

Office:  
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Dresden A.  
Telephone  
1755.

# The Daily Record

and THE DRESDEN DAILY.

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## GERMAN CRIMINAL PROCEDURE.

### A STATEMENT OF FACTS.

TO THE EDITOR OF THE DAILY RECORD.

Sir:—  
With regard to your Freiberg correspondent's account in last Thursday's *Daily Record* of my recent trial and fine for doing bodily harm to a German peasant, may I present an aspect of the case which, though chiefly of personal interest, is none the less worthy the consideration of every foreign resident in Germany? For it shows how, by the merest chance, he may at any time be subjected to the greatest indignity and suffering by that unfortunate custom of this country according to which the accused is considered guilty and treated as such during the months that may intervene before his trial.

First, I must say that, as for the incident itself, I cannot see how I could have acted otherwise than I did. The man both attempted to carry me bodily to the neighbouring town—had his hands at my throat and hit me with my own stick—before I touched him at all. If I then hit him rather hard and repeatedly, it was in fear of again feeling his hands at my throat.

My arrest followed immediately on my arrival at the Freiberg station; when I was led to the prison and, after being stripped and searched, locked in a small cell,—being refused, beyond black bread and water, any food (I had not dined or supped that day), paper and ink, and liberty to send a message, as well as any explanation of what was going to be done with me. The following two days I clamoured on every opportunity for this explanation, for the right to send a letter, for a doctor, and for better food. No attention was paid to my urgent requests until two of my friends, having heard of my arrest through a *Dienstmann*, at last managed to obtain permission to visit me. I then obtained the liberty to order my own meals and to write letters,—in German and unsealed. As your correspondent says, I was confined for 12½ days. During that time the only exercise or airing which I obtained was one hour in a small fenced area in the prison yard.

This brief statement of facts, which should be of significance to all foreigners in Germany, I have recorded simply from a sense of duty that such facts as these should be widely known. What happened to me, might happen to anyone; and had it not been for the *Dienstmann*, I probably would have spent in my bare, dim cell, living on prison fare, not 12½ days but the whole of the 90 days before the trial took place,—and perhaps the rest of my life in a lunatic asylum.

I shall be grieved if any person misunderstands the sense and purpose of this letter; for, as regards the sentence, I am uniformly assured, and I myself feel convinced, that not only was it lighter than would be passed on a foreigner in any other country, my own included, but that also it was lighter than called for by the aspect of the case as it must have appeared to the judges. With respect to the treatment, it was indeed hard. But I realise that there is no one to blame, and nothing to do except grin and bear it. It was a misfortune, and there is no place for ill-feel-

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ing or complaint on my part. Only, next time I'll think twice.

My *Lehrjahr* here in Saxony has proved so richly profitable and has been fruitful of so much kindness from all those with whom I have come in contact—including my very judges—that, if I thought this letter suggestive of the slightest lack of gratitude to, or respect for, a country and people I esteem so highly, to write it would be my last act. On the contrary, I am convinced that there is no one who will fail in the end to appreciate the publication of these facts.

G. S. Scott,  
of Toronto, Canada.

Freiberg (Saxony).

The *Daily Record* does not hesitate to identify itself with that section of our correspondent's letter which deals with his treatment while awaiting trial, since we, in conformity with an overwhelming weight of public opinion, cannot but condemn the treatment of a suspect as a convicted person. This method constitutes one of the gravest defects of German criminal law, and is continually dilated upon by German publicists who are patriotic enough to see that judicial equity is one of the strongest foundations of a highly civilised State. France is another offender in the same respect, as was abundantly proved by the Steinheil case. Few foreigners will deny that on this point, at least, Great Britain sets an example which might be advantageously followed by the whole world. The basic principle of English criminal law is that a suspect is innocent till the contrary is proved up to the hilt. Detention anterior to trial is accordingly made as lenient as possible. We cannot too sharply condemn a system by which a prisoner before trial is treated in every way as a felon and peremptorily refused permission to communicate with his friends,—as was the case with our correspondent. Such procedure smacks of the bad old times, and should be inconceivable in the twentieth century.

## THE BUDGET CONFLICT.

### MEMORABLE DEBATE IN THE LORDS.

The amendment by which the House of Lords decline to accept or reject the much-discussed Finance Bill was proposed on Monday afternoon by Lord Lansdowne. The subsequent debate will, it is believed, last until this (Wednesday) night, when the fateful division will be taken. It is a mistake to assume

that the Bill's rejection is a foregone conclusion, although it is extremely probable. The situation is such as to admit of all manner of sensational developments, and that there is a conciliatory element in both Houses is well known. It is, therefore, still within the range of possibility that a compromise may be effected at the eleventh hour. The line of attack assumed by Lord Lansdowne, as spokesman of the Opposition, is made plain by the following special telegram received by us yesterday:—

LONDON, Tuesday.—Since the sitting at which Mr. Gladstone's Home Rule Bill was thrown out, accommodation in the Upper House has never been so severely taxed as was the case yesterday afternoon and evening, when the debate on the Finance Bill sent up from the Commons was due to commence. Peers who had not been seen in the House for half a generation were ensconced in their seats; there were solid rows of British, Irish, and Scotch peers, from whose immobile features it was impossible for the spectator to gain any idea of what was passing in their lordships' minds. The strangers' gallery and other unofficial coigns of vantage were simply packed with onlookers. In one of the private side galleries sat the King of Portugal and members of his suite.

Shortly after the Lord Chancellor had taken his seat on the Woolsack, the Earl of Crewe, on behalf of the Government, moved the second reading of the Finance Bill. His lordship simply made the motion, without delivering himself of any remarks on the merits of the measure under discussion, nor did he enter into any defence of it. Amidst vociferous cheering from the Opposition peers, Lord Lansdowne then rose and, speaking in a calm voice, introduced his famous resolution couched in the following terms:

"That this House is not justified in giving its consent to this Bill until it has been submitted to the judgment of the country."

He commenced his speech by affirming that the remarkable silence of the Earl of Crewe was eloquent of the Government's opinion that the peers had legally nothing whatsoever to do with important questions of financial reform. The issue confronting the Opposition was very simple. The Finance Bill represented a weighty legislative proposal of a kind without precedent, nothing similar to which had ever been submitted to the English people. The Government demanded that the House of Lords should endorse this Bill; but the House could not assume the responsibility of such an endorsement without convincing itself that the people really desired the Bill to become law. In the further course of his speech, Lord Lansdowne contended that the Peers had every right to reject financial proposals if the circumstances warranted it. If the present Bill became law, the nation would be compelled to annually pay its liabilities out of its reserve capital. As matters stood today, British Consuls were steadily on the decline, and English capital was being largely invested abroad. The Opposition did not feel justified in consenting to lay heavy burdens on the peoples' shoulders without first giving the people themselves a chance of affirming or negating the Bill. They (the Opposition) had fully considered the results of a rejection, and were quite prepared to meet them. The Budget in its present form was so unsound that it would not exist for six

(Continued on page 2.)

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