

der section 11 of the Pension Act all who served in a theatre of war have been pensioned or are pensionable to the full extent of their disabilities without any deduction in respect of their pre-enlistment condition.

That is, it makes no difference under the law what the condition of the man was, whether he was sick or had some disability, or anything of that nature, prior to his enlistment, if he served in an actual theatre of war, he is pensioned to the full extent of his disability regardless of his condition prior to enlistment.

Hon. Mr. GORDON: Is that taken care of in the new Act? It was in the previous law.

Hon. Mr. CALDER: That is the existing law. All of those who served in an actual theatre of war are pensioned to the full extent of their disability under the existing law, regardless of what their condition may have been prior to enlistment.

Hon. Mr. TAYLOR: If the honourable gentleman will excuse me, I have personal knowledge that that is not the case. The Stevenson case is an example of it.

Hon. Mr. CALDER: Well, I will have to leave to others, who are probably more familiar than I am with the provisions of the law and its operation, the privilege of answering my honourable friend. Our report says:

The existing law clearly provides that even those who were found by medical examination to be unfit for front line service shall also be pensioned to the full extent of their disabilities, notwithstanding the fact that their service in a theatre of war was of a non-combatant character, far removed from the scene of active hostilities. The existing law which has been in operation some ten years is definite and is well understood.

In other words, persons who served in a theatre of war, whether the service was at the front or on any occasion behind the trenches, in the various corps—labour battalion, forestry battalion, etc.—are, under the existing law, pensioned to the full extent of their disability, no matter what their condition before enlistment may have been. The report proceeds:

Clause 7 proposes an amendment thereto providing that pensions shall be awarded to dependents where the aggravation of a pre-enlistment injury or disease substantially contributed to death. Consequently this is obviously intended to cover only those who served in Canada and England,

—not in an actual theatre of war, because all those who served in an actual theatre of war are taken care of by our present law, and are pensionable to the full extent of their disability. Then we close that paragraph of the report with this remark:

The difficulty of interpreting the words "substantially contributed", coupled with the fact

that the present law seems to be sufficiently generous to cover all classes that would come under this clause, warrant the conclusion that it cannot be reasonably justified.

Now, I leave it to others who desire to make any other explanation in regard to our action in regard to this clause.

As regards clause 12, your Committee has reported that it agrees with the amendment suggested in the message from the House of Commons. This clause deals with the granting of pensions in specially meritorious cases. The amendment referred to is intended to make clear the grounds upon which an appeal may lie for this purpose. The provisions of the existing law in this respect are not extended.

Clause 25 of the Bill was previously rejected by your Committee. In its message, the House of Commons insisted on its adoption, or, in the alternative, the adoption of a new clause in its stead. As previously reported, your Committee deemed it inadvisable to recommend the adoption of this clause, chiefly on the ground that whilst it would take care of all cases of deserving widows who married after the appearance of the injury or disease which resulted in death, there was the great danger that the door would be thrown open, and that pension benefits would accrue to a large number of widows who were admittedly not entitled thereto. The attitude of your Committee generally with respect to this problem was that if at all possible the law should be so amended as to provide for what are commonly referred to as "deserving cases". Honourable gentlemen will remember a statement made the other day by the Senator from Edmonton (Hon. Mr. Griesbach) in this regard.

With this end in view your Committee considered at great length some five or six amendments suggested to us, all of which in due course were rejected. At our sitting yesterday, the Chairman of the Board of Pension Commissioners was assigned the task of endeavouring to draft a clause that would reasonably meet the situation, in view of all our discussions. At our meeting this morning Colonel Thompson submitted his proposed amendment, and it was approved by the great majority of the Committee.

The proposed amendment as adopted, and reported to this House, follows:

25. Subsection one of section thirty-two of the said Act is repealed and the following is substituted therefor:

32. (1) 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