

Pension Appeal Court. This body heard appeals from decisions of the Pension Tribunal, entered either by the applicant or the Crown. Appeals were dealt with on the record before the Tribunal and decision of the Pension Appeal Court was final.

In 1933 the Pension Tribunal and Crown Counsel were abolished by statutory amendment (see Chapter 45, May 23, 1933). In place of the Pension Tribunal was created a system of local hearings by a Quorum comprising two members of the Canadian Pension Commission (the 1933 amendments also changed the name of Board of Pension Commissioners to Canadian Pension Commission). Although the Quorum had practically the same jurisdiction as the Tribunal, hearings were less formal. Whilst the case on behalf of the applicant was still presented by a Pensions Advocate, and the Quorum was empowered to accept new evidence, hear medical or other witnesses, Crown Counsel was no longer present at hearings.

Chapter 32 of the Statutes of 1939 abolished both the Pension Appeal Court in Ottawa and the Quorum. These amendments provided for the creation of an Appeal Board comprising three members of the Canadian Pension Commission, empowered to conduct hearings throughout the country in a manner similar to those conducted by the Quorum, accepting new evidence both documentary and verbal. Appeal Board decisions are final.

Whereas prior to the 1936 amendments to the Pension Act an applicant could make claim to pension *ad infinitum* as often and for as many conditions as he wished, these amendments have brought about a degree of finality in the following manner:—

Since 1936 the applicant's initial claim is made the subject of ruling by the Canadian Pension Commission in Ottawa upon documentary evidence. This is known as First Hearing decision. The applicant is then immediately advised both as to the nature of decision and the provisions of the statute governing further procedure. If the applicant notifies the Commission within ninety days that he desires to proceed further, it becomes mandatory that the Veterans' Bureau supply him with a complete summary of all the evidence (including his service history and medical record). The applicant is then allowed six months from the date of the mailing of the summary in which to complete his evidence (and this time may be extended upon request), before submitting his case for Second Hearing decision by the Canadian Pension Commission in Ottawa. With the summary is also forwarded, for completion and signature by the applicant, a special form upon which he is required to state any additional conditions for which he may base claim to pension, and it is expressly pointed out that upon Second Hearing decision by the Commission, no additional claim may be made for any condition whatsoever, except by special ruling of the Commission granting "leave." Second Hearing decision is also given by the Commission upon documentation in Ottawa, which, of course, includes not only the summary of evidence prepared by the District Pensions Advocate, but also any additional evidence which may have been forthcoming. If the Commission has again been unable to grant, the applicant may then, upon request within ninety days from the date of receiving Second Hearing decision, proceed with formal hearing of his claim before an Appeal Board of the Commission locally, at which he may produce not only new evidence, but witnesses, medical or otherwise. Appeal Board decisions are final, subject to the provisions of Section 58 (4) providing "leave to reopen." The procedure, consequent upon the 1936 amendments outlined above, has brought about a reasonably satisfactory state of finality.

The war with the German Reich has revealed such changes in the method of prosecution of war as to make it necessary to provide, in certain circumstances, for civilians. An illustration of this is shown in Order in Council P.C. 3359, November 10, 1939, making "provision for payment of pensions to such persons employed in ships of Canadian registry or licence, and such Canadian salt-water fishermen as in the pursuit of their callings suffer disability or death as a result of any warlike actions or counter actions taken against the same."