

Widows

From the beginning pension entitlement for widows has been contingent upon the nature of decision respecting service attributability of the condition resulting in the death of the husband and soldier. Prior to the Great War it must first have been proven that the death of the husband was *directly* caused by his military service before the widow became eligible.

Pensions were authorized respecting "widows and children of officers and men who had been killed in action or who had died from injuries received, or illness contracted on active service, during drill or training or other duty" from the beginning of the Great War until October 22nd, 1917, when the passage of P.C. 2999 required that pension be paid to the widow on the basis aforementioned "provided she was married to the member of the forces at the time disability was received, contracted or aggravated while on active service." These conditions remained in force until the passage of the original Pension Act in July, 1919, Section 33, Clause 1, of which reads as follows:—

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 disability* which resulted in his death, and in the case of the widow of a pensioner, unless she was living with him or was maintained by him or was, in the opinion of the Commission, entitled to be maintained by him at the time of his death and for a reasonable time previously thereto.

Clause (3) of the same Section made provision for common law wives on the same basis, where dependence could be established, and Clause (5) states:—

The Commission may, in its discretion, refuse to award a pension to a widow of a member of the forces who, at the time he became a member of the forces and for a reasonable time previously thereto, was separated from him and was not being maintained by him during such time.

The conditions of the two latter clauses remain the same to this day. However, the additional qualifying basis respecting entitlement for widows (after the requirements of Section 11 had been satisfied) changed from time to time and were the subject of much controversy between 1919 and 1930, particularly before the Ralston Commission of 1922-3, and Parliamentary Committees of 1928 and 1930. That part of Section 33 (1) reading "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 disability which resulted in his death*" gave rise to much vexation, as it had the effect of precluding an award in practically all cases where the marriage took place subsequent to the soldiers' military discharge. (Under the Revision of the Statutes in 1927 the number of Section 33 was changed to 32, although there was no change in the wording).

It was urged that the terms of Section 33 (1) penalized widows, many of whom married their pre-war fiances in good faith subsequent to discharge. It was alleged that neither they nor their husbands were aware, at the time of marriage, of potential disabilities which may have originated in the soldier during or as a result of his war service. So that in an attempt to ameliorate the situation, Section 32 (1) was repealed by the enactment of June 11th, 1928, Chapter 38, and the following substituted therefor:—

No pension shall be paid to the widow of a pensioner unless she was living with him or was maintained by him or was, in the opinion of the Commission, entitled to be maintained by him at the time of his death and for a reasonable time previously thereto.