

UNITED STATES IN REPLY TO AUSTRIA

State Department Makes Public the American Rejoinder to Complaint Over Sale of Munitions.

SOLD BELLIGERENT WEAPONS

WASHINGTON, Aug. 16.—The state department tonight, made public the reply of the United States rejecting views set forth by the Austro-Hungarian recent note, declaring that transportation of war munitions from the United States to Austrian enemies was conducted on such a scale as to be "not in consonance with the definition of neutrality."

Though friendly in tone, the note flatly denies the Austro-Hungarian contentions and recalls that that country and Germany furnished munition of war to Great Britain for the Boer war when England's enemies could not import such supplies.

It insisted that the American government is pursuing a strictly neutral course and adhering to a principle upon which it would depend for munitions in the markets of the world in case it should be attacked by a foreign power.

Attention is directed to the fact that Austria-Hungary and Germany before the war produced a great surplus of war munitions and sold them throughout the world, "especially to belligerents," and that "never during that period did either of them suggest or apply the principle now advocated by the imperial and royal government."

Full Text of Note.

Following is the full text of the American reply to the Austro-Hungarian note regarding exportation of arms and ammunition from the United States to the allies:

"The Secretary of State, to Ambassador Penfield, Department of State, WASHINGTON, Aug. 12.—Please present a note to the royal foreign office in reply to its note of June 29 in the following sense:

"The government of the United States has given careful consideration to the statement of the imperial and royal government in regard to the exportation of arms and ammunition from the United States to the allies at war and Austro-Hungary and Germany.

"The government of the United States notes with satisfaction the recognition by the imperial and royal government of the undoubted fact that its attitude with regard to the exportation of arms and ammunition from the United States is prompted by its intention to maintain the strictest neutrality and to conform to the letter of the provisions of the international treaties, but is surprised to find the imperial and royal government implying that the observance of the strict principles of the law under the conditions which have developed in the present war is insufficient and asserting that this government should go beyond the long recognized rules governing such traffic by neutrals and adopt measures to maintain an attitude of strict party with respect to both belligerent parties."

United States Declines.

To this assertion of an obligation to change or modify the practice of international law on account of special conditions, the government of the United States cannot assent. The recognition of an obligation of this sort, unknown to the international practice of the past would impose upon every neutral nation a duty to sit in judgment on the progress of war and to restrict its commercial intercourse with a belligerent whose success was prevented by the neutral from trade with the enemy. The contention of the imperial and royal government appears to be that the advantages gained to a belligerent by its superiority on the sea should be equalized by the neutral powers by the establishment of a system of nonintercourse with the victor. The imperial and royal government confines its contention to the exportation of arms and ammunition, but if the principle for which it contends is sound, it should apply with equal force to all articles of contraband. A belligerent controlling the high seas might possess an ample supply of arms and ammunition, but be in want of food and clothing. On the novel principle that equalization is a neutral duty, neutral nations would be obligated to place an embargo on such articles because one of the belligerents could not obtain them through commercial intercourse.

On Land as Well as Sea.

But, if this principle, so strongly urged by the imperial and royal government, should be admitted to obtain, by reason of the superiority of the victor on sea, ought it not to operate equally as to a belligerent superior on land? Applying to this theory of equalization, a belligerent who lacks the necessary munitions to contend successfully on land ought to be permitted to purchase them from neutrals while a belligerent with an abundance of war stores or with the power to produce them should be debarred from such traffic. Manifestly the idea of strict neutrality now advanced by the imperial and royal government would involve a neutral nation in a mass of perplexities which would obscure the whole field of international obligation, produce economic confusion and deprive all commerce and industry of legitimate fields of enterprise already heavily burdened by unavoidable restrictions of war.

Reasons of Boer War.

In this connection, it is pertinent to direct the attention of the imperial and royal government to the fact that Austria-Hungary and Germany, particularly the latter, have during the present European war produced a great surplus of arms and ammunition, which they sold throughout the world and especially to belligerents. Never during that period did either of them suggest or apply the principle now advocated by the imperial and royal government.

During the Boer war between Great Britain and the South African republics, the pair of the coasts of the neighboring neutral colonies by British military vessels, prevented arms and ammunition reaching the Transvaal or the Orange Free State.

The allied republics were in a situation almost identical on that respect with that which Austria-Hungary and Germany many find themselves at the present time.

Arms Sold to England. It is well known that in spite of the commercial isolation of one belligerent, Germany sold to Great Britain and other belligerents hundreds of thousands of tons of explosives, gunpowder, cartridges, shot and weapons, and it is known that Austria-Hungary also sold similar munitions to the same purchaser, though in small quantities.

While, as compared with the present war, the quantities sold were small in absolute terms, the principle involved was the same. It is at that time, Austria-Hungary and Germany were permitted to sell arms and munitions to Great Britain on the ground that to do so would violate the spirit of strict neutrality, the imperial and royal government might with greater consistency and greater force urge its present contention.

During Crimean War.

It might be further pointed out that during the Crimean war large quantities of arms and military stores were sold to Russia by the Persian manufacturers. During the recent war between Turkey and Italy, as the government is advised, arms and ammunition were furnished to the Ottoman government by Germany and Austria-Hungary and Germany.

Neil Brennan, Pioneer and Good Citizen, Honored in His Death

Colonel Neil Brennan, who died at his home at O'Neil, Neb., and was buried there last week, was one of the sturdy pioneers of Holt county, and a most important factor in the upbuilding of the community in which he had resided for longer than forty years. He was a staunch supporter of whatever cause he espoused, and naturally active in all the affairs of Holt county and O'Neil, where he had prospered because of his unremitting industry and his sterling honesty.

Colonel Brennan was a native of Ireland, being born at Killebeg, County Donegal, sixty-five years ago. His parents were poor but gave him the advantage of a good education as was then available in the common schools of Ireland, but he grew to strong manhood, and with a reverential love of his father and mother and a devotion to his country that marked his whole life, set out as a lad to earn his way through the world. He went to Scotland first, and for more than two years worked as a laborer in a large engineering works, sending his wages home regularly to aid in supporting his parents. He saved what he earned by working overtime, and emigrated to America, arriving first at Quebec, but going almost immediately from there to Boston, where he spent the last of his British money in payment of fees on his naturalization papers, which show him to have been 18 years old at the time. From here he still sent money home to help his father and mother.

At Cambridge he joined the Sea and Fire Insurance Co. When Colonel John O'Neil and his little band of Fenians invaded Canada, Neil Brennan was one of the party, and was brought back to the United States by General Meade along with the rest. After Colonel O'Neil had been freed from his punishment, he organized a colony of Irishmen, who were to found a new community in the west. The first man to respond to his call was Neil Brennan. The party reached Holt county in May, 1872, to settle an Irish colony free from British rule. Here young Brennan was employed for nearly five years by Pat Haggerty, who established the first store in O'Neil, freighted goods from the railroad at Tankton and Wisner. He hailed from Tankton the lumber for the first Catholic church in O'Neil. While thus engaged, Neil Brennan was laying the foundation for his future prosperity and making friends who stuck to him through life. In 1877, with the money he had saved and the help of some friends he established a



COLONEL NEIL BRENNAN.

store for hardware, furniture, implements and the like at O'Neil. J. J. McCafferty, being associated with him for eight or ten months. This business prospered to the end.

On one of his trips to Wisner he stopped for the night at the home of Tim Scanlan, and here he met Miss Margaret Keys who, in 1881, became his wife. Eight children were born to this union, four boys and four girls, all living. His home at Brennan Park in the north part of O'Neil, is one of the real home places of the state. Mr. Brennan was a member of the Knights of Columbus, Royal Highlanders, Modern Woodmen of America and several other orders. In his active life he had taken always a considerable part in politics, and was instrumental in securing much legislation of benefit to Holt county. His big heart and gentle disposition, with his steadfastness of purpose and simple honesty, made him a valued friend and a generous assistant, and he is deeply and sincerely mourned, not only in his home town, but throughout the state.

gous, as in the case of the South African war, to the situation of Austria-Hungary and Germany in the present war, they nevertheless clearly indicate the long established practice of the two empires in the matter of trade in war supplies.

This course is clear. In view of the foregoing statements, this government is reluctant to believe that the imperial and royal government will ascribe to the United States, a lack of impartial neutrality in continuing its trade with the allies and in continuing to render the armed forces of all belligerents efficient even though the circumstances of the present war are such that Austria-Hungary from obtaining such supplies from the markets of the United States and from the practice of the United States as the action and policy of this government are concerned, open to all belligerent allies.

But, in addition to the question of principle, there is a practical and substantial question. The United States has from the foundation of the republic to the present time advocated and practiced unrestricted trade in arms and military supplies. It has never been the policy of this country to restrict the sale of a large quantity of arms and ammunition sufficient to equip an enemy. It has desired to remain neutral with all nations and avoid any appearance of menacing such peace by the threat of its arms and munitions. This policy of the United States, in the event of adoption by the imperial and royal government, would be a serious and not a trifling matter, inasmuch as it would deprive the United States of the means to supply the requirements of defense. The United States has always depended upon the right and power of purchase of arms and ammunition from neutral nations in case of foreign attack. This right, which it claims for itself, it cannot deny to others.

Might Suffer Easily.

A nation whose principle and policy it is to rely upon international obligations and international justice to preserve its political and territorial integrity might become the prey of an aggressive nation whose policy and practice it is to increase its military strength during times of peace with the design of conquest. Unless the nation attacked can, after war has been declared, go into the markets of the world and purchase the means of its own defense, it is in a very serious position.

The general adoption by the nations of the world of the theory that neutral powers ought to prohibit the sale of arms and ammunition to belligerents would compel every nation to have in readiness at all times sufficient munitions of war to resist any emergency which might arise and to erect and maintain establishments for the manufacture of arms and ammunition sufficient to supply the needs of its military and naval forces throughout the progress of a war. Manifestly the application of this theory would result in every nation becoming an armed camp, ready to resist aggression and tempted to employ force in asserting its rights rather than appeal to reason and justice for the settlement of international disputes.

Advantage to Belligerent.

Perceiving, as it does, that the adoption of the principle that it is the duty of a neutral to prohibit the sale of arms and ammunition to a belligerent during the progress of a war would inevitably give the advantage to the belligerent who had first adopted the principle, and which had laid in vast stores of arms and ammunition in anticipation of war, the government of the United States is convinced that the adoption of the theory would be an advantage to the aggressor and work against that universal peace which is the desire and purpose of all nations in their relations with one another.

The government of the United States in the foregoing discussion of the practical reason why it has advocated and practiced trade in munitions of war, wishes to emphasize the fact that it has no thought of expressing or implying any judgment with regard to the circumstances of the present war, or putting very frankly the argument in this matter which has been conclusive in determining the policy of the United States.

Other Arguments Taken Up.

While the practice of nations, as well illustrated by the practice of Austria-Hungary and Germany during the South African war and the manifest evil which would result from a change of that practice, render complaints with the suggestions of the imperial and royal government out of the question, certain assertions appearing in the Austro-Hungarian statement as grounds for its contentions cannot be passed over without comment. These assertions are substantially as follows:

1. That the exportation of arms and ammunition from the United States to belligerents contravenes the preamble of the Hague convention No. II of 1907.

2. That it is inconsistent with the refusal of this government to allow delivery of supplies to vessels of war on the high seas.

3. That "according to all authorities of international law no concern themselves more properly with the question of exportation should be prevented when this traffic assumes the form of a commercial transaction, the neutrality of a nation becomes involved thereby."

paragraph of the preamble, which is as follows: "Seeing that in this category of reasons, these rules should not in principle be altered in times of war, by a neutral power except when purchase has shown the necessity of such change for the protection of the rights of the power."

Manifestly the only reason to change the rules laid down by the convention, which it should be a neutral power, is the necessity of protecting its own rights. The right and duty to determine when this necessity exists rests with the neutral not with a belligerent. It is the duty of a neutral power to do so in order to protect its own rights. A belligerent is not privileged to complain for its doing so. The practice of declaring to the neutral power what is necessary to protect that power's rights is discretionary, not mandatory. If a government cannot be perceived that a complaint of this nature would invite just retaliation, it is not a neutral power.

With reference to the asserted inconsistent course adopted by this government in relation to the exportation of arms and ammunition and that followed in not allowing supplies to be taken from its ports to the belligerents on the high seas, it is only necessary to point out that the prohibition of supplies to ships of war is not a neutral power's territory to become a naval base for either belligerent under certain restrictions, obtain fuel and supplies in a neutral port, once in three months. To restrict the practice of carrying supplies more often than three months and in unlimited amount, would be to deprive the neutral power of the right to trade with the belligerents and might constitute the neutral territory a naval base. Furthermore, this government is unaware that any belligerent has ever sought to obtain supplies from a port in the United States, either directly or indirectly. This subject has, however, already been discussed with the imperial and royal government to which a portion of this government was fully set forth December 8, 1914.

Government Misled.

In view of the positive assertion in the statement of the imperial and royal government as to the unanimity of the opinions of text writers as to the prohibition of contraband being unneutral, this government has caused a careful examination of the opinions of the authorities on international law to be made. As a result of this examination, it has come to the conclusion that the practice of prohibition of contraband has been misused and has inadvertently made an erroneous assertion. The authorities on international law have consistently and uniformly held that the practice of nations has been otherwise. It may not be opportune to direct particular attention to the opinions of the authorities on international law, who states that at the beginning of a war, belligerents have never renounced their right to the practice of prohibition of contraband, but adds: "Such prohibition may be considered a violation of neutrality, or at least an unfriendly act, if they are enacted during a war with the purpose to close unconditionally the source of supply for a country which had heretofore relied upon them."

The government of the United States deems it unnecessary to extend further at the present time, a consideration of the point.

Neutrality is opposed to the prohibition of national exportation of arms and ammunition to belligerents during the progress of a war.

MINISTER ACCUSED OF MURDER HANGS HIMSELF

SOUTH BEND, Ind., Aug. 16.—Silas N. Besswell, a farmer, Dunbar soldier, held for the murder of 18-year-old Hazel Macklin in August, 1914, committed suicide by hanging himself in the county jail this morning.

Rent rooms quick with a Bee Want Ad.

When You Wash Your Hair Don't Use Soap

Most soaps and prepared shampoos contain too much alkali, which is very injurious, as it dries the scalp and makes the hair brittle. The best thing to use is just plain mulsified coconut oil, for this is pure and entirely greaseless. It's very cheap, and beats soap or anything else all in pieces. You can get it at any drug store, and a few ounces will last the whole family for months.

Simply moisten the hair with water and rub it in, about a teaspoonful is all that is required. It makes an abundance of rich creamy lather, cleanses thoroughly, and creates cool, easy. The hair dries quickly and evenly, and is soft, free-looking, bright, fluffy, wavy and easy to handle. Besides, it loosens and takes out every particle of dust, dirt and dandruff. —Advertisement.

GERMAN ARMIES CONTINUE PURSUIT

Berlin War Office Reports Defeat of Russians on Three Fronts Beyond Warsaw.

MANY PRISONERS CAPTURED

BERLIN, Aug. 16.—(Via London.)—Field Marshal Von Mackensen, continuing his pursuit of the retreating Russians from the south toward Brest-Litovsk, has occupied Ciale and Siawatyce, according to official announcement made by German army headquarters today. The army of Prince Leopold of Bavaria, pressing the Russians from the west, has occupied Losyce and Miedzyrzec, the statement adds.

RUSSIANS HOLD GERMANS WEST OF DVINA RIVER

(Continued from Page One.) Bilyastok, Brest-Litovsk and Kovel. This road is protected by dense forests and in the marshes of the region of the upper Narva. The apparent weakness of the German flanks has removed fear that the Russian army would be bottled up. Evidence of this seeming lack of offensive power is found in the reported removal of a portion of the German troops from the Stedice-Lakow front to the Baltic region. These troops are said to have been replaced by Austrians. Russian military critics find it difficult to reconcile this evidence of weakness with German claims to undiminished strength. The Russian theory is that these claims are advanced for effect on the Balkan states.

Department Orders. WASHINGTON, Aug. 16.—(Special Telegram.)—On the recommendation of Senator Hitchcock, Dr. A. F. Reed has been appointed a pension surgeon at Weeping Water, Neb. Mrs. Cassia F. Hurst was appointed postmaster at Fairport, Lawrence county, N. D., vice Mrs. Mary Stephens, resigned. The postoffice at Clara and Iokas, Cheyenne county, Neb., have been discontinued, mail to Dalton.

The comptroller of the currency has received applications of the following persons to organize the Jones National Bank of Monticello, la., capital \$100,000: John J. Locker, la.; J. H. J. Stutz, J. Singold, F. E. Stinson, H. H. Henderson.

Make It Easier For Baby in Summer

Many of the Hot-Weather Troubles Can Easily Be Avoided.

If the mother will see to it that the bowels are kept regular, much of the illness to which children are most susceptible during hot weather can be prevented. A mild laxative, administered at regular intervals, will prove an excellent preventive of summer complaints that are caused by inactive bowels. The combination of simple laxative herbs with pepsin, sold in drug stores under the name of Dr. Caldwell's Syrup Pepsin, is excellent for children, being pleasant to the taste, gentle yet positive in action, and free from opiate or narcotic drug of any description. It acts naturally, without griping or other discomfort, and is altogether dependable. The cleansing of the bowels will most effectively check an attack of diarrhoea by expelling the foreign matter and poisons that irritate and inflame the tissues.

day afternoon our opponents offered new resistance, only in the sections of Toczma and Klurowka, between Miodzyrzec and Husla, but his resistance was broken down east of Losyce at daybreak by an attack of the Silesian Landwehr. The enemy is being pursued.

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HOTEL TURPIN. "IS THE BEST OF THE CITY" 17 POWELL ST. AT MARKET SAN FRANCISCO. EVERY CONVENIENCE AND COMFORT EUROPEAN PLAN, \$1.50 AND UPWARD FREE Auto Bus Meets Trains and Buses.

AMUSEMENTS. BRANDEIS/TODAY Mat. 9:00 Evng. 9:00 (and All This Week) "THE STOCK FORTUNE" "THE MARRIAGE OF KITTY" Mat. 1:30, 3:30—Evngs. 8:30, 10:30 Seat Week—"The Editor of the Family"

To Street Car Patrons

Complying with a recently enacted city ordinance, all street cars will, on and after August 18th, stop on the near side of street intersections in the City of Omaha, to take on and discharge passengers. They will not stop on the far side. At all points outside the city limits of Omaha, however, cars will stop on the far side as heretofore, and not on the near side. Passengers will please remember this so there may be as little confusion as possible.

Respectfully, Omaha & Council Bluffs Street Railway Co.

Thompson-Belden & Co.

The August Linen Sale

- TUESDAY'S SPECIALS All 45c Huck Towels, Tuesday - - - - 29c each All 50c Turkish Towels, Tuesday - - - - 39c each All 50c Ready Made Roller Towels, Tuesday 35c each All 75c Ready Made Roller Towels, Tuesday 50c each All \$1.50 Bleached Damask, Tuesday - \$1.10 per yard. All \$4.50 Bleached Napkins, Tuesday - \$3.00 a dozen. All \$2.50 Bleached Table Cloths, Tuesday \$1.89 each. All 50c Fine Guest Towels, Tuesday - - - 39c each.

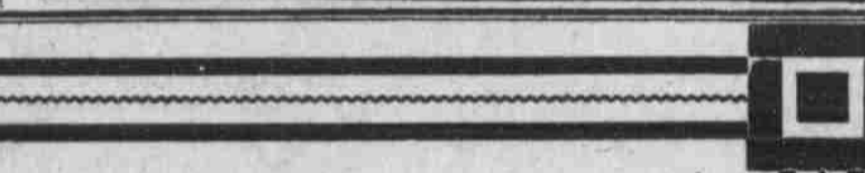


Sweet Refreshment —there you have a chew of SPEAR HEAD in two words. That wonderful flavor of SPEAR HEAD is as delightfully refreshing as it is deliciously good —the richest, mellowest, tastiest chew in the whole world.

SPEAR HEAD PLUG TOBACCO

is the choicest of all red Burley, hand-stemmed and made into mellow-sweet plugs in one of the cleanest, most sanitary plug factories in existence.

Chew SPEAR HEAD and you'll be chewing the purest and most satisfying tobacco that it's possible to make.



THE AMERICAN TOBACCO CO.

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