PRICE FIVE CENTS.

CHARLOTTE, N. C., MONDAY MORNING, MARCH 26, 1917.

FOUNDED 1869

EXECUTIVE ORDER DIRECTS RECRUITING OF NAVY TO WAR STRENGTH; NATIONAL GUARD UNITS ARE AGAIN

Fourteen Regiments Are Again in the Federal Service.

FOR POLICE PURBOSES

Many States Deemed it Necessary to Call Guardsmen Out for Purpose of Protection.

Washington, March 25-Calling into the Federal service of 14 regiments of the National Guard for police protection purposes was announced today by the War Department. The Department issued this state-

"Many States have deemed it advisable to call out the National Guard for police purposes of protection. As the necessity for such steps arises from issues which are more National than local, it has been deemed advisable by the President to call into HEAVY FIGHTING IN Federal service for the above-men-tioned purposes the following organizations of the National Guard: "Massachusetts, Second and Ninth

MAJ GEN

LEONARIT WOOD

SEVERAL SECTORS OF

Through to Petrograd.

The French forces and the Ger-

forward over a front of about two and

southwest, and Essigny-le-Grand, four

also were made south of the Oise and

Germans "according to orders" before

the British between Beaumetz and

Roisel, northeast of Peronne, but says

the Germans repulsed French attacks northeast of Soissons. For the most part, the fighting on the British end

of the line has consisted of reciprocal

There has been considerable fight-

ing in the air. The Berlin War Office

seconds the loss of 17 airplanes by the

French and British, while London re-

ports eight German machines were

driven down out of control, but ad-

to return to their base. Bombs have

been dropped from German aircraft

tions and artillery due is have been re-

ported from the Russian front, a dis-

of troops on the northern part of the

line for an effort to break through to-

Macedonia near Monastir much artil-

lery activity prevails. The usual ar-

tillery duels and small infantry ac-

tions continue in the Austro-Italian

demnity, Is Berne Report.

source of its information, but declares it is absolutely reliable, "Germany

she occupies in France, except in the

for a channel port, Calais or Dun

mining district of Briey, in exchange

and an indemnity of fifteen bil-

Germany would also offer," Mays

the newspaper, "to restore the terri-torial integrity and the sovereignty

of Belgium, on condition Belgium would not be allowed to maintain a

National Army and that Germany would be permitted to garrison

Namur, Liege and Antwerp perpetu-

Germany must be given control of the

the German Government, says the

Growing

Charlotte Must

Have More and

Better School

Facilities.

It is added by the newspaper that

restore the territory

to garrison

The Spring thaws are holding the

While only small raiding opera-

mits that four British machines failed

raiding and bombing attacks.

on Calkis and Dunkirk.

ward Petrograd

would offer to

lion francs

Berlin admits the retirement of the

"Pennsylvania, First and Third French Make Another Advance Regiments.

"Maryland, Fourth Regiment.
"District of Columbia, First Separate Battalion.
"Virginia, Second Regiment.

"Vermont, Company B. First Regi-"Connecticut, First Regiment.

"New York, Second and Seventyfirst Regiments. 'New Jersey, First and Fiftieth Regiments.

Delaware, First Battalion, First Aisne Rivers, and again the French

The following organizations which are now in the Federal service will not be mustered out:

"Thirteenth Pennsylvania, A and B Office the French troops have gushed Companies of the First Georgia.

GOVERNOR STUART CALLS GUARD OUT in the town of Castres, three miles

Six Companies Ordered on Duty miles south of St. Quentin. Gains

Sunday for the Protection of north of Soissons. Property.

Richmond, Va., March 25.—Six companies of the Virginia National Guard were ordered on duty this afernoon by Governor Henry C. Stuart for the purpose of guarding important State and municipal utilities and large munition and shipbuilding plants. The First Battalion, First Infantry and Company A. Engineers, of Richmond. and Company C. Fourth Infantry, Newport News were on duty tonight Adjutant General W. W. Sale issued instructions also for the Second Virginia Infantry to prepare to re-enter the Federal service, following orders from the War Department.

Colonel Robert F. Leedy, of Luray, commands the Second Virginia Infantry, which is composed of 15 companies, including headquarters, supply and machine gun units. The regiment is scattered through 12 cities and towns, Petersburg, Fredericksburg, Warrenton, Front Royal, Winchester. Chase City, Big Stone Gap. Roanoke, Farmville. Culpeper, Pulaski, Rad-ford and Luray. The companies ford and Luray. The companies when mustered out of the Federal service several weeks ago after eight months on the Texas border, numbered 925 men and officers. The comarmories with instructions to push recruiting energetically.

It is probable that the regiment will be mobolized here as soon as a camp THAT GERMANY WOULD can be prepared.

GERMANY ESTABLISHES **NEW BARRED ZONE**

Shipping Warned Out of Northern Arctic Ocean, Except Norwegian Waters.

Berlin, via Sayville, March 25 -- Announcement of a new barred zone in Arctic waters was made today by the Admiralty in an official statement,

which reads: Foreign Governments have been informed that in future in the district of the Northern Arctic Ocean, east of the twenty-fourth degree of eastern longitude and south of the seventyfifth degree of northern latitude, with the exception of Norwegian terri-torial waters, all ocean traffic forthwith will be opposed with all arms 'Neutral shipping plying this district do so at their own risk, but provision is made that neutral ships that are already on voyages to ports in this

Belgian railroads and ports and be favorably treated in an economic out special warning until April 5." treaty. This is not the program of pan-Germans, but the actual terms of News of the establishment of this barred zone in the waters giving active Gernicess to the Northern Russian ports newspaper. was contained in Christiania advices received March 23.

barred zone, or that desire to leave such ports, will not be attacked with-

ATTEMPT ON CAPITAL FEARED BY RUSSIANS

Petrograd, March 24, via London, March 25 (delayed).—From internal troubles and the problems of recon-struction, the attention of Russia has suddenly been diverted to a new danger which threatens from without. There now is indisputable evidence that the Germans are massing great numbers of troops along the northern front ready for an effort against Russia's Capitak .

The country has been apprised of the new menace by a series of proc-lamations from its ministers.

Northeastern and Southeastern Departments Created.

MAKES TOTAL OF

Major General Wood Transferred to Southeastern, With Headquarters in Charleston.

.Washington, March 25.-Division of the United States into six instead of the existing four military departments was announced today by the War Department. The two new departments are the Northeastern, comprising the New England States, and the Southeastern, comprising the States in the old South.

Mai. Gen. Leonard Wood is transment of the East to the new Southern Department, with headquarters at Charleston: Maj. Gen. J. Franklin Bell from the Western Department to the THE FRONT IN FRANCE Eastern Department; Maj. Gen. Hunter Liggett from the Philippines to the Western Department, and Brig. Toward St. Quentin - Ger. Clarence R. Edwards from the Canal Zone to the Northeastern Demans May Try to Break partment. Major General Barry, of the Central Department, and Major General Pershing, of the Southern Department, remain in their commands.

The changes were outlined by the mans again have been engaged in Department in the following stateheavy fighting on several sectors of

the front between the Somme and the "To facilitate decentralization command, the United States is divided made advances toward the into six military departments in place of four now existing. The new organistrongly defended town of St. Quenzations become effective May 1, 1917. According to the French War and comprise the following:

Northeastern Department. embrace the States of Maine, New Hampshire, Vermont, Massachusetts, a half miles south and southwest of Rhode Island and Connecticut. Head-St. Quentin, the new positions taking quarters at Boston. "(b) Eastern Department to em-

> brace the States of New York. New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia and the Canal Zone and the Island of Porto Rico with the islands and keys adjacent thereto. Headquarters at Governor's Island. '(c) Southeastern Department, to embrace the States of Tennessee. North Carolina, South Carolina, Georgia. Florida. Alabama and Mississippi, together with the coast defenses of New Orleans and the coast defenses of Galveston. Headquarters at Charles-

> ton, S. C. "(d) Central Department to embrace the States of Kentucky, Ohio. Michigan, Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Missouri, Kansas, Ne-braska, Wyoming and Colorado. Headquarters at Chicago. "(e) Southern Department, to em-

brace the States of Louisiana (except the coast defenses at New Orleans). Texas (except the coast defenses at several Democratic chairmen Galveston). Arkansas, Oklahoma, New patch from Petrograd says there is indisputable evidence that the Ger-Mexico and Arizona. Headquarters vote with the Republicans. In turn at Fort Sam Houston. Tex. mans are bringing up large numbers "(f) Western Department, to em-

brace the States of Washington, Oregon. Idaho, Montana, California, Nevada, Utah and the territory of Alasim. Headquarters at San Francisco. "Maj. Gen. Leonard Wood will comthe Southeastern Department

Russo-Rumanians and Teutonic Allied troops in check in Rumania. In and Maj. Gen. J. Franklin Bell will command the Eastern Department. Maj. Gen. Hunter Liggett will command the Western Department and Brig. Gen. Clarence R. Edwards will command the Northeastern Department. Brig. Gen. Edward H. Plummer will command the troops in the Panama Canal Zone. Other Depart-ment commanders will remain as at MAKE PEACE TREATY If Allowed to Retain Certain Ter-

ritory and Given Heavy In-STRONG ADDRESS BY TAFT AT NASHVILLE Berne. Switzerland, via Paris, March 25.—"If peace negotiations were begun today," says The Journal de Geneva, which does not reveal the

Says Nation' That Won't Protect Rights of Citizens Had Better Go Out of Business.

Nashville, Tenn., March 25 .- Five thousand people heard President Taft deliver a strong address here today n the interests of a World League to Enforce Peace and in explanation and ustification of the entrance of the United States into war with Germany. Throughout his address, Mr. Taft spoke of America as now at war. He said it would be the duty of the armed American ships to sink submarines at

"We cannot justify a Nation which stands up in the face of flagrant violations of its citizens' rights and re-fuses to protect those citizens," he we will not protect them. we had better go out of the governing business and confess ourselves a col ony of Germany and subject to her

RESCUED CREW OF FOUNDERED STEAMER

New York, March 25.-Captain Sytor and the crew of the Belgian freight steamship Narcis which fondered in the Atlantic Ocean March 6, while on a voyage from Baltimore to Calais. France arrived here today from Bermuda, whence they had been taken by the British steamship taken by the British steamship Tamarac, which rescued them: The Narcis, carrying a crew of 34 men, was caught in a hurricane. For three days she was in a sinking condition and virtually all hope of rescue had Two hours after the rescue the pression, but even the man who drives.

Narcis sank. been given up when the Tansarac came along.

SECRETARY DANIELS MAKES APPEAL FOR RECRUITS TO BRING STRENGTH OF THE NAVY UP TO MAXIMUM

Following the President's authorization that the enlisted strength of the Navy be recruited to 87,000 men, Secretary of the Navy Daniels is making a direct appeal to the Nation, through the press, for a quick response by young men to the President's call. Last night, The Observer received the following telegram from Secretary Daniels, which is self-

"Washington, D. C., March 25, 1917. "Managing Editor The Observer,

"Charlotte, N. C. "The President last night signed an executive order directing that the authorized enlisted strength of the Navy be increased to 87,000. He was authorized by Congress, in case of emergency, to direct such increase in enlistment. New ships and ships in reserve are being fully commissioned as rapidly as possible, and the need is imperative for a larger enlistment to man them. There has been a net increase of over 6,500 in enlistment since Congress recently authorized an increase, but many more are

"Will you not emphasize this need by giving special prominence Monday on the first page of your paper, to the President's order, and also by making an editorial appeal for new recruits for the Navy? The Navy offers exceptional advantages to young men of stuff and

ambition to serve in the first line for National defense. In this emergency you have the opportunity and the privilege of performing this public service, and I am confidently appealing to you for your cordial and helpful co-operation. "JOSEPHUS DANIELS." co-operation.

Parties in Lower House

Are Causing Leaders Concern. Trouble Is Possible Over Organization of Committees.

Washington, March 25 .- With the only a week off. Congressional leaders are here for conferences with Administration officials over the legisla-tion which will be demanded by the virtual state of war existing between the United States and Germany.

Members of the Foreign Relations and Military Committees and of the House Ways and Means Committee which frames reserve legislation, al will have important matters to dis-

cuss which Congress has been called, the question of organization is chiefly oc cupying the House leaders. Democrats and Republicans said tonight that the election of a Speaker probably would follow soon after the House was called to order, but that the organization of committees pre-sented a problem the result of which

no one could forecast. The attitude of the so-called "wet" members and of some of the Northern Democrats is giving concern to the Democrats, while the Republicans are troubled over their progressive wing. Any of these elements might easily wreck the organization plans of the majority of either side.

"Wets" Are Bitter. Feeling among Democrats over committee assignments was bitter at the close of the last Congress. The 'wets," of whom there are about 20, angered over the manner in which prohibition legislation was pushed through in the dying days of the sesdeclared that they would see displaced at this session if they had to Democratic "drys" declared openly that that any insurgent movement by "wets" would result in their mary relegation to the foot of longmittees. Discontent among Northern Democrats over Southern members holding virtually all of the committee chairmanships broke out in heated declarations that the coming session would have to see some decided changes in committee heads if Northern support was desired furth-Rumors reaching the Capital daily indicate that many of the Demo-crats will demand pledges of changes in committee heads before they will agree to caucus rules on anything except the selection of Speaker. All factions are united in their support of Speaker Clark for re-election.

In the last Congress, only one big committee appropriation was headed by a Democrat from the North, Rep-resentative Fitzgerald, of New York. Fight on Webb.

One of the biggest fights among the Democrats is expected to occur on Representative Webb, of North Carolina, former chairman of the Judiciary Committee, and leader of the

(Continued on Page Two.)

JO-JO SAYS



ferred from command of the Depart- Disgruntled Members of Big Fifty-Seven Were on Vessel Destroyed by Raider Moewe.

> Fear for Her Safety Had Been Entertained.

Newport News, Va., March 25 .convening of Congress in extra session | The British steamer Esmeraldas reported captured and sunk by the Moewe, had on board at the time 57

The Esmeraldas left here January lization. 28 for Liverpool and today was six weeks out from England on the return

Aside from the great business for safety for some time.

hich Congress has been called, the The addresses of the Americans on the Esmeraldus were not available to-Both | night, but their names follow: George H. Jolly, Dan Barrity, O. C.

Byrd, Allen Reynolds, Barney Boyle Walker Trant, Z. B. Williams, Michael Holland, W. W. Smith, Samuel Mc-Gully, William Parker, Fred Stone, William Thompson, C. L. Godsle, Thomas West, C. B. Eskay, Edward McDonald, Eugene Boykin, E. G. Earnhardt, Jesse Wallace, Rosery Ferry, John Sawyers, F. W. Carter, Ballow, Robert Smith, J. H. Martin, William M. Fitzgerald, James Morgan, Leslie Petigo, Thomas Mc-Carthy, Patrick O'Connor, Dr. John W. Brown, Sam Yudin, Charles Anderson, A. W. Sampee, H. L. Phinney, Edward Martin, Lewis Mitchell, Howard Warren, Harry Mason, ter Mason, Thomas Gardner, W. C. Smith, Thomas Durfee, Bernard Rogers, Thomas Moore, John Rone, Ed-ward Sorensen, Harry Rogers, Thomas Wheatley, James Larton, Walter W. Perkins, Paul Phillips, and William Riley. The Esmeraldas was commanded by Captain Daniels.

ADDITIONAL VESSELS DESTROYED BY MOEWE

Berlin, March 22.-Thursday, via Sayville, March 25.-An additional list of vessels captured by the German auxiliary cruiser Moewe, which recently returned to Germany from a second cruise in the Atlantic, was issued by the Admiralty today. Admiralty statement reads: "To the booty captured by the

Moewe, the following is added:

"Mount Temple, British steamer ith 7.5 centimeter gun, 9.792 tons gross with provisions, parcels and horses; Duchess of Cornwall, British sailing ship of 152 tons with King George, British steamer of 3,-852 tons gross with explosives, pro-visions and parcels; Cambrat Cambran Wange (Cambrian Range) British steamer of 4,200 tons gross, wheat and parcels; Georgia, British steamer with 12 centimeter gun, 10, 000 tons gross, with wheat, meat and Yarrowdale, British steamer of 4,600 tons gross, with ammunition, provisions and war materials; St Theodor, British steamer of 5,000 tons gross, with coal; Dramatist, British steamer of 5,400 tons gross with animunition and fruit. Nantes, French sailing ship of 2,000 gross with salt petre: Asnieres, French sailing ship of 3,100 tons gross with wheat: Hudson Maru, Japanese steamer of 3,800 tons gross with parcels; Radnorshire, British steamer with 12 centimeter guns, 4,-300 tons gross, with coffee and cocoa; Minich, British steamer of 3,800 tons gross (listed at 2.890 tons gross) with coal; Netherbyhall, British steamer of Jean, Canadian sailing ship of 215

4,400 tons gross, with rice and parcels tons gross, with sugar, Staut, Norwegian sailing ship of 2,100 tons gross, whale oil; Brecknockshire British steamer with 12 centimeter guns of 8,400 tons gross, with coal; French Prince, British steamer of 1,800 tons gross with coal; Katherina (Katherine) British steamer of 2,900 tons gross, with wheat; Rhodante (Rhodanthe), British steamer of 3,000 tons gross, in ballast; Esmaraldas (Esmeraldas), British steamer of 4,-680 tons gross, in ballast; Otaki, British steamer of 7,400 tons gross (listed at 9.575 tons gross), with 12 centimeter guns, in ballast; Demeter-ton, British steamer with 7.5 centi-meter guns, half a thousand tons gross listed at (6,048 tons gross) with food: Governor, British steamer with 12 centimeter guns of 5,500 tons gross,

Of these prizes, the British steam er Yarrowdale reached a German port such duty. December 31, 1916, with 468 prison. General (Continued on Page Two)

Maximum Personnel of 87,000 Men Directed by Executive Order to Be Enlisted-This, With Naval Construction Already Ordered, Means He Has Exercised His Full Limit of Authority as Commander-in-Chief to Prepare for War.

For the Army, Creation of Two New Military Departments Is Ordered, That Task of Organizing Whatever Army Congress May Authorize Will Be Divided Among Six Departmental Commanders Instead of Four, This Lesson Having Been Learned From Mobilization of National Guard for Service on Mexican Border Last Summer-As a Protection Against Pose sible Internal Disorders, Fourteen National Guard Units Are Called Into Federal Service for Guard Duty.

Wilson took steps today to place the In some quarters, it was suggested Nation on a war footing.

Vessel Was Long Overdue, and to full authorized war strength of 87 .- tional situation develop need for mili-000 enlisted men. Taken in connection tary operations to the South. with emergency naval construction already ordered, this means that the President has exercised the full limit Chief to prepare the Navy for war.
For the Army, the President di-rected that two new military depart-

rected that two new military depart-ments be created in the Atlantic Coast to call out the remainder of the Naregion. The order means that the task of organizing whatever Army American muleteers, according to Congress may authorize will be diofficial sources. It is supposed the Americans were taken to Germany.

The Esmeraldas left have a supposed the terest of speed and efficiency in the interest of speed and efficiency in mob- might be

The third step was to assume National duty the task of protecting American industries from domestic She was long overdue here, and disorders in the event of hostilities, ears had been entertained for her For this purpose, 11 full infantry regiments, two separate buttalions and one separate company of National Guards were called back into the Federal service to act as National police in important districts. Supplementing these troops, a regiment of Pennsylvania Guard and two companies of Infantry en route home Georgia

No Explanations Given. The President's orders were made known in terse official statements issued by both Departments. No explanation accompanied them except plants of various kinds have sought the statement that reorganization of military departments, effective May 1, was designed to facilitate decentralization of command. Follow-ing is the Executive order bringing the Navy up to war strength:

By virtue of the authority vested in the President by the act of Congress approved August 29, 1916, entitled "an act making appropriations for naval service for the fiscal year ending June 30, 1917, and for other purposes" it is hereby directed that the authorized enlisted strength of the Navy be increased to \$7,000 men. (Signed) WOODROW WILSON The Navy must enroll immediately approximately 20,000 men to reach the required strength. Secretary Daniels supplemented it tonight with per-

all over the country urging them to aid the Department in every way in their power to obtain the men. Congress to Devise System. raised. Today's action provides more elastic machinery, found necessary as great Army, whether raised as volun-

sonal telegrams to newspaper editors

universal service bill. Southeast was to distribute among enroll suitable men. three central commanders the work of mobilization in the States most of mobilization in the States most day to take further measures to con-thickly populated and from which the serve his own time for official congreatest number of soldiers must ferences in connection with the mescome. The present Eastern Depart- ent National emergency. He directed ment directed the mobilization of ap- that hereafter only conferences of the proximately 80 per cent of the 15 000 guardsmen sent to the border. With 440,000 men, the maximum au thorized strength of the National Guard, called out in addition to whatever volunteers might be summoned, the task would be too great for a single departmental organization because of the vastness of the supply problems involved

Instructions to National Guard officers, issued more than a month ago to cover any future mobilization, showed companying the request for funds tor plainly that the War Department had learned its lesson and proposed to decentralize its mobil-ation problems as far as possible. Departmental commanders will supervise the assembling expected to talk these matters over of State troops in their districts hereafter, and will take over immediately mach a decision as to the system on the call for Federal service the task of recruiting for the guard and regiments through organization of reserve battalions Wood's Transfer.

The transfer of General Wood from VIRGINIA COMPANY the Eastern to the Southeastern Department caused considerable speculation among Army officers. planation was given, and Secretary Baker declined to comment. The Eastern Department, even as it will after the new organization goes into effect, is regarded as the most important of the six because of its great economic development. As a duty at important points in and near general rule, that department falls to the city, the command of the senior Major

of his grade, General Bell, who now call of Colonel Foote, of Fort Mon-

Washington, March 25 .- President | partment, being his immediate junior. that the new Southeastern Depart-By executive order, he directed that ment might prove to be the center of the Navy be recruited without delay interest should the present interna-Indications to the south.

Indications tonight were that the Administration planned to await action by Congress before further warof his legal powers as Commander-in- like preparations are ordered. President Wilson has authority to direct that the regular Army be brought up

tional Guard and the naval militia. In designating State troops to called out, it is apparent that the War Department has carefully surveyed the field of private enterprises which which mestic disturbances. The number of troops from each State summoned to duty bears a direct relation to the nipyaren; niants industries in that State which may need military protection.

Federal Responsibility.
The President, following his conerences with Governor McCall, of Massachusetts, Friday night and yesterday with Secretary Baker, reached the conclusion that as the Federal Government is responsible for the situation which creates the danger of infrom the border for muster out, were ternal disorders, it also should assume ordered retained in the Federal the burden of providing adequate protection. Under the policy he has resolved upon and put into execution, no state or no private manufacturer will be called upon to bear the expense of military police work. Many such protection either from the Federal or State authorities, and the War Department can now decide what course to take with each such application.

Congress will be asked, it is understood, to expedite espionage legislaion in connection with this phase of the situation.

the Navy Department, it was learned that Congress also would be requested to authorize an increase yond the \$7,000 war strength limit for enlisted personnel now set. ganization of great fleets of submarine chasers will make necessary the enlisting of many thousand more men than planned for when the present act was framed. Every fighting ship now in the service or soon to be completed, could be manned with the \$7,000 jackies, but there would not be a sufficient margin to allow for the many necessary auxiliaries as well. Signed Order Saturday.

The order to recruit to war strength Congress must determine the sys- was signed by President Wilson yes-tem under which an Army is to be terday when he and Mrs. Wilson called at Secretary Daniels' office. It was not made public, however, until a result of the recent border mobili- details for carrying it into effect had zation, the enrolling and training of a been arranged. The recruiting serve ice has been running recently with teers, by conscription, or through a redoubled energy and accomplishing good results. Under the new order, The object of the creation of the however, emergency funds will be new departments of the Northeast and employed to again redouble efforts to

The President found it necessary tothat hereafter only conferences of the most pressing nature be arranged for Tomorrow he will see Vopicka, United States Minister to Rumania, Bulgaria and Servia, and leter in the week will confer with Senate and House leaders prior to the convening of the special session of Congress a week from tomorrow.

The War Department has nearly completed preparation of its appro-priation budget to be sent to the Capttol on the day Congress meets. Acvarious Army purposes will go recom-mendations for such legislation on Army organization as may have been decided upon. President Wilson is with his congressional visitors and der which he believes the Army hould be mobilized, so that bills to out his program may be prepared in advance.

TO DO POLICE DUTY

Newport News, Va., March 25,-untington Rifles, Company C Huntington Rifles, Company C, Fourth Virginia Infantry, was called out this afternoon by Adjutant Gen-

Two-thirds of the company was General of the Army available for ordered to police the waterworks and the ship yard, and the remainder General Wood is the ranking officer will be held under arms subject to