

Reparations—Mr. Cahan

ceased paying the annuities established under the Young plan, and during the present fiscal year we have received nothing from Germany on that account. A conference is to be held at Lausanne in June next to reconsider the whole matter. The report has been spread throughout Canada, and I have seen many circulars and letters to the same effect, appealing to soldiers who served in the war and who were made prisoners of war to make applications for reparations to the present commissioner, Mr. Errol M. McDougall, K.C., for compensation for physical injuries and disabilities suffered while they were prisoners of war. The statement has been circulated that there is a fund, and many times it was represented as a vast fund, in the treasury at Ottawa received from Germany out of which such awards might be paid. The financial statement which I have just given to the house shows that there is no such fund, and those members of this house who vote from year to year the grant in respect of reparations know that reparations are now annually appropriated by vote of parliament out of the consolidated revenue fund. It is a fact I think that cannot be contradicted that men who either suffered while they were soldiers in actual service at the front or were subjected to physical disabilities as the result of their treatment in Germany may apply, and in most cases they have applied, to the pension tribunals for pensions, because no discrimination is made by the pension board between disabilities suffered by soldiers as a result of active service and disabilities suffered by them as a result of maltreatment while prisoners of war.

In England no soldier and no sailor of the military or naval forces was permitted to make application under the special clauses of the treaty of Versailles relating to compensation for maltreatment as prisoners of war. The reparations were granted in Great Britain by a royal commission appointed on August 15, 1921, called The Royal Commission on Compensation for Suffering and Damage by Enemy Action. This commission on reparations was presided over by one of the most distinguished jurists in England, Baron Sumner. The royal commission appointing this commission recites:

Whereas we have deemed it expedient that a commission should forthwith issue to consider cases in which there is a moral claim by British Nationals (other than those belonging to parts of the Empire to which a separate share of reparation receipts has been allotted) for compensation for sufferings or damage arising out of the action of the enemy during the war within Annex 1 to Part 8 of the Treaty of Versailles; and to make recommendations as to the distribution of a sum of not more than

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£5,000,000 out of the first receipts on account of reparation allocated to the exchequer of the United Kingdom in ex gratia payments to such persons.

It will be noted that the commission issued to the Sumner commission authorized it to consider claims for compensation for sufferings or damage arising out of the action of the enemy during the war within annex 1 to part 8 of the treaty. The several commissions which have been issued to the Canadian commissioners, I think four or five in number, contain a similar recitation. This annex 1 to part 8 of the treaty of Versailles is that provision of the treaty which is specifically referred to in the commissions issued to the several Canadian commissions on reparations and in the several orders in council which have been passed, which are to be found in full in part I of our own reports on reparations. Paragraph 22 of the first report of the Sumner commission, dated January 22, 1923, reads in part as follows:

The terms of reference which incorporate the Annex to Part 8 of the Treaty of Versailles, also exclude military and naval forces of the crown on the general construction of the Annex, and the commission have here been guided by the test, whether or not such persons were employed on the terms of being amendable to discipline and subject to orders as members of the forces, in whatever capacity they were employed, and whether under special contract or by regular enrolment.

On the other hand, the Canadian commissioners have interpreted the same provision of Annex 1 to mean that in case members of the military or naval forces of Canada suffered permanent disability by reason of being made prisoners of war, which was not covered by the compensation which they had received from the pension tribunals, they might in extraordinary and special cases apply to the reparations commissioner, who would hear the evidence again, and awards have been made accordingly from time to time by the several commissioners, but these awards have been very limited in number. Article 232 of the treaty of Versailles provides that Germany—
—will make compensation for all damage done to the civilian population of the allied and associated powers and to their property during the period of belligerency of each as an allied and associated power against Germany by such aggression by land, by sea and from the air, and in general all damage as defined in Annex I hereto.

This article of the treaty to which annex 1 is attached confined said damage in terms to damage done to the civilian population. But the fourth category of annex 1 says:

Damage caused by any kind of maltreatment of prisoners of war.