

WALDERSEE'S HARD TASK.

DIFFICULTIES WHICH ALWAYS BESET THE COMMANDER-IN-CHIEF OF ALLIED FORCES.

Count von Waldersee's appointment to the supreme command of the allied forces in China is regarded with misgiving by every one who has taken the trouble to study the military history of the past, and that these misgivings are shared by the governments of the United States, Great Britain and France is demonstrated by the extreme reluctance which has characterized their consent to the Kaiser's proposal, and by the restrictions of one kind and another with which they have sought to limit the authority of the German Field Marshal.

For a command-in-chief to be effective and successful in the field it is indispensable that it should be unrestricted, unquestioned and so complete, that the generalissimo can resort to extreme measures in order to enforce his own notions of discipline and the strict and even blind obedience to his command. The very fact that certain of the allied Powers have seen fit to accompany their acquiescence to Count von Waldersee's appointment with stipulations as to the extent of his authority is certain to constitute so serious a source of embarrassment to him in the execution of his various projects that it is difficult to understand how a soldier possessed of so much experience as he should have accepted the mission. Whenever he finds it necessary to give an order to the foreign officers under his command they will consider themselves justified in delaying compliance until they have convinced themselves that the directions do not conflict with the instructions which they have received from their respective Governments or exceed the limitations of the authority confided to him by the latter. In certain cases they might consider that they had a right to refuse obedience, and any attempt on his part to enforce it would inevitably lead to a withdrawal of one or more of the allied contingents from the main body or to a full fledged battle among the relief forces.

GERMAN ARROGANCE.

Of course it is impossible to deny that Count von Waldersee, in addition to being an extremely brilliant soldier, is a diplomat of the most extraordinary tact, as those who have knowledge of the services which he rendered to his country when connected with the German Embassy in Paris after the war of 1870 will doubtless recall. But it is impossible to expect that every German officer on his staff should possess the same skill, patience and tact in dealing with foreign susceptibilities, and it is certain that no amount of expostulation on the part of the gallant Field Marshal will succeed in convincing the German officers under his command that a certain degree of elasticity in matters of discipline must be tolerated, and that there must be an entire abandonment of that affectation of superiority in matters military, and even of arrogance, which are among their most displeasing characteristics. German ideas of discipline are in many respects in complete contradiction to those in vogue in the French, the American and the English armies; and while on the one hand it is impossible to conceive of non-German troops submitting to the Teuton regulations and ethics bearing upon the subject, it is equally difficult to expect the average German officer, especially the untraveled one, to tolerate without remonstrance and tokens of disapproval the infinitely greater degree of liberty of initiative and of freedom of control to which the soldiers of the United States and Great Britain are accustomed.

The officers serving on the personal staff of the Kaiser may be credited with possessing certain courtierlike qualities of well bred courtesy and tact. Yet at St. Petersburg, at Vienna and at Rome angry stories are current to this day concerning the undisguised contempt, the sneers and even the ridicule and hilarity to which officers of high and low degree in Emperor William's suite gave expression when anything happened to go wrong at the sham fights and reviews held in honor of their master in the three capitals in question. If this, then, is the attitude of the officers of the Kaiser's own staff, men belonging to the old aristocracy and to the crack regiments of the service, how is it possible to expect anything better on the part of the German expeditionary force for China is mainly recruited?

GERMANS LACK EASTERN EXPERIENCE.

Campaigning in either Asia or Africa, against foes more or less barbarous, ignorant of the obligations of the rules of war among Christian nations or else wilfully blind to them, is so radically different from the methods of conducting hostile operations between civilized powers that it may be questioned whether Field Marshal Count von Waldersee possesses the necessary experience of the conditions that prevail in the Orient to fit him for the post of commander-in-chief of the allied forces in China. Certain it is that neither the officers nor men of the German expeditionary force, now on their way to the Far East for their first term of service in the Orient, can be compared for one moment in point of efficiency for Asiatic service to the American troops, seasoned by nearly two years of constant fighting in the Philippine Islands; to the Anglo-Indian regiments, whose superb training is due to the petty wars that are almost continually in progress in one part or another of the vast empire of Hindostan, or to the French corps, who for years

have been unceasingly engaged in battling against those Chinese pirates known as the Black Flags along the northern frontiers of Tonquin. The officers and soldiers of America, France and Great Britain, thus inured to all the peculiar conditions of Asiatic warfare, accustomed to the climate and to all the strange wiles of an Oriental foe, will naturally resent dictation coming from German commanders whose knowledge of the art of war has been derived exclusively from that obtained on European battlefields, real and mimic. In fact, the two schools of war—that is to say, the Oriental and the European—are so diametrically opposed to each other that it is impossible that their respective exponents should not become involved in more or less bitter conflict.

Add to this the fact that the political aims and ambitions of the various foreign Powers in China are by no means in unison; that Russia suspects Japan to such an extent as to insist upon limiting the number of troops which she is to be permitted to disembark on the mainland; that Japan, on her side, is determined to resist Russia's avowed designs upon Corea and Manchuria; that Germany and France are opposed to any English action in the Yangtse-Kiang Valley, and even threaten to prevent by force the landing of English troops at Shanghai, and that both the United States and England are committed to the open door policy, and to resistance of Germany's openly announced resolve to secure territorial compensation for the murder of her envoy at Peking, and you can appreciate how, with all these international jealousies and suspicions on the part of the various foreign Powers in China, there is but small prospect of any loyal concert of action, either diplomatic or military.

INSTANCES OF FORMER ALLIANCES.

I have no intention of boring the reader with any long historical disquisition in order to demonstrate the fact that joint military operations by troops of different nationalities almost inevitably result in differences, and even open conflicts, calculated to interfere with the success of the operations. Before the Turko-Russian War of 1877 had been brought to an end the Rumanians were to such an extent at daggers drawn with their Russian allies that they had to withdraw from the field, and were almost on the verge of attacking the Czar's army in the rear. The quarrels between the Prussian and Austrian commanders of the allied army in Denmark in 1864 largely contributed to the war between Prussia and Germany eighteen months later. The bitterness which even to this day prevails between France and Italy dates from the war of 1859, when the Italian commanders openly denounced Napoleon III and their French allies as having betrayed them by agreeing to the peace of Villafranca with Austria in the face of their opposition and in defiance of French pledges. If the Crimean War was prolonged for a year beyond the time needed for its conduct to a successful close it was entirely due to the almost uninterrupted succession of quarrels between the French and English commanders of the allied army, as any one may gather who takes the trouble to refer to the pages of the remarkable history of the Crimean War by Kinglake, pages that are full of the description of the difficulty of the Anglo-French generals to agree upon any kind of joint action against the Russians. The first Napoleon was almost able to convert the battles of Quatre Bras and Waterloo from defeats into glorious victories for the French, owing to the differences between the Duke of Wellington and General Blücher, and it is on record that the Duke was subsequently obliged to threaten armed action against the Prussians when the latter announced their determination during the occupation of Paris by the allies to blow up the fine Jena bridge and to destroy a number of monuments adorning the French capital. In fact, Prussian engineers were already at work mining the bridge, by Blücher's direction, when an English regiment appeared upon the scene and drove them away. The Duke of Wellington was in supreme command of the allied army of occupation in Paris, but so difficult did he find it to secure obedience to his orders on the part of the Germans and the Russians that he ultimately informed the King of Prussia and the Czar that he would be obliged to withdraw the English army from Paris and to resign the supreme command of the allied forces unless they recalled Blücher and the Russian commander. His demands were complied with, and Blücher was sent back to Germany in quasi-disgrace, after having been actually subjected to the ignominy of a threat of being court martialled unless he obeyed the orders of the Iron Duke.

Under the circumstances it will be seen that the prospects of success of Field Marshal Count von Waldersee as commander-in-chief of the allied army in China are not only far from promising, but, on the contrary, so gloomy that one cannot help thinking that his appointment must have been designed for the purpose of dimming the military reputation of the one commander of the German army who is acknowledged alike at home and abroad to be Germany's foremost master of the art of war. EX-ATTACHE.

REPARTEE.

From The Detroit Journal.

Observing the manager of the drug department, the woman accosted him in a spirit of badinage.

"I have kleptomania," she said. "What would you advise me to take?"

"The elevator, by all means!" said the manager, wittily.

"And not something just as good?" exclaimed the woman, affecting great surprise.

CHINESE LAW.

TOPSY-TURVY DECISIONS AND SENTENCES—YET THE SYSTEM AS A WHOLE IS COMMENDED.

From The Law Times.

Though a man with a sharp sword should cut one's body bit by bit, let no angry thought arise, let the mouth speak no ill word.—Fo-Sho-Hing Tsan-King.

So natural has it become to treat everything connected with the Celestial empire as either comic or semi-barbaric that the denizen of Pump Court will start and rub his eyes when he hears from the latest authority that in many respects the Chinese penal code is superior to the English system. Mr. Alabaster's work comes as a most refreshing change from the too often dry and dreary pages which the legal reviewer is commended to scan from year's end to year's end. A book which transports one from the dusty cloisters of statute and case law into an atmosphere of quaint customs and breezy anecdote, shot through and through with the golden threads of even justice, demands a broader treatment than the heading "Law Library" would warrant.

Legal practitioners are few and far between in China; in fact, it can hardly be said that there are either counsel or solicitors. A semi-official class exists who solve the more difficult forensic problems; they are called shih i. The tai shu must be a brave set of men; they qualify for drawing up petitions, but the work is fraught with danger. One poor old fellow of seventy got three years' transportation for drawing up five petitions. Advocacy is equally risky; a scholar was sentenced to two years' imprisonment and eighty blows from the heavy bamboo for trying to reduce a criminal's offence from murder to manslaughter. Chinese apathy when some villainy is being done is largely due to fear of the law, which says that "persons must not interfere unless they have a right to do so by reason of relationship."

The code is an effectual check on judicial and forensic genius. The duties of the judge are confined to determining the facts and the article of the code they agree with. Thus the sentence is fixed without variation to begin with, and any circumstances attenuating are considered by the Judicial Board at Peking, to whom the great majority of capital sentences are referred for revision every autumn. The list of those who should by right be executed is then submitted to the Emperor, who decrees their fate in a curious way. The names are written on a large sheet of paper, those being considered less guilty being placed near the corners or the centre. The Emperor then draws a vermilion circle on the paper, and those whose names are traversed by it are doomed. The rest go forward to the next list, and if they are lucky enough to escape the red for three years they are free.

CRIME AND THE FAMILY.

People who growl at having relations would not survive a week in China. There a man is blessed with ramifications of relations in every direction and when he wants to hit his enemy over the head he has to stop and consider how it will affect the vast army of kindred if the law descends upon him. He has at least half a dozen mothers to begin with; there is his father's chief wife, the wife who bore him, the other wives (if any) the mother who brought him up, the stepmother, the wife of the relative whose heir he becomes, the mother-in-law, and so on. In the five degrees of relationship there can be altogether 100 souls.

Here is a curious instance of the way the system works in the case of a parent. A father was bribed to hush up the murder of a son. Another son revealing it, the father was excused, and the wretched youth heavily sentenced for bringing his father into danger of the law. Again, a woman, tired with reaping, slipped and caused her father-in-law to hurt himself. By special favor she got off with a fine in lieu of a bambooing and three years' transportation. It is interesting to know that to kill one's mother-in-law involves a heavier penalty than to kill one's wife—"a possibly wise provision" sentimentally remarks our commentator.

The relation of master and pupil is a very important one. Thus a Chinese Squeers may not whack his scholars to death, nor is it right to knock a clumsy apprentice over among the pots and pans, and even a priest may not cast a stone at a sniggering disciple. The apprentice is free at the end of his term, but the other two relationships endure unto the end of mortal existence; possibly further, since the arm of Chinese law extends into the land of shades as we shall see later.

A lunatic may become a great nuisance to his numerous relatives by involving them in his vagaries, nor does his irresponsible condition always help him. If he drowns himself in the sacred waters of the Falace Lake or the Imperial City moat, his relatives will catch it, unless it can be proved that he fell in by accident. Lunacy is no defence, although the circumstances are carefully considered and the sentence is mitigated in proportion; but the curious effect of relationship is shown in the following case: A son, trying to prevent a lunatic brother from beating his father, accidentally killed the latter. The lunatic suffered the "lingering death" (slicing to pieces), and the other decapitation subject to His Majesty's pleasure. Guns kept handy for burglars may lead to trouble. Li Yung Ch'ing mistook his father for a night-robber and shot him; result, decapitation.

COMPLICATIONS FROM SUICIDES.

Suicides have given rise to most curious complications. A man sent his wife (manlike) to dun an elder brother for a debt. The work was thoroughly done; failing with tears and torrential abuse, she passed on to beating her head against the wall and charging him with doing it, thence to smashing his best china and strangling his children. Thereafter entered friends of the brother, who continued the process by cooking and eating his goldfish and washing them down with his solitary jar of wine. Whereat the debtor went forth and hanged himself, and the brother, being held responsible, was sentenced to strangulation. The wife escaped with a fine, but the friends paid two hundred blows apiece for their impromptu meal.

A thief who hid under a lady's couch to avoid pursuit so frightened the occupant that she promptly killed herself, for which the thief was transported for three years. The lady, as a reward for her nobility of mind, received a posthumous tablet. If a wife assists her husband to cut his throat, the law will send her after him without delay; and the unwary scion who is even hoodwinked into helping the dread mother-in-law to end her days will incur the extreme penalty of slicing to pieces. "A life for a life" is a stern principle in Chinese law, and if a father murders a whole family his innocent children may have to suffer. In grave cases of treason male relations are either de-

capitated or mutilated to prevent continuance of the family.

MODES OF PUNISHMENT.

It is interesting to learn that biting to death and burying alive are by no means the worst forms of murder; in fact, one solicitous husband who cheerfully buried his wife alive at her request because she suffered so with her corns—no doubt an aggravated complaint among Celestials—received a very mild sentence. Even a Celestial Bluebeard who drove three wives to suicide, burnt a fourth with red hot irons, and cut a steak from a fifth to eat with his wine, was legally only liable to strangulation subject to revision; so a special decree had to be issued for his immediate decapitation. Why not slicing to pieces, we wonder.

A good deal depends upon the kind of weapon used. A sharp instrument is worse than a ten-pound club, but "eye-outscoping," as *Æschylus* terms it, takes precedence of either. To butt your enemy on the nose is an assault only, but it may involve bambooing and a year's hard labor.

Punishments to fit the crimes are very carefully arranged and classified. The severest capital punishment is slicing to pieces and extinction of the family. It is called "lingering death," but in reality the third or fourth cut is made fatal. The punishment is really aimed at the offender's existence in the spirit world. In common with all Orientals, the Chinese believe that they inhabit an ethereal body after death, and that this tenement can be injured by a sharp instrument. Hence the chopping up of the physical body so injures the doppelgänger that he is unrecognizable even beyond the grave. This is a subtle refinement our criminal law has not yet attained to. The offender does not escape his posthumous disgrace by committing suicide; his corpse is sliced up just the same. When a merciful brother buried a matricide alive to evade the penalty, the court had him dug up and sliced.

The feelings of departed spirits are also considered. Mrs. Wang slew a virtuous son who expressed his disapproval of her improper tastes. Clearly the son could not wish his mother to be hanged, and so, out of respect for his feelings, she was merely sent to Tartar slavery.

It is further believed that the departed spirits subsist on the aroma of wine and pork offered by the sorrowing relatives. Hence, in order to stamp out a very pernicious entity, not only is the body sliced, but the relations, whose duty it is to sustain the spirit's life with these offerings, are executed, or, if under age, emasculated.

As a torture the only legal instruments are a kind of "boot" and a finger screw; their use is strictly regulated. Some illegal tortures are occasionally used as deterrents in cases of exceptional atrocity.

THE CODE WORKS WELL.

In spite of the evils of the "responsible" system, the complications and injustices caused by fine distinctions, relationship, etc., and some undoubted absurdities, there is much to admire in the system as a whole.

Mr. Alabaster declares that the code is "infrinitely more exact and satisfactory than our own system, and very far from being the barbarous, cruel abomination it is generally supposed to be;" it is inherently consistent, and capital sentences are in the majority of cases commuted by the process of revision described. The cases quoted will certainly not convey the impression of even-handed justice, but some of the worst in the book have purposely been selected. It is in the very effort to combine law and justice that the immense number of distinctions are drawn which, in many cases, defeat the end in view. It is in the broad results, however, that the value of a system is proved, and we have it definitely stated in this work that "there is far greater security for life and property in the majority of Chinese towns and villages than in our metropolises."

Thus we can afford to respect and even learn from Chinese law. An "evolved production of 4,000 years," it has developed slowly and steadily to suit the growing needs of the people, and it is remarkably similar to Roman law, on which our own system is based.

RUSSIA'S INJUSTICE TO FINLAND.

IGNORANCE OF THE CZAR'S ADVISERS.

Augustine Birrell, in The Contemporary.

The case for Finland on paper is irresistible; nor can I suppose it would ever have been challenged but for the fact that during the last decade or two there has appeared in Russia a race of men so honestly dominated by the unification idea as to be wholly indifferent to, and consequently almost entirely ignorant of, local traditions and history. How easy it is for politicians to remain in complete ignorance of all that concerns outlying provinces and colonies we do not need to be reminded. The things English statesmen do not know about Ireland would still fill volumes. Nor is there anything so productive of indifference, and so preservative of ignorance, as a dominating idea. Whatever feeds and fosters the idea is indeed hastily devoured and quickly assimilated, but everything which questions the idea, which seems to challenge its right to go forward, is scornfully rejected without examination. We saw this frame of mind plentifully illustrated during our late Home Rule controversy.

It is not, therefore, surprising to find that the statesmen who surround the Czar know nothing about Finnish history, and are irritated and puzzled when they hear talk of constitutions and fundamental laws. Constitution has never been a well sounding word in the ears of Russian officialdom. It is an old joke how "Combe on the Constitution of Man" never succeeded in getting into St. Petersburg.

Were the subject not so melancholy and disheartening a one, it would be amusing to comment on the total inability of the Bobrikoffs and Kuropotkins to understand the Finnish case. These gallant warriors have never learned the alphabet of constitutionalism, and they can make nothing of it whatever. Autocracy they know; it is power unlimited. How is it possible, they ask, that what is unlimited in mighty Russia can be restricted in tiny Finland? A constitution is but a ukase, and what a ukase did another ukase can undo. A fundamental law is more than these gentlemen can digest. The works of Bryce and Dicey are not upon their shelves. What they want is to increase the Russian army with Finnish conscripts, and so break down the rules that hitherto have preserved the national aspect of the Finnish army. To make the young Finnish soldier a Russian soldier, and to have thirty-six per thousand of the Finnish population under arms, instead of only nine per thousand, is what they want for their Imperial master, and when they are told that by a fundamental law of Finland the Czar of all the Russias cannot have what he wants for his own army without the consent of the Four Estates of Finland they are like to die of apoplexy. It is as if a mastedhead midshipman had demanded his writ of habeas corpus from Commander Truncheon.