

PRESIDENT'S NOTE TO BERLIN

(Reprinted from the Last Edition of Yesterday's Evening Ledger)

WASHINGTON, April 20.

Following is the full text of President Wilson's note to Germany:

You are instructed to deliver to the Secretary of Foreign Affairs a communication reading as follows: I did not fail to transmit immediately, by telegraph, to my Government your Excellency's note of the 10th instant in regard to certain attacks by German submarines, and particularly in regard to the disastrous explosion which on March 24 last wrecked the French steamship Sussex in the English Channel. I have now the honor to deliver, under instructions from my Government, the following reply to your Excellency:

Information now in the possession of the Government of the United States fully establishes the facts in the case of the Sussex, and the inferences which my Government has drawn from that information it regards as confirmed by the circumstances set forth in your Excellency's note of the 10th instant. On the 24th of March, 1916, at about 2:50 o'clock in the afternoon, the unarmed steamer Sussex, with 325 or more passengers on board, among whom were a number of American citizens, was torpedoed while crossing from Folkestone to Dieppe. The Sussex had never been armed; was a vessel known to be habitually used only for the conveyance of passengers across the English Channel, and was not following the route taken by troop ships or supply ships.

The Sussex Torpedoed by a German Submarine

A careful, detailed and scrupulously impartial investigation by naval and military officers of the United States has conclusively established the fact that the Sussex was torpedoed without warning or summons to surrender and that the torpedo by which she was struck was of German manufacture.

In the view of the Government of the United States, these facts from the first made the conclusion that the torpedo was fired by a German submarine unavoidable. It now considers that conclusion substantiated by the statements of your Excellency's note. A full statement of the facts upon which the Government of the United States has based its conclusion is inclosed.

The Government of the United States, after having given careful consideration to the note of the Imperial Government of the 10th of April, regrets to state that the impression made upon it by the statements and proposals contained in that note is that the Imperial Government has failed to appreciate the gravity of the situation which has resulted, not alone from the attack on the Sussex, but from the whole method and character of submarine warfare as disclosed by the unrestrained practice of the commanders of German undersea craft during the last 12 months and more in the indiscriminate destruction of merchant vessels of all sorts, nationalities and destinations.

If the sinking of the Sussex had been an isolated case, the Government of the United States might find it possible to hope that the officer who was responsible for that act had willfully violated his orders or had been criminally negligent in taking none of the precautions they prescribed and that the ends of justice might be satisfied by imposing upon him an adequate punishment, coupled with a formal disavowal of the act and payment of a suitable indemnity by the Imperial Government. But, though the attack upon the Sussex was manifestly indefensible and caused a loss of life so tragical as to make it stand forth as one of the most terrible examples of the inhumanity of submarine warfare as the commanders of German vessels are conducting it, it unhappily does not stand alone.

Deliberate Spirit of Destruction

On the contrary, the Government of the United States is forced by recent events to conclude that it is only one instance, even though one of the most extreme and most distressing instances, of the deliberate method and spirit of indiscriminate destruction of merchant vessels of all sorts, nationalities and destinations, which have become more and more unmistakable as the activity of German undersea vessels of war has in recent months been quickened and extended.

The Imperial Government will recall that when, in February, 1915, it announced its intentions of treating the waters surrounding Great Britain and Ireland as embraced within the seat of war, and of destroying all merchant ships owned by its enemies that might be found within that zone of danger, and warned all vessels, neutral as well as belligerent, to keep out of the waters thus proscribed, or to enter them at their peril, the Government of the United States earnestly protested. It took the position that such a policy could not be pursued without constant gross and palpable violations of the accepted laws of nations, particularly if submarine craft were to be employed as its instruments, inasmuch as the rules prescribed by that law, rules founded on the principles of humanity and established for the protection of the lives of non-combatants at sea, could not in the nature of the case be observed by such vessels.

It based its protest on the ground that persons of neutral nationality and vessels of neutral ownership would be exposed to extreme and intolerable risks and that no right to close any part of the high seas could lawfully be asserted by the Imperial Government in the circumstances then existing. The law of nations in these matters, upon which the Government of the United States based that protest, is not of recent origin or founded upon merely arbitrary principles set up by convention. It is based, on the contrary, upon manifest principles of humanity, and has long been established, with the approval and by the express assent of all civilized nations.

Promise of Precautions Not Fulfilled

The Imperial Government, notwithstanding, persisted in carrying out the policy announced, expressing the hope that the dangers involved, at any rate to neutral vessels, would be reduced to a minimum by the instructions which it had issued to the commanders of its submarines, and assuring the Government of the United States that it would take every possible precaution, both to respect the rights of neutrals and to safeguard the lives of non-combatants.

In pursuance of this policy of submarine warfare against the commerce of its adversaries, thus announced and thus entered upon, despite the solemn protest of the Government of the United States, the commanders of the Imperial Government's undersea vessels have carried on practices of ruthless destruction, which have made it more and more evident, as the months have gone by, that the Imperial Government has found it impracticable to put any such restraints upon them as it had hoped and promised to put.

Again and again the Imperial Government has given its solemn assurances to the Government of the United States that at least passenger ships would not

be thus dealt with, and yet it has repeatedly permitted its undersea commanders to disregard those assurances with entire impunity. As recently as February last it gave notice that it would regard all armed merchantmen owned by its enemies as part of the armed naval forces of its adversaries, and deal with them as with men-of-war, thus, at least by implication, pledging itself to give warning to vessels which were not armed, and to accord security of life to their passengers and crews; but even this limitation their submarine commanders have recklessly ignored.

Vessels of neutral ownership, even vessels of neutral ownership bound from neutral port to neutral port, have been destroyed along with vessels of belligerent ownership in constantly increasing numbers. Sometimes the merchantmen attacked have been warned and summoned to surrender before being fired on or torpedoed; sometimes their passengers and crews have been vouchsafed the poor security of being allowed to take to the ship's boats before the ship was sent to the bottom. But again and again no warning has been given, no escape avenue to the ship's boats allowed to those on board. Great liners like the Lusitania and Arabic and mere passenger boats like the Sussex have been attacked without a moment's warning, often before they have even become aware that they were in the presence of an armed ship of the enemy, and the lives of non-combatants, passengers and crew have been destroyed wholesale, and in a manner which the Government of the United States cannot but regard as wanton and without the slightest color of justification. No limit of any kind has, in fact, been set to the indiscriminate pursuit and destruction of merchantmen of all kinds and nationalities within the waters which the Imperial Government has chosen to designate as lying within the seat of war. The roll of Americans who have lost their lives upon ships thus attacked and destroyed has grown, month by month, until the ominous toll has mounted into the hundreds.

Patience of the United States at an End

The Government of the United States has been very patient. At every stage of this distressing experience of tragedy after tragedy it has sought to be governed by the most thoughtful consideration of the extraordinary circumstances of an unprecedented war and to be guided by sentiments of very genuine friendship for the people and Government of Germany. It has accepted the successive explanations and assurances of the Imperial Government as, of course, given in entire sincerity and good faith, and has hoped, even against hope, that it would prove to be possible for the Imperial Government so to order and control the acts of its naval commanders as to square its policy with the recognized principles of humanity as embodied in the law of nations. It has made every allowance for unprecedented conditions, and has been willing to wait until the facts became unmistakable and were susceptible of only one interpretation.

It now owes it to a just regard for its own rights to say to the Imperial Government that that time has come. It has become painfully evident to it that the position which it took at the very outset is inevitable, namely, the use of submarines for the destruction of an enemy's commerce, is, of necessity, because of the very character of the vessels employed and the very methods of attack which their employment, of course, involves, utterly incompatible with the principles of humanity, the long-established and incontrovertible rights of neutrals and the sacred immunities of non-combatants.

If it is still the purpose of the Imperial Government to prosecute relentless and indiscriminate warfare against vessels of commerce by the use of submarines without regard to what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue.

Unless the Imperial Government should now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight-carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether. This action the Government of the United States contemplates with the greatest reluctance, but feels constrained to take in behalf of humanity and the rights of neutral nations.

APPENDIX SHOWS SUSSEX HIT WITHOUT WARNING

The appendix to the note, under the caption, "Statement of Facts in Sussex Case Accompanying Note to German Government of April 18, 1916," follows:

The French Channel steamer Sussex, employed regularly in passenger service between the ports of Folkestone, England, and Dieppe, France, as it had been for years (French Foreign Office), left Folkestone for Dieppe at 1:25 p. m., March 24, 1916, with 325 or more passengers and a crew of 53 men. (Declaration of Captain Mouffett, Rear Admiral Grasset's report.) The passengers, among whom were about 25 American citizens (telegram London Embassy, March 25, and Paris Embassy, March 26 and 28), were of several nationalities and many of them were women and children, and nearly half of them subjects of neutral States. (Report of Commander Sayles and Lieutenant Smith; Rear Admiral Grasset's report.) The Sussex carried no armament. (French Foreign Office; report of Commander Sayles and Lieutenant Smith; affidavits of American passengers) has never been employed as a troop ship, and was following a route not used for transporting troops from Great Britain to France. (British Admiralty statement; French Foreign Office.)

STEAMED SOUTH ON SMOOTH SEA. The steamer proceeded on its course almost due south after passing Dungeness. (Declaration of Captain Mouffett.) The weather was clear and the sea smooth. (Affidavits of Edna Hale, John H. Hearley, Gertrude W. Warren.) At 2:50 p. m., when the Sussex was about 13 miles from Dungeness (Declaration of Captain Mouffett), the captain of the vessel, who was

on the bridge, saw about 150 meters from the ship, on the port side, the wake of a torpedo. (Declaration of Captain Mouffett.) It was also seen very clearly by the first officer and the boatswain, who were with the captain on the bridge. (Report of Rear Admiral Grasset.)

Immediately the captain gave orders to port the helm and stop the starboard engine (declaration of Captain Mouffett), the purpose being to swing the vessel to starboard so as to dodge the torpedo by allowing it to pass along the port bow on a line converging with the altered course of the steamer. Before, however, the vessel could be turned far enough to avoid crossing the course of the torpedo, the latter struck the hull at an angle a short distance forward of the bridge, exploded, destroyed the entire forward part of the steamer as far back as the first watertight bulkhead, carried away the foremast with the wireless antennae and

killed or injured about 50 of the persons on board. (Declaration of Captain Mouffett; report of Rear Admiral Grasset; deposition of Henry S. Beer.) At the time no other vessel was in sight. (Affidavits of Samuel F. Bemis, T. W. Culbertson, John H. Hearley and others.) The approach of the torpedo was witnessed by several other persons on the vessel. (Affidavits of Samuel F. Bemis, Henry S. Beer, Gertrude W. Warren.) One of these, an American citizen named Henry S. Beer, was leaning on the port rail, about 10 feet behind the bridge and gazing seaward when he saw the approaching torpedo about 100 yards away, and exclaimed to his wife and companion, "A torpedo!" Immediately following his exclamation the missile struck the vessel. (Depositions of Henry S. Beer and Mrs. Henry S. Beer.)

SHARP CHANGE IN COURSE. In further corroboration of the fact that the captain saw the torpedo coming toward the vessel is the sworn statement of the engineers on duty that the order to port the helm and to stop the starboard engine was received and obeyed. (Report of Admiral Grasset.) No reasonable explanation can be given for this unusual order other than that the captain saw something which caused him to change his course sharply to starboard.

In addition to this evidence, which would in itself appear to be conclusive, that the agent of destruction was a torpedo is that of Lieutenant Smith, United States Navy, attached to the American Embassy at Paris, who, accompanied by Major Logan, United States Army, of the Embassy, went to Boulogne, inspected the hull of the Sussex and personally found beneath the mass of water-soaked debris of the wreck 15 pieces of metal, which they retained in their possession, as they did not believe the pieces formed part of the vessel.

The inspection of the hull disclosed that the vessel was wrecked by an external explosion, the boilers being intact, and that a short distance forward of the bridge was a large dent, showing that the vessel had been struck by a mine. The direction of impact being from abaft the beam along a line at an acute angle with the keel of the vessel. (Report of Lieutenant Smith, cabled April 1.) This evidence coincides with and corroborates the statement that the vessel was swinging to starboard and away from the torpedo when struck.

The pieces of metal which the American officers had collected were compared by Lieutenant Smith, Lieutenant Commander Sayles and Major Logan with mines and plans of mines in possession of the French naval authorities at Boulogne, Rochefort and Toulon, and British naval authorities at Portsmouth. These officers are positive in their opinion that these pieces of metal were not parts of a mine. (Report of Lieutenant Smith, cabled April 2 and 5.)

GERMAN MARKS ON BOLTS. Among these 15 pieces of metal were two screw bolts showing the effects of an explosion which were stamped with "K" and "58" on faces of the head of one and "K" and "58" on faces of the head of the other. Examining German torpedoes in the possession of the French naval authorities at Toulon, and of the English naval authorities at Portsmouth, the American officers found that identical screws with the letter "K" and a number were employed to fasten the "warhead" (kopf) to the air chamber. (Lieutenant

Smith's reports, cabled April 2, 3 and 13.) The screws used in French and English torpedoes have no markings, and are of a slightly different size. (Same reports.) Furthermore, the American officers were able by comparison and close examination to positively identify and locate all the remaining 13 pieces of metal as parts of a German torpedo, as follows:

- Fragment 9, part of inner seat of water relief valve of engine valve.
- Fragments 4 and 5, punto bands of engine room casing.
- Fragments 6 to 10 inclusive and 13, parts of engine cylinders.
- Fragments 11, 12, 14, 15 parts of steel warhead still bearing the distinctive red paint common to German torpedo warheads. (Report of Lieutenant Smith, cabled April 5.)

In view of these authenticated facts there can be no reasonable doubt that the Sussex was torpedoed and that the torpedo was of German manufacture. As no vessel was seen by any person on the Sussex, the conclusion is irresistible that the torpedo was launched without warning from a submarine which was submerged at the time of the attack and remained beneath the surface after the explosion.

The conclusion thus reaches from the evidence (the affidavits being those of American citizens) collected by the Department of State is substantiated by the statement in the Imperial Government's note of April 10, 1916. According to those statements:

- (a) A German submarine torpedoed a steamer 1 1/2 miles southeast of Bull Rock Bank.
- (b) The attack took place at 2:55 o'clock p. m., Central European time. [Department's comment: It is probable that the Central European time would correspond to 2:55 p. m. Western European time. The time of the striking of the torpedo, according to the captain of the Sussex, and the stopping of the clocks on board the vessel, was 2:50 p. m. Western time.]
- (c) The torpedo, when it struck, caused an explosion which tore away the whole foremast up to the bridge.
- (d) The German submarine was submerged when the torpedo was launched,

and there is no statement that it came to the surface after the attack. [Department's comment—The conclusion was reached that the submarine was submerged from the fact that no one on the Sussex saw a submarine though the weather was fine.] (e) No warning was given and no attempt was made to give one, since it is not mentioned. [Department's comment—The evidence collected shows affirmatively no warning was given.] (f) A sketch by the submarine commander of the steamer, which he torpedoed, does not agree with a photograph of the Sussex in the London Graphic. [Department's comment—This sketch was apparently made from memory of an observation of the vessel through a periscope. As the only difference noted by the commander, who relied on his memory, were the position of the smokestack and the shape of the stern, it is to be presumed the vessels were similar in other respects.] (g) No other German submarines that day attacked steamers in that locality.

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