

APPAM NO PRIZE, SAYS U. S. COURT

Federal Judge at Norfolk, Va., Gives Liner Back to Old Owners.

GERMANS TO APPEAL TO SUPREME BENCH

In the Meantime Vessel Will Be Held in Bond—Berg May Be Interned.

Norfolk, Va., July 29.—Possession of the British liner Appam, brought into Hampton Roads last February by a German prize crew, was awarded to-day to her English owners, the African Steam Navigation Company, by Judge Waddell, of the Federal District Court.

An appeal will be taken when the opportunity is given next Wednesday, and the final decision in the libel proceedings probably will be given by the Supreme Court.

In the meantime the Appam will stay at Newport News in the custody of the United States marshal, or will be turned over to her owners under bond. Her cargo has been sold for \$364,000 and the money is being held by the court.

What is to become of Lieutenant Berg, the prize commander, and his crew of twenty-two men must be determined by the State Department at Washington. They have been living aboard the Appam, claiming her as the property of the German government, but the general belief here is that they now will be interned along with the men of the German raiders laid up here.

Value of the Vessel. The Appam is valued at \$1,000,000. Gold said to have amounted to \$750,000 was removed from the vessel at the time of her capture, off the coast of Spain, and carried to Germany by the raider Moeve. The money recently was declared a prize by a German prize court, and turned over to the Reichstag.

"The court's conclusion," the decision reads, "is that the manner of bringing the Appam into the waters of the United States, as well as her presence in those waters, constitutes a violation of the neutrality of the United States; that she came in without bidding or permission; that she is here in violation of the law; that she is unable to leave for lack of a crew which she cannot provide or argument without further violation of neutrality; that in her present condition she is without a lawful right to be in and remain in these waters; that in and remain in these waters; that she, as well as her captors and owners, to all practical intents and purposes, must be treated as abandoned and stranded upon our shores and that her owners are entitled to restitution of their property which this country should award, irrespective of the prize court proceedings of the court of the imperial government of the German Empire, and it will be so ordered."

FRENCH AIRMEN FIGHT 34 BATTLES IN ONE DAY

Six German Aers Shot Down on the West Front. Paris, July 29.—The French official statement to-day contains the following: "Aviation: On the morning of July 27 a French aeroplane piloted by Quartermaster de Terline attacked a German machine which was flying over Chalons. The French pilot had just opened fire when the machine gun jammed. The enemy was in full flight. Two of our machines saw De Terline swoop upon his adversary at full speed, crash into him and fall with him to the ground. The French pilot and two German airmen fell within our lines. De Terline had already brought down two enemy machines and had just received the military cross.

"In the region of Amiens our pursuing aeroplanes fought thirty-four battles, in the course of which five enemy machines were forced to land in a damaged condition. A sixth German aeroplane was brought down between Chalons and Reims. On the night of July 28 our bombing squadrons carried out a number of operations. In all 207 shells were dropped on bivouacs, depots and railway stations on the enemy's front."

FRYATT CASE ROUSES BRITAIN

Continued from page 1. Page, concerning the case of Captain Fryatt. The communication states: "His Majesty's government finds it difficult to believe that a master of a merchant vessel, who, after German submarines had adopted the practice of sinking merchant vessels without warning and without regard for the lives of the passengers or crew, took the step which appeared to afford the only chance of saving not only his vessel, but the lives of all on board, can have been shot deliberately in cold blood for this action."

Says Situation Is Serious. "If the German government has in fact perpetrated such a crime in the case of a British subject held prisoner by them, it is evident that a most serious condition of affairs has arisen.

The Foreign Secretary, therefore, is obliged, on behalf of the government, to request that an urgent inquiry may be made by the United States Embassy in Berlin as to whether the report of the shooting of Captain Fryatt is true, in order that the British government may have, without delay, a full and undoubted account of the facts before them."

The communication adds that Ambassador Page sent to Foreign Minister Grey in answer to his notes of July 18 and 20 the following paraphrase of a telegram from Ambassador Gerard at Berlin:

"July 27.—Referring to your telegrams, I brought the case of Fryatt to the attention of the Imperial Foreign Office in writing on the 20th and 22d and requested an opportunity to engage counsel. A verbal reply was made yesterday stating the trial had been fixed for to-day at Bruges. It added that the Foreign Office had requested a postponement if possible. I have to-day written a reply stating it was impossible to grant a postponement, as German submarine witnesses could not be detained further.

Major Neumann has been appointed by the German authorities to defend Fryatt. He, in civil life, is an attorney and jurist (Queen's counsel)." O. K'd by the Kaiser. According to a report from Maestricht, Holland, forwarded by the Hague cor-

the light of rulings and interpretations placed upon other contemporary treaties," the decision continued, "especially Article 17 of the Treaty of Amity and Commerce with France in 1778, convicts the court that the Secretary of State's ruling is correct and that under the same prizes cannot be brought into the waters of the United States for the purpose of laying up by a prize master, but can only be brought in by the capturing vessel herself, or a war vessel acting as convoy to such prize, and then not for an indefinite period, but for the temporary causes recognized by international law."

Washington Regards Berg Merely as a Belligerent

Washington, July 29.—The Federal Court's decision holding for the British owners in the Appam case, confronts the United States government with deciding what to do with Lieutenant Berg and his prize crew which brought in the ship after one of the most thrilling captures in the sea history of the war. Generally speaking, Lieutenant Berg and his men are regarded as part of Germany's naval forces, and if that view were carried out to its conclusion they would have to be interned for the war with the crews of the two other German commerce raiders, Prinz Eitel Friedrich and Kronprinz Wilhelm, at the Norfolk Navy Yard.

BERLIN TO ALLOW TALKS ON PEACE

Government Sees Time Has Come to Let Down Bars, Says Paper. Berlin, July 29.—There are indications that more freedom in the discussion of the war aims will be granted in the immediate future. The "German National Committee" will begin a great speaking campaign on Tuesday, with a list of speakers including many of the most prominent men in Germany.

"At the same time," the Independent Committee for Obtaining an Honorable Peace" will open its activities, and "The Committee on the Guiding Principles for the Way to a Lasting Peace" will convene in Munich. The "Lokal Anzeiger" says "Discussion of the peace aims is not yet permitted. We assume that following the proclamations of the German National Committee the government now considers that the time has come to let down the bars on the censorship. We take it to be a self-understanding condition that the principle of 'equal rights for all' will be applied here, and that what is permitted one will not be forbidden another."

German Rule Announced Before the War Began

Berlin, July 28.—The execution at Bruges on July 27 of Captain Charles Fryatt, of the British steamship Brusa, after trial by court martial for attempting to ram a German submarine, denotes a new phase in the controversy over the sea rights of merchantmen. The German government prize regulations, issued before the beginning of the war, adopted the principle that merchantmen were not entitled to commit acts of war, and it threatened to treat as pirates those attempting so to do. The execution of Captain Fryatt, German officials contend, is in accord with that principle which, according to the German view, merely extends to sea warfare the principles already controlling franc-tireur activity on land.

Dutch Press Bitterly Denounces the Shooting

The Hague, Netherlands, July 29.—Commenting on the carrying out of the death sentence against Captain Fryatt, the "Nieuwe Rotterdamse Courant" says: "Captain Fryatt's execution perhaps was justifiable according to the pitiless laws of war, or according to German moral conceptions, but we call it a tyrannous and unwarrantable act.

"The Germans are fond of using the word 'franc-tireur,' but it is the German way of waging the war that compels people to fight for their lives in this manner. The captain's action against the submarine was justifiable because the German submarine war is illegal. His execution provokes disgust among neutrals, and it is sure to increase the bitter hatred of German's enemies."

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