

APPENDIX "A"

CANADIAN MILITARY PENSIONS LEGISLATION—
A BRIEF HISTORY

(Reprinted from the Minutes of the Special Committee on the Pension Act and the War Veterans' Allowance Act, Session 1941.

Note: The Act has been amended since that date by the introduction of Section 11 (3) but the history otherwise is complete).

Soldiers of France demobilized in Canada about the year 1670 received grants of land as compensation for service. Officers accepted seigniories and soldiers farmed as tenants under their former officers. England pensioned soldiers in Canada by government grants of land. This form of pension or compensation was continued to Canadian soldiers of the Revolutionary War and the War of 1812. Whilst money was also paid to regulars and militia men, such payments were given either as additional pay, prize money or gratuity.

In 1867, by means of the British North America Act, the Federal Government of Canada was empowered to legislate with regard to military and naval matters. The earliest Canadian legislation on record relating to pensions for military service, however, appears in respect to persons incapacitated while repelling the Fenian Raids in 1866; and by virtue of an Order in Council dated July 8, 1885, with respect to those who assisted in quelling the North West Rebellion.

There was no Canadian pension provision for those who served in the South African War of 1899-1902. Members of the Canadian South African Contingent were required to qualify under the British regulations, and pensions both respecting disability and death arising out of the South African Campaign, were paid by the British Government, although in comparatively recent years our legislation has made provision for supplementing such pensions to Canadian rates and our War Veterans' Allowance Act has been amended to confer its benefits upon Canadians who had active service in South Africa.

A study of early provisions reveals that confusion existed as to the principle upon which our Pension law should be based. We find that a service pension, given upon completion of long term service, was considered a mark of gratitude, whereas pension for disability or death due to service was given in payment of a debt. Pensions solely to provide subsistence in cases of need were seriously considered. For the purpose of this history however, it is sufficient to say that (apart from long service pensions) the Law was finally based on the principle of providing reparation or compensation for the degree of incapacity in the common labour market (or to the dependents following death), suffered by a member of the forces as a consequence or result of service.

Between the years 1885 and the outbreak of the Great War in 1914, little legislative action was taken other than the passage of the Militia Act of 1901, providing service pensions to officers and men of the permanent militia on completion of service, and the Pay and Allowance regulations of 1907, governing "compensation on account of deaths, injuries and disease." The latter regulations differentiated in the degree of pension between "war" and "peace" casualties. Following is an excerpt taken from part 8 of the Pay and Allowance regulations aforementioned:—