

REGULATIONS GOVERNING SEPARATION GRANTS

FULL TEXT OF ORDER
PASSED IN DECEMBER

General Instructions, Rates of Allowance, Cessation and Suspension, Where Wives and Children Benefit and Procedure for Making Claims Outlined.

The full text of the regulations governing the separation allowance in the Canadian Expeditionary Force which were effective January 1, 1919, and were approved by the Order in Council dated December 24, 1918, are as follows:—

SECTION 1—EXPLANATIONS.

1. Separation allowance is a grant made by the Government of the Dominion of Canada to dependents of members of the Canadian Expeditionary Force, while such members in respect of whom it is paid remain on the strength of that force.

2. The object of the allowance is to assist members of the force, while serving therein, to provide and maintain a home for their respective dependents.

3. "Allowance" within the text of these regulations means "separation allowance."

4. "Dependents" within the meaning of these regulations includes:—

(a) Wife.

(b) Motherless legitimate children of an officer or soldier, in the case of boys, under the age of 16, and in the case of girls, under the age of 17.

(c) Adopted children of an officer or soldier, in the case of boys, under the age of 16, and in the case of girls, under the age of 17, provided such children have been regularly supported by the officer or soldier.

(d) Widowed mother, if the officer or soldier is her "sole support," and is unmarried within the meaning of these regulations.

(e) Mother, whose husband has deserted her and has not been supporting her for a reasonable length of time, if the officer or soldier is her "sole support" and is unmarried within the meaning of these regulations.

(f) Mother, whose husband is alive but totally incapacitated from earning a living, if the officer or soldier is her "sole support" and is unmarried within the meaning of these regulations.

(g) Mother, such as described in (d), (e) or (f), above, who is mainly dependent on two unmarried sons, both of whom are members of the Canadian Expeditionary Force. If one of the above sons die on active service and no pension is granted in respect of him, the allowance will be continued on account of the other son so long as he is main support.

(h) Mother, such as described in (d), (e) or (f), above, who is dependent on three or more unmarried sons, three of whom are members of the Canadian Expeditionary Force. If one or more of the above sons die on active service and no pension is granted in respect to him, the allowance will be continued on account of one of the other sons.

(i) Father, whose wife is dead and who is totally incapacitated from earning a living, if the officer or soldier is his "sole support" and is unmarried within the meaning of these regulations.

(j) Father, whose wife is dead and who is totally incapacitated from earning a living and mainly dependent on two unmarried sons, both of whom are members of the Canadian Expeditionary Force. If one of the above sons die on active service and no pension is granted in respect of him, the allowance will be continued on account of the other son so long as he is main support.

(k) Father, whose wife is dead and who is totally incapacitated from earning a living and dependent on three or more unmarried sons, three of whom are members of the Canadian Expeditionary Force. If one or more of the above sons die on active service and no pension is granted in

respect of him, the allowance will be continued on account of one of the other sons.

(l) Woman, with whom an unmarried officer or soldier was living in domestic relations and publicly representing as his wife and regularly supporting on a *bona fide* domestic basis for a reasonable period prior to enlistment.

5. "Officers" within the meaning of these regulations includes all officers and nursing sisters appointed to the Canadian Expeditionary Force.

6. "Soldiers" within the meaning of these regulations includes all ranks, except officers, properly attested and serving on the strength of the Canadian Expeditionary Force.

7. "Unmarried" officers and soldiers within the meaning of these regulations includes widowers without children and married officers and soldiers, provided no separation allowance is issuable to their wives or legitimate children.

8. "Mother" within the meaning of these regulations includes foster-mother and step-mother.

9. "Children" within the meaning of these regulations includes step-children.

SECTION 2—GENERAL INSTRUCTIONS.

10. These regulations will be effective from the 1st day of January, 1919, and supersede all other regulations and enactments previously issued in respect of separation allowance. They will have no retroactive effect other than to confirm decisions already given and action taken in accordance with them.

RATES OF ALLOWANCE.

11. The rates of allowance shall be as follows:—

	Per month.
Rank and file	\$30
Sergeants and higher rank below that of W.O. (1st class)	\$30
Warrant officers (1st class)	\$35
Lieutenants	\$40
Captains	\$40
Majors	\$50
Officers of higher rank than that of major	\$60

12. No person shall receive more than one allowance for his or her own benefit.

13. Separation allowance shall not be issued in respect of a nursing sister who is herself in receipt of separation allowance as a dependent.

14. Only the one allowance may be issued on account of any officer or soldier, and that will be paid to or for his dependent. In exceptional cases, however, as for instance when there is a wife in one locality and children by a former wife in another, the allowance may be divided.

15. If the officer or soldier is in receipt of a salary from the Dominion or a Provincial Government during his service with the Canadian Expeditionary Force, no separation allowance will be paid on his account, unless the salary in question is less than the rate of separation allowance, in which case the difference will be paid.

16. Officers on whose account separation allowance is issuable on the ground of "sole support" and soldiers on whose account separation allowance is issuable, or on whose account separation allowance would be issuable, except for the fact that pay from the Dominion or a Provincial Government is issuable, must assign to their dependents not less than fifteen days' pay of rank (working pay and field allowance excluded). Such soldiers as above in receipt of working pay will be required to make a remittance of fifty per cent of their working pay to such dependents, in addition to the above compulsory assign-

ment; such soldiers in the Forestry Corps in receipt of consolidated rates of technical pay will be required to remit fifty per cent of such consolidated pay to their dependents. In cases where no such assignment or remittance has been made, a compulsory assignment of fifteen days' pay of rank (working pay and field allowance excluded), and a compulsory remittance of fifty per cent of working pay or consolidated pay, above described, may be put in force against the account of the officer or soldier. In cases where a compulsory assignment or remittance is put in force against an officer or soldier, the officer or soldier will be notified forthwith of the action taken. Should he object and submit reasons for his objections, it will be decided whether the compulsory assignment or remittance shall be continued or not.

SECTION 3—CASUALTIES TO THE OFFICER OR SOLDIER.

17. In the case of an officer and in the case of a non-commissioned officer promoted to warrant officer (class one), separation allowance will increase automatically with promotion, provided such promotion has been confirmed and published in Part II, Daily Orders, quoting competent authority.

18. Promotion to acting rank will also carry with it an increase of separation allowance, provided the officer or acting warrant officer is authorized to draw the pay and allowances of such higher acting rank; or if in receipt of consolidated rate of pay the rate applicable for any higher acting rank which he holds, instead of the rate authorized for his temporary substantive rank.

19. Increase of separation allowance in the above cases will take effect from the date on which such promotion occurred.

20. The rate of separation allowance will not be reduced when an officer or soldier reverts or is reduced overseas to rank lower than the temporary substantive rank held by an officer or soldier on his arrival overseas, unless such reversion or reduction is in consequence of misconduct or inefficiency. If the rate of separation allowance is reduced in consequence of reversion or reduction to lower rank, such decrease will take effect from date of reversion or reduction.

21. In the cases of officers and soldiers who die while serving, and whose dependents are in receipt of separation allowance, separation allowance and assigned pay will continue to be paid until the end of the month in which the casualty is reported.

22. In the cases of officers and soldiers who are reported missing and whose dependents are in receipt of separation allowance, separation allowance will continue to be paid monthly thereafter, and assigned pay will continue, or, from the first day of the month following that in which the casualty is reported, begin to be paid monthly thereafter at a rate equal to fifteen days' pay of rank of the officer or soldier (working pay and field allowance excluded), until the end of the month in which the officer or soldier is officially reported dead. In cases where Permanent Force allowances have been paid to a dependent in lieu of separation allowance, the assignment in force will continue to the end of the month in which the casualty is reported, and a sum equal to separation allowance and fifteen days' pay of rank of the officer or soldier (working pay and field allowance excluded), will be paid from the first day of the month following that in which the officer or soldier was officially reported missing until the end of the month in which the officer or soldier is officially reported dead.

23. In the cases of officers and soldiers who die while serving, or are reported missing, and whose dependents are in receipt of assigned pay only, assigned pay will be continued to the end of the month in which the casualty is first reported.

SECTION 4—WITHDRAWAL, CESSATION AND SUSPENSION.

24. The allowance will be discontinued to a dependent who is, owing to serious misconduct, unworthy to receive it.

25. Except as provided in para. 26, the allowance, if otherwise issuable, will not be withheld for periods in which the officer or soldier forfeits pay.

26. Payment of the allowance and assigned pay will be suspended upon an officer or soldier being reported absent without leave. The account will be closed from the date on which it was suspended, upon the officer or soldier having been absent without leave for twenty-one days. If the officer or soldier rejoins within seven days, payments suspended under the above provisions will be resumed from the date suspended, but if he is absent without leave for more than seven days, the allowance will be resumed only from the date upon which he rejoins, and assigned pay not exceeding fifteen days' pay of rank per month will be paid dependents from the date the allowance was resumed.

27. Dependents of officers and soldiers reported "prisoners of war" will continue to draw the allowance as if the officer or soldier were still on active service.

28. When an officer is struck off strength, or a soldier is discharged without post discharge pay, or war service gratuity, separation allowance will be continued to the end of the month in which the officer or soldier is struck off strength or discharged. When an officer is dismissed the service, or a soldier is discharged with ignominy, the allowance will cease on the date of the promulgation of the sentence.

SECTION 5—WIVES AND LEGITIMATE CHILDREN.

29. The allowance will not be granted for motherless children of an officer or soldier if it appear that the officer or soldier has not supported such children for a reasonable period.

30. When the allowance is claimed by an officer or soldier for his motherless children, a guardian of the children should be named in writing by the officer or soldier for the purpose of receiving the allowance.

31. The allowance will not be issued for dependents who are maintained in a Dominion or Provincial Institution at the expense of the Dominion or a Provincial Government.

32. Where a wife is separated from her husband by divorce, written separation agreement, judicial decree of separation from bed and board, or other similar judicial decree parting her from her husband, and is entitled under such agreement or by order of a competent court to payments from her husband, she will be eligible to receive only the amount of such payments. Such payments will be made from separation allowance issued to her and, if the separation allowance does not equal the amount so agreed upon or ordered to be paid by the court, a compulsory assignment of pay, equivalent to the difference between separation allowance and such payments, but not exceeding 15 days' pay of rank (working pay and field allowance excluded) of the officer or soldier, may be put into effect against the officer or soldier.

33. Where a wife is separated from her husband, as set out in paragraph 32 above, and is living apart from the children and is not charged with their care, separation allowance or assigned pay or a portion thereof, subject to any valid claim of the wife by virtue of separation agreement or judicial decree, may be issued to the guardian of the children.

34. If a wife has been separated from her husband by divorce, written separation agreement or judicial decree, and it does not appear that the husband is absolved from supporting her, and if the wife furnishes satisfactory explanations for not having obtained a judgment for alimony, separation allowance may be issued to the wife.

35. Where the separation is by virtue of divorce, written separation agreement or judicial decree, and the wife for a reasonable time prior to the enlistment of the officer or soldier was separated from him and was not in receipt of any payments from him or entitled to any payments under an order for maintenance, no issue of separation allowance will be made, unless the officer or soldier assigned to her 15 days' pay of

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