

Werner Horn On Trial Charged With Transporting Explosives

Destruction of Maine Bridge An Act of War, Says Counsel for German Reservist—Prisoner Lieutenant in Landwehr— Belligerent Character of Accused Open to Question

(Western Associated Press)

BANGOR, Maine, March 18.—The claim of Werner Horn that his attempt to destroy the international railway bridge at Vanceboro was an act of war, figured in the proceedings before United States Commissioner Charles H. Reid here today in connection with indictments returned against him in the Federal court at Boston charging illegal transportation of explosives from New York to Vanceboro.

Counsel for the prisoner, former Congressman H. O'Connell of Boston, announced that he would raise issue of the court's jurisdiction on the ground that as a lieutenant in the 17th Prussian regiment of the German army Horn was a government agent and that the alleged transportation of explosives was a portion of an act of war with which the state department rather than the court should settle.

It was expected that if the commissioner found sufficient cause for holding Horn he would order him committed to await a warrant for his removal to Massachusetts.

Further Proceedings Possible

Horn's counsel intimated that an adverse decision might be followed by further proceedings to prevent the prisoner's removal from the state.

At the beginning of the hearing counsel withdrew Horn's plea of not guilty and moved that he be discharged. The motion declared that Horn was a first lieutenant in the German Landwehr and that "under the laws of nations, soldiers and members of one belligerent nation may seize and destroy the property of the other belligerent nation wherever found, except in neutral territory." The motion further set forth that: "Defendant being a commissioned officer, cannot be regarded as a criminal by any neutral nations; for he is innocent of any offense against international law, even though committed against the municipal laws of the United States.

"The counts in the indictment charging the defendant with offenses which are necessarily connected with, and part of the destruction of the bridge in possession of the British government and whatever the defendant may have done in connection with damaging the bridge by improper use of United States territory does not deprive him of his belligerent character. "The counts in the indictments are

cognizable only by the law of nations and the prisoner is necessarily free from liability of punishment by the courts of the United States."

United States District Attorney F. A. Merrell contended that the motion was in no wise a plea to the jurisdiction. It was based, he said, on an assumption that Horn's offense was the blowing up of a bridge, whereas no such offense was charged. He argued that the statement made in the motion was not verified by any affidavits.

"If the facts alleged are true," he added, "they can all be shown under the plea of not guilty. All these matters should be presented under such a plea and no other way."

In speaking for the motion, J. F. O'Connell contended that because of the lack of jurisdiction the government had no right to demand a plea of any sort from Horn.

The Weather

The weather in Manitoba has been clear and moderately cold. In Saskatchewan and Alberta mostly clear and mild.

FORECAST

Manitoba and Saskatchewan—Fair and a little colder today and Friday.
Alberta—Fair and mild.

WEATHER REPORTS

Stations	High	Low
EDMONTON, fair	48	28
Calgary, cloudy	54	28
Medicine Hat, fair	41	26
Battleford, cloudy	40	20
Swift Current, fair	46	24
Moose Jaw, cloudy	44	23
Prince Albert, fair	52	28
Regina, cloudy	38	14
Qu'Appelle, cloudy	38	22
Minneapolis, clear	36	16
Winnipeg, clear	36	14
Port Arthur, fair	34	18
Kamloops, fair	64	42
Peterson	54	21
Grand Forks	61	33
Nelson	51	30

NORTHERN TEMPERATURES

Stations	Lowest
Athabasca, south wind, light snowfall	34
Sartridge, east wind, cloudy	20
Mirror Landing, cloudy, calm	26
Grand, east wind, clear	26
Peace River Crossing, clear, calm	27
Van Horn, part cloudy, calm	26
Dunvegan, part cloudy, calm	28
Swift River, cloudy, calm	23
Lake Saskatoon, cloudy, calm	43
Grande Prairie, cloudy, calm	24
Peace Coups, cloudy, calm	44
Kan. St. alm, cloudy, calm	36