

Mr. DOHERTY: As I said before, I shall be glad to ascertain the name of the police commissioners and constables. I am confident that there was no one acting with the authority of the police department. If it were so, it certainly would be a matter to be seriously condemned. This Bill is intended to insure more direct and immediate control at headquarters over these officers, and to that extent it would afford some protection against the possibility of such an occurrence.

Mr. OLIVER: I would not like the hon. minister to think that I am suggesting that these representations are correct; but, as they have been made, I think it is desirable that they should be cleared up. Are there provisions in the Police Act that would permit of the appointment of officers who would have control during elections, aside altogether from public works?

Mr. DOHERTY: I would not take it that the officers should or would be appointed for any purpose of that kind. A police commissioner under section 3 of the present Act has:

(a) All the powers and authority, rights and privileges by law appertaining to justices of the peace generally;

(b) within any province, all the powers and authority, rights and privileges by law, appertaining to police magistrates of cities in the same province;

(c) in all the territories or districts in the same province, all the powers and authority, rights and privileges by law appertaining to stipendiary magistrates in the same district or territory.

The constables are appointed by these police commissioners in the different districts at present upon authority from the Governor in Council. It is proposed by this Bill to enable them to be appointed on the authority of the minister. These constables have:

All the powers, rights and are charged with all the responsibilities which belong by law to constables duly appointed in the province, district or county of the province or territory for which such police constables are appointed.

I am pretty confident that there has never been any exercise of this power to appoint constables for the purpose of having control in elections.

Mr. OLIVER: Is there a detective service, in the usual acceptance of that term, in connection with the Dominion police service?

Mr. DOHERTY: I do not think there is a separate detective service. The members of the Dominion police force are employed in making inquiries, seeking for persons, and so forth, whenever there is occasion. in the application of the law, for such services.

Mr. OLIVER.

Section 1 agreed to.

On section 2—section 4 amended:

Mr. OLIVER: Why is that placed under the authority of the minister rather than under the Governor in Council?

Mr. DOHERTY: It was thought it was hardly necessary to pass an Order in Council every time there was occasion to name a constable, and that the minister might be fairly trusted to exercise that power. It is quite in line with the report of Sir George Murray that such really unimportant appointments as those of constables should not remain vested in the Governor in Council.

Section 2 agreed to.

Bill reported, read the third time, and passed.

#### SUPREME COURT ACT AMENDMENT.

On motion of Hon. C. J. Doherty (Minister of Justice), Bill No. 180, to amend the Supreme Court Act, was read the second time, and House went into Committee thereon. (Mr. Deputy Speaker in the Chair.)

On section 1—final judgment:

Mr. DOHERTY: This enactment proposes to remedy a condition of affairs which arises under the application of the present definition of a final judgment as set forth in sub-section (e), section 2 of the Supreme Court Act, which is as follows:

Final judgment means any judgment, rule, order or decision whereby an action, suit, cause, matter or other judicial proceeding is finally concluded and determined.

The conditions arising under that definition of a final judgment, which appear to call for a remedy, arise more particularly in the province of Ontario, and exist in the provinces generally where the English common law is the basis of the judicial system. Under this definition, nothing is a final judgment unless by it an action, suit, cause, matter or other judicial proceeding is finally determined and concluded. In the application of that definition, the Supreme Court has held that, in any case in the nature of a common law case, wherever the court renders a judgment which while it decides the substantive rights of the party, refers the matter, for the purpose of establishing the amount, for instance to a referee, reserving to pronounce further after such referee has reported, such a judgment, though it determine the substantive right of a party, and decide the question whether or not the defendant is liable to the plaintiff, is not a final judgment, because it does not finally dispose of and end the suit. Holding that this is not a final judgment under the section, they have held, therefore, that there