

# The Evening Times Star

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## Desperate Germans Counter Attack In Vain; Losses Heavy

### Get Into One of New British Positions But Soon Completely Dislodged—French Report Also Favorable

London, Sept. 22.—Field Marshal Haig, in his report today to the war office announced: "Hostile counter-attacks continued last evening on the Ypres front. Considerable German forces were engaged without any result being gained except a heavy increase in the enemy's losses. "At dusk the enemy launched a powerful counter-attack in massed formation on a wide front east of St. Julien. At one point his troops succeeded in penetrating a short distance into our new positions but they were immediately and completely driven out by our local counter-attack. "At all other points West Lancashire and London troops repulsed the enemy's infantry with great loss. At the end of two hours of fighting our whole line was intact. The attack was delivered with great determination and the enemy's losses were exceedingly severe. "Early in the night, after a failure of his attack on the Tower Hamlets Ridge during the afternoon the enemy again attacked with strong forces on both sides of the Ypres-Menin road. Here also heavy fighting ended in the complete repulse of the enemy. During the evening a third hostile counter-attack east of Langemarck was crushed by our artillery."

### FIGHTING HARD FOR TOWER HAMLET

British Headquarters in France and Belgium, Sept. 22.—(By the Associated Press)—Fighting still is raging today in the neighborhood of Tower Hamlet, which has been the scene of almost continuous strife since the offensive of the British to the east of Ypres on the Belgian front began. On the left the British line was repulsed but it was not as completely as the situation on the right could be had this morning.

### French Report

Paris, Sept. 21.—The war office reports: "An enemy surprise attack against one of our small posts to the north of Joux ended in failure. The cannoneers were rather spirited on both banks of the Meuse. Calm prevailed everywhere else. "During Wednesday and Thursday two German machines were brought down in the daylight and two others, seriously damaged, were forced to land during the night. "Belgian communication: Yesterday our artillery shelled enemy communications, in retaliation for yesterday's bombardment in the direction of Ramscappelle, Lempense and Forthorn. Our guns also took to task the German batteries in the region of Wismes. "Army of the east: On Thursday increasing activity of the enemy artillery was reported on the whole of the British front. British aviators bombed enemy establishments to the north of Dolan."

### APPEAL ALLOWED IN HURLEY CASE

Judgment on Appeal Made by Present Archbishop of Vancouver

Fredericton, N. B., Sept. 22.—The action of James McHugh, executor etc., vs. Ellen McGuire et al, dealt with in the supreme court of appeal yesterday, was commenced by the plaintiff to obtain a declaration as to the construction of the will of the late James T. Hurley who died in January, 1916. The executors were the plaintiff James H. McHugh and Michael Farrell. The latter renounced and the will was probated on January 15, 1916. Mr. Hurley left no children and his wife died before him. His next of kin are brother and sisters, nephews and nieces. By the will, John, a brother, and Ellen McGuire, a sister, were given \$1 each. The rest of the estate was bequeathed to the Right Reverend Timothy Casey, Roman Catholic Bishop of St. John. The will proceeds as follows: "And I desire that the said Right Rev. Timothy Casey shall exercise and carry out the requests and directions which I may give him respecting the same by a document under seal and seal." The action taken by the executor in the lower court resulted in Sir Esdaile McLeod, chief justice of New Brunswick, deciding that the words quoted showed that the testator intended to give certain directions with regard to the disposal of the property and intended that until those directions were given that the bishop should simply hold the property as a trustee; further that, as no directions ever were given, Bishop Casey would be trustee for the next of kin of the testator. From that decision Bishop Casey appealed and the appeal was argued at the June sitting of the appeal court. Hon. A. S. White and Hon. W. B. Chandler were the judges who gave judgment in this case yesterday. Both decided that the appeal of Bishop Casey, now Archbishop of British Columbia, should be allowed. Judge Chandler decided also that the words "I desire that" etc., indicated that the testator left it discretionary with the trustee to carry out or not any subsequent directions. Judge White disagreed on this point holding that the words were imperative. Costs of the executors are to be taxes as between solicitor and client and paid out of the fund and no costs to be allowed to any of the other parties.

### ALLEGED DISLOYAL STATEMENTS BY SENATOR LAFOLLETTE

St. Paul, Minn., Sept. 22.—Governor Burquist announced last night that if an official investigation of alleged disloyal statements by Senator LaFollette at a non-partisan league high cost of living conference here revealed that his remarks were seditious, the Minnesota public safety committee will ask for the senator's arrest.

### FIRST CALL WILL BE ONLY FOR THE MEN FITTED FOR WORK AT FRONT

Ottawa, Sept. 22.—Class 'A' men only will be called to the colors when the first proclamation is issued under the terms of the military service act. In this class are men fit for the medical point of view, for actual combatant service. The call for reinforcements from General Currie is for fighting men and the first draft is to meet a need. Men in the lower medical classification will not be required to go on active service, perhaps for some considerable time, even if at all. There is, of course, no guarantee that "B" and "C" men will never be called to the colors. Future developments will depend on the war situation and military requirements.

### SPEAKER CUTS TY COBB'S LEAD

Only Fourteen Points Behind Georgia Peach in Batting—Big League Figures

Chicago, Sept. 22.—Tris Speaker is cutting down Ty Cobb's batting lead in the American League. Unofficial averages today show only fourteen points separating them as compared with 26 a week ago. Cobb is batting .373 and Speaker .350. Bush, the Detroit shortstop, continues to lead in scoring with 108 runs to his credit; Roth of Cleveland, stolen bases with 49; Chapman, Cleveland, in sacrifice hitting with 65; and Pipp of New York, in home run hitting with nine. Detroit remains in front in team batting with 246. Leading batters follow: Cobb, Detroit, .373; Speaker, Cleveland, .369; Slater, St. Louis, .347; Felsch, Chicago, .340; Veach, Detroit, .306; Cicotte, of Chicago, with 47 games—twenty-six won, twelve lost and 135 earned runs—leads the list of pitchers participating in 32 or more games. In the National League, Roush of Cincinnati, with an average of .342, has an eighteen point lead over Hornsby of St. Louis, who is second. Burns of New York, the leading scorer, brought his total to ninety-nine and Carr of Pittsburgh, increased his mark in base stealing to forty-five. The record of twelve home runs hung up by Cravath of Philadelphia, remains out of danger. Deal of Chicago continues to show the way to the sacrifice hitters with twenty-eight. Cincinnati, leading in team batting, has an average of .265. Leading batters include Roush, Cincinnati, .342; Hornsby, St. Louis, .324; Kauff, New York, .303; Grob, Cincinnati, .303; Burns, New York, .302. Anderson of New York heads the list of pitchers, rated according to earned runs, with thirty-four games—nine won and eight lost—and 137 average. Today's Games National League—Philadelphia at Chicago (two games), clear; Boston at St. Louis, clear; New York at Pittsburgh (two games), clear. American—Chicago at Boston, clear; Detroit at Washington, clear; Cleveland at Philadelphia (two games), clear; St. Louis at New York (two games), clear.

### ITALY'S BREAD SHORTAGE

Milan, Italy, Sept. 22.—The truth of Italy's bread situation, says the Corriere della Sera, is that this year's harvest produced only 28,000,000 quintals, that 30,000,000 quintals are needed from abroad, and that it is impossible to secure more than 20,000,000 quintals. The Italian people, therefore, says the newspaper, must face the situation without reinforcements, and eat less bread.

Prominent Frenchman Dead  
Paris, Sept. 22.—Louis Leir, vice-rector of the University of Paris, died yesterday, aged 71 years.

### AIRMEN GAVE GREAT AID IN THE ATTACK

### Their Work Counted For Much and, Besides, They Put Sixteen German Machines Out of Commission

London, Sept. 22.—The following official statement dealing with the activity of the British aviation corps during the British offensive in Flanders was issued last night by the war office: "During the first two hours of our attack on Thursday low clouds and a drizzling rain made flying almost impossible. However, our airplanes flew out at low altitude and dropped bombs on a hostile airfield near Courtrai, besides firing at bodies of German infantry. So soon as the weather slightly improved, our aerial activity became great and contact was kept with our advancing troops, and both airplanes and balloons gave observation for our artillery fire. On several occasions the location of enemy troops preparing for a counter-attack, was reported to our artillery, who successfully dealt with the situation. "While the attack was in progress airplanes fired from their machine guns more than 28,000 rounds from heights ranging between 100 and 1,000 feet, at German infantry in their trenches and shell holes, at reinforcements coming up to the battle, at bodies of troops on roads and working behind the lines, and at hostile batteries, machine guns and transport. During the day sixty-eight bombs were dropped on the Ledeghem railway station, ninety-six on two air-dropping northeast of Lille, and 68 on billets and ammunition dumps in the battle area. At night, in spite of the most unfavorable weather, bombs were dropped on two towns and on the Ledeghem, Reuleux and Menin railway stations. "In the middle of the day the German aircraft were seen to be attempting to interfere with our artillery and low flying machines. In the evening, when the weather improved, they kept well to the east of the lines and were not inclined to fight. Ten host machines were destroyed and six were driven down out of control. Ten of our machines are missing."

### INFANTILE PARALYSIS IN PROVINCE

### Two Cases at Grand Falls and Quarantine Established—One Smallpox Case on North Shore

Fredericton, Sept. 22.—Infantile paralysis, a dread disease which has caused many deaths among children in the United States within the last few years, again has made its appearance in New Brunswick. Two well defined cases have occurred at Grand Falls. Dr. R. H. McGrath of this city, secretary of the provincial board of health, returned from Grand Falls on Thursday after placing quarantine restrictions on the two dwellings in which the cases were. The provincial authorities are keeping close watch upon Grand Falls and vicinity in case there may be further developments. It is feared that there will be a spread of the disease in that section as children have been exposed to infection. Warm weather gives infantile paralysis its most favorable conditions and the fact that cool weather is now at hand gives great encouragement in the fight against the disease. The source of the infection is believed to have been the State of Maine. This is the first occasion on which infantile paralysis has been reported so far north in this province. Former cases were in Charlotte county, also originating in the United States. None were fatal. One case of smallpox at Nelson, Northumberland county, is the only one in the province. It is under quarantine and is developing satisfactorily. It is believed to have originated from blankets which were brought from infected sections of Maine. In the latter state the authorities say the disease now is stamped out.

### CHEEK SPECULATION IN POTATOES; ACTION BY FOOD CONTROLLER ANNOUNCED

Ottawa, Sept. 22.—A check is to be put on the speculation in potatoes. The food controller announces steps to prevent inflation of prices. The controller considers that in Toronto, Ottawa, Montreal and other centres in Ontario and Quebec potatoes to the consumer should be about \$1.25 for a bag of 90 lbs. There appears to be an ample supply now assured to meet a largely increased consumption, which will doubtless follow a drop in prices.



### THE LATEST SNARE

"Where is the British lion you went forth to slay three years ago, Wilhelm?" "Well, mother, he turned out to be stronger and bigger than I thought." "Potstausend! I hear his roar! What are we to do?" "Take courage, mother, I hope this rabbit may satisfy his appetite."

### Five British Steamers And Two Destroyers Are Reported U-Boat Prey

An Atlantic Port, Sept. 22.—The Associated Press today carries the following: "Passengers who landed from English naval works on Ostend with satisfactory results. Three German seaplanes were shot down by British airplanes. The text of an admiralty statement says: "Naval works at Ostend were this morning bombed by ships of our Belgian coast patrol with satisfactory results. "Three seaplanes attempting to assist the enemy by observation work were shot down by our air patrol."

### British Bombard Enemy Naval Works at Ostend

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### HEAVY LOSS BY FIRE IN SWEDISH VESSELS CARGO

New York, Sept. 22.—The cargo of the Swedish steamer Magda, anchored in the Hudson river here, was badly damaged last night by fire said to have been caused by spontaneous combustion. The cargo consisted of cotton, oil, whiskey and general merchandise, and is said to have been insured for \$1,000,000.

### BURIED TODAY

The funeral of Mrs. Robert Cooke took place this afternoon from her late residence, 88 Marsh street. Services were conducted by Rev. N. J. McLaughlin. Interment was made in Cedar Hill. The funeral of James Mills took place this afternoon from the Church of the Good Shepherd, Fairville. Services were conducted by Rev. Walter F. Dunham. Interment was made in Cedar Hill.

### WEATHER REPORT

Issued by the Department of Marine and Fisheries, H. F. Sturges, director of meteorological service. Synopsis—Fine weather prevails over Canada with warm conditions in the west and comparatively cool elsewhere. Forecasts  
Ottawa and St. Lawrence Valleys, Gulf and North Shore—Moderate northerly winds, fine and cool today and on Sunday; light local frosts.  
Fair; Comparatively Cool  
Maritime—Moderate to fresh north-west to north-east winds, fair and comparatively cool today and on Sunday.  
New England—Fair tonight and Sunday, little change in temperature, moderate north winds.

### SALE POSTPONED

The announcement that 100 shares of preferred and some common stock of Ready's, Ltd., would be offered for sale by auction at Chubb's office at noon today, brought no buyers, and F. I. Potts announced that the sale would be postponed.

### SWEDEN FEELS EFFECT OF LUXBURG INCIDENT

Copenhagen, Sept. 22.—The Shipping Gazette of Gothenburg, Sweden, is informed by the Swedish foreign office that foreign cipher telegrams no longer can be transmitted. The paper says that as a result of the Luxburg affair communication with important commercial houses abroad already is interrupted.

### A LITTLE COAL NOW ON WAY HERE FOR SALE TO PEOPLE; MORE TO COME

### Agree To Send Chinese Troops To West Front

Peking, Monday, Sept. 17 (delayed).—The president and the cabinet have agreed to the plan of sending a trial division of 24,000 Chinese soldiers to France if money, equipment and shipping are available. The Entente Allies have approved and France is eager to receive the contingent. The premier is in favor of sending 300,000 men, and the provincial authorities are heavily in support of the plan if the Canton provincial government gives its approval of the war with Germany.

### ST. JOHN IS TO BE TRAINING CENTRE FOR PROVINCE

That St. John is to be the training centre for the entire province and Moncton, Fredericton and Newcastle are to be mobilization centres, where medical boards will sit, was the information received at the office of the New Brunswick command this morning. St. John is to be the only centre in the province where there is to be a combatant staff. The order reads to the effect that when men are called up they will report to the nearest of the four centres, and after going before the medical board they will be returned to their homes to await orders to report at the training centres, which is to be in St. John. This news will come as a pleasant surprise to many as it was the general opinion that St. John was to be only a centre such as Moncton, Fredericton and Newcastle. This will mean the getting ready of the military buildings at once. If the militia department calls up only 25,000 men at a time it will mean the St. John will always have in the vicinity of about 750 men quartered here. This number is to be broken up in companies of 250 men. Each company will have a major, a captain and four lieutenants.

### RUSH GASOLINE HERE FOR FISHING BOATS

Food Controller Arranges Supply on Appeal to Prevent Tie-up

Ottawa, Sept. 22.—A train of gasoline tank cars is speeding in the direction of the maritime provinces to prevent a tie-up of Nova Scotia and New Brunswick fishing boats owing to a gasoline shortage. Appeal to the food controller was made by H. B. Shortt, of the Canadian Fisheries Association, at Digby. Enquiry was made of the oil companies of tanks of more than 150,000 gallons, which were en route from New Jersey, could be handed to the Grand Trunk Railway for movement over the Canadian Government Railway to Halifax and St. John. As a result of an appeal to L. Harold, superintendent of transportation for the Grand Trunk Railway, and C. A. Hayes, general manager Canadian Government Railways, seventeen tank cars received from the American railways, have been turned over by the Grand Trunk to the Canadian Government Railways.

### OPERATORS AND LINEMEN OF C. N. W. TALK STRIKE

Company Has Rejected Majority Award of Board of Conciliation

Toronto, Sept. 22.—The Great North-western Telegraph Company yesterday rejected the majority award of the board of conciliation in the dispute with their operators and linemen, and last night C. E. McLeod of Winnipeg, general chairman, now in Toronto, sent out a call for the men to meet tomorrow afternoon to determine their attitude. The result of the meetings, which will take place from Campbellton, N. B., to Calgary, will be received here not later than Sunday night, when the final step will be decided upon. E. J. Young, of the men's committee, went to Ottawa last night to see the minister of labor and request government action to avert the threatened strike. Mr. Mallett said last night that 600 telegraphers are directly affected, and a lot more who are agents of the company at stations on the Grand Trunk and Canadian Northern railway lines are affected indirectly. Should a strike be declared, these men will be instructed not to handle G. N. W. business.

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Other matters also affecting the cost of living came before the council; one was the statement of the Housewives' League that large quantities of butter are being hoarded in cold storage, and the other was the request of the food controller for the presence of a representative of the city at a conference to be held in Ottawa to discuss milk problems. The butter matter was referred to the mayor and the city solicitor and Commissioner Wigmore was appointed as delegate to the Ottawa conference. The council authorized the call for tenders for repairs to the railway trestle at No. 5 wharf, the cost estimated to cost \$8,500; the payment of E. O. Leahy's bill for \$8,079 for preliminary work on No. 5; the payment of \$1,700 for repairs to No. 1 and \$877 for timber supplied by J. A. Gregory. In connection with the collapse of No. 5 wharf, a mayor presented a notice from the Imperial Munitions Board that the city and the C. P. R. will be held liable for the loss of and damage to munitions at the time. The council met at eleven o'clock with Mayor Hayes presiding and Commissioners Wigmore, Fisher and Russell and the common clerk present. After the minutes of the last meeting were confirmed, the bill of E. O. Leahy, for removing the wreckage and examining the bottom at Nos. 5 wharf, for \$8,079.28 was ordered paid on motion of Commissioner Russell. The same commissioner moved that a bill for \$760 for replanking the floor of No. 1 warehouse be ordered paid. This question was raised regarding the appeal for the expenditure. Commissioner Russell explained that he had to get the work done and he would go ahead with more work if he could not get a full meeting of the council to give him authority. The bill was passed. A bill of J. A. Gregory's for \$577 for hard pine at \$85 per m. was also ordered paid. Commissioner Russell then presented his estimate of \$8,500 for repairs to the railway trestle at Nos. 5 wharf, apart from the section included in Kane & Ring's contract. A call for tenders for the work was authorized. Taking up the proposals for the erection of a warehouse at Reed's Point for the E. S. Co., Commissioner Russell said the agent had said they could not pay more than ten per cent. of the cost as an annual rental and that he would give the guarantee of the company, a bank or a trust company, that they would use it for at least ten years. He was willing to sign a lease for ten or twenty or thirty years. The commissioner's estimate of the cost was not more than \$20,000. The mayor said the city should not accept less than twelve per cent. It was agreed that the council would approve of a ten year lease on this basis. Commissioner Wigmore protested against statements that the council could not meet because he had been out of town. It was the first holiday he had had in six years and four members made a quorum. A report of the committee of the whole approving of the laying of an additional railway track in Water street, beside the city wharves, was adopted. Public Works Matters The commissioner of public works reported: That the water and sewerage department, in lieu of restoring the wood block and tar macadam pavements in Prince William street, where a new water main has been recently laid, has undertaken to maintain the street surfaces with gravel until the street is repaved, which is expected to be in 1918 or 1919. That the water and sewerage department has opened Germain, St. James, Sheffield and other streets this year for the laying of water mains and is responsible for surface conditions until restoration is completed in each case, or until arrangements are made for the public works department taking charge. That the numbering of residences and places of business has fallen into serious neglect, and the absence of numbers causes considerable inconvenience and confusion. Your commissioner recommends that the police be instructed to report, after November 1, all cases of neglect to comply with the law in this matter, so that proceedings may be taken for enforcement. (Continued on page 2, sixth column)