

claims could be fairly but firmly settled by the Canadian authorities, when compared with verdicts which would be given in the British courts. That litigation involved in practically all cases the payment of the costs of both sides, and experience had proved that they generally amounted to more than the claims sued on; that Canadian lawyers, many of whom were officers, were not qualified to appear in British Courts; that Canada as a sovereign state should assert the same immunities from legal liability as were possessed by the United States, Portugal, Belgium or any other foreign state which had troops in England.

The justice of the position was, after some discussion, admitted by the Treasury counsel, and thereafter the following procedure was adopted, with great saving of time and expense to the Canadian forces: When a claim was put forward by a civilian in the British Isles it was referred to the Canadian legal authorities at headquarters in London. If it appeared that the claim arose from the negligence or tortious action of a Canadian soldier, and was in any way connected with his duty as a servant of the Crown, it was fairly assessed and an offer of settlement made. If the offer were refused, the claimant was informed that he was free to assert his rights against the soldier concerned, by action in the courts, but that if he did so, the Canadian Government would not defend the action, or pay the verdict or costs if judgment should be given against him. This had the effect of putting an end to litigation against Canadian soldiers. The time occupied in attending courts with parties and witnesses was saved for training or fighting, and a considerable staff which would have been necessary to take care of litigation all over the British Isles was rendered unnecessary. Settlements were made as "compassionate grants," legal liability on the part of the Canadian Government being disclaimed, and a "moral obligation" only being recognized.

One exception was made, and that in respect to insurance companies which were concerned with risks arising from vehicular traffic on the highways. It was pointed out to them that, the war having been in progress for more than two years, they were able to estimate the increased risk to their assured by reason of the presence of army transport on the highways, and to adjust their