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THE LONDON ADVERTISER, LONDON, CANADA.

THURSDAY EVENING, JULY 18, 1918. 80 COLUMNS

PRICE TWO CENTS.

GAIN GROUND AROUND RHEIMS---CHECKS DRIVE

# **BIG FIGHT OPENS** OVER M. S. A. ACT WITH FULL BENCH OF SUPREME COURT

Case and Test As To Validity of Order-In-Council Started At the Capital This Morning-Counsel **Presents Case For Soldier Seeking** 

Ottawa, July 18.—Argument opened in the supreme court this

Court declaring the order-in-counce.

Full Bench Attends.

The case is being heard by the full court bench. Sir Charles Fitzpatrick, chief justice, presided. With him on the bench were Hon. Justice Sir Louis H. Davies, J. Idington, L. P. Duff, F. A. Anglin and L. F. Brodeur. The petitioner for a writ of habeas corpus. Pie. George Edward Grey of Nipissing. Was represented by C. C. Robinson of Toronto, with F. H. Chrysler, K.C., of Ottawa and Aime Geoffrion, K.C., of Ottawa and Aime Geoffrion, K.C., work of Justice was represented by E. L. Newcombe, K.C., deputy minister of justice was represented by E. L. Newcombe, K.C., deputy minister of justice, with V. N. Tilley, K.C., Toronto, as counsel.

Seeking His Release.

Pte. Grey is seeking, through his counsel, to secure his release from the army by way of writ of habeas corpus. He is a farmer, and comes within the ages of Class 1, whose exemptions were cancelled by the order-in-council called into question. He is under military detention for refusing to don a military uniform at Niagara Camp and

Montreal. July 18.—Members of amilitary detention for refusing to don a military uniform at Niagara Camp and for declining to be inoculated. On his behalf, it is argued that the order-ingouncil under which he was drafted is invalid. At the opening of the proceedings, the chief justice intimated that the court intended to hear two counsel for each side.

Chrysler's Argument.

Mr. Chrysler said the proceedings were brought under section 62 of the supreme court act. He referred to the application made before Justice Anglin in chambers on the 12th inst., and referred to the full bench. Pte. Grey, he said, was now awaiting sentence, having been tried by ceurt-martial for the offence of refusing to obey orders. The point raised was that he was a soldier under the order-in-council, and the order-in-council was challenged.

Justice Brodeur raised the point of jurisdiction. "Have we jurisdiction in the matter?" he asked. "Is it a crimtinal matter?"

Mr. Chrysler—We say that it is. In the first place it is a criminal matter?"

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Mr. Chrysler was complete the following Friday, one week.

Mr. Newcombe—The army act makes

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wy the military service act.

A Criminal Offence.

Mr. Newcombe—The army act makes this offence with which Grey is charged liable to penal servitude. There is no doubt it is a criminal offence.

Sir Charles Fitzpatrick—If it were the Alberta case, the situation might be entirely different.

Mr. Newcombe concurred.

Proceeding Mr. Co.

be antirely different.

Mr. Newcombe concurred.

Proceeding Mr. Chrysler read the resolutions of the House of Commons and Senate approving it. The order-in-council, he said, was passed subsequent to the passing of the M.S.A. by about eight months. It referred to, and to a very serious extent, repealed some provisions of the M.S.A. It was passed subject to approval by both Houses.

Justice Brodeur—So far there was none. The next day following the resolution of both Houses it was adopted as printed. It is the same. There was no change in the language.

Dassed After Resolution,

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THE WEATHER

printed. It is the same. There was no change in the language.

Passed After Resolution.
Sir Louis Davies: "The order-incouncil, the validity of which you contest, then did not come into force by its own express terms until after a resolution had been passed by the two Houses?"

Houses?"

Mr. Chrysler: "That is so. Its terms provide that it shall come into force when approved by resolution of both Houses of Parliament."

Sir Louis Davies: "Therefore it did not come into force until after it was approved by the Houses of Parliament."

Mr. Chrysler: "It was approved by the Houses of Parliament."

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ment."

Mr. Chrysler: "It was approved by resolution and adopted the next day."

The Troublesome Clause.

Paragraph 5 of the order-in-council, Mr. Chrysler went on, was the provision specialiv called into question. This paragraph reads:

"The governor-in-council may direct orders to report for duty to issue to men in any class under the act of any named age or ages or year or part of a year and any exemption theretofore granted to any man of any such named age or year of birth shall cease from and after noon of the day upon which he is ordered so to report, and no claim for exemption by or in respect of any man shall be entertained or considered after the issue to him of such order provided, however, that the minister may grant leave of absence without pay to any man by reason of the death, disablement or service of other members of the same family while Continued on Page Three.

Argument In Grey Habeas Corpus Release From Service.

morning on the habeas corpus case which is to decide the validity of the order-in-council cancelling exemptions. It was one of the rare occasions on which the small courtroom was filled. Hon. Charles Murphy and S. W. Jacobs, Opposition members of the House, were seated in court. Near them was R. B. Bennett, ex-M.P. and former director of national service, who took the case before the Alberta supreme court, which led to the ruling of that court declaring the order-in-council invalid.

SHOPMEN TAKING STRIKE BALLOT

> Committee Puts the Vital Issue Up to the Membership.

Montreal, July 18.—Members of unions in railway shops all over Can-

## THE WEATHER

TOMORROW—FINE AND WARM.
Toronto, July 18—8 a.m.
Forecasts.
Light winds; fine and moderately
warm today and on Friday.
Temperatures. 

Montreal 74 62 Clear Quebec ... 76 58 Clear Clear Father Point... 68 52 Clear Weather Notes.

The barometer is now highest to the westward of the Great Lakes, and lowest in the Maritime Provinces and along the An 2rican Atlantic coast.

The weather is showery in Nova Scotia a d New Brunswick, and fine in the other provinces.

LONDON CYCLISTS READY TO START FOR PICNIC AND MOTOR SALES CO. AT SPRINGBANK



# ITALIANS WIN **BACK VILLAGE** OF CLAIRIZET

Ottawa, July 18.—Today's list of 36 casualties reports 5 killed in action, 1 accidentally killed, 3 died of wounds, 7 died, 7 wounded, 1 gassed and 12 ill. The list follows (Western Ontario):

Infantry.

Killed in action, 1 accident Near Paris

Died—141568 J. Terrio, 41 Burlington street, Hamilton.

TURNS TURTLE

OF OVER A MILE

Advance Made Southeast of Villers-Bretonneux, South

Died—14108 J. Terrio, 41 Darmigons
street, Hamilton.
Gassed—803172 C. Y. Donaldson, 190
Waterloo street, London.
Ill—853471 G. D. Gosnell, Collingwood.
Machine Gun Company.
Ill—508396 F. G. Bristow, Allandale.
Forestry Corps.
Died—643358 J. Jenkins, Waterford.

FURTHER BANK MERGERS

London, July 18.—The Times understands the Government has sanctioned the amalgamation of Lloyds Bank and the Capital and Counties Bank and of the National Bank of Scotland and the London and River Plate Bank.

## "Cannon Fodder" Gives Food for Thought

Paris, July 17.—Col. de Thomasson, a military writer, in concluding his article on the battle situation today, says he cannot resist the pleasure of quoting a passage concerning the Americans from the semi-official Norddeutsche Allgemeine Zeitung. The German paper declared:

"These American soldiers are cannon fodder. They are incapable of standing up to our seasoned troops. America has been powerless to train the forcibly enlisted men she has shipped to Europe."

"The way the Americans treated a crack German division at Fossoy," says Col. de Thomasson, 'perhaps may give the German writer food for reflection."

# TURNS TURTLE

Early Today.

Brantford, July 18 .- J. Sacredier was London, July 18 .- Southeast of Vilinstantly killed late last night on the lers-Bretonneux, south of the Somme, Paris toll road, near the second toll gate, when, as he turned out to allow a car to pass his car went into the ditch and turned turtle. His wife and ondon. July 18.—The Times underchild were also in the car, but fled from what.

# PERSHING SAYS QUENTIN

New York. July 18 .- Col. Theodore Roosevelt today received a cablegram from Gen. Pershing, in which the American commander expressed the hope that Lieut. Quentin Roosevelt, the colonel's son, reported killed in an aerial battle in France, may have landed safely. The cablegram read:

"Regret very much that your son, Lieut. Quentin Roosevelt, reported as missing. On July 14, with a patrol of twelve planes, he left on a mission of protecting photographic section. Seven enemy planes were sighted and attacked, after which enemy planes returned and our planes broke off combat, returning to their base. Lieut. Roosevelt did not return. A member of the squadron reported seeing one of our planes fall out of the combat and into the clouds, and the French report an American plane was seen descending.

"I hope he may have landed safely will advise you immediately on receipt of further information."

"PERSHING."

IN THIS PROVINCE

[Special to The Advertiser.]

Toronto, July 18.—The number of motor cars operating in Ontario today may be estimated at 100,000. This is considered by the department of public highways as a safe and conservative estimate on which comparison may be based. Of this total, commercial cars form a very small portion, slightly over 5 per cent. Toronto's share in the total registration is about 20,000.

Last year 78,193 cars were licensed in the whole province. For the first six months of this year an increase of 22,000 or 28 per cent is shown. What the whole province is shown. What the whole province is shown. What the combat and into the whole province. For the first six months of this year an increase of 21,011 and 11,012 and 12,013 and 12,014 and 13,015 and 14,015 and 14,015 and 15,015 and Roosevelt today received a cablegram

# OF OVER A MILE

of Somme.

what.
South of Bucquoy on the front southeast of Arras, a German raiding party was driven off.
The German artillery showed considerable activity during the night on the Flanders front, north of Bailleuil.

## ROOSEVELT MAY BE SAFE 100,000 MOTOR CARS IN THIS PROVINCE

# **COUNTER-RUSH** TO TRAP HUNS

Allies Are Capturing Ground
North of the
Marne.

Linden, July 18.—The Marne and the United States
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# CARRY WAR THROUGH UNTIL ALLIED TERMS

America the Way.

Montreal, July 18.—"Canada has shown us the way," the Hon. William Howard Taft said when seen last night at the Ritz-Carlton here. The former American president added that he had never-seen the American people so thoroughly aroused as they are today on the question of the war with Germany. "We are determined to carry this war through to the end," he said. "or until an Allied peace is dictated to be grown to the said." Mr. Taft expressed profound grief at the death of Lieut. Roosevelt, and the sympathy which every American would feel for his father.

## GERMANY FEARFUL DRIVE WILL FAIL

Geneva, July 18.—The Demo-krateau, which is usually well-informed on German affairs, de-clares that the latest information from across the Rhine shows mixed feeling in Germany re-garding the new offensive. While there is hope of victory and an early peace, there are also secret fears of failure, which are only whispered, the advices assert.

# FOCH OPENS DRIVE; SMASHES HUN LINE ON 25-MILE FRONT **MAKING BIG GAINS**

French Drive Into Enemy's Positions Two Mile Deep From the Aisne to Belleau - Streams of Prisoners Already Coming Into French Lines.

## FRENCH RETAKE MONVAISIN AND GAIN AROUND RHEIMS

Germans Lose 60,000 When Caught in Pocket Created by Themselves South of the Marne-Yankee Troops Hold South Banks of Marne Against Fierce Hun Attacks.

London, July 18 .- The French have captured several thousand prisoners and about twenty guns.

The French have gained from two to four miles everywhere on the 25-mile front of their offensive today between the Aisne and the Marne, according to reports reaching London this afternoon.

Paris, July 18 .- The French this morning delivered an attack

LOST 60,000 ON MARNE. Paris, July 18.—(Havas Agency.)—In the pocket which the Germans have created south of the Marne their losses, according to conservative estimates, reached the figure of 60,000 in the first two days of fighting, the Matin declares today. Treating of the situation in this sector of the front, the Echo de Paris

"Because of the counter-attacks delivered by the army of General De Goutte DICTATED TO ENEMY and our American Allies, the Germans were unable to appreciably to widen deepen this pocket."

deepen this pocket."

According to the same newspaper forty German divisions have been fully engaged in the battle, while twenty support divisions were obliged to take more Taft Says Canada Has Shown or less part in the fighting.

Premier Clemenceau returned last evening from a visit to the front, express

ing himself very well satisfied with the situation SAMMIES HOLD SOUTH BANK.

Washington, July 18.—General Pershing's communique for yesterday reports that in the American sector on the Marne the enemy has been entirely driven from the south bank. The dispatch follows: 'Headquarters American Expeditionary Forces, July 17 .- In the Marne sector

r troops have entirely regained possession of the south bank of the river orthwest of Chateau Thierry the enemy yesterday repeated the attempts of the northwest of chatcas Interpretate our lines near Vaux. His attempt was completely proken up by our infantry and artillery fire before reaching our lines. Yesterday, in the region of Thiaucourt, a hostile airpaine was shot down by

Continued on Page Nine.

## NO MORE EIGHT-FOR A-QUARTER TICKETS ON

BRANTFORD STREET RY.

Brantford, July 18.—The Brantford municipal railway commission, after wrestling for some months with the problem of increasing revenues, faced by a \$12,000 deficit owing to increased wages, has decided to eliminate the eight-for-a-quarter limited tickets, retaining the green tickets, good any time, at six for a quarter, as the only tickets. There will be no increase in the normal rate of 5 cents per ride. On the Grand Valley Railway return fares will be boosted from 30 to 35 cents.

Amsterdam, July 18.—While declining to give its interpretation of the recent statement by Chancellor von Hertling regarding Belgium, the German Fatherland party, according to current German newspapers, has issued the following statement on the subject:

"As far as we are concerned Belgium to preserve it from Anglo-American exploitation, to preserve the Flemings and their industries from becoming Frenchified and from English tyranny. We want a free Flanders as a real guarantee for the vital necession.

## TO PRESERVE BELGIUM FROM U. S. EXPLOITATION