

STATES ITS CLAIM

STRONG NOTE OF WARNING IS SENT GREAT BRITAIN

DENY COUNCIL ORDERS

Rights of Americans to Be Based Upon Recognized Rules of International Law—British Changes and Their Legality Comes up for Justification

The state department Saturday gave out a summary of a note it has sent to England, informing that government that it will uphold the right of American trade.

The note is a firm, flat denial of England's assumed right to interfere with American commerce to an extent not countenanced by the recognized rules of international law. It is a vigorous statement that this government can not permit its commerce to be treated according to the arbitrary regulations of British order in council and various municipal decrees.

The effect of the note is to shift the shadow of a real international crisis from the affairs of the United States and Germany to the issues between the United States and Great Britain. It is evident that Germany has won the first ground of her demand that as "the freedom of the seas" underlies the questions at issue between the United States and Germany, that subject with Great Britain.

Furthermore, it is indirect mediation between Germany and England. And, finally, it demonstrates the realization by the administration that it can no longer maintain an attitude of aggressive diplomacy against Germany and continue to let the case against England slumber.

The summary of the note is as follows: "In view of differences which are understood to exist between the governments as to the principle of government applicable in prize court proceedings in cases involving American shipping, to avoid any misunderstanding as to the attitude of the United States in regard to such proceedings, the government of the United States has decided to make known its position in this regard."

First, that Lord Crewe stated an indefensible position when he told the United States that the British government would not consider cases of seizures and detentions in prize courts as "diplomatic questions."

Second, that the United States asserts that Great Britain had no international right "to interfere with the approach of American merchantmen to neutral ports situated upon the line of coast affected by the blockade in council, when such ships do not carry contraband or goods destined to or proceeding from ports within the belligerent territory."

Third, that the manner of seizure of a vessel and the law can no more be changed by the exigencies of Great Britain's blockade than by the present impossibility of Germany using any other craft than a submarine to exercise the right of visit and search.

Fourth, that the United States does not challenge the effectiveness of the British blockade of actual ports of Germany, but it does challenge the extension of that blockade to cover the ports of Denmark, Sweden, Holland and Norway.

Fifth, that interference with American and neutral vessels on route from American ports to other neutral ports is a contradiction of the principle of free seas for free ships.

Sixth, that the assertion by Great Britain of the principle of holding up all vessels and the right of diplomatic intervention is illegal as the establishment by Germany of a submarine blockade.

Seventh, that the principle and practice of retaliation between Germany and Great Britain can not defeat any of the rights of neutral commerce as defined and enjoyed before the commencement of the present war.

Officials are now concerned in speculation as to what the reply of Great Britain will be. The United States must do in certain emergencies to be created by that reply.

If Great Britain stands firm, the United States has two remedies. One is to take up particular cases and assert that there has been a denial of justice. That is one of the forms of pursuing a case further when a country thinks an injustice has been done by foreign courts. The assertion that there has been a denial of justice is a diplomatic action which can result in the gravest kind of a situation.

The other recourse of the United States is to treat Great Britain, if she concedes nothing, as a nation which will not be bound by international law. It has been frequently stated under color of a denial of justice, that if Germany would not yield to the United States this country might break off diplomatic negotiations.

There is some reason to assume concessions. It is known that Sir Cecil Spring-Rice, the British ambassador here, reported to his government the state of public sentiment in the United States, and has suggested that it moderate its policy regarding the treatment of the method and extent of the moderation to his home government.

In all quarters it is admitted that the note will relieve the tension between this government and Germany, and the pressure that it compels very closely with Germany's main contention.

Germany held that the issues between this government and Germany

CUTS FRANK'S THROAT

AS HE SLEEPS IN PRISON

Convict's Determined Effort to Kill Man Convicted of Mary Phagan's Murder.

Leo M. Frank, doing a life term for the murder of Mary Phagan, was attacked in the Georgia State prison at Milledgeville, at eleven o'clock Saturday night by a fellow prisoner. His head was cut half off with a prison-made butcher knife that convicted had used during the day in killing hogs. Frank was still on the operating table an hour after the attack, conscious, but bleeding from the wounds.

Frank was quartered in a dormitory with about one hundred other prisoners and occupied a bunk about forty feet from one of the two doors to the large room. Creen's bunk was fourth from his. No prisoner is allowed to leave his place without permission from one of the two guards stationed at the dormitory at night. Shortly after eleven o'clock Friday night Creen called out for permission to get up, and it was granted.

He started down the line of bunks toward the one occupied by Frank. As he reached it he quickly grabbed Frank by the hair and delivered one blow with the knife he had concealed. The attack was witnessed by the guard, who rushed to the bunk and prevented Creen from striking again. Creen was overpowered and among prisoners who rushed to Frank's aid were two physicians and a doctor who was serving a life term for murder.

The two convict-physicians gave first aid and treated the wound until Dr. Guy Compton, the prison physician, was summoned from his home. "Doctor," he said, "I am going to live. I must live. I must vindicate myself."

William Creen, the life term convict, who admits that he cut Frank's throat, was questioned Sunday by prison authorities to ascertain if there was a conspiracy to kill Frank. Creen asserted that there was no plot. He said that he had inspiration that he should kill Frank, and that he had no other motive than to avenge the butchering of hogs on Saturday morning, how he had hidden a butcher knife, that had been made out of a big file, in his clothing, carried it to bed with him, how he attacked Frank as the latter slept.

Creen was so interviewed with those between the United States and Great Britain that they must be taken up together. The United States has not conceded this, but, accepting as true the British position, the frequent arguments that Germany will make no further concessions to this country unless Great Britain relaxes the severity of its blockade, it has decided to take up the subject with Great Britain independently.

The effect, however, will be the same in the end. If the United States succeeds in forcing Great Britain to conduct its blockade according to international law, it has the assurance of Germany that, too, will observe the rules of international law in its submarine warfare.

There is no division among American diplomats as to the unavailability of the propositions of the note to Great Britain. Mr. Lansing does not inveigh against the right of visit and search, should Great Britain choose to exercise it legally.

The position of the state department is that vessels should be visited and searched "if necessary," but expeditiously, and released, or that the cause of detention must be taken up and adjusted with equal expedition "by diplomacy."

This position of the state department is flatly contradicted by Lord Crewe, and presumably will be by Sir Edward Grey in the answer to the note to Great Britain.

Mr. Lansing has told Great Britain that her order in council, as it affects and has affected American commerce, is wrong in principle and in fact, and can not be sustained under international law. The department, therefore, substantially concedes that Great Britain is not entitled to the approved customs of visit and search as the United States understands the law, and as it existed before the promulgation of the order in council.

No one expects any concession to Creen from its original position on the destruction of the Lusitania as an act wholly without warrant in law or justification from the humane point of view. The manner in which the United States' position will be stated, however, in view of the repeated assurances made by the ambassador, which it is understood to have materially changed the situation.

Should the Runciman conference Friday not turn out favorably, David Lloyd-George, minister of munitions, possibly will visit the perturbed district. His influence with the men in power, which is understood to have materially changed the situation.

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AIMING AT WARSAW

GERMAN TROOPS ON OFFENSIVE FROM EAST PRUSSIA

TURKS LOST GROUND

British Authorities Appear Satisfied With Progress Made Against Constantinople—Teuton Rush From North Against Polish Capital Begins With Success.

Further Teutonic advances are reported Friday in Poland, north of Warsaw, the German official statement recording progress southeast of Kolno and south of Pzrasnasz, where their troops are reported "fighting victoriously." The latest Russian statement declares German attacks in that region were repulsed.

This move on the part of the Germans has taken the military critics completely by surprise. It was generally supposed that Gen. von Mackensen would, after being strengthened, continue his attempt to reach the Lublin-Chelm railway, forcing the evacuation of Warsaw. But, as in all their operations, the Germans have done the unexpected.

The new offensive probably will be general and extend from the Baltic around the East Prussian border to the Vistula, westward to the German frontiers. In this section must be kept busy to prevent them from concentrating at the point where the Germans hope to break through. This is the second time Field Marshal von Hindenburg has nearly involved the Germans in disaster owing to the muddy ground. Now, however, there are only bad roads, or lack of roads, to contend with, but it is possible that the Germans have built roads in the area.

Success Against Turks. London reports that confirmation was received Thursday night from Gen. Sir Ian Hamilton of the success which the allies were reported to have achieved on the Gallipoli peninsula. According to this report two British trench and four hundred prisoners were captured. The Turks, however, claim to have repulsed the allies' attacks.

British military authorities express satisfaction with the slow progress against the Turks, relying on the fact that the allies are on the exhaust of their ammunition supply. Germany's eagerness to have Rumania allow the passage of ammunition through that country to Turkey is running short, it is thought.

Two strongly held Turkish lines defending the Dardanelles have been captured by the Anglo-French forces on the Gallipoli peninsula, said an announcement Thursday evening by the British official press bureau.

Application for bail in habeas corpus proceedings was heard at Laurens Thursday afternoon before Associate Justice R. C. Watts in the cases of Ernest Isenhour, Jesse Morrison and James D. Davis. A fair trial was granted in each case.

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EXPRESSES ITS REGRET FOR THE NEBRASKAN ATTACK

German Government Admits Liability, Apologizes and Offers Reparation for Submarine's Mistake.

Did Not Confer with U. S. OVER ARMING TRADE SHIPS

Great Britain Said Nothing to This Country as Lord Cecil Intimated of Others.

The United States government has not been asked by Great Britain whether it would permit merchant ships, armed for defense, to come to American ports. When the press dispatch from London, telling of the statement of Lord Robert Cecil in the House of Commons was read to a high official of the state department, he said that this government had not been sounded.

The position of the United States as to armed vessels, it was explained, had been set forth in a statement of the department of State on September 20. In this statement these paragraphs related to this particular subject: "A merchant vessel of belligerent nationality may carry an armament and ammunition, for the sole purpose of defense without acquiring the character of a ship of war."

The statement also defined in detail the course necessary to establish that a merchant vessel was not armed for offensive purposes. The matter of determining what constituted an armed vessel was made necessary by the action of the German government early in the European war in complaining that the steamship Adriatic, then at New York, was armed, and that to permit her to clear would be a violation of the United States government's neutrality.

The matter was taken up informally, however, with the White Star Line, to which the Adriatic belonged, and as a result of a private arrangement the gun was dismantled. It was stipulated at the state department at the time that in dismantling the gun the White Star Line acted voluntarily, out of courtesy to the United States, and that it was not required by any principle of international law to do so.

The German memorandum was the subject of much comment in official quarters because it bears out completely the view of the United States government. Some high officials do not believe the United States would insist that in exercising the right of visit, the submarine commander actually be required to board a merchant vessel and hold that ship could be "visited" by signaling a warning to stop and asking for the submission of papers.

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Bravely Charged Allies

Ottomans Break French Lines, Capture Guns and Turn Them on Allies—Are Beaten Back and Murdered by Light of Allied Fleet's Searchlights—Slaughter Terrific.

In a dispatch from Lemnos, via Athens, a correspondent of the London Daily Chronicle gives an account of the big battle for the Dardanelles fought last week, in which the Allies pushed their lines forward five-eighths of a mile.

"The heaviest fighting which has taken place in Gallipoli peninsula since the allied forces landed," he says, "was that which began late Tuesday and lasted well into Wednesday. It resulted in the swing forward of the southern line of the allied armies for about five furlongs and in infliction of staggering losses on the enemy."

"Those who were in the battle place the Turco-German casualties at seven thousand killed and between fourteen thousand and fifteen thousand wounded. Many prisoners were taken. The whole of the southern part of the peninsula was engaged, and the Australians and New Zealanders further to the north also played a part."

"The victory marks a definite stage in the initial work of throwing forces around Atchi Baba, which may now without exaggeration be described as one of the strongest fortresses in the world."

"The Allies had been resting in comparative tranquility, and the suddenness of the attack was evidently unexpected. They were experiencing a shortage of ammunition. This belief apparently convinced the Turks of their excellent opportunity to drive the invaders into the sea."

"The first signs of the enemy's movement were detected. No time was lost in flashing a warning message to headquarters. The French were soon alert, and the artillery at that portion of the line against which the attack was obviously being prepared was quickly and strongly reinforced."

"French and British machine guns were rushed to the front till a perfect wall of heavy and light guns was in position. Then there was a short interval of silence as the enemy's attack was repulsed. Suddenly a tremendous burst of shells from the Turkish guns, and for a time shrapnel poured down on the French front, but the men were safely posted in dugouts, and little loss was experienced."

"From the strait a loud booming began. It was the battered Goeben at work again, and during the bombardment she pounded our right with some forty eleven-inch shells. Many did not explode, but they were apparently of Turkish manufacture."

"This hail of shells lasted an hour and a half and was the severest bombardment to which our lines had been subjected during the weeks of struggle on the peninsula."

"No sooner had the heavy fire ceased than great solid masses of Turks leaped forward to attack. On the whole, the silence was broken only for their shouts, until they reached a point within sixty yards of the French position."

"Then from two hundred well placed machine guns a devastating answering fire burst from the allied trenches. It was a most effective and terrible scene as the enemy was mowed down by the machine guns and the French position."

"The slaughter was terrible; yet at three points the enemy managed to swarm into the French trenches and succeeded in capturing the French weapons on the defending troops. The second line, however, hurled itself instantly on the foe."

"We were so closely mixed up together," one French soldier told me, "that it was almost impossible to use the bayonet, and we simply had to push the butt of our rifles until they fell backward into our first line trenches, giving us room to thrust and clear the way."

"Finally after several minutes of this desperate work, the Turks, who were not adequately supported by their reserves, broke and ran. Then came the slaughter, for the machine guns along the whole line, and the Maxims of the British naval division, which had also been engaged, though they were simply mowed swaths of death through the mob of fleeing Turks, who were visible with clearness in the light of the ships' searchlights, turned pitilessly on them."

"Firmly held on the enemy were the ship's searchlights, thus providing a ghastly target for our deadly guns and hard-worked rifles."

"In a short space of time the field presented a most appalling spectacle. Soldiers who fought in some of the fiercest fights in France and Flanders had been engaged through the terrible experiences provided by the landing of the Allied forces on the peninsula, say they sickened at the awful sight which lay before their eyes when the dim morning twilight spread over the scene."

"The enemy were lying four and five deep upon the ground in all positions. Fallen men lay strewn on the barbed wire entanglements, while many of the enemy's dead still stood erect, propped up against the masses of their stricken comrades. There died and farther, amid yells and groans mixed with the shouts and whistlings of their officers, the battered and beaten rabble retreated, followed by relentless death. It was a terrible sight, and it was so terrible that many of us could not fire our guns or rifles, so much did the horrible vision of slaughter make the men tremble. This specially affected those in charge of the machine guns."

"Allies Gain Heights. Mitylene reports Wednesday that the allied troops at Gallipoli have taken very important heights which dominate Kithia, which is now under fire from two directions. The French and English lines have been joined."

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ABBEVILLE NEGRO LYNCHED AFTER KILLING WHITE BOY

Community is Quiet—Victim Seems to Have Killed Clifford Crittenden Without Provocation.

Some details of a lynching which occurred Monday afternoon in the McCalla woods, six miles east of Abbeville county, have just come to light.

Sunday afternoon Lucius Crittenden and Clifford Crittenden, sons of Robert Crittenden, a well known farmer of that section, were walking down the road four miles from Lowdesville company with Sam Pilgrim, a friend. They met Will Lozier, a negro, and Clifford Crittenden asked Lozier to return his knife, which the negro had borrowed a day or so ago.

The negro returned the knife, but a few minutes later he forced it away from Clifford, cutting the latter's hand. Lucius Crittenden, about nineteen years of age, remonstrated with the negro and told him he would see him later about cutting his brother's hand. The negro had a gun in his pocket, and that he would not fight him as long as the gun was there.

It is said that Lozier replied that he would "have to see me right now," and that he drew his gun and fired on Lucius Crittenden, the bullet striking the young man on the hip. Lozier then fired on Sam Pilgrim, but the shot was lost.

When Lozier saw Lucius Crittenden in the bushes and made his way to the swamps, Crittenden was given immediate medical attention, but died from the gunshot wound early Monday morning.

During the forenoon on Monday a large party of men searched the woods for Lozier and located him about one o'clock in the afternoon. Persons some distance away declare they heard eight shots.

A man from that community Wednesday said that the negro was hanged with a rope and that his body was literally shot to pieces. It is said that he was cut down and thrown into the river.

It is Regarded Probable That Turkey Will Join in Protest of Dual Empire.

The United States probably will send within another fortnight a reply to the Austro-Hungarian note contending that extensive shipments of war supplies from the territory to the allies are "no in consonance with the definition of neutrality."

Unofficial word came to Washington Thursday that Turkey would follow Germany and Austria in making representations and should a note from Turkey arrive officials would delay sending their answer so as to wait until the American government on the newly proclaimed war zone the legal right of the citizens of the United States to trade in arms was conceded, but it was argued that it was equally right of neutrals to stop trade in contraband, especially the arms which were Germany's enemies," because of violations of other neutral rights by Great Britain.

The Austrian note, extracts of which have appeared in dispatches from Amsterdam, points out that the German government would be "entitled to prohibit the export of war material" if the trade in contraband "takes the form of dimensions where, by the neutrality of the country will be endangered." Details of the American answer have not been divulged.

It is understood the United States will not only cite its rights under international law, but will recall precedents in previous wars in which Germany and Austria have been interested where importations of arms were carried on in extensive proportions.

Russians Sink Submarine Report From London Says Famous U-51 Was Destroyed.