

Then you say you read that as the law, and that aggravation is not applying to total disability?—A. Yes, and still continues the aggravation idea there with the other classes.

Q. What is your practice now, let us understand it?—A. This is the practice: If we are sure that the man had disability before service, pre-existing conditions, and that that became aggravated by service, the pensionable part is the aggravation only.

Q. The total disability?—A. No, less than total, and even total in many cases.

Q. How do you make the distinction between one case and another? There must be some principle underlying the practice.—A. There is a principle which I explained at the beginning of my evidence, that where you go to a medical officer and rely upon his advice as to your fitness for going into the service, if you have something radically wrong and readily discoverable, he should refuse you. If there is something radically wrong with the man and the medical officer should refuse him, and does not, I think the State has an added responsibility in regard to that man.

Q. How are you construing these regulations? Are you making any distinction between a man who comes with a disability that originated subsequent to enlistment, and a man who comes to you with a disability, part of which is only an aggravation?—A. We are deducting the pre-service disability, but we must feel sure about it. Of course we give the soldier the benefit of any doubt.

Q. Assuming there is no doubt, then you are only pensioning for the aggravation?—A. That is correct.

Q. I understand you to say in the case you were just referring to that you were satisfied that all the disability has resulted subsequent to the man becoming a member of the C.E.F.?—A. This case of Stephens?

Q. Yes?—A. It is said he had a heart affection before.

Q. You were satisfied that the disability all resulted subsequent to his becoming a member of the C.E.F.?—A. No, Mr. Nickle, I will not say so. Will you let me say this: Men in the condition that Stephens was in have been discharged from the service and the medical board said they had no disability, that they were fit to go back and take any kind of work. In my opinion they were not.

Q. I am not worrying about Captain Stephens' case. What is your practice? At the beginning of the inquiry we were distinctly told that in the case of a great many men that they were only being paid for the disability that occurred during service, the aggravation of some pre-existing trouble?—A. Yes.

Q. I understood you to say to-day, in reply to the chairman, that it was not the practice of your board or you to make that distinction. Now I understand you to say that it is the practice?—A. It is the practice to make the distinction, but in this case had the man the disability at the first? That is the question. Had he a disability? Was that condition a disability? There is a great deal of medical opinion that would say no. It is a fine question.

The CHAIRMAN: I did not apprehend the distinction myself which the Colonel draws between the condition which might produce disability—

WITNESS: The potential condition.

The CHAIRMAN: The potential condition which does not disable a man for his ordinary work, but which is aggravated in service does completely disable him. He appears to draw a distinction between that case and the case where the nature of the disease is itself a disablement more or less from the start.

WITNESS: Yes. Well, the disability is apparent. That is part of it, and in doing that I believe I was carrying out your ideas after listening to your discussion.

*By the Chairman:*

Q. To prevent any possible misapprehension, what I understand from you when you came to deal with this class of case is that interim period between the day of the passage of the Order in Council and the appointment of the Pensions Board the

[Col. C. W. Belton.]