

APPENDIX No. 2

By the Chairman:

Q. The other view, as stated by members of the Board of Consultants was that the state should only compensate for the injury the state had caused, and that if a man was suffering from a disability at the time of his enlistment which was only aggravated by service to the state the measure or compensation should be the aggravation rather than the total disability from which he might be suffering.—A. But from the man's point of view he might have carried on for 20 years in civil life in the occupation in which he was engaged, but general service has broken him down. Reversing it, supposing he had valvular disease of the heart due to service, had rheumatism on service from the valvular disease of the heart and had perfect compensation, my understanding is that he has no pensionable disability. Why should that not be reversed?—If he went in with valvular disease of the heart with perfect compensation, and broke down, it is all due to service.

By Mr. Nickle:

Q. Suppose he had the sight of one eye only when he enlisted, and that fact were not ascertained by the medical board and he subsequently lost the sight of his other eye, would you give him compensation for the loss of both eyes?—A. Yes, his present total incapacity occurred on service.

Q. Suppose he fraudulently concealed from the medical board that he only had the sight of one eye at the time of enlistment.—A. That is he was passed with good eyes.

Q. He was blind in one eye at the time of enlistment, and fraudulently concealed the fact from the medical officer examining him and he lost the sight of the other eye through service; would you give him total disability?—A. In view of the fact that a man is considered fit for service blind in one eye and accepted as a Category B man, whether he deceived the medical examiner or not should make no difference.

Q. There is the case of a man being taken into a band to play the cornet with only one arm. He came back all right except that arm. It did not grow on him in the service. Would you give him compensation for the arm he had not got?—A. No, I would say, obvious disability. If he lost that arm there would be something on his papers to show it.

Q. He was taken in with one arm. You would not give him a pension for the arm he had not lost?—A. Not at all. The point has been raised that in similar cases one district board would estimate the incapacity at 50 per cent and another board at 40 per cent. In order to prove that proposition to me, it would have to be the case of two different boards passing on the same man. The description of the 40 per cent may look the same as the description of 60 per cent but when you see the man it would look entirely different, and there are so many things in a man you cannot describe.

Q. Inadequacy of expression might indicate an apparent description, where there was none, as to condition?—A. Quite so.

Q. If I understand you aright, practically what you lay down is this: the deficiency in the determination of disability depends on the capacity and ability of the examining board?—A. Quite so.

By the Chairman:

Q. It is true whether the local board simply describe the disability for the purpose of enabling the central board to pass upon it, or whether they estimate it themselves?—A. My experience is this, that the board's proceedings, i.e., M.B. 227, doing away with the estimating of the incapacity have since deteriorated greatly because now the only check I have on the board is taken away. Under section 11 they would estimate 60 per cent disability, and I would read section 9 which shows the man's

[Dr. D. J. McKay.]