

in respect to entitlement for disability and death. The amended Section 11 reads as follows:—

“11. The Commission shall award pensions to or in respect of members of the forces who have suffered disability in accordance with the rates set out in Schedule A of this Act, and in respect of members of the forces who have died in accordance with the rates set out in Schedule B of this Act, when the disability or death in respect of which the application for pension is made, was attributable to military service.”

It will be noted the provision to grant for conditions “incurred or aggravated during service” is eliminated.

The *direct service causation* or *attributability* principle was confirmed by the enactment of Chapter 45, June 4, 1921. It was then suggested in Parliamentary Committee and Commons’ discussion that all former members of the Canadian Expeditionary Force who had incurred disease or disability during the Great War had, or should have, made application, and the new section was primarily intended to cover those serving with the Permanent and Non-Permanent Active Militia, as well as belated C.E.F. claims, where disability or death could be shown to have causation in service.

However, Section 11 was again amended by Chapter 38, assented to June 28, 1922, as a result of which the “insurance principle” was restored with respect to former members of the Canadian Expeditionary Force who have served in a “theatre of war.” Before this principle applied, however, such applicants for pensions were required to show that the *disability* forming the basis of claim existed at the time of discharge from the forces. This particular amendment is quoted here and its unusual features will be noted:—

“Any disability from which a member of the forces who served in an actual theatre of the Great War was suffering at the time of his discharge, shall for pension purposes be deemed to be attributable to or to have been incurred or aggravated during his military service, unless and until it be established by the Commission that the disability was not attributable to or incurred or aggravated during such service.”

The section was further amended following the findings of the Ralston Commission by the enactment of Chapter 62, assented to June 30, 1923. Not only were the provisions as enacted in 1919 restored, but the section was amended to practically the same form and reading as it exists to-day, the “insurance principle” being fully restored to cover all former members of the Canadian Expeditionary Force who served in a theatre of actual war, regardless of the date of appearance of disability, and Section 11 (2) was added, confirming the “direct service causation principle” in respect to disability or death occurring with members of the Permanent or Non-Permanent Active Militia after the war.

Since June 30, 1923, by Chapter 62, the Pension Act has also made special provision for the granting of pension in compassionate cases where the circumstances are unusually meritorious and where the applicant has been unable to establish claim within the provisions of section 11. This clause, known as Section 21, reads as follows:—

21. (1) The Commission may, on Special application in that behalf, grant a compassionate pension or allowance in any case which it considers to be specially meritorious but in which the Commission has decided that the applicant is not entitled to an award under this Act.

(2) The amount of any compassionate pension or allowance under this section shall be such sum as the Commission shall fix, not exceeding the amount to which the applicant would have been entitled if his right to payment has been upheld. 1924, c.60, s.4; 1928, c.38, s.11; 1930, c.35, s.8; 1933, c.45, s.10; 1939, c.32, s.10.