

Eleven thousand soldiers of the Metz army died in Germany from sickness and privation. Would it not have been preferable for these lives to have been immolated in effecting the sortie of the army from Metz? What sacrifice could have been more legitimate and more glorious? On the other hand, why did the marshal on the 18th of August, when resolved to return to the entrenched camp, sacrifice 12,000 men in order to hold one day longer the heights above the valley of Monvaux, a position which he must abandon the following day?

"After fighting until the 1st of September a series of battles in which 40,000 men were placed *hors de combat*, it was all the more painful to the army to remain in the most fatal inactivity from the moment of its return to Metz until the day of the final disaster. The honour of an army is symbolized in its flags, and a general's duty, if the fortune of war be against him, is to preserve his army as far as possible from the humiliation of defeat. Did Marshal Bazaine fulfil this duty? History will tell us that when he could have destroyed the flags of his army he delivered them to the enemy."

"As to the arms, report states that, if time failed the marshal to have them destroyed, he should have ordered his soldiers to break them." The report continues:—

"There is one feeling which alleviates the bitterness of the saddest positions, and this is the solicitude of a commander for his soldiers. The soldiers need to see their general, for seeing him gives them firmness and hope. Now, it is deplorable to have to say that the marshal never held any reviews and never visited any of the ambulances, while the inhabitants of Metz of all ranks vied with the military doctors in zeal and devotion in tending the sick and the wounded. One clause of the capitulation gave liberty to those officers who engaged not to serve against Germany during the remainder of the war. Why did Marshal Bazaine admit a condition which might be a cause of blamable weakness? Why did he not point out the duty of his officers in this respect?"

General Rivière's report having been brought to an end, the Duc d'Aumale ordered that the memoir written in justification of the marshal's conduct, which had been already laid before the committee on capitulations, should be read. This memoir is with a few exceptions, the reproduction of the marshal's book on the army of the Rhine. It briefly relates the battle of Forbach, quotes the despatches exchanged on the 6th and 7th of August and declares that the engagement at Saarbrück was an ill timed affair decided upon by the Emperor, who gave all the necessary orders. After having given an account of the battle of Borny, attributing to the measures taken by General Coffinière the delays which occurred in the advance of the troops on the 14th and 15th of August, the memoir relates the battles of Rezonville, Mars-la-Tour, St. Privat, and La Montagne, indicating the dispositions which had been taken by the marshal, but very briefly alluding to the points upon which the prosecution lays special stress. It goes on relating the different events which followed, but does not reply at length to the charges contained in General Rivière's report. However, in a paragraph relative to the battle fought on the 7th of October, Marshal Bazaine throws upon his lieutenants the responsibility of having badly carried out a movement, which prevented him from attempting seriously to advance on the road to Mézières. In conclusion, the Marshal states that events were

stronger than he was, but that his conscience does not reproach him with anything, and he regrets that the officers under his command have turned against him; and become adverse reporters of his conduct. This memoir proved to be briefer than had been supposed, the defence not wishing, it is said, that the marshal should exhaust the means he has at his disposal for answering the charges brought against him, and which the defence reserves in order to make use of them at a more decisive moment. When the memoir had been read, the Duc d'Aumale told the marshal to stand up. "It results," he said, "from the documents you have heard read, that you are charged with having, at Metz, on the 28th of October:—1, capitulated and given up the place without having exhausted all the means of defence you could dispose of; 2, with having signed in the open field, capitulation which resulted in our troops having to lay down their arms; 3, with not having, before treating and signing, done all that honour and duty commanded you to do. I must inform you," added the duke, "that the law gives you the right to say everything which you deem useful for your defence." The marshal bowed, not a muscle of his face moved. He left the hall in haste, like a man who is delighted to return to the solitude to which he has been accustomed for the last eighteen months.

The indictment which has so excited public attention since the opening of this grave trial may be accurately summed up as follows:—It imputates to the marshal a very great part in the responsibility for the disaster at Forbach. It is well known that General Pourcet intended to protest against the reading of that part of the indictment which is anterior to Bazaine's appointment to the chief command. We may be certain that the general, who thought it best to be silent on the subject rather than raise a premature controversy, will abandon, in his speech for the prosecution, the facts alleged against the marshal previous to the 12th of August. Otherwise there would be nothing to prevent the marshal from being called upon to answer for the doings with which public opinion reproaches him in connection with the Mexican campaign. Impartial people will certainly approve General Pourcet's scruple, and his language can but gain in authority by being freed from passion.

The indictment then charges the marshal with having sought from the first to withdraw himself from obedience to the Emperor's orders; with having marched only on the 14th of August, when he might have done so on the 13th; with not having destroyed the bridges; with having followed only one road when he might have taken four; with not having taken advantage of the success obtained on the 16th; with not having informed the Emperor of that success in time; with having falsely announced that he was marching northwards; with having sent contradictory despatches to Marshal MacMahon, the Emperor, and the Minister of War; and with having, in one word, taken measures contrary to orders received.

From September the 1st to October the 29th the report is quite as severe. It charges the marshal with having done nothing to second the efforts of the Government of National Defence; with having begun overtures for a capitulation when he had still six weeks' provisions left; with having confided to Regnier the true state of the provisions; with having deceived his lieutenants; with having been the first to leave Metz, before

even the surrender was complete, and with having deceived the army so as to allow the colours to fall into the hands of the enemy. Consequently the indictment demands that Marshal Bazaine shall be put upon his trial for transgressing two articles of the military code, both of which punish the accused with death, if he is found guilty. This indictment has already begun to fan men's passions, and it is very diversely judged. For some it is a pamphlet filled with violence; for others it is a work of patriotism, clear, ardent, conscientious. To some Bazaine already appears as the personification of treason to fatherland; in the eyes of others he is a great commander to whom fortune has proved fickle, and whom it is sought to sacrifice to national pride.

Perhaps the exact truth is to be found in the following lines of the report itself, which do not excuse the marshal, but which make of him the ambitious victim of the German Chancellor's wiles, and which, while exposing him to the severity of his countrymen, remove from his brow the foul stigma of treason:—"To sum up," says the report at the end of Chapter IV., "by informing Marshal Bazaine of the intention of the German Government to enter into negotiations with him, M. de Bismarck transforms a general into a negotiator, paralyses the army he commands, and, by prolonging preliminaries that have no issue, waits without striking a blow for the day, still unknown, when famine shall place that army at his mercy."

These lines, it is thought, exactly summarise the chancellor's diplomacy and the marshal's conduct, and in choosing an agent such as Regnier to learn when "that fatal term," as the report calls it, would arrive, M. de Bismarck gave one more proof of his infallible perspicacity. A more serious agent would have set the marshal on his guard, Regnier was nobody in his eyes, and he let his tongue wag freely in his presence. M. de Bismarck knew so well what would happen that he did not fear to run the risk of appearing ridiculous by treating with a man like Regnier. He well knew that when the piece was played out the roles would be correctly distributed; that the laughs would be on the side of the prince, and the military judges on that of the marshal.

SEVENTH DAY: MONDAY, OCT. 13TH.—COMMENCEMENT OF THE INTERROGATION.

When the court resumed its sitting on Monday, the number of persons present was greatly in excess of those who attended the trial during the last week's sittings. All the foreign military *attaches* were present. The sitting having been declared open, the names of the witnesses who have not as yet answered were called, among whom is M. Rouher.

The Duc d'Aumale then informed the court of the divisions which he intended introducing into the interrogatory of the marshal inviting the court and counsel for the defence to bring in the witnesses in groups corresponding to those divisions, reserving to himself, however, the right of making any alterations he might think necessary to elicit the truth. These divisions are as follows:—The first division will commence from the moment the marshal assumed the command; the second will relate to the military operations from the 13th to the 19th of August; the third will comprise the communications exchanged with the Emperor and the other generals; the fourth will relate to the operations from the 19th of August to the 1st September; the fifth will bear upon the defence and the provisions at Metz; the sixth upon the incidents and negotiations during September; the seventh