

MACKAY ENTERS SUIT TO DEFEAT CABLE SEIZURE

Burleson's Action After Armistice Is Declared to Be Illegal Act.

WILSON'S SPEECH CITED

Petition of Commercial Company Charges Government Ownership Is Goal.

The Commercial Cable Company petitioned the courts yesterday to order Postmaster-General Burleson to take his hands off the company's property and keep them off. A suit in equity was begun in the United States District Court with the filing of a bill of complaint. The company asks that the Postmaster-General be enjoined from further interference in the affairs of the company. Its submarine cables and land equipment were seized by the Government with those of other cable companies by a proclamation of President Wilson dated November 2.

The seizure is alleged to have been illegal on the grounds that it was an exercise of war powers that expired with the signing of the armistice and a violation of the constitutional provision against the taking of private property without due process of law and just compensation. It is further alleged that the seizure was made to bring about Government ownership.

It is charged that the Postmaster-General, as one who has committed himself to Government ownership of telegraphs and cables, is not an unbiased official to whom should be entrusted the operation of the company and its compensation for the period of Government control.

The complaint was signed by Charles E. Hughes and William W. Cook as counsel for the company. It was sworn to by Clarence H. Mackay, president.

Systems Taken After Armistice.

Order No. 2351, in which the Postmaster-General announced that he had taken possession of the marine cable systems and instructed that they be operated without immediate changes in the private ownership, bore the date. It is alleged in the Commercial company's complaint that it was issued on or about November 15. The armistice was signed November 11.

The company's leading contention is that the war ended with the signing of the armistice and that the power given to the President by Congress July 16 to assume control of wire and wireless systems for the duration of the war automatically ended. To support this view the complaint quotes the following sentence from the act: "The armistice shall terminate the operation of this act on the day of the signing of the armistice."

"The war thus comes to an end, for having accepted these terms of armistice it will be impossible for the German command to renew it."

Delay in Executing Order.

The plaintiff alleges that the President's proclamation was not legally executed until November 16, five days after the armistice, and that on the same day on which the Postmaster-General issued Order No. 2351.

In summing up the complainant's contentions on this issue the bill says: "That the recent war is no longer in continuance, it having been terminated beyond possibility of renewal on November 11, 1918, by an armistice. That said proclamation dated November 2, 1918, did not become a proclamation and was not proclaimed or announced, signed, countersigned, made public or effective until after November 11, 1918, namely, about November 15, 1918, and that no seizure of the possession of said cables was attempted, planned or made until on or about November 16, 1918."

It is from the threat that lies over rather than from actual interference with this time that the company asks relief. Pending the granting of a permanent injunction it petitions that the Postmaster-General shall be enjoined from carrying out his claim that he has taken possession and assumed control of your orator's said marine cable system, and that the defendant, the Postmaster-General, be enjoined from interfering with your orator's property or business affairs, or from taking any steps or making any demands on your orator in connection therewith."

Step to Government Ownership.

The complaint attacks the attempted seizure of the cables as a step preliminary to Government ownership. It alleges that it is the intention of the Postmaster-General to merge the company's staff and equipment with that of the Western Union Telegraph Company, whose cable lines also came within the scope of the President's

U. S. Influenza Deaths 350,000 Since Sept. 15

WASHINGTON, Dec. 4.—Approximately 350,000 deaths from influenza and pneumonia have occurred among the civilian population of the United States since September 15, according to estimates to-day of the Public Health Service.

Insurance companies were hard hit by the epidemic, Government reports indicate.

The Government incurred liabilities of more than \$170,000,000 in connection with life insurance carried by soldiers in army camps, not including those in Europe.

About 20,000 deaths occurred in the camps in the United States, War Department records show.

LEGATIONS ARE ON THEIR GUARD

Berlin Neutrals Take Precautions in View of Bolshevik Peril.

SEIZE WIRELESS PLANT

Extremists Said to Have Concealed Supply of Guns and Munitions.

Special Cable Dispatch to The Sun from the London Times Service.

THE HAGUE, Dec. 4.—The *Rheinische Westfälische Zeitung* learns in view of the uncertain conditions in Berlin all of the neutral legations have taken measures for the safety of their staffs. The Spartacus (Bolshevik) group is circulating leaflets calling for the universal arming of the proletariat for the coming election.

The group has in its possession the wireless station at Nauen, and the United States consequently has broken off its wireless service to Berlin.

Frau Kautsky, wife of Karl Kautsky, who, during Dr. Edward David's illness was acting as Under Secretary at the Foreign Office, is dealing with the foreign archives, particularly those relating to the beginning of the war.

All payment of taxes has stopped in Greater Berlin since the revolution began.

AMSTERDAM, Dec. 4.—The Berlin Government, according to the *Deutsche Zeitung* of Berlin, seriously fears a Bolshevik outbreak under the leadership of Dr. Liebknecht, the Radical Socialist. The extremists are said to have a quantity of artillery and munitions concealed.

The newspaper demands that the Government act energetically before it is too late, and declares that Premier Ebert and Philipp Scheidemann will be responsible if one drop of blood is shed.

By the Associated Press.

BERLIN, Dec. 3 (delayed).—Dr. Karl Liebknecht and his followers of the Spartacus group of Socialists are carrying on a vigorous campaign against Premier Ebert and his colleagues, whom the Spartacus Socialists accuse of having "induced the mortal enemy of the German revolution, namely international capitalism represented by President Wilson, to make the delivery of food conditional on the maintenance of order." The Bolshevik organ, the *Red Flag*, says:

"This is treachery against the revolution. Any attempt to send food to Germany must be opposed as a capitalistic effort to beat Bolshevik aims."

The article demands the dismissal of officers and the choosing by soldiers of their own leaders.

SAYS CZARINA DIED IN ARMS OF THE CZAR

Valet Tells How Romanoffs Were Shot.

LONDON, Dec. 5.—A despatch to the Exchange Telegraph from Amsterdam says the Kiev newspapers publish a story, given by the valet of the ex-Empress of Russia, of the murder of the entire Romanoff family by the Bolsheviks. According to the story the once royal family was compelled to live in a single room of a convent at Ekaterinburg for weeks before the murder, under guard of Bolshevik soldiers, who insulted them shamefully.

The valet said on July 17 all the members of the family were taken to a cellar of the convent and placed against the wall and shot one after the other. According to the story the murderers granted the last request of the ex-Empress Nicholas that his wife, who was ill, should die in his arms.

According to the valet the Grand Duchess Tatiana was only wounded by the shots of the riflemen and was killed by blows from their rifle butts. All the bodies were burned in the outskirts of Ekaterinburg.

Hindenburg's Arrest Ordered.

COPENHAGEN, Dec. 4.—The Soldiers' and Workers' Council at Leipzig has decided that German general headquarters shall be dissolved and Field Marshal von Hindenburg arrested, according to the *Lokal-Anzeiger* of Berlin.

If you have money, buy more LIBERTY BONDS from us. LIBERTY BONDS from us. John Muir & Co., 91 Broadway, New York.

PERSHING CALLS EXPLOITS OF HIS MEN IMMORTAL

"Earned Eternal Gratitude of Country," He Says in First Report.

HELPED AT RIGHT TIME

Also Lauds Part Played by Those Who Did Their Work at Home.

WASHINGTON, Dec. 4.—Gen. John J. Pershing's account of his stewardship as commander of the American Expeditionary Forces was given to the public to-day by Secretary Baker. It is in the form of a preliminary report to the Secretary, covering operations up to November 20, after the German collapse. It closes with these words from the leader of the great army in France, expressing his feeling for those who served under him:

"I pay the supreme tribute to our officers and soldiers of the line. When I think of their heroism, their patience under hardships, their unflinching spirit of offensive action I am filled with emotion which I am unable to express. Their deeds are immortal and they have earned the eternal gratitude of our country."

The report begins with Gen. Pershing's departure for France. Its striking feature is the section devoted to "combat operations," where it told the story of fighting by the man who directed it.

Gen. Pershing views the encounters before March 21 of this year in which American troops participated as a part of their training and dismisses them briefly. On that date, however, the great German offensive was launched and a crucial situation quickly developed in the allied lines, which called for prompt use of the four American divisions that were at that time "equal to any demands of battle action."

The first crisis of the German drive had been reached in Picardy.

Had to Postpone Occupation.

"The crisis which this offensive developed was such," Gen. Pershing says, "that our occupation of an American sector must be postponed. On March 21, French all of the principles of peace. It is needless to say they are read with keen interest, but the attitude of the British press is singularly correct in emphasizing the fact that Britain has nothing to do with America's internal discussions."

The preliminary peace conference with President Wilson present will begin Monday, December 18. All decisions are tentative pending consultation with the American delegates. Many columns are being printed here recording different viewpoints expressed in America on Wilson's visit, and also on the principles of peace. It is needless to say they are read with keen interest, but the attitude of the British press is singularly correct in emphasizing the fact that Britain has nothing to do with America's internal discussions.

The dark days of March and April last, when America so eagerly redoubled her efforts to give immediate assistance to the Allies, are still vivid in the minds of the people here.

Anxious to Please America.

There has been considerable acerbity of expression here by Americans in their discussion of recent American political developments, but the impression is not abroad here that the views expressed by some Americans here have been echoed in Washington as the views of Englishmen.

Americans are being welcomed here in a spirit of frank sincerity. There never was a day when England was readier to go across to any possible distance toward the realization of America's aspirations than now.

The conference yesterday considered the subject of indemnities. Germany has little gold—probably \$750,000,000—stored in the Reichbank. If a big indemnity is agreed upon to spread over a number of years it is possible a special tax be levied. The Allies are considering royalties from German coal and potash production.

LONDON, Dec. 4.—All the nations represented at the interallied conference here yesterday may be regarded as in agreement with the policy of Lloyd George of compelling Germany to pay to the limit of her capacity.

In reviewing the question of whether Germany is able to pay war damages and the war expenditures incurred by the Allies, the *Daily Mail* declares that the estimated allied expenditures of \$125,000,000,000 are less than one-seventh of the main German visible assets.

The railway systems in the German States are the property of the various Governments, which, in addition, own forests, mines and large areas of land. The paper says that a moderate estimate of the value of German mineral deposits is \$255,000,000,000.

In 1871 Germany made France pay not only the cost of the war but exacted a fine of \$420,000,000 and the surrender of Alsace-Lorraine. The *Daily Mail* says that the Allies ask for no fines, but require reparation only.

Tailor Made Smokes Popular With Army

AFTER a long course of the "roll your own" American fighting men praise THE SUN Tobacco Fund for its distribution of ready made cigarettes. Some quaint words of thanks from the soldiers who are remaining overseas to do "their duty as long as this Government elects is necessary" are to be read on page 7.

POLAND THREATENS GERMANY.

Ultimatum Demands Withdrawal of the Teutonic Troops.

Special Cable Dispatch to The Sun. PARIS, Dec. 4.—The Polish Government, according to a despatch from Geneva to *Le Journal*, has addressed an ultimatum to Germany demanding the immediate evacuation of Polish territory by German troops, who are charged with committing crimes against the population.

Poland threatens energetic military measures if her demand is not satisfied.

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WILSON IN TOUCH WITH CAPITAL BY WIRELESS; KAISER SAYS HE IS WILLING TO FACE CHARGES; WAR COUNCIL ENDS IN TENTATIVE DECISIONS

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"My army group is unvanquished by arms. Hunger and bitter need conquered us. We can quit the soil of France proud and with heads erect. Your shield, your honor as soldiers, are unspotted."

"Deeply moved, I separated from you, bending my head for your mighty exploits—exploits which history will relate to the coming generations with indelible characters. Be true to your leaders as before. God be with you and our fatherland."

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"Hundreds of thousands of buildings will be erected on cheaply acquired land with public money loaned at low rates to farmers, gardeners and country artisans; houses will be built for workers, employees and officials belonging to sedentary occupations and transferred to them on the payment of a moderate portion of the actual costs."

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