

XV. *Whether in any respects the troops have been at any time exposed to undue preventable hardships or discomforts.*

Except so far as is shown in our previous findings, we find that the troops have not at any time been exposed to undue or preventable hardships or discomforts. The prevention of hardships and discomforts to a great extent depends upon the men themselves and the care that they show in looking after their health and comfort. As they gain experience they become able to minimize the discomforts, and these, from the training, become of less importance and less noticeable. The evidence shows that camp life under favourable conditions is of the healthiest character.

XVI. *Whether the officers of the Defence Forces, or of the Expeditionary Forces, or of the Public Service charged with the administration or control of any of the matters aforesaid have in any respect been incompetent or negligent, or have in any manner been guilty of neglect of duty or misconduct in their office.*

In regard to this question we realize a grave difficulty which was perhaps not foreseen on the issue of the Commission. To find any person specifically chargeable with incompetence, neglect, or misconduct by the method of inquiry we had to follow (and which was the only one that could be followed) without first definitely formulating a charge and giving the person charged a full opportunity for answering it would be contrary to the ordinary notions of what is just. In respect of persons now absent from the Dominion such a procedure would be out of the question. There is, moreover, very grave doubt whether it would not be unconstitutional for such a body as this Commission to enter upon such a course of procedure. As indicated at the beginning of this report, the Commission had at the outset nothing in the nature of specific charges laid before them for investigation. These had to be developed by the evidence as it proceeded. It was not practicable to pursue them with continuity. Consequently, it could not be known in many cases until the Commission drew to a close what shape any charge ought to take, and the facts could not be appreciated until opportunity had been afforded to your Commission to collate the great mass of evidence which had accumulated.

To have regularly proceeded by formulating charges against such person or persons as we considered involved in order that they might be fully heard would have indefinitely protracted this Commission, now twice extended beyond the original date fixed for the report. Moreover, one of the members of the Commission (Dr. Martin) found himself unable to provide the time which such a proceeding would have involved.

In the course of the inquiry we did point out to some of the witnesses the matters which at that stage appeared to require some answer, but we cannot regard that as sufficient to have put them on their trial in respect of any of those matters. They might require to produce evidence besides their own in reply.

We have therefore refrained from specifically answering question XVI.

GENERAL.

145. Testimony was given as to the uncomplaining patience with which the sick men and the men generally faced the conditions arising not only from their ailments, but from the inclement weather and the discomforts that ensued, and the difficulties and disorganization that accompanied the rapid and comprehensive nature of the epidemic. That some of the men have given evidence before the Commission is not indicative of any general spirit of discontent. Many of them came unwillingly and only because they were subpoenaed. Others, responding to the invitation to come in the public interest, attended in that spirit to point out what they deemed to be the errors of the past in order that the future might be amended, and thus help the Commission to accomplish its end. We concur in the view that throughout the trying conditions described those of all ranks acquitted themselves as soldiers and as men.