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THE QUERILLA WARFARE OF THE FUTURE.

From the Pall Mall Gazette.

There are certain questions of high importance to society, which are always debated whenever they practically arise, and never settled, for the simple reason that both par-ties are in the right. Each has irrefragable arguments to effer in favor of his views, and neither can convince the other, or bring an impartial judge to his side, because their lines of reasoning never coincide or meet in some common issue on which judgment can be given. A familiar instance is to be found in the discussion, which every fresh occasion is certain to renew, on the right or wrong of martial law in the popular (not professional) sense of the phrese. Every one knows that martial law, in this country at least, is synonymous with no law at all. Every agent of power who executes its decrees on a citizen is guilty of legal crime and punishable by the regular tribusals. And every one knows, which is more seriously to the purpose, that its arbitrary character, and the inflamed state of feelings under which it is generally administered, lead to great excesses and abuses. All this is undeniably true. And yet it is equally true, on the other hand, that the right to apply it must exist, and will most certainly be resorted to whenever the authorities are convinced that a resort to it is necessary to avoid greater evils. No society, whatever its form of government, will submit to see its peace and its very existence endangered from reluctance to use summary means for its own defense. All that can really be done is, to exercise the utmost caution as to the occasion on which it must be employed and the hands to which its execution is confided. Controversy on the general subject, on bases on which the two parties are not and never can be agreed, is really

Precisely the same impossibility of solution applies to the problem which is now so vehemently, and we must say so vaguely, agitated about the so-called right of irregular resistance to invasion by regular soldiers. Civilians who take up arms for the defense of their invaded country, or of their own hearths and homes, threatened with military occupation, are patriots according to one doctrine, robbers according to another. And the two doctrines will certainly continue to prevail in contradiction to each other, without the possibility of decision between them before the tribunal of public opinion or any other tribunal, so long as the great abuse called war continues. War has its recognized code in civilized countries, and acts done within the limits of that code are sanctioned by it. Outside the limits of that code all is vague. There is neither law nor recognized morality. No one can seriously condemn the "partisan" or "freeshooter" or "guerilla" who is driven into the field either by the sense of personal injury or by love of his country, and takes the life of his uniformed opponent. No one can seriously condemn the military chief who seizes on him and puts him summarily to death. Each acts in obedience to his sense of duty; the one defends his fatherland, the other protects the lives of his soldiers. The only ready award between them is on what we may call (without disrespect) the feminine principle, though com-monly adopted in time of need by masculine reasoners also: -I am in the right in this war, you are in the wrong; therefore I may shoot at you from behind a hedge, but you may not retaliate by hanging me.

And no nation was ever so lavish of this kind of reasoning in the mouths of its chieftains as the French, who now have to pay the penalty of many a wanton indulgence in The proclamation and despatches of the First Napoleon may be consulted with advantage as a perfect manual of the audacious fallacy which proceeds on the assumption that the speaker is in the right, and therefore that ordinary rules of morality are nullified er reversed as between him and his opponent. In Calabria, the Tyrol, Spain, Russia, his ang uage was always the same; a short shrift, with as little as might be of preliminary inquiry, for the civilian who had slain or resisted a French soldier. There was no affectation of regret, no endeavor to establish the nice doctrine that a man might be a patriot, a hero, or a martyr in the eyes of his own people, and yet must be shot as a victim to the necessary law of self-defense by another people. In those resolute eyes of his they were all "brigands" alike, and their extormination was not only indispensable, but a debt due to justice. And yet, as we all know, when the tables were turned on the great conqueror, the opposite line of doc-trine was at once assumed and preached with the same absolute self-confidence. The peasantry of Champagne were urged in 1813 by the most vehement appeals of their Emperor to take up every man his musket, to throw themselves on the rear of the invader, to cut off his stragglers, to annoy him with streetfighting, to remember that every citizen in case of invasion is dispensed from the con-ventional, professional law of military men, and has to do his best or worst in defense of country and sovereign. Now the orders of Napoleon were really justifiable in both cases. In regular warfare, neither the invaded pea-sant who shoots the invading soldier not the invading officer who commands the execution of the peasant can be condemned according to any recognized principle. The only thing really noticeable is the cynical daring with which Napoleon pronounced judgment on both sides. The recently-published extracts from the last Emperor's intercepted correspondence raise a painful remicence connected with the same question. Maximilian writes to him from Mexico announcing, though with sensitive regret, the measure into which military pressure had driven him—the proclamation of death to all "guerillas," that is, bands of Mexican "patriots." They were killing his French soldiers, and from his point of view he had the right to do it; but the exercise of that right cost him his life, and, in strictness, not unrighteously.

These are commonplace maxims, doubtless—though, from the angry passion which the exploits of franc-tireurs on the one side and the retaliation exercised by German soldiers on the other excite, not only in the nations engaged in the strife, but in neutral observers also, it would seem as if they were very easily forgotten. But there is one par-ticular in which their application is, so to speak, novel, and requires very close watching from those who are clear-minded enough to see through the smoke and tumult of the hour. The two irreconcilable principles the opposition of which we have pointed out arose and have been as yet considered under the hitherto ordinary circumstances of European warfare—a relatively small number of disciplined soldiers engaged against each other on the two sides. In such a case, without pronouncing on abatract moral ques-tions, a fair arbitrator might easily say that it was best with a view to speedy peace—best with a view to humanity—that those who were paid to fight each other should be left to fight it out; and that any violent interference with their proceedings on the part of irregu-lars, whatever allowance might be made for

particular cases, must on the whole be disparticular cases, must on the whole be dis-couraged as contrary to higher interests than those of common patriotism. But it cannot be reasonably denied that modern invasion, as carried on by Germany in the present in-stance, does require to be looked at and judged from a wider view than that which has hitherto prevailed. The German army, as the admirers of the system boast, is no longer a mere army; it is an armed nation, launched in one fierce impulse against the heart of another nation. Many more than half a mil-lion of men, armed and uniformed and coming within the denomination of regular soldiers, occupy not a few fortresses and camps, but a considerable part of the surface of France. And myriads more are on their way thither. The "landwehr," in its conception strictly a defensive army or militia, is con-verted for the nonce into an invading force, and adds its multitudes to those of the first contingent. Now, under these circumstances, it is natural, at all events for the Frenchman, to say that the ordinary conditions of the problem what license is permitted to civilians against soldiers are a good deal modified. Your army, he may tell the German, is not an army in the old popular sense, but an or-ganized nation; you have the start of me, but you place me under the necessity of rousing up an unorganized nation to meet violence with violence. My franc-tireur is not a brigand and your recruit a soldier because the first is improvised for the occasion and the second has had a couple of years' drill. Neither is, in the old professional sense, a 'militaire" a member of a peculiar caste in the nation, fenced round by recognized privileges. Such, we say, might be the not unnatural reasoning of the Frenchman, were Frenchmen addicted to reasoning instead of hysterics. The terrible consequences to civilization of doctrines sanctioning a guerre a outrance are plain enough; but what shall we say of the novel organizing of military nations which suggests such doctrines?
The truly admirable and unrivalled discipline of the Prussians, the patient spirit of self-denial-for it really seems no lesswhich in the main controls their armies, may on the other hand justify for the moment on their part a claim that the privileges allowed by international usage to the professional soldier in time of war ought to be extended to their citizen soldiery also. But no one can count on the continuance of such conditions as these. And the only immediate moral to be drawn is this-Let him who disposes of so vast and anomalous a power as the German army of 1870 abridge his employment of it as much as he possibly can. Let him hold the hitherto unheard-of nature of his weapon for an additional reason for being the less exacting as to the terms on which he will sheathe it. Otherwise he provokes another Nemesis besides that which threatens

The Deaf Mute Murderer Bodiac.

the ordinary conqueror.

NEW YORK INSTITUTION FOR THE INSTRUC-TION OF THE DEAF AND DUMB, NEW YORK, Oct. 15, 1870.-To the Editor of the New York Times:—In your issue of Tuesday, October 11, you give an account, from a Poughkeepsie correspondent, of the murder of a respectable citizen of Ulster county by Levi Bodine, an uneducated deaf mute, and of the proceedings in the case had before Judge Hogeboom, at the late session of the Court of Oyer and Terminer in Kingston. The question of the moral responsibility of an uneducated person, born deaf and dumb, is one of the subtlest in metaphysics, and in every case in which it comes before the courts is a source of great perplexity. The extremely limited communication possible through any interpreter, however skilled in pantomime, and the utter ignorance of the deaf-mute of the language of the country, united with the absence of all knowledge of either human or limited large invest the sphicet with resulting divine law, invest the subject with peculiar difficulties, and it is only by ascertaining whether he has learned by any means that certain consequences will follow a given act that he can know the act is wrong. The natural resentments of an uneducated deaf-mute are, therefore, peculiarly dangerous, and it becomes the duty of every one knowing of the existence of such a person, to see that he is sent to an institution where he may be taught his relations to God and man, acquire such a knowledge of signs that he can be communicated with freely through an expert, and such a com-mand of the English language as shall render written, and if he possesses unusually quick perceptions, or some of hearing, even vocal conversation with him possible. Every State in the Union makes public provision for the education of the deaf and dumb, either in an institution of its own, or in one established in a neighboring State, and the State of New York is especially liberal in this respect, providing free admission into this institution of any deaf mute over the age of six and under the age of twenty-five, if his parents are unable to incur the expense of his board and Important as is the knowtuition. ledge of these facts to the community. I should not have troubled you with this communication but for the statement of your correspondent that the prisoner charged with the murder of Mr. Hasbrouck would, probably, be sent to this institution. To relieve the anxiety which such an announcement may have occasioned to the numerous friends of the pupils now under instruction here, it seems to me important to state that no individual accused of crime against any person or showing symptoms of insanity can by the regulations of the institution be received as an inmate. In the case of the prisoner, if the judge should see fit to confine him in some prison or reformatory in this vicinity, in the House of Refuge, for instance, I would undertake to charge myself with his education and thus make probable his restoration to the virtuous among the community.

Very truly and respectfully yours, ISAAC LEWIS PEET, Principal.

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