

as a result of injuries received or illness contracted on active service", and third degree pension provided for lesser disablement consequent upon "injuries or illness contracted on active service" and fourth degree for still lesser disability consequent upon injuries or illness. It will be noted that the first degree, or total pension, is granted *only for total incapacity consequent upon wounds*, and this makes no provision for disability consequent upon injuries or illness which must therefore fall into the lower groups.

The governing or basic principle of pension law in determining entitlement was contained in Section 11 of the original Act of 1919, and although this particular section has been amended from time to time, it is still the keystone. The original Section 11 reads as follows:—

"11. (1) 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 pensions is made was attributable to or was incurred or aggravated during military service.

Provided that when a member of the forces has, during leave of absence from military service, undertaken an occupation which is unconnected with military service no pension shall be paid for disability or death incurred by him during such leave unless his disability or death was attributable to his military service.

Provided further that when a member of the forces has suffered disability or death after the declaration of peace, no pension shall be paid unless such disability was incurred or aggravated or such death occurred, as the direct result of military service.

(2) When a member of the forces is, upon retirement or discharge from military service, passed directly to the Department of Soldiers' Civil Re-establishment for treatment, a pension shall be paid to or in respect of him for disability or death incurred by him during such treatment."

If it is remembered that Section 11 governs all matters of pension entitlement *in the first instance*, and that this section is the door through which all initial claims must pass before pension may be granted, a better appreciation of the whole Pension Act and its ramifications is obtained.

An excellent illustration of the insurance principle is contained in a statement made by the Honourable Mr. N. W. Rowell, K.C., who was in charge of the Bill during a discussion of the pension legislation in the House of Commons in 1919, as follows:—

"Under our pension law, if a soldier contracts disease (during service) under purely normal conditions, having no relation at all to service, he becomes entitled to pension. It is really an insurance system."

The terms of Paragraph 3, Clause 1 of Section 11 of the original Act further illustrate the insurance principle:—

"That when a member of the forces has suffered disability or death after the declaration of peace, no pension shall be paid unless such disability was incurred or aggravated or such death occurred as the *direct* result of military service."

Asked the reason for this proposal, Mr. Rowell answered, in part—"During peace the insurance element should be eliminated."

Section 11 of the original Act of 1919 was repealed by the enactment of Chapter 62, assented to July 1, 1920, abolishing the "insurance principle"