

CONTROVERSY OVER FRYE IS UNSETTLED

(Continued From First Page.)

Text of German Note Following is the German note in full. The undersigned has the honor to inform his excellency, Mr. James W. Gerard, ambassador of the United States of America, in reply to the note of the 26th ultimo, foreign office, No. 3990, on the subject of the sinking of the American merchant vessel William P. Frye by the German auxiliary cruiser Prinz Eitel Friedrich, that the points of view brought out in the note have been carefully examined by the imperial German government. This examination has led to the following conclusions: "The government of the United States believes that it is incumbent upon it to take the position that the treaty rights to which America is entitled as contained in Article 12 of the Prussian-American treaty of amity and commerce of September 10, 1785, in Article 13 of the Prussian-American treaty of amity and commerce of July 11, 1799, were violated by the sinking of the William P. Frye. It interprets these articles as meaning that a merchantman of the neutral contracting party carrying contraband cannot in any circumstances be destroyed by a warship of the belligerent nation. The German government cannot accept this view. It insists as heretofore that the commander of the German auxiliary cruiser acted in the legal exercise of the rights of control of trade of contraband enjoyed by warships of belligerent nations and that the treaty stipulations mentioned merely oblige the German government to make compensation for the damage sustained by the American citizens concerned. "It is not disputed by the American government that, according to general principles of international law, a belligerent is authorized in sinking neutral vessels under almost any condition for carrying contraband. As is well known, those principles were laid down in Articles 49 and 50 of the Declaration of London and were recognized at that time by the duly empowered delegates of all the nations which participated in the conference, including the American delegates to the declarative of existing international law (see preliminary clause of the Declaration of London); moreover, at the beginning of the present war the American government has recognized the belligerent nations to ratify the Declaration of London and give its provisions formal validity also. "The German government has already explained in its note of April 4 last for what reasons it considers that the conditions justifying the sinking under international law were present in the case of the William P. Frye. The cargo consisted of conditional contraband, the destination of which for the hostile armed forces was to be presumed in the circumstances, no proof to overcome this presumption has been furnished. More than half the cargo of the vessel was contraband, so that the vessel was liable to confiscation. "The attempt to bring the American vessel into a German port would have duly imperiled the German vessel in the given situation of the war and at any rate practically assured the success of her further operation. Thus the authority for sinking the vessel was given, according to general principles of international law. "There only remains, then, to be examined the question how far the Prussian-American treaty stipulations modify these principles of international law. "In this connection Article 12 of the treaty of 1785 provides that in the event of a war between one of the contracting parties with the other, the free commerce and intercourse of the nationals of the party remaining neutral with the belligerent powers shall not be interrupted, but that, on the contrary, the vessel of the neutral party may navigate freely to and from the ports of the belligerent powers, even neutralizing enemy goods on board thereof. However, the article merely formulates general rules for the freedom of maritime intercourse and leaves the question of contraband untouched; the specific stipulations on this point are contained in the following article, which is materially identified with Article 13 of the treaty of 1799, now in force. "The plain intention of Article 13 is to establish a reasonable compromise between the military interests of the belligerent contracting parties and the commercial interest of the neutral party. On the one hand the belligerent party is to have the right to prevent the transportation of war supplies to his adversary even when carried on vessels of the neutral party; on the other hand, the commerce and navigation of the neutral party is to be interfered with as little as possible by the measures necessary for such prevention and reasonable compensation is to be paid for any inconvenience and damage which may nevertheless ensue from the proceeding of the belligerent party. "Carrying War Supplies "Article 13 recites the following means whereby the belligerent party can prevent the vessels of the neutral party from carrying war supplies to his adversary. The detention of the ship and cargo for such length of time as the belligerent may think necessary; furthermore, the taking over of the war stores for his own use, paying the full value of the same, as ascertained at the place of destination; the right of sinking is not mentioned in the treaty, and is, therefore, neither expressly permitted nor expressly prohibited, so that on this point the party stipulation must be supplemented by the general rule of international law. "From the meaning and spirit of the treaty it really appears out of the question that it was intended to expect of the belligerent that he should permit a vessel loaded with contraband, for example, a shipment of arms and ammunition of decisive importance for the outcome of the war, to proceed unhindered to his enemy when circumstances forbid the carrying of the same into port if the general rules of international law allow sinking of the vessel. "The remaining stipulation of Article 13 must likewise be considered in this light; they provide that the captain of a vessel stopped shall be allowed to proceed on his voyage if he delivers out the contraband to the war-

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Wash Suits, 49c — Russian suits in plain white, and white trimmed with blue; also blue and tan chambray. Sizes 2 1/2 to 6 years.

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Nub Ramie Linen, 59c yd. — formerly \$1.00 — in brown, wistaria and blue; 45 inches wide. BOWMAN'S—Main Floor

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Women's Gowns, 39c — regularly 59c to 75c — made of nainsook, with yokes of lace and embroidery, in slip-over styles; also high and V-necks in cambric. Small sizes.

White Petticoats, 55c — regularly 69c — made of nainsook, wide tucked flounce, with insertion and lace trimmings.

Combinations, 43c — regularly 50c and 59c — made of nainsook; cover and drawers trimmed with lace and embroidery; open and closed drawers. BOWMAN'S—Second Floor

Notions

5c Safety Pins, 2 dozen, 1c 5c Wire Hair Pins ... 1c 5c Piece Cotton Tape ... 1c 5c Large size Bone Hair Pins, 2 for ... 5c 10c Kohinoor Dress Snaps, 7c

10c Hair Wavers ... 5c 39c Heavy Dressing Combs, 25c

John J. Clark's Machine Cotton, dozen ... 30c BOWMAN'S—Main Floor

Traveling Bags, 38c — regularly 50c; matting, bound in leather, with brass catches. BOWMAN'S—Third Floor.

Silk Girdles, 75c — formerly \$1 to \$1.39 — black and white stripes and Persians. BOWMAN'S—Main Floor

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Men's & Boys' Furnishings

Men's Half Hose, 5c pr. — regularly 12 1/2c.

Men's and boys' Soft Collars, 5c.

Men's and boys' Neckwear, 5c — formerly 25c.

Boys' bathing trunks and shirts, 5c each. BOWMAN'S—Main Floor

Wool Dress Goods

Danish Cloth, 10c yd. — regularly 15c — half wool.

Striped Suitings, 12 1/2c yd. — formerly 39c and 50c — in blue, brown and green; 36 inches wide. BOWMAN'S—Main Floor

34 Men's and Young Men's Suits, at \$5.00 — formerly \$9.90 — wool cassimeres and homespun; taken from our regular stocks.

Caps — 25c caps reduced to 15c; 50c caps reduced to 30c; \$1.00 caps reduced to 50c. BOWMAN'S—Third Floor.

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Plisse Crepe, 9 1/2c yd. — regularly 10c — 36 inches wide; requires no ironing.

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Mercerized Table Damask, 25c yd. — regularly 35c — 72 inches wide. BOWMAN'S—Main Floor

Women's Gloves

Silk Gloves, 50c pr. — originally \$1.50 — 16-button length; embroidered arms; size 5 1/2 in white, and size 6 1/2 in tan.

Silk Gloves, 25c pr. — originally 50c and 75c — 2-clasp; size 5 1/2 in black.

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