

alive to the possibility that the ship mentioned in the note of April 10 as having been torpedoed by a German submarine is actually identical with the Sussex.

"The German government begs to reserve further communication on the matter until certain points are ascertained which are of decisive importance for establishing the facts of the case.

"Should it turn out that the commander was wrong in assuming the vessel to be a man-of-war, the German government will not fail to draw the consequence resulting therefrom.

"In connection with the case of the Sussex the government of the United States made a series of statements, the gist of which is the assertion that the incident is to be considered but one instance of a deliberate method of indiscriminate destruction of vessels of all sorts, nationalities and destinations by German submarine commanders.

"The German government must emphatically repudiate the assertion. The German government, however, thinks it of little avail to enter into details at the present stage of affairs, more particularly as the government of the United States omitted to substantiate the assertion by reference to concrete facts.

"The German government will only state that it has imposed far-reaching restraints upon the use of the submarine weapon, solely in consideration of neutrals' interests, in spite of the fact that these restrictions are necessarily of advantage to Germany's enemies. No such consideration has ever been shown neutrals by Great Britain and her allies.

INSTRUCTIONS TO SUBMARINE COMMANDERS

"The German submarine forces have had, in fact, orders to conduct the submarine warfare in accordance with the general principles of visit and search and the destruction of merchant vessels recognized by international law, the sole exception being the conduct of warfare against enemy trade carried on enemy freight ships encountered in the war zone surrounding Great Britain. With regard to these no assurances have ever been given to the government of the United States.

"No such assurances are contained in the declaration of February 8, 1916.

"The German government can not admit any doubt that these orders were given or are executed in good faith. Errors actually occurred. They can in no kind of warfare be avoided altogether.

"Allowances must be made in the conduct of naval warfare against an enemy resorting to all kinds of ruses, whether permissible or illicit.

"But apart from the possibility of errors, naval warfare, just like warfare on land, implies unavoidable dangers for neutral persons and goods entering the fighting zone.

"Even in cases where the naval action is confined to ordinary forms of cruiser warfare, neutral persons and goods repeatedly come to grief.

"The German government has repeatedly and explicitly pointed out the dangers from mines that have led to the loss of numerous ships.

"The German government has made several proposals to the government of the United States in order to reduce to a minimum for American travelers and goods inherent dangers of naval warfare. Unfortunately the government of the United States decided not to accept the proposals. Had it accepted, the government of the United States would have been instrumental in preventing the greater part of the accidents that American citizens have met with in the meantime.

"The German government still stands by its offer to come to an agreement along these lines.

"As the German government repeatedly declared it can not dispose with the use of the submarine weapon in the conduct of warfare against enemy trade.

DECIDES TO MAKE FURTHER CONCESSION

"The German government, however, has now decided to make a further concession, adapting methods of submarine war to the interests of neutrals.

"In reaching its decision the German government is actuated by considerations which are above the level of the disputed question.

"The German government attaches no less importance to the sacred principles of humanity than the government of the United States. It again fully takes into account that both governments for many years co-operated in developing international law in conformity with these

principles, the ultimate object of which has always been to confine warfare on sea and land to armed forces of belligerents and safeguard as far as possible non-combatants against the horrors of war.

"But although these circumstances are of great weight they alone would not, under present circumstances, have determined the attitude of the German government, for in answer to the appeal by the government of the United States on behalf of the sacred principles of humanity and international law the German government must repeat once more, with all emphasis, that it was not the German but the British government which ignored all accepted rules of international law and extended this terrible war to the lives and property of non-combatants, having no regard whatever for the interests and rights of neutrals and non-combatants, that through this method of warfare have been severely injured.

"In self-defence against the illegal conduct of British warfare, while fighting a bitter struggle for national existence, Germany had to resort to the hard but effective weapon of submarine warfare.

"As matters stand, the German government can not but reiterate regret that the sentiments of humanity which the government of the United States extends with such fervor to the unhappy victims of submarine warfare are not extended with the same warmth of feeling to many millions of women and children who, according to the avowed intention of the British government, shall be starved, and who, by sufferings, shall force the victorious armies of the central powers into ignominious capitulation.

"The German government, in agreement with the German people, fails to understand this discrimination, all the more as it has repeatedly and explicitly declared itself ready to use the submarine weapon in strict conformity with the rules of international law as recognized before the outbreak of the war if Great Britain likewise was ready to adapt the conduct of warfare in these rules.

"Several attempts made by the government of the United States to prevail upon the British government to act accordingly failed because of flat refusal on the part of the British government.

COMPLAINS OF BRITISH POLICY

"Moreover, Great Britain again and again has violated international law, surpassing all bounds in outraging neutral rights. The latest measure adopted by Great Britain, declaring German bunker coal contraband and establishing conditions under which English bunker coal alone is supplied to neutrals, is nothing but an unheard of attempt by way of exaction to force neutral tonnage into the service of British trade war.

"The German people know that the government of the United States has the power to confine the war to armed forces of the belligerent countries, in the interest of humanity and maintenance of international law. The government of the United States would have been certain of attaining this end had it been determined to insist, against Great Britain, on the incontrovertible rights of freedom of the seas.

"But, as matters stand, the German people are under the impression that the government of the United States, while demanding that Germany, struggling for existence, shall restrain the use of an effective weapon and while making compliance with these demands a condition for maintenance of relations with Germany, confines itself to protests against illegal methods adopted by Germany's enemies. Moreover, the German people know to what considerable extent its enemies are supplied with all kinds of war material from the United States.

"It will, therefore, be understood that the appeal made by the government of the United States to sentiments of humanity and principles of international law can not, under the circumstances meet the same hearty response from the German people which such an appeal otherwise always is certain to find here.

"If the German government, nevertheless, is resolved to go to the utmost limit of concessions, it has been guided not alone by the friendship connecting the two great nations for over one hundred years, but also by the thought of the great doom which threatens the entire civilized world should the cruel and sanguinary war be extended and prolonged.

"The German government, conscious of Germany's great strength, twice within the last few months announced before the world its readiness

to make peace on a basis safeguarding Germany's vital interests, thus indicating that it is not Germany's fault if peace is still withheld from the nations of Europe.

"The German government feels all the more justified in declaring that responsibility could not be borne before the forum of mankind and in history if, after twenty-one months of the war's duration, the submarine question under discussion between the German government and the government of the United States were to take a turn seriously threatening maintenance of peace between the two nations.

CONFINING OPERATIONS TO FIGHTING FORCES

"As far as lies with the German government, it wishes to prevent things from taking such a course. The German government, moreover, is prepared to do its utmost to confine operations of the war for the rest of its duration to the fighting forces of the belligerents, thereby also insuring freedom of the seas, a principle upon which the German government believes, now as before, that it is in agreement with the government of the United States.

"The German government, guided by this idea, notifies the government of the United States that German naval forces have received the following order: 'In accordance with the general principles of visit and search and the destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared a naval war zone, shall not be sunk without warning and without saving human lives, unless the ship attempt to escape or offer resistance.'

"But neutrals can not expect that Germany, forced to fight for existence, shall for the sake of neutral interests restrict the use of an effective weapon if the enemy is permitted to continue to apply at will methods of warfare violating rules of international law. Such a demand would be incompatible with the character of neutrality, and the German government is convinced the government of the United States does not think of making such a demand, knowing that the government of the United States repeatedly declares that it is determined to restore the principle of freedom of the seas, from whatever quarter it is violated.

"Accordingly, the German government is confident that in consequence of the new orders issued to the naval forces, the government of the United States will also now consider all impediments removed which may have been in the way of mutual co-operation toward restoration of the freedom of the seas during the war, as suggested in the note of July 23, 1915, and it does not doubt that the government of the United States will now demand and insist that the British government shall forthwith observe the rules of international law universally recognized before the war, as are laid down in the notes presented by the government of the United States to the British government December 28, 1914, and November 4, 1915.

"Should steps taken by the government of the United States not attain the object it desires, to have laws of humanity followed by all belligerent nations, the German government would then be facing a new situation in which it must reserve to itself complete liberty of decision.

"The undersigned avails himself of this opportunity to renew to the American ambassador assurances of highest consideration.

"JAGOW."

ANSWER TO GERMAN NOTE

A Washington dispatch, dated May 8, says: Following is the text of the note cabled today by Secretary Lansing to Ambassador Gerard at Berlin with instructions to deliver it to the German minister of foreign affairs:

"The note of the Imperial German government under date of May 4, 1916, has received careful consideration by the government of the United States. It is especially noted as indicating the purpose of the Imperial government as to the future, that it 'is prepared to do its utmost to confine the operation of the war for the rest of its duration to the fighting forces of the belligerents,' and that it is determined to impose upon all its commanders at sea the limitation of the recognized rules of international law upon which the government of the United States has insisted.

"Throughout the months which have elapsed since the Imperial government announced on February 4, 1915, its submarine policy, now happily abandoned, the government of the