

This is a class of persons who, for several reasons, although domiciled in Canada prior to the war, were compelled by the force of circumstances to enter the Imperial service in the various branches. There are a number of cases of young men who left this country to join the air force, and other young men who left for the purpose of joining the navy. They were Canadians, and they are Canadians to-day. They served in those other forces, and they returned to Canada, and their position is somewhat awkward, because if they receive the Imperial pension in those various ranks it is less than that received by their friends and neighbours all about them, who had the good fortune to serve in the Canadian service. For the protection of those people I think this section ought to carry.

Hon. Sir JAMES LOUGHEED: We have a saying in the legal profession that a hard case makes bad law. We are dealing in this section with an isolated case, a special case, a case to which the attention of Parliament was directed a year or two ago, I believe, without any members of the Committee or even the Department or the Pension Board knowing the particulars of the case.

Now, this is not a case of very great hardship. Apparently it is the case of a man who served in the Imperial forces, and whose mother receives a pension from the Imperial government on account of his death. The mother happened to be residing in Canada. He happened, I believe, at the time of his going over to the Old Country, to reside in Canada. He joined the Imperial forces. His dependents are drawing the pension to which, under the British Act, he or they would be entitled. Now, it is invariably the case that when legislation makes provision for an isolated case, which this is, we do not know with what we shall be confronted hereafter, and the uncertainty that invests this class of legislation makes it very undesirable to put it on the Statute Book.

Hon. Mr. McLENNAN: This could scarcely be called an isolated case, because, as I understand this clause, it would apply to reservists—not only Imperial, but French and Belgian.

Hon. Sir JAMES LOUGHEED: Yes, those might invoke it hereafter.

Hon. Mr. McLENNAN: It says here:

Naval, military of air forces of one of His Majesty's Allies.

We sent a considerable number of French and Belgian reservists from Cape Breton, and this would also apply to them.

Section 14 was stricken out, as recommended.

On section 15—appeals from decisions of Board of Pension Commissioners:

Hon. Mr. BRADBURY: This is a clause about which there has been special discussion. A deputation came down from Manitoba claiming that there were many hardships on account of there being no appeal from the ruling of the Pension Commissioners. I am not prepared to say that the striking out of this clause is not right, but I would like to hear some good reasons why it should not remain. In Manitoba there seem to be cases of hardship. I do not know all the particulars, and the Commissioners may be quite right in their ruling, but the returned men in Manitoba feel that there should be some appeal from their decisions.

Hon. Mr. GRIESBACH: I propose to agree to the striking out of this clause, and I will give my reasons therefor. I know that on the part of ex-service men there is a general demand for an appeal upon all questions from the rulings of the Board of Pension Commissioners. At this moment there is an appeal from that Board to the Appeal Board on the question of entitlement only. On the question of rateability there is no appeal. As one who has had a god deal to do with applications to the Board of Pension Commissioners on behalf of ex-service men for pensions, increase of rates, and so on, I have shared to some extent the feeling that there ought to be some machinery to move a Pension Board to give more careful consideration, shall we say, or at all events to listen with greater interest, to what one has to say about an increase of rate.

Consequently I have been interested in the question of an appeal from the Board of Pension Commissioners to the Appeal Board on the question of rating, in addition to the question of entitlement which now exists. This section proposes to confer upon the pensioners the right of appeal in all cases from the Board of Pension Commissioners to the Board of Appeal; and I disapprove of the clause because I do not think it is workable, and it is not consistent with the rest of the law.

One or two examples will explain. A man's rateability is determined upon his disability, and the condition of his health, and it is a matter of common knowledge that a man's condition of health fluctuates, goes up and goes down, and as his illness grows better his pension grows less; as his illness gets worse his pension goes higher.