim Report).

NOTE.—Interest allowed from January 10, 1920, only, because date of loss indefinite.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2387—ANDREW FRAZIER (FOUGERE)

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 previous awards (Cases 1668 and 1687). The presence of claimant aboard the vessel, as a fisherman, is proven by the crew list furnished by the Mixed Claims Commission, corroborated by the statement of a witness who was a shipmate with claimant.

Some confusion has arisen as to claimant's name. The birth certificate produced evidences the birth in Nova Scotia of Andre Clifford Fougere (said to be the French version of his name) while the claimant is now known as Andrew

Frazier. The evidence has clearly explained the discrepancy and established the identity of claimant as a British subject, whose name was anglicised when he went to live in the United States. He is shown to have retained his British citizenship. He makes claim for the loss of his personal effects and the usual solatium.

Applying the principles stated in Opinion No. 3 to my Interim Report, I consider claimant entitled to an award upon the same basis as other fishermen claimants. I would, accordingly, recommend payment to claimant of the sum of \$600.00, with interest thereon, 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, October 13, 1932.

CASE 2295—JAMES GILBERT

Claimant is a British subject, born in England, who came to reside in Canada on May 30, 1920. He makes claim for the loss of personal effects and damage sustained through the bombing of his home at Walthamstow, in August or September 1916. At the time claimant was enlisted and training at Windsor and does not know personally of the air raids in question. He saw the premises immediately after the occurrence. No other evidence is made as to these raids nor has any proof been made of the extent of the damage sustained.

At the hearing, claimant was advised that this Commission could not assume jurisdiction of the claim because he was not resident in Canada on or before January 10, 1920, date of the ratification of the Treaty of Versailles. As explained in Opinion No. 1 to my Interim Report, this date was selected as constitutive of jurisdiction. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2684—JOSEPH D. HELIE

This claim arises out of the destruction of the S.S. *Englishman* on March 24, 1916, by enemy action, in the North Channel, between Scotland and Ireland. The loss of the vessel, in the manner indicated, is established by Admiralty reports.

Claimant, a Canadian born, was aboard the vessel in the capacity of ship's surgeon. This latter fact is established by contract of engagement and certificate of the vessel's owners that he was aboard at the time of her loss. Claimant has also produced his birth certificate. He now makes claim for the value of his personal effects, medical instruments and books and some cash, which were lost when the vessel went down. The value placed upon these effects, including cash, is \$750.00.

Claimant has quite definitely established the necessary facts entitling him to an award and I see no reason to question the value placed upon his personal effects and medical equipment. The amount claimed seems reasonable. I would, accordingly, recommend payment to claimant of the sum of \$750.00, with interest thereon, at the rate of 5% per annum, from January 10, 1920 to date of payment. (Opinion No. 4 to Interim Report).

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 12, 1932.

CASE 2294—J. J. HILL

This claim arises out of the destruction of the Irish Mail Packet S.S. *Leinster*, on October 10, 1918, by enemy action in the Irish Sea. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports.

The claimant, born in England, but resident in Canada since 1911, had enlisted with the Canadian Expeditionary Forces, Regimental No. 70232. He was discharged after being wounded in 1916 and joined the Royal Garrison Artillery in 1917 as a gunner—Regimental No. 119857. A certificate of employment during the war is filed by claimant, which establishes the foregoing facts and also corroborates his statement that he was aboard the *Leinster* when she was destroyed. The evidence shows that claimant was an enlisted man at the time of the loss and was being transferred from Ireland from one unit to another. His claim is for the loss of personal effects and cash, with some suggestion of personal injury, which latter claim was not, however, pressed. The sum claimed for loss of property and cash is \$300.00.

I do not consider that claimant can qualify as a civilian claimant. He was at the time, a member of the British military forces and as such has no claim within the relevant sections of the Treaty of Versailles. Moreover, there is no corroboration as to the effects and cash lost, or proof of the value thereof. In these circumstances, the claim cannot be allowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 12, 1932.

CASE 2402—W. T. JOHNSON

Claimant appeared before the Commission at its Vancouver sessions on October 9, 1931, and put forward a claim for loss of property. Before he went overseas claimant had made some improvements to a property on the North Thompson river. When he enlisted he locked the place up and upon his return found that it had been broken into, the door casings and windows taken out and all furniture removed. He is unable to say when or how this occurred. It was pointed out to claimant, at the hearing, that without some evidence of enemy action the claim could not succeed. The matter was not further pressed, and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 1950—ERNEST JONES

This claim arises out of the destruction of the ss. *Towergate* on April 16, 1917, by enemy action. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty reports and certificate from the Registrar-General of Shipping, dated June 17, 1931, which latter document, together with certificate from her owners, corroborates claimant's statement that he was serving aboard the vessel, as 3rd Engineer, at the time of her loss.

The claimant is a British subject, born in England, but who became resident in Canada in 1918. While claimant was on duty in the engine room, the vessel was torpedoed, two days out from Bermuda, on a voyage to England.

The vessel began to go down by the head and the crew was compelled to jump for the lifeboats. In doing so claimant declares that he was "caught right in the crotch," causing injury, and also sustained an injury to his left hand in seeking to protect himself. After 4 days and 5 nights in an open boat, 19 members of the crew, including claimant, landed at Blasket Islands, Ireland. F. J. Derrick, 2nd Engineer aboard the vessel, who has furnished an affidavit, thus describes their experiences: "That during said period there were 10 or 11 men in the boat without food or water, in a strong icy cold northwest wind and some of the men died and some went mad and the others had severe frost-bite and had afterwards to get fingers and toes amputated. . . ." He adds that claimant suffered exposure and severe physical injuries. While not precisely similar to claimant's statement as to the site of the loss of the vessel or the number of men in the boat this evidence substantially corroborates claimant's story. Claimant declares that he received medical attention for his injuries at Limerick and was laid up for 5 weeks. Efforts have been made to corroborate this statement, because reports of the loss do not contain any mention of an injury to claimant. The only evidence of this nature consists in a certificate of Dr. D. S. Dewar, of North Shields, who declares that claimant was a "panel patient of mine while I was in practice at Wellington Quay and as far as I can remember I attended him for injuries received while he was resident there." It will be seen that this is not very satisfactory or conclusive evidence of the fact of injury. After careful consideration of all the evidence, I have, however, reached the conclusion that claimant did sustain an injury at or during the time the vessel was destroyed and that his story of the circumstances, with such corroboration as is furnished by the certificate of the second engineer, may be accepted.

The medical evidence now furnished consists in certificates of Dr. J. N. Humphrey, dated April 8, 1931 and April 19, 1932. I quote from Dr. Humphrey's latter certificate, "There is a definite enlargement of the right testicle, due to an acute orchitis (inflammation) which was apparently due to his injury at that time. The extra weight of the testicle has caused a dropping of the scrotum (bag) which necessitates his wearing a support. I am convinced that this dragging condition causes the pain in the lower part of the abdomen. He also complains of sexual impotence, which I believe is directly due to his injury and this no doubt affects his general health."

Claimant was examined by the medical adviser to the Commission, Dr. J. P. S. Cathcart, who noted the condition referred to and recommended certain tests, which were duly carried out with negative results, thus eliminating a very usual cause for the existing condition. Dr. Cathcart places claimant's disability at about 15 per cent.

Claimant claims a sum of \$10,000 for personal injuries and while he declares in his testimony that he restricted his claim to this head of damage, he suggested that the usual allowance for loss of personal effects should also be made. It appears from the evidence that claimant received £25 from the British Government for loss of effects, as also some allowance from the owners of the vessel for standing by his engines when the vessel was torpedoed. I do not consider that claimant is now entitled to claim for loss of personal effects but should receive the usual solatium payable to merchant seamen, which in his case, would amount to \$250. (Opinion No. 3 to Interim Report.)

On the question of personal injuries, I would recommend a payment to claimant of \$1,500.00 thus making a total payment to him of \$1,750.00, with interest thereon, 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, October 13, 1932.

CASE 2744—ALEX KAVANAGH

This claim arises out of the destruction of the ss. *Border Knight*, by enemy action, on November 4, 1917, 1½ miles E.S.E. the Lizard, with loss of one life. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty Reports.

The Claimant, a Canadian born, was employed aboard the vessel as a seaman. He has produced his discharge certificate, which bears out his statements in this respect. In the first instance, claimant made claim for personal injuries sustained when the vessel was destroyed. He has, however, abandoned this claim and merely seeks to recover for the loss of his personal effects and the usual solatium paid to seamen aboard merchant vessels. He has produced corroborative evidence of his presence aboard the vessel by the certificate of a shipmate.

Applying the principles stated in the Opinions annexed to my Interim Report, and having particular regard to the observations contained in Opinion No. 3, I consider that claimant is entitled to an award upon the same basis as other seaman claimants. 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 to Interim Report).

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 18, 1932.

CASE 2363—J. R. KAYSER

This claim arises out of the destruction of the steamer *Argo*, said to have been sunk by enemy action, in February, 1916, on a trip from Dover to Boulogne. The Admiralty Records contain the reports of three vessels of this name sunk by enemy action. Claimant, who declares he was a seaman aboard the vessel, makes claim for the loss of his personal effects. Apart from his unsupported statement, there is no evidence to corroborate the fact that he was aboard. His discharge book has not been produced.

It moreover appears from the record that claimant first became a resident of Canada in 1921. For the reasons explained in Opinion No. 1 to my Interim Report, this Commission is without jurisdiction to entertain the claim. It is only in cases of persons who became resident in Canada prior to January 10, 1920, that this Commission is empowered to deal with claims. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2308—MRS. A. E. KNIGHT

This claim arises out of the destruction of the ss. *Hesperian*, on September 4, 1915, by enemy action. 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 numerous awards by previous Commissioners.

Claimant, a British subject, resident in England, accompanied by her daughter, was on her way to Canada to join her son, and was bringing with her, her personal and household effects. This property was lost when the

vessel went down, and claimant now claims the value thereof, which is estimated at \$1,460. It appears from documents produced at the hearing that claimant and her daughter were passengers aboard the vessel. It is also in evidence that claimant came out to Canada to reside in October, 1920.

As a result of these facts, this Commission is without jurisdiction to entertain the claim. For reasons which have been explained in Opinion No. 1 annexed to my Interim Report, the date of the ratification of the Treaty of Versailles, January 10, 1920, has been fixed as constitutive of jurisdiction. Claimant, while a British subject, was not resident in Canada on or previous to that date. Her claim, if any, should have been presented to the British authorities. Cases in which a similar question has arisen (No. 1703, No. 1704, No. 1767) have been decided in this sense. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 23, 1932.

CASE 2376—CHARLES LILBURN

This claim arises out of the destruction of the ss. *W. H. Dwyer*, by enemy action in the English Channel, on August 26, 1917. 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 an award to her owners (Case 1611).

The claimant, a British subject, resident in Canada since 1913, was Chief Engineer aboard the vessel, as is shown by his discharge certificate, and letter from her owners. At the time of the casualty he was in his cabin and made his escape without being able to remove his personal effects. The crew took to the boats within 8 minutes of the torpedo striking the ship. Claimant now makes claim for the loss of his personal effects, which he values at the sum of \$830.70. He also claims for loss of wages resulting from the destruction of the vessel, together with a sum for hotel expenses at Liverpool and Cardiff. These latter two items cannot be allowed.

Claimant has proven his presence aboard and the loss of his personal effects. He is accordingly entitled to an award upon the same basis as other seamen claimants. Applying the principles stated in Opinion No. 3 to my Interim Report, I, accordingly, recommend payment to him of the sum of \$700, 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, August 30, 1932.

CASE 2300—E. L. LUCK (Marjorie Luck)

The claimant, a Canadian, makes claim for the expense he has incurred through the illness of his daughter Marjorie Luck, which is attributed to maltreatment and terrorization while claimant and his two daughters were detained as civilian prisoners in Leipsic, Germany, in 1914 and 1915.

About 3 weeks after the outbreak of war, claimant was arrested, held in jail for one day and then released on parole. Meanwhile, his two daughters, then aged 6 and 4 years, the younger being Marjorie, were locked up in the house, but were then taken care of by a German friend, who was also instrumental in

obtaining claimant's release on parole. The children's mother had died a few months before the war of tubercular peritonitis.

Claimant was compelled to move to Kennitz and forced to report to the Police twice a day, at 9 a.m. and 5 p.m. His children were compelled to attend school by the authorities and although claimant tried to meet them in the afternoons, he could not do so because of his reports to the Police. The children were generally terrorized at school, and apparently set upon as enemies, by their fellow pupils. This went on from November 1914 until March 1915, when claimant was exchanged and allowed to take his children with him. He declares that these experiences terrified the two little girls, and that they cried constantly. When they left Germany they were "shaken, frightened of everything and I would say jumpy". Subsequently they suffered, particularly Marjorie, from night terrors. Aged about 18, Marjorie attempted to take up nursing but had to give it up. She suffered from an attack of amnesia, wandered away from the hospital and was found, hours later, several miles away. Finally she developed what has been described as dementia praecox (schizophrenia catatonica) and was a patient in the provincial institution at Ponoka for 8 months. It was, at first, thought that her condition was incurable, but suddenly, some time before the hearing, she made a complete recovery and has now been able to resume her occupation as a hair dresser in a beauty parlour. Claimant ascribes this trouble to the terrorization to which the child was subjected while in Germany. A complete report upon the case has been obtained (with claimant's consent) from Ponoka. The history of the case bears the indication that the mother of claimant's daughter suffered from epilepsy and that there may thus have been some predisposition to mental trouble. I am advised, and I concur in the view, that it is highly improbable that the childhood experience of this young lady are the origin of her later condition. It seems unlikely that a child of such tender years could appreciate such terror as would do her lasting harm. I am of opinion that the origin of the malady must be sought elsewhere.

In these circumstances it is impossible to reach a finding in claimant's favour. I do not consider that he has succeeded in showing that the malady from which his daughter suffered was induced by or may be attributed to maltreatment by the enemy. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

Ottawa, October 13, 1932.

CASE 2512—EMILE LYNCH

This claim arises out of the destruction of the ss. *Lincolnshire*, by enemy action off the coast of Ireland, on March 29, 1917. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty reports.

Claimant, a Canadian, produces his discharge certificate, from which it appears that he was employed aboard the vessel as an able seaman. He makes claim for the loss of his personal effects, detailed list whereof is filed, to a total value of \$524.85. He explains that at the time of the casualty he took to the boats and had no time to get any of his effects, as the vessel sank very rapidly.

Claimant has established the necessary facts, and for reasons expressed in Opinion No. 3 to my Interim Report, I consider him entitled to an award for loss of personal effects and solatium upon the same basis as other seamen of the same classes. I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment. (Opinion No. 4 to Interim Report).

ERROL M. McDOUGALL,
Commissioner.

Ottawa, August 31, 1932.

CASE 2396—THOMAS F. McCUTCHEON

The claimant, a Canadian, was the owner of a block of buildings at Bellevue, Alberta, which was destroyed by fire in the fall of 1917, when the claimant was serving with the forces in France. He had left the property to be administered by a friend, who seemingly, not only failed to account for the revenues collected but also allowed the insurance to lapse, with the result that claimant suffered a total loss. He now makes claim on the suspicion that the property was destroyed through enemy action. He has absolutely no evidence to offer to support this contention, but surmises that because the fire originated in premises occupied by a person said to be a German, that this fact will base a claim. It was pointed out to him, at the hearing, that the evidence was quite inadequate and the claim has not been further pressed. In the circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

Ottawa, October 13, 1932.

CASE 2337—MAUD MORGAN (Minor)

This claim arises out of the destruction of the ss. *Shimosa* on July 30, 1917, by enemy action. The fact of the loss of the vessel, in the manner indicated, with loss of 17 lives, is established by Admiralty Reports.

Claim is made on behalf of the above named minor (aged 17 years) by her grandfather, George Brown, with whom she is now living. Claimant's father, Robert James Morgan, was first officer aboard the vessel and lost his life when she was destroyed. Claimant, then an infant, was taken care of by friends and finally came on to her grandfather in 1930. She was born in Newfoundland, which was also the home of her father and mother. The latter died at the time of claimant's birth. On behalf of his minor granddaughter, George Brown, who is well advanced in years and incapable of furnishing claimant with adequate support, makes claim for the loss of claimant's father and asks a sum to assist in her education and maintenance.

The case has merit, but, unfortunately for claimant, this Commission is without jurisdiction to entertain the claim. On the principles stated in Opinion No. 1, annexed to my Interim Report, only those claimants who were resident in Canada, on or before January 10, 1920, date of the ratification of the Treaty of Versailles, are eligible for compensation in Canada. In this case, deceased was a resident of Newfoundland, at the time of his death, as was also his minor daughter, the claimant. She only came to Canada in 1930. Whatever claim she may have is, therefore, properly a matter for the consideration of the Newfoundland authorities. As stated at the hearing, we are forwarding the file to Newfoundland, for such attention as it may there receive. Very reluctantly, I am compelled to disallow the claim here.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 23, 1932.

CASE 782—H. C. S. MORRIS

This is an application to reopen an award made by the late Dr. Pugsley, for the purpose of obtaining interest beyond the date stated in the decision. It is contended that interest should run from the date of loss rather than from date of the ratification of the Treaty of Versailles, January 10, 1920, as allowed by Dr. Pugsley.

I am clearly of opinion that I have no authority to reopen and revise a decision of a previous Commissioner, whatever my views may be as to the date from which interest should run. The case is distinguishable from the decision in case No. 1211, wherein supplementary interest was allowed because of what appeared to have been an inadvertent omission in the original award.

The present claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 20, 1932.

CASE 2413—T. E. MORRISON

Claimant is a Canadian, born in British Columbia. In February, 1917, he joined up with the Inland Water Transport and served with Capt. Walker (case No. 2371) aboard the *H.S. 3*, as chief Engineer, when she was captured and destroyed by enemy submarine on September 12, 1917. Claimant held the rank of acting sergeant with the Royal Engineers, as is shown by his pay book, which was produced. With Capt. Walker, he was taken aboard the German submarine, kept for 22 days, landed at Cattaro, in Austria, and finally was sent as a prisoner to Brandenburg camp in Germany.

Claimant has not completed the usual documents and the record consists merely of his testimony. He makes claim for the loss of his personal effects and there is also a suggestion that claim is made for personal injuries. Claimant suffers from sciatica and rheumatism. He is in receipt of pension, amounting to \$17.00 per month, presumably for sciatica. There is no medical evidence of record and the claim for injury has not been otherwise substantiated.

I must find, in this case, as I have in the case of Capt. Walker (2371) that claimant, as an enlisted man, is not entitled to claim for the loss of personal effects, which, at all events, were mostly of a military nature. He has not shown any disability resulting from maltreatment whilst a prisoner of war. There is some question as to the rate of pay to which he was entitled, but this clearly is not a matter for this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2315—MRS. ELIZABETH PARKER

This claim arises out of the destruction of the ss. *Shakespeare* on February 7, 1916. Claimant (since remarried) was the widow of the late C. E. Lawrence, an Engineer aboard the vessel, who lost his life when she went down.

Claimant received an award from Commissioner Friel (Case No. 1161) in the sum of \$1,200 with interest, for the loss of her husband's life. She now advances the present claim, on the grounds that the allowance so made was inadequate. It was explained to her, at the hearing, that this Commission has no authority to reopen or review findings of the previous Commissioners. The claim as now presented has no merit and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 23, 1932.

CASE 2667—HARRY SORD

This claim arises out of the destruction of the ss. *Anglo-Columbian* by enemy action on September 23, 1915, off Fastnet. 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 1094, 1100, 1105, 1186 and 1683).

The claimant, Canadian born, shipped aboard the *Anglo-Columbian* as a horseman. His statement that he was aboard the vessel is corroborated by the testimony of a shipmate, George Leduc, and while no evidence has been adduced from owners certifying to his presence, I am satisfied that he did serve aboard in the quality stated, when the vessel was lost.

Claimant makes claim for the loss of his personal effects. In his original statement he also claimed for the loss of certain deeds to property and personal injury sustained when the vessel went down. This latter claim has not been made out, nor has he been successful in showing that he sustained damage through the loss of title deeds. I consider that claimant is entitled to recover on the same basis as other seamen in the Merchant service. Applying the principles stated in Opinion No. 3 to my Interim Report, I would accordingly, recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 28, 1932.

CASE 2328—WILLIAM SUTHERLAND

This claim arises out of the destruction of the ss. *Salybia* by enemy action, off Dungeness, in the English Channel, on March 24, 1916. The fact of the loss of the vessel, in the manner indicated, is established by Admiralty reports and discharge book produced by claimant.

Claimant, a British subject, resident in Canada since 1913, was employed aboard the vessel, as 3rd Mate, which fact is shown by his discharge book. At the time of her loss, claimant was in his cabin and escaped to the boats without being able to save any of his personal effects. He declares that his leg and hands were injured in taking to the boats, being jammed against the side of the vessel. He now makes claim for the loss of his effects and personal injuries in a total sum of \$4,435.50, \$1,000 whereof is for loss of earnings and personal injuries. Claimant files a very complete list of the personal effects which he had with him, but without corroboration as to the quality and value of this property, I cannot accept the statement in full. It was a very elaborate outfit for a 3rd Mate, aboard a cargo vessel. At all events, I do not consider that detailed evidence as to this property is required.

Claimant should be treated upon the same basis as other merchant seamen, to whom awards have been made in accordance with scale set out in Opinion No. 3 to my Interim Report. Claimant would also be entitled to the solatium usually accorded in these cases. I do not find the evidence justifies a finding that the personal injuries, in respect of which claimant claims, have left any permanent disability. Claimant, very frankly, so admits in his testimony.

Having regard to all the circumstances and to the consideration set out in Opinion No. 3 above referred to, 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, August 30, 1932.

CASE 2374—JAMES TIERNEY

This claim arises out of the destruction of the ss. *Lusitania* by enemy action, on May 7, 1915, under circumstances which are well known.

The claimant, a British subject, born in Scotland, but resident in Canada before the war, makes a claim for the loss of the lives of his wife and minor daughter, who were second class passengers aboard the vessel. At the hearing, claimant was unable to furnish any documentary evidence of their presence aboard. Since that time, claimant has produced letter of the Cunard Line, dated June 4, 1932, certifying that according to their records Mrs. Tierney and Miss Nina Tierney were passengers aboard the vessel and that their bodies were recovered and identified after the casualty, and buried at Queenstown, Ireland, on May 10, 1915. Claimant's marriage certificate, as also birth certificate of his daughter, filed of record, establish claimant's marriage to his deceased wife at Glasgow, Scotland, and the birth of their child at the same place. In addition to the claim for the loss of his wife and child, claimant also seeks to recover the value of the personal effects and cash which his wife had with her at the time of her death. The letter from the Cunard Company indicates that the recovered property was forwarded to claimant, but in subsequent letter it is stated that it is not possible to state exactly what property was returned to him. Claimant himself declares that the only thing he received was the wedding ring, together with the sum of £10. He places a value of \$2,100 on the personal property lost, including some \$1,000 cash, which he declares his wife had with her for the voyage home. On this feature of the case, there is produced affidavit of John C. Armstrong, who knew the deceased for many years and who apparently saw her off at New York. This witness declares that deceased had in her possession approximately \$1,000, her jewellery, personal effects, as also those of the child, the whole to a total estimated value of \$2,100 to \$2,200.

Claimant was in no sense dependent upon his wife. At the time of the loss he was earning about \$30 per week and was supporting his wife and daughter. The money she had with her had been supplied by him and constituted her savings in anticipation of her voyage to her former home. It must be borne in mind, as is more fully explained in Opinion No. 1 to my Interim Report, that it is not the value of the life which is lost which forms the basis of the damage sustained, but it is the loss occasioned to the survivor entitled to claim. It is difficult to estimate the value of the deprivation of a wife's society and, while it can be safely said that the mental shock and suffering to a husband and father who loses his wife and daughter in such a disaster as occurred, constitutes a ground of recovery against the wrongdoer, it is likewise difficult to estimate such loss. That, however, is no reason to disregard such claims. The evidence as to the value of the personal effects and cash lost is, perhaps, as definite as it could be, but I am not prepared to accept the valuations given at the full stated amounts. Viewing the case as a whole, and, without attempting to allocate the damage under separate items of claim, I am disposed to recommend a payment to claimant of \$2,000 covering damages for loss of life as well as loss of property, with interest upon said sum, 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, October 13, 1932.

CASE 1601—S. C. TIPPETT

This claim arises out of the destruction of the ss. *Missinabic*, by enemy action on September 9, 1918. 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 awards by previous Commissioners.

The claimant, a Canadian, was a conducting officer in the Canadian forces and was returning from England aboard the *Missinabic* as a passenger. He claims for the loss of non-military effects a sum of \$210, a detailed list whereof, with valuations, is included in his claim. The claim was filed with the previous Commissioners, but claimant did not appear to substantiate it. Since that time he has furnished evidence that he was a passenger aboard the vessel. While he has made no evidence as to the value of the effects lost, I am inclined to accept the statement contained in his claim covering these effects and the value thereof. The amount claimed does not appear to be excessive.

I would, accordingly, recommend payment to claimant of the sum of \$210, with interest thereon, at the rate of 5 per cent per annum, from September 8, 1918, to date of payment. (Opinion No. 4, Interim Report.)

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2326—R. P. TOWER

This claim arises out of the destruction of the three-masted schooner *Willena 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 the evidence of a shipmate, August Anderson.

Claimant, a British subject, born in Nova Scotia, makes claim for the loss of his personal effects and the usual solatium. His presence aboard the vessel, as an able seaman, is corroborated by the evidence of another member of the crew. The *Willena Gertrude* was bombed and destroyed by the enemy, the crew being taken aboard the submarine and later put in their boats. They eventually landed at Santa Maria.

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 \$500, with interest thereon, 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, October 13, 1932.

CASE 2312—R. G. VENN

This claim arises out of the destruction of the ss. *Lusitania* on May 7, 1915, by enemy action, in circumstances which are well known.

Claimant is a British subject, born in England, but resident in Canada since 1912. He claims a sum of \$4,950.00, by reason of the loss of his brother's life (Harold Stanley Venn), who is alleged to have been a passenger aboard the *Lusitania*. The claim is made up of \$200 passage money and currency advanced to deceased; \$750.00 value of his effects and gifts to parents in England and \$4,000.00 to cover abandonment of agreement with the deceased

brother as to partnership in a manufacturers agency. The deceased is declared to have died unmarried and intestate.

At the hearing claimant was unable to furnish any definite details of his claim. He was not dependent upon his brother and is in no way entitled to claim for his death. He was equally unable to furnish any particulars of the alleged partnership agreement, but, in any event, a claim based upon the non-consummation of such an agreement, by reason of the death of the claimant's brother, would have been too remote to merit consideration. There is no evidence, apart from claimant's bare statement, as to the money advanced to his brother, and even as to this claimant cannot fix the amount, nor show how it was paid, whether in cash or otherwise.

In this state of the record, it is clear that claimant has failed to make out a valid claim. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

CASE 2371—JAMES WALKER

Claimant is a British subject, born in Scotland, who came to reside in Canada in 1910. At the outbreak of war he was 46 years of age. He was living in Victoria and had been employed as a ship master for many years. He made many unsuccessful attempts to enlist but was refused because of his age. Finally, in January, 1917, he was taken on in Victoria by the Royal Engineers (Inland Water Transport). His certificate of discharge declares his rank as acting Company Sergeant Major. He was sent to England, after some preliminary training at Montreal, and served with the North Sea and Channel Ammunition Transport. In August, 1917, he was aboard the *H.S. 3*, out to Mesopotamia from Plymouth, acting in the capacity of Chief Officer. On or about September 12, 1917, the vessel was captured by a German submarine and destroyed. Claimant, with 3 others, was taken aboard the submarine, where he remained for 22 days, was finally landed at Cattaro, in Austria, detained for a few days in a fortress, and then sent on, as a prisoner, into Germany, to Brandenburg camp, where he remained until repatriated to England in December, 1918. He does not complain of any physical brutality whilst held a prisoner but declares that they were made to stand to attention for long periods and were not given sufficient food. Claimant now suffers from diabetes and has produced the certificates of Doctors E. M. Pease and G. L. Hodgins certifying to this condition. Dr. Hodgins declares that, in his opinion, this malady has existed since the time of claimant's service.

Claimant has not completed the usual documents and was quite frank in declaring that he did not know whether he was entitled to claim. The claim, if any, would be for loss of personal effects and disability.

After very careful consideration of the record, I have reached the conclusion that claimant has no claim for reparations. As an enlisted man, he was a member of the British forces, and cannot qualify as a civilian seaman claimant. He was captured whilst engaged in warlike operations and cannot claim for loss of effects. While held captive in Germany he does not appear to have been subjected to maltreatment and I do not consider that the record justifies a finding that his present condition is attributable to maltreatment. Such claim, if any, would be a matter for the consideration of the Board of Pension Commissioners. With great regret, I am, accordingly, bound to disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 13, 1932.

SCHEDULE OF DISALLOWED MILITARY CLAIMS

Case No.	Name of Claimant	Case No.	Name of Claimant
2351	Adecock, Ernest Leonard	2588	Frizell, Charles Henry
2475	Alexander, Major George McKay	2440	Fulford, James Thomas
2570	Anderson, James Andrew	2480	Garrett, Beverly N.
2573	Armstrong, Frederick James	2422	Gibson, William Henry
2419	Ashbourne, Bertram Noel	2486	Gilbert, S. J.
2497	Baker, Charles William	2231	Gillespie, Milo John
2244	Baker, Capt. Richard P.	1932	Godard, John S.
2701	Ball, Fraser C.	2589	Gold, Frank Stewart
2430	Barley, Samuel James	2479	Gray, William
2331	Barnes, John William	2297	Greenwood, Ralph
2282	Bartley, A. E.	2462	Hammond, John
2274	Batchelor, Herbert	2520	Hanley, Walter Thomas
2014	Beddoe, Allan B.	2592	Harvey, John Cyril
2249	Bellew, Captain Edward Donald, V.C.	2674	Harvey, Capt. John B. B. De M.
2023	Bellinger, S. H.	2463	Hayward, Ernest
2608	Bishop, Albert	2174	Hayward, I. J. C. N.
2395	Blackburn, R. G.	2626	Heidman, Harry
2361	Blacklock, Alexander	2590	Hendry, Thomas Prescott
2427	Borcham, Frank J.	2394	Hibberd, Arthur
2232	Bowden, William	2143	Hickey, Thomas James
2661	Bowers, Thomas	1988	Hicks, C. D.
2468	Boyce, George F.	2500	Hicks, Francis G.
2307	Bradshaw, Blake	2373	Hipkin, Albert Edward
2618	Bridger, Gerard	2423	Hockley, Charles
2341	Brisbin, Capt. Harold Vincent	1982	Hogan, John C.
2659	Buffalo, (Bedford) Charles	2058	Holmes, Alfred
2552	Bumpstead, Reginald	2236	Hughes, J. H.
2615	Bunyan, Harry	2457	Hughes, Wilfrid Harvey
2400	Burgess, Arthur Robin	2288	Hunt, Robert Frederick Carew
2464	Caldwell, Robert	2284	Hurrell, Edward
2586	Cameron, John Frederick	2153	Hutchison, Robert
2619	Cannon, Arthur Edwin	2521	Ingham, Joseph
2411	Carr, Arthur H.	2484	Irving, George
2034	Chadwick, John B.	2502	James, Harry H.
2465	Clark, Frederick	2392	Jarvis, John Eustace, M.C.
2672	Clark, William Henry	2279	Jaynes, John Neville
2230	Collins, William Robert	2280	Jaynes, Percy C.
2668	Connon, Stanley Alfred	2494	Jellett, Ewen MacNider
2498	Conroy, Jeremiah	2290	Jervis, Mrs. Nellie
2264	Cooke, John William	2303	Jodoin, Arthur
2229	Coomber, William	2575	Johnston, Harry Alexander
2302	Cooper, John George William	2574	Jones, David John
2380	Coover, George Walker	2545	Jones, Harry
2476	Corrie, Major R.	2172	Jones, Henry Joseph
2367	Cowan, Neil Martin	2490	Jones, Robert
2159	Crawford, William	2665	Jones, Thomas Albert
2281	Crowe, B. F.	2501	Judge, George E.
2441	Cully, Thomas	2381	Kane, Lawrence J.
2560	Cunningham, Edward	2474	Kearney, Hubert Richard
2485	De Hart, L.	2420	Kellard, James
2459	Dent, Robert Everett	2482	Kidd, D.
2519	Dickson, John Charles	2451	King, John P.
2518	Drummond, Charlton Mayo	2522	Kingsland, Walter R.
2587	Ducie, Peter Joseph	2613	Kirby, William
2542	Duguid, William George	2296	Lacey, James Hilliard F.
1951	Edwards, Bernard	2594	Lamerton, Alfred Frank
2620	Ellis, Charles Henry	1069	Lavine, Gilbert William
2567	Evans, John	2428	Lawrence, Harold
2347	Faulkner, Clark	2488	Lee, Maurice
2535	Fellows, H. V.	1962	Leigh, Richard
2052	Finnimore, John William	2438	Lever, Reuben Angelo
2460	Fogarty, John Henry	1991	Lockwood, Harry B.
2437	Forbes, George Thomas	2245	Lumsden, Arthur Carr
2556	Foster, William Andrew	1996	MacCharles, M. D.
1960	Foyster, Kenneth	2273	MacDonald, Leroy
2624	Freeman, H. G.	2078	MacFarlane, George R. E.

<i>Case No.</i>	<i>Name of Claimant</i>	<i>Case No.</i>	<i>Name of Claimant</i>
2019	MacIver, Roderick	2724	Ross, Angus
2060	Madden, Patrick Joseph	2425	Russell, Francis Edward
2298	Marr, James MacFarlane	2609	Rutherford, James Williamson
2682	McCarthy, John Thomas	2292	Sangster, Philip K.
2081	McCluskey, Albert	2598	Scott, John Duncan
2505	McConoghy, John Wesley	2291	Simmons, Mervin Cecil
2523	McConnell, Charles	2429	Simpson, Henry W.
2151	McGillivray, J. A.	2235	Sinclair, Alexander
2141	McIntyre, Lawrence	2417	Sinclair, Horace Victor
2154	McIntyre, Pte.	2276	Sinclair, William
2471	McKay, A.	2458	Siviter, Thomas
2553	McKee, Robert	2504	Smith, John Robert
2342	McKee, William John	2477	Smith, Major Fred
2275	McNally, Joseph	2287	Smith, W. E.
2473	McNichol, Alexander Inglis	2410	Spademan, George
2620	Mead, Frederick Walter	2406	Spencer, Charles Thomas
2310	Mellor, Charles Henry	2597	Stanley, Sydney L.
2503	Menard, Raphael	2581	Stewart, Charles
2399	Merry, Daniel, B.	2254	Stokes, C. P.
2175	Messenger, Wm.	2548	Stone, B. C.
2621	Miller, John Rolland	2539	Strumble, William Henry
2339	Mills, Charles E.	2421	Sutherland, William Allan
2432	Mitchell, Albert Edward	2156	Swartz, John
2627	Mitchell, Robert N.	2492	Symonds, Spencer Rupert
2383	Mitten, Robert Charles	2467	Taylor, Archibald
2595	Morris, George Thomas	2663	Taylor, Edgar
2630	Mott, Frederick Lionel	2455	Taylor, Frank E.
2516	Moulton, Richard	2128	Taylor, James Henry
2487	Munday, Stanley	2403	Taylor, Louis George
2398	Munro, Alexander	2454	Taylor, William A.
2233	Murray, Samuel John	2329	Thompson, Robert A.
2354	Neil, Thomas	2237	Thompson, T. C.
2664	Nicholson, Andrew	2409	Tison, Maurice
2348	Nicol, Robert	2537	Tomalin, Robert H.
2081	Nimmo, James	2377	Trevena, John
2355	Norris, Benjamin	2375	Turrell, John Henry
2491	Orr, Archie	2623	Vath, Gerald
2358	Paice, Ernest William	2300	Wadlow, Arthur George Edward
2434	Palmer, John	2424	Wakefield, Percival Richard
2155	Perowitch, Pte.	2404	Walker, Lawrence H.
2596	Peters, Wm. K.	2330	Watson, George
2628	Plaster, William Joseph	2436	Watt, Elmo Wesley
1931	Pope, Arthur D.	2600	Webb, Charles McGlenn
2393	Potentier, Albert	2111	Wedgewood, Stanley McBride
2452	Potts, William	2495	White, Reginald R.
2334	Price, Harold	2601	Whitworth, George
2335	Pyle, A.	2157	Wilkie, James
2563	Racey, B. R.	1930	Wilkie, James Longmure
2345	Ramsay, D.	2208	Williams, Albert
2346	Raper, Alfred Frederick	2285	Wilson, E. W.
2304	Reed, William Frederick	2525	Wink, James
2514	Regan, Vaughan, S.	2158	Witton, Robert
2416	Rennie, Donald	2478	Wixon, Harry
2472	Rew, Frederick Herbert	2418	Wrigley, Hedley
2622	Riley, Harold	2466	Zapfe, Ambrose Karl
2559	Robert, Joseph		

Total. 243

CASE 2353—ERNEST LEONARD ADCOCK

Claimant was a Private in the R.C.R. Regimental No. 47705. He enlisted in August 1915 at the age of 20 years. His attestation paper indicates that he was 24 years of age. He was taken prisoner October 8, 1913, on the Somme, slightly wounded in the foot with shrapnel, and was repatriated to England November 30, 1918. He is not in receipt of pension. He was married before going overseas, in April, 1915, and has two children. Prior to enlistment, he was employed as a locomotive fireman, earning \$95.00 per month, and is now doing similar work and although he has become an engineer, he is still employed at firing, at \$1,900 per year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, forced labour in the coal mines and injuries received to two fingers of the left hand and to his right foot. Says he also strained himself doing heavy lifting.

An analysis of the evidence reveals:—

Claimant was first taken to Cambrai, followed by Dulmen. His only complaint is as to the lack of food. He was then sent to the coal mines at Bochum where he remained until repatriated. The work was hard, but he does not appear to have been brutalized by the guards. He was made to stand to attention for long hours for refusing, with others, to work, because their parcels were held up. From heavy lifting, claimant declares that he developed a hernia which still gives him some trouble. He also met with a minor accident to his fingers, for which he received fair medical treatment. Upon another occasion his foot was injured when a cog wheel fell on it. He was in hospital for 90 days with this injury and has no complaints as to his treatment. As a result of these experiences, claimant complains that his back, the hernia and that his foot troubles him, the back being the worst disablement.

The medical evidence indicates that claimant has sustained crushing injuries to the ring and middle fingers of his left hand, injuries to right foot and suffers from an unabsorbed haematoma left breast. He is declared to be not incapacitated. Dr. O. E. Kennedy, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. Upon discharge from the service, his medical examination declares "all systems normal."

In this state of the record, I am unable to find that claimant has suffered any disability resulting from maltreatment whilst a prisoner. He appears to have come through his experiences remarkably well. His recourse, if any, will be before the Board of Pension Commissioners. I am not unmindful that claimant served time in the Coal mines, but his account of his treatment does not disclose any maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 11, 1932.

CASE 2475—MAJOR GEORGE McK. ALEXANDER

Notice of claim was received on behalf of the above named claimant through his Attorneys. The usual claim forms have not been completed, but it would appear from his military files that Claimant enlisted on the 22nd September 1914, was taken prisoner April 30, 1915, and repatriated to England on the 18th November 1918. Under date of March 8, 1932, his Attorneys advised that the claim was withdrawn. It is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 9, 1932.

CASE 2570—JAMES ANDREW ANDERSON

Claimant was a Private in the 4th C.M.R. Regimental No. 111006. He enlisted March 12, 1915, at the age of 18 years, and was taken prisoner June 2, 1916, at Mount Sorrel, unwounded but suffering from shell shock. He was released to Holland in October, 1918, and repatriated to England November 15 of that year. He is not in receipt of pension, was married April 26, 1923, and has two children. Prior to enlistment, he was an office boy, earning \$6 per week, and is now a salesman, earning about \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, labour in coal mines, solitary confinement for attempts to escape, and an injury to his hip in an accidental fall, while working in a lumber factory.

An analysis of the evidence reveals:—

Claimant has not completed the usual forms of statement of claim, although he was advised at the hearing that these must be completed and forwarded. From his testimony, it appears that he was first taken to Passchendale, thence to Dulmen, where he complains only of the food and punishment parades for breaches of discipline. Sent to Dortmund, he was given 14 days cells for refusal to work, and then found himself in Friedrichsfeld Camp, followed by Cassel. He again complains of the food and speaks of his treatment on a farm as fair. Sent to Lindford, in the coal mines, he complains of starvation and general abuse. He attempted to escape and was given 28 days cells, which was followed by a further experience in the coal mines at Oberhausen. His head was injured in an accident, but his main complaint is as to the food and punishment parades. He speaks well of the medical treatment given him for caraches. Removed to Hamm, employed in the lumber yards, claimant has no complaints. As a result of these experiences, claimant complains of the condition of his stomach and rheumatism.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files contain nothing unusual, no disability being shown.

In this state of the record, it is manifestly impossible to reach a finding in claimant's favour. There is no medical evidence establishing a present disability resulting from maltreatment, and the mere general statement by claimant that his stomach condition is not good is not sufficient to justify an award. Claimant has failed to make out a case, and the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 30, 1932.

CASE 2573—FREDERICK JAMES ARMSTRONG

Claimant was a private in the 15th Battalion,—Regimental No. 27035. He enlisted in August, 1914, at the age of 28 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wounds in the right leg and back and from gas. He was repatriated to England December 30, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$30 per month, based on chronic bronchitis and emphysema, gunshot wounds in the leg and back and psycho-neurosis. He was married July 5, 1920, and has four children. Prior to enlistment, he was employed with the bridge building department of the Canadian Northern Railway, earning about \$5 per day. Since discharge he was employed for a time as linesman with the Canadian National Railway, at 50 cents an hour. Tried various jobs but had to spend much time in hospital due to his health. Has had no steady employment since September, 1930.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been tied up to trees because he was a volunteer and his wounded back kept raw for a year due to inadequate dressings. Given solitary confinement for refusal to work on munitions, exposed to bad weather with insufficient food and inadequate clothing.

An analysis of the evidence reveals:—

At Paderborn-hospital, where claimant was first taken, he has no complaints. Sent to Sennelager, claimant was not compelled to work, but complains that his wounds were not properly treated and that he was punished by being tied to trees, for the reason that he was a volunteer soldier. His back remained raw for a year and he protests vigorously of being starved. He was transferred to Munster No. 1, and sent out to work at Krupps munition factory. For refusing to do this work he was beaten and punished and at Hamelburg (sic) was given 3 months cells for a similar refusal to work. He also declares that he was beaten and knocked down because he was too weak, through under-nourishment, to do the work required of him. Claimant was sent to a farm, where he was abused by a guard, but does not complain of the general treatment there. He now suffers from his nerves, stomach and has a bronchial condition.

The medical evidence, consisting in two letters from Dr. K. A. Denholm, indicates that claimant suffers from bronchitis, myalgia, and a psycho-neurotic condition, the latter of which is getting worse. Claimant's medical history files show the conditions noted, but his statement made upon repatriation refers chiefly to brutality to other prisoners.

This is purely a pension claim. Claimant was roughly treated, as were most prisoners, and suffered from lack of food and such medical care as he might have received in a non-military hospital. On the whole, however, his treatment was general and I do not consider that he has established that any present disability results from maltreatment whilst he was held a prisoner. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 7, 1932.

CASE 2419—BERTRAM NOEL ASHBOURNE

The claimant was a private in the 3rd Battalion,—Regimental No. 9171. He enlisted in August, 1914, at the age of 17 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a bullet wound in the left leg and a touch of gas. He was repatriated to England December 27, 1918. He is not in receipt of pension but has an application pending before the Board. He was married November 27, 1925, and has one child. Prior to enlistment, he was employed as a clerk with the Canadian National Railways, at \$40 per month, and since discharge he resumed this occupation and now earns \$140 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 made to work while his wounded leg was troublesome. Received a kick in the stomach which, together with bad food, resulted in ulcers.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at or attached to Giessen, Lichtenhorst, Hadersdorf and Saltau camps. From nine months to a year at Giessen, the first two whereof he spent in hospital, claimant was beaten for not doing sufficient work. The work was heavy at Lichtenhorst, cutting heather, and

claimant was beaten for minor infractions of discipline. He complains chiefly of Hadensdorf camp, where he was employed dredging a river. The exposure and lack of food affected claimant's health. He was also beaten and knocked unconscious by the guards for failing to do the work required of him. Kicked in the stomach, claimant attributes a stomach complaint to this treatment and lack of proper food. He also complains of his nerves.

The medical evidence indicates that claimant suffers from neurasthenia, chronic gastritis, chronic colitis with possible duodenal ulcers. His percentage of disability is stated at 25 per cent in his own calling and at 50 per cent in the general labour market. Dr. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission, although his presence was requested and counsel for claimant declared he would be brought as a witness. Claimant's medical history files refer to some nervousness but there is no mention of any gastric condition, which is, however, the basis of pension application.

The medical evidence in this case is entirely unsatisfactory. The certificate filed is general and it does not appear clearly how the diagnosis could have been made, without a more complete examination. Claimant has not established maltreatment while a prisoner, with resultant disability, such as would entitle him to an award. I regard the case as one entirely for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 29, 1932.

CASE 2497—CHARLES WILLIAM BAKER

Claimant was a Private in the 13th Battalion,—Regimental No. 24224. He enlisted in August 1914 at the age of 32 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a gunshot wound in the hip and gas. He was released in August 1916 to Switzerland, and reached England September 11, 1917. He is in receipt of a 40 per cent disability pension, amounting to \$46 per month, based on his hip wound, bronchitis, osteomyelitis, arthritis and heart trouble. He was married at the time of enlistment and has one child. Prior to enlistment, he was employed as a stationary engineer, at about \$22 per week, and is now a caretaker, 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, in a statement made upon repatriation, of lack of proper medical attention to his wound upon capture, although quite well treated after he reached hospital. Operations were performed without an anaesthetic, otherwise the statement seems to indicate that he received good treatment.

An analysis of the evidence reveals:—

Claimant complains of the delay in attending his wounds, which were not dressed until he reached Paderborn hospital, 5 days after capture, though he passed through a dressing station at Roulers. At Paderborn he received medical attention, was operated upon for his wounds, and (in statement made upon repatriation) expresses himself as perfectly satisfied with the treatment received in hospital. In his testimony he does not make this admission. Upon discharge from hospital he remained in Sennelager (adjoining Paderborn hospital) for several months until sent on to Mannheim for transfer to Switzerland. He complains of the food and says the treatment was "terrible," though in statement made on repatriation he says "I have no complaints of my general treatment and did not notice any cruelty to other prisoners." In his testimony he complains of exposure, standing to attention in all kinds of weather and blows

from rifle butts. To the exposure, he attributes his present weakened chest condition. The bronchitis has turned to asthma and his heart is affected.

The medical evidence indicates that claimant suffers from "G.S.W. right hip, chro. bronchitis, osteomyelitis, rheumatoid-arthritis and V.D.H.," which are said to have been incurred during service. His percentage of disability is stated at from 10 per cent to 40 per cent. Dr. L. Robert, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are particularly complete and contain a full record of his case. Apart from his wounds, there is reference to bronchitis said to be due to exposure to wet and cold while in Germany.

I regard this case as one purely for the consideration of the Board of Pension Commissioners. Claimant has not shown any aggravation of his disability through lack of proper medical attention, nor do I consider that it can be said that there was any maltreatment inducing his remaining disabilities. The mere fact of being exposed to general conditions of camp life cannot be so regarded. On the whole, I am of opinion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 30, 1932.

CASE 2704—FRASER C. BALL

Claimant was a private in the 75th Battalion,—Regimental No. 657023. He enlisted February 26, 1916, at the age of 18 years, and was taken prisoner August 15, 1917, at Lenz, suffering from shell shock and concussion. He was repatriated to England on or about November 18, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$5.75 per month, based on varicose veins left leg. He was married on March 21, 1921, and has one child aged 10 years. Prior to enlistment, he was a pressman with Canadian Explosives Limited, earning \$19 per week, and since his discharge has had various occupations, being now employed as a bridge tender on the Rideau Canal, at a salary of \$74 per month for 7 months of the year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of brutal punishment, knocked down and kicked with resultant injury to his nervous system.

An analysis of the evidence reveals:—

Claimant was first taken to Douai, via Lenz. He worked for two months demolishing locomotives and complains of exposure, heavy labour, inadequate food and filthy living conditions. Removed to Dulmen, he was beaten and kicked for stepping out of line because he misunderstood the order given. He was sent to a coal mine at Gladebeck, employed at firing boilers, on the surface. Poor food and general abuse constituted his complaints at this camp. He developed 'flu in March 1918 and was forced to work notwithstanding his condition. As a result of these experiences, claimant complains of his nerves and sleeplessness.

The medical evidence indicates that claimant suffers from nervousness and is at times unable to sleep. His percentage of disability is stated at 30 per cent. Dr. F. S. Young, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show the condition of varicose veins for which he is in receipt of pension. This condition was, however, present before capture, and he was operated upon therefor, after discharge, in Toronto. The condition was not noted upon his medical examination at time of discharge,

an entry appearing in the form as follows:—"He has no signs of hernia, piles, varicose veins, varicocele or goitre."

In this state of the record it is clearly impossible to reach a finding in claimant's favour. The leg condition, from which he suffers cannot be ascribed to maltreatment, nor do I think that his nervousness, which is quite general, can be connected with his treatment whilst a prisoner, except in a very general manner. The medical evidence of its existence is so vague that I am unable to determine how it affects claimant and what degree of disability it imports. On the whole, claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 20, 1932.

CASE 2430—SAMUEL JAMES BARLEY

Claimant was a Private in the 4th C.M.R.—Regimental No. 113073. He enlisted in January, 1915, at the age of 29 years. He was taken prisoner June 2, 1916, suffering from shrapnel wounds in the left hand and arm, and was repatriated to England December 14, 1918. He is now in receipt of a 20 per cent pension, amounting to \$20 per month, based on bronchitis and emphysema also arterio sclerosis and hypertension. He was married in April, 1930, and has one child. Prior to enlistment, he was employed as a salesman on commission, earning about \$30 per week. He is still employed as a salesman, averaging from \$20 to \$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 chronic bronchitis and rheumatism brought on by exposure, insufficient food and hard labour.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp where he remained from 9 months to a year. His only complaint is as to the bad food. Sent out to a stone quarry, he was there until the Armistice. He complains chiefly of general conditions of exposure, work and bad food, as a result of which he has contracted bronchitis and suffers from rheumatism. He declares that he received no brutal treatment himself, but was punished, with others, by being made to stand facing a wall and, on one occasion, he was made to stand on the brink of a quarry for 6 hours. He complains also that his eyesight has become impaired.

The medical evidence indicates that claimant suffers from nervousness, rheumatism, bronchitis and impaired vision. His percentage of disability is stated at 25 per cent in his own calling and at 50 per cent in the general labour market. Dr. H. Waddington, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show that he suffers from numerous colds and a persistent cough.

Claimant's present debilitated condition must, I think, be ascribed to general conditions of camp life in Germany, and not to any active maltreatment at the hands of his captors. As explained in general Opinion annexed to my earlier report upon maltreatment cases, a claimant must show the connection between a present disability and maltreatment. This, I consider, claimant has failed to do. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 7, 1932.

CASE 2331—JOHN WILLIAM BARNES

The claimant was a Private in the 75th Battalion—Regimental No. 657034. He enlisted January 31, 1916, at the age of 23 years, and was taken prisoner April 9, 1917, suffering from gunshot wound in the left side. He was repatriated to England December 22, 1918. He is in receipt of a 25 per cent disability pension, amounting to \$32.50 per month, based on the wound in his chest resulting in bronchitis. He was married June 4, 1919, and has two children. Prior to enlistment, he was employed as a painter, earning \$15 per week, and since discharge he has been unable to follow his trade steadily, but earns 65 cents per hour while working at it.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that for refusing to work at unloading shells he was struck across the shoulder with a bayonet and smashed in the ear L. a blow with a fist. His shoulder injury affects him in that he cannot carry on successfully as a painter. He also complains of starvation, long hours of labour, inadequate clothing and being made to wear wooden shoes.

An analysis of the evidence reveals:—

Claimant was first taken to Douai, followed by Osanabruk, where he was in hospital for some weeks, and declares himself satisfied with the treatment accorded him. Discharged before his wound was healed, he was sent to Hamelin camp, where he was ill but was, nevertheless, sent out to work at Vienenburg (sic) packing steel ties. The work was heavy and the food bad. In addition, claimant speaks of a beating received from a guard followed by another incident, when he was hit over the shoulders with the flat of a bayonet, beaten and kicked doing injury to his ear. It appears that claimant had trouble with his ears before capture and it is doubtful whether there was any aggravation of the disability while he was a prisoner. He now complains of pain in right shoulder, defective hearing and neurasthenia.

The medical evidence indicates that claimant suffers from severe neuritis of shoulder which has persisted in spite of all treatment. His hearing is defective. Dr. W. G. Russell, who certifies to the foregoing, also appeared before the Commission. He appears to regard the shoulder condition as of traumatic origin, declaring it to be an injury to the nerve supply. He cannot say much as to the ear condition, but lays stress on the fact that claimant's nervous system has been greatly affected. Claimant's medical history files refer to gunshot wound in chest, resulting in bronchitis, without reference to any other disability.

At the hearing I was in considerable doubt as to whether claimant had been injured in the manner stated and whether he was in fact disabled to the extent stated (60 per cent). I have read the record carefully and the impression persists that the evidence of maltreatment is not convincing. It is also borne in upon me that the disability is not as great as claimed. Viewing all the circumstances, I am of opinion that the Board of Pension Commissioners is the proper forum for the claimant to advance his claim. I hold that he has failed to make out a case of present disability resulting from maltreatment whilst a prisoner. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 28, 1932.

CASE 2282—A. E. BARTLEY

Notice of claim was received from the above named on or about January 21, 1931. The usual claim forms were sent him, but have never been returned. Claimant, from his military files, appears to have enlisted on March 29, 1915, was taken prisoner on June 2, 1916, suffering from shell shock, was repatriated to England December 27, 1918, and discharged on March 21, 1919. His medical files indicate "all systems normal on discharge."

Claimant has not appeared before the Commission although duly notified so to do, and the claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2274—HERBERT BATCHELOR

The claimant was a private in the 15th Battalion,—Regimental No. 7793J. He enlisted January 13, 1915, at the age of 34 years, but had enlisted with the Canadian Naval Forces before the declaration of war in August, 1914. He was taken prisoner June 2, 1916, at Sanctuary Wood, unwounded. He escaped to Holland April 19, 1917, and reached England May 3 of that year. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a seaman at \$20 per month and found, and since discharge, was employed as a rigger and is now a night watchman, receiving \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the poor food and general living conditions in Germany.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about ten months, when he escaped to Holland. His period of captivity was spent at Dulmen and Minden camps. He complains of no brutality. The record is particularly complete, claimant having made a very full statement upon repatriation. As to Dulmen, he says: "I have nothing to complain of with regard to the general treatment at this camp, with the exception of the food" At Minden, he declares: "The general treatment was not so bad. It was rather worse than at Dulmen although personally I have no complaint to make of ill-treatment." Claimant admits, in his evidence, that he suffers no particular disability as a result of his experiences whilst a prisoner.

Claimant makes claim for the cost of his transportation home, which he was compelled to pay personally. It appears that upon his return to England he enlisted with the Imperials and, upon discharge, could not obtain passage from the Canadian authorities. This portion of his claim, clearly, does not fall within the scope of the activities of this Commission.

Claimant makes no claim for disability due to maltreatment, except to state in a general way that he is not the man he was. There is no medical evidence showing disability, and, in fact, the record does not disclose maltreatment whilst a prisoner. The mere fact of being held a prisoner does not entitle a claimant to reparation. He must show not only maltreatment, but also disability resulting therefrom. In the absence of any such proof it is obviously impossible to reach a finding in claimant's favour. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2014—ALLAN B. BEDDOE

Notice of claim was received from the above named claimant, from which it appears that he enlisted on September 22, 1914, and was taken prisoner on April 24, 1915, at the second battle of Ypres. Claimant has not completed the usual claim forms, nor did he appear before the Commission. In response to a request that he execute and forward questionnaire, claimant replied that he did not care to press his claim. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 17, 1932.

CASE 2249—CAPTAIN EDWARD DONALD BELLEW, V.C.

The claimant was a Lieutenant in the 7th Battalion. He enlisted in August, 1914, at the age of 31 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the left leg and gassed. He was exchanged to Switzerland in December, 1917, and repatriated to England December 10, 1918. He was originally in receipt of a 100 per cent pension, amounting to \$75 per month, but this has been reduced to 15 per cent, yielding \$15 per month. The pension was based on neurasthenia, bronchitis and the leg wound. He was married at the time of enlistment but has no children. Prior to enlistment, he was employed in the Government service as instrument man with the Public Works Department, at a salary of \$104 per month, and since discharge he has engaged in ranching, prospecting and guiding hunting parties.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of loss of effects and cash to the value of \$583.90, and mental strain and ill-treatment, resulting in complete nervous breakdown.

An analysis of the evidence reveals:—

The claim as put forward by claimant in the documents filed was merely for the value of property lost and cash taken from him. At the hearing, however, he also made claim for injury to his health due to maltreatment. The evidence as to the loss of personal effects and cash is too indefinite to permit of assessment, nor has any corroboration been furnished of the loss of such property. In the absence of such corroboration all claims of this nature have been disallowed. Claimant was a prisoner at Bischofswerda for about 2 years. He has no complaint as to his treatment here. It should be mentioned that shortly after capture claimant was court-martialled on the ground that he had maintained fire of his machine guns, notwithstanding a flag of truce. Found guilty and sentenced to die by the Court of Enquiry, he was later acquitted by standing court-martial. Removed to Crefeld camp, and later to Schwanstadt, he has no complaint as to the former, but is very bitter in his denunciation of conditions and treatment at the latter. The food was uneatable and the accommodation unbearable. Claimant also spent time at Strohenmoor and Holzminden, at the latter of which the infamous Nemeyer was Commandant. He speaks of confinement to cells for minor infractions of discipline and general rough treatment. Finally sent to Frieberg, claimant was transferred to Switzerland, after a nervous breakdown. His mental condition at this time, he declares, was very bad. This he attributes to the mental strain and privation of his period of captivity.

No medical evidence, other than that contained in claimant's medical documents has been produced. There is no record of his present state of health or disability resulting from his experiences in Germany. The medical history files show that claimant suffered from neurasthenia, bronchitis and sciatic neuritis

(under consideration), but no statement later in date than 1919 appears of record.

In this state of the record, I am unable to reach a finding in claimant's favour. The claim for loss of personal effects and cash has already been dealt with. In statement addressed by claimant to the Secretary of State for War, from Switzerland, dated February 5, 1918, the only mention of this property is as to a camera which claimant did not receive at Crefeld. On the issue of injury to health, claimant has not established a permanent disability resulting from maltreatment. The medical evidence is entirely lacking, and I cannot infer from his statement of his condition when exchanged to Switzerland, that he is now physically incapacitated. His claim seems to me to be 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, August 14, 1932.

CASE 2023—S. H. BELLINGER

The claimant was an Imperial soldier.—Regimental No. 41808. Notice of claim was filed on his behalf by his solicitors. No statement of claim had been completed nor are there any documents of record furnishing particulars of the claim.

The claim was withdrawn by letter from the claimant's solicitors dated August 17, 1931. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2608—ALBERT BISHOP

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

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2395—R. G. BLACKBURN

Notice of claim was received from the above named claimant. The usual forms have been completed, from which it appears that he enlisted with the 15th Battalion,—Regimental No. 46457, was captured on April 24, 1915, and repatriated to England in November, 1919. He complains of rough treatment, insufficient food and inadequate clothing with resultant damage to his nervous system,

manifested by confirmed depression. Claimant was notified to appear before the Commission at its Montreal sessions, on May 23, 1932, but failed to present himself and default was duly entered. The claim, therefore, fails for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 31, 1932.

CASE 2361—ALEXANDER BLACKLOCK

The claimant was a sapper in the Second Tunnelling Company.—Regimental number 503154. He enlisted on January 12, 1916, at the age of 28 years. He was taken prisoner June 3, 1916, unwounded, and escaped from Germany in October, 1917. He is not in receipt of pension. No information as to his earnings previous to or since the war has been furnished. He was a mine boss before enlistment and engaged in farming after discharge.

Claimant did not appear before the Commission and advised that he was unable to do so. He confines his claim to loss of wages during the time he was compelled to work for the enemy, and alleges generally that his health was injuriously affected. The record contains a full statement made by claimant upon repatriation recounting his experiences whilst a prisoner. He was not subjected to any serious brutality and his complaints are general, stressing starvation and hard work.

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

In this state of the record it is not possible to reach the conclusion that claimant has sustained any disability resulting from his experiences as a prisoner of war. That he was in comparatively good condition is evidenced by the fact that he made four attempts to escape, the fourth whereof was successful. Claimant has failed to establish the necessary elements to entitle him to an award. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 12, 1932.

CASE 2427—FRANK J. BOREHAM

The claimant was a Private in the 13th Battalion.—Regimental number 46809. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 22, 1915, during the second battle of Ypres, suffering from a slight shrapnel wound in the foot and a touch of gas. He was repatriated to England January 7, 1919. He is not in receipt of pension. He was married October 15, 1928, and has no children. Prior to enlistment, he was employed as a millwright earning about \$15 per week and is now a hydraulic operator, earning \$18 per week.

He alleges that while a prisoner he was subject to mal-treatment which has resulted in pecuniary damage to him. He complains of beatings with rifle butts, being tied to posts for two hour periods on two occasions, in the winter time. Received a blow in the spine, was beaten by two guards causing injury to his shoulder and back, and was struck with an axe cutting a gash in his leg. The usual starvation and inadequate clothing is also complained of.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he remained for about 10 months. He complains of a beating by a guard, but does not attribute any disability thereto. Sent to Lichtenhorst, via Saltau, claimant has no complaint as to his treatment at this camp. At Bohmte, where he spent a winter, he complains of being tied to a post, after a days work digging canals, for no apparent reason and to have suffered from exposure. From Bohmte, he was sent to a farm for the remainder of his captivity. Conditions were fairly good, but he complains of two incidents. He was cut in the leg by an axe thrown by a German youth. This injury has left no disability. On another occasion, apparently during a scuffle with guards, he was struck on the back of the neck with a wooden clog and knocked unconscious. He complains that this injury has left him with a permanent disability and that he still suffers pain in the neck and shoulders. His claim is based upon the disability so caused.

The medical evidence, consisting in the affidavit of Dr. E. B. Clouse, is based upon the history of the case and rates claimant's disability at 10 per cent. There is no specific finding of present disability in the neck and shoulders. No X-ray picture was ever taken. Claimant's medical history files do not show any disability. His medical board, upon discharge, declares "all systems normal."

In this state of the record it is impossible to reach a finding that claimant now suffers a permanent disability resulting from maltreatment whilst a prisoner. The incident of the blow on the back of the neck took place during an altercation with guards and I do not think that the medical evidence, in any event, establishes any appreciable disability resulting therefrom. On the whole I consider that the case fails, and it is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 3, 1932.

CASE 2232—WILLIAM BOWDEN

Notice of claim was received on behalf of the above named claimant through his attorneys.

Claimant apparently enlisted July 28, 1915 as a Private, Regimental No. 475785 and was taken prisoner June 27, 1916, wounded in the right chest. No claim forms have been completed nor was any evidence submitted. His attorneys have withdrawn the claim by general letter dated August 17, 1931. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 3, 1932.

CASE 2661—THOMAS BOWERS

The claimant was an Imperial soldier who enlisted with the regular forces in 1912 and went to France in August 1914, with the 1st Cheshire,—Regimental No. 9395. He was then 18 years of age. He came to Canada to reside in February 1920. He was taken prisoner October 22, 1914, after the retreat from Mons. He was repatriated December 19, 1918, and was in receipt of an Imperial pension of £1.12.0. which ceased in 1928. His application for reinstatement was refused.

Claimant was advised at the hearing, in Toronto, on April 22, that this Commission was without jurisdiction to entertain the claim, inasmuch as he had become resident in Canada after January 10, 1920, date constitutive of jurisdiction, as is more fully explained in my earlier report dealing with maltreatment cases. Particulars of his complaint were taken, in case such evidence could be of service to him elsewhere. Under reserve of all other recourses, and without deciding the case upon its merits, the claim cannot be allowed as far as this Commission is concerned.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2468—GEO. F. BOYCE

Notice of claim was received from the above named claimant, but the usual claim forms have not been completed nor is there any information concerning him of record. Under date of April 9, 1932, the Commission was notified by attorneys representing claimant, that he desired to withdraw his claim. The claim, accordingly, fails for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 18, 1932.

CASE 2307—BLAKE BRADSHAW

The claimant was a Sergeant in the 16th Battalion,—Regimental No. 420483. He enlisted December 18, 1914, at the age of 21 years. He was taken prisoner October 8, 1916, on the Somme, wounded in the right thigh, left leg and compound fracture of the right femur and left fibula. He was released to Switzerland in January 1917 and repatriated to England June 15, 1918. He is now in receipt of 100 per cent pension, amounting to \$127 per month, based on wound in the right thigh, tuberculosis, (and glaucoma, left eye, post discharge). He was married June 4, 1919, and has two children. Prior to enlistment, he was employed as a locomotive fireman, earning approximately \$1,400 per year, and since his discharge he has been both fireman and engineer, earning 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 neglect of his wounds, improper hospital attention, bad food, and that he was placed in a venereal disease hospital. As a result he endured much physical and mental suffering.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for a little more than a year, during which time he was in hospital at various places. He first complains that he was allowed to remain for 4 days, lying wounded behind a trench. He then received a field dressing, was removed to temporary medical stations, where he received further dressings and reached Cambrai, where he remained in hospital for several days. He was taken to Valenciennes and also spent some time at Hameln and Mannheim, before being transferred to Switzerland. He complains of no acts of brutality, but declares that lack of medical attention and poor food, aggravated his condition and increased his disability. One grievance is that he was placed in a hospital allotted to patients suffering from venereal diseases, and while he did not contract any disease of this nature, he complains greatly of the mental

strain of this treatment. He admits very frankly that his pension allowance constitutes full compensation, but thought it advisable also to claim reparations.

The medical record indicates that claimant suffers from gun shot wounds right thigh, pulmonary tuberculosis and glaucoma, left eye (post discharge). Claimant's medical history files are quite complete.

After careful consideration of the circumstances related by claimant, I have reached the conclusion that he has not succeeded in establishing that the treatment received by him while a prisoner in Germany has added to the disabilities which he would otherwise have sustained as the result of his service wounds and general conditions. He has, I think, misapprehended the scope of this Commission. His case has been fully dealt with by the Board of Pension Commissioners and his claim before this Commission is unfounded. It is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 16, 1932.

CASE 2618—GERARD BRIDGER

Claimant was a Private in the 4th C.M.R.,—Regimental No. 113107. He enlisted January 19, 1915, at the age of 20 years, and was taken prisoner June 2, 1916, suffering from shrapnel wounds in the right hip, back and arm. He was released to Switzerland in December 1917, and was repatriated to England December 24, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based on his active service wounds, and further consideration is being given to his bronchial condition. He is unmarried. Prior to enlistment, he had a small job in a cheese factory, and after discharge worked for a time with the Ford Motor Company at Windsor, Ont., and for the Dominion Government, but is now out of employment 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 starvation, loss of parcels, being forced to work while ill, and of solitary confinement.

An analysis of the evidence reveals:—

Claimant was taken to a dressing station, where his wounds received some attention. Removed to a convent, thence to Julich, he was in hospital for 12 weeks. He complains of the inadequacy of the food, but admits that his wounds received treatment. He was then sent to Stendahl for a short time, followed by Wittenberg, where he worked in a sugar factory until he broke down and was sent back to camp and served 2 weeks in cells. Upon the intervention of the American Ambassador, claimant was sent to hospital where he remained until he was sent to Mannheim for transfer to Switzerland. Claimant's complaint is that the poor food, while a prisoner, has undermined his health; this with the hard work has brought on despondency and melancholia, from which he still suffers acutely. He also refers to his nervous and digestive systems as impaired.

The medical evidence is very scant. Claimant has not even produced the usual certificate of a physician as to his present condition. His medical history files show nothing unusual, apart from the disability for which he is in receipt of pension.

In these circumstances it is clearly impossible to reach a finding in claimant's favour. Whatever disabilities he may suffer, on his own statement, are ascribable to nutritional causes, which do not, as explained in general Opinion annexed to my earlier report upon maltreatment cases, constituted maltreatment in the sense of the relevant sections of the Treaty of Versailles. Claimant's recourse is before the Board of Pension Commissioners. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 8, 1932.

CASE 2341—CAPT. HAROLD VINCENT BRISBIN

The claimant enlisted as a Private and went overseas to join the Royal Flying Corps. He joined up November 10, 1914, and was transferred to the Royal Flying Corps October 2, 1917. He was 20 years of age on enlistment. He was taken prisoner September 16, 1918, having been shot down while flying, wounded by bullets in the leg and arm. He was repatriated to England December 11, 1918. He is in receipt of a 5% disability pension, amounting to \$6.50 per month, based on gunshot wounds in the left leg and arm. He was married May 5, 1917, and has two children. Prior to enlistment, he was employed as a motor car tester, earning about \$25 per week, and is now employed with a manufacturing concern, in the experimental department of the Gendron Manufacturing Co., earning about \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper treatment of his wounds after capture and now has trouble with the muscles and tendons of the left leg.

An analysis of the evidence reveals:—

Claimant was a prisoner for about three months. He confines his complaint to lack of proper medical treatment for his wounds and declares that his disability is now greater than it would otherwise have been, due to such neglect. The evidence is very general and it appears from his testimony that he did receive some treatment whilst in hospital. It is impossible to say, from the record, whether the treatment was proper. Clearly, claimant has not shown that he was subjected to maltreatment or that the lack of medical attention alleged constitutes such.

Apart from claimant's pension files and military history sheets, there is no medical evidence of record. The disability for which claimant receives pension consists of gunshot wounds in left thigh and left arm. There is no record of any other disability.

In this state of the record, it is clearly impossible to reach a finding in claimant's favour. His complaint is confined to lack of medical attention, to use his own words "of not looking after the leg." He has failed to establish such contention. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 12, 1932.

CASE 2659—CHARLES BUFFALO (BEDFORD)

The claimant was a Private in the 14th Battalion,—Regimental No. 412635. He enlisted in December 1914 at the age of 17 years, and was taken prisoner September 7, 1916, during an engagement on the Somme, suffering from a bullet wound in the left side, in the abdomen. He is not in receipt of pension. He was married in 1920, and has four children. Prior to enlistment, he was engaged in farming and earned about \$120 in six months with board and lodging. Since discharge he has been in the cleaning and dyeing business, earning \$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 the treatment of his wound without anaesthetic, improper dressings and he now suffers from indigestion. He also complains of bad treatment in hospital at Mulheim, hard labour, lack of food, and that he was forced to stand at attention for three hours facing the sun.

An analysis of the evidence reveals:—

Claimant was taken first to Cambrai, where some attention was given his wounds. He complains that he was operated upon without an anaesthetic. Taken to Courtrai, claimant underwent a further operation. His complaint here is as to the after effects, lack of treatment and poor accommodation. Next sent to Mulheim, claimant was in hospital for three months. He complains that he received no medical treatment and that living conditions were very bad. He was then sent to Du'men camp, where he remained about six months, thence to Sennelager, from which camp he was sent out upon irrigation work, at which he remained about a year. His complaint here is that the work was too heavy and the food inadequate. Claimant was not subjected to any particular brutality, but underwent the usual punishment of being made to stand to attention for long periods. Claimant ascribes rheumatism and nervousness from which he suffers, to these experiences. His stomach also troubles him.

Claimant has brought forward no medical evidence, not even the usual certificate of a doctor. His medical examination, upon discharge from the service, discloses nothing unusual.

In these circumstances, it is clearly impossible to reach a finding in claimant's favour. He has not established a present disability resulting from maltreatment whilst a prisoner of war. In view of the very general nature of the complaints made, it would have been necessary to have very complete medical evidence of claimant's condition. This is entirely absent. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 8, 1932.

CASE 2552—REGINALD BUMPSTEAD

Claimant completed the usual claim forms, from which it appears that he enlisted on November 22, 1914, was captured on June 2, 1916, was repatriated to England on November 18, 1918, and discharged on June 30, 1920. Claimant was notified to appear before the Commission at its Toronto sessions on April 22, 1932, but wrote the Deputy Commissioner on April 6, 1932, withdrawing his claim. He was still invited to attend on the date stated, but failed to do so. In these circumstances the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 18, 1932.

CASE 2615—HARRY BUNYAN

Notice of claim was received from the above named claimant on March 26, 1932. The usual claim forms were sent him, but have never been returned. Claimant's military file is not of record, but it appears from his notice that he served with the 7th Battalion (Regimental number 184106) and was discharged on July 3, 1919. He was notified to his last known address, to appear before the Commission at its Toronto sessions, on April 29, 1932, but failed to do so. In these circumstances, the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2400—ARTHUR ROBIN BURGESS

The claimant was a Corporal in the 7th Battalion,—Regimental No. 16287. He enlisted in August 1914 at the age of 28 years and was taken prisoner April 24, 1915, at Ypres, suffering from gas. He was repatriated to England October 24, 1918. He is in receipt of a disability pension, amounting to \$11.15 per month (15%) based on chronic bronchitis and neurasthenia. He is unmarried. Prior to enlistment, he was employed as a janitor and window cleaner, at a salary of \$120 per month, and since his discharge has on several occasions resumed that occupation with his former employees, but has each time been compelled to leave by reason of sickness. He is at present out of employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he did not receive proper medical treatment.

An analysis of the evidence reveals:—

Claimant was suffering from the effects of gas when captured. He was taken to Giessen and placed in hospital. In October 1916 he was examined by the Swiss Medical Commission and recommended for transfer. Owing to some mistake in his documents, and confusion with another prisoner, claimant was not transferred, but was sent to Zerst, where he was compelled to work. After 10 months, he was sent to a camp which he calls "Camp Y" and was eventually transferred to Holland. Claimant does not complain of any harsh or brutal treatment, but confines his complaint to lack of medical attention for a bronchial condition, due to the gas. Poor food conditions is advanced as a reason for the additional neurasthenic state.

The medical record indicates that claimant suffers from bronchitis and nervous debility. His percentage of disability is stated at 50% in his own calling and at 25% in the general labour market. Dr. F. G. Logie, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are quite complete and bear out the diagnosis of bronchitis and neurasthenia.

I am inclined to think that the origin of claimant's trouble is the dose of gas he got when captured. From that time he appears to have suffered from his chest, and the condition became aggravated by the strain of captivity. I cannot say, from the evidence, that the failure to transfer him to Switzerland, as alleged, constitutes maltreatment which has resulted in an aggravation of the disability from which he was then suffering. There is nothing to show that the Germans were not entitled to cancel the repatriation order. Claimant was unfortunate, but I consider that his recourse is before the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 6, 1932.

CASE 2464—ROBERT CALDWELL

Claimant completed the usual claim forms, from which it appears that he enlisted on September 22, 1914, was captured on April 24, 1915, repatriated to England on December 27, 1918, and discharged on May 14, 1919. Claimant has not pressed the claim, did not appear before the Commission, and notice of withdrawal of the claim was given on his behalf.

The claim is, accordingly, regarded as withdrawn.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 9, 1932.

CASE 2586—JOHN FREDERICK CAMERON

Claimant was a Corporal in the 15th Battalion, Regimental No. 27149. He enlisted in August 1914 at the age of 22 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a wound in the left foot, and gas. He was repatriated to England November 18, 1918, first having been released to Holland in March of that year. He is in receipt of a 25 per cent disability pension, amounting to \$25 per month, based on heart disease with tachycardia. He was married August 7, 1931, and has no children. Prior to enlistment, he was employed as a hardware clerk, earning \$15 per week, and since discharge has held various positions averaging from \$25 to \$30 per week, but is now back at hardware selling, earning \$35 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, exposure, loss of parcels, hard labour in stone quarries and bad food.

An analysis of the evidence reveals:—

Claimant was taken, wounded, to Paderborn hospital, where he remained two months and has no complaints as to his treatment. Sent to Sennelager, he was transferred to various farms and to a stone quarry. He complains chiefly of the heavy work and poor food, together with lack of medical attention for an attack of dysentery and other ailments. He also complains of being made to wear wooden clogs, which were painful to the feet but have left no permanent injury. Claimant was not furnished with proper clothing and suffered from exposure. He does not appear to have been subjected to any physical abuse. He now complains of the condition of his heart, stomach and nerves.

Apart from claimant's medical history files in his pension record, there is no medical evidence, not even the usual certificate of a physician certifying as to his present condition. From these files, it appears that claimant suffers from debility attributed to service. He has lost weight but his general health is declared to have shown improvement.

The general condition of which claimant complains can scarcely be said to have resulted from any active maltreatment whilst a prisoner of war. It is more properly attributable to general camp and working conditions in Germany. Clearly, claimant's case is one for the consideration of the board of Pension Commissioners. His claim before this Commission is without merit and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 8, 1932.

CASE 2619—ARTHUR EDWIN CANNON

Claimant was a Private in the 3rd Battalion, Regimental No. 9898. He enlisted in August 1914 at the age of 19 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England December 2, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$19.50 per month, based on neurosis. He was married in April 1925, and has two children. Prior to enlistment, he was a brick-layer contractor, earning approximately \$11 per week. He is now engaged in contracting, at an average yearly income of \$1,500.

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 on munitions and on the moors, severe discipline and inoculation with germs.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp for the first nine months of his captivity. He was kicked by a guard and spent several days in hospital. Sent out to the iron foundry at Geisweid, claimant found the work of shovelling cinders and crushing limestone too heavy, went sick, and was returned to Giessen. He was sent to Saltau, followed by Lichtenhorst, as to which camps he has no complaints. At Langenmoor, he complains of working on the moors, exposure and blows from the guards. At a later camp, he complains of starvation conditions and alleges that he was compelled to live on grass. He collapsed while at work and was returned to hospital at Saltau, where he remained 4 months. Upon discharge from hospital, claimant worked about the camp and was transferred to Stuttgart and sent out on a farm. He complains chiefly of the exposure while at work in the rain and mud, and ascribes to these experiences, neurosis, heart affection and rheumatism.

Claimant produces no medical evidence, but the medical record contained in his pension files is quite complete. He appears to suffer from bronchitis, without, however, any pulmonary disability. His condition may probably be best described as "an anxiety neurosis based upon his experiences in Germany." Claimant's statement made upon repatriation refers generally to severe treatment.

In this state of the record it is clearly difficult to ascribe claimant's present debilitated state to active maltreatment at the hands of the enemy. The condition, I consider, results from the strain of camp life in Germany, which, possibly, claimant was not physically or mentally equipped to withstand. For reasons which have been explained in opinion annexed to my earlier report upon maltreatment cases, I cannot find that claimant was subjected to maltreatment which has resulted in disability to him. The claim fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 8, 1932.

CASE 2411—ARTHUR H. CARR

Claimant completed the usual claim forms, from which it appears that he served with the Imperials (Queen's Royal West Surreys) and came to Canada to reside in July 1921. He was notified that this Commission was without jurisdiction to entertain the claim, but that if he desired to submit his case the Commission would hear him at its Toronto sessions on April 18, 1932, at 10.45 a.m. Claimant did not appear and the claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 7, 1932.

CASE 2034—JOHN B. CHADWICK

Notice of claim was received on behalf of the above named claimant through his attorneys. Claimant apparently enlisted September 19, 1914, was a Lance Corporal in the 15th Battalion and was taken prisoner April 24, 1915 during the second battle of Ypres suffering from concussion due to a rifle shot close to the right ear.

No claim forms have been completed by the claimant nor was any evidence submitted. His attorneys have withdrawn the claim by general letter dated August 17, 1931. The claim is accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 8, 1932.

CASE 2465—FREDERICK CLARK

Claimant was a Corporal in the 3rd Battalion—Regimental No. 9177. 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 a touch of gas. He was released to Switzerland in November 1917, and repatriated to England December 12, 1918. He is not in receipt of pension. He was married November 29, 1919, and has no children living. Prior to enlistment, he was employed as a clerk with the T. Eaton Co., earning \$16 per week and since discharge has worked with the same firm, but does not wish to have the amount he earns made known.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation and being compelled to perform too heavy labour in stone quarries. His heart and nerves gave out and he refused to work and was placed in the cells.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, to which he remained attached until he was transferred to Switzerland. Sent out upon working parties, chiefly in the stone quarries, he complains of the heavy work and starvation diet. He does not complain of any particular physical abuse. In the fall of 1916 he was recommended for transfer to Switzerland, but was sent back to Mannheim camp for 11 months, before his transfer became effective. Here he complains of the monotony of parade drill during long hours and that he was compelled to wear woollen clogs. As a result of these experiences claimant declares that his heart has been affected, constituting a permanent disability.

The medical evidence indicates that claimant's heart is affected, with a beat of 120 standing and 136 exercising. There is a slight mitral murmur. No dilation. Regular. His percentage of disability is stated at 20 per cent in his own calling, and at from 50 per cent to 75 per cent in the general labour market. Dr. D. A. Costain, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files reveal nothing unusual. He was declared "all systems normal" upon discharge from the service.

It appears evident that claimant's present state of health is the result of general conditions of life while he was held a prisoner. That he may have been unable to withstand the strain and stress of this life, cannot, in my view, be regarded as evidence of maltreatment. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner. His claim, if any, is one for the consideration of the Board of Pension Commissioners. Before this Commission, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 9, 1932.

CASE 2672—WILLIAM HENRY CLARK

Claimant was a private in the 29th Battalion,—Regimental No. 48529. He enlisted in October 1914 at the age of 17 years, and was taken prisoner May 24, 1917 at Lens, unwounded. He was repatriated to England December 2, 1918. He is in receipt of a 5 per cent disability pension, amounting to \$3.75 per month, based on flat feet with bunion. He was married in October 1919, and has one child living. Prior to enlistment, he was employed as a finisher with the Steel Cerapany of Canada, earning \$14 per week and is now unemployed. He tried various jobs after discharge but could not work at his trade.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work in the coal mines, compulsory extraction of gold teeth by a German field doctor, beatings, states he was stabbed twice by a bayonet in the back, under the right shoulder, by an hospital attendant. Was marched through the streets of Berlin as an exhibit prisoner of war and was knocked unconscious with a rifle butt.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 18 months, during which time he was at Lens, Douai, Roubaix, Orchards, Valenciennes, and Kaiserfeld in Germany. At Lens, he declares that he was beaten into unconsciousness for not working fast enough and, while in hospital at Douai, following this attack, had six gold teeth extracted by a German doctor. No reason is given and the incident stands out as a very curious form of treatment. During the next six or seven months at Orchards, Valenciennes and coal mines at Lille, claimant was beaten and bruised, but without permanent injury to his health. Sent then to Schneidemuhl, working on farms, claimant has no complaints as to physical maltreatment. The food was bad and on one occasion after being marched to Berlin with a large detachment, he declares that he was hit on the head with a rifle in the hands of an officer and knocked unconscious. He was in hospital as a result and has no complaint of his treatment. He also speaks of being jabbed with a needle as treatment for flu, that the needle broke and was only removed when he reached England. Claimant suffers from headaches which he attributes to the blow on the head referred to.

There is no medical evidence in support of claimant's alleged disability. One of the doctors referred to by claimant, Dr. H. B. Carmichael, writes that he does not remember treating claimant and as he has kept no records, is unable to furnish a certificate. Claimant's medical history files show nothing unusual. The condition of flat feet with bunion, for which he receives pension, is mentioned, but no other disability is shown.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. In the absence of medical evidence, claimant has failed to establish a present disability resulting from maltreatment whilst a prisoner of war (See General Opinion annexed to my earlier Report on Maltreatment cases). The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 2, 1932.

CASE 2230—WILLIAM ROBERT COLLINS

Notice of claim was received on behalf of the above named claimant through his attorneys. Claimant apparently enlisted September 8, 1915, as a Private in the 2nd Battalion—Regimental number 159054. He was taken prisoner April 9, 1917, wounded in the right groin. No claim forms have been completed, nor was any evidence submitted. His attorneys have withdrawn the claim by general letter dated August 17, 1931. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 8, 1932.

CASE 2668—STANLEY ALFRED CONNON

Claimant was a Private in the 29th Battalion,—Regimental No. 76171. He enlisted in the fall of 1914, at the age of 17 years, and was taken prisoner in April 1916, at St. Eloi, unwounded. He was repatriated to England in December 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was at school, and at the time of the hearing, was a salesman, averaging between thirty and thirty-five dollars per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having received a kick in the stomach from a guard causing a rupture and which raised a lump. Was forced to continue at work, although the doctors sent him back to camp repeatedly for treatment. Had treatments for his eyes which was injurious to the sight. Suffered from bad food and, at the time of the hearing, suffered from stomach and nervous disorders.

Since the date of the hearing, May 31, 1932, a letter has been received from claimant's mother, dated October 3, 1932, advising that her son died recently at Brooklyn, N.Y. In these circumstances it is unnecessary to proceed further with the claim. Damages due for maltreatment as a prisoner of war, if payable, are personal to claimant and do not pass to his legal representatives. The claim is, accordingly disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 12, 1932.

CASE 2498—JEREMIAH CONROY

Claimant was a private in the 60th Battalion,—Regimental No. 457870. He enlisted in July, 1915, at the age of 26 years, and was taken prisoner June 3, 1916, unwounded. He was repatriated to England December 8, 1918. He is not in receipt of pension, was married at the time of enlistment, and has one child, now of age. Prior to enlistment, he was employed as a labourer, at \$1.80 per day, and is now car repairing with the C.P.R., 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 complains of bad food, long stretches of standing at attention, long hours of labour at bridge building, and now suffers from epilepsy.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp and sent out upon a working detachment nearby, on bridge work. He remained there for the duration of his captivity. He complains chiefly of insufficient food and the punishment of being made to stand to attention for long hours. On one occasion he collapsed during such punishment and was given 2 weeks rest in barracks. He was not struck or physically abused. He developed fainting spells and suffered with his stomach, and now declares that epileptic seizures have followed. He has, however, been free therefrom for two years. He loses very little time from his work and looks to be in good health.

The medical evidence indicates that claimant suffered from "epilepsy up to two years ago" (from March 31, 1932) and gastritis. His percentage of disability is stated at from 20 per cent to 50 per cent. Dr. E. S. Read, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual. He was discharged as fit. The fainting spells are referred to as having developed in Germany due to lack of food.

Claimant's ailments are due to nutritional causes, the result of general camp conditions in Germany. As explained in general opinion, annexed to my earlier report dealing with maltreatment cases, I do not regard impairment to health from such general causes as constituting maltreatment within the relevant sections of the Treaty of Versailles. The epilepsy of which claimant complains, has not been shown to result from the cause ascribed and I am advised that the attacks are probably not epileptic in nature. Claimant's recourse, if any, is before the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 2, 1932.

CASE 2264—JOHN WILLIAM COOKE

Claimant was a Private in the 37th Battalion,—Regimental No. 628012. He enlisted in April 1915, at the age of 40 years. He was taken prisoner at Passchendale in November 1917. His statement with regard to capture was investigated by the military authorities who came to the conclusion that he had not been a prisoner in Germany. The investigation took place at Vancouver January 14, 1929, and was conducted by the Judge Advocate-General. Claimant is regarded as having deserted the Canadian forces during the time that he alleges he was held prisoner. There is no official information as to the date of his repatriation to England. He is not in receipt of pension. He was married at the time of enlistment and has three children. He appears to have been a gardener by trade but no information is available concerning his income.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, forced labour in stone quarries resulting in loss of memory, and nervous debility.

This is a most unusual case. Claimant has not filed before this Commission any documents of claim, but I gather from his evidence, that he claims for disability resulting from maltreatment whilst a prisoner of war. As above stated, his case was fully investigated by the Judge Advocate General, in respect of a claim made for \$3,225 for pay and allowances and war service gratuity, said to have been illegally withheld. The point of that enquiry was to determine whether claimant had in fact been a prisoner of war in Germany. The findings were in every instance unfavourable to claimant. I have read the report very carefully and agree that every enquiry was made to determine the justness of the demand, and the conclusion reached appears to me to have been fully justified.

Before this Commission, claimant was fully examined, but was unable to give a coherent or plausible explanation of the many discrepancies in his story. It is unnecessary to deal with the matter in greater detail, because claimant has quite failed to establish that he ever was a prisoner in Germany. The claim is, therefore, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 13, 1932.

CASE 2229—WILLIAM COOMBER

Claimant was a Private in the 87th Battalion—Regimental No. 805313. He enlisted February 2, 1916, at the age of 19 years and was taken prisoner August 15, 1917, at Lens, suffering with bullet wounds in the left hand and left knee. He was repatriated to England December 17, 1918. He commuted his pension in 1921 for \$100. He is unmarried but supports his mother. He arrived in

Canada to take up farming in the spring of 1914 and earned about \$10 per month and board and is now a clerk with the Ontario Department of Highways, at \$1,600 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a permanent injury to his left hand as the result of blood-poisoning caused by an injury which was not properly treated. Was beaten with rifles, choked and starved. Was forced to labour in the coal mines. Claims that the amputation of his leg, broken in an accident in Canada, was made necessary on account of blood poison in his system due to improper treatment of his war wounds while a prisoner.

An analysis of the evidence reveals:—

Claimant was first taken to Douai, was sent to the coal mines at Essen, where he remained 11 months and also appears to have been at Frederichsfeld and Dulmen camps. He complains of the food conditions in the coal mines, which so greatly reduced his vitality that he had to be carried up and down in the mine. His hand was wounded in an accident and became septic through lack of medical attention. He still suffers a disability therefrom. He speaks of the usual blows from rifle butts but stresses chiefly the lack of proper food as having impaired his digestive and nervous systems. After discharge, claimant met with a motor accident, which injured his knee. It became necessary to amputate the leg above the knee and the suggestion is advanced that this was due to claimant's condition, the result of septic poisoning from which he suffered in Germany. He freely admits the difficulty of making satisfactory proof in support of this claim, and I do not think it can be substantiated.

The medical evidence indicates that claimant suffers from chronic bronchitis and chronic gastro-enteritis. No percentage of disability is stated and Dr. Mortimer Fleming, who certified to these conditions, did not appear before the Commission. Claimant's medical history files show the injury to his hand, with some disability, without, however, reference to any other disability.

As above pointed out, I do not consider that the loss of claimant's leg can be ascribed to maltreatment whilst a prisoner of war. The hand injury was accidental in origin and the evidence does not justify a finding that the present disability resulting therefrom is due to lack of medical attention amounting to maltreatment. As to claimant's remaining complaints, I find them too general in nature to permit of a finding in his favour. After very careful consideration, particularly because of claimant's term in the coal mines, I am forced to the conclusion that he has not discharged the burden of showing a present disability resulting from maltreatment whilst a prisoner. His claim, if any, is elsewhere. The claim as presented must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 10, 1932.

CASE 2302—JOHN GEORGE WILLIAM COOPER

The claimant was a Private in the 7th Battalion—Regimental No. 23372. He enlisted in August, 1914, at the age of 20 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, having a bayonet wound in the left thigh, a bullet wound in the knee and a touch of gas. He was repatriated to England on December 12, 1918. He is in receipt of a 5 per cent pension, amounting to \$3.75 per month, based on the wounds in the left thigh and knee. He is unmarried. Prior to enlistment, he was employed as a farm labourer, earning \$45 per month and board, and since discharge he has held a few labouring jobs and is now living on a homestead.

He alleges that while a prisoner he was subjected to maltreatment which has resulted to pecuniary damage to him. He complains of lack of food, torture in a steam cell, tied to a post, beaten, had bone in right elbow broken, long hours of hard labour and close confinement with bread and water diet.

An analysis of the evidence reveals:—

Before being taken to Roulers, claimant complains of an incident immediately after capture, when, he declares, he was bayoneted through the left thigh by a German officer for refusing to give information. The corroboration which he furnished as to this occurrence is not very satisfactory. A fellow prisoner, Roberts, declares, by affidavit, that the bayonetting was done by a German private and for no apparent reason. One is left with the impression that claimant was bayoneted during the course of capture. Upon repatriation claimant did not report the incident and his medical history files indicate that he sustained a bayonet wound in the left thigh. Claimant's subsequent experiences in Germany, upon working parties out of Giessen, were very severe. He appears to have been difficult to handle and was constantly in trouble with his guards. He made three attempts to escape and served the usual periods in cells as a punishment. For refusing to work he was also punished and declares that he was confined in a little cell, where the steam was turned on from the boilers in the foundry, for as long as claimant could stand this punishment. He was also hung up to a post in the factory with his toes barely touching the ground, with a rope beneath his arms, and was beaten with rifles. Claimant became a marked man and seems to have been singled out for particularly harsh treatment, since, upon his own statement, he considered it his duty to give his captors all the trouble he could. He underwent trial by court-martial but did not serve the sentence. For testifying against a German sergeant, at another trial, he was given six months, but again did not serve the full sentence. The evidence as to these incidents is confused and it is difficult to form an opinion as to what actually did occur. As a result of these experiences claimant declares that he suffers from his stomach, his leg and his eyes. The stomach trouble is attributed to food conditions, the leg to the bayonetting referred to, and impaired vision to frequent confinements to dark cells. The latter condition was not mentioned by claimant upon discharge.

The medical record indicates that claimant suffers from ulcers of the stomach, gastralgia, general breakdown, chronic constipation, and that he underwent operations for appendicitis (1930) and gall stones (1931). His percentage of disability is stated at from 90 per cent to 100 per cent. Dr. J. C. Hardy, who certifies to the foregoing, did not appear before the Commission. He adds in his certificate that claimant's weakness of sight results from having been in dark cells too long. Apart from an indication of bayonet and gun shot wounds in the left thigh and knee, claimant's medical files show no other injuries. Under examination in December, 1918, in England, the record contains this entry: "Wd. 24.4.15 in left thigh and taken prisoner then returned to England December 1918, all wounds healed and has no complaints. Recom. furlough & duty. Disch. 10.1.19."

In these circumstances, while claimant was harshly treated whilst a prisoner, I do not think it can be said that his present condition results from maltreatment. His stomach trouble may be the result of general camp conditions and food while in Germany, and I am not satisfied that the injury to his leg is other than of service origin, nor does the evidence justify a finding that claimant's defective vision results from maltreatment. I regard the case as one entirely for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 11, 1932.

CASE 2380—GEORGE WALKER COOVER

The claimant was a Private in the 28th Battalion—Regimental No. 1245. He enlisted in November 1914, at the age of 29 years. He was taken prisoner April 7, 1916, suffering from a shrapnel wound in the spine, lumbar region, and was repatriated to England March 8, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$39 per month, based on "gunshot wound back." He was married in 1925 and has one child, aged 5 years. Prior to enlistment, he was employed as a baker at about \$25 per week, but since his discharge has found himself unable to carry on his former occupation. He has been out of employment for a considerable period.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was denied medical attention for his wounds, and that he was compelled to work when physically unfit to do so. He states that if his wounds had been properly attended, his disability would not be as great as it is at the present time.

An analysis of the evidence reveals:—

Claimant was at or attached to Giessen Camp for the entire period of his captivity. His complaint is that he did not receive proper medical attention for his wounds and was made to work when he was unfit to do so, with the result that his disability is now greater than it would otherwise have been. He does not complain of any maltreatment, except confinement to cells for attempted escapes. It is not clear from claimant's evidence just what could have been done for him in the way of treatment, that was neglected.

The medical record indicates that claimant suffered from gunshot wounds in back and lower ribs. His percentage of disability is stated at from 35 per cent to 50 per cent. Dr. Frank A. Macdonald, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files bear out the injury to the back, for which claimant is in receipt of pension. It also appears that he had sustained wounds in the back while serving with the American forces in the Phillipines, but he declares that the wounds were insignificant and caused no disability.

In this state of the record it is impossible to say that any lack of treatment whilst a prisoner has contributed to claimant's disability. The inference rather is that his present disability is due to service wounds, for which he is in receipt of pension. I am of opinion that claimant has failed to make out a case and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 12, 1932.

CASE 2476—MAJOR R. CORRIE

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

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2367—NEIL MARTIN COWAN

The claimant was a Private in the 5th Battalion—Regimental No. 13721. He enlisted September 20, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the left leg, and was repatriated to England December 18, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$25 per month, based on his wound. He was married in 1921 and has no children. Prior to enlistment, he was employed as a clerk with the International Harvester Company, earning \$75 per month and since discharge has been employed as a Postal Clerk, at \$130 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention for his wounds while en route to hospital and bad food.

An analysis of the evidence reveals:—

Except for the first week after capture, claimant spent his entire period of captivity at Paderborn hospital. He does not complain of any maltreatment in hospital and confines his complaint to the time which preceded his entry to hospital. He declares that he was made to walk with a badly wounded leg and when unable to continue further was kicked and left to lie beside the road for several hours. To the question "Were your wounds aggravated by this treatment?" he replied "No, I don't think I could say that." He merely states that he received no medical attention until he reached hospital.

The medical record indicates that claimant has difficulty in walking "owing to adherent scar following gun shot wound." For this condition he is in receipt of pension.

There is nothing in the record to indicate that claimant's present disability was contributed to by any maltreatment received as a prisoner. The mere fact that his wound did not receive attention for a week does not necessarily imply that injury has resulted from such neglect. Claimant appears to have been fortunate in his general treatment and I regard his case as one entirely for the consideration of the Board of Pension Commissioners. His claim before this Commission must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 3, 1932.

CASE 2159—WILLIAM CRAWFORD

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

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 8, 1932.

CASE 2281—B. F. CROWE

The claimant was an Imperial soldier who served with the Third Monmouths. He was taken prisoner on the 8th of May, 1915, suffering from a gunshot wound in the left knee, and was repatriated to England in December, 1918.

It appears from the documents submitted by claimant that he came to Canada to reside for the first time on the 22nd of October, 1922. In his examination before the Commission he declares that he came to Canada in the fall of 1921. It was explained to claimant at the hearing that, as he had not come to Canada on or before the 10th of January, 1920, this Commission was without jurisdiction to entertain the claim but that his evidence would be taken in case the Imperial authorities should decide to deal with the matter.

Upon further consideration of the record and for the reasons stated in my earlier report on maltreatment cases, the view is confirmed that this Commission has no jurisdiction to entertain the claim. Reserving to claimant all other recourses, and without deciding the case on its merits, I must, therefore, disallow the claim in so far as this Commission is concerned.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2441—THOMAS CULLY

Notice of claim was received from the above named claimant, but the usual claim forms have never been completed. It appears from claimant's military files that he enlisted on September 22, 1914, was taken prisoner on April 24, 1915, was repatriated to England on December 3, 1917, and discharged as medically unfit on June 24, 1918. Claimant was notified to appear before the Commission at its Toronto sessions on April 21 but failed to do so. His attorneys were unable to explain his absence. In these circumstances the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 18, 1932.

CASE 2560—EDWARD CUNNINGHAM

Claimant was a lance corporal in the 13th Battalion—Regimental No. 132527. He enlisted in August, 1915, at the age of 24 years, and was taken prisoner September 5, 1916, on the Somme. He had been blown up and was suffering with a broken ankle. He escaped in September, 1917, and was repatriated to England on October 19th of that year. He is in receipt of 20 per cent disability pension, amounting to about \$23 per month, based on cerebro spinal arteriosclerosis. He was married prior to enlistment and has two children. Prior to enlistment, he was employed as a head waiter earning \$30 per week, although he was a painter by trade. Since discharge he worked for the Canada Steamship Lines as building superintendent, at \$90 per month, and from 1925 to 1929 as Canadian Pacific Railway policeman at the same rate of pay, but has done nothing much since.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had his nose broken by a blow from the butt of a rifle, suffered confinement and starvation.

An analysis of the evidence reveals:—

Claimant remained close behind the lines for about 3 weeks after capture. Sent on to Munster, he finally reached Dulmen, at which latter camp, he com-

plaints of being hit over the nose with a rifle butt, fracturing the bridge. He received no medical attention for this injury, although he was sent to hospital, the result being a blockage. For an attempted escape, claimant was given 28 days' confinement, but upon his second attempt, he escaped from Burgensteinfurt. He was a prisoner for slightly more than a year. At the last camp mentioned, he complains of frequent beatings with a rubber hose. He appears to have suffered from seizures, which were said to resemble epilepsy. He complains of a nervous condition and the injury to his nose.

The medical record indicates that claimant suffers from cerebro spinal arteriosclerosis (for which he receives pension). His percentage of disability is stated at 20 per cent. Dr. F. A. Carson, who certifies to the foregoing, did not appear before the Commission. No mention is made of the injury to claimant's nose, but a certificate of Dr. Marchant B. White is produced showing complete left nasal obstruction to breathing and external deformity to nose. Dr. Geo. R. Philip appeared before the Commission and spoke of a nervous condition which he attributes to service and possibly prisoner of war experiences. He confirms the nasal obstruction and puts claimant's disability at from 20 per cent to 25 per cent. Claimant's medical history files refer only to cerebro spinal arteriosclerosis and no record appears of any injury to the nose.

There is no doubt that claimant was roughly handled whilst a prisoner but I do not find that he has established a permanent disability resulting from maltreatment. The nose injury may or may not constitute a disability, and it is significant that claimant bears a scar just above the bridge of the nose, of pre-war origin. I should say that the condition may be relieved by operation. His remaining disability is covered by pension and would appear to have resulted from general conditions of camp life. I regard the claim as not proven. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2485—L. DEHART

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

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2459—ROBERT EVERETT DENT

Claimant was a private in the 3rd Battalion,—Regimental No. 9662. 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 with small bayonet wounds and a bullet wound in the arm, also gas. He was repatriated to England August 21, 1918. He is not in receipt of pension, but has an application pending. He was married at the time of enlistment but his first wife died. He remarried in 1921 and has three children. Prior to enlistment, he was employed as a swimming instructor at \$50 weekly and since discharge tried several jobs but has been unable to hold them due to illness and is now on city relief.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings with rifle butts for refusal to work on munitions, had the soles of his feet cut with bayonets, was confined to a steam room for twelve hours and then placed in an ice house for a further twelve hours. Just which of these experiences came first is not clear as in the statement of claim he recites the ice house treatment as coming first, whereas in his verbatim testimony he reverses the order, suffered pneumonia as a result.

An analysis of the evidence reveals:—

Claimant's main complaint centres around incidents which occurred at the Geisweid iron plant, out of Giessen, where, for refusing to work, he declares he was tortured by having the soles of his feet scored with bayonets and was subjected to extreme steam heat followed by extreme cold in a so-called ice house. It is to this treatment that he attributes his present bronchial condition. Claimant made a number of attempts to escape and was severely handled upon recapture. He was finally released to Holland as an epileptic and declares that the seizures were feigned in order to escape work. Claimant also refers to frequent beatings, confinement to cells and various punishments for infractions of discipline. He would appear to have been a difficult prisoner to handle, and on his own statement, was one of the first to refuse to work as also one of the first to attempt to escape. He complains now of his bronchial condition, his nerves and his stomach. No disability is proven in regard to his feet, mentioned in his statement of claim.

The medical record indicates that claimant suffers from chronic bronchitis with suspicion of tuberculosis. Dr. Sterling Spicer, who certifies to the foregoing, places his disability at about 80 per cent. Dr. W. N. McCormick also files a certificate indicating the same condition and rating the percentage of disability at 100 per cent in claimant's own calling (swimming instructor) and at 50 per cent in the general labour market. Dr. McCormick appeared before the Commission, confirmed the diagnosis of bronchial trouble and did not expect there would be much improvement. Dr. W. A. McFall also appeared and did not regard the condition as quite so serious, declaring that he would expect some improvement. Claimant's medical history files reveal no disability and upon his examination at time of discharge he was found "all systems normal."

The story of brutality and maltreatment recounted by claimant is quite impressive, but I cannot say that it carries the conviction that claimant's present condition results therefrom. The strain and stress of camp life, particularly after frequent commendable attempts to escape, coupled with inadequate food and poor living conditions, may well have accounted for claimant's present ill health, but these do not, in my opinion, of necessity, involve maltreatment. After very careful consideration, I have reached the conclusion that claimant has failed to make out a case of disability resulting from maltreatment. His claim, if any, is for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2518—CHARLTON MAYO DRUMMOND

Claimant was a Private in the 4th C.M.R.—Regimental No. 113192. He enlisted May 10, 1915, at the age of 22 years, and was taken prisoner June 2, 1916, suffering from a gunshot wound in the left thigh and a shell case splinter in the head. He was repatriated to England December 2, 1918. He is not in receipt of pension, was married in September, 1921, but is separated from his

wife. There are no children. Prior to enlistment, he was employed in a brick-making plant, at from \$15 to \$24 per week, and is now out of employment though he had been earning \$4 per day previously on construction work.

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 parcels, lack of medical attention while ill with pleurisy, excessive labour, exposure and physical abuse.

An analysis of the evidence reveals:—

Claimant spent the first two months of his captivity under medical treatment for his wounds, at Iseghen and Stuttgart. He had no particular complaint as to this treatment. Attached to Stuttgart, after his discharge from hospital, claimant was sent out on various working parties. At a farm, he complains bitterly that he was denied treatment for an attack of pleurisy and forced to continue working while ill and suffering. He speaks generally of having been beaten, but does not emphasize this feature of his treatment. He protests as to the confiscation of his parcels, or parts thereof, by the authorities and declares that this is what he chiefly complains of. To these experiences, claimant attributes a bronchial and rheumatic condition, but admits that his disablement is not great.

The medical evidence is very meagre, consisting only of a short note from Dr. H. C. Robertson to the effect that he finds coarse rales throughout the left side of his chest which points to a chronic bronchitis. Claimant's medical files show nothing unusual, and deal only with the service wound which claimant sustained.

In this state of the record, it is clearly impossible to reach a finding in claimant's favour. The bronchitis of which he complains became apparent some considerable time after discharge. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. As to the claim for loss of parcels, I do not consider that this can be regarded as maltreatment within the meaning of the relevant sections of the Treaty of Versailles. His claim, if any, is a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 8, 1932.

CASE 2587—PETER JOSEPH DUCIE

Claimant was a private in the 13th Battalion—Regimental No. 41306. He enlisted in August, 1914, at the age of 21 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England December 16, 1918. He is not in receipt of pension, was married on enlistment and has one child, now of age. Prior to enlistment, he was employed in the Montreal City Fire Department, at \$850 per annum, and now is employed in cleaning offices, 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 the bad food, being forced to work in stone quarries, exposed to rain and cold without adequate clothing and of being made to wear wooden shoes. Was starved and beaten, compelled to stand at attention and had parcels stopped. He now suffers from bronchitis, varicose veins, nervous trouble and insomnia.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he complains chiefly of the poor food and exposure to the weather while working in a stone quarry. He

speaks of one incident of brutality when he was hit over the head with a rubber hose, but has suffered no disability therefrom. Sent to Cassel, he again worked in the stone quarries and complains of being made to wear wooden shoes. The hours were long, the work heavy, and the food insufficient. For minor breaches of discipline, the prisoners were made to stand to attention for long hours. At Heuberg, working on the roads, the treatment was much the same. Taken ill with typhoid, claimant was denied medical attention. He was beaten for not doing the required amount of work. As stated above, claimant suffers from his nerves, bronchitis, insomnia, and varicose veins. He is irritable and appears depressed.

The medical evidence indicates that claimant suffers from nervous irritability, insomnia, bronchitis and varicose veins. His percentage of disability is stated at 100 per cent in his own calling and he is declared to be fit for light work only. Dr. B. J. Conroy, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. A brief statement made by claimant, upon repatriation, refers only to rough handling immediately after capture and to the blow on the head at Göttingen.

Claimant's present ailments are due to general conditions of camp life in Germany and cannot, in my view, be ascribed to any particular act or acts of maltreatment. Inadequate food and exposure, while working, seem to be the main complaints. As explained in general opinion annexed to my earlier report dealing with maltreatment cases, injury to health resulting from such general conditions cannot be regarded as maltreatment within the meaning of the relevant sections of the Treaty of Versailles. Claimant has thus failed to discharge the burden of showing a present disability resulting from maltreatment while a prisoner of war. 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, September 6, 1932.

CASE 2542—WILLIAM GEORGE DUGUID

Notice of claim was received on behalf of the above named under date of January 4, 1932. The usual claim forms were sent to him, but have never been returned. Claimant, from his military files, appears to have enlisted on September 22nd, 1914, was captured on April 24, 1915, was repatriated to England on November 18, 1918, and discharged on April 23, 1919. His medical files reveal nothing unusual. He was given notice to appear before the Commission at its Toronto session on April 22, 1932, but failed to do so. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 1951—BERNARD EDWARDS

Notice of claim was received from the above named in 1930. The usual claim forms were sent him but have never been returned. Claimant, from his military files, appears to have enlisted on September 22, 1914, was taken prisoner

on April 24, 1915, was repatriated to England on December 12, 1918 and discharged on March 26, 1919. His medical files reveal nothing unusual. He was given notice to appear before the Commission on April 14, 1931, and again for April 19, 1932 at Toronto. Claimant failed to present himself and the claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 25, 1932.

CASE 2629—CHARLES HENRY ELLIS

Claimant was a Lance-Corporal in the 14th Battalion—Regimental No. 648293. He enlisted February 26, 1916 at the age of 18 years, and was taken prisoner October 1, 1918, suffering from shrapnel wound in the left leg and a machine gun bullet wound in the left arm. He was repatriated to England December 31, 1918, after being held prisoner for about three months. He is not in receipt of pension. He was married in March 1919, and has two children. Prior to enlistment, he was employed in a saw-mill, earning about \$6 per week, and since discharge has held different jobs and is now employed as ice-wagon driver on half-time, averaging \$14 or \$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 a blow on the head causing a fracture, while doing work in a railway siding and is now unable to do indoor work and suffers from dizzy spells, also has ear trouble.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about three months, most of which time was spent at Dulmen camp. His chief complaints that he was hit over the head with the butt of a rifle while working on a swing table and that this injury still affects him with dizzy spells and has impaired his hearing. He also speaks of being beaten by the guards on other occasions. The record contains a number of contradictions. Claimant made a statement upon repatriation, in which he speaks only of the shooting of a Russian fellow prisoner by the guards. There is no mention of any maltreatment to himself, though he declares in his testimony, that he reported the incident of the blow on the head.—While he now complains that his ears were injured by the blow referred to, his medical history files contain these notes:

"1. discharging ears ever since he can first remember and has worn glasses for some time and broke them accidentally."

"2. sight bad for years, wore glasses up to four years ago." (from January 4, 1917.)

As to this eye condition, claimant denies that he ever wore glasses and that his eyes have ever troubled him. He also declares that, "I never heard tell of a Russian being shot with an explosive bullet," which is the direct opposite to his statement made upon repatriation. So glaring are the contradictions that I was at first doubtful as to the identity of the claimant with the man who made the statement in England. From a careful comparison of his attestation form and his medical history files, there appears to be no doubt as to the identity of the claimant.

In this state of the record it is unnecessary to go further with the claim. Although he produces a medical certificate to the effect that he suffers from chronic otitis media (said to be due to a blow from the butt of a rifle) disabling him to the stated extent of 100 per cent in his own calling, I am quite unable to reach a finding in claimant's favour. The claim as presented is clearly unfounded and is disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 29, 1932.

CASE 2567—JOHN EVANS

Claimant filed a claim before the Commission alleging disability resulting from maltreatment whilst a prisoner of war, from which it appears that he enlisted on May 4, 1915, was captured on June 2, 1916, and escaped on September 18, 1917. He completed the usual documents, but did not appear to substantiate his claim. He later wrote advising that he did not desire to press the claim. In these circumstances the claim is regarded as withdrawn.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 25, 1932.

CASE 2347—CLARK FAULKNER

Claimant was an Imperial soldier who served with the First Gordon Highlanders—Regimental No. 87. He enlisted in 1908 and was taken prisoner August 27, 1914, during the retreat from Mons. He was repatriated from Germany December 22, 1918, and came first to Canada to reside in 1924. His complaint regarding maltreatment consists in that he was sentenced to a year of hard labour in the military fortress at Cologne, and that his food parcels were deliberately stolen.

Claimant was notified that, as an Imperial soldier who became resident in Canada in 1924 only, this Commission is without jurisdiction to hear his claim. As explained in my earlier report, dealing with maltreatment cases, January 10, 1920, was fixed as constitutive of jurisdiction. Particulars of his complaints were taken in case such evidence could be of use to him elsewhere. Reserving to claimant all other recourses, and, without dealing with the case upon its merits, the claim must, therefore, be disallowed in so far as this Commission is concerned.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2535—H. V. FELLOWS

Notice of claim was received from the above named claimant. The usual forms were sent him and have been completed. He was a lieutenant, serving with the Royal Air Force, was taken prisoner on September 1, 1918, and repatriated to England about December 20, 1918. At the time of capture he

was slightly wounded in leg and badly shaken up, when his machine crashed. His complaint as to maltreatment relates chiefly to insufficient and poor food. Claimant was notified to appear before the Commission at its Montreal sessions on May 25, 1932, but failed to present himself and default was duly entered. The claim, therefore, fails for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 31, 1932.

CASE 2052—JOHN WILLIAM FINNIMORE

Claimant was a corporal in the Third Battalion,—Regimental No. 9785. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the left leg and a touch of gas. He was exchanged to Holland in March, 1918, and repatriated to England January 23, 1919. He is not in receipt of pension. He was married in October, 1920, but is now a widower with one child. Prior to enlistment, he was engaged in general labour, averaging about \$12 per week, and is now employed as a bank messenger at \$1,150 per year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention to his wound for five days after capture, that he was compelled to work before the wound healed, and was made to stand at attention for two hours in the snow. He also suffered from lack of food.

An analysis of the evidence reveals:—

Claimant spent the first three months of his captivity in Paderborn hospital, and has no particular complaint of his treatment. Sent to Sennelager, followed by Cottingen, he does not complain of any brutality, and was then transferred to Grossenweidemoor, where, for refusing to work, he, with other non-commissioned officers, was compelled to do punishment drill for long hours and made to stand at attention. He was not compelled to work, but complains of the stoppage of parcels and starvation. As a result of these experiences he complains that he suffers from rheumatism in the legs, brought on from exposure to the weather. He also declares that he received no medical attention for his wound for five days after capture. In addition he speaks of a general nervous condition.

There is no medical evidence of record. At the hearing claimant was requested to obtain a certificate from a physician and forward same. This he has failed to do. His military documents show nothing unusual. He was discharged from the service "all systems normal".

Clearly, claimant has failed to establish maltreatment, whilst a prisoner, resulting in disability. In the absence of medical evidence it is impossible to reach a decision in his favour. His experiences as a prisoner were not unusual and I do not consider that he has shown that he has suffered any permanent disability. There is no proof that neglect of his wound has aggravated the condition resulting therefrom. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 8, 1932.

CASE 2460—JOHN HENRY FOGARTY

Claimant was a private in the 75th Battalion,—Regimental No. 681881. He enlisted October 10, 1916, at the age of 18 years. He was taken prisoner March 1, 1917, suffering from bullet wound in right hip, and was repatriated to England December 27, 1918. He is not in receipt of pension, was married February 1, 1928, and has one child. Prior to enlistment he was just out of school and earning \$10 per week as an ordinary labourer. Since discharge, he worked on a drydock, and for the past three years has been employed as an elevator starter at \$21 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper treatment of his wound, lack of food, solitary confinement and delay in getting parcels.

An analysis of the evidence reveals:—

Claimant was first taken, wounded, to Douai, where he remained a week and was removed to Dulmen camp. He complains of inadequate treatment for his wound. Placed in solitary confinement because he had broken a shovel, he complains of the food. Claimant was then sent to a camp on the North sea, where he was compelled to work building a sea wall. He complains here of the heavy work and lack of food, but received no physical abuse. He was then sent to a farm, where he contracted the flue and received no medical attention. This was during the epidemic in 1918. As a result of these experiences, claimant complains generally of bronchial trouble and impaired digestive system.

The medical record indicates that claimant suffers from chronic bronchitis. His percentage of disability is not stated. Dr. D. Prendergast, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual. A condition of general debility upon repatriation is noted, but no disability shown.

In this state of the record, it is manifestly impossible to reach a finding in claimant's favour. The disability of which he speaks is quite general and the evidence as to his treatment, while a prisoner, does not justify the conclusion that he was subjected to maltreatment. The claim, accordingly, fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 9, 1932.

CASE 2437—GEORGE THOMAS FORBES

Claimant was a Private in the 4th C.M.R.—Regimental No. 109124. He enlisted April 16, 1915, at the age of 30 years. He was taken prisoner June 2, 1916, unwounded, and was repatriated to England November 23, 1918. He is not in receipt of pension. He was married at the time of enlistment and has two children, one of age. Prior to enlistment, he was employed as an asbestos worker, at about \$20 per week, and since discharge was employed in a machine shop earning \$28 per week, 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 starvation, labour in stone quarries breaking rock and loading cars, compelled to stand at attention for failing to perform the quota of work required, was refused medical attention for influenza, and was confined to cells for an attempted escape.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, as to which he has no complaints. Sent to a farm (unnamed) he was struck with a hoe for stealing

an apple and declares he still has some disability in his neck as a result. Made to work in a stone quarry at Walzburg, the work was too heavy, and claimant, in an attempt to evade work, deliberately brought on a skin disease by pricking his flesh and using salt to induce sores. He was in hospital for three months as a result. With another prisoner, claimant made unsuccessful attempts to escape, received the usual confinement to cells and was beaten. Sent to a pulp mill at Walsum, claimant remained a year. Another unsuccessful attempt to escape resulted in the usual punishment. He was denied medical attention for the flu, from which he suffered and it was then, for the first time, that a stomach condition, of which he complains, manifested itself. He complains also of his nerves. He refers to his indigestion as more of an inconvenience than a disability.

The medical evidence indicates that claimant suffers from chronic nervous dyspepsia. His percentage of disability is stated at 15 per cent in his own calling and at 30 per cent in the general labour market. Dr. G. E. Case, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, the gastric condition being under consideration by the Pension Tribunal.

The origin of claimant's ailment is clearly nutritional, probably induced by the bad food conditions during his captivity. For reasons which have been explained in general opinion annexed to my earlier report dealing with maltreatment cases, I cannot regard this general condition as constituting maltreatment. Claimant's disability, if any, may be said to result from these conditions, and his case 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, October 31, 1932.

CASE 2556—WM. ANDREW FOSTER

Notice of claim was received from the above named on or about February 10, 1932. The usual claim forms were sent him, but have never been returned. Claimant, from his military files, appears to have enlisted on June 6, 1916, was taken prisoner on January 10, 1918, repatriated to England on December 6, 1918, and discharged on March 3, 1919. His medical files indicate "all systems normal," on discharge. Although notified to appear before the Commission at its Toronto sessions on April 18, 1932, claimant failed to do so. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 1960—KENNETH FOYSTER

Notice of claim was received on behalf of the above named claimant, from which it appears that he enlisted on September 23, 1914, was taken prisoner on June 24, 1915, and was repatriated to England on December 24,

1918. The claim is filed by the wife of the above named, but the documents have not been completed, nor did anyone appear to substantiate the claim, although notice was duly given of the time and place of the hearing. The claim fails for want of prosecution, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2624—H. C. FREEMAN

Claimant completed the usual claim forms, from which it appears that he enlisted on September 22, 1914, was captured on April 24, 1915, was repatriated to England on December 21, 1918, and discharged on May 14, 1919. Claimant was notified, through his attorneys, to appear before the Commission, at its Toronto sessions on April 30, 1932, but he failed to do so. His attorneys were unable to explain his absence. In these circumstances, the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2588—CHARLES HENRY FRIZELL

Claimant was an Imperial soldier, who served with the 19th London Regiment, 47th Division—Regimental No. 625051. He had come to Canada to live in 1908 but returned to England, on a visit with his family, in December, 1913, and was there when the war broke out. He remained and enlisted in November, 1915, at the age of 33 years. He was taken prisoner March 23, 1918, unwounded, and was repatriated to England December 6, 1918. He is not in receipt of pension, was married on enlistment and has one child. Prior to enlistment, he was employed as a general labourer at about \$12 per week and is now doing odd jobs which, if steady, would yield \$20 per week.

He alleges that while a prisoner he was subjected to maltreatment which results in pecuniary damage to him. He complains of hard labour in coal mines resulting in heart strain, long hours of work, and but little food.

An analysis of the evidence reveals:—

The evidence, in my opinion, does not satisfactorily establish that claimant was resident in Canada at the time of the war. He did not, in fact, again become so until 1921. It would appear that he first came out in 1908, but in 1913 he returned to England, with his wife, child and aged mother. While he declares he merely went over on a trip to place his mother with his brothers, he nevertheless took up employment over there and the facts would appear to indicate that he intended to remain, though he may have had some vague intention of returning to Canada. As a matter of fact, he did not return until 1921. On this ground, I am compelled to find that claimant is ineligible for compensation at the hands of this Commission.

I have, however, examined the particulars of claim as set forth and the evidence adduced and do not consider that claimant has made out a case, even were he otherwise eligible. He was a prisoner for about nine months and I do not think that the experiences related were so harsh and the strain so great as

to cause the heart trouble which is the basis of claimant's case. Claimant's work in the coal mines near Essen was arduous and his treatment rough, but I cannot think that a soldier in good condition would break under the strain in so short a time. Claimant may have a recourse before the Pension authorities. Before this Commission, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 6, 1932.

CASE 2440—JAMES THOMAS FULFORD

Claimant was a Private in the 75th Battalion—Regimental No. 228290. He enlisted April 7, 1916, at the age of 24 years, and was taken prisoner April 9, 1917, at Vimy Ridge, unwounded. He was repatriated to England December 7, 1918. He is not in receipt of pension. He was married in August, 1919, and has two children. Prior to enlistment, he was employed as a stationary engineer, earning about \$20 per week, and is now employed as a street car motorman, at about \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of solitary confinement, was beaten black and blue with a stick, resulting in hospital treatment for fistula.

An analysis of the evidence reveals:—

After capture, claimant was taken to Douai and also spent three weeks in dungeon at the notorious Fort Macdonald, at Lille. Apart from the confinement and unsanitary conditions, he makes no complaint. Removed to Giessen, claimant worked on railway construction. Here he was beaten black and blue with a walking stick and as a result had to go to hospital. He was at Valenciennes, Stendahl and Linburg, at which latter camp he developed what he terms a fistula of the rectum which he ascribes to the beating referred to. He was well treated in hospital and has no complaints. He now complains of stomach trouble. In appearance, claimant is a well set up, healthy man and does not display any symptoms of disability.

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

Clearly claimant has failed to make out a case of disability resulting from maltreatment whilst a prisoner. It is difficult to see how a fistula, such as referred to, could have resulted from a beating. In the absence of medical evidence establishing some disability, the claim has no foundation. It is evident also that claimant does not regard himself as disabled, since he has not and does not intend to apply for pension. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 9, 1932.

CASE 2489—BEVERLEY N. GARRETT

Notice of claim was received on behalf of the above named claimant through his attorneys. From his military files it would appear that he enlisted in June, 1917, was taken prisoner in August, 1918, and repatriated to England in December, 1918. The usual claim forms have not been completed, and no other infor-

mation is available concerning claimant. Under date of March 8, 1932, his attorneys advised that the claim was withdrawn. It is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2486—S. J. GILBERT

Notice of claim was received on behalf of the above named claimant through his attorneys. He was apparently an Imperial soldier, but no information concerning him is on file. No report is available from the Department of National Defence and his attorneys have withdrawn the claim, by letter dated November 30, 1931. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 9, 1932.

CASE 2231—MILO JOHN GILLESPIE

Notice of claim was received on behalf of the above named claimant through his attorneys. Claimant apparently enlisted September 22, 1914—Regimental No. 27841—and was taken prisoner April 24, 1915, unwounded. No claim forms have been completed, nor was any evidence submitted. His attorneys have withdrawn the claim by general letter dated August 17, 1931. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 9, 1932.

CASE 1932—JOHN S. GODARD

Notice of claim was received from the claimant by interview. He enlisted August 1, 1916, with the Canadian Engineers, and later received a commission with the Royal Air Force. He was taken prisoner in an aeroplane crash October 24, 1917, suffering from an injury to his nose. No claim forms were completed and in reply to a letter requesting that he complete the record, claimant wrote advising that he wished to withdraw his claim. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 9, 1932.

CASE 2589—FRANK STEWART GOLD

Claimant was a Private in the 15th Battalion—Regimental No. 27581. He enlisted in August, 1914, at the age of 37 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, slightly gassed. He was repatriated to England December 27, 1918. He is not in receipt of pension, was married

August 22, 1923, and has one child. Prior to enlistment, he was employed as a chauffeur, at \$100 per month, and since discharge resumed this employment, now earning \$25 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, labour in mineral mine, exposure to wet and cold without sufficient clothing, and was sentenced to five months' solitary confinement for refusal to work.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where, apart from lack of food, he has no complaints. Sent to the silver mines at Holzappel, he received rough treatment, was kicked, beaten and finally compelled to go down the mine. He was here for about four months, but received no particular physical abuse. The hours were long and claimant suffered from exposure. He developed a cough. Later, for refusing to go to work at a so-called farm, claimant was confined to cells for about five months. He was later tried and sentenced to another month. After some time at another camp, claimant was sent to Bohmte working on canals. The work was arduous, the food bad and the barrack accommodation worse. Claimant was in hospital with bronchitis and when discharged was sent to a farm near Osnabruck. He has no complaints of his treatment here. Claimant still suffers with bronchitis, which he attributes to conditions in the silver mine referred to.

The medical record indicates that claimant suffers from cough from trachea—redness—swelling. His percentage of disability is stated at 40 per cent in his own calling and at 10 per cent in the general labour market. Dr. F. McPhedran, who certified to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. He is declared "all systems normal" upon discharge from the service.

Claimant would appear to have been fortunate in coming out of the silver mines with no greater disability. Other prisoners, at this camp, seem to have been more severely handled than he (Case 1886—Tuck). At all events, he spent only four months in these mines and was not exposed to any particular brutality. I do not find that claimant has shown a present disability resulting from maltreatment whilst a prisoner of war. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 4, 1932.

CASE 2479—WILLIAM GRAY

Claimant was a Private in the 75th Battalion—Regimental No. 772549. He enlisted December 31, 1915, at the age of 24 years, and was taken prisoner August 15, 1917, suffering from gunshot wounds through the lower jaw, breaking both bones. He was repatriated to England December 15, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$13 per month, based on his wound, varicocele and chronic bronchitis. He was married at the time of enlistment and has two children. Prior to enlistment, he was employed at monumental lettering, earning \$12 per week, and is now doing the same work and earning \$33 per week when at work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the treatment of his wounds and that the only food given him was black bread which he could not eat owing to his broken jaw. Was forced to work in a stone quarry immediately after leaving hospital and when he fainted he was kicked and beaten.

An analysis of the evidence reveals:—

Claimant was first taken to a hospital behind the lines where he complains that he did not receive proper attention for his wounds. It appears, however, that shortly after, a very delicate operation was performed by wiring his broken jaw bones. He complains bitterly that the wires were allowed to remain in his mouth too long and were removed by a Russian fellow prisoner. As to this phase of his complaint, I am left with the distinct impression that claimant received excellent attention at the hands of the enemy. Later, at Minden, he was sent out to work at a stone quarry. From the pain of his wound, he declares that he fainted and was beaten by a guard while lying on the ground, injuring his back and lower part of his spine, from which he still suffers. Claimant's recital of his movements is not very coherent, but it appears that he was at Friedrichsfeld and at Paderborn where he was made to work. Claimant complains of a bronchial condition which, however, he attributes to gas he received previous to capture. The injury to claimant's back and spine was not mentioned upon his medical examination. He began by denying that he had ever received a medical board but when confronted with the records, admitted that he had forgotten that it had taken place. His evidence as to the injury to his back was far from satisfactory.

The medical evidence does not assist claimant very materially. It indicates that claimant has pain in the back and legs. He is declared to suffer no disability in his own calling and comparatively little in the general labour market. Dr. Paris, who certifies to the foregoing, did not appear before the Commission, and the evidence contained in his certificate is too indefinite to be of much assistance. Claimant's medical history files refer only to the wounded jaw and varicocele which are declared to be negligible, and to a condition of bronchitis.

From the foregoing review of the evidence, it results clearly that claimant has failed to make out a case of present disability resulting from maltreatment whilst a prisoner of war. His evidence was unconvincing and his memory so clearly at fault in important respects, that I cannot reach a finding in his favour. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

Ottawa, August 10, 1932.

CASE 2297—RALPH GREENWOOD

The claimant was a Private in the 8th Battalion—Regimental No. 121. He enlisted in August, 1914, at the age of 18 years, and was taken prisoner April 26, 1915, at the second Battle of Ypres, suffering from a gunshot wound in the leg. He states that he was also gassed. He was repatriated to England from Switzerland, December 7, 1918. He is in receipt of a 45 per cent disability pension, amounting to \$58.25 per month, based on neurasthenia and bronchitis. He was married in March, 1920, and has 2 children. Prior to enlistment, he was an apprentice printer, earning \$700 or \$800 per annum, and since his discharge has been employed in that trade, at a present salary of \$51 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent terms of confinement to dark cells on bread and water, and of being beaten, and contends that the chest condition induced by the gas was aggravated by the treatment he received.

An analysis of the evidence reveals:—

Claimant was quite badly gassed when captured. Taken first to Roulers and then to Munster, he has no complaint as to his treatment there. After a few months he was sent to Dortmund, where he was invited with others to work in a coal mine. They refused to work and claimant, regarded as the ringleader, was questioned and punished for refusing to give information. He was made to stand before a looking glass for four hours and spent considerable time in confinement. For breaking tools while at work and attempted escapes, claimant was confined to cells, but does not appear to have encountered any particular physical brutality. In June, 1916, claimant was at Dulmen, where he underwent trial by court-martial and was given 14 days cells, apparently for the same refusal to give information. Upon serving his time he was sent to a camp in Poland, somewhere in the vicinity of Stettin. Refusing to work, he reported sick, was examined by the Swiss Commission, sent to Mannheim for observation and eventually exchanged to Switzerland as medically unfit. He was suffering with his chest. Claimant is very frank and while he considers he was subjected to maltreatment whilst a prisoner, attributes his impaired health to general conditions and admits that much of his punishment may have been deserved. He expresses satisfaction with his treatment by the Board of Pension Commissioners, but considers that he should receive a larger pension and is fearful of the future and his inability to care for his family.

The medical record indicates that claimant suffers from neurasthenia, bronchitis and sciatica. His percentage of disability is unstated and Dr. (name indecipherable), who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files appear to indicate a condition of tuberculosis which however, has been arrested. He is in receipt of pension for neurasthenia and bronchitis, (sciatica, under consideration).

After full consideration of the evidence, I have reached the conclusion that claimant's present state of health is more the result of general conditions of camp life, than to any active maltreatment. As explained in Opinion annexed to my earlier report dealing with maltreatment cases, I do not consider that claimant has discharged the burden of showing a present disability resulting from maltreatment. His case is a plea for augmentation of pension, with which this Commission cannot be concerned. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 8, 1932.

CASE 2462—JOHN HAMMOND

Claimant was a sergeant in the 13th Battalion,—Regimental No. 24787. He enlisted in August, 1914, at the age of 24 years, and was taken prisoner April 22, 1915, during the second battle of Ypres, unwounded, but gassed and had several teeth knocked out. He was released to Holland in April, 1918, and repatriated to England November 18 of that year. He is in receipt of a 10 per cent disability pension, amounting to \$11.50 per month, based on heart trouble. He was married in June, 1919, and has one child. Prior to enlistment, he was employed as a marine diver, earning about \$34 per week and is now employed as an engine turner, averaging about \$20 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of imprisonment without food in cells in the winter with no heat, scarcity of food, parcels stopped, compelled to stand at attention and several beatings and kicks.

An analysis of the evidence reveals:—

Claimant spent time at a number of camps, viz., Giessen, Meschede, Saltau, Bohmte, Asalage, Borstal and Hamelin. His chief complaint is as to the food received and the persistent and continued denial of parcels. He attributes his condition of health to such deliberate starvation. He was beaten on occasions and confined to cells but admits that these punishments were probably earned for attempted escapes and breaches of discipline. With other non-commissioned officers, claimant was made to stand to attention for long hours for refusing to volunteer for work. He also speaks of being hitched to plows and made to do manual labour. Claimant's heart and nerves have been impaired by his experiences.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show that he is suffering from disordered action of the heart (for which he receives pension).

In this state of the record it is manifestly impossible to reach a finding in claimant's favour. His disabilities, on his own statement, are nutritional in origin and for reasons explained in general opinion annexed to my earlier report upon maltreatment cases, impaired health resulting from such cause cannot be said to be due to maltreatment within the relevant sections of the Treaty of Versailles. Claimant's recourse is properly before the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 6, 1932.

CASE 2520—WALTER THOMAS HANLEY

Claimant was a private in the 60th Battalion,—Regimental No. 467094. He enlisted June 3, 1915, at the age of 25 years and was taken prisoner August 15, 1917, although he differs as to the date of his capture in completing his claim papers and in his verbal testimony. At the time of capture he was suffering from gunshot wounds in the face and in the shoulder, with loss of left eye. He was repatriated to England December 15, 1918. He is in receipt of a 70 per cent disability pension, amounting to \$89.50 per month for himself and family, based on the loss of his left eye, facial paralysis and psychoneurosis. He was married in September, 1920, and has two children. Prior to enlistment, he was employed as a letter carrier at \$72 per month, and is now in the parcel post department, at \$103 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, inadequate medical attention in German hospital, forced to work at cutting trees before he was fit, received slaps and kicks.

An analysis of the evidence reveals:—

Claimant was badly wounded in the face when captured. He was taken to hospital at Friederichsfeld, where he remained about a month. He complains that he did not receive proper medical attention for his wound and infers that the disability is now greater than it would otherwise have been. He does state that he had about 12 operations in Germany and that dressings were done at frequent intervals. It is difficult to see what more could have been done for claimant. His eye was lost and facial paralysis resulted from his service wound. He complains that he was prevented from presenting himself before the Swiss Commission for transfer, by being moved from camp to camp. At only one camp, Cottbuss, was he compelled to do any work—for three days—cutting down trees. He did not receive his parcels and protests that the food

received was bad and insufficient. While he received a kick from time to time and was even slapped in the face, he does not ascribe any disability to these incidents. His claim is confined to lack of proper medical attention.

The medical evidence indicates that claimant has lost his left eye, with deformity and left facial paralysis and suffers from psychoneurosis. His percentage of disability is stated at 70 per cent in his own calling and at 100 per cent in the general labour market. Dr. J. P. Brannen, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are quite complete and indicate the treatment received by him for his wounds. The neurosis from which claimant suffers is related to and connected with his physical appearance.

Claimant's physical appearance and disfigurement arouses the greatest sympathy. His case, however, is purely a matter for the Board of Pension Commissioners. Claimant has not shown that his disability results from maltreatment, nor that the original service disability has been aggravated by treatment received as a prisoner. I think the record shows that his captors did what they could for him. The injuries were such that not a great deal could be done. However sympathetically inclined it may be, this Commission cannot find maltreatment in the evidence submitted. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 6, 1932.

CASE 2592—JOHN CYRIL HARVEY

The claimant was a Sergeant in the 7th Battalion—Regimental No. 16494. He enlisted in August, 1914, at the age of 31 years, and was taken prisoner April 24, 1915, at the second battle of Ypres. He states that he was superficially wounded in the head, and slightly gassed. He was exchanged to Holland on April 17, 1918, and repatriated to England January 29, 1919. He is in receipt of a 15 per cent disability pension, amounting to \$17.25 per month, based on bronchitis and pulmonary fibrosis, and multiple fibromata. He was married in October, 1920, and has one child, aged 15 months. Prior to enlistment, he was an embalmer at \$25 per week and all found except clothing. From 1920 until recently he was in the employ of the Canadian National Railways as a pipe fitter's helper, earning on an average \$20 per week, but he is now unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that on one occasion he was badly kicked in the stomach, and that he received beatings on frequent occasions, at times being rendered unconscious.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he remained until 1917. He complains of a kick in the stomach by a guard because he was unable to work through illness. He was also beaten and confined to cells for refusing to give information as to prisoners who had escaped. To the first of these incidents he attributes a diseased appendix which was operated upon. Sent to Meschede, claimant was confined to cells for refusing to divulge information and twice beaten into unconsciousness. At Hameln, claimant received another severe beating and was knocked unconscious with a blow on the back of the neck. Sent to Muggenburgermoor, claimant has no complaints. To these beatings claimant attributes a most unusual condition known as multiple fibromata, which consists of lumps or tumours all over his body.

The medical evidence indicates that claimant suffers from chronic pulmonary tuberculosis, fibrosis, sciatic neuritis, chronic bronchitis, multiple fibromata and

traumatic abdominal adhesions. His percentage of disability is estimated at from 50 per cent to 90 per cent. Both Dr. Warren B. Snyder and Dr. S. S. Spicer, who certify to the foregoing, appeared before the Commission. The condition of fibromata referred to is apparently very rare and is probably not of hereditary origin. Both doctors seem to regard it as traumatic in origin and a disablement only in so far as the condition may indicate attacks of neuritis, from which claimant suffers. There is also some suggestion of impaired vision, but the trouble is congenital. Claimant's medical history files refer to the lung and bronchial affections and the fibromata, which are declared to be negligible.

I have great difficulty in this case in determining whether the condition of fibromata does constitute a disability and whether it really is the result of the treatment received by claimant whilst a prisoner. That his health has suffered generally is clear, but I am inclined to think this was due to general conditions of camp life in Germany at the time. In the absence of more convincing and specific evidence of disability resulting from maltreatment, I am compelled to find that claimant has not succeeded in making out a case. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 6, 1932.

CASE 2674—CAPTAIN JOHN B. B. DE M. HARVEY

Claimant enlisted as a Private in August, 1915, at the age of 22 years, and two months later secured a commission in the 142nd Battalion and was seconded to the Royal Air Force in February, 1917. He held the rank of Lieutenant, and was taken prisoner May 9, 1917, shot down while flying over enemy lines and wounded in the right forearm. He was repatriated to England December 21, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$15 per month, based on limitation of movement in fingers, right hand, and weakness of hand and forearm from gunshot wound. He is unmarried. Prior to enlistment, he was employed as a bank clerk at a salary of \$900 per annum, and after discharge resumed with the bank until January, 1929, at \$2,000 per annum, when he left the bank. He is now a salesman on commission; average earnings at present about \$200 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his wound was badly infected and was left without medical attention for a week after capture, and then treated twice a week instead of daily as it should have been, lack of food and non-receipt of parcels. An operation in Germany was badly performed. He now has a permanent disability as a result of neglect.

An analysis of the evidence reveals:—

Claimant confines his complaint to want of proper medical and surgical attention for his wounded arm in Germany. It is his contention that, had a proper operation been performed while he was held a prisoner, his disability would not now be as great as it is. He complains that his wound received no attention for a week, and that from that time forward it was dressed only occasionally. His period of captivity was spent first at Tournai, then at Hospital in Hamburg, followed by some time at Heidelberg and Clausthal Camps. He speaks of an operation to his arm by an eminent German surgeon at Hamburg, but contends that such operation was improper in that it did not include a bone graft, which was subsequently performed in Canada. It is suggested that a surgeon informed him that, had this operation been performed in Germany, his disability would have been less extensive. There is nothing

to substantiate this suggestion, and I am informed that it would have been ~~bad surgery to perform such an operation within a year of the injury.~~

The only medical evidence produced consists in a certificate of Dr. Robert H. Craig, which relates to a condition of tonsilitis for which Dr. Craig operated in February, 1922. This is clearly without relation to the claim put forward by claimant. His medical history files refer only to the arm condition, and nothing is to be found therein which would support the contention of improper medical treatment while claimant was a prisoner.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. He has quite failed to show that his wounds were not properly cared for in Germany or that he was subjected to maltreatment. His disability is of service origin, and the record does not establish any aggravation thereto by reason of maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 28, 1932.

CASE 2463—ERNEST HAYWARD

The claimant was a Private in the Middlesex Regiment (Imperial)—Regimental No. 9487. He first came to Canada in 1905, and was resident here until 1915. In that year he returned to England and enlisted there. He returned to Canada in August, 1919. He enlisted in March, 1915, at the age of 19 years, and was taken prisoner September 25, 1917, suffering from a slight shrapnel wound in the left foot. He was repatriated to England in January, 1919. He is not in receipt of pension, although he states he applied therefor in 1922. He is married but has no children. Prior to enlistment, he had no settled occupation, and since his discharge has done only odd jobs.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of rough handling by the guards, and of poor food and living conditions.

An analysis of the evidence reveals:—

Claimant spent some time at Brussels and Ghent, before being taken to Dulmen camp. Outside of the poor food, bad accommodation and general rough usage, he has no complaints. Sent on to Gustrow, and finally Birkenmoor, at which latter camp he remained for the remainder of his captivity, he was working on railway construction. He complains of being hit and cut on the wrist by a guard, but this injury has left no disability. His main complaint is as to poor food conditions, living quarters and hard work, to which he ascribes a stomach condition.

The medical evidence is furnished by letter from Dr. Geo. S. Young, who finds claimant suffering *arcus senilis*. The blood vessel changes indicate a man older than the claimant is. Claimant has advanced arterio-sclerosis and an intestinal condition termed a "nutritional defect." Upon discharge claimant did not report any disablement due to service.

That claimant suffered as a result of general conditions of food and life while in Germany is beyond question, but I cannot reach the conclusion that any present disability results from maltreatment while he was held captive. (See general opinion annexed to my earlier report upon maltreatment cases.) The case thus fails for want of proof to establish the essential elements. It must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 29, 1932.

CASE 2174—I. J. C. N. HAYWARD

Notice of claim was received from the above named claimant, from which it appears that he enlisted on March 9, 1916, and was taken prisoner on August 23, 1917. Claimant has not completed the usual claim forms, nor has he appeared before the Commission, although he was given notice to appear at sessions held in Winnipeg on January 26, 1930, September 30, 1931, and September 13, 1932. Letters addressed to him have remained unanswered. In these circumstances, the claim is disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 17, 1932.

CASE 2626—HARRY HEILMAN

Claimant was a Lance-Corporal in the 4th C.M.R.—Regimental No. 109388. He enlisted November 28, 1914, at the age of 22 years. He was taken prisoner June 2, 1916, unwounded, and was repatriated to England December 4, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$11.50 per month, based on gastritis. He was married December 29, 1924, and has one child. Prior to enlistment, he was a grocery clerk at \$15 per week, but was in the west harvesting at \$3.50 per day when the war broke out. He is now employed by the Robert Simpson Company, of Toronto, at \$24.50 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the bad food and of receiving burns on the leg while working in rolling mills from contact with hot plates, also of a scalded foot due to the deliberate act of a German workman. His eyesight has become impaired due to the extreme heat during his work.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, was transferred to Munster, and sent out to an iron foundry, where he remained for the duration of his captivity. Apart from the food and hard labour, he complains of two incidents of maltreatment. On one occasion his leg was badly burned by two pieces of hot iron. It is not clear whether this was accidental or done deliberately by the guard. He received some, though he declares it was inadequate, treatment. Again he speaks of boiling water dumped on his foot, which also may have been accidental. He also complains of exposure to the heat in the foundry, and that he was compelled to wear wooden shoes. As a result of these experiences, claimant suffers from his stomach (for which he receives pension), complains of his back and of his eyes.

The medical evidence indicates that claimant suffers from chronic gastritis, possibly duodenal ulcer and bears the scar of a burn on the left leg. His percentage of disability is stated at from 10 per cent to 25 per cent. Dr. S. M. Campbell, who certifies to the foregoing, did not appear before the Commission. His certificate makes no mention of the back injury and declares that claimant suffers no lack of vision. The certificate of an oculist is filed, showing some diminution in vision. Claimant's medical history files, apart from his pensionable disability, contain nothing unusual.

The particular incidents related by claimant when he sustained burns to his leg and foot have not been shown to cause permanent disability, nor do I think it can be said that these injuries were deliberately inflicted. The story is quite consistent with accident. There is no medical evidence of any injury to claimant's back and the medical certificate filed discloses no loss of vision.

I conclude that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 26, 1932.

CASE 2590—THOMAS PRESCOT HENDRY

Claimant was an Imperial soldier, who served as a trooper with the 17th Lancers—Regimental No. 5978 and the 2nd Life Guards—Regimental No. 13373. He was 34 years of age when he enlisted in 1914 and was taken prisoner October 19, 1914, unwounded. He was repatriated to England December 28, 1918, and came to Canada to reside in March, 1923. It was explained to him by letter dated April 1, 1932, as also at the time of his appearance, that the date of his arrival in Canada precluded him from submitting his case to this Commission.

Upon further consideration, this view is now confirmed. The date constitutive of jurisdiction has been fixed as of January 10, 1920, date of the ratification of the Treaty of Versailles, as is explained in my earlier Report dealing with maltreatment cases. The claim, therefore, fails for want of jurisdiction. Reserving to claimant all other recourses, and, without deciding the case upon its merits, I must, therefore, disallow the claim in so far as this Commission is concerned.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 7, 1932.

CASE 2394—ARTHUR HIBBERD

The claimant was an Imperial soldier, who served with the Royal Munster Fusiliers—Regimental number 7211476. He was taken prisoner March 21, 1918, and was repatriated to England on December 4, 1918. It appears that he came to Canada to reside in September, 1927. For reasons which have been explained in my earlier report dealing with maltreatment cases, this Commission is without jurisdiction to entertain the claim. It is only in cases in which the claimants became resident in Canada previous to January 10, 1920, date of the ratification of the Treaty of Versailles, that this Commission has authority to act. Moreover, claimant has not appeared before the Commission to substantiate his claim, and it fails for want of prosecution. Without deciding the case upon its merits, and, reserving to claimant any recourses he may have, the claim must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 7, 1932.

CASE 2143—THOMAS JAMES HICKEY

Notice of claim was received on behalf of the above named claimant through his attorneys. Claimant apparently enlisted October 9, 1915, as a Private in the 95th Battalion—Regimental No. 201187. He was taken prisoner

October 8, 1916, wounded in the right leg and left hand. No claim forms have been completed and no evidence was submitted. His attorneys have withdrawn the claim by general letter dated August 17, 1931. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 9, 1932.

CASE 1988—C. D. HICKS

Notice of claim was received from the above named claimant. He has never completed the usual claim forms and nothing further has been heard from him. From his military records, it appears that he enlisted on March 30, 1915, was taken prisoner on February 6, 1916, and escaped on September 5, 1918. Included with his medical file is a statement made by claimant upon repatriation reciting his experiences whilst a prisoner.

Notice was given to claimant to appear before the Commission, but he failed to do so and has not replied to communications sent him since. In these circumstances the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 13, 1932.

CASE 2500—FRANCIS G. HICKS

Notice of claim was received on behalf of the above named claimant through his Attorneys. The usual claim forms have been completed by the claimant, from which it would appear that he enlisted September 22, 1914, was taken prisoner April 24, 1915, and repatriated to England on December 16, 1918. Claimant was duly notified to appear at the sessions of the Commission held in Montreal, on May 25, 1932, but failed to present himself. The Attorneys representing claimant were unable to explain his absence. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 8, 1932.

CASE 2373—ALBERT EDWARD HIPKIN

Claimant served with the Imperial forces, having been a private in the 2nd East Surrey Regiment—Regimental No. 865. He had been in Canada since 1910 and was visiting in England when the war broke out and enlisted there in September, 1914. He was taken prisoner May 24, 1915 unwounded but gassed, and was repatriated to England in December, 1918. He is not in receipt of pension, was married in March, 1919, and has four children. Prior to enlistment, he was engaged in farming and also as a florist's shipper before his return to England on a visit. He is now a packer in a warehouse, earning \$25 per week.

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

long hours of labour, beatings with rifle butts and solitary confinement on bread and water for attempting to escape. He now suffers from loss of memory and stomach disorders.

An analysis of the evidence reveals:—

Claimant served as an Imperial, but has clearly shown that he was resident in Canada before the war and is thus entitled to bring his claim before this Commission. First taken to Munster, he complains generally of beatings, but does not claim any disability as resulting therefrom. He was then sent to Senne-lager, where he was knocked about by the Uhlaus. His testimony does not in all respects coincide with his statement of claim as to the camps he was later sent to, but it would appear that he spent time at Kaiserworth, on a farm and at Minden, followed by Elberfeld, where he refused to work in a munitions factory, and was struck on the lip and served 21 days in cells. Returned to Minden followed by Dulmen, he complains of the work he was compelled to do and insufficient food. At Dulmen he speaks of the treatment as fair. For an attempted escape, claimant was beaten and confined to cells. As a result of these experiences, he suffers from dizziness, impaired stomach, and loss of memory.

The medical evidence indicates that claimant suffers from "stomach trouble and loss of memory—absent minded." His percentage of disability is stated at 50 per cent. Dr. F. Vanderlip, who certifies to the foregoing, did not appear before the Commission. Certificate of Dr. Wm. A. Brydon is also filed to the effect that claimant is nervous, forgetful and absent minded. Claimant's medical history files (being an Imperial) are not available.

I do not find in the record evidence of maltreatment causing present disability. Claimant was exposed to the usual conditions of camp life in Germany and was punished in accordance with the customary rules for an attempted escape. That his health may have become affected by the treatment received is probable, but I regard the case as one purely for the consideration of the Board of Pension Commissioners. He has failed to meet the requirements entitling him to reparation resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 29, 1932.

CASE 2423—CHARLES HOCKLEY

Claimant completed the usual claim forms, from which it appears that he enlisted on November 27, 1914, was taken prisoner on June 2, 1916, was repatriated in England on November 23, 1918, and discharged on August 4, 1919. Claimant has not pressed the claim, did not appear before the Commission, and notice of withdrawal of the claim was given on his behalf. The claim, accordingly, fails for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 18, 1932.

CASE 1982—JOHN C. HOGAN

Notice of claim was received from the above named claimant on or about January 2, 1931. The usual claim forms were sent him, but have never been returned. Claimant, from his military files, appears to have enlisted on September 22, 1914, was taken prisoner on April 24, 1915, was repatriated to England on November 18, 1918, and discharged on March 27, 1919. His medical files reveal nothing unusual. He was given notice to appear before the Commission on two occasions, first for April 14, 1931, and second, for April 18, 1932, both at Toronto. Claimant failed to present himself and the claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 18, 1932.

CASE 2058—ALFRED HOLMES

Notice of claim was received on behalf of the above named claimant through his attorneys. The usual claim forms have not been completed, but it would appear from his military files that claimant served as a Lieutenant with the Imperial Forces, and when captured was wounded in the right arm, buttock and back. Under date of February 16, 1932, his Attorneys advised that the claim was withdrawn. It is accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2236—J. H. HUGHES

Notice of claim was received on behalf of the above named claimant through his attorneys. No information concerning the claimant is on file and the military authorities can furnish no report beyond the fact that he served as an Imperial soldier. His attorneys withdrew the claim by general letter dated August 17, 1931. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 9, 1932.

CASE 2457—WILFRID HARVEY HUGHES

The claimant was a corporal in the 4th C.M.R.—Regimental No. 109404. He enlisted in November, 1914, at the age of 39 years, and was taken prisoner June 2, 1916, suffering from a gunshot wound in the face. He was exchanged to Holland May 7, 1918, and repatriated to England September 7, 1918. He is in receipt of a disability pension of 5 per cent, amounting to \$5.75 per month, based on "necessity for care in stooping over due to saliva and liquid foods running from nose, following gunshot wound in palate, with sinus persisting." He is married, and has one child, aged 21. He states that his occupation is that of a clerk, but at the time of enlistment he was a hired man on a farm, earning \$20 per month. Since discharge, he has been employed as a clerk, successively with the D.S.C.R. at the Parliament Buildings, and at present with the Scarborough Public Utilities, where he is earning \$35 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he suffers from neurasthenia resulting from malnutrition. He states that for a period of some weeks he was confined with a large number of consumptive patients, and that it was not permissible to open the windows. He states also that his parcels were stopped.

An analysis of the evidence reveals:—

After some time in hospital at Courtrai and Duisberg, claimant was sent to Dulmen camp. He has no complaints as to his treatment except as to rough treatment by a Doctor at Duisberg. Removed to Minden, Saltau and Hameln, as to the latter of which camps he complains bitterly of the food, which was denied prisoners because, as N.C.O's, they refused to volunteer to work. Punishment drill is also referred to as a hardship. Transferred to Bohmte and back to Hameln claimant speaks generally of bad living conditions and treatment. The basis of his complaint is that he suffers from neurasthenia due to malnutrition.

Claimant has brought forward no medical evidence, not even the usual certificate of a doctor. His medical history files relate to the mouth injury received before capture, and while there is some reference to debility following his period of captivity, there is nothing to establish an existing disability at this time.

Clearly, claimant has failed to make out a case of present disability resulting from maltreatment whilst a prisoner. It is quite likely that the nervous condition of which he speaks follows from his service wound, and this is entirely a matter for the Board of Pension Commissioners. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 8, 1932.

CASE 2288—ROBERT FREDERICK CAREW HUNT

The claimant was a Private in the 7th Battalion—Regimental No. 16317. He enlisted in August, 1914, at the age of 42 years, and was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a gunshot wound in the right index finger. He states that he was also suffering from gas. He was repatriated to England March 25, 1918. He is in receipt of a disability pension, amounting to \$37.50 per month, based on (1) Mental deficiency congenital, not aggravated on service; (2) Pes cavus; (3) Myocarditis; (4) Varicose veins. He is unmarried. Prior to enlistment, he was employed as a beach guard at about \$100 per month. Since his discharge he has been doing odd jobs, but is at present out of employment.

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 living conditions generally, that he was compelled to work whilst unfit, and that he received no proper medical attention. He states that he suffers from rheumatism and sciatica.

An analysis of the evidence reveals:—

Claimant was 42 years of age when he enlisted and the strain of his period of captivity reacted unfavourably upon his health. He had great difficulty in recounting a consecutive and intelligible story of his experience. It would appear that he was first taken to Giessen. — He does not complain of any particular brutality but alleges that he was engaged in very menial labour and did not receive any medical attention for rheumatism. He speaks of losing

teeth but does not explain how this occurred. He was sent to Zerbst camp, where he remained for eight months. He is very confused as to what happened here but appears to complain chiefly of the accommodation and unclean living conditions. Claimant next spent six months at Merseberg, where he again complains chiefly of living conditions. He was then transferred to Mannheim and to Switzerland. He complains of disabled feet, rheumatism and sciatica, and when asked to what cause he attributed these troubles states that "it was just general conditions.

The medical record indicates that claimant suffers from callouses on both feet, varicose veins and rheumatism. His percentage of disability is stated at from 50 per cent to 75 per cent. Dr. R. W. Irving, who certifies to the foregoing, did not appear before the Commission. Further medical certificates have been filed which bear out the conditions noted.

The claimant is no longer young, and I fear much of his disability must be attributed to advancing years, accentuated perhaps by certain congenital conditions. I do not find in the record, nor does his evidence disclose, in my opinion, any such maltreatment as would account for his present ailments. On the whole, as far as his story goes, he appears to have escaped particular brutality. I regard the case as one solely for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 5, 1932.

CASE 2284—EDWARD HURRELL

The claimant was a Private in the 7th Battalion—Regimental No. 23395. He enlisted in August, 1914, at the age of 30 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the left thigh and suffering from gas. He was repatriated to England December 14, 1918. He is now in receipt of a 5 per cent pension, amounting to \$7.50 per month, based on the wound in the left leg. He was married in November, 1924, and has four children. Prior to enlistment, he was employed as a diamond driller, earning \$2,000 per annum, and since discharge he resumed this occupation, but was out of work at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper medical treatment, during an operation without anaesthetic. Suffered confinement to cells and exposure due to lack of clothing, and makes the usual complaint as to bad food.

An analysis of the evidence reveals:—

Taken first to Roulers and then St. Eloi, claimant has no complaints. Sent back to a hospital in Germany, claimant alleges that his leg was operated upon without anaesthetic. He was finally sent to Straumuhl for the remainder of the war. He was not subjected to physical abuse and appears to have been given light work to do. In common with other prisoners, he served time in cells for minor breaches of discipline. He suffers now from his heart which he attributes to the strain of his experience in Germany. He also has a haemorrhoid condition which had its origin in Germany, due to exposure in damp cells.

The medical record indicates that claimant suffers from a heart condition said to manifest itself in an accelerated beat. His percentage of disability is stated at 75 per cent. Dr. G. E. Duncan, who certifies to the foregoing, appeared before the Commission. He confirmed his certificate as to the heart condition and the haemorrhoids but was unable to say, quite properly, whether these disabilities were of service or captivity origin. Claimant's medical history files

show the disability resulting from his wound, and haemorrhoids, his last examination upon discharge, however, declared "all systems normal."

In these circumstances it is clear that claimant has not established that his disability results from maltreatment whilst a prisoner of war. His health has suffered from the strain and wear of general condition of camp life in Germany and I do not regard this as entitling him to an award, for reasons set forth in general Opinion annexed to my earlier report upon maltreatment cases. Claimant's recourse, if any, is before the Board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 8, 1932.

CASE 2153—ROBERT HUTCHISON

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

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 9, 1932.

CASE 2521—JOSEPH INGHAM

Claimant served with the Imperial forces, having been a Private in the Border Regiment—Regimental No. 6803. He came to Canada in 1910 and, being in reserve, was called to the colours in August 1914 and sailed for London to rejoin his unit. He was taken prisoner in October 1914 in Belgium, wounded in left index finger and hand. He was repatriated to England in January, 1919. He was in receipt of a 20 per cent disability pension, amounting to 8 shillings per week, based on the loss of his finger, but this was discontinued after his return to Canada. He was married in May 1931 and has one child, aged 2 months. Prior to enlistment, he was employed as a barber, at \$15 per week, and is now a machinist's helper, at \$4.50 per day, but was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of food, exposure, hard labour in stone quarries, beatings with rifle butts and the loss of his finger, which prevents his following the barber's trade.

An analysis of the evidence reveals:—

While claimant served as an Imperial, he has established a pre-war residence in Canada, which entitles him to advance his claim before this Commission. He served over four years as a prisoner, being held at Gottingen, Rammelsburg (sic), Oker and Hameln Camps, and working parties at stone quarries and smelting plants. His treatment, in hospital, for his wounded hand was fair, but he complains of the continuous deprivation of food, heavy labour and knocking about, inducing a general nervous condition, which incapacitates him. The loss of his finger was apparently of service origin. Claimant, as one of the first prisoners taken by the enemy, protests at the indignities heaped upon them by the civilian population. His complaints are quite general.

The medical evidence indicates that claimant has lost his left forefinger, suffers from neurasthenia and has a lump behind the left knee. His percentage of disability is stated at 25 per cent. Dr. A. H. McCordick, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are not available.

The injury to claimant's hand is of service origin and is not attributed to maltreatment. The knee condition remains unexplained. His nervous condition, I consider, results from his long period of captivity and the strain and duress of general camp conditions, rather than from what might be termed active maltreatment by the enemy. Viewing the case as a whole, I am forced to the conclusion that claimant has not been successful in showing a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 15, 1932.

CASE 2484—GEORGE IRVING

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

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8th, 1932.

CASE 2502—HARRY H. JAMES

Claimant was a Private with the 13th Battalion—Regimental No. 24951. He enlisted in August 1914 at the age of 21 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a gunshot wound in the left leg. He was repatriated to England August 8th, 1916. He is in receipt of a 75 per cent disability pension, amounting to \$95.75 per month, based on his wounds, osteomyelitis ribs, loss of one kidney and nephritis. He was married in June 1917 and has two children. Prior to enlistment, he was employed as a wire worker at 25 cents per hour and is now a patient in St. Annes Hospital, although previously he was foreman's messenger, at \$24 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of delay and harsh treatment before he received medical attention for his wounds. Had several operations without anaesthetic. Was inoculated against typhoid and a swelling developed in the left breast. His leg was still discharging when he was sent home.

An analysis of the evidence reveals:—

Claimant's wounds were first attended by a comrade, but he was left on the field 18 hours, before being taken to a dressing station at Roulers. He recounts an incident which occurred while he still lay on the field. In attempting to guard his head with his arm from a blow, he was struck on the arm, breaking it. He complains that he did not receive proper treatment for his arm. Taken to Paderborn hospital, his leg was put in splints but he avers that the treatment was so inadequate that a permanent shortening has resulted which should have been avoided, in part at least, with proper treatment. Claimant also spent time in Kaiserhoff hospital at Strauhmuhl, Senne, Minden, and Friedrichsfeld camps.

He complains that inoculation given him for typhoid induced tuberculosis and suggests that this treatment was deliberate. Apart from the blow which broke his arm, claimant does not complain of other brutality and confines his complaint to inadequate medical care, which has resulted in disability to him.

Claimant has produced no medical evidence and relies upon his pension files as establishing his present condition. These documents refer only to claimant's service wound in the leg and treatment for osteo-myelitis. There is no mention of the fractured arm and apparently no disability results therefrom.

In this state of the record, I do not consider that claimant has made out a case of disability resulting from maltreatment. His leg was treated in Germany and he has not shown that any better result could have been obtained with different treatment. As to the osteo-myelitis, it is highly improbable that this could have resulted from the inoculation referred to and it is significant that the operation for this condition took place in 1923. On the whole I consider claimant's case as one purely 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, September 19, 1932.

CASE 2392—JOHN EUSTACHE JARVIS, M.C.

The claimant was a Lieutenant at the time of capture, serving with the 2nd Northamptons. He enlisted in Canada, in August 1914, at the age of 22 years, as a private in the 11th Battalion—Regimental No. 21620. He was taken prisoner March 26, 1918, unwounded, and was repatriated to England about the middle of December 1918 after being held prisoner for nine months. He was at first in receipt of an 100 per cent pension but this has been reduced to 50 per cent, amounting in all to \$57 per month, based on pulmonary tuberculosis. He was married October 30, 1920, and has one child. Prior to enlistment, he was employed as a bank clerk, earning about \$100 per month and after discharge he returned to the bank at an increased salary and quarters. He resigned and is now employed as deputy clerk of the Court and deputy Sheriff at about \$125 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that the present condition of his health is due to the needlessly unsanitary camp conditions, the overcrowding, and starvation diet, all of which he contends could have been ameliorated by the Germans.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 9 months, first at Bohain, France, then at Rastatt and finally at Gradenz. He does not complain of any particular acts of physical brutality, but attributes a weakened chest condition and general debility to poor and inadequate food and general conditions of camp life in Germany. He refers chiefly to the first month of his captivity as being particularly trying.

The medical record indicates that claimant suffers or has suffered from pulmonary tuberculosis. His percentage of disability is stated at 25 per cent in his own calling and at 100 per cent in the general labour market. Dr. F. H. Moore, who certified to the foregoing, did not appear before the Commission. Claimant's medical history files show that the tubercular condition is apparently arrested but that he suffers from marked debility.

From the evidence of record, I think it follows that claimant's present condition may probably be attributed to general conditions of camp life and food

in Germany. As explained in general Opinion annexed to my earlier report dealing with maltreatment cases, I do not regard these conditions as constituting maltreatment entitling claimant to an award. His recourse is clearly before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 6, 1932.

CASE 2279—JOHN NEVILLE JAYNES

The claimant was a Private in the 7th Battalion—Regimental No. 16785. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, and was repatriated to England November 29, 1918. He is not in receipt of pension. He is unmarried. Prior to enlistment, he was engaged in the garage business, earning up to \$200 per month, and after discharge resumed his business and now makes about \$1,000 per year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, forced labour, and beatings. Suffers from a slight rupture due to heavy lifting.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp and sent to Alteno, where he remained for the duration of his captivity. He was made to work tending the fires in the foundry and complains chiefly of the poor food and excessive work. He was knocked about, as were other prisoners, but does not ascribe any disability to this treatment. He also declares that he became ruptured through heavy lifting and was given a truss for this injury by the German doctor. As a result of his experience, he complains of stomach trouble, the rupture, and states that he is depressed and melancholic.

The medical record indicates that claimant has a left inguinal hernia. His percentage of disability is stated at from 5 per cent to 10 per cent. Dr. H. P. Swan, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files disclose no disability, his health, upon discharge, being declared to be good. Moreover, upon examination of claimant by the medical adviser to the Commission, no present trace of hernia was discernible.

In this state of the record, it is quite impossible to find that claimant was subjected to maltreatment which has resulted in permanent disability. The hernia spoken of was of accidental origin and there is no evidence that he was improperly treated therefor. Claimant's remaining complaints have to do with food conditions whilst a prisoner, and I do not consider that he has made out a case of maltreatment in this respect. (See general Opinion annexed to my earlier report upon maltreatment cases). The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 21, 1932.

CASE 2280—PERCY C. JAYNES

The claimant was a Private in the 7th Battalion—Regimental No. 16784. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded, and was

repatriated to England November 29, 1918. He is not in receipt of pension. He was married in 1919 and has no children. Prior to enlistment, he worked on his father's farm and since discharge he has been farming for himself but had no stated income.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been stabbed in the thigh with a bayonet, after capture, and of the usual bad food and abuse.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, and spent his period of captivity at attached commando, Alteno and Grenhausen. He complains chiefly of the poor food, and long hours, while engaged in working on the iron furnaces. He does not complain of any acts of brutality or physical violence but recounts an incident which occurred during a melee with the guards. He was pricked by a bayonet in the hands of a guard. No disability has resulted from this injury. As a result of his experiences claimant declares that he cannot sleep at night and has bad dreams. He also suffers from rheumatism which he ascribes to his stomach condition, resulting from bad food.

The medical record indicates that claimant shows the marks of a bayonet wound in the thigh and suffers from moderate neurasthenia. His percentage of disability is stated at 50 per cent. Dr. H. P. Swan, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show no disability, his final examination upon discharge declaring "all systems normal."

I do not find in this record evidence of maltreatment resulting in disability. That claimant was undernourished and made to do hard work is proven, but, as explained in general Opinion annexed to my earlier Report on maltreatment cases, I cannot regard general conditions of this nature as maltreatment. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 13, 1932.

CASE 2494—EWEN MACNIDER JELLETT

Claimant was a Private with the 1st C.M.R.—Regimental No. 117031. He enlisted in January, 1915, at the age of 22 years, and was taken prisoner June 2, 1916, at Sanctuary Wood suffering with shrapnel wounds in the right shoulder and face. He was repatriated to England January 1, 1919. He is in receipt of a 30 per cent disability pension, amounting to \$30 per month, based on loss of vision in left eye due to injury while a prisoner. He was married July 3, 1930, and has no children. Prior to enlistment, he was employed as a clerk earning \$85 per month, and is now in a clerical position with the Royal Trust Company at \$1,750 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while forced to work in the coal mines he was struck in the eye by a stick which he was cutting and due to lack of medical treatment he lost the sight of the eye. The German specialist who finally examined him stated that the sight was lost due to delay. His present employers do not guarantee to include him in a pension fund should he become totally incapacitated as to sight while in their employ.

An analysis of the evidence reveals:—

Claimant was attended for his wounds at Julich hospital and has no complaints of his treatment. Sent on to Stendal, he complains only of the food. He was then sent to Mersberg, to which camp he remained attached for the

entire period of his captivity, the greatest part of which time—over two years—he spent at a coal mine—Mueheln—near Merseberg. Claimant does not complain of any physical violence to himself but attributes the loss of the sight in his left eye to neglect and lack of treatment by his captors. The eye was injured by a splinter of wood which struck it while claimant was engaged in chopping wood. Although bleeding profusely in the eye no medical attention was given claimant for three weeks, when he was finally sent to the hospital at Halle. It was then too late to do anything for the injured eye, but such treatment as could be given him he received. The result has been permanent blindness in that eye. Claimant speaks of conditions in the mine as very bad, which is consistent with other evidence available as to the coal mine camps.

The medical evidence indicates that claimant has lost the sight of his left eye as the result of a traumatic cataract thereof. Dr. S. H. McKee, who certifies to the foregoing, did not appear before the Commission, but his statement is fully borne out by claimant's medical history files. Claimant reported the occurrence upon repatriation and his statement agrees closely with his testimony before the Commission.

The injury to claimant's eye and the resultant disability have been clearly proven. It is extremely difficult to say whether further treatment at the time of or immediately after the accident might have saved the sight, and I am inclined to the view, that the evidence shows that the initial injury was so severe that no earlier treatment would have availed to save his sight. I am informed that operative treatment under service conditions, if indicated shortly after the time of injury, might have given claimant more sight, but, on the other hand, the eye might have been completely lost. At worst, therefore, failure to operate was purely a matter of judgment. Claimant has thus failed to show such inadequate treatment as would amount to maltreatment. The claim fails and must be disallowed.

ERROL M. McDOUGALL.

Commissioner.

Ottawa, October 3, 1932.

CASE 2290—MRS. NELLIE JERVIS

Claim is made by the widow of the late George Jervis, who died at Edmonton, Alberta, on February 27, 1925, for the loss of her husband's life, which is alleged to have resulted from his treatment whilst a prisoner of war in Germany. The deceased was an Imperial soldier, who served with the Royal West Surrey Regiment—regimental number 22618. He came out to Canada in July 1921 and was followed some months later by claimant and their three children.

There is no evidence of record indicating the treatment received by the deceased in Germany, apart from an affidavit executed by him on December 23, 1924, which discloses that deceased was taken prisoner on September 25, 1917, wounded in the left forearm and side of face. He was repatriated in March 1919, and complains chiefly of starvation and exposure whilst a prisoner. From the medical certificate he would appear to have died from tuberculosis, which is ascribed to conditions during his period of captivity.

It was explained to claimant at the hearing that this Commission was without jurisdiction to entertain the claim, because her late husband had been an Imperial soldier and had only become resident in Canada in 1921. As set out in my earlier report upon maltreatment cases, the date constitutive of jurisdiction for this Commission in dealing with Imperial soldiers, who later came to Canada, is January 10, 1920, date of the ratification of the Treaty of Versailles. For this reason, the claim cannot be allowed. There is, however, another reason

for disallowance. A claim for maltreatment as a prisoner of war is personal to the victim and does not pass to his legal representatives. Clearly, therefore, the present claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

Ottawa, September 4, 1932.

CASE 2303—ARTHUR JODOIN

The claimant was a Private in the 4th C.M.R.—Regimental No. 113322. He enlisted in December 1915 at the age of 20 years. He was taken prisoner June 2, 1916, wounded in the left leg and head, and was released from Germany November 17, 1918. He reached England on the 30th of that month. He is now in receipt of a 20 per cent disability pension, amounting to \$30 per month, based on his war wounds. He was married February 15, 1924, and has four children. Prior to enlistment, he was employed as a lumber grader earning \$31 per week and since discharge he has been out of work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper treatment of his wounded leg, of being discharged from hospital before his wounds were healed and subjected to abuse and confinement. He served in all 315 days confinement for slight breaches of discipline. He now complains of nervous disorders.

An analysis of the evidence reveals:—

Claimant was quite badly wounded in the head and leg when captured. Upon regaining consciousness he found himself in Mannheim hospital. He complains that he did not receive proper or adequate treatment for his injured leg, although he does indicate that some treatment was given him. Sent to Stuttgart, where he remained for the duration of the war, he again complains that his wounds did not receive proper attention in hospital, but his chief grievance is that he was kept in confinement for minor infractions of discipline and he declares that he so served 315 days. He made two attempts to escape and was given 90 days and 21 days upon recapture. The remaining time he served because he refused to give information concerning other prisoners. He does not appear to have been subjected to any particular physical brutality and attributes a present neurasthenic condition to the confinement referred to. He cannot sleep or work, is restless and irritable.

The medical evidence indicates that claimant suffers from traumatic psychoneurosis. His percentage of disability is stated at 100 per cent. Dr. John S. Smith, who certifies to the foregoing, appeared before the Commission, confirmed the statement contained in his certificate, and seemed to be of opinion that claimant's condition might result from his treatment whilst a prisoner. There is also a neurological report on file of Dr. M. H. Hepburn, who declares that "from his story he (claimant) does not appear to have been very badly treated while a prisoner and his manner during the recital does not suggest that he was repressing anything". This was precisely the impression created by claimant before the Commission.

Claimant served long periods in confinement, some of which he undoubtedly merited, and I do not think that the medical evidence justifies the finding that his present nervous state is due to such confinement. The strain of prison camp life upon all prisoners was considerable, but loss of health due to general conditions alone, even if fully proved, is not sufficient to entitle claimant to an award. (See Opinion upon maltreatment cases annexed to my earlier report). I consider the case, as one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim cannot be allowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 6, 1932.

CASE 2575—HARRY ALEX JOHNSTON

Claimant was a Private in the 1st C.M.R.—Regimental No. 106321. He enlisted December 1, 1914, at the age of 18 years, and was taken prisoner June 2, 1916, suffering from a gunshot wound in the left shoulder. He was released to Switzerland in June, 1918. He is in receipt of a 50 per cent disability pension, amounting to \$71.75 per month for himself and family, based on his war wound, epilepsy and hernia. He was married June 23, 1919, and has five children. Prior to enlistment, he was employed as a farmhand in Western Canada, earning about \$20 per month and board. He is now out of employment due to frequent seizures, but had been raising chickens.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten for not divulging information, was given confinement in cells where he first suffered seizures. Received further confinement for passing bad German money and was beaten with rifle butts; also deprived of parcels.

An analysis of the evidence reveals:—

Claimant spent the first 9 months of his captivity in Stuttgart hospital and the remainder in Stuttgart camp and at Frankfurt. He has no complaint of his treatment in hospital but in camp was thrown into cells for refusing to divulge information as to a comrade. He was beaten but suffered no permanent disability. It was here that he was taken with a "seizure," and has been similarly troubled ever since. It has not been made clear precisely what these "seizures" are. He was beaten when found to possess bogus German money, which he had received from French prisoners. At Frankfurt, claimant received no beatings. He complains chiefly of the "seizures," from which he still suffers, affecting his earning capacity.

The medical evidence indicates that claimant has a healed service wound and suffers from epileptic seizures. His percentage of disability, due to this condition is stated to be total. Dr. G. A. McQuilhan, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show the service injury with some reference to the "seizures."

I do not think it necessarily follows from the evidence of record that the "seizures" of which claimant complains, were the result of maltreatment while a prisoner. Their nature and origin have not been explained but are more probably hysterical in character. I do not think that it is a fair inference to ascribe them to maltreatment. The case is one for the consideration of the board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 10, 1932.

CASE 2574—DAVID JOHN JONES

Claimant was a Private in the 28th Battalion—Regimental No. 426647. He enlisted March 26, 1915, at the age of 32 years, and was taken prisoner June 6, 1916, suffering from gunshot wound in the right shoulder. He was released to Holland June 2, 1918 and reached England on June 3. He is in receipt of a 35 per cent disability pension, amounting to \$49 per month, based on his service wound in the shoulder. He was married at the time of enlistment and has now four children, the eldest about 19 years of age. Prior to enlistment, he was an electrician, earning \$104 per month, and is now doing time labour in a cotton mill, earning about \$18 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that although kept in hospital at the time during his imprisonment his treatment was bad, and, for refusing to work, he was struck with a bayonet, suffered from exposure in a hut during the winter, as the floor was covered with ice and was given but one blanket.

An analysis of the evidence reveals:—

Claimant was a hospital patient during the whole period of his captivity, at the following camps:—Mosgelle, (sic) Courtrai, Ohrdruf and Langensalza. He does not complain particularly of improper medical treatment though he does say that paper bandages were used and that his shoulder was operated upon without the use of anaesthetics. He declares that at Langensalza he was struck with a bayonet by a guard for refusing to work because his wound was still open. He admits, however, that this incident has left no disability and the medical evidence confirms the fact. He complains of one other incident only, which occurred during the winter of 1916-17, when he was placed, and made to sleep in a hut, with no fire, and ice on the floor. When asked whether this was a hospital, he declared that it was so called. This exposure brought on a cough, but it cleared up and he is now without chest disability.

The medical evidence indicates that claimant suffers from his shoulder injury (received on service) and bears a scar over 12th right rib. His percentage of disability is stated to be total in his own calling and from 33½ per cent to 50 per cent in the general labour market. Dr. D. Allison, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files deal fully with the shoulder injury referred to, without mention of any other disability.

If the claim was put forward with a view to showing that lack of proper medical attention has resulted in a greater disability than would otherwise exist, it fails completely. The incidents of maltreatment related by claimant have not resulted in any disability and claimant clearly is without right before this Commission. His case is one purely for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 10, 1932.

CASE 2545- HARRY JONES

Claimant completed the usual claim forms, from which it appears that he enlisted on September 22, 1914, was captured on April 24, 1915, suffering from gas, was repatriated to England on December 30, 1918, and discharged on April 11, 1919. Claimant was notified to appear before the Commission at its Toronto sessions on April 21, 1932, but failed to do so. His attorneys were unable to explain his absence. In these circumstances, the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 18, 1932.

CASE 2172—HENRY JOSEPH JONES

Notice of claim was received from the above named claimant, from which it appears that he was a private with the 8th Battalion—regimental number 1437. He has never completed the usual claim forms. He was advised to appear before the Commission at its Winnipeg sessions, but wrote stating that he did not propose to press the claim. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 4, 1932.

CASE 2490—ROBERT JONES

Claimant served with the Imperial Forces, having been a Private in the King's Own Royal Lancasters—Regimental No. 21679. He came to Canada in 1912, enlisted in November, 1915, at the age of 28 years, and was taken prisoner April 9, 1918, at Festubert, wounded in the left leg. He was released to Holland December 24, 1918. He is not in receipt of pension. At the time of enlistment, he was a widower with one child, now of age. He was remarried in February, 1919, and has four children of the second marriage. Prior to enlistment, he was employed as a car-cleaner earning from \$60 to \$75 per month. He is now doing car-cleaning outside work 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 bad food and exposure, resulting in bronchitis.

An analysis of the evidence reveals:—

While claimant served with the Imperials, he has established a pre-war residence in Canada, which entitles him to put forward his claim before this Commission. He was a prisoner in Germany for about 8 months. After receiving some attention for his wounds at a dressing station, he was sent to Soltau camp, where he was sent out to work on the moors and complains of exposure to the weather, digging in the water and poor food. He does not complain of any particular brutality but attributes a rheumatic condition to the wet and exposure during his period of captivity. In his statement of claim he declares his ill health to be the result of poor food.

The medical evidence indicates that claimant suffers from chronic bronchitis resulting in rales over both lung areas. His percentage of disability is stated at 25 per cent in his own calling and at 50 per cent in the general labour market. Dr. C. D. Robbins, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are not available.

It is manifestly impossible to reach a finding in claimant's favour. He has not connected any present disability with maltreatment whilst a prisoner of war. The mere fact that his health may have suffered as a result of general conditions of camp life in Germany, does not entitle him to reparations, though, in an appropriate case, it may give him entitlement for pension. As far as this Commission is concerned, the claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 15, 1932.

CASE 2665—THOMAS ALBERT JONES

Claimant was a Private in the 4th C.M.R.—Regimental No. 109423. He enlisted in November, 1914, at the age of 16 years, and was taken prisoner June 2, 1916, suffering from flesh wounds in the back and legs. He was released to Switzerland in December 1917, and repatriated to England June 15, 1918, suffering with tuberculosis. After discharge he received a small pension which has been discontinued. He was married in 1922, and has one child. Prior to enlistment, he was employed by the T. Eaton Company of Toronto, earning \$8 per week, and is now an electrician's helper at \$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 beatings while engaged in farm labour, confinement for 12 hours in a cold cellar, followed by nine days solitary confinement in a dark cell on bread and water. Now suffers continually from chronic bronchitis.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 18 months, spent in various prison camps. He was first sent to Friedrichsfeld, then to a working party near the Dutch frontier, and was later transferred to various camps as to which, however, he has no complaint. His main grievance is in regard to the punishment to which he was subjected in the spring of 1917 on a farm where he had been sent to work. He declares that for refusing to work, because the prisoners were not given their parcels, he was beaten and was confined in an ice cellar from early morning until four o'clock in the afternoon with four other prisoners. It was intensely cold and the prisoners were not adequately clothed. He complains that as a result of this exposure he has sustained injury to his health, chiefly a chest condition. He also mentions blows received and confinement to cells on bread and water. He was in hospital at Frankfurt and gained the impression that he was suffering from a lung condition and was finally transferred to Switzerland, apparently as a tubercular patient.

The medical evidence discloses that claimant suffers from chronic bronchitis and general debility, his percentage of disability being stated at 75 per cent in his own calling and at 40 per cent in the general labour market. Dr. D. C. Murray, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files disclose that he suffered from general weakness and partial loss of function of the respiratory system. There is a suggestion that he may have contracted tuberculosis but, on examination after discharge, no tubercle bacilli were found in his sputum. The pension originally granted claimant was for debility following bronchitis and insufficient diet. Claimant apparently commuted his pension.

I do not find that there is sufficient evidence in this record to justify a finding that claimant's condition is a result of maltreatment whilst a prisoner of war. The isolated incident of one day spent in an ice cellar does not, in my opinion, necessarily imply that claimant contracted tuberculosis as a result thereof. In any event, that condition is now quiescent. That claimant's general health may have been affected by his period of captivity in Germany is possible, but as this results, in my view, from the general conditions of camp life, it cannot be regarded as maltreatment within the meaning of the relevant sections of the Treaty of Versailles. (See Opinion annexed to my earlier report upon maltreatment cases). I regard claimant's case as one entirely for the attention of the Board of Pension Commissioners. As far as this Commission is concerned, it must accordingly be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 8, 1932.

CASE 2501—GEORGE E. JUDGE

Notice of claim was received on behalf of the above named claimant through his attorneys. The usual claim forms have been completed, from which it appears that claimant enlisted on March 15, 1915, was taken prisoner on June 2, 1916, and repatriated to England on December 16, 1918. Claimant was notified to appear at the sessions of the Commission held in Montreal on May 25, 1932, but failed to present himself. His default has remained unexplained. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2381—LAWRENCE J. KANE

Claimant was a Private in the 13th Battalion—Regimental No. 24372. He enlisted in August 1914, at the age of 24 years, and was taken prisoner April 22, 1915, during the second battle of Ypres, suffering from a gunshot wound in the left eye and gas. He was released in April 1918, to Holland, and reached England November 18 of that year. He is in receipt of a 30 per cent disability pension, amounting to \$34.50 per month, based on loss of vision in the left eye. He was married in March 1928 and has one child. Prior to enlistment, he was employed as a theatre treasurer at \$35 per week, and since discharge attempted several jobs and is now a collector at \$30 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of several beatings with rifles, fists and bayonets, and was stabbed in the throat and still carries the scar. Was starved, deprived of parcels and forced to do hard labour, and when he went on strike was singled out as a ringleader for special punishment. Was confined to a small steam room for five days on bread and water, was frequently threatened with death. Had to wear wooden clogs, had two ribs fractured by a blow with rifle butt, served several periods of solitary confinement and now suffers from extreme nervous trouble and stomach disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Meschede, where he spent some time in hospital and in Camp, without particular incident. He was then sent to Giessen Camp, to which he remained attached for two years. At Giessenheim Kolen quarry, claimant, accused of being a ringleader in an organized refusal to work, was put in prison where he was beaten by the guards, and declares that he was stabbed in the face and throat, from which he still bears the scars. Sent back to Giessen, claimant served 7 days in cells and was sent out on a farm, thence back to Giessen and Meschede, and finally to Bohmte. Here, while there was no physical brutality, punishment parades were frequent. He complains of his stomach, which he attributes to the poor and inadequate food.

The medical evidence indicates that claimant suffered from stomach and intestinal troubles, which required operative treatment. This condition is attested by the certificates of several physicians. Dr. A. D. Falkner also appeared before the Commission and spoke of an acute obstruction of the bowels which necessitated an operation in December 1928. He considers the condition as due to the gas received by claimant at time of capture, but admits such result is unusual. Claimant's medical history files show the loss of an eye (service). There is no reference to the gastric condition, which developed much later.

I think it is clear from the evidence that claimant's ailments are of nutritional origin. As explained in Opinion annexed to my earlier report dealing with maltreatment cases, I do not regard disabilities so resulting as falling within the

category of maltreatment. It is even difficult to connect this condition directly with claimant's experiences whilst a prisoner. I regard his case as one for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, it must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 20, 1932.

CASE 2474—HUBERT RICHARD KEARNEY

Claimant was a Private in the 39th Battalion—Regimental No. 412611. He enlisted in January 1915 at the age of 20 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 9, 1918, having escaped from Germany in November of that year, after the Armistice. He is in receipt of a 10 per cent disability pension, amounting to \$11.50 per month, based on otitis media. He was married October 28, 1927, and has one child. Prior to enlistment, he was employed as a farm labourer, earning about \$10 or \$15 per month. Since discharge he has tried various jobs but had been unemployed for seven months 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 the bad food, and of being compelled to work at riveting which caused deafness in the right ear.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he remained for 6 weeks and complains only of the food. Transferred to Duisberg, he was employed in the Railway shops at riveting, for the duration of his captivity. He contends that the noise of the riveting injured his ears from the concussion and although he complained he was kept at the work. He was subjected to no physical abuse but asserts that his present deafness is due to being kept at this work. Claimant declares that he does not consider that he is getting enough pension. His claim is confined to his ear condition.

Claimant has produced no medical evidence and relies entirely upon the medical reports contained in his pension files. These indicate an injury to the ear, which is of a permanent nature, the place of origin being stated as Germany.

It was explained to claimant that this Commission has nothing to do with pensions, because claimant was chiefly concerned with obtaining an increased pension. It is clear from the record that the claim is purely a pension matter. His injury cannot be said to be due to any active maltreatment on the part of the enemy, but rather to have resulted from his employment whilst a prisoner. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 18, 1932.

CASE 2420—JAMES KELLARD

The claimant was an Imperial soldier who served, as a Private, in the 18th Lancashire Fusiliers—Regimental No. 33277. He enlisted in England but had established a domicile in Canada in 1908. He joined up in January, 1916, at the age of 23 years, and was taken prisoner in July, 1916, on the Somme, unwounded. He was repatriated to England in December, 1918. He is in receipt of a 50 per cent disability pension, amounting to \$57.50 per month, based on chronic bronchitis and retrosis. He was married October 20, 1920, and has one child. Prior to enlistment, he was employed, in Canada, as a

railway car checker, earning \$100 per month, and since discharge he worked for a time with the Canadian National Railways but is now employed in the Vet Craft shops, averaging about \$11 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of kicks and beatings, of having had a tooth pulled injuring his jaw, forced to do hard labour on insufficient food. Received bad beatings on the head and back from rifle butts and still suffers periodic headaches and back trouble, was also wounded in the arm by a bayonet.

An analysis of the evidence reveals:—

While claimant served with the Imperials, it is proven that he had been resident in Canada prior to the war, and returned after discharge. After capture, he was taken to Cambrai, followed by Dulmen. He complains that his mouth was injured upon the unskilful extraction of a tooth and that the food was bad. Sent to Schneidemuhl, he was engaged in chopping wood and complains of the heavy work in wooden clogs, the bad food and poor barrack accommodation. Claimant's memory is bad and he tells a confused story of beatings and on one occasion of being run through the arm by a bayonet in the hands of a guard. At a chemical factory, he was compelled to do work too heavy for his strength and complains of being beaten for not working fast enough. Later, after a nervous breakdown, claimant was sent to Stettin hospital, where he remained 3 months. He was then sent to Altdamm camp where he completed his period of captivity. He suffers from nervousness and headaches.

The medical evidence is contained in claimant's pension files. A report of Dr. W. Baillie indicates that claimant is of the highly emotional type, suffers from chronic bronchitis with moderate degree of emphysema, moderately severe neurosis and general debility. There is also filed, certificate of Dr. J. J. Matheson, dated December 9, 1924, bearing out the nervous condition, and expressing the opinion that the disability is probably 40 per cent.

In this state of the record, it is difficult to reach a finding that claimant's condition is due to maltreatment whilst a prisoner of war. I am more inclined to think that it is the result of the stress and strain of general life in the various prison camps. His health has certainly been affected but I find that claimant has not established such maltreatment as would entitle him to an award from this Commission. His case is, more properly, a matter for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 7, 1932.

CASE 2482—D. KIDD

Notice of claim was received from the above named claimant, but the usual claim forms have not been completed nor are there any particulars concerning him of record. He was notified to appear before the Commission at its Toronto sessions on April 21, 1932, but failed to do so. The claim, accordingly, fails for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 18, 1932.

CASE 2451—JOHN P. KING

Notice of claim was received on behalf of the above named claimant through his attorneys. The usual claim forms have not been completed, but it appears from claimant's military files that he enlisted on November 20, 1915, was taken prisoner on September 17, 1916, and repatriated to England on November 30, 1918. Claimant was notified to appear before the Commission at its Toronto sessions, on April 21, 1932, and again at the Montreal sessions, on May 26, 1932, but failed to present himself. His default has remained unexplained. The claim is, accordingly, disallowed, for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2522—WALTER R. KINGSLAND

Notice of claim was received on behalf of the above named claimant. The usual claim forms have been completed, from which it appears that claimant held the rank of Lieutenant with the 84th Squadron R.A.F. He was captured on November 8, 1917, and repatriated to England on December 25, 1918. Claimant was notified to appear before the Commission at its Montreal sessions, on May 26, 1932, but failed to present himself. He was again notified on September 21st of his default to appear, but has not made any further effort to submit his claim. It is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2613—WILLIAM KIRBY

Claimant was a Corporal in the 14th Battalion—Regimental No. 26218. He enlisted in August, 1914, at the age of 25 years, and was taken prisoner April 22, 1915, unwounded but gassed. He was released to Holland in March, 1918, and reached England November 18 of that year. He is in receipt of a 20 per cent disability pension, amounting to \$28 per month, based on heart trouble. He was married at the time of enlistment and now has three children. Prior to enlistment, he was employed as a pattern maker (Engineering) at \$1,200 per annum, and since discharge has been able to get only casual employment at his trade.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of punishment for refusal to work, bad food, starvation, confinement, exposure, forced to work at point of rifle, kicked, compelled to stand at attention and deprived of clothes in winter. He now suffers from nervous disorders and insomnia.

An analysis of the evidence reveals:—

Claimant was first taken to Meschede Camp, where he remained 2 months and has no complaints. Removed to Giessen, where he remained about 6 months, he complains of harsh treatment on a farm, being made to sit on a stool for long hours for refusing to work, beaten with bayonets and exposure to the weather. Sent on to Saltau, followed by Lichtenhorst, Hestemoor and Diephol Moor, he complains of being made to march in wooden shoes with injury to his feet, and

confinement to cells for complaining as to rough treatment. He was repeatedly struck and knocked about. He now complains of general debility and declares that he is no longer able to carry on with his work.

The medical evidence indicates that claimant suffers from "neurasthenia and mental fatigue; lack of concentration, vertigo and insomnia, low spirited, motor, undue fatigue, sensory; there is some parasthesia, palpitation, flushing, sweating, throbbing of vessels." His percentage of disability is stated at 20 per cent. Dr. Frederick Forbes, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show a heart affection, which is said to have originated in Germany from excessive marching and exposure, aggravated probably by an attack of influenza in 1918.

Claimant undoubtedly encountered rough treatment and was exposed to conditions of life which were very harsh, but I cannot say, from the record, that his present state of health is the result of maltreatment. Injury to health which results from the duress of general conditions of life in Germany is clearly the subject of pension, but does not give rise to reparations unless the conditions were so unreasonable and deliberately cruel as to warrant such a finding (See Opinion annexed to my earlier report on maltreatment cases). Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 15, 1932.

CASE 2296—JAMES HILLIARD F. LACEY

The claimant was a Private in the Royal Canadian Dragoons—Regimental No. 114840. He enlisted in December, 1914, at the age of 28 years, and was taken prisoner March 23, 1918, suffering from a shrapnel wound in the knee. He was repatriated to England on January 4, 1919. He is not in receipt of disability pension and has hitherto made no application therefor. He was married in November, 1919, and has one child, aged 10 years. Prior to enlistment, he was engaged in farming on his own account, and since 1921 he has been a Dominion Civil Servant, at a salary of \$1,200 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of poor and insufficient food, and of having been compelled to work when unfit to do so, and states that his general physical condition has been lowered as a result.

An analysis of the evidence reveals:—

Claimant was a prisoner for a comparatively short time, but his experiences appear to have been very harassing. He speaks chiefly of the treatment at Flavy le Martel as brutal and inhuman. Made to work long hours at unloading munitions, the prisoners were poorly fed and inhumanly treated by the Camp Commandant, who insisted upon drill parades after working hours. Claimant also spent time at Semeries du Nord, Stendal and Merseberg (coal mines). He charges blows from bayonets and kicks, but sustained no permanent disability therefrom. It is of the hard work and lack of food that he complains most bitterly, attributing to these experiences a nervous condition, which still troubles him.

The medical record indicates that claimant's nervous system is impaired. Dr. W. Ross Stone, who certifies to the foregoing, declares that claimant suffers from a "burnt out and unstable nervous system", which he attributes to claimant's experiences as a prisoner of war. He states that there is nothing definitely

affected, and that recently claimant has begun to regain weight and his nervous equilibrium. He rates claimant's percentage of disability at 25 per cent.

The difficulty in this case is to attribute claimant's condition of health to his short period of captivity. Undoubtedly he was subjected to abuse, but I am not satisfied that he has established a present disability resulting from such treatment. He has failed to discharge the burden of showing both elements—maltreatment with resultant disability—necessary to an award. Viewing the case as a whole, I think it fails, and the claim must be disallowed.

ERROLL M. McDOUGALL,

Commissioner.

OTTAWA, August 7, 1932.

CASE 2594—ALFRED FRANK LAMERTON

Claimant was a Corporal in the 15th Battalion—Regimental No. 27153. He enlisted in August, 1914, at the age of 22 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was released to Holland April 15, 1918, and reached England December 27 of that year. He is not in receipt of pension, was married in August, 1919, and has three children. Prior to enlistment, he was employed as a clerk with the Canadian National Railways, at \$50 per month, and is now a claims agent for the same railroad at \$225 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, heavy labour in stone quarries where he was repeatedly beaten, compelled to wear wooden clogs, solitary confinement for attempted escape, and was compelled to stand at attention for 12 to 14 hours per day.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen and to a stone quarry, where he complains of the nature of the work he was compelled to do. Hung in mid-air over the face of a cliff, as much as 12 hours per day, he was also beaten for not working fast enough at digging. This work has had a serious effect upon his nerves. Later when non-commissioned officers were relieved from manual labour, an effort was made to force them to work. Long hours on parade, in wooden shoes, was resorted to, and eventually claimant did go out on a farm, with the object of escaping. He made several unsuccessful attempts, was confined to cells and beaten upon recapture, and made to stand to attention for long hours. Sent to Meschede, followed by Bohmte, claimant refers to the treatment at the latter camp as very severe. He was not badly beaten but complains of the punishment drill. At Mehenberger, claimant, with others, was hitched to and made to drag waggons. As a result of these experiences he complains of his nerves, but admits that this condition is improving. He also has stomach trouble which is distressing.

The medical evidence is very scant and consists merely in a note from Dr. J. D. Christie to the effect that he attended claimant in January, 1929, when claimant complained of "being nervous, loss of sleep and irritable". Claimant's medical history files are silent as to any nervous condition and refer only to rhinitis and some nasal obstruction.

The elements necessary to establish a claim for reparations, i.e. maltreatment followed by disability, are lacking in this case. The injury to his health—and the medical evidence in regard thereto is very inconclusive—is the result of general conditions of camp life in Germany and cannot be ascribed to maltreatment. The claim, if any, is one purely for the consideration of the Board of Pension Commissioners. Before this Commission, it fails and must be disallowed.

ERROLL M. McDOUGALL,

Commissioner.

OTTAWA, November 4, 1932.

CASE 1969—GILBERT WILLIAM LAVINE

Claimant was a Private in the 87th Battalion—Regimental No. 3010024. He enlisted May 14, 1917, at the age of 19 years, and was taken prisoner August 8, 1918, unwounded but slightly gassed. He was repatriated to England December 13, 1918. He is not in receipt of a pension. Was married in December, 1921, and has two children. Prior to enlistment, he was employed as a labourer at 45c per hour and is now doing odd jobs, not steady work, and earns about \$4.00 per day when working. He was born in the United States and came to Canada to enlist, and upon return took a vocational course in motor mechanics at Montreal for seven months and then returned to his home in New York State.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while working in an iron mine he received a blow on the head with a shovel, which injured his nose and left a scar which he still carries. He now suffers severe headaches and cannot work around motors and often has to abandon work on account of them.

An analysis of the evidence reveals:—

Claimant was a prisoner for about four months, which time he spent mostly at iron mines near Joffre in Belgium. He complains of one incident of maltreatment, when he was hit over the head with a shovel by a guard because he had allowed a truck to run off the tracks. He declares that his nose was injured and has been crooked ever since, that he suffers from headaches which he attributes to this blow and is now unable to carry on with his vocation as a motor mechanic. It is rather curious that claimant, who is a United States citizen, should have enlisted with the Canadian forces, after the United States had entered the war.

The medical evidence indicates that claimant has a "scar of scalp wound over right temple, evidently a fracture of outer plate of cranium". His percentage of disability is stated at 15 per cent. Dr. F. F. Finney, of Malone, N.Y. who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual.

It is not clear from the evidence, in what manner claimant's nose could have been broken from the blow alleged, which has left a scar on the temple. His experiences as a prisoner, apart from this incident, do not appear to have been unduly harsh. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 19, 1932.

CASE 2428—HAROLD LAWRENCE

Claimant was a Private in the 4th C.M.R.—Regimental No. 113352. He enlisted in July, 1915, at the age of 16 years, and was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 8, 1918. He is not in receipt of pension, was married October 22, 1919, and has five children. Prior to enlistment, he had just finished school and was recently employed as a truck driver earning about \$4 per day. He is now out of employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy labour at bridge building, lack of food, exposure through lack of clothes, deprived of parcels and struck across the face with gun butts, leaving two scars because it was thought he was implicated in the escape of a fellow prisoner.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where, apart from the food, he has no complaints. Transferred to Engers, he was employed in bridge building. He complains of exposure and over work. For refusing to divulge information as to an escaped prisoner, he was beaten and bears scars over his right eye and bridge of the nose. He was also stripped to the waist and made to stand in the sun and was so badly burned that a patch of tan across his shoulders is still in evidence. He was also made to stand facing a wall, refused food and drink till finally released on the doctor's orders. For an injury to his head from a blow, he received no medical attention, and developed blood poisoning. He was struck on the finger, during a scuffle, by a bayonet in the hands of a guard and was again denied medical attention. As a result of these experiences, claimant complains of bronchitis and a pain over the heart, attributed to inoculation in the left breast. The sun burn referred to does not constitute a disability.

The medical evidence indicates that claimant suffers from bronchitis—almost continuous inoculation injury over left pectoral muscle, and bears evidence of severe tan over shoulders. His percentage of disability is stated at 15 per cent in the general labour market and at nil in his own calling. Dr. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. Upon his last medical examination he was declared to be "all systems normal."

I do not regard the bronchial condition of which claimant complains as necessarily having its origin in Germany, or as due to any maltreatment to which claimant was subjected. He was roughly treated, but I cannot find in the story of his experiences evidence of maltreatment, and in the sequel the disabilities spoken of are not serious. On a view of the whole case, I consider the claim fails. It is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 11, 1932.

CASE 2488—MAURICE LEE

Claimant was a Corporal in the 15th Battalion—Regimental No. 276630. He enlisted in August, 1914, at the age of 25 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but slightly gas ed. He was exchanged to Holland in April, 1918, and reached England November 23 of that year. He is not in receipt of pension, was married in May, 1919, and has four children. Prior to enlistment, he was a machine operator, earning an average of \$28 per week, and since discharge has tried various jobs but has been unemployed since 1930, and lives with his brother-in-law.

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 rubber hose for refusing to work on munitions, injury to his feet as a result of being compelled to wear wooden clogs, confinement and standing at attention for 10 hours per day for attempting to escape, solitary confinement, bad food and stoppage of parcels.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, to which he remained attached for about two years. Sent out to work on a supposed farm, claimant found it to be a munitions factory (Altena). With others, he refused to work, was beaten with a hose pipe and knocked down a flight of stairs, with injury to his back,

from which he still suffers. He was confined to cells and made to stand to attention for long hours in an effort to induce him to work, as also for an attempted escape. Claimant also complains of punishment drill in wooden clogs, which produced sores, but has left no disability. Sent to Meschede and Verle (sic), he was given cells alleged to be by way of reprisal. He declares he spent 90 days in cells. Returned to Meschede, thence to Saltau and Bohmte, claimant complains of exposure to the weather for refusing to volunteer to work, but admits that he was not beaten. Claimant also spent some time at Meyenberger and Hameln camps, at the former of which he complains of being made to haul wagons. He complains of the injury to his back, the condition of his nerves and stomach and sick headaches.

The medical evidence is meagre, consisting of a certificate of Dr. W. E. Pearson, dated November 30, 1931, to the effect that he attended claimant in February, 1920, and in October, 1920, for neurasthenia, dyspepsia, and ulceration over arches of both feet. Claimant's medical history files reveal nothing unusual. Upon examination at time of discharge he is noted as "all systems normal."

In this state of the record, I cannot find that I would be justified in recommending an award to claimant. According to his evidence, his chief disability is the injury to his back and yet his claim papers are silent as to this disability, his medical record contains no mention of it and the certificate of Dr. Pearson does not refer to any such injury. There is no permanent disability to his feet, chiefly referred to in his claim papers. Claimant's recourse, if any, is before the Board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 17, 1932.

CASE 1962—RICHARD LEIGH

The claimant was a Private in the R.C.R.—Regimental No. 454739. He enlisted July 2, 1915, at the age of 38 years. He was taken prisoner October 8, 1916, on the Somme, unwounded. He was repatriated to England November 24, 1918. He is not in receipt of pension, but intends applying therefor. He is unmarried. Prior to enlistment he was a railroad labourer earning about \$20 per week, and resumed similar work after discharge but was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his ear while working in the coal mines. A chute fell and struck him on the head. An analysis of the evidence reveals:—

Claimant complains of one incident of maltreatment only, which occurred while he was working in coal mines at Friederchsfeld. He was employed upon a coal chute and, being inexperienced, had difficulty in doing the work. In some manner, not explained, he was hit on the head by the chute and knocked unconscious, with injury to his right ear. The occurrence was an accident, but claimant contends that he did not receive medical care for the injury and that his hearing has been permanently affected by reason of such neglect. He has no complaint as to his general treatment, except as to lack of food and hard work.

The medical record indicates that claimant suffers from chronic otitis media, with discharge in right ear and some affection of the left ear. His percentage of disability is stated at 35 per cent in his own calling and at 25 per cent in the general labour market. Dr. R. Grant Lawrence, who certifies to the foregoing,

did not appear before the Commission. Claimant's medical files show that claimant has defective hearing due to otitis media, but the cause is declared to be shell explosion and the origin France. The injury is therefore attributed to service.

I am not satisfied that the condition of which claimant now complains was traumatic in origin. I am advised that the condition usually results from infection. Even on claimant's statement, the blow he received was accidental, and I do not find in the record any evidence to show that he received inadequate or improper treatment. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. I regard his claim, if any, as one for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 13, 1932.

CASE 2438—REUBEN ANGELO LEVER

Claimant was a Private in the 7th Battalion. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, and was repatriated to England December 27, 1918. He is not in receipt of pension, was married December 5, 1914, and has two children. Prior to enlistment, he was farming in British Columbia but was just getting things going when the war broke out. He is now an office furniture salesman, earning \$37 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, an abscess on the right breast as the result of German inoculation, exposure in bad weather with insufficient clothing, hard labour in ditches half full of water, forced labour in smelter on 12 hour shifts where he collapsed due to heavy work.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp. He complains that as the result of an inoculation unskillfully performed he developed an abscess of the breast, which has permanently injured his lung. After 8 months he was removed to Celle lager and thence to Friestadt and Vehnemoor. As to Friestadt camp he has no complaints, but insists that the heavy work, exposure and living conditions have unfavourably affected his health. From Hameln camp, claimant was sent to Halle, where he complains that the conditions were very harsh, the work too heavy and the food inadequate. While in a state of exhaustion from overwork he was hit by a guard for not working fast enough. He was taken to hospital and sent to barracks without any medical attention. He says that his entire body contracted and came out in knots and it was only through the strenuous efforts of his fellow prisoners, who rubbed him for hours with embrocation, that he finally came through. He also speaks of punishment in the form of parades after a day's work, done with a view to wear down the resistance of the prisoners. As a result of these experiences, claimant suffers from his nerves and stomach, which he ascribes to overstrain. Claimant made a very full statement upon repatriation, which is of record. In this document he stressed the heavy and continuous labour he was called upon to perform.

The medical evidence indicates that claimant suffers from chronic bronchitis and has had one attack of pneumonia and pleurisy, instability of stomach, bowels, accompanied by constipation. His percentage of disability is stated at 25 per cent. Dr. G. F. Richardson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical examination upon discharge shows

"all systems normal" except integumentary system, and that he had made a complete recovery from the chest condition ascribed to the inoculation referred to.

From a careful comparison of the statement made by claimant upon repatriation with his testimony before the Commission, I am of opinion that claimant suffered harsh treatment of a general nature and was compelled to do very arduous work, but I am not convinced that he was subjected to such maltreatment as has resulted in permanent disability to him. His claim for impaired health, if any, is properly a matter for the consideration of the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 10, 1932.

CASE 1991—HARRY B. LOCKWOOD

Notice of claim was received from the above named claimant, from which it appears that he enlisted in 1917 at London, Ontario, was taken prisoner on October 1, 1918, and remained in Germany for about six weeks. He is in receipt of full pension disability for tuberculosis of the lungs. Claimant did not complete the usual claim forms, did not appear before the Commission and in reply to a letter addressed to him on October 5, 1931, signified his desire to cancel the claim. It is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 4, 1932.

CASE 1996—M. D. MacCHARLES

Notice of claim was received from the above named, from which it appears that he enlisted on April 10, 1915, served with the 4th C.M.R.—Regimental number 111350, was taken prisoner at Mount Sorrel on June 2, 1916, and was repatriated to Holland in May 1918.

Claimant has not completed the usual claim forms although requested so to do, nor has he presented himself before the Commission in answer to notices sent him to appear at sessions held at Halifax, N.S. on May 18, 1931, and Truro, N.S. on June 17, 1932. In these circumstances, the claim must be disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 31, 1932.

CASE 2273—LEROY MacDONALD

The claimant was a Lieutenant in the Royal Air Force. He enlisted in September 1914 at the age of 22 years. His plane was brought down and he was taken prisoner February 16, 1918, shot through the leg and smashed up the right leg below the knee. He was repatriated to England in November 1918. He is not in receipt of pension but intends making application therefor. He was married in October, 1921, and has one child. Prior to enlistment, he was

employed as a clerk in a jewellery store, at a salary of \$100 per month, and is now a jeweller's manager at \$150 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention to his wound and being forced to walk while the wound was still open. Also of improper dental treatment which developed into infected tonsils which resulted later in their removal and an operation removing the appendix.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about ten months, the first few weeks whereof he spent in hospital at St. Leo. He does not complain of the treatment, but protests that he was made to walk before his wounds had properly healed. Sent to Karlsruhe and then Mainz, he has no complaint as to brutality, but alleges that dental treatment which he there received brought about later poisoning of the tonsils and teeth, which necessitated operations upon his return to Canada. He also complains of inadequate food which lowered his vitality.

The medical evidence consists in the certificate of Dr. L. G. Gunne, to the effect that in 1929 he removed claimant's tonsils which were badly infected, and in 1931 performed an appendectomy upon claimant. Another certificate of Dr. N. W. Snider, surgeon dentist, attests that in June, 1930, he extracted a lower second molar on the left side, the root canals of which had been filled with cotton filling which was causing an infection at the apex of the roots.

It will be observed that the medical certificates are of comparatively recent date, and do not, in my opinion, establish any connexion between claimant's experiences in Germany and his present condition. Both the tonsils and the teeth may well have become infected from other causes. Claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 7, 1932.

CASE 2078—GEORGE R. E. MacFARLANE

Notice of claim was received on behalf of the above named claimant through his attorneys. Claimant apparently served as an Imperial soldier, Regimental No. 2811757, Seaforth Highlanders. He was a reservist having first enlisted March 13, 1912. He went to France August 26, 1914, and was taken prisoner August 26, 1914, suffering with a gunshot wound in the jaw. No claim forms have been completed and no evidence produced. His attorneys have withdrawn the claim by general letter dated August 17, 1931. The claim is, accordingly, disallowed for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 9, 1932.

CASE 2019—RODERICK MacIVER

Notice of claim was received from the above named claimant on or about January 5, 1931. The usual claim forms were sent to him but have never been returned. Claimant appears to have served with the Imperials, but no particulars are available as to his military or medical records. He was notified to

appear before the Commission at its Toronto sessions, on April 15, 1931, and again for April 1932, but failed to present himself. The claim must, accordingly, be disallowed for want of prosecution.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, September 7, 1932.

CASE 2660—PATRICK JOSEPH MADDEN

Claimant was a Private in the 4th C.M.R.—Regimental No. 113377. He enlisted July 24, 1915, at the age of 25 years, and was taken prisoner June 2, 1916, at Ypres, suffering from a gunshot wound in the chest. He was repatriated to England in December 1918. He is in receipt of a 20 per cent disability pension amounting to \$23 per month, based on his war wounds and neurosis. He was married in January, 1930, and has two children, one a step-child. Prior to enlistment, he was employed as a teamster, earning \$13 per week. He 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 bad food, forced labour while ill, and compelled to do heavier work as punishment.

An analysis of the evidence reveals:—

Claimant was first taken to Cologne hospital, where he remained 6 months. He has no complaint as to the medical treatment received. Sent to Stendal camp, he was set to work digging potatoes and complains that he was compelled to work when unfit. Later at Wittenberg, at a farm, he makes the same complaint. Claimant was not beaten and complains mainly of the hard work and lack of food. He spent some time at a sugar factory, at Quedlinburg and Rendenberg camps, without special incident. He now complains of the condition of his stomach and nerves.

There is no medical evidence or record, not even the usual certificate of a physician. Claimant's pension and military files show the wound for which he is pensioned and refer to a heart condition.

Claimant was very doubtful in presenting his case whether he could qualify for reparations and the record indicates quite clearly that his apprehension in this respect was correct. Whatever disability claimant suffers at the present time is attributable to service or is nutritional in origin, and is purely a matter for the consideration of the Board of Pension Commissioners. He has not shown maltreatment while a prisoner with resultant disability. The claim fails and must be disallowed.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, October 8, 1932.

CASE 2298—JAMES MacFARLANE MARR

The claimant was a Private in the 3rd Battalion—Regimental No. 18219. He enlisted in August 1914 at the age of 32 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, neither wounded nor gassed. He was repatriated to England December 27, 1918. He is in receipt of a 70 per cent disability pension based on arthritis, colitis with appendicitis, divestienlitis and cholecystitis, amounting to \$89.50 per month for himself and family. He was married February 3rd, 1919, and has two children. Prior to enlistment, he was engaged in farming but is unable to state his income and since discharge

he resumed this occupation but is unable to continue working, owing to his disabilities.

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 rifles, bad food, starvation and exposure.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Giessen, Celle, Vehnemoor, Brockhofe (sic), Saltau, and Oldenbrueck. It is only at Brockhofe that he complains of brutality, when he was hit several times with the butts of rifles over the leg. While painful at the time, the injuries received do not appear to have left much, if any, disability. Claimant's main complaint is that the food was so bad his health has suffered.

The medical record indicates that claimant suffers very greatly from intestinal troubles, for which he is in receipt of pension. Certificates of Drs. A. M. Day and A. H. Meeney have been filed of record. Claimant's medical history files bear out the findings above noted.

After careful consideration of the evidence, I have reached the conclusion that claimant's present condition is due to nutritional causes. As pointed out in general Opinion annexed to my earlier report dealing with maltreatment cases, I do not consider that lack of proper food, unless deliberately imposed, is to be regarded as maltreatment. This condition is quite general. Claimant has failed to discharge the burden of showing that his present condition results from maltreatment whilst prisoner of war. His claim 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, August 7, 1932.

CASE 2682—JOHN THOMAS McCARTHY

Claimant was born in Newfoundland and served with the Imperial Forces, having been a Private with the King's Liverpool Regiment—No. 396928—8th Battalion. He came to Canada in 1900 and was employed in Nova Scotia, and in 1915 was in the Merchant Marine and enlisted in the Imperial Army while his ship was at Liverpool. He was taken prisoner in August, 1916, on the Somme, unwounded. He was repatriated in December, 1918. He was for a time in receipt of a small pension of 3 shillings sixpence per week based on neurasthenia, but this has been discontinued. He did not return to Canada until 1928 with the harvesters, having applied too late for repatriation. He is unmarried and has worked as a coal miner and seaman, but since discharge has not done much of anything.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, hard labour in coal mines, complains of illness and was forced to stand at attention 15 hours per day for 15 days until he could no longer stand. Worked in the coke ovens and fell through weakness and burned his elbow.

An analysis of the evidence reveals:—

Claimant has not completed the usual forms, nor has he submitted any medical evidence. He appeared before the Commission and asked permission to relate his story. His evidence was given in a confused manner and he appeared greatly distraught. As far as could be made out, claimant spent time at Dulmen and Schniedemuhl camps, as to which he does not complain. From Kottbuss, he was sent to coal mines at Burbach where he complains of the hard work, which he was unable to perform. He was punished by being

made to stand to attention until he collapsed, was taken to the doctor, who ordered him back to work. Sent to work on the coke ovens, he accidentally fell upon some hot metal and was in barracks for two weeks. Eventually he was sent to a farm, where the treatment was fair. He suffers from his stomach and nerves. Claimant has no family, appears to have been a wanderer and is mentally deficient. As stated, there is no medical evidence of record, nor are claimant's medical history files available.

In this state of the record, while expressing the greatest sympathy for claimant in his unfortunate condition, it is impossible to reach a finding in his favour. The connexion between his present condition and his experiences in Germany has not been established and I am compelled to find that he has not made out a case entitling him to reparations. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, October 2, 1932.

CASE 2505—JOHN WESLEY McCONEGHY

Claimant was a Private in the 7th Battalion—Regimental No. 23423. He enlisted in August 1914, at the age of 32 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wounds in the left leg and right thumb. He was repatriated to England December 3, 1918. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a plasterer, earning from ten to fifteen dollars per day. Since discharge he tried his former trade but could not continue, earned from three to four dollars per day at labouring for a time but had been unemployed for four months at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten and struck over the head with the miners' lamps while working in the coal mines and locked under the coke ovens until he was overcome with gas, eyesight affected. Is now unable to do hard work.

An analysis of the evidence reveals:—

Claimant complains that immediately after capture, while being taken back he was hit in the stomach with the butt of a rifle by one of his captors and still suffers from this blow. His testimony is very confused and it is difficult to determine whether the incident referred to occurred during or after capture. He was taken to Munster Camp, where he complains of the food, but it is chiefly at a camp named Castrup (sic) that claimant complains of maltreatment. He worked in the coal mines, underground for 8 months, and speaks of constant beatings but admits that he hit a guard, under provocation, and was severely beaten and punished. He was removed to the coke ovens where he complains of the work as very arduous and the treatment brutal. For refusing to work as required he was several times placed in cells beneath the coke ovens and suffered intensely from the heat and confinement. He was also made to stand to attention at a post for long hours. Claimant's story is very incoherent and it is difficult to follow the recital of his experiences, but I gather that he attributes to his enforced work on the coke ovens a generally weakened resistance and a curious ailment which he refers to as a "swelling of the breasts" which is still painful and incapacitates him. He speaks also of nervousness, debility, sleeplessness and gastric troubles.

The medical evidence consists in the affidavits of 3 physicians. Dr. Gordon S. Jackson confines himself to the statements made to him by claimant and is unable to state any degree of disability. Dr. A. P. Murtagh diagnoses claimant's condition as psychasthenia, without, however, fixing any percentage of disability.

He refers also to some impairment of vision. Dr. J. A. McInnes finds claimant suffering from general weakness and debility caused by gas poisoning and that he has enlarged stomach and is troubled with gastritis and distention—vomits after meals. He rates claimant's percentage of disability at 50 per cent. Claimant's medical history files shew nothing unusual.

It is perhaps unfortunate that claimant has given so unsatisfactory, and, in some respects conflicting, testimony. The impression gained from his evidence, which is confirmed upon a perusal of the transcript thereof, is not favourable to his pretensions. When this testimony is supported by medical evidence, vague and indeterminate, the difficulty of reaching a conclusion favourable to claimant is evident. After very careful consideration I am of opinion that claimant has not made out a case of present disability resulting from maltreatment whilst a prisoner of war. Whatever claim he may have is a matter for the consideration of the Board of Pension Commissioners. The claim fails and must be disallowed.

ERROLL M. McDOUGALL,

Commissioner.

OTTAWA, August 16, 1932.

CASE 2523—CHARLES McCONNELL

Claimant was a Private in the 15th Battalion—Regimental No. 27232. He enlisted in August 1914 at the age of 25 years, and was taken prisoner April 24th, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England in December 1918. He is not in receipt of pension, was married in November 1923 and has one child. Prior to enlistment, he was employed as a machinist, earning about \$85 per month, and is now assistant foreman, at \$180 per month.

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 salt mines when he injured his leg in an accident and received no medical attention. The leg still troubles him and breaks open periodically due to neglect at the time of injury.

An analysis of the evidence reveals:—

Claimant was first taken to Roulers, thence to Gottingen camp, to which he remained attached for the greater part of his period of captivity. Sent out on working parties, at one of which, Worbue salt mines, claimant's leg was injured accidentally. He complains that he received no medical attention for the injury and still suffers somewhat therefrom. He does not complain of any acts of brutality and declares that a prisoner who complied with orders escaped punishment of this kind. He was also at a sugar-beet factory, out of Cassel camp, and eventually found his way to a farm. He complains now of some slight disability in his wounded leg.

There is no medical evidence of record. Claimant was advised, at the hearing, to obtain and produce a medical certificate establishing such disability as he suffers from. This he has failed to do. Claimant's medical history files show nothing unusual. He is declared, upon examination at time of discharge, to have been fit.

In these circumstances, it is clear that claimant has not made out a case of maltreatment whilst a prisoner resulting in present disability. He has thus failed to discharge the burden resting upon him and the claim fails. It must be disallowed.

ERROLL M. McDOUGALL,

Commissioner.

OTTAWA, October 2, 1932.

CASE 2151—J. A. MCGILLIVRAY

Notice of claim was received on behalf of the above named claimant through his attorneys. The usual claim forms have not been completed and there is no evidence concerning the claimant of record. Under date of February 16th, 1932, claimant's attorneys advised that the claim was withdrawn. It is, accordingly, disallowed for want of prosecution.

ERROLL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2141—LAWRENCE McINTYRE

Claimant was a Private in the 3rd Battalion—Regimental No. 9635. He enlisted in August, 1914, at the age of 19 years, and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England November 25, 1918. He is not in receipt of pension, was married July 31, 1922, and has three children. Prior to enlistment, he was employed as a time-keeper-stenographer, at \$600 per annum, and after discharge was employed as a railway fireman, now laid off, and employed as a stationary engineer, at \$23 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck in the groin by a rifle butt and kicked just after capture, was starved and had to eat bad food causing digestive disorders. Was compelled to work in the mines and suffered kicks and blows, suffered exposure to wet and cold and endured 3 days solitary confinement with resulting nervous disorders.

An analysis of the evidence reveals:—

Claimant was taken to Giessen Camp, to which he remained attached for the duration of his captivity. Except for a period of 3 months spent at Laurenberg, claimant was at Giessen. He was employed at Giessen as an orderly in the hospital and has no complaint of his treatment while there. At Laurenberg, for refusing to work in the mines, he was struck and beaten and complains of the long hours and exposure, from which he developed a cold resulting in a present condition of chronic laryngitis and rheumatism. Claimant also refers to incidents immediately following his capture as constituting maltreatment, when he was kicked by a guard in the private parts, but apparently without causing permanent injury. Claimant complains that the experiences related have resulted in an impaired heart condition, his throat is bad and he suffers from his nose.

Claimant has produced no medical evidence, declaring that he has been treating himself and is unable to bring forward any medical evidence. His medical history files speak of acute nasopharagitis and variocoele, the latter of which ailments is said to have been present prior to enlistment. It also appears that claimant's nose was broken previous to enlistment.

In this state of the record, I am unable to reach a finding in claimant's favour. The evidence shows that for the greater part of his captivity, claimant, whilst an orderly, received very fair treatment, greatly superior to that received by other prisoners. The medical evidence does not justify an award to claimant, and, having regard to all the circumstances, I am of opinion that the claim fails and must be disallowed.

ERROLL M. McDOUGALL,
Commissioner.

OTTAWA, August 25, 1932.

CASE 2154—PTE. McINTYRE

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

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 9, 1931.

CASE 2471—A. McKAY

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

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 8, 1932.

CASE 2553—ROBERT McKEE

Claimant served with the Imperial forces being a Private in the Cameron Highlanders, Regimental No. 7198. He was resident in Canada at the outbreak of war and was recalled as a reservist for service, in August, 1914, being then 27 years of age. He was taken prisoner November 11, 1914, at Langemark, unwounded. He was released to Switzerland in November, 1917. (The military records give the date of his repatriation as September, 1916—possibly an error.) He is in receipt of a 100 per cent disability pension, amounting to \$115 per month, based on pulmonary tuberculosis. He was married in January, 1909, and has two children. Prior to enlistment, he was an iron moulder earning \$25 per week and since discharge has been living on his pension.

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, bad food, hard labour, was tied to a post for two hours each night for a week, unsanitary living conditions.

An analysis of the evidence reveals:—

Claimant served as an Imperial, but he has proven that he was resident in Canada before the war and was recalled to join the colours. I regard his case, therefore, as entitled to consideration by this Commission. Claimant was first taken to Gardelegen camp where he remained about a year, four months whereof he spent in hospital, with typhus fever. He was compelled to work at road building before he was completely recovered, with resultant injury to his health. Sent to a factory at Schanabach (sic) he was beaten for not doing the required work and tied to posts for two hours daily for seven days at a stretch. At Altengrabow, conditions of work were equally bad, with punishment cells added. As the result of a beating, claimant was in hospital for 5 months, where he refers to his treatment as fair. At Gronau (sic) and Merseberg, claimant complains of harsh and brutal treatment, and at the latter camp, although passed for transfer to Switzerland as unfit, he was held for a year, and compelled to

work. He complains of debility generally but declares that his tubercular condition first became manifest 6 months after discharge (in Ireland).

The medical evidence indicates that claimant suffers from tuberculosis, described as "chronic pulmonary phthisis of left upper lobe (and possibly the right) with considerable involvement of the lining tissue. The condition is quiescent at present (April 18, 1931)." Dr. Gordon J. Ferrier, who certifies to the foregoing, did not appear before the Commission. Confirmation of this diagnosis is to be found in certificate of Dr. Horace Macintyre, of the Christie Street Hospital, dated June 5, 1928. Claimant's medical history files are not available.

It is difficult to say that claimant's present condition is directly due to maltreatment whilst a prisoner of war, but, after very careful consideration of the evidence, I do not believe that the evidence justifies a finding that claimant was subjected to maltreatment which has resulted in permanent injury to his health. A comparison of claimant's testimony with his medical history records which appear in his Imperial Pension files reveals a number of discrepancies which do not support his present demand. I regard his claim as one entirely covered by pension. The claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 25, 1932.

CASE 2342—WILLIAM JOHN McKEE

Claimant was an Imperial soldier, who served as a Corporal in the 16th Royal Irish Rifles—Regimental No. 19/383. He enlisted February 4, 1916, at the age of 18 years, was taken prisoner March 21, 1918, suffering from a touch of gas, and was repatriated to England November 30, 1918. He first landed in Canada in April, 1920. It was explained to him that he had become resident in Canada too late to entitle his claim to consideration by this Commission.

For reasons which have been given in my earlier report dealing with maltreatment cases, this Commission is without jurisdiction to entertain the claims of Imperial soldiers who were not resident in Canada prior to January 10, 1920, date of the ratification of the Treaty of Versailles. Reserving to claimant all other resources, and, without dealing with the case upon its merits, the claim must be disallowed in so far as this Commission is concerned.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, September 7, 1932.

CASE 2275—JOSEPH McNALLY

Notice of claim was received from the above named, from which it appears that he enlisted on September 9, 1914, and was taken prisoner by the enemy on April 24, 1915, at the second battle of Ypres. This information is taken from claimant's military files which also indicate that claimant was not suffering from any disability upon discharge from the service. No documents have been filed and claimant failed to appear before the Commissioner to substantiate his claim although duly notified to do so. In the circumstances the claim fails for want of prosecution.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 30, 1932

CASE 2473—ALEXANDER INGLIS McNICHOI

Claimant was a private in the 75th Battalion—Regimental No. 772854. He enlisted February 12, 1916, at the age of 28 years, and was taken prisoner August 16, 1917, unwounded, but gassed. He was repatriated to England December 3, 1918. He has an application for pension now under consideration by the board. He was married at the time of enlistment and has now five children, two of age. Prior to enlistment, he was a labourer, earning about \$9 per week and is now doing the same work, earning \$16 per week when steadily employed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bad food, exposure and heavy labour, drawing wagons laden with bricks, and now suffers from Chronic bronchitis, weakness and failing health.

An analysis of the evidence reveals:—

Claimant was first taken to Douai where he was employed for a month working on the railway. He complains of being hit and cut on the left knee by a shovel thrown at him by a guard because he was not working fast enough. No disability results from this wound. He was then sent to Dulmen camp where he was hitched to wagons, with other prisoners, and made to haul bricks. He was beaten with a rubber lash by the guards but was not particularly injured. He complains chiefly of the bad food at Dulmen. Sent on to Erkrath, claimant worked in a crushed stone factory and complains of the long hours, heavy labour and the dust, which affected his lungs, leaving him with a bronchial condition. He was also beaten with the lash, but does not complain of any injury resulting therefrom. The disability of which he complains is his chest, which he attributes to work in the factory and exposure.

The medical evidence indicates that claimant suffers from chronic bronchitis and complains of anorexia, weakness, dyspnoea and ease of fatigue. His percentage of disability is stated at 50 per cent. Dr. Digby, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. As stated above claimant has an application pending before the Board of Pension Commissioners on the ground of chronic bronchitis.

The chest condition of which claimant complains has not been shown to be the result of maltreatment whilst a prisoner. It is rather the result of conditions of camp life in Germany. Claimant's treatment has not otherwise disabled him, as far as the record goes. In these circumstances, therefore, I must reach the conclusion that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment as a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. The claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 27, 1932.

CASE 2620—FREDERICK WALTER MEAD

Claimant was a Private in the 3rd Battalion—Regimental No. 10152. He enlisted in August, 1914, at the age of 24 years and was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England January 10, 1919. He is not in receipt of pension, was married in August, 1925, and has no children. Prior to enlistment, he was employed as a tinsmith, earning about \$9 per week, and since discharge has been doing

odd jobs, and works about 6 months a year, at an average of about \$4.50 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work in a lead mine and while doing farm work was struck in the neck with a bayonet causing blood poisoning.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp where he remained a year, and, apart from the food, has no complaints. Removed to Lichtenhorst, via Saltau, he was employed digging ditches and complains that he was made to stand in the sun, bare headed. At Bohmte, he complains of similar treatment and of being knocked down by a guard. Claimant's story is very confused and it is difficult to follow the statement of his experiences. Sent to a farm, where he was made to work in the cold, without proper clothing, he was knocked down and beaten on several occasions. He declares that he was also struck in the neck with a bayonet, causing a wound, from which blood poisoning developed. He was removed to hospital at Osnabruck where he remained from 2 to 3 months. When he had recovered he was sent to an iron foundry where he complains of the heavy work and general abuse. He was then sent to Essenmoor where he complains of starvation and punishment parades in the heat. Claimant suffers from nervousness, which was quite evident at the hearing, has pains in the legs and side and cannot sleep.

The medical evidence indicates that claimant has "3 scars at back of neck, said to be due to bayonet wounds followed by blood poisoning, has failing eyesight—memory not good—very nervous—heart condition." His percentage of disability is stated at from 40 per cent to 50 per cent. Dr. A. B. Sutton, who certifies to the foregoing, also appeared before the Commission. He regards claimant as suffering chiefly from a mental condition. In a general way he declares that this condition could result from the history of the case. Claimant's medical history files show nothing unusual. He is declared, upon examination at time of discharge, "all systems normal."

Claimant suffers mainly from a mental, melancholic condition, the extent whereof is difficult to gauge. I am inclined to regard this state as due to general conditions of camp life, with possibly some predisposition to mental instability, as a contributing factor. The injury to the neck has not, as far as I can see, left any disability. Claimant's recourse, if any, is before the Board of Pension Commissioners. As far as this Commission is concerned, the claim fails and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, August 25, 1932.

CASE 2310—CHARLES HENRY MELLOR

The claimant was a Private in the 1st C.M.R.—Regimental No. 108378. He enlisted January 21, 1915, at the age of 25 years. He was taken prisoner June 2, 1916, at Mount Sorrell, suffering from gunshot wounds in the nose and face. He was repatriated to England December 30, 1918. He is not in receipt of pension. He was married in December, 1929, and has no children. Prior to enlistment, he worked on Government Survey parties, earning about \$75 per month and board, and, since discharge, has done very little, but worked for a time at Jasper Park Lodge at \$150 per month; was laid off and, at the time of the hearing, was working on highway construction relief work.

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 on railway construction inadequately clothed, developed rheumatism, but was refused medical attention and was compelled to continue at work; was beaten and singled out for extra labour at a sugar factory.

An analysis of the evidence reveals:—

Claimant was first taken to Mënnin or Essenden, behind the lines, where he was in hospital. He was then removed to Julichi and Cologne and has no complaint as to his treatment at this time, nor does he complain of the camp at Stendahl, where he was sent for a couple of months. He was then transferred to Quedlinburg, where he remained for the duration of the war. He was compelled to work on the railroad and at a sugar factory and spent about six months on a farm. The work was very severe—in all kinds of weather—and, as a result of exposure, claimant suffers severely from rheumatism. On certain occasions he received blows, but does not complain that these did him any permanent injury. Although suffering from rheumatism, when he reported sick, he received no attention and was compelled to return to work. He attributes the rheumatism, from which he suffers, to lack of food and exposure whilst a prisoner in Germany. His condition has improved considerably in the last few years and he is now able to carry on with his work.

The medical record indicates that claimant suffers from articular rheumatism, involving ankles, knees, hips and elbows, with a general statement that he is disabled for work. Dr. Thomas O'Hagan, who certifies to the foregoing, did not appear before the Commission. Claimant has also produced a certificate from his family physician in England, who saw him immediately upon his return from overseas. This certificate is furnished by Dr. F. P. Sarjant, of Manchester, England, and is to the effect that claimant suffers an "extremely low condition of health, thin and emaciated, skin squamous, rough and folliculi due to starvation, with serious damage to his nervous system." Dr. Sarjant expresses the opinion that the seeds of his present complaint were sown whilst he was detained as a prisoner in Germany. Claimant's medical history files reveal nothing unusual. He was discharged, "all systems normal."

There is no doubt that claimant's health has suffered as a result of his experiences in Germany but the difficulty in this case is to find a present disability that may be definitely ascribed to some particular act or acts of maltreatment. The rheumatism of which claimant complains results, in my opinion, from general conditions of camp life, which were common to all prisoners and I cannot find in the record evidence that claimant's condition results from maltreatment whilst a prisoner. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, September 12, 1932.

CASE 2503—RAPHAEL MENARD

Claimant was a Corporal in the 22nd Battalion—Regimental No. 61272. He enlisted October 21, 1914, at the age of 23 years, and was taken prisoner October 8, 1915, at Kemmel Hill, suffering with a shrapnel wound in the foot. He was released to Holland in April, 1917, and reached England in January, 1919. He is not in receipt of pension, though the military records indicate that his application was under consideration, but a decision could not be rendered as medical evidence was not submitted. He was married in Holland in December, 1918, and has three children. Prior to enlistment, he was employed with the Montreal Tramways Company, at \$45 per week, and is now doing odd jobs at decorating, averaging about \$20 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement in a dungeon in a fortress for 9 days after capture, refused to work in coal mines and was beaten with rifle butts and received further confinement. Received a blow with a rifle butt in the forehead, injuring his nose so that he has now no sense of smell. Served further periods of confinement, was starved and deprived of clothing, and now suffers with nervous trouble and cannot hold a job owing to tendency to lose his temper in an argument.

An analysis of the evidence reveals:—

Claimant was first taken to Lille, where he was interrogated unsuccessfully, and appears to have spent 9 days in the notorious Fort McDonald. Sent on to Munster, for refusing to go to the coal mines, he was beaten and confined to cells. In a scuffle with guards, in seeking to protect himself, claimant's hand was cut with a bayonet. From a blow on the head at this time, he has lost the sense of smell. He spent some time in hospital for an injury to his head, but has no complaints as to his treatment there. At Senne lager, he refused to go to the salt mines, was sent to a fortress and finally to work felling trees, where he spent 7 months. Claimant suffers from his nerves, and declares that he cannot hold positions because of the effect which an argument has upon him. He becomes violent and hits out. Loss of the sense of smell is also an incapacity.

There is no medical evidence of record, not even the usual certificate of a physician. This deficiency was pointed out to claimant at the hearing, but no further evidence has been put in. Claimant declares that he is in good physical condition, apart from the complaints noted. His medical history files indicate the conditions above referred to, which cannot be dealt with in the absence of medical evidence.

The case, as made, fails to establish one of the essential elements to the granting of an award by this Commission, i.e., disability resulting from maltreatment. (See Opinion annexed to my earlier Report upon maltreatment cases). Claimant appeared to be in good health at the hearing, and in the absence of some evidence of disability the claim cannot receive favourable consideration. It fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 30, 1932.

CASE 2399—DANIEL B. MERRY

The claimant was a Private in the 7th Battalion—Regimental No. 23416. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering slightly from gas. He escaped from Germany April 7, 1918, and reached England May 18th of that year. He is not in receipt of pension, was married in 1923 and has four children. Prior to enlistment, he was just out of school and earning \$15 per week as an office clerk. Since discharge he was employed as a lumber scaler and sawyer and is now in business for himself operating a mill.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in a creosote plant, where, due to his inexperience, he suffered burns and blisters for which he received no treatment and finally struck, refusing to work. Also received beatings and brutality from guards at various camps.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen, where he complains chiefly of being made to work in a creosoting plant, with the result that the skin peeled off his hands, neck and face. He complained but received no medical attention. He refused to work and was sent to Hanover to prison for two weeks. Returned to Giessen, claimant was sent to Lichtenhorst, followed by Bohmte. He complains of no brutality but declares that the work was too hard and the food bad. Claimant made several attempts to escape, before his final success, and was imprisoned and beaten on recapture. He spent some time at Munster and again at Bohmte. He finally escaped from Liesburg. Apart from the occasional blow, claimant was not subjected to particular abuse. In summing up his statement he says: "I have not got any major ill-treatment. It was the general treatment." Claimant made a statement upon repatriation, which is of record. There is no reference therein to the incident at the creosoting plant. He merely states that he was there 10 days and refused to work.

The medical record indicates generally that for some time after his return claimant was nervous and unstrung and that his mental outlook had greatly changed. This information is contained in medical certificates of Drs. J. Bain Thom and John May, neither of whom appeared before the Commission. He now appears to have regained his health.

From a careful study of this record I cannot say that claimant has been successful in showing that his health has suffered permanently as the result of maltreatment whilst a prisoner of war. He was exposed to the strain and hardship of general conditions and did suffer for a time. He cannot now show a present disability resulting from his experiences. The claim, accordingly, fails and must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, August 12, 1932.

CASE 2175—WM. MESSENGER

Claimant was an Imperial soldier, who enlisted with the 12th East Surrey Regiment. He was taken prisoner on March 26, 1918. Claimant has filed the usual documents putting forward his claim, but did not appear before the Commission at its Toronto sessions on April 15, 1931, although duly notified to do so. It appears from the record that claimant first came to Canada to reside in July, 1923. For reasons which have been given in my earlier report dealing with maltreatment cases, this Commission is without jurisdiction to entertain the claims of Imperial soldiers who were not resident in Canada prior to January 10, 1920. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 7, 1932.

CASE 2339—CHARLES E. MILLS

Claimant completed the usual claim forms, from which it appears that he served with the Imperials (The Buffs, East Kent Regiment, 2nd Battalion) and came to Canada to reside on May 11, 1924. He was notified that this Commission was without jurisdiction to entertain the claim, but that if he desired to submit his case, the Commission would hear him at its Toronto sessions on April 18, 1932. Claimant did not appear and the claim must, accordingly, be disallowed, for want of prosecution.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, September 7, 1932.