

Attorney General Peeples Muddles Militia Situation

Issues Opinion That Blease Order Mustering Out the National Guard Was Legal.

Effect of Opinion Will Be to Prevent Holding Militia Encampments This Summer, as the Matter Will Now Have to Go to the Courts for Adjudication Before State and Federal Funds Can Be Paid Out.

Columbia, June 29.—In an opinion given out today Attorney General Peeples holds that the regimental officers of the three former regiments cannot be mustered out of service and that the proclamation of former Gov. Blease, under date of January 11th, 1915, mustering out and discharging the National Guard of the State was legal.

On January 22, 1915 Gov. Manning issued a proclamation declaring the orders of former Gov. Blease illegal and void and declared that the National Guard was still an organization.

Military authorities here state that the opinion of the attorney general will have the effect of nullifying the orders for encampments of the First regiment, at the Isle of Palms, from July 29 to July 30 and the Second regiment, at Greenville, from July 7 to July 17, because the comptroller general will not honor warrants for the paying out of State funds, nor the United States disbursing officer, Maj. J. Shapter Caldwell, federal funds to the National Guard for any purpose until the matter receives final adjudication in the courts.

Ten officers, only, in the First and Second regiments are effected by the opinion of the attorney general and they are the ones recently elected. Should the courts uphold the opinion of the attorney general the old officers would automatically resume command of their organizations. Should the governor decide to renumber two regiments, say the 4th and 5th, then necessarily new elections would have to be held for regimental officers eliminated by the order.

Should the courts hold that the order of former Gov. Blease is legal and that of Gov. Manning illegal, then the State of South Carolina has no militia organized or unorganized, think military authorities.

ENCAMPMENT FUNDS AVAILABLE

Comptroller and Disbursing Officer Will Honor Warrants, Gen. Moore Says and Orders Stand.

Columbia, June 30.—W. W. Moore, adjutant general, said last night that the National Guard encampment would assuredly be held this summer, in accordance with the orders already issued; that of the Second regiment at Greenville, July 7 to 17; that of the First regiment at the Isle of Palms, July 29 to 30.

The adjutant general said he had consulted the comptroller general, who had said he would honor warrants upon the State funds drawn in accordance with the apportionment made recently by the military board. The federal disbursing officer also will, according to the adjutant general, pay out the funds in his charge according to the orders issued from the adjutant general's office.

ENCAMPMENT ORDER ISSUED.

Second Regiment Will Mobilize at Sumter and Columbia for Trip to Greenville.

Columbia, June 29.—The office of the Adjutant General has issued orders governing the transportation of the Second regiment to Greenville for the encampment to be held there July 7 to July 17 inclusive. Two special trains will be operated out of Columbia. One over the Southern railway bearing the Second battalion and the regimental infantry will leave this city at 7.30 A. M. July 7th, arriving in Greenville at 12.40 P. M. The other bearing companies A, B, C, D, I, K and L will leave Sumter at 9.45 A. M., the same day over the Coast Line, arriving in Columbia at 11.10 A. M. and Greenville at 3.50 P. M. Sumter will be the point of mobilization for the companies of the coast and the Pee Dee and Columbia for the local battalion and the company from Orangeburg.

THAW NEVER INSANE.

Mental Expert Says Slaying of Stanford White Was Act of Sane Man.

New York, June 29.—Dr. Charles Baneroff, superintendent of the New Hampshire State hospital testified today that Harry Thaw was never insane. He declared that the slaying of Stanford White was the act of a sane man.

FRYE NOTE DISPATCHED.

UNITED STATES WANTS TO DEAL BY DIRECT NEGOTIATIONS.

Asks That Germany Reconsider Its Former Proposal for Settlement in Prize Court.

Washington, June 28.—By agreement with the German foreign office the State department made public tonight the text of the note sent on June 24 by the United States asking Germany to reconsider its refusal to settle by direct diplomatic negotiations instead of by prize court proceedings the claim presented on behalf of the captain and owners of the American ship William P. Frye, sunk with her cargo of wheat by the commerce raider, Prinz Eitel Friedrich, Ambassador Gerard cabled that he had delivered the note last Saturday afternoon.

The American government declares that inasmuch as Germany has admitted liability for the sinking of the Frye under the treaty of 1828, prize court proceedings are unnecessary and not binding upon the United States. Aside from the question of how the indemnity should be paid, the note brings out clearly the refusal of the United States to accept the contention that Germany has a right to stop the carrying of contraband by American ships "by the destruction of the contraband and the ship carrying it."

While no mention of submarine warfare was made in either the last German note or the present reply, occasion was taken to deny this report because of a belief that admission of it now might in the future be used as a justification for submarine attacks on American ships.

Here follows the text of the note, which is addressed by Secretary Lansing to Ambassador Gerard in Berlin:

Washington, June 24, 1915.

You are instructed to present the following note to the German minister of foreign affairs:

I have the honor to inform your excellency that I have communicated to my government your note of 7th inst. on the subject of the claim presented in my note of April 3 last on behalf of the owners and captain of the American sailing vessel William P. Frye in consequence of her destruction by the German auxiliary cruiser Prinz Eitel Friedrich.

In reply I am instructed by my government to say that it has carefully considered the reasons given by the imperial German government for urging that this claim should be passed upon by the German prize court instead of being settled by direct diplomatic discussion between the two governments, as proposed by the government of the United States, and that it regrets to find that it can not concur in the conclusions reached by the imperial German government.

As pointed out in my last note to you on this subject, dated April 30, the government of the United States has considered that the only question under discussion was the method which should be adopted for ascertaining the amount of indemnity to be paid under an admitted liability, and it notes with surprise that in addition to this question the imperial German government now desires to raise some questions as to the meaning and effect of the treaty stipulations under which it has admitted its liability.

If the government of the United States correctly understands the position of the imperial German government as now presented, it is that the provisions of article 13 of the treaty of 1799 between the United States and Prussia, which is continued in force by the treaty of 1828, justified the commander of the Prinz Eitel Friedrich in sinking the William P. Frye, although making the imperial government liable for the damages suffered in consequence, and that inasmuch as the treaty provides no specific method for ascertaining the amount of indemnity to be paid, that question must be submitted to the German prize court for determination.

The government of the United States on the other hand does not find in the treaty stipulations mentioned any justification for the sinking of the Frye, and does not consider that the German prize court has any jurisdiction over the question of the amount of indemnity to be paid by the imperial German government on account of its admitted liability for the destruction of an American vessel on the high seas.

You state in your note of the 7th inst., that article 13 of the above mentioned treaty of 1799 "expressly reserves to the party at war the right to stop the carrying of contraband and to detain the contraband; it follows then that if it can not be accomplished in any other way, the stopping of the supply may in the extreme case be effected by the destruction of the contraband and of the ship carrying it."

The government of the United States

ARMY AND NAVY DISAGREE.

QUESTION OF RESIGNATION TAKES PROMINENT PLACE.

Judge Advocate General of Army Says Resignations Must be Accepted—Navy to Contrary.

Washington, June 28.—Legal authorities of the army and navy hold directly opposite views as to whether an officer can resign his commission at will in time of peace, it was learned here today. The question now is before Attorney General Gregory for decision in connection with efforts of private manufacturers to employ ordnance experts of the army for war munition plants.

Brig. Gen. Crowder, judge advocate general of the army, takes the position that the powers of the secretary of war are purely ministerial and that he must accept a resignation when proffered. Capt. Ridley McLean, judge advocate general of the navy, rules, though, that the secretary of the navy has discretionary powers and may accept or reject resignations as he sees fit.

Acting on Capt. McLean's advice, Secretary Daniels in a number of instances has declined to permit officers to quit the service when they had not given what he regarded as an adequate return for the public money spent on their education and training.

Secretary Garrison also has been proceeding upon the assumption that he was not obliged to accept resignations and those of at least two ordnance officers have been held up. But in view of Gen. Crowder's interpretation of the law, the secretary did not feel justified in following this course on his own responsibility and referred the question to the attorney general.

can not concur in this conclusion. On the contrary, it holds that these treaty provisions do not authorize the destruction of a neutral vessel in any circumstances. By its express terms the treaty prohibits even the detention of a neutral vessel carrying contraband if the master of the vessel is willing to surrender the contraband. Article 13 provides:

"In the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it and the vessel shall not in that case be carried into any port nor further detained, but shall be allowed to proceed on her voyage."

In this case the admitted facts show that pursuant to orders from the commander of the German cruiser the master of the Frye undertook to throw overboard the cargo of that vessel, but that before the work of delivering out the cargo was finished the vessel with the cargo was sunk by order of the German commander.

For these reasons, even if it be assumed, as your excellency has done, that the cargo was contraband, your contention that the destruction of the vessel was justified by the provisions of article 13 does not seem to be well founded. The government of the United States has not thought it necessary in the discussion of this case to go into the question of the contraband or noncontraband character of the cargo. The imperial German government has admitted that this question makes no difference so far as its liability for damages is concerned and the result is the same so far as the justification for the sinking of the vessel is concerned. As shown above, if we assume that the cargo was contraband, the master of the Frye should have been allowed to deliver it out, and the vessel should have been allowed to proceed on her voyage.

On the other hand, if we assume that the cargo was noncontraband, the destruction either of the cargo or the vessel could not be justified in the circumstances of this case under any accepted rule of international warfare. Attention is also called to the provisions of article 12 of the treaty of 1785 between the United States and Prussia which, like article 13 of the treaty of 1799, was continued in force by article 12 of the treaty of 1828. So far as the provisions of article 12 of the treaty of 1785 apply to the question under consideration they are as follows:

"If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, in so much that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party although such things belong to an enemy of the other."

It seems clear to the government of the United States, therefore, that whether the cargo of the Frye is regarded as contraband or as noncon-

BRYAN RETURNS HOME.

WILL LIVE IN NEBRASKA AND ELSEWHERE.

Sons of Teutons Postpone Meeting to Have Been Addressed by Former Secretary.

Chicago, June 28.—A meeting of the Sons of Teutons, to have been held here tonight with William Jennings Bryan as one of the speakers, has been postponed. G. F. Hummel, chairman of the committee on arrangements, said, however, in announcing the postponement, that Mr. Bryan might yet address the Sons of Teutons "if satisfactory arrangements can be made."

"The subject on which Mr. Bryan was to talk was really a minor matter," said Mr. Hummel. "We wanted him to talk on the exportation of ammunition, and he offered to repeat his New York address on 'Peace.' That talk would do us no good. Stop the exportation of munitions of war and there would be peace in a month."

"The meeting has been postponed not because of Mr. Bryan, but because it appeared doubtful if the Coliseum could be prepared to hold the crowd."

Members of the committee on arrangement met Mr. Bryan's train and explained that the proposed meeting had been called off.

Mr. Bryan declined to discuss the action of the committee, further than to say that it was due to a misunderstanding. He referred all questioners to the committee.

Mr. Bryan left for Lincoln, Neb., at 6 o'clock to remain a few days before going to San Francisco and Seattle where he has speaking engagements.

Speaking of his plans Mr. Bryan said:

"Nebraska will be our home. I shall do my voting there. We shall spend our winters in Miami, Fla., and our summers at Asheville, N. C. I shall spend as much time lecturing as may be necessary. It will not be more than three months a year. I expect to devote some time each year speaking to students at colleges on subjects connected with citizenship. I shall continue my newspaper editorials. The rest of my time will be reserved for such work as may seem to be necessary."

traband the destruction of the vessel was, as stated in my previous communication on this subject, "a violation of the obligations imposed upon the imperial German government under existing treaty stipulations between the United States and Prussia."

For these reasons the government of the United States must disagree with the contention which it understands is now made by the imperial German government that an American vessel carrying contraband may be destroyed without liability or accountability beyond the payment of such compensation for damages as may be fixed by a German prize court. The issue presented arises on a disputed interpretation of treaty provisions, the settlement of which requires direct diplomatic discussion between the two governments and can not properly be based upon the decision of the German prize court, which is in no way conclusive or binding upon the government of the United States.

Moreover, even if no disputed questions of treaty interpretation were involved, the admission by the imperial German government of its liability for damages for sinking the vessel would seem to make it unnecessary, so far as this claim is concerned, to ask the prize court to decide "whether the destruction of the ship and cargo was legal, and whether and under and what condition the property sunk was liable to confiscation," which you state in your note dated June 7, are questions which should be decided by the prize court. In so far as the questions relate to the cargo they are outside of the present discussion because as pointed out in my previous note to you on the subject dated April 13, "the claim under discussion does not include damages for the destruction of the cargo."

The real question between the two governments is what reparation must be made for breach of treaty obligations, and that is not a question which falls within the jurisdiction of a prize court.

In my first note on the subject requested that "full reparation be made by the imperial German government for the destruction of the William P. Frye." Reparation necessarily includes an indemnity for the actual pecuniary loss sustained, and the government of the United States takes this opportunity to assure the imperial German government that such an indemnity, if promptly paid, will be accepted as satisfactory reparation, but it does not rest with a prize court to determine what reparation should be made or what reparation would be satisfactory to the government of the United States. Your excellency states in your note of June 7 that in the event the prize

SITUATION VERY SERIOUS.

THOUSANDS SAID TO BE STARVING IN MEXICAN CAPITAL.

Courier From Brazilian Minister Reaches Vera Cruz and Tells of Conditions in Mexico City.

Washington, July 1.—Conditions in Mexico City are becoming worse and there are no prospects of relieving the starving thousands until the railroad is opened up to Vera Cruz, according to dispatch from the Brazilian minister to the State department. The message was dated June 25th, and was sent by a courier to Vera Cruz. Zapata officials are inciting the people to riot and looting. The officials are making no attempt to conceal their anxiety over the situation.

ANGELES CAN'T SEE WILSON.

Mexicans Fail to Make Appointment With President.

Cornish, N. H., June 29.—An effort was made today to arrange an interview here between President Wilson and Gen. Felipe Angeles, the Mexican leader, who recently came to the United States and who wants to give the president his views of conditions in Mexico and to suggest a way of meeting Mr. Wilson's warning that the situation there must change.

DALZELL MEETING THURSDAY.

General Sumter Agricultural Society to Celebrate the Fourth.

The General Sumter Agricultural Society will celebrate the Fourth of July with a big meeting at Dalzell on Saturday, at which Col. E. J. Watson, commissioner of agriculture and immigration will address those present. Several other well known speakers have been communicated with and there will be another speaker to make an address also.

The meeting will be held at the school house and all the people of the surrounding country are invited. Those who attend will furnish their own dinner. To make the day replete with pleasure, a baseball game has been arranged for the afternoon to amuse and interest young and old.

Remarkable Surgical Operation.

Paris, June 30.—One of the most remarkable operations in surgical history was announced today. A portion of a rabbit's shoulder blade was substituted for a part of the frontal bone in the skull of a French soldier, recovered two months.

court should not grant indemnity in accordance with the treaty requirements, the German government would not hesitate to arrange for equitable indemnity, but it is also necessary that the government of the United States should be satisfied with the amount of the indemnity, and it would seem to be more appropriate and convenient that an arrangement for equitable indemnity should be agreed upon now, rather than later. The decision of the prize court even on the question of the amount of indemnity to be paid would not be binding or conclusive on the government of the United States.

The government of the United States also dissents from the view expressed in your note that "there would be no foundation for a claim of the American government unless the prize court should not grant indemnity in accordance with the treaty." The claim presented by the American government is for an indemnity for a violation of a treaty, in distinction from an indemnity in accordance with the treaty, and therefore is a matter of adjustment by direct diplomatic discussion between the two governments, and is in no way dependent upon the action of a German prize court.

For the reasons above stated, the government of the United States can not recognize the propriety of submitting the claim presented by it on behalf of the owners and captain of the Frye to the German prize court for settlement.

The government of the United States is not concerned with any proceedings which the imperial German government may wish to take on "other claims of neutral and enemy interested parties" which have not been presented by the government of the United States, but which you state in your note of June 7 make prize court proceedings in this case indispensable and it does not perceive the necessity for postponing the settlement of the present claim pending the consideration of those other claims by the prize court.

The government of the United States therefore suggests that the imperial German government reconsider the subject in the light of these considerations and because of the objections against resorting to the prize court, the government of the United States renews its former suggestion that an effort be made to settle this claim by direct diplomatic negotiations.

(Signed) Lansing.