

Law remedy in the States and the precedent was followed in certain parts of Canada.

The British Committee make no such suggestion. On the other hand they carefully avoid all the constitutional difficulties surrounding it by leaving it severely alone.

Having found matters in this position they then formulate their conclusion regarding State Insurance follows:—

"The evidence satisfied us that the administration of a Workmen's Compensation Act necessarily involves many disputes of law and fact, and it is not desirable for the State to enter into a sphere of administration involving disputes with workmen which frequently become the subject of litigation."

Of course the Committee have reference to a Compensation Law under which appeal to the Courts is possible but their remarks have more significance when applied to the Common Law or the Employers' Liability Law which primarily involves the absolute propriety of the working man going to the Law Courts to enforce his right to lump sum damages.

This is the very kernel of the Report of twelve highly trained men after listening to the arguments to all sides of the question of State Insurance.

The logic of this finding will be perfectly clear to any one who is familiar with the administration of the Common Law or any form of Employers' Liability Law involving direct appeal to the law courts.

There is nothing definite or certain about a claim for personal injury. It involves the right of an individual to recompense for some personal harm. It involves the right which is open to all free men to claim protection from the aggression of others involving personal injury.

Nothing is more indefinite on account of the different viewpoints of men placed in a similar position. It is essentially a matter for argument and adjustment by compromise between individuals.

The State must never be a party to such an argument. It could never assume the place of the legal wrong-doer (even in the capacity of insurer) and litigate with the injured man on the subject of an exaggerated claim.

It might safely be inferred that this Report is the last word on the subject and no commission entrusted to investigate the same point in other democratic states in future is likely to find otherwise.

The Common Law and State Insurance cannot exist together. Why then did the British Committee not follow the weight of opinion in the American States and recommend suppression of the Common Law leaving it open to discuss the question of State Insurance entirely apart from this barrier.

It might truly be said that the Common Law right is the very life blood of individual liberty and justice in every state where liberty is known. It had its beginning in England in Magna Charter when John promised to give to all men justice. What he really gave was a court of appeal. The old Curia Regis became the Court of the King's Bench and is now the King's Bench Division of the Law Courts. Away back in the early days there were Barons and common people just as there are to-day. Somebody was, and is, the master and somebody was, and is, the servant. When individual rights or liberty were interfered with and there was no written law to give relief, the Common Law of the courts had a remedy, and the remedy was justice pure and simple. From a small beginning the Law Courts have grown into a great institution of national liberty. They broke down the power of the old Barons inch by inch and accomplished for Englishmen in one case alone all that the French Revolution accomplished in breaking the last servile strand of the Feudal System. The supremacy of the Law Courts is the birthright of the people and it is a supremacy that has never been seriously threatened in England since the time of King Charles I, when the Star Chamber was abolished.

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