

Mr. MACKENZIE (Vancouver): I shall be very glad indeed to accede to that request.

Item agreed to.

Permanent force, \$5,546,700.

Mr. ESLING: Under this item I should like to refer to a matter with the details of which the minister is familiar, and I should like to know what interpretation is placed on the statutes by those who have the last word. In July, 1919, it may be recalled, the Militia Pension Act was amended reducing from twenty years to ten years the period within which a member of the permanent force could qualify for pension, but this 1919 amendment was not made retroactive. Consequently those who had served less than twenty years prior to July, 1919, could not participate in the benefits of that amendment. In 1928 the Militia Pension Act was again amended, making retroactive the 1919 amendment, in so far only as it applied to members of the permanent force who were wounded while on active service and who were discharged as unfit for further duty. Now, I want to take you back more than one and a half years. In September, 1934, some three or four cases were reviewed under the 1928 amendment. I wish to refer to one of these cases particularly, because it relates to a man in my constituency. First of all, the application naturally went to the minister, and by him it was referred to the branch of his department which had to deal with it. That branch reviewed the man's period of service and determined whether he came within the terms of the amendment. Then the application went to another branch for the purpose of ascertaining his overseas record, whether he was disabled and discharged as physically unfit. I cannot speak for others but his application I know was approved by those in charge of the Department of National Defence whose duty it was to review these claims as to term of service and activity overseas. It was then handed to the minister and approved by him. From the minister it went to council and thence to the treasury board. That was in September, 1934. By the treasury board it was returned to the Department of National Defence for further explanation. It is still somewhere, nobody knows where; but when the government changed it was found among the items of unfinished business, and the minister then referred it to the Department of Justice. The Department of Justice ruled that they could find nothing in the statute to serve as a basis for refusing the pension. Now, is the man entitled to his claim or not? It seems to have taken one and a half years to determine it. It is a

statutory claim; the amendments of 1919 and 1928 are as plainly stated as it is possible to state them in the English or French language, and no definite reason seems to have been given anybody for not paying this claim. Furthermore this claimant received notice from the department that his case had been reviewed and submitted to the minister and that if approved he would receive his pension. What we would like to know is, by whom is it to be approved? Is the last word with the treasury board? The statute states clearly the terms and conditions under which the man is entitled to receive pension. You can well understand the anxiety of such claimants. The Department of Pensions disclaim responsibility, yet I think they have some responsibility, because the grounds upon which the man is entitled to receive pension are the fact of service overseas and his having been wounded; to that extent at any rate it has reference to the Department of Pensions. Here is a case in which the claim was approved by the minister's own officials, handed by the previous minister to the cabinet and passed on by the governor in council to the treasury board; then reviewed by the Department of Justice, which as I say found nothing in the act to serve as a basis for refusing the pension. The applicant seems to have fulfilled all the requirements of the Militia Pension Act, and I hope the minister will be able to tell us to-day who finally decides whether or not the man is to receive his pension.

Mr. STIRLING: Before the minister replies may I say in support of my hon. friend's contention that I remember this matter. In the short time in which I was Minister of National Defence it came before me twice. I sent it back twice, and I was never able to understand the grounds taken by the treasury board in declining to approve the application.

Mr. MACKENZIE (Vancouver): I must agree entirely with the observations made by the hon. members for Kootenay West (Mr. Esling) and Yale (Mr. Stirling). This case came before me very shortly after I took charge of the department. I reviewed carefully what had been done. The hon. member for Yale as minister recommended this case. As a matter of fact there are three cases involved in the construction of the statute in this regard. As the hon. member for Kootenay West stated, as soon as I came into office I referred the whole matter to the Department of Justice for a ruling as to whether or not there is any statutory bar to granting this claim, and the reply was that there is none. The matter was then referred by me to the treasury board; it is now before the treasury