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A Critical Study of the Instructions for the Government of the Armies of the United States in the Field

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T H E F I E L D ,

E.C. Page, Ph.B., '89.

The many move slowly. Philosophical tenets plead long for embodiment into human action. Great reforms, pregnant with the weal of nations, not seldom drag themselves through decades with scarcely any discernible increase of power. Principles of government are made by, before they make, centuries of history.

Especially tardy is the development of any system of thought or any reform, the advancement of which is opposed to the interests, real or supposed, of influential persons and powerful nations. To this class, as a rule, belong those efforts which through ages have been made to mitigate the horrors of war. Pleas of reverence for life, respect for private property, pity for the defenceless and justice to the oppressed, have, too often, been made only to the selfishness, the avarice, the maddening ambition of men.

The history of the mitigation of war is a

part only of that general history which traces the growth of more generous impulses, broader ideas of justice, and enlarged moral sense. Whatever influences have operated to civilize nations, to humanize men, have contributed to the result thus far attained. These influences have doubtless been countless in number and vastly different in nature. It is, however, only to the more general and the more direct of these that reference can be made in this paper.

No remarkable knowledge of history is requisite to an appreciation of the fact, that, in all periods of the world's development, though more especially in the earlier historic centuries, there has been great need of ameliorating influences on war.

In ancient Greece, there seems to have been no well defined and generally accepted concept of international rights. All strangers were alike barbarians and enemies, and, with very few exceptions, ~~the~~ means resorted to for their subjugation were considered justi-

fiable. One of her greatest historians declares that "whatever is useful to king and commonwealth, is just." Prisoners were killed with little, if any scruple and private property shared the fate of public. "War was a religious institution. Defeat meant the disfavor of the gods, and to destroy those whom the Deities had deserted could constitute no offence." To enslave was to save from death, and ~~this~~ was regarded as even commendable. Palaces were burned to amuse the favorite of a king. In short, wanton destruction was the rule of war. Wheaton mentions the Spartan perfidy at Platea and the Athenian cruelty ~~at~~ at Melos, two of many similar instances which might be cited to show the savageness of Grecian warfare ¹.

Rome was crowded with captives, and her palaces were filled from the plunder of their homes. Her prisoners were made the sport of beasts, or forced to grace the triumphal march of her chieftans. In the third Punic war, she defeated Carthage, only to destroy that beautiful city. This is a striking example of

¹ Thucydides quoted by Wheaton 57
² Wheaton's Law of Nations 26-14.

her cruelty in external war; while Marius and Sulla, overcoming, proscribing and murdering furnish instances, though perhaps rather extreme, of the bloody and revengeful character of her internal strifes. Here in Rome, too, we look in vain for any considerable respect for private property, while, to a much later epoch in the history of war belongs the well settled distinction between combatants and non-combatants.

After the fall of the Roman Empire of the West, all down through and beyond the middle ages, Europe furnishes examples of needless sacrifice of life and excuseless plunder of property. The story of the campaigns of Wallenstein and Alva does not read well in the light of more modern thought, while in still later days than theirs, the rapacity of man has seriously marred the records of advancing civilization.

But the atrocities grow fewer as history grows older, and even in warlike Rome itself, there arose, or rather flourished, under the empire, a system of thought, destined to exert a powerful reformatory influence on

war.

The old jus civile was, in its administration, confined to Roman citizens. As the alien population of the city increased, however, there arose an imperative need of law for its government. At first the body of this law was made up of provisions common to the laws of the various provinces represented by the alien population, and was in consequence called the jus gentium. The praetors, in its administration, were given a wide discretionary power, and enlarged it by adding general principles drawn chiefly from the Stoic philosophy in its exposition of the Law of Nature, or of Natural Reason.

As the distinction between citizen and alien became less and less marked, more and more of the jus gentium became embodied into the jus civile.

In this manner, the students, jurists and statesmen, who in later days studied the Roman law, became familiar, as legal principles, with those enlightened conceptions of justice, which in their philosophic form have made

1 Maine's Ancient Law 45-48.

the stoic philosophy the admiration of ages.

Professors of the modified Roman law in the universities of the middle ages were frequently appointed as arbitrators between princes and nations. They naturally made the law they taught their guide in these awards.' The arbitrary will of sovereigns thus came, ^{to be replaced} in a measure, by judgment based on principles of reason and justice. From this state of things came Hugo Grotius (Groot) laying in his great work, "De Jure Belli et Pacis", the real foundation of international law, placing the reciprocal rights and duties of nations upon a systematic and philosophic basis, vastly improving the civilized world's concept of international justice and limiting, as a consequence, the legitimate field of war.

Commerce has, for the last nine or ten centuries, been a potent influence in lessening the rigor of war, and in developing respect for the rights of neutrals and for the property of private persons. The great cities of the Mediterranean, in the middle ages

Wheaton 32

struggled, we are told, for commercial rather than for territorial supremacy. Their ambition looked almost exclusively towards the profits of exchange. Protection to their goods on the seas was, therefore, a matter of fundamental importance.

As a consequence, we find in the Consolato del Mare the provision that, "Neutral property shall be exempt from capture even though found in a vessel belonging to the opposing belligerent." This safeguard to neutral property forming a part of the maritime code *of the* commerce guarding cities of the dark ages became incorporated into the general international law of a later day, and with some temporary variation has remained a general rule, and is reiterated in the declaration of Paris of 1856. In this last declaration, however, as between its signatory powers another principle is added, that of protection to an enemy's goods under a neutral flag.

The Consolato del Mare protected only property on the sea; yet as landed commerce and private wealth

increased, the need of their protection became felt in war on land. Here, as in the case of naval warfare, the interests of the many, fortunately, were ~~run~~ on the side of restriction. Commerce asserted its power and the rigors of war were diminished.

Of no minor importance in the regulation of war and the restriction of its legitimate objects of destruction, have been the establishment and growth of great thoroughly organized commonwealths, jealous of their respective rights, with treaties defining their reciprocal privileges and duties and with the recognized responsibility ~~of~~ each of defending its own from harm.

Their varied and sometimes intricate relations, their many and often ~~intricate~~ ^{valued} interests, their nearness of position and sameness of policy, while they may tend to frequency of antagonism; yet impress upon all the necessity of most clearly defining and most rigidly restricting the belligerent powers of each. Treaties containing these limiting stipulations become more and more frequent, and the art of diplomacy encroaches upon

the art of war.

These are some of the more marked influences, which, for several centuries, have improved the judgment, moulded the opinions, and altered the military customs of men. Added to these are countless examples illustrating the manner in which, independently of them all, humane impulses, noble hearted generosity, and a high sense of justice, have relieved to some extent the horrors of war. Leopold's return of generosity for generosity at Solera, Sidney's manly sacrifice at Zetphen, the mercy of Caesar, and the scrupulous restraint of Gustavus Adolphus, add to the dark history of war a fadeless lustre and make of mere heroes, men.

In the face of all that had been done, it is by no means suprising, that our government, founded as it is upon a recognition of universal rights, when standing in the midst of this advanced century, face to face with a great war, and in need of authoritative instructions to its armies, should summon to its aid a

jurist, distinguished alike for his high scholarly attainments and his deep reverence for justice; and should accept from his pen a code of rules fully in accord with the enlightened thought, the progressive humanity of the age.

Such a man was Dr. Francis Lieber, and of such a nature were the, "Instructions for the Government of the Armies of the United States in the Field", prepared by him at the request of our government, and after revision by our military authorities, officially promulgated in 1863, in the form of *A* General Order of the War Department, No. 100.

All the clauses contained in the ten sections of these instructions cannot, of course, be treated in a paper such as this. A mere recital of them all would far exceed its proper limits. In the selection of clauses and parts of clauses for review, attention has chiefly been paid to those which deal with matters as yet unsettled in international law, and those the

II.

historical development of which has seemed of more especial interest.

This code of rules though, for the most part, it deals with accepted propositions of international law; yet in the first clause of the first section, touching debatable ground, it says: "A place, district or country occupied by an enemy, stands in consequence of the occupation under the martial law of the invading or occupying army, whether any proclamation declaring martial law, or any public warning has been ^{issued} used to the inhabitants or not. Martial law is the immediate and direct effect and consequence of occupation or conquest."

The rule itself is accepted with sufficient generality; but delicate questions may easily arise on its application. If the fact of occupation is determined beyond dispute, international law is clear, the practice of nations quite uniform, and the duties and responsibilities of the parties opposed well defined; but essentially differing theories are entertained as to the source of the invader's power and widely

1. Instructions SEC I par I

differing views are held as to the extent and thoroughness of conquest necessary to constitute valid occupation.

These theories and views have, in the past, undergone marked changes and are still in a state of transition. Under the Roman practice, a district from which the armies of its sovereign were even temporarily driven passed into the hands of the invaders: as long as he retained his hold within its limits his authority was absolute. He succeeded, according to the theory of that age, to the sovereignty of the expelled ruler! An oath of allegiance to the invader's government was, long after the beginning of modern history, often required from the civil officers of occupied districts; while as late as the eighteenth century invading generals recruited armies from their inhabitants. In the latter part of the last century, however, this theory of an absolute, was replaced by that of a quasi-sovereignty in the invader or his government. The theory and the grounds on which it is based have been well expressed as follows:

Hall 394

"The power to protect is the foundation of the duty of allegiance: When, therefore, a state ceases to be able to protect a portion of its subjects, it loses its claim upon their allegiance and they x x x pass under a temporary or qualified allegiance to the conqueror."'

This theory, it is true, still makes the relation between the people of an occupied district and the occupying power, that of allegiance; but an allegiance that is qualified. The step taken in passing from the first to the second position, is from absolute and theoretically ~~perfect and permanent~~, to temporary and conditional authority. This modified authority, in the development of the theory, came to recognize the latent rights of the legitimate sovereign. Protection was, therefore, generally accorded to the permanent institutions of occupied territory, and its people were exempted from service in the invader's armies.

In our own day, still a third theory has been advanced. This differs radically from either of its predecessors. From it the idea of the invader's sov-

' Hall Int Law 397

ereignty ~~is~~ wholly omitted, and his authority is placed simply upon the ground of military necessity. His legitimate power begins and ends with that necessity.¹

Of these three theories the first is interesting only as a matter of history ; but the last two are still struggling for supremacy in international law. Differing as widely as they do concerning the source of the invader's power, it is only natural that there should spring from them equally divergent views as to the extent and degree of military mastery required to establish such power.

The great military powers of Continental Europe, holding the doctrine of substituted sovereignty, interpret the rule quoted above from the instructions strictly in favor of the invader. According to some writers, they contend that complete occupation has been effected throughout the territory comprising a whole "administrative unit" as soon as a notice of occupation has been posted anywhere within such territory; that flying columns lay the people of the district through

¹ Hall Int. Law 399-400

¹ Sir Henry Maine, Whewell Lectures

which they pass, liable to their subsequent orders, and that the invader's authority continues, even though he be temporarily expelled.'

But England and the smaller of the continental states adopt an interpretation more favorable to the inhabitants of a district claimed to be occupied. Hall declares that, along the flanks of the invader's army and in advance of his outposts, his occupation is questionable. According to this view, it is in general held that the authority of the occupying commander commences only when resistance ceases, and extends no further than he is capable of putting down resistance.

Our Instructions, after declaring as above stated that an occupied district is under martial law, define the law as that of, "Military authority executed in accordance with the laws and usages of war"² and throughout limit its exercise to the demands of military necessity. They also distinguish between such necessity, on the one hand, and military oppression on the other.

Touching the source of the invader's power,

¹ Hall 411
² Instructions Sec I par 4.

the theory upon which the instructions proceed seems very clear. Not only do they derive that power, as just stated, from military authority; but, in defining ~~it~~ or describing it, throughout the entire code, the word "sovereignty" is not once employed.

It certainly cannot be argued with force that the clause which substitutes martial law for local civil and criminal law and administration is based on the doctrine of transferred sovereignty; for the same clause limits that law to the demands of military necessity. Moreover, by the definition to which reference has already been made, that which is substituted is really the law and wages of war. This ~~is~~ not the law of a nation, but the law of nations. The clause is not, therefore, a declaration, but a denial of the invader's sovereignty.

On general principles of public law, ~~it~~ is true that this substitution does not prohibit the enactment, the administration and execution of law by the occupying power; but in the exercise of these functions of government, it does subordinate the commander and his

Walleck II 445.

country to the authority of public law. The fact of this subordination excludes the claim to sovereignty.

Although the Supreme Court of the United States in U.S. vs. Rice (4 Wheaton 246) decided in 1817, had, in accordance with the general theory, ^{which then obtained} placed the invader's authority on the ground of substituted allegiance; yet the same Court in Diekelman vs. U.S. (92 U.S. 520) decided in 1875, in harmony with the language of the Instructions, based it on military necessity alone.

The Instructions make no attempt to declare what extent or thoroughness of conquest shall constitute occupation; but simply state that: "Martial law should be less stringent in places and countries fully occupied and fairly conquered." However, this provision, the one distinguishing between military oppression and martial law and that confining such law chiefly to matters of police and the safety of the army, show clearly the intention of our government to take its stand, even in a rebellion, with those powers interpreting the rule first quoted most favorably for the inhabitants of

Instruction 245 par 5.

a country the occupation of which is claimed. In the event of a foreign invasion, it might very reasonably be expected to take a still more decided stand on the same side of the question. Although the practices of the Franco - German war offer precedents, the latest available, against such an interpretation of the similar rule in the law of nations; yet the public opinion of the world, the parent of public law, has, through the Oxford Recommendations, emphatically pronounced in its favor. This expression by publicists of many nations, combined with the endorsement of several nations themselves, has, beyond question, given the interpretation a place in the law of nations, a place, in fact, so prominent that some recent writers have pronounced it the more prevalent opinion.

The eleventh clause of section first provides not only against all cruelty and bad faith concerning engagements with the enemy during the war, but also against the breaking of stipulations made in peace, and intended to remain in force in the event of a war, and

all transactions for individual gain, all extortions and acts of private revenge.

This declaration in favor of good faith between belligerents is in accord with modern ideas of war; but it is entirely opposed to the ancient methods of procedure. Even Puffendorf argues at length in favor of deception in case of agreements not intended as a measure of terminating a war. We find him writing: "The proper use of faith is to advance peace, and, therefore, it looks like an absurdity to employ faith without the thought of restoring or preserving peace by it, and much more to make use of it to protract and carry on war rather than to put an end to it." This ^{offers} ~~appears~~ a much ~~wider~~ wider field for deception than the modern theory could sanction.

The treatment of this subject by Vattel is nearer the present position of the more advanced nations, and in clearer accord with the general spirit of the instructions.² He holds that strategems, if they do

- 1 Puffendorf's Law of Nature and Nations BK III Chap VII
- 2 Vattel's Law of Nations Chap X BK I

not involve perfidy, are warrantable and even commendable; but insists that faith must be kept when nations have entered into covenants. He urges that in the absence of this much observance of faith there could be no reliance placed on the capitulations of garrisons or arrangements for the exchange of prisoners. An exchange of prisoners may not have for its object the termination of a war; but the importance of rigidly complying with the mutual promises of such an agreement has not been lost upon modern military thought.

In depreciating the use of poison in any way as a weapon, the Instructions conform to a sentiment of long growth, which has become a fixed principle in international law. From the day when the Roman Courts^{and} rejected the offer of the physician of Phyrrus to poison his master, the better opinion has been opposed to its use, and publicists have united in condemning it.

In the spirit of modern, as contrasted with that of ancient warfare, the instructions declare that "public war is a state of armed hostility between sov-

1. Recommendations of the Oxford Convention
 Part I sec L.
 1. Geneva Convention.

foreign nations or governments!" They affirm, it is true, in accordance with the accepted doctrine in international law that: "The citizen or native of a hostile country is an enemy,⁴ one of the constituents of such hostile country;"⁵ but add a recognition of the influence which advancing civilization has had in drawing and emphasizing the distinction between a hostile nation, and the individuals of that nation, with the consequent increased protection to private unarmed persons and their property. The highest Court of our country had long before given expression to the general law upon this subject, by declaring, in the case of U.S. vs. Percheman, 7 Peters 51, that by the modern usage of nations, private property is not confiscated, nor are private rights annulled by conquest.

The code admits the right of retaliation, but confines it within narrow limits, denying the right to employ it for mere purposes of revenge.⁶ It holds that inconsiderate retaliation only aggravates the evils

1 Instructions Sec I par 20.
 2 " " " " 21
 3 " " " " 27, 28.

of war by carrying the belligerents who practice it always further and further from an observance of the regular rules of war. Jurists generally have upheld, and the practice of nations has enforced the right of limited retaliation; but the tendency is always towards closer restrictions upon a privilege so liable to the grossest abuse.

Historically, the most interesting clauses of section second are those touching the question of slavery. The brief argument presented for the freedom of former slaves, escaped into the territory held by Union arms, is an ingenious one. In substance it is that the only law governing the actions of hostile armies is that drawn from the general law of nations, that the municipal law of the territory of operations is wholly inoperative; that slavery exists by local sanction only and is condemned by the law of nations; and that in consequence, if a person held in bondage by the belligerent, escape into the territory held by the Union armies, he is, by

Instruction see II par 40-44

virtue of his entrance into such district, free.

This is, of course, a more liberal treatment of the subject of slavery than that of Grotius, who far from denying to a belligerent the right to retain as slaves those who had formerly been in bondage, asserted the right to make slaves of many who had not been such before their capture! The difference results quite naturally from more than two centuries of political and social evolution.

The third section, after briefly defining the term "deserter" and designating the punishment to be inflicted upon such an one who is captured, proceeds to an elaborate treatment of the subject of, "Prisoners of War".

"A prisoner of war", the article declares, "is a public enemy armed, or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, in the field, or in the hospital, by individual surrender or by capitulation."¹

In the enumeration of the persons liable to detention as prisoners of war, are included, among

¹ Grotius, Rights of War and Peace BK III Chap VII.
² Instructions see III par. 49.

other~~s~~, citizens accompanying the army for any purpose, including sutlers, editors and reporters, the monarch and members of the reigning family of the hostile government, and also diplomats and persons of particular use to the opposing government, as well as those not soldiers, yet particularly useful to the army in its operations. They deny the right of any belligerent to declare that every enemy, captured in arms, of an ^{levée}~~army~~ en masse, is a brigand or a bandit; but deny also the right of such an uprising by people of a territory already under military occupation by an enemy.

^{declarations and}
The rules of this section preceeding the last two mentioned just above, are, for the most part, well settled in international law; but these two have long been, the one in its terms, the other in its interpretation, subjects of controversy. Russia, Prussia, and such other great states of continental Europe, whose policy it is to maintain large standing armies, are severe in their treatment of those constituting a levée en masse. England and the smaller countries of the continent, however,

^{Instructions see III. pars 2}

depending largely upon their militia forces for defence, favor such uprisings. The fact that delicate and difficult questions might group themselves around the interpretation to be placed upon the term "occupation" has already been touched upon in the review of the first section of the Instructions.

The question of hostages, is, as might be expected, very briefly treated.² The practice of demanding and delivering hostages, so familiar to the student of history and of classical literature, is rapidly falling into disuse. It belongs more to the records than to the rules of war.

The provisions against the punishment of prisoners of war, as such, are declarations of well established principles of public law and agree substantially with Vattel.¹ The Instructions against the enslavement of prisoners, ^{are} however, more generally than those of the great jurist; although he, in the forefront of the thought of his age, exerted his powerful influence against the

¹ Vattel, Chap VIII sec, 149, 150, BR III.

¹ Instructions sec, III par 75.

² Instructions " " " 54

assumption of such a right, confined its exercise to narrow limits, and scornfully refused to attempt its justification. The right to enslave prisoners is, however, one which public law no longer allows to belligerents.

The use of the enemy's uniform without some distinguishing mark, and the use of his colors are reprobated in the strongest terms; the former being declared to deprive the offender of right to quarter, and the latter to place him outside the protection of the rules of war. These clauses mark an improvement which modern times have made upon the usages and the law of war. Grotius, despite his general high sense of justice, goes so far as to attempt a justification of their use upon the ground of principle.² He argues that the wearing of a particular uniform by an army is a matter depending alone upon the will of particular commanders of nations, rather than on the consensus of civilized nations and, therefore, not binding on the latter. In our age, however, the wearing

¹ Instructions see, III p. 63 -
² Grotius, Rights of War and Peace, BK III Chap I

of some uniform or its equivalent is a requirement of public law; moreover, the uniform and colors adopted by all leading nations, being a matter of familiar knowledge in military circles, and being recognized as the distinctive badges of their respective nationalities, it might well be urged that, to-day, there is a general presumption, that, in warlike operations, each nation will employ only its own appropriate colors and uniforms. Sections fourth, fifth, sixth and seventh contain, in general, rules based on accepted principles of public law. The matter of war traitors and that of war rebels, would, however, in case of a long war, probably lead to serious embarrassments. The question already discussed, of the extent of country over which the jurisdiction of the invading commander extends and his ability to enforce that jurisdiction, would almost necessarily arise in such a case, made doubtful by the invader's weakness.

If our country were at war with a foreign invader, it would in all probability give to these par-

particular rules a very liberal interpretation in favor of the inhabitants of a district, said to be occupied, who should rise in loyalty to itself against such foreign foe. This would arise, of course, from self interest, but would be supported by formidable precedents; by the well nigh uniform custom of nations, in construing debatable principles of international law most favorably to their own interests. This observation finds an interesting confirmation in the long contended matter of the liability to, or immunity, partial or complete, from capture, of private property on the high seas.

In section eight the Instructions deal, with some considerable attention to detail, with the subjects of armistice and capitulation. The most of these clauses contain statements of public law open to but little question among jurists. It is asserted, in the Instructions, to be settled law, that when besiegers and besieged conclude an armistice, the former must cease to advance his lines and erect works. They, however, call attention to the prevailing difference of opinion as to the duty

of the besieged to refrain from erecting works not possible of erection were the siege to continue unabated. They recommend that, owing to this uncertainty, an understanding as to the matter shall be made a part of the armistice.²

This has long been a vexing question in international law. Vattel is inclined to the opinion that the besieged are not entitled to repair breaches or erect works, the repair or erection of which would have been prevented by a continuation of the siege.¹ This ^{position} ~~condition~~ would seem to be consistent with the ^{condition} ~~position~~ on which an armistice is generally supposed to be granted,³ the condition that, at its conclusion, both parties are to stand, as nearly as possible, in the same situation as when it took effect.

Section nine contains a brief but emphatic denunciation of decrees of international outlawry or attempts of any kind at assassination. Happily this clause was not at the time of its publication so essential as it would have been to an ancient code of military instructions presuming to stand for an enlarged sense

¹ Vattel Chap. XVI see 246. BK III;

² Instruction see VIII par 143

of humanity. The tendency of modern thought, terminating in the Oxford Recommendations of 1880, is to confine military operations to those which directly weaken the enemy's military strength, and to "armed forces" only. It is very probable that, among enlightened nations in the future, the war assassin will be little more than a thing of history.

On the subjects of civil war and rebellion treated in the tenth section, Vattel had a century before laid down principles still recognized as fundamental and authoritative; he says: "A civil war breaks the bonds of society between the contending parties and suspends their force and effect. Each regards the other as an enemy and they admit no common judge. They stand in the same predicament as two nations at war. This being the case, it is very evident that the common laws of war ought to be ^{adopted} ~~abolished~~ by both in every civil war."

According to the definition contained in this section of the instructions, our late struggle not being a contest between two contending parties, each of which claimed to

1 Vattel Chap XVIII see 293. BK. III

be the legitimate government, was not a civil war; but being a conflict between the legitimate government and parties claiming the establishment of an independent government, was a rebellion. The principle, however, above quoted from the distinguished jurist, is equally applicable to either, as in the nature of things, they admit no common judge.

Our government, however, in the instructions took care to provide that the adoption of the rules of war toward those in rebellion is not to be construed on any recognition of their government, and that neutrals ought not so to construe it!

Vattel and the articles alike assert the right of the legitimate government, after subduing those in rebellion, to except the leaders from a general amnesty, and bring them to trial and punishment.² This however, is a right which our country, in the particular struggle, did little more than to assert.

The Instructions empower a discrimination

¹ *Prætorius, de Juris*

² *Vattel Chap XVII § 294 BK III*

between loyal and disloyal citizens of the theatre of operations in the distribution of the burdens of war, and ~~then~~ close with the significant clause: "Armed or unarmed resistance by citizens of the United States, against the lawful movements of their troops, is levying war against the United States and is therefore treason."

This code of rules, though promulgated in the heat of a gigantic struggle, involving the very life of the American government as a whole, a struggle intensified by a half a century's bitter sectional controversy, is yet characterized, as a whole, by a spirit of liberal justice and considerate humanity. Like the Declaration of Paris which preceded it by a few years, and the Convention of Geneva and Declaration of St. Petersburg which followed close upon it, it is, though treating of different particular subjects, marked by a deep respect for the generally accepted principles of public law; by an earnest desire to strip war of its needless horrors and to confine the, at present, necessary evil, closely within the field of its legitimate operations.. It is worthy the

age, the country and the genius that produced it. It has been made the basis of Bluntschli's great work,¹ and its influence has been felt in framing the recommendations of the Oxford Convention.² It places a great and growing nation emphatically on record as a friend of advanced thought, an advocate of humane measures and a defender of international faith.

¹ *Davis Int Law* 998.

² Not a part of *Int. Law* as yet, but a noteworthy expression of opinion by distinguished jurists.

