

nor shall any such proceeding or judgment be removed by 'certorari' or otherwise into any court; and no writ of prohibition shall issue to any court constituted under this Act in respect of any proceeding or judgment in or upon any formal investigation, nor shall such proceeding or judgment be subject to any review except by the minister as aforesaid.

Hon. Mr. LOUGHEED—Can my hon. friend say why an appeal to a court of competent jurisdiction is taken away, and absolute authority is vested in the minister? It seems to me to wipe out a very important redress which a master might have. Under section 2 of clause 35, the jurisdiction of the ordinary judicial tribunals is entirely cut out.

Hon. Sir RICHARD CARTWRIGHT—Yes, that is so. No doubt the object of the amendment is to do away with the modes of attacking the judgment of the court. Of course it is a very fair question for discussion, but I think, in all probability, that in this class of case the ends of justice would be as likely to be met by making the decision of the minister final as they would be by sending it through three or four courts.

Hon. Mr. LOUGHEED—We have admiralty courts, and I am assuming that they are vested with jurisdiction to hear an appeal from the finding of the board. That jurisdiction is entirely removed—at least I would say so.

Hon. Sir RICHARD CARTWRIGHT—I imagine it to be so. The reason given me is that they desire to make the decision of the minister final. I think I might say to the hon. gentleman that in the vast majority of cases the minister rather leans to the side of mercy than the side of strict justice.

Hon. Mr. SCOTT—They say that when the officer—Captain Spain for instance—is sent to inquire into a particular case, he is served with a certiorari, and the case is taken out of his jurisdiction altogether before he can make a report upon it.

Hon. Mr. LOUGHEED—It seems to me that the owners of vessels should have some remedy from the officers of the department. It simply reduces itself to this: that they will have to rely hereafter upon the officers of the department as possess-

ing superior knowledge to an admiralty court. If we have organized admiralty courts, and appointed judges competent to deal with questions of this kind, they certainly should be very much further removed from any influence in the way of interest, prejudice or sympathy, as the case may be, than an officer of the department. I cannot very well appreciate vessel owners being satisfied with a law which will take from them the right to appeal to the ordinary tribunals of the country, and vest practically absolute power in the officers of the department. True, it may be said that the finding of the minister will be final; but we know that a minister simply acts in a perfunctory way, referring the matter to the officers of his department. They may be actuated by prejudice, sympathy, interest of feelings of a kind, and it seems to me that the jurisdiction of the admiralty court should certainly not be ousted in cases of this kind.

Hon. Mr. BEIQUE—The jurisdiction of the court is not ousted, but it certainly is made final. It takes away any appeal from the jurisdiction of the court, except that the minister is entitled to grant a rehearing.

Hon. Mr. LOUGHEED—But my hon. friend will remember that the court spoken of here is not the ordinary judicial tribunal. The court consists of the assessors—

Hon. Mr. BEIQUE—It seems to me there is a great deal in the point which the hon. gentleman takes.

Hon. Mr. LOUGHEED—Supposing the court be made up of officers of the government, and from that court are excluded the judges referred to in that section, then it vests final authority in the officers of the department.

Hon. Mr. ELLIS—Clause 26 provides that in a case of collision, where a vessel, without reasonable cause, fails to render to another vessel such assistance as is practicable and necessary to save them from any danger, and so on, they are subject to a penalty. I think it is very drastic. Should that man not have a right to appeal to the ordinary civil courts in