

- bassador to Spain, 223, 224, 226-228.
- William P. Frye*, sailing vessel, 41; United States unwilling for amount of indemnity to be settled by German Prize Court, 74; case of, 175-196; United States asks damages for owners and captain, for sinking of, 175-176; reply of Germany, 176-177; sunk because of cargo of contraband wheat, 176; crew and papers taken, 176; prize proceedings to be instituted before prize court at Hamburg, 177; under Prussian-American treaties of 1799, 1828, cargo must be paid for, even if contraband, 177; American reply to German note, 178-179; objects to case being submitted to prize court, 178; destruction of vessel violation of Prussian-American treaties, 178; liability of Germany, standing of claimants, and amount of indemnity lend themselves to diplomatic negotiations, 178; question of liability already settled, 178; status of claimants and amount of indemnity only questions remaining to be settled, 178; claim under discussion does not include damages for value of cargo, 178; recognizes Germany will wish to be satisfied as to the ownership of vessel and damages sustained, 178; suggests the advisability of transferring diplomatic negotiations to Washington, 179; in view of treaty stipulations, not necessary to enter into discussion of Declaration of London, 179; German reply to American note, 179-180; Germany does not admit destruction of vessel was violation of Prussian-American treaties, 179; right to detain involves right to destroy prize, if necessary, 179-180; in international law any exercise of right of control over trade in contraband is subject to decision of prize court, 180; treaties do not mention how the compensation is to be fixed, 180; no foundation for claim of American Government unless prize court should not grant indemnity in accordance with treaty, 180; prize proceedings indispensable, 180; prize court to decide whether destruction of ship and cargo were legal, 180; simplest way for Americans interested would be to enter them in accordance with provisions of German Prize Code, 180; American reply to German note, 181-184; cannot concur in German conclusions, 181; sole question under discussion method for ascertaining amount of indemnity, 181; notes with surprise Germany desires to raise questions as to meaning and effect of treaty, 181; does not find treaty justifies sinking, and does not consider German Prize Court has jurisdiction over question of indemnity, 181; treaty provisions do not authorize destruction of, 182; facts show master of vessel was willing to throw overboard cargo, 182; Germany has admitted question of contraband does not enter into question of damages, 182; master should have been allowed to discharge cargo and vessel to proceed, 182; whether cargo was contraband or not, destruction of vessel was violation of Prussian-American treaties, 183; discussion of treaty provisions cannot be referred to German Prize Court, 183; full indemnity for destruction of vessel required, 183; real question the interpretation of the treaty, 183; decision of prize court, even as to amount of indemnity, would not be binding on United States, 184; dissents from view that there would be no foundation for claim unless prize court does not grant indemnity, 183-184; not concerned with what Germany may do as to other claims of neutrals, 184; asks Germany to reconsider subject and submit claim to diplomatic negotiations, 184; German reply, 184-187; calls attention to fact that it is not disputed by United States that neutral vessels may be sunk, 185; application of Declaration of London, 186; decision rendered August 7, 1915, by Hamburg Prize Court, 187; court decided cargo contraband, and as vessel could not be taken into port the sinking was justified, 187; court recognized validity of Prussian-American treaties by which so far as American property was concerned, Germany is liable for indemnity, 187; no data to fix damages, 187; suggests each government appoint two experts to fix damages for loss of vessel and American property in cargo, 187; expressly declares payment is not as satisfaction for violation of treaty rights but duty and policy of Germany founded on existing treaty