

# Disagreement Over Supreme Court Rules

## The Question of the Assignments of the Chief Justice Freely Discussed by Judges and Counsel.

(From Wednesday's Daily.)

In the full court this morning the question of the limits of the chief justice in the question of making assignments to the other judges of the supreme court came under review. The case set down for appeal was that of *Hunting vs. Macadam*.

For the appellant defendant appeared Sir Charles Tupper, K. C., and E. F. Davis, K. C., and for the other side J. Martin, K. C. appeared as counsel.

The merits of the case itself had nothing to do with the discussion which followed on the opening of the court, when four judges appeared and took their places, all claiming a right to sit.

For an hour the subject was debated, after which the court adjourned until 2:30 in order to consult in the matter with a view to reaching a satisfactory conclusion.

The appeal is one from a decision of the chief justice. The room was crowded with barristers and others who had apparently expected something out of the usual.

Mr. Justice Martin said: "I am here in the bounden duty which I have to discharge. It is impossible, he contended, for the chief justice to sit on the assignment which had been given to him to sit on the case.

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the chief justice was the party to have the last word on the matter.

Sir Charles held that counsel were entitled to know whom to address as the court.

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Sir Charles said with counsel it was not a question of assignment but a matter of decision as to who constituted the court.

Mr. Justice Martin pointed out that he had hoped to have seen the matter referred to the supreme court of Canada, an impartial tribunal. He had in August suggested such a course.

Mr. Justice Martin said he understood that. He understood also that it was a painful duty Sir Charles had. Mr. Justice Clement pointed out that if a judge should be taken sick after he had assumed a case, the chief justice would surely have the right to assign another in his place.

Mr. Justice Martin said he saw no way of settling this without referring the matter to the supreme court at Ottawa. He did not understand that the majority of the court had agreed as to the constitution of the court.

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being impartial. He did not think these remarks were called for.

Mr. Justice Irving lamented that such language should have been used in an open court. The language of Mr. Justice Martin he felt was uncalled for and shocking.

Mr. Justice Martin said he was forced to it by what had taken place. Continuing, he said that he intended to continue to sit. If he did so wrongly, no harm would be done, as he would simply be a supernumerary.

Mr. Justice Martin agreed that this was a proper course to take. He had a declaration from the court of appeal. Three judges out of four had made a declaration and that would be taken as the basis of the decision.

Mr. Justice Clement thought this could be decided when it arose.

Finally Mr. Justice Irving suggested that the possible occurrence should take place, and the court rose until 2:15.

Mr. Justice Irving said that he had already sufficiently objected to that course, it will not be absolutely necessary for me to insist upon my right to continue to sit in this appeal.

Mr. Justice Irving reiterated that he declared the three named in the order of the chief justice which was quoted, as constituting the court.

Mr. Justice Irving said he wished no misunderstanding. According to the statement of Mr. Justice Morrison he understood that the latter did not express any view as to the right of himself (Mr. Justice Martin) to sit as a member of the court.

Mr. Justice Morrison agreed and said he had nothing to say as to that point. He only wished to declare as to his own assignment being sufficient to constitute the court.

# CHICAGO IN GRIP OF BLIZZARD

## BLINDING SNOWSTORM IN EASTERN STATES

### Traffic on Railways Tied Up—Tragic Occurrence at Waukegan Harbor.

Chicago, Feb. 18.—Several deaths many injuries and much suffering followed to-day in the wake of one of the worst blizzards experienced in this section in several years.

Traffic on surface and subway lines is practically tied up to-night, and downtown hotels are filled with residents of outlying districts who found themselves unable to reach their homes.

One of the most tragic occurrences in connection with the storm was the wrecking of the harbor at Waukegan of the fishing boat *Ansaph*, in which two men lost their lives and six others had a narrow escape from death.

By 4 o'clock in the afternoon, seven inches of snow had fallen, and it was still coming down heavily. The weather bureau forecast a foot of snow by morning.

A great number of accidents of a minor character were caused by the collisions between wagons and street cars. Up to 6 o'clock to-night no serious accidents had been reported.

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the roadside. Picard returned to Chicago convinced that further travel was impossible until the storm had passed.

John Banta, driving the Chicago Auto Club pilot car, is still fighting on. He is less than five miles from where he is on Monday night.

Former champions figure in each of the quincy contests, the first on this card being Quincy A. Shaw, Jr., of the city vs. the present national champion, Reginald R. Fincke, of New York.

Reginald R. Fincke, of New York, Chicago, and Percy D. Haughton, of Boston, a former champion, and L. Waterbury, of New York, another former title holder and N. D. Scott of this city.

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# REDUCTION IN WAGES.

Longshoremen Suffer Through Action of Shipping Companies in Montreal and Quebec.

Montreal, Feb. 18.—An important conference of representatives of shipping companies was held here to-day, at which it was decided in view of the depressed condition of business, to make an attempt to place the expense of conducting business on the wharves on a corresponding level.

The meeting was partly in response to a notification given by the longshoremen of Quebec that it was their intention to apply for an increase of five cents per hour in the rate of wages, already the highest paid at any port in Canada.

In regard to Quebec it was decided that the rate to be paid should be the same as that in Montreal, the cut thus representing ten cents per hour for day work.

PROBING ANOTHER TRUST. New York Governor Hughes Orders Investigation into American Ice Company.

New York, Feb. 18.—It will probably be at least two weeks before the investigation of the American Ice Company, which Attorney-General Jackson will make by direction of Governor Hughes, is taken up by the grand jury.

RECIPROCIITY TREATIES. Washington, Feb. 18.—The French reciprocity treaty will be taken up tomorrow in the United States senate committee on foreign relations, but it is not expected there will be any action.

FIND BODIES AMID PITTSBURG RUINS. Men Killed in Attempting Escape from Collapse Caused by Floods.

Pittsburg, Pa., Feb. 18.—The bodies of David Reed, aged 45, a river boat fireman, and Edward Hobbs, aged 44, his friend, were removed last night from the ruins of the two houses on Pennsylvania avenue which collapsed on Monday by the flood which had undermined the foundations.

WILL STOESEL BE CONDEMNED TO DEATH? Judges Now Considering Sentence on Port Arthur's Defender.

St. Petersburg, Feb. 18.—The court which has been trying Lieut.-Gen. Stoessel for the surrender of Port Arthur to the Japanese, retired for deliberation at noon to-day, ordering Gen. Stoessel and other defendants in the court martial proceedings, Generals Fock and Reiss, to appear on Feb. 20 at 11 a. m. when sentence is expected to be pronounced.

NO AGREEMENT YET IN SIGHT. POLITICAL SITUATION IN CENTRAL EUROPE. Undesirable Element of Disquietude in Austria's Balkan Policy.

# PROPERTY RIGHTS IN FISHERIES

## DOMINION TO SETTLE VEXED QUESTION

### S. T. Bastedo to Determine Modus Vivendi Between Powers.

Ottawa, Feb. 18.—S. T. Bastedo, formerly Commissioner of Fisheries for Ontario, had been appointed by the Federal Government to act as special commissioner to conduct negotiations with the various provinces looking to a permanent adjustment of the respective provincial and federal jurisdictions in regard to the control of the fisheries.

The Judicial Committee of the Privy Council having decided that the provinces possess their original property rights in the fisheries which they possessed prior to confederation, there has arisen a conflict of jurisdiction, chiefly as regards the administration of the inshore fisheries on the sea coast, and as to the international waters in the provinces of Ontario and Quebec.

Mr. Bastedo's mission will be to negotiate a special agreement with the various provinces, but the Federal Government, believing that a full and frank conference with the provinces may result in a modus vivendi, has decided to appoint a commissioner to negotiate with the Governments of Nova Scotia, New Brunswick, Prince Edward Island, Quebec, Ontario and British Columbia.

AUTOCRATIC PHASE OF MANITOBA'S PREMIER. Objects to Motion in Committee of His Own Provincial Secretary.

Winnipeg, Feb. 18.—An incident in the today committee yesterday seems to indicate that the premier is inclined to grant very little freedom of expression of opinion to members of his cabinet. It was Hon. G. R. Caldwell who incurred his displeasure.

ANARCHIST OUPROAR. Rumor Got Abroad Alfonso Had Sinned.

Madrid, Feb. 18.—In the report that he had been assassinated, Alfonso was an outrageous explosion at the appearance of anarchists who killed one woman and a child and destroyed much damage.

MAN SMOTHERED IN BIN OF FLAX. Terrible Death After Being Sucked Into Chute on Elevator.

Seattle, Feb. 18.—Because his wife threatened to secure a divorce from him, L. Asbury shot and killed her last night. He then turned the gun upon himself and sent a bullet through his head.

FOUND DEAD IN BED. Port Arthur, Feb. 18.—Dr. Pringle, a C. P. R. doctor at Schreiber, has been found dead in his bed.

# SURVIVORS FEAR

## BELEARIOUS THROUGH DRINKING

### How Wrecked Ship Broke Up And Sea

Seattle, Wn., Feb. 18.—The Post-Intelligencer says: The crew of the sloop *Teckla*, lying on the beach, was started last night by a heavy rain, and the men were forced to leave the ship and seek shelter on the beach.

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A BEAUTIFUL CANADIAN GIRL. Miss Violet Hood, daughter of Mayor Hood, of Yarmouth, N. S., has been selected as winner in a beauty quest. Miss Hood's candidature for the title of the most beautiful woman living has been put forward in the great international beauty contest now going on in Chicago.