

The Freeman Times Star

VOL. X. No. 162—PAGES 1 TO 8

ST. JOHN N. B., SATURDAY, APRIL 17, 1915

SIXTEEN PAGES—ONE CENT

First Shots?

Austrian Patrol Said to Have Crossed Border Into Italy

Clash With Italian Guards Reported—Belief That Austria Planned to Strike First Blow Against New Member of Allied Nations

Rome, April 17.—An Austrian frontier patrol is said to have crossed the Italian frontier and to have exchanged revolver shots with the Italian frontier guards.

The ministry is not acquainted with the details yet, but will publish an official communication as soon as it receives a report from the local authorities.

AUSTRIA TO HIT FIRST?

Paris, April 17.—The Rome correspondent of the Matin writes that the belief that Austria will make a sudden attack upon Italy as soon as the becomes convinced that the latter country has determined to intervene in the war, is becoming general in Rome. This prospect is said to be causing no alarm, however, because of the concentration of large forces of Italian troops on the Austrian frontier.

SOON, SAYS DR. DILLON.

London, April 17.—The Daily Telegraph publishes a despatch from Dr. E. J. Dillon, its special correspondent in Rome, regarding the probable outcome of the negotiations between Italy and Austria-Hungary. The letter, he says, has made offers but with important reservations.

Meanwhile the financial and economic strain of the situation, created in Italy by her military preparations is very severe and Dr. Dillon maintains the belief that within a short time Italy will join the allies.

SHOULD BE NO ELECTION WITH EMPIRE AT WAR

Hon. Wm. Pugsley, Here Today, Tells of Feeling of Better Thinking People in Capital

Hon. Wm. Pugsley returned to the city this morning from Ottawa. Asked regarding the feeling at the capital with regard to the prospect of a general election, he said that the opinion among the better thinking people was that there should not be an election during the war.

"It would be criminal," he said, "to plunge the country into an election in this critical moment of the empire's history, to stir up feelings among the people of Canada who are bound to take issues and sides. It is to be hoped that there will be no political convulsions with so much at stake for the welfare of the country and the Motherland."

ROAD ROLLER TO WEST SIDE FOR STREET WORK

A problem which has been worrying the city department of public works for several weeks was solved in a satisfactory manner yesterday by Superintendent of Streets Winchester and Mechanical Superintendent Goodwin. The city's ten ton street roller is needed in West St. John in connection with the extensive paving operations planned and there was some doubt about how it was to get there. The suspension bridge is so strong enough to allow it to roll around under its own power and the ferry floats and steamer would not stand the strain. It had been decided that the only way was to load the roller on the city hoisting screw and tow it over. Finally it occurred to some of the officials that the cantilever bridge might be the key to the problem and accordingly the roller was loaded on a flat car, shunted across the bridge and rolled off under its own steam without any trouble. The street work will be commenced on Monday. This will be the first time a modern roller has appeared in the West End streets.

WELCOMED BACK

A visitor to the city today was Rev. Martin Maloney, C.S.R., formerly of St. Peter's, lately stationed at St. Patrick's Redeemptorist church in Toronto. He will probably remain in St. Peter's for some time.

Phenyl and Phosphor WEATHER BULLETIN

Issued by authority of the Department of Marine and Fisheries, H. F. Stewart, director of meteorological service.

Synopsis—Pressure is now highest over the Great Lakes and lowest in Saskatchewan. Rain has fallen again in the greater portion of the maritime provinces. Elsewhere the weather has been for the most part fine.

Some Showers. Maritime—Variable winds, local showers, but partly fair. New England forecasts—Fair tonight and Sunday, rising temperature Sunday, moderate to fresh northwest winds.

First Monument In Commemoration of War

Paris, April 17.—The first monument commemorating the war has been erected at the point where General Von Kluck's advance was stopped between Barcy and Meaux, twenty-two miles east of Paris. It consists of a truncated pyramid set on a cement platform and is inscribed "To memory of soldiers belonging to the army of Paris, who died for their country on the battlefield of the Ourcq in September 1914." The monument is the work of an engineer of the territorials.

FINDS LORD'S DAY ACT VIOLATED

Magistrate's Judgment in Sunday Ice Cream Cases

In the police court this morning Magistrate Ritchie delivered judgment in the case of J. G. Spedakes and Alexander Demerson for violating the Lord's Day Act by selling ice-cream on Sunday, March 28. His judgment was as follows: The case against J. G. Spedakes and Alexander Demerson is a simple one. They are charged for that they did on Sunday, March 28, in their respective premises, carry on and transact the business of their ordinary calling by keeping open their stores and selling goods contrary to Section 112 of the Lord's Day Act of Canada. Legislation in Great Britain respecting the observance of the Lord's Day extends back for centuries. The older provisions now constituting Canada previous to Confederation in 1867 also had such legislation. In the criminal law of New Brunswick, passed in the eighteenth century, I find an enactment making it an offence to desecrate the Lord's Day, and the chapter to which I refer contains no other than that "of offences against religion."

In Section 5 of the Canadian Lord's Day Act it is stated that any person who on the Lord's Day, commonly called Sunday, shall do any work or transact any business or carry on any ordinary calling except as is provided in the provisions of the act, and, inter alia, it is stated that any person may on the Lord's Day do certain specified work, and that such work shall be deemed to be a work of necessity or mercy. The classification is made for greater certainty, but not so as to exempt from the provisions of the act any work of necessity or mercy. Under Section 18, any person who contravenes the provisions of the act shall be liable to a large penalty.

The evidence in these cases discloses that on Sunday night question the defendants' premises—shops fronting on public thoroughfares in the city—were wide open, lights on, and that numerous persons were going in, making purchases, the same as on week evenings.

In the case of Spedakes, it is contended that he is a restaurateur keeper. Upon referring to this section mentioned in the Lord's Day Act, I find that the keepers of restaurants are excepted. Considering the evidence as adduced by witnesses for the prosecution, it is unreasonable to conclude that what transpired in the shop of the defendant, when the goods were purchased and paid for on that Sunday night was in the nature of a work of necessity or mercy. It cannot even be pretended to be a work of mercy.

It was a work of necessity? Except the buying of fresh milk on Sunday it is difficult to understand "the necessity" of the buying of any food on the Lord's Day, provided people prepared the necessities for the family on the day before the Lord's Day. However, it should not be possible to buy anything, food or anything else—anything from a pin to an anchor—on the Lord's Day. This means a ceasing altogether of business on the Lord's Day. The work of a domestic maid in a family, the preparation of meals, etc., is excepted from the operation of Section 5 in the said act, being a work of necessity.

A question may arise in the future which does not arise in these cases. I may here state what I have in my mind, by way of illustration. Take the case of a young man not living in a family, a lodger, who has to go outside for his meals. When such a case arises, a liberal interpretation may be put upon the act. This is not such a case. The evidence deduced during this trial is far from a hypothetical case.

On the Sunday night in question, were the many men seen by the police in the shop in there for their meals? Or rather were they not there on Sunday night as they might have been on any night during the week for the purpose of making a purchase? If every fruit, confectionery, or other shopkeeper, having prepared certain facilities for the giving of meals, can open his shop for business on the Lord's Day, the same as on every week day, then it seems to me that the provisions of the Lord's Day Act would be rendered entirely nugatory. In such an act as this, courts must guard against a too liberal construction of the phraseology contained in it. I think from the evidence in these cases no reasonable person could conclude that the act was a work of necessity.

(Continued on page 2, fifth column)

NEW COMMANDER OF PRINCESS PATS



Captain H. C. Butler, who has been appointed to succeed Lt.-Col. Mackay as commander of the Princess Patricia's Light Infantry.

THE NEW BRIGADIER-GENERAL



Lt.-Col. Bertram, who is to be promoted to the rank of Brigadier-General on the Headquarters Staff.

CANADIANS WIN PRAISE AGAIN

London, April 17.—Sir Horace Smith-Dorrien, writes an officer of the 12th Battalion, (which includes the 8th Royal Highlanders of Montreal), "inspected us yesterday, and it was inspection. He gave every man the 'once over,' and said that our regiment looked fine in our new khaki uniforms. He declared that he was lucky to have us in his army, and predicted we would do fine work, in fact, he said, he felt sorry for the Germans who were up against us."

The officer goes on to say that General Allenby praised the regiment for good work in the trenches, which had been so well kept and so protected by machine guns that the next men who occupied them pronounced them the best they ever saw.

War Council on Summer Campaign

Geneva, via Paris, April 17.—According to reports from Berlin and Vienna, Emperor William has ordered the principal German generals and also some of the Austrian commanders to meet him in a grand conference to discuss the summer campaign.

The meeting, it is said, will be held within the next few days at Cologne or Berlin. Two of Austria's archdukes will attend. One of the chief questions will be that of stopping the Russian army from entering Budapest. The situation in Austria is said to be considered serious by the Teutonic allies.

SCARE CAUSED IN ENGLAND BY THE ZEPPELINS

Kitchener Orders Extra Precautions—Believed That Yesterday's Visits But Preliminary

London, April 17.—While no fatalities resulted from the latest burst of German aerial activity over England, the daring raids are causing an unparalleled wave of terror.

The expected attack upon London did not develop last night, but extraordinary precautions have been ordered by Secretary of War Kitchener, for the German air craft are winging nearer and nearer to this city.

Belief was expressed in official circles that the raids on Friday were for the purpose of spying out the location of British armaments, military depots and naval stations, for a real big raid which is to follow later.

SUIT FOR \$400,000

Action Follows Sinking of Government Steamer in St. Lawrence

Montreal, April 16.—As a result of the sinking of the Canadian government steamer Montgomery in the Beaujeu Channel, St. Lawrence river, on September 18, 1914, with the loss of fourteen lives, action has been begun by His Majesty the King against the S. S. Lingan for \$400,000 damages. The plaintiff alleges that the Lingan crossed over into the Montgomery's water and caused the fatal collision; that no officer was on duty on the Lingan at the time of the accident, and that there was not a sufficient watch. The case will come up in the exchequer court on May 18.

MRS. ROCKEFELLER LEFT FORTUNE OF TWO MILLIONS

New York, April 17.—The will of Mrs. John D. Rockefeller was filed today. She leaves bequests in the neighborhood of \$500,000 and valuable articles of jewelry to friends and relatives. The rest of her estate, estimated in all at about \$2,000,000, is bequeathed to charitable institutions to be distributed at the discretion of her executors. These are her husband, her son and her daughter, wife of Parmelee Prentice.

SOMEBODY'S PURSE

A purse containing a small amount of money was found yesterday in Prince street, and is now at central police station awaiting the owner.

RUSH GERMAN OFFICERS TO CARPATHIANS FROM WESTERN WAR THEATRE

Trying to Keep Back The Russians—Lull on the Line in Belgium and France—Germans Using Many Airships and Bombs in Poland

Amsterdam, April 17.—German officers in the western theatre of war are being rushed to the eastern front. It was reported from Liege today that eighty German officers have just passed through there enroute from France to Galicia to join the Austro-German armies in the Carpathians.

Paris, April 17.—A lull has fallen upon operations in the western theatre. The French war office states that there is nothing new today. Petrograd, April 17.—While violent fighting continues between the Russian and Austro-German armies in the Carpathians, the German army in Poland, near the Narew River, has developed active activity on a scale hitherto unknown in the eastern theatre of the war. The Russian War Office announces that whole battalions of German flying machines are bombing towns and villages in the Russian lines, and on some of the communities as many as 160 bombs were dropped in a single attack.

Bad roads, and melting snows are hindering troop movements. The Dniester river is in flood, having risen twelve feet.

TWO ATTEMPTS BY GERMANS FAIL

New York, April 17.—A special to the London Daily Express and New York Herald says the Germans tried to advance at Westende on Thursday, in the direction of Lombardystede, but were repulsed by the combined fire of the Belgian batteries and the allies' warships. Another attack, toward Reninige, south of Dixmude, was equally unsuccessful. At the Dardanelles

London, April 17.—The Reuter's Amsterdam correspondent writing under date of Friday, says: "Turkish headquarters reports that a cruiser yesterday bombed the Dardanelles fortifications from the entrance of the Black Sea, about fifteen miles north of Mulla. A Russian fleet, bombardment vessel and Simpsudsk (in Asia Minor), on the Black Sea."

Telegraphing from Sofia under date of Thursday, the Times correspondent says: "A Russian fleet has bombarded Kara Burun, which lies inside the Thracian line on the Black Sea, about fifteen miles north of Mulla. The Russian fleet, bombardment vessel and Simpsudsk (in Asia Minor), on the Black Sea."

Traveling from Delagevich reports that more German officers have arrived in Constantinople; also that the greater part of the garrison of Adrianople and Demotica have been withdrawn for the defence of the capital.

Constantinople, April 17.—Warships of the Anglo-French fleet, operating in the Gulf of Saros, are again shelling Turkish works upon the peninsula of Gallipoli.

BOMBARDMENT AT ENOS REPORTED

Mytilene, April 17.—It is reported from Imbros that ten battleships approached Enos and two of them entered the bay and shelled and destroyed the Turkish camp there. The long talked of occupation of Mytilene and Scios is stated to be imminent.

Enos is a Turkish port at the mouth of the Marone River, east of the Gulf of Saros, in the Aegean Sea. Mytilene and Scios are Turkish islands of the Grecian Archipelago.

Thinks War Soon Over. Tokyo, April 17.—Count Okuma, the

ARREST MAY BE NEXT STEP

Four Young Men Reported For Making Trouble—Today's Police Court

Four well known young men have been reported to the police for disorderly conduct, passing objectionable remarks to ladies and creating a disturbance on the public highway in the vicinity of Torryburn. They were summoned to court this morning, and as they did not appear, it is likely that warrants will be issued.

HIGH PRAISE FOR OFFICER WELL KNOWN IN ST. JOHN

Captain L. O. Bently Transferred From 17th to Artillery—His Brother Gets Commission in Gordon Highlanders

News of a former St. John man now in England with the troops was received in a letter from one of the local soldiers now at Shorncliffe. He says: "Captain L. O. Bently, who is well known in St. John, is now attached to the artillery. He was one of the officers of the 17th battalion from Nova Scotia and rendered splendid service with that battalion in the famous Scottish regiment. No fewer than 500 men were trained in his company and sent out as drafts to the front, some of them being for the Princess Pals. His brother, Lieutenant F. M. Bently, also of the 17th battalion, has just been granted a commission in the famous Scottish regiment. These are two keen officers and a credit to the province they represent; you may expect to hear more of them."

TEN CIVILIANS KILLED IN GERMANS' ATTEMPT TO WRECK CATHEDRAL

Paris, April 17.—A German aviator bombed Amiens cathedral yesterday. The building was not damaged, but ten people were killed and three seriously injured, all civilians.

MRS. MOSES STOCKLEY

The death of Mrs. Moses Stockley took place on Thursday. She was in the 50th year of her age, and is survived by her husband, three sons and four daughters. The funeral took place this afternoon from her late residence in Brussels street. Burial services were conducted in the Cathedral by Rev. Miles F. Howland, and interment took place in the new Catholic cemetery.

GERMANY HAS LOST

Commercial Kings Are Quoted as Admitting It

Head of Hamburg American Line and of Deutsche Bank, Both Near To Kaiser, Say Victory is With Allies

Paris, April 17.—Le Matin says it is in a position to state authoritatively that Herr Ballin, president of the Hamburg American line, and the president of the Deutsche Bank, both declared a few days ago that the war was lost for Germany.

"This judgment," adds Le Matin, "from men who know the Kaiser's inner thoughts, is more important than the optimistic communication from Herr Ballin made to influence American opinion."

Le Matin asserts that one of these commercial kings said: "The battle is lost and the German people know nothing of it."

GERMANY HAS LOST

Commercial Kings Are Quoted as Admitting It

Head of Hamburg American Line and of Deutsche Bank, Both Near To Kaiser, Say Victory is With Allies

Paris, April 17.—Le Matin says it is in a position to state authoritatively that Herr Ballin, president of the Hamburg American line, and the president of the Deutsche Bank, both declared a few days ago that the war was lost for Germany.

"This judgment," adds Le Matin, "from men who know the Kaiser's inner thoughts, is more important than the optimistic communication from Herr Ballin made to influence American opinion."

Le Matin asserts that one of these commercial kings said: "The battle is lost and the German people know nothing of it."