

ESTABLISHED 1844.

The Press and Banner

ABBEVILLE, S. C.

The Press and Banner Company

PUBLISHED TRI-WEEKLY

Monday, Wednesday and Friday.

Telephone No. 10.

Entered as second-class mail matter at post office in Abbeville, S. C.

Terms of Subscription:

One year	\$2.00
Six months	1.00
Three months	.50

WEDNESDAY, FEBRUARY 11, 1920.

AMERICAN JURISTS SENTENCE THE KAISER.

Should Holland accede to the demands of the Allied nations and surrender him the question naturally arises,—

What penalty shall be paid by William Hohenzollern, ex-War Lord of Germany? What is the proper measure of this one man's responsibility for the ruined homes of Belgium and France, the thirteen million dead soldiers, and the forty million wounded in the world's greatest war

Sometime ago The Literary Digest prepared a brief questionnaire which was forwarded to the Justices of the State Supreme Courts, to District, County, and Circuit Judges, and to the heads of the legal departments of American universities. This questionnaire asked for their opinions regarding the penalty which should be imposed, provided the Kaiser was found guilty both of conspicuous responsibility for the war and of authorizing military violations of international law. The following was the verdict of 328 American jurists in this case:

For exile, 137.
For capital punishment, 106.
For imprisonment, 51.
For other penalties, 7.
Against any trial, 27.

This resume shows conclusively that the majority of the judges of America believe that the Kaiser can legally be tried and convicted as a result of evidence brought out in an impartial trial. Eighteen of the jurists to whom the questionnaire was addressed state that there exists no body of laws under which the Kaiser may be brought to trial. Prof. Ernst Freund,—note the name—of the Law Department of the University of Chicago, is among those most bitterly opposed to the idea. The Kaiser should be "drawn, hanged, and quartered," he writes. "The head should be exhibited in principal cities of Allied and associated nations." The irony of these statements comes out in the concluding remark of the professor: "Since the proceedings will violate every other principle of American constitutions, why not also that forbidding and unusual punishment?"

Speaking for those who favor capital punishment Judge Thomas J. Seehorn, of Missouri says, "The axe and guillotine were dignified by the fate of Charles I. and Louis XVI. and if responsible for the world-war, William Hohenzollern should 'stretch hemp.'"

Among those favoring the predominant verdict—exile, Judge B. F. Long of North Carolina, has this to say:

"He should be tried in Belgium by a court of judges selected from Belgium, France, England, and the United States: with probably two selected from neutral countries. Whilst the death-penalty would not be too severe for the guilty, it is doubtful if, under the highly technical rules likely to be invoked in a state trial of this kind, agreement will be found among international jurists. It is more probable they will agree upon imprisonment for life, or exile for life. If exile for life—he and his chief associates—at some place far removed from Germany and its influences. Its object-lesson to the would-be autocrats would have a deterring, and it may be wholesome, effect for half a century. The world at this time will not be patient of technicalities. It craves rather justice—even-handed justice, unhindered, undelayed. If it takes as much time to try the Kaiser as is required to get the terms of peace signed, the benefit of the trial to mankind will be largely lost."

Speaking for the jurists favoring imprisonment for life, Judge Cockrell of Missouri, states:

"All punishment should, one way or the other, be constructive. The world needs, for its happiness, to have the German people see that their standards have been wrong and their practise even more so. Their own people will be the only effective judges. The Kaiser and those responsible with him for the atrocities practiced and for the standards which led to those atrocities, deserve punishment, regardless of its result, but such punishment may do the rest of the world more harm than good. It can not, I believe, do such harm if it is to continue only so long as they refuse to help undo the wrongs they have done.

"Therefore the punishment should terminate whenever the Kaiser is ready to go about in his own country preaching the truth as to the wrongs that he and the German people as his supporters have done, and what they should do to right them."

Among some of the other penalties than those enumerated above is that of Judge Burns, of Virginia, who declares that in addition to the sum raised by the confiscation of all his property, William Hohenzollern's shame should be made, in some way, to contribute financially to the many innocent people who may have suffered through his acts. "He could be sent to Belgium and imprisoned there and when tourists viewed him the money should be

given to the Belgian Government." Judge Wurdeman, of St. Louis, Mo., ironically suggests that he be given the herculean task of discovering what has become of President Wilson's fourteen points.

To those who believe there is no existing law under which the Kaiser may be tried, we suggest that a precedent for his trial and punishment was set when a special military court in session from August to October, 1865, convicted one Henry Wirz, a Swiss, superintendent of Andersonville prison, of "maliciously, wilfully, and traitorously conspiring to injure the health and destroy the lives" of Union soldiers at Andersonville, and of "murder in violation of the laws of war."

Wirz was not only convicted, but was hanged on November 10, 1865, by order of the court.

THE OPINION OF OTHERS.

FINANCIAL TIMIDITY.

The root of the disorder of the exchanges is that we have too many goods for our own use, and that foreign buyers have too little money to relieve us of them. The alternatives are that we should consume more than is good for us, or that foreign buyers should go without what they ought to have to keep themselves in health. The crisis in the exchanges of currencies is different from the indigestion of securities which troubled us a few years ago. Our goods are digestible enough, just as our securities were, and only a little time was necessary to show their solid worth. An indigestion of goods is more serious, for it threatens an economic and industrial crisis. We are already consuming above a normal amount of everything. Our extravagant indulgence has already occasioned remark. When our friendly competitors in the world's markets are tightening their belts and increasing their efficiency we are making future troubles for ourselves by unduly reducing our productive capacity and increasing our consumption. If there were a method of selling all that we have in excess of normal wants, and of producing what the world is suffering for, that would be like walking downstairs instead of jumping off the roof. That is the difference between deflation in an economic manner and reaching the same result by constriction of credit to sound borrowers who will devote the funds to taking the weight of excess goods off our market.

Consider the reduction of the credit for exporting foodstuffs by the aid of a Government credit. Even so conservative a force in our official life as Senator Glass when Secretary of the Treasury favored allowing \$150,000,000, reduced later by a small fraction in consideration of similar grants from other sources. But Representative Kitchen objects for political reasons to allowing even \$50,000,000. What are political considerations worth when the cable reports that "the whole of Europe is being pressed toward starvation and ruin?" Is it in our interest that our best customers should be starved? Can it be possible that it is beneficial to our producers of foodstuffs that their prices should shrink in the manner of hogs at Chicago, instead of being exported? What will happen to prices of farmers' products generally when the Grain Corporation is liquidated, according to the bill Senator Gronna reported yesterday? The proposal is that the profit of \$50,000,000 shall be returned to the Treasury. Americans should blush to pocket such profits when there are larger profits in cash and humanity to be made by using at least those profits for exporting more foodstuffs. Consider further that the Edge bill, specially provided for relieving our banks from the burden of financing exports, has not yet been of any considerable help. Even the rules for operating under that bill are not yet ready. Even the action of our Federal Reserve is not operative as intended. It was intended to reduce the finance paper in the Reserve banks, and the idea is a good one. But the discounts against Liberties last week were \$1,457,000,000, against \$1,386,000,000 a week ago and \$1,357,000,000 a year ago. All other discounts are smaller, while bank clearings are larger and rediscounts are larger. The national debt has already been reduced by \$1,000,000,000, and that was necessary considering our sermon to other Governments. But it is open to question whether there is unalloyed benefit in that.

The cable provides contrasts by which we may be able to judge whether our policy is braver or wiser than that of those whose conditions are more disturbing than ours. Consider the collapse in our cotton market and the bold front put on the situation by the British cottonners of cotton. The bold British take this time to establish a gold standard for India, while one of our Senators on the same day reopens the flirtation with bimetalism. The vigor of British banking attests a conviction in banking principles which we profess, but hardly practice. England believes that now is the time to be liberal with the right sort of credit. We hear nothing about alarm in London over call money rates. England is selling on credit to the weaker nations of Europe the goods which are bought for cash in dollars, at a premium, and is less worried by the balance of trade against her than we by a too large balance in our favor. There will come a time when England will profit by her boldness, just as now we are paying the penalty of excess of caution. The world of trade lies at our feet, and we are faint-hearted.—New York Times.

The Department of Justice has arrested up to date 895 food profiteers and hoarders. How about sending them to Paris to join the 896 Germans arraigned by the Supreme Council for war atrocities?—New York Tribune.

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