

*Succession Duty Act*

The hon. gentleman is putting the case of the home guard, is he? I should not suppose that the reserve army would be on active service.

Mr. MARTIN: There is here, I think, a real problem. I may be wrong; perhaps I am just thinking out loud. Subsection 3 reads:

Where the deceased dies from wounds inflicted, accident occurring, or disease contracted on active service with the Canadian naval, military or air force in or beyond Canada, in such circumstances that if the deceased left a widow she would be entitled to receive a pension in respect of his death under the Pension Act.

If we bear in mind what the minister has just said, every man who serves in the active service force does not receive a pension, particularly if he is in service in Canada, under the Pension Act as introduced by the minister to-day. Surely there is something wrong.

Mr. ILSLEY: Why?

Mr. MARTIN: Because the minister says that every man comes within the ambit of this if he is on active service with the Canadian naval, military or air force in or beyond Canada.

Mr. ILSLEY: No.

Mr. MACKENZIE (Vancouver Centre): If I may be allowed to comment, I think the section is quite explicit. It covers "active service with the Canadian naval, military or air force in or beyond Canada, in such circumstances that if the deceased left a widow she would be entitled to receive a pension in respect of his death under the Pensions Act." Under the legislation which was passed by the house to-day, under different conditions, the widows of those on active service outside Canada might receive pensions; the widows of those on active service in Canada, under a different classification, might receive pensions. It is only when the pension is payable under this section that this application is effective.

Mr. BOUCHER: I take it that this section is really dependent upon the Pension Act?

Mr. ILSLEY: Yes.

Mr. BOUCHER: In other words, this section would not apply unless the person, if killed, left a widow who, under the then existing Pension Act—

Mr. MACKENZIE (Vancouver Centre): That is quite correct.

Mr. BOUCHER: It may, however, be changed or modified here or hereafter if the widow would have been entitled to a pension under the then existing Pension Act?

Mr. ILSLEY: Right.

[Mr. Ilesley.]

Mr. BOUCHER: Then also this would apply?

Mr. ILSLEY: Correct.

Mr. BOUCHER: In other words, it is not a question of whether they were enlisted for active service overseas and are in or out of Canada. It is whether the widow is in the status of one who would or would not get a pension?

Mr. ILSLEY: The two conditions must be there. There must be active service. The wounds inflicted, accident occurring, or disease contracted must have been so inflicted, occurred or contracted on active service. That is condition No. 1. Condition No. 2 is that it must have been in such circumstances that a pension would be payable under the provisions of the Pension Act.

Mr. BOUCHER: Quite. I was pointing out that very thing, because I believe the minister is giving the words "active service" two different meanings under the one section of the bill.

Mr. ILSLEY: No.

Mr. BOUCHER: I think so.

Mr. GREEN: I suggest that the word "active" should come out, because, as the Pension Act stands now, there is no such thing as active service, there is simply service; and by putting the word in this legislation you introduce a feature which conflicts with the Pension Act. Otherwise it will be impossible to determine just what cases are covered by this section. Last evening we had quite a long argument over the inability of the Department of Pensions and National Health to draw a section which would enable them to say which man was and which man was not training to go overseas. They said it could not be done, and because it could not be done they brought in a compromise section basing the entitlement upon entirely different grounds—hardship grounds. In this section of the present bill you again have the same problem of interpreting what is and what is not active service, and if you are going to make it fit in with the Pension Act you have certainly to take out the word "active."

Mr. HANSON (York-Sunbury): Is there any objection to that?

Mr. ILSLEY: Well, I do not know.

Mr. MACKENZIE (Vancouver Centre): I do not think it changes it.

Mr. HANSON (York-Sunbury): If anything, it liberalizes it.

Mr. ILSLEY: There is no doubt about that. But I think it goes away beyond what the English do, and I should like to have the