

PRIZE COURT IDEA REJECTED BY BRYAN

Text of Note in Which United States Refuses to Submit Frye Case to German Tribunal.

IS SUBJECT FOR NEGOTIATION

WASHINGTON, May 5.—The text of the American note to Germany declining the suggestion that reparations for the sinking of the American sailing ship William P. Frye by the converted cruiser Prinz Eitel Friedrich be made through a German prize court and retreating the representations for indemnity, was made public today by the State department.

It already has been presented to the Berlin foreign office in the form of a communication from Ambassador Gerard. It follows: "In reply to your excellency's note of the 31st inst. which the government of the United States understands admits the liability of the Imperial German government for the damages resulting from the sinking of the American sailing vessel William P. Frye by the German auxiliary cruiser Prinz Eitel Friedrich on January 23, 1915, I have the honor to say, by direction of my government, that while the promptness with which the Imperial German government has admitted its liability is highly appreciated, my government feels that it would be inappropriate in the circumstances of this case and would involve unnecessary delay to adopt the suggestion in your note that the legality of the capture and destruction, the standing of the claimants and the amount of indemnity should be submitted to a prize court."

Violation of Treaty Clear. "Unquestionably, the destruction of this vessel was a violation of the obligations imposed upon the United States and Prussia, and the United States government, by virtue of its treaty rights, has presented to the Imperial German government a claim for indemnity on account of the resulting damages suffered by American citizens."

The liability of the Imperial German government and the standing of the claimants as American citizens and the amount of indemnity are all questions which lend themselves to diplomatic negotiations between the two governments, and happily the question of liability has already been settled in that way. The status of the claimants and the amount of indemnity are the only questions remaining to be settled, and it is appropriate that they should be dealt with in the same way.

No Question as to Cargo.

The government of the United States fully understands that, as stated in your excellency's note, the German government is liable under the treaty provisions above mentioned for the damages arising from the destruction of the cargo, as well as from the destruction of the vessel. But it will be observed that the claim under discussion does not include damages for the destruction of the cargo and the question of the value of the cargo there is not involved in the present discussion.

The government of the United States recognizes that the German government will wish to be satisfied as to the American ownership of the vessel and the amount of the damages sustained in consequence of its destruction.

Suggests Transfer of Negotiations. "These matters are readily ascertainable, and if the German government desires any further evidence in substantiation of the claim on these points, in addition to that furnished by the ship's papers, which are already in the possession of the German government, any additional evidence found necessary will be produced. In that case, however, inasmuch as any evidence which the German government may wish to have produced is more accessible and can more conveniently be examined in the United States than elsewhere, on account of the presence there of the owners and captain of the William P. Frye and their documentary records and other possible witnesses, the government of the United States ventures to suggest the advisability of transferring the negotiations for the settlement of these points to the Imperial German embassy at Washington."

In view of the admission of liability or by reason of specific treaty stipulations, it has become unnecessary to enter into a discussion of the meaning and effect of the Declaration of London, which is given some prominence in your excellency's note of April 5, further than to say that as the German government already has been advised the government of the United States does not regard the Declaration of London as in force."

Wilson Tells Why He Declined to Give Out Ammons' Letter

WASHINGTON, May 5.—President Wilson's refusal, yesterday, to furnish the Industrial Relations commission with copies of correspondence with former Governor Ammons of Colorado, on the Colorado coal strike was explained at the White House today with the statement that the president did not care to take any part in the controversy between Chairman Walsh and John D. Rockefeller, Jr., over Mr. Walsh's assertion that an agent of Mr. Rockefeller had written a letter to the president for Governor Ammons to sign.

The president's friends understand he believes the commission should conduct the investigation into industrial conditions for which it was created by congress without getting into newspaper controversies. While he has not gone into the merits of the discussion between Mr. Walsh and Mr. Rockefeller, it was said today he thinks the object of the commission investigation is apt to be defeated if published attacks on witnesses before the commission are continued.

German Airship Sinks a British Submarine

BERLIN, May 5.—(Via London).—The following official communication was issued tonight: "On May 3 a German naval airship had an engagement with several British submarines in the North Sea. Several bombs were dropped from the airship, one of them hitting and sinking one of the submarines."

The airship was bombarded by the sons of the submarines without being sunk. It returned safely."

Surgeon Successfully Removes Steel Splinter from Soldier's Heart

PARIS, May 5.—A young sergeant in the French army, from whose heart a splinter of a hand grenade was extracted by Dr. Reussant, chief of the military hospital, was presented before the Academy of Medicine last night by Prof. Armand Gautier of Bordeaux. The patient was wounded October first at St. Hubert, when the steel fragment of the grenade penetrated his diaphragm, pericardium and cardiac muscles, lodging within the right ventricle. The splinter remained in the ventricle four and a half months before it was extracted. The operation was declared to have been unique in the annals of surgery. Considerable difficulty was experienced in removing the piece of steel, as it slipped from the forceps several times. Various complications were feared, but every thing went well and the soldier is now considered cured, as this heart acts normally.

GRAND DUKE SAYS GALICIA BATTLE IS STILL RAGING

French official statements have been shattered on this new line. The news from Gallipoli is considered reassuring, setting forth as it does, that the allies have made good the positions gained after the first fierce onslaught upon the Turks during the landing operation. Subsequent German and Turkish attacks have been repulsed with heavy losses to the Ottoman forces, who gradually are being pushed in a northerly direction.

The German submarine campaign in the waters of the United Kingdom shows no signs of a lull. The list of vessels sent to the bottom lengthens every day, although the victims mostly are of small importance. Scandinavian ship owners are suffering more than are the British, and the newspapers of Norway and Sweden have been referring in sarcastic terms to Germany's "bravery in torpedoing all the Swedish and Norwegian ships it meets."

German Official Report. BERLIN, May 5.—(Via London).—The statement issued today at the army headquarters follows: "Western Theater.—The British continue their retreat, with heavy losses, in the direction of the bridge head, situated sharply to the east of Ypres. The Van Houtte and Ekernstern farms, the castle ground of Ehrenthage and the set Pappotte farm were taken by us. "Between Metz and the Moselle there is again great activity in the forest of Le Petre. Northwest of Pont-A-Mousson the French attacked yesterday with strong forces. Notwithstanding, a long preparatory bombardment by artillery, their attack broke down under our fire, with heavy losses to the enemy. On the other hand, we began attacks in the forest of Ally, and to the east thereof, which made good progress. Up to the present we have here taken ten officers and 700 men. "Eastern Theater.—Attacks from Rochin, coming from the southeast, were repulsed. The enemy is being pursued at Kalwary, also northeast of Suwalki and east of Augustow numerous Russian advances have failed. Four hundred Russians in all were taken prisoners. "On the remainder of the front there were a few fights at close quarters, all of which were decided in our favor. "Southeastern theater: An attack by the allied troops north of the wooded Carpathians pierced through the third fortified line of the Russians, who yesterday were defeated along the entire front, retreating toward the Wislota river. The magnitude of the victory may be seen from the fact that, owing to the piercing of the allies of the enemy's lines, the Russians are beginning to evacuate threatened positions on their northern flank, in the wooded Carpathians, southwest of Dukla. "The rapidly with which our successes have been achieved makes it impossible to give an idea in figures of the booty taken in this victory. According to reports at hand, the number of prisoners taken up to the present amounts to over 30,000."

French Official Report. PARIS, May 5.—The French war office this afternoon gave out a statement on the progress of hostilities, reading: "To the north of Ypres, the Germans yesterday evening delivered an attack against the left sector of the British front. They were repulsed and taken in the flank by the French artillery and they suffered serious losses. "Nothing has been reported from the remainder of the front."

Cotton Drops Dollar and Half a Bale

NEW ORLEANS, May 5.—Cotton dropped today to thirty-five points or more than \$1.50 a bale on the exchange here this afternoon after reports were received that Japan had sent an ultimatum to China.

NEW YORK, May 5.—There was a drop of thirty points in the cotton market here today, apparently inspired by foreign news, particularly with reference to the relations of Japan and China.

Department Orders. WASHINGTON, May 5.—(Special Telegram).—E. E. Hanna was appointed a rural letter carrier at Chambers, Neb., and Melvin Morgan at Frederick, S. D. Nebraska pensions granted: Mary J. Bangs, Rockford, Ill.; Rachel Muller, West Point, Ill.

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OUR ANNUAL MAY SALE OF MUSLIN WEAR STARTS SATURDAY J.L. BRANDEIS & SONS

BERLIN, May 5.—(Via London).—The following official communication was issued tonight: "On May 3 a German naval airship had an engagement with several British submarines in the North Sea. Several bombs were dropped from the airship, one of them hitting and sinking one of the submarines."

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GRAIN CASE ON IN COURT

Omaha Commission Company Seeking to Recover from Chicago House.

TRIAL JURY IS SECURED

A jury was selected yesterday in Judge Estelle's court to try the suit in which the Saunders-Wastrand Grain company of Omaha is seeking to recover \$33,300.75 from Lamson Bros. & Co. of Chicago, alleged to have been appropriated by the late Sherman Saunders and William C. Sunderland and transferred to the defendants. The following jurors will hear the evidence: A. E. Carter, Benson; Alfred E. Cass, Ralph W. Craddock, Omaha; Emil Holub, Felix Lenech, South Omaha; Daniel Landman, C. G. Lund, A. B. Myers, Charles Oakley, Omaha; George H. Heimer, South Omaha; Stephen Sedacek, Omaha, and Charles C. Straube, South Omaha. Trial of a lawsuit in which the Saunders-Wastrand Grain company of Omaha is seeking to recover \$33,300.75 from Lamson Bros. & Co. of Chicago, alleged to have been appropriated by the late Sherman Saunders and William C. Sunderland and transferred to the defendants, has begun in Judge Estelle's district court. The case, which involves alleged illegality of grain trading transactions carried on by Sunderlan and Saunders, a former Omaha firm, promises to develop a complete expose of methods of the Chicago Board of Trade and allied branches all over the country.

Much Legal Talent.

A brilliant array of legal talent is engaged in the trial. The plaintiffs are represented by J. J. Sullivan, J. W. Woodrough and F. A. Brogan, and the defense by W. D. McHugh and Smyth, Smith & Schall. Attention of men engaged in the grain business all over the United States is said to be turned at present to the Omaha court where the case is on trial. The plaintiff company alleges that Sunderlan and Saunders dealt through Lamson Bros. & Co. "by pretended orders from pretended customers," but that in reality they merely laid wagers on future prices of grain markets. On June 1, 1912, and on July 10, 1913, the petition charges, Sherman Saunders withdrew \$45,500.75 of money belonging to the Saunders-Wastrand company and transferred it to the defendant company. Suit is brought for recovery of this amount.

DEATH RECORD.

Mrs. Gertrude T. Holland. HASTINGS, Neb., May 5.—(Special Telegram).—Letters received here today from President A. L. Claibe of the First

Great Britain is Building Wireless Station in Jamaica

NEW YORK, May 5.—To supply a need felt by the British navy a powerful wireless station is being built on the highlands of the island of Jamaica, 3,000 feet above the level of the sea, according to Rev. George B. Stallworthy, a Unitarian clergyman, who arrived here today aboard the steamer Juan, after a five months' visit to the island.

Turkish Aeroplanes Brought Down by Fire of Allies' Ships

PARIS, May 5.—Two Turkish aeroplanes have been brought down by shells from allied warships, according to a dispatch from Saloniki. Setting out from Seddul Bahr, the aeroplanes flew over the fleet, dropping several bombs, all of which, however, fell harmlessly in the water. They had put out to sea to reconnoiter Lemnos and Tenedos, when they were brought down. The German aviators were rescued and made prisoners. A Havas dispatch from Athens filed yesterday states that the inhabitants of Gallipoli and other parts of the peninsula are crossing in large numbers to the Asiatic side. Two hundred Turkish prisoners taken by the allies were removed to Tenedos yesterday (Monday).

Thompson-Belden & Co. The May Suits for \$25 Present an opportunity to purchase now the suit for the Exposition or Outing Trip at a most moderate price. The assortment at this pricing is so great you can easily find your own idea of a becoming suit. No Extra Alteration Charge.

New Wash Dress Arrivals \$7.50, \$10.50, \$12.50 Many new styles just arrived from New York by express. They present the correct modes for coolness in summer wear.

A Dress Goods Opportunity That Even We Have Never Before Duplicated \$1.00 Fine French Crepe, 39c Yd. We have been asked many times why we are selling them so cheap? Quite right you should. Here is the answer:

A New York Importer, who has served us twenty years, received these goods sixty days late. He needed ready funds, and came to us. Take all or none was the proposition. We took the entire lot and are going to give our customers the benefit. A most beautiful line of colors to choose from. See these goods displayed in our Sixteenth Street window.

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\$110 Solid mahogany, hand carved dressing table—southern colonial with massive pedestal base—regular value \$110— June Bride Sale Price \$60

\$325 5-piece French Colonial Bedroom Set—regular \$325 value, with twin beds, beautifully figured mahogany, very finest high grade cabinet work—the five pieces— June Bride Sale Price \$158

\$435 3-piece, hand carved post Colonial Bedroom Set, solid mahogany, with four-post bed, dresser and chiffonier— Sale Price, \$259

\$537 Louis XVI Bedroom Suite, in finest solid mahogany, with twin beds, large dresser, 3-panel mirror dressing table and chiffonier—a wonderfully fine suite— Sale Price, five pieces, \$265

\$532 Solid Mahogany Post Colonial Suite with Twin Beds, large Dresser, Chiffonier and Dressing Table—5 pieces in all—made by one of the finest cabinet makers in America—the complete suite—not to be broken— Sale Price \$305

\$467 William and Mary—inlaid walnut bedroom suite—consists of four pieces—Dresser, Bed, Hi Boy and Desk—wonderfully matched, beautifully figured wood—a fine piece of cabinet work—the four pieces— Sale Price \$355

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EMPIRESS NEW SHOW TODAY Tyrone's Dogs & "Nector" Kelly & Drake Johnson & Crane Ching Yuen Lee Troupe and "Wine and Women" 10c

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