

Britain to prove an increase rather than a decrease in American trade. To take into account the increased price of commodities resulting from a state of war or to make any allowance for the disturbance in the volume of trade which the neutral countries in Europe previously had with the nations at war.

2. Retentions by Great Britain have not been "uniformly based on profits obtained at the time of seizure, but many vessels have been detained while search was made for evidence. The question has been one of "evidence to support the belief of an enemy destination, or occasionally of enemy origin of the goods involved."

3. Attention is directed with regard to search of neutral vessels at sea to the instructions issued to the naval commanders of the United States, Great Britain, Russia, Japan, Spain, Germany and France, from 1888 to the beginning of the present war to show "that search in port was not contemplated by the government of any of these countries."

4. An examination of the opinion of the most eminent text writers on the laws of nations shows "that they give practically no consideration to the question of search in port outside of examination in the course of regular prize court proceedings."

No American Precedent.

(5) Answering the assertion of Great Britain that the position of the United States in relation to search at sea is inconsistent with its practice during the civil war, the note says this is based upon a "misconception." A careful search of the records "shows conclusively that there were no instances when vessels were brought into port for search prior to instituting prize court proceedings," and that captures were not made upon other grounds than evidence found on the ship under investigation, and not upon circumstances ascertained from external sources. It is here that Secretary Lansing appends a copy of the instructions issued to American naval officers on August 15, 1862.

(6) In answer to the British contention that conditions relating to the size and seaworthiness of modern carriers justify bringing vessels into port, there is cited the report of a board of United States naval experts, just made, in which it is declared that it is not necessary to remove "every package of a ship's cargo" to establish the character and nature of her trade, that the facilities for boarding and inspection of modern ships are in fact greater than in former times, and that to permit ships to be taken into port would be a direct aid to the belligerents concerned in that it would release a belligerent vessel overhauling the neutral from its duty of search and set it free for further belligerent operations.

Prize Court Proceedings Unjust.

(7, 8 & 9) These points deal with new procedures in the prize courts, the effect of which the United States complains is "to subject traders to risk or loss, delay and expense so great and burdensome as to practically destroy much of the export trade of the United States to neutral countries of Europe."

(10, 11) These discuss the question of burden of proof as to the non-contraband of goods consigned "to order" the United States arguing that none of the cases cited by Great Britain proves that the burden of proof can rightly be made to rest upon the claimants.

(12) The greatly increased imports of neutral countries adjoining Great Britain's enemies "cannot be accepted as lying down a just rule of evidence," "the commodities are destined for the belligerents," such a rule, it is argued, "offers too great an opportunity for abuse by belligerents," and is opposed to "those fundamental principles of justice which are the foundation of the jurisprudence of the United States and Great Britain."

Decrease of Exports Explained.

(13) Attention is directed to the fact that Great Britain admits that her exports to neutral countries have also materially increased since the present war began. "This Great Britain," says the note, "concededly shares in creating a condition which is relied upon as a sufficient ground to justify the interception of American goods destined to neutral European ports. If British exports to those ports should be still further increased it is obvious that, under the rule of evidence contended for by the British government, the presumption of enemy destination could be applied to a greater number of American cargoes, and American trade would suffer to the extent that British trade benefited by the increase. Great Britain cannot expect the United States to submit to such manifest injustice or to permit the rights of its citizens to be so seriously impaired."

(14) Whatever may be the conjunctural conclusions drawn from trade statistics, the United States "maintains the right to sell goods into the general stock of neutral countries, and denounces as illegal and unjustifiable any attempt of a belligerent to interfere with that right on the ground that it suspects that the previous supply of such goods in the neutral country which the imports renew or replace has been sold to an enemy. That is a matter with which the neutral vendor has no concern and which can in no way affect his rights of trade. Moreover, even if goods listed as contraband are destined to an enemy country through a neutral country, that fact is not in itself sufficient to justify their seizure."

Will Contest Seizures.

(15) In view of these considerations

the United States announces that it has no other course but "to contest seizures of vessels at sea upon conjectural suspicion and the practice of bringing them into port for the purpose of search or observation, or seizing evidence," and adds that "policy upon the regard of the British government for the principles of justice so frequently and uniformly manifested prior to the present war this government will instruct their officers to refrain from these vexatious and illegal practices."

(16) Directing particular attention to the so-called "blockade measures," imposed by the order in council of March 11, the British note of July 23, last, is cited to confirm the intention to establish a blockade. "After over six months application of the blockade order, the note says, 'the experience of American citizens has convinced the government of the United States that Great Britain has been unsuccessful in her efforts to distinguish between enemy and neutral trade.'"

Neutral Trade Harassed.

(17) The practice of requiring a consignor to prove that his shipments are not bound to an enemy of Great Britain even when articles are on the embargo list of the neutral country to which they are destined, is characterized as "harassing to neutral traders."

(18) While the United States government was at first inclined to view with leniency the British measures which were taken in their correspondence but not in the order-in-council of March 11 "a blockade" because of the assurance of the British government that inconvenience to neutral trade would be minimized by the discretion left to the courts in the application of the order-in-council and by the instructions which it was said would be issued to the administrative and other authorities having to do with the execution of the so-called "blockade" measures, this government is now forced to the realization that its exclusions, which were fully set forth in its note of March 29, were based on a misconception of the intentions of the British government. Desiring to avoid controversy and in the expectation that the administration of the order-in-council would conform to the established rules of international law, this government has until now reserved the question of the actual validity of the order-in-council of March 11, in so far as it is considered by the government of Great Britain to establish a blockade within the meaning of that term as understood in the law and practices of nations; but in the circumstances now developed it feels that it can no longer permit the validity of the alleged blockade to remain unchallenged."

German Coast Open to Trade.

(19) Pointing out that in accordance with the declaration of Paris in 1856, the effectiveness of a blockade is "manifestly a question of fact," the United States says it is "common knowledge that the German coasts are open to trade with the Scandinavian countries." The recent placing of cotton on the British list of contraband is spoken of as making it appear "that the British government themselves have been forced to the conclusion that the blockade is ineffective to prevent shipments of cotton from reaching their enemies, or else that they are doubtful as to the legality of the form of blockade which they have sought to maintain."

20. Decisions are cited to show that it is an essential principle, universally accepted, that a blockade must apply impartially to the ships of all nations, and it is added that "if belligerents themselves trade with blockaded ports, the principle in the past has been that they cannot be regarded as effectively blockaded."

These decisions are referred to "since it is a matter of common knowledge that Great Britain exports and re-exports large quantities of merchandise to Norway, Sweden, Denmark and Holland, whose ports, so far as American commerce is concerned, are regarded as blockaded."

(21) The principles of the laws of nations which forbid the blockade of neutral ports in time of war, embodied in that part of the Declaration of London adopted by Great Britain as to the blockade, are discussed and, several decisions of the British prize courts prior to the present war as well as the Matamoros cases in the American civil war are recalled to support the contention of the United States.

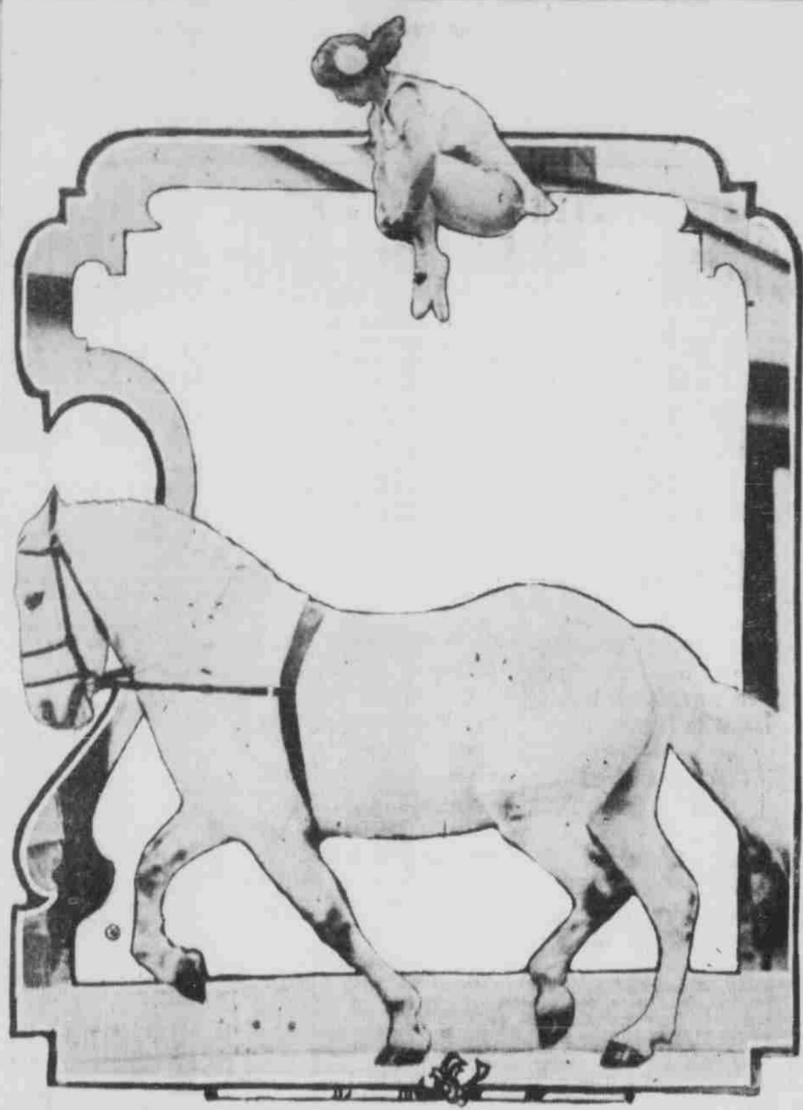
(22) Measured by the three universally conceded tests the present British measures cannot be regarded as constituting a blockade in law, in practice, or in effect.

(23) Formal notice is given that the "blockade" which Great Britain claims to have instituted under the order in council of March 11, cannot be recognized as a legal blockade by the United States.

(24) The British view of the famous Springbok case before the outbreak of the present war is cited to support the American contentions.

(25) To it is added "These deal exclusively with the modes of judicial redress for citizens of neutral countries, and touch certain general principles of justice. The government of the United States," the note says, "has viewed with surprise and concern the attempt of his majesty's government to confer upon the British prize courts jurisdiction by this illegal exercise of force in order that these courts may apply to vessels and cargoes of neutral nationalities, seized upon the high seas, municipal laws and orders which can only rightfully be enforced within the territory waters of Great Britain or against vessels of British nationality when on the high seas. The United States government feels that it cannot reasonably be expected to advise its citizens to seek redress before tribunals which are in its opinion, unauthorized by the unrestricted application of international law to grant reparation, nor to refrain from presenting their claims directly to the British government through diplomatic channels."

Secretary Lansing denies in this connection that the charges, such as pilferage, wharfage, unloading cost, against a detained vessel must be paid for by the claimants, and adds that the United States "is loathe to believe that such ungenerous treatment will continue to be accorded American citizens."



ROSA ROSALIND, Highest Salaried Circus Star and Only Lady Somersault and Flip-Flop Rider in the World. Here Today With Self-Flour Buffalo Bill Circus.

Japanese Steamer Is Sunk by Submarine

Tokyo, Nov. 7.—The Japanese steamer *Yasukuni Maru*, 5,118 tons gross, was sunk by an unknown submarine near Gibraltar, Wednesday. The captain and crew reached shore safely.

The *Yasukuni Maru* evidently was the victim of one of the German submarines which have passed safely through the straits of Gibraltar into the Mediterranean sea to undertake a campaign against the merchant shipping of the allies, and already have sunk several vessels.

The *Yasukuni Maru* sailed from New York October 6 for Oran Algeria and arrived at Gibraltar October 22.

JAPS WORSHIP MIKADO ON HIS ARRIVAL IN THE OLD KIOTO CAPITAL

(Continued From Page One.)

ment of Viscount Kaneko, former ambassador to Washington, was consulted.

This villa has been set apart for the use of Senator Malowsky, aide-de-camp, the Russian ambassador, and for Sir Conyngham Greene, the British ambassador and his wife, Lady Lily Greene.

During the coronation period the majority of the members of the diplomatic corps will stay at the Kioto hotel. Among these will be George W. Guthrie, the American ambassador, and Mrs. Wheeler, first secretary of the American embassy, who will be accompanied by Mrs. Wheeler. The other official American guests are Col. James A. Horn, the military attaché, with Mrs. Horn, and Capt. Frederick J. Horn and Mrs. Horn. The military and naval attaches with their wives will stay at the Nara hotel in the city of Nara, which is about one hour's railroad journey from Kioto.

On account of inadequate accommodations it was found impossible to house all the diplomatic corps in Kioto. Each of the invited was permitted to bring one servant, provided that servant was Japanese. The court, whose guests the diplomats and attaches are found it impossible to supply more extended foreign accommodations. State carriages will be placed at the disposal of the foreign guests during their stay at the ancient capital.

American Press Approves Note to Great Britain

(BY MORNING JOURNAL SPECIAL LEADER WIRE)

New York Sun: The note reflects exactly the American sentiment and describes accurately the American purpose. We stand upon the law and demand that Great Britain shall obey that law, and in this the administration only expresses the will of the American people.

New York World: On such a showing of outrage as is here made, the terms of the American protest must be regarded as exceedingly temperate. To gain a military advantage more or less important, Great Britain has become a grievous offender against laws, against several of the small nations of Europe which it has assumed to champion and against the best and most powerful friend that it has among the neutrals of the earth. It has not killed Americans, it has killed American rights. It has done more than seize American property; it has seized the opportunity thus wantonly gained to extend its own trade, if even a gleam of sense can penetrate Downing street, the British government must soon perceive that unless it changes its methods, its own accountants will be obliged to close its doors.

New York Herald: Upon international law, as this existed before the outbreak of the present world conflict, the government of the United States rests its case. In behalf of what it holds to be the rights of neutral commerce it will bring to bear the full strength of its diplomacy. For full reparation for the damage done to American commerce it will insist with all its strength.

Boston Advertiser: The note states the American case very strongly. But, for that matter, so did the note which was first sent to Great Britain on this same subject many months ago. And at intervals the United States has been saying the same thing very logically, very powerfully, very urgently—and without any perceptible effect, that any one can see, in changing the British policy.

Baltimore American: Great Britain has indulged in no murderous work but she has destroyed millions of dollars of American property. This is the gravest charge the United States can bring against her, but it is a mighty serious charge; one that may endanger the friendship of the two great English-speaking nations.

Washington Post: This note signed by Robert Lansing, secretary of state, is destined to become a classic in the literature of international relations. If Great Britain values the friendship of the United States it will pay immediate heed to this note and abandon its attempt to substitute force for law.

Cincinnati Volksblatt: The note of the president to England complaining about the violation of our neutral rights is unassailable in fact, law and logic, but deserves the reproach of coming too late.

Cincinnati Free Press: President Wilson's note to Great Britain is not likely to cause apprehension in Downing street. It insists, of course, that the American government cannot submit to further disregard of international law but nothing contained in the note suggests that further violation of American rights by Great Britain would be considered an unfriendly act, a tone so readily adopted in our diplomatic intercourse with Berlin.

St. Louis Westliche-Post: We highly

LITTLE BRITISH SHIP SUNK; 3 OF CREW SAVED

London, Nov. 7 (4:23 p. m.)—The Aberdeen steamer *Alastair*, 346 gross tons, has been sunk. Three members of the crew were saved.

CREW OF FRENCH STEAMER IS PICKED UP SAFELY

London, Nov. 7 (9:10 p. m.)—Fifty-five members of the crew of the French steamer *Calcedon*, which was sunk by a German submarine, Nov. 5, in the vicinity of the Straits of Gibraltar, have been received and taken to port by the British steamer *Lady Plymouth*.

The crews of the French ship *Edira* and of the Italian ship *Conti*, which were sunk the same day, were picked up but not today no news had been received of the men from the *Calcedon*.

MONTENEGRINS CLAIM VICTORY OVER AUSTRILIANS

(BY MORNING JOURNAL SPECIAL LEADER WIRE)

Rome, Nov. 7 (Via Paris, 10:10 p. m.)—The following official communication to the Montenegrin consulate here was received today:

Belgrade, Nov. 7.—The battle near Grabovo in Herzegovina continued with great fury all day November 6, until evening. The enemy made several attacks in an endeavor to capture our positions, but he not only failed, but was repulsed with heavy losses by our brave soldiers.

"During the fighting on the Herzegovina front, we have taken four field guns, four machine guns, twenty telephones, a searchlight, seventy horses, 100 rifles, one hundred thousand cartridges and two officers and forty soldiers."

The army operating in the Sanjak has taken four field guns, three machine guns, 400 rifles, 700 tools and a quantity of munitions and in addition has captured six officers, three sergeants and 200 soldiers.

"On the rest of the front the artillery struggle is developing."

Chicago Hot and Dry.

Chicago, Nov. 7.—The highest maximum November temperature ever recorded here was entered by the United States weather bureau today. The thermometer registered 75.3 at 4 o'clock.

KITCHENER CONFERS WITH FRENCH OFFICIALS

(BY MORNING JOURNAL SPECIAL LEADER WIRE)

Paris, Nov. 7 (7:25 p. m.)—Lord Kitchener, British secretary for war, before leaving for the Near East, conferred with Premier Briand, Minister of War Gallieni and General Joffre, the French commander-in-chief.

The dispatch contains the first hint of the route taken by Lord Kitchener in proceeding to the Orient. It apparently bears out the report in London that his mission includes an effort to co-ordinate the work of the general staffs of the allied armies.

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NOTICE

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commend the assertion of American rights and principles as contained in the note, but we ask why American commerce had to suffer almost a whole year before the administration was fit to launch a vigorous protest against the arbitrary measures employed by Great Britain and her allies to the detriment of American prestige. And even now, we do not find anything in the note to reassure us that the government of the United States is ready to effectively safeguard American rights and interests.

New York Staats Zeitung: A very clear, able argument, free from all sentimentality, businesslike, convincing. But it does not contain the slightest hint as to what our government intends to do, should Great Britain say in answer: "We are of a different opinion," and then proceed, without further ado, to continue the practices called illegal and unwarranted, to which the United States can no longer submit. Probably we shall be able to submit a bill for damages after the war, and that seems to be the only purpose of these diplomatic writing exercises.

Springfield (Mass.) Republican: Our government's neutrality requires it to play no favorites. The president has successfully fought our way through the issue of submarine warfare in its relation to the rights of neutral non-combatants. Most bitterly has he been denounced by German sympathizers for favoring Great Britain. It is possible that now he will be denounced with equal bitterness by British sympathizers.

Such issues of trading rights as are involved in the controversy with Great Britain cannot conceivably lead to any rupture of friendly relations between the two countries. The diplomatic warning sent to London cannot be regarded as disquieting, although there is iron in it.

GERMAN SPIRIT SHOWN DAILY IN SOLDIERS' TOIL FOR THE FATHERLAND

(Continued From Page One.)

ed the words "Kaiser Franz Josef Brucke" on a board, for which they also made a sign, and then they beamed at over when an excited personage came along and said: "It is wonderful—beautifully done, children!"

An Army at Work on Bridges.

This kind of thing is going on all the way across Poland. An officer said that on the Yvanograd line about 5,000 German and Austrian soldiers are working tracks and restoring bridges.

That's the way these builders, who follow the fighters work, while out at home shudder and moan over the pains and hardships of war. The men who are suffering these pains and bearing these hardships are not nearly so vocal about them.

I used to be squeamish about certain of the sights of war, and it was not so much pity, I'm afraid, as self-indulgence. Now I make myself look, and I don't think that makes a man less sorry, and upon occasion it may make him more helpful.

In the railway station at Malinoga a year ago I had to go out into the air while coolly and McCutcheon staid could during the drawing of wounds, during the dressing of wounds.

Bravery Among the Wounded.

But one day at Jaroslau in October months later it did seem to me a something to have to give the support of an arm to a Russian prisoner just in from the battlefield whose clothes were soaked with blood from cold to shoes. The man had been doing his day's work and he had got the worst of it. It was of no help to him to agonize over him. Nor were the wounded German soldiers pitying themselves.

Very white and shaken, they were being lifted into freight cars drawn up in front of what remained of the Jaroslau railway station. Across the cars seats of pine had been roughly knocked together and on these the men were laid. There was not room for them to lie down on the seats, so crowded was the car, so they sat upright, each man helping to support the other. Pretty soon a surgeon came along and looked closely into the white faces. When he saw a man that looked particularly weak he said, "Can you bear to sit up, or do you want to wait for the hospital train?" To one and another and another and so on he put that question, and each one would wiggle a feeble hand and say, "Yes, yes, I can sit up."

Sorry for the Other Fellow.

Not one of them was sorry for himself, though they were very tender toward each other.

War is the greatest discipliner and teacher of a people.

But only when they go into it trained for it and knowing what they are about. Possibly it is from the training that half the benefit accrues.

I have been tempted into this long digression by the things I have seen and the lessons I hope I have at least begun to learn during the last year.

VILLA WAITS AT NACO ON ATTACK BY FORCES OF GENERAL OBREGON

(Continued From Page One.)

ber of other Americans who have spent years in Mexico and who feel that they will be safe under any circumstances.

CAROTHERS DOUBTS STORY OF OBREGON'S PROTEST

El Paso, Tex., Nov. 7.—George C. Carothers, special agent of the state department, who arrived here today from Douglas, Ariz., was surprised to hear that press reports yesterday stated that General Obregon had protested to General Funston against Carothers' appearance on the border near Agua Prieta because of Carothers' long association with the Villa government as representative of the state department.

"I doubt that General Obregon had made any protest," he said, "I talked with General Funston after his meeting with General Obregon and if Obregon made any such statement I should have been informed. I also talked with Obregon before leaving Douglas and found him most cordial."

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