

(1) No pension shall be paid to the widow of a member of the forces unless she was married to him before the appearance of the injury or disease which resulted in his death,—

(a) unless the injury in respect of which he was pensioned or entitled to pension would not shorten his expectancy of life;

or

(b) unless he was not chronically ill of a pensionable disease and not in receipt of pension in respect thereof.

It was felt that paragraphs (a) and (b) of Section 32 (1) immediately aforementioned would relieve the situation, but experience showed the impossibility of deciding with any degree of accuracy whether the condition in respect of which the member of the forces was pensioned or entitled to pension would or would not shorten his expectancy of life or whether a member of the forces could or could not be considered "chronically ill of a pensionable disease" at the time of marriage.

Finally, by the enactment of Chapter 35 of May 30, 1930, Section 32 (1) was amended abolishing paragraphs (a) and (b) aforementioned, and substituting an entirely new section known as 32A, reading as follows:—

(1) The widow of a member of the forces whose death results from an injury or disease or aggravation thereof which was attributable to or was incurred during his military service shall be entitled to pension if she was married to such member of the forces either before he was granted a pension in respect of such injury or disease, or before the first day of January, 1930.

(2) Nothing in this section shall be deemed to authorize the payment of any pension in respect of any period prior to the first day of January, 1930.

The conditions of this section continue to this day, excepting that 32 A(a) was amended in 1936 restricting the amount of retroactive payments of pension to a maximum of eighteen months.

This amendment resulted in the immediate pensioning of over eight hundred widows. An amendment was also introduced in 1933, providing that no pension shall be paid to the wife of a disability pensioner in cases where the marriage took place after the first day of May, 1933 (except in those cases where a common law union can be established prior to May 1, 1933, and a subsequent marriage was entered into to legalize this union). Generally speaking, therefore, to prove entitlement to pension, the widow must presently show that she was married prior to January 1, 1930; that her late husband was either in receipt of fifty per cent or more pension at the time of death, or that the condition resulting in his death was attributable to his military service.

In those cases where the marriage took place subsequent to January 1, 1930, and the soldier was not in receipt of pension at the time of marriage, pension may be paid where the condition resulting in death is proven to be of service origin.

It must be realized that in no case does the man's pension continue after his death. The widow, if she is entitled by reason of her husband having been a pensioner at the rate of 50 per cent or over, or having died of a pensionable disability, is awarded a pension in her own right.

Children

Prior to 1915 no pension was paid respecting children other than orphans.

Whilst P.C. 1712 of July 21, 1915, made provision for pensioning widows and children of naval ratings, no allowance appears to have been made prior to 1916 for the children of army officers or men (other than orphans). In 1916,