

The Act defines "dependent condition" as "the condition of being without earnings or income sufficient to provide maintenance." Special consideration has, however, been given to widowed mothers. Whereas Section 33 (5) directs that:—

"The pension to any parent or person in the place of a parent shall be subject to review from time to time and shall be continued, increased, decreased or discontinued in accordance with the amount deemed necessary by the Commission to provide a maintenance, etc."

Clause (7) of the same Section directs that:—

"The pension to a widowed mother shall not be reduced on account of her earnings from personal employment or on account of her having free lodgings or so long as she resides in Canada on account of her having an income from other sources which does not exceed two hundred and forty dollars per annum."

### *General*

Whilst the foregoing deals briefly with the actual history of legislation governing the qualifications or requirements upon which pension or compensation may be granted, the procedure governing both the method of adjudicating or award, as well as the manner of preparation and presentation of claims, may be of interest.

In 1916 the Board of Pension Commissioners, comprising three members, was authorized. This Board functioned part time only until 1917, when, as previously intimated, the members were required to devote the whole of their time to their duties. This Board was vested with sole authority in determining pension entitlement and the administration of the terms of the Pension Act generally, until 1923, when, consequent upon the findings of the Ralston Commission, a body known as the Federal Appeal Board, which functioned from 1923 until 1930, was empowered to hear, and did hear, appeals from decisions of the Board of Pension Commissioners. The Federal Appeal Board (three members) held sittings for this purpose at large centres throughout the Dominion. Their jurisdiction was confined strictly to matters of pension entitlement respecting disability and death. The Board had no power to alter the degree of disability pension. Appeals were dealt with on "the evidence and record upon which the Board of Pension Commissioners made its decision". The Federal Appeal Board was not allowed to hear new evidence, although the applicant, with his lawyer or advisor, was allowed personally to present his case to the Board locally.

In 1930 the Federal Appeal Board was abolished (see Chapter 35, May 30, 1930) and in its place was created a body known as the Pension Tribunal. This Tribunal (three members) also held hearings throughout Canada in a manner similar to the Federal Appeal Board. The Tribunal, however, was authorized to deal with cases "de novo". They were empowered to accept new evidence and hear witnesses. The 1930 amendments, which created the Pension Tribunal, also provided for the establishment of a branch of the department known as the Veterans' Bureau, headed in each district by an official known as the District Pensions Advocate, with Head Office at Ottawa, the whole administered by an official known as the Chief Pensions Advocate. The sole function of the Veterans' Bureau, which is still in operation, has been the preparation and presentation of claims on behalf of applicants. The 1930 amendments also provided for Commission Counsel, and at each Tribunal hearing the case was presented on behalf of the applicant by the Pensions Advocate, whilst Commission Counsel conducted the case on behalf of the Crown. The 1930 amendments also provided for an appeal body in Ottawa, known as the Pension Appeal Court. This body heard appeals from decisions of the Pension