

count and then the decree is that he is bound for so much. That is a final judgment and that may be appealed from.

Sir WILFRID LAURIER: Then, what is the object of this? Is it merely that the appellant may dispute his account as fixed by the referee, or is it that he may have a right to appeal before he is bound to account?

Mr. DOHERTY: The object in the case stated, assuming the case to be a common law proceeding and assuming likewise a particular case of an order to account as being an interlocutory judgment, the party ultimately condemned would have a right to appeal from the judgment, that ultimately condemned him; but upon that appeal he would be entitled to be heard by the Supreme Court only on the correctness or exactness of the judgment fixing the amount, not to question the judgments affirming his liability in the matter. It is to remedy that that this amendment is made. It gives an appeal from the judgment ordering the account. If one could deal with this with a perfectly free hand, I think that our Quebec system is a more satisfactory method. Perhaps that is only my natural impression, but it would look to me to be so and under that system this remedy would not be required. Of course we cannot alter the law as it is in Ontario. I dare say from the point of view of those more familiar than I am with that system it may be superior.

Sir WILFRID LAURIER: Under the case supposed, after judgment has been rendered ordering an account, would the party compelled to account have the power to appeal to the Court of Appeal in the province of Ontario?

Mr. DOHERTY: Yes, I understand he would. The Court of Appeal might confirm that judgment, but he would have no appeal from it to the Supreme Court of Canada. As I understand it, and I speak with some diffidence as to the details of procedure, there might be an appeal to the Supreme Court on the judgment last delivered by the court below, but it would only bring up the final judgment, and would have no reference to the substantive question as to whether the appellant was liable at all.

Section agreed to.

On section 2—rank and salary of registrar:

Mr. DOHERTY: The purpose of this is simply to increase the salary of the registrar. Under the existing section he is ranked as a deputy minister who, at the time the Act was passed, had a salary of \$3,500 to \$4,000. Since then the lowest salary

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paid to any deputy minister is \$5,000. The duties incumbent upon the registrar are onerous and responsible. In many cases he has to perform quasi judicial duties, and I think his salary should be in keeping.

Section agreed to.

On section 3—Admiralty appeal:

Mr. DOHERTY: The purpose of this section is to give the Supreme Court the power which the Admiralty Court as the court of first instance has, to call in the aid of assessors in admiralty appeals, a right which is also exercised by the Judicial Committee of the Privy Council in admiralty cases brought before it on appeal. It is thought desirable that the Supreme Court, in dealing with those admiralty cases, should be placed in the same position as the court from which such appeals come. The assessors are persons specially qualified in the laws and rules of navigation, who are called in to advise the court upon technical questions. It seems proper that if the court of first instance should have the benefit of the advice of assessors, the Supreme Court should likewise have it.

Sir WILFRID LAURIER: Is this at the request of the judges of the court?

Mr. DOHERTY: Yes, on the suggestion of the judges of the court.

Sir WILFRID LAURIER: Has there been any case in which the necessity of engaging assessors has been felt? I can understand the court of first instance having the advice of assessors, but the Court of Appeal simply reviews the judgment of the court below. I would not oppose it of course, but it seems to me that the Court of Appeal is not in the same position as the court below.

Mr. LEMIEUX: More especially as the Court of Appeal has the notes of the judge and assessors.

Mr. DOHERTY: The reason that justifies it is that the court to which the case may go from the Supreme Court on appeal may also call in assessors. I know of a case that came before our courts in the province of Quebec. I would not say positively that it went to the Supreme Court, but assuming it went merely to our Court of Appeal the position would be analagous. Ultimately it went to the Judicial Committee of the Privy Council, and they called in assessors to advise them regarding the laws of navigation, and acting presumably in accordance with that advice, they reversed the judgment which had been rendered in the courts of this country. I distinctly recollect that the parties thought there was a certain unfairness in that, and that the judges who had rendered the original judg-