

municate with the Government of National Defence.

The Duc d'Aumale remarked that the only despatches sent by the marshal to that Government were those of the 15th of September and 21st October. The marshal stated in the course of the interrogatory that it was not necessary to order General Bourbaki to inform the Government of the National Defence of the situation of the army in Metz. He denied having received any communication from the Government of the National Defence. He added that in sending General Bourbaki to the Empress Regent he sent him to the only legal representative in his view of the Government of the country. Moreover, General Bourbaki knew what he had to do.

The Duc d'Aumale having said that Gen. Bourbaki communicated with the Government at Tours only on the 8th of October, Marshal Bazaine explained that he did not know that general elections had been ordered, but the president observed that the news of this event had been published in the Metz journals, to which Marshal Bazaine rejoined that he awaited an official notification of the fact.

The Duc d'Aumale then remarked that the intention manifested by the marshal of endeavouring to reach Thionville did not agree with the theory which he had broached—that after the capitulation of Sedan a sortie was impossible. The president proceeded to ask whether there did not exist a convention with the Prussians to cease all offensive action from the time of General Bourbaki's departure. Marshal Bazaine, in opposition to this view, remarked that engagements were fought subsequently—namely, in September and October. The president asked why he did not fight a serious engagement in order to support the negotiations carried on by the Government of the National Defence, of which he had cognisance. Marshal Bazaine replied that he did not undertake any important operation because he was impeded by a large number of wounded. Such a course would have necessitated his using up his army, while the enemy was being continually reinforced. He wished to preserve his army as much as possible. In reply to a question as to why, in his reply to General Stiehle on the 29th of September, he offered to capitulate, Marshal Bazaine replied that it was a trap which he laid for the enemy. In answer to more pressing questions relative to the meaning of the military convention and honours of war, Marshal Bazaine said:—"My position was unprecedented. I was, in a certain sense, my own Government. The duties of a military chief are strict when the legal Government exists, but I by no means admit that to be the case in presence of an insurrectionary Government. There was no Government then; there was nothing."

At this point of the examination a great sensation was observed in the court, which was increased by the following exclamation from the Duc d'Aumale:—"What, France then no longer existed!" Marshal Bazaine protested that his proposals, were misunderstood; by the words "to obtain neutrality for the army," he meant to obtain an armistice in order to bring about the establishment of a regular government. The president subsequently quoted words employed by Marshal Bazaine, to the effect that the army of Metz would maintain order inside the city, and he pointed out that this was an allusion to civil war. Marshal Bazaine again protested against this interpretation, and said he did not make out things to

be as serious as that. The marshal added that he did not treat M. Regnier's mission seriously. But the Duc d'Aumale pointed out that all the steps taken by the marshal at this period, his overtures, and his communications with the Germans, were most serious. He added, "When I think of that admirable army you commanded, and which you might have led to the last extremity—a French army—I hope that you weighed well all the results of the engagement which you wished to enter into with the Germans." Marshal Bazaine, in reply, reiterated that his ideas had been wrongly interpreted. The sitting was suspended amid the utmost excitement, and in consequence of Marshal Bazaine having complained of the extreme fatigue from which he suffered, it was understood that the sittings would be shortened.

On the resumption of the sitting the Duc d'Aumale ordered the statements made on the 10th of October by the commandants of the corps d'armée to be read.

Marshal Bazaine stated that although at that time no mention was made of the Regnier and Bourbaki incidents, they were known to the commandants of corps, but he thought it his duty to keep secret his negotiations with the Germans, whereupon the Duc d'Aumale said, "Then I am compelled to ask whether all your acts, all your thoughts, were for your country and your army."

Marshal Bazaine replied that they were, and that he always acted honestly and according to the dictates of his conscience.

With regard to General Boyer's journey to Versailles, the President asked whether the instructions given to that officer were really in harmony with the resolutions adopted at the Council of the 10th of October. Marshal Bazaine replied that he thought himself entitled to push forward in this matter, as it had been decided that nothing should be finally settled without the advice of his lieutenants. With regard to the journey of General Boyer to England on the 19 of October, Marshal Bazaine said he hoped the Empress would obtain the conclusion of a convention, especially if she came to Metz.

The Duc d'Aumale, reminding the prisoner of the respect due to the laws contained by implication in his military oath, asked whether he had been tenacious of observing the regulations which forbid a capitulation in the open field. Marshal Bazaine replied that those regulations were made for ordinary circumstances; the existence of an insurrectionary Government changed the state of affairs. The Duc d'Aumale insisted with great rigour upon this part of the examination, as may be seen from the following question he addressed to the marshal:—

"Do you think, then, that in the Imperial Constitution to which you had sworn obedience, and to which you at that time still thought you ought to remain faithful, there existed any clause which empowered you to treat thus and to negotiate as you did with the enemy?"

Marshal Bazaine replied, "No," and in proof of his views he adduced the fact that he pushed resistance to the last morsal of bread.

To day's examination was carried on in a very rigorous manner towards the prisoner, and on several occasions the Duc d'Aumale's questions and Marshal Bazaine's replies caused great and profound excitement in court.

ELEVENTH DAY—OCTOBER 19TH: CLOSE OF THE INTERROGATION.

The court resumed its sitting to-day, when

the Duc d'Aumale proceeded to question the prisoner with regard to the council held at the Chateau de Gramont on the 24th of September and the missions of Generals Changarnier and Cissey. The marshal stated that when he became acquainted with the rigorous terms for a capitulation exacted by the Germans a sortie was then impracticable.

He denied, moreover, having permitted information calculated, to demoralise the army to be circulated, and declared that he had always acted in a different manner.

Questioned about Article 2 of the Capitulation, Marshal Bazaine said that on the 26th of October he changed his mind as to allowing the town of Metz to be independent of his command. He was then obliged to assume the responsibility of the surrender of the town. His reason for not destroying the war material and the forts was the fear he entertained of the enemy taking revenge for such an act by other rigorous measures. A second consideration was the labour that would have been entailed by the destruction to the work being too great.

The president asked what more rigorous measures than the terms actually imposed the marshal could have expected. To this the accused replied that there existed no example of such a destruction having ever been carried out. He also thought that Metz would fall back to France.

The president then took up the question of the surrender of the flags, with regard to which the defendant replied by saying that he had given publicly and distinctly to the order Gen. Soleille to burn the flags, and that even on the 27th of October he insisted upon the execution of that order. He considered it useless to give the order in writing. All the corps commanders ought to have carried out the order without delay. He had ordered all flags to be taken to the arsenal, so that all should be destroyed and that none should be in danger of falling into the enemy's hands. The marshal denied having given orders to General Soleille on the 27th of October to preserve the flags, which were part of the inventory of the war material of the place. He added besides that the corps commanders were able to burn them, and should have done so, without his having mentioned them in the order for their transport to the arsenal. He did not mention them therein, because he feared some indiscretion being committed which might have led to complications with the Germans.

The interrogatory being terminated, the president asked Marshal Bazaine whether he wished to give any explanations about facts.

The marshal said that he would wish to have some explanations about the Council of Inquiry into the Capitulation which formed the basis of the accusation, and before which council he had been heard only once. He had complained to the minister about the book published under the title of "*Metz: the Campaign and the Negotiations*," from which the prosecution had taken the principal facts. The minister replied that no use was made of a book published anonymously. The accused complained of his memorandum having been qualified as a "memorandum written in justification of his conduct," saying that it was simply a statement of facts composed from memory without consulting any documents.

The Government commissioner then addressed several questions to the accused. He asked especially how the marshal knew, at the end of September, the residence of