

# BELGIUM UNDER THE GERMAN OCCUPATION.

## A PERSONAL NARRATIVE 1

### Chapter LXII. The judiciary (Organization UNDER the General Government).

" *C'est ignoble !* " said de Leval as we walked down the Boulevard de Waterloo one winter afternoon. We were looking at the Palais de Justice — that immense Graeco-Roman pile, the conception of the Belgian architect Poelaert, dominating the whole city there on its hill. It heaved its enormous bulk, impressive in its mere mass, into the low wintry sky, and against the sharp contrasts of the frosty white and the weather-blackened blocks of its stone the German flag set its black, white, and red at the pediment of the vast portico. All around the *terrasse* and the ramp sand-bags were piled, and at the four corners — grim pendants of the statues of Justice, Law, Force, and Royal Clemence which upheld the lofty dome — great cannons thrust their ugly mouths out over the city. All about were soldiers ; hundreds were quartered there, even in the Chamber of the Court of Cassation, which smelled to heaven of their moral, and stank of their physical, presence. And when the judges of the supreme court of the nation entered the building they must reach their chambers and the advocates the court-rooms by the back stairs, where the janitors clattered with their brooms and mops ; the grand stairway and the lifts were reserved for the use of Germans.

But though they had transformed the Palais de Justice into a barracks, the Germans, as enjoined by The Hague Conventions, for a while respected, at least in principle, the civil and criminal jurisdiction of the Belgian courts. Civil causes between Belgians were tried before Belgian judges and Belgian juries ; Belgians violating Belgian laws were tried before Belgian judges, who applied the Belgian laws in the name of King Albert. In theory foreigners violating Belgian laws were to be tried by Belgian courts as in time of pence, but in practice if any German violated a Belgian law, or if one were sued in a Belgian court, the German authority was sure to intervene in his favour. Crime — on the part of Belgian criminals at least — diminished during the first months of the war, partly because the criminal classes, as though by some tacit understanding and perhaps touched by some latent sense of patriotism, were less active, and partly because the police did not take so many cases into court.

" *We shut our eyes to little things*", said an old *commissaire de police* to me one day. "*Many minor offences for which we used to arrest persons before the war we allow to go unnoticed ; we seem to get along about as well.*"

The number of civil causes was greatly reduced ; in the presence of the monstrous strife in the world men seemed to have grown less litigious. Many of the lawyers were away in the army or in exile, and the absence of an attorney or of a party was agreed to be a ground of postponement ; the lawyers themselves added a new section to their code of etiquette and refused to take the places of their colleagues who were away. The attitude of the Belgian Bar, indeed, was worthy of the best traditions of the profession ; its members refused, all of them, to accept retainers or fees for appearing in the defence of their countrymen before the German military courts, and to the common enemy they opposed a resistance as heroic as that which their fellow-patriots in

arms opposed at Liège, or at Dixmude, or along the Yser. In an hour of the utmost gravity for humanity the Bar of Belgium, as the Bar generally in enlightened and liberal lands has always done, stood boldly forth as the champion of the liberties of mankind.

Their spirit, like their ideal, was bodied forth in the person of their acknowledged leader, Maître Léon Théodor, *Bâtonnier de l'Ordre des Avocats*. The Bar in Belgium is more closely organized than it is with us. *L'Ordre des Avocats* is something more official than our Bar associations ; it is, in fact, a corporation dating from olden times — a kind of guild, exclusive, proud, and jealous of its privileges and prerogatives. It disciplines its own members, lays down the rules for their conduct, and officially prescribes the ethics of the profession and the rules for admission to the Bar ; its Bâtonnier, elected every year, is the titular head of the profession. When the rights of barristers freely to defend their clients was questioned Maître Théodor did not yield, even though threatened by military force ; when the body of the legal profession. was treated by the German power with the contempt that brute force instinctively feels for reason, he rejoined with a proud and firm defiance ; when the verge of the court was trodden by soldiers he protested as against a sacrilege ; and when the Germans changed the laws of Belgium so as to load the dice in their own favour he protested again, and before the courts of the land made a brilliant plea in an effort to induce the tribunals to declare the decree illegal and of no force in Belgian law. It was a superb and spirited resistance that this slender, alert, and nervous man of distinguished presence, with white hair and closely trimmed beard and flashing eyes, opposed to the German military force.

The first of the occasions that provoked the interference of the Bâtonnier came in December 1914. A German firm had been sued in the Belgian courts, and no Belgian lawyer having been found who was willing to represent it, the Bâtonnier, in accordance with the custom under the Belgian — which is the civil — law, designated a Belgian lawyer, Maître Rahlenbeck, to appear and undertake the defence. The cause was heard by the judges and judgment rendered against the German firm, which thereupon appealed, not to the higher courts, but to the German authorities, and the *Zivilverwaltungschef*, Dr. von Sandt, wrote to Bâtonnier Théodor complaining that the lawyer assigned to represent the German firm had not done his duty. Maître Théodor instantly replied, resenting the imputation against the honour of the Bar, and his letter \* was not only a clear exposé of the duties, the responsibilities, and the privileges of advocates, but of the place and dignity of that great profession which in every crisis of the world's history has provided the most distinguished champions of political liberty.

Dr. von Sandt replied briefly disclaiming any intention to threaten the independence of the Bar \*\*, and in addition he wrote another letter addressed to Maître Rahlenbeck, forwarding to him a letter from M. Temmerman, in which the latter withdrew his complaint and expressed his regret at having made it. The incident was considered closed, though it had its effect on the incidents that followed.

Whilst recognizing the Belgian courts, however, the Government of Occupation reserved to itself the power of what it called, it would seem with inaccurate nomenclature, "*extraordinary justice*", and created military tribunals with seats in the principal cities to administer it. The theory on which these courts were erected was that they were to judge only offences against the security of the German State and the German army. They judged without appeal and, of course, without juries, and rendered judgments and imposed

penalties at their will — whether deportation, imprisonment at hard labour, or death.

Military courts had sat in Belgium, indeed, almost immediately after the occupation, but it was not until February 5, 1915, that Von Bissing, in a decree defining the powers of *chefs d'arrondissements*, inserted an article — N°9 — stating that he reserved to himself the unlimited right to issue such decrees, ordinances, and orders, and to take such repressive or disciplinary measures as he chose. Under this article, on June 12, 1915, the Governor-General pretended to chalk out the jurisdiction of the German military tribunals. They were recognized as competent, in conformity with the Penal Code of the German Empire, to exercise criminal jurisdiction in cases of "*treason in time of war*" (*trahison en temps de guerre*), for all cases punishable by the law of the German Empire directed against German troops or soldiers, for all infringements of decrees of military authorities (including orders emanating from the local Kommandant), and for all infringements of edicts issued by the Governor-General, by provincial governors, by governors of fortified places, by the Governor of Brussels, and by the Kommandants of Maubeuge and the Camp of Beverloo. In cases of violations of decrees issued afterwards the authorities were to be entirely free in the choice of penalties to be applied.

Thus were erected those terrible tribunals that set at naught every principle of right and justice and liberty that had been won for mankind by the struggle during those long centuries through which Latin and Anglo-Saxon civilization with such toil had been reared. They were exceptional tribunals indeed, organized to render "*extraordinary justice*" and to apply the German laws of war. In theory they were to try persons who had committed crimes against the German State or the German army, but under the almost unlimited powers given them by the decrees that had created them they assumed jurisdiction of, and presumed to try and to punish, a thousand offences that were not envisaged either by criminal law or even by the German Military Penal Code itself. They tried men for assaulting German secret agents in civilian garb, for harbouring wounded soldiers of the Allies, for preaching patriotic sermons, for peddling prohibited newspapers, for trying to cross the frontier into Holland, for aiding or permitting and even for not having prevented men joining the Belgian army, for distributing *La Libre Belgique*, for doing the goose-step, for "*looking at a German woman insolently in the street*", for whistling "*The Lion of Flanders*", for refusing to work for the Germans, for refusing to continue the publication of a newspaper, for aiding in the work of "*Le Mot du Soldat*" (an organization that undertook merely to obtain and transmit to their families news as to the health of soldiers). In one year over six hundred thousand persons were either fined by these tribunals or condemned to prison, to deportation, or to death. The most terrible of all these exceptional tribunals, perhaps, was the one that sat at Hasselt, and the very name of the town came to bear in Belgian speech a sinister and fatal connotation.

The German military code is a complex mystery that no lawyer of the Western world, no lawyer of Latin or of Anglo-Saxon culture, would attempt to explain. The military authorities, under the vast powers conferred by the Governor-General's decree, were constantly adding to it to suit their convenience or their whims. Whenever Parliament has nothing else to do, said an English wit, it makes a new crime, and the untrammelled autocratic power in Belgium made new crimes daily, simply by posting an *affiche* beginning "*Il est défendu*", announcing thus the latest thing *verboten*. There was a new one on the walls of Brussels every morning ; the long and tragic and sometimes ridiculous series of them was unending. It was *verboten* to display the Belgian flag ; *verboten* to take photographs ; *verboten* to sell newspapers not

expressly approved by the Military Governor ; *verboten* to approach "in a suspicious manner" any railway, telegraph, or telephone line ; *verboten* to make, distribute, placard or expose any pictures not approved by the censor, or to give any theatrical representation, recitation, concert, or cinema not so approved ; *verboten* to hold open-air meetings or any assembly where political questions were discussed ; *verboten* to sell game; *verboten* — unless one were a German officer — to hunt ; *verboten* to sing or to play "*La Brabançonne*" or "*La Marseillaise*" ; *verboten* to wear or to show in public any Belgian insignia or that of any other country at war with Germany or her Allies ; *verboten* to use automobiles or bicycles without express authorization ; *verboten* to pass the frontier or to go from one town to another without a permit. These are but a few of the hundreds of prohibitions decreed by the military authority and visited, after a summary trial, by such penalties as the whims of the ruling mind of the court might decide.

Trials for treason were frequent — trials of Belgians, that is. Just how a Belgian could be guilty of treason against Germany is difficult to comprehend, but that was what the Germans called it, even though they did qualify it in the phrase *trahison de guerre* in the *affiches* that announced the judgment, often to death, of those who were guilty of this crime. For those whose legal conceptions were all Anglo-Saxon or Latin this did not throw much light on the legal mystery. To be sure, it might make little difference to the victim whether he was shot for spying or for treason, or for "*treason in time of war*" ; but to the student, who is apt to judge the cultural development of a people by its code, the distinctions are not without significance and value. There was also the practice of deporting persons as "*undesirable*" ; this was done by the secret police, without preferring charges, without trial, without judgment. A man might be going home at evening and at his door be arrested ; he might leave his house and not return nor be seen again — a few days at the Kommandantur and he would be sent to Germany. No one knew, when the door-bell rang, that it was not the *Polizei* come to ransack the house and to bear off some of its inmates.

The trials were often mere *comédies*. They were conducted in a room in the Ministère de la Marine, and in important cases in the Senate chamber before a court of high officers, with whom at times the Governor-General himself would sit. The prosecutor would bring in his evidence, sum it up, and ask for a certain penalty, which was usually accorded. The accused in many cases were allowed no counsel, and when they were, the attorneys were not permitted to see their clients before the hearing or to be informed of the charges against them. They would appear in court and do what they could, which was not much, since any vigorous defence was apt to be considered as wanting in respect to the court or to the German uniform, or some such thing.

The trial of the Count and Countess de Mérode was one such comedy. The Countess was charged with having carried letters, I believe, and she and her husband, after their palace had been rummaged by the agents of the Kommandantur, had been confined with German sentinels at her door for weeks. The name de Mérode is one of the oldest and most aristocratic in Belgium. Because of the high station of the accused the Governor-General himself came to honour with his presence the pronouncement of the judgment. The prosecutor had badgered and browbeaten all the witnesses, but, strangely enough, the court acquitted the de Mérode's unanimously. But on this General von Bissing interfered, and in a long address said that despite the imanimous acquittal it was his duty to

condemn the accused. The maximum punishment for the offence with which they were charged was death, and the minimum, confinement in a fortress, but inasmuch as de Mérode was an old name in Belgium and inasmuch as Von Bissing had been presented to the Queen of the Belgians, he would let them off ! Having thus in the space of a few minutes been acquitted, then convicted, then pardoned and set free, the distinguished prisoners thought the farce was ended ; but no, to make the vaudeville complete the Governor-General announced that he would impose a fine of three hundred francs !

These courts did not always convict ; now and then they acquitted, and perhaps at times they did do substantial justice : the reproach to be made against them is the reproach to be made against all lynch law — namely, that it is founded on no juridical right and is guided by no fixed rules or principles. No theory of evidence, for instance, was applied. Suspicion sufficed for arrest and accusation for proof ; hearsay and conclusions were admitted, and the accused forced to testify, to submit to terrible interrogatories, in prison and in court. Informers were encouraged and personal revenge thereby easily gratified. Any one with a private grudge had only to go or to send an anonymous letter to the Kommandantur ; there he would be avenged. The Countess de R— refused a beggar a pittance in the street, and the beggar denounced her, saying that she had referred to the Germans as "*pigs*". She was arrested, taken to the Kommandantur, released, and then, when she again encountered the beggar on the boulevard there was a disagreeable scene. The beggar was accompanied by an *agent provocateur* ; the *agent* had talked with a German who had a shop near by, and the shopkeeper just then ran out and cried :

"*You call me a spy, do you ? and the Germans pigs ?*"

"*I never said such a thing*", protested the Countess ; but she was again arrested.

The case was brought to the Legation, and, while we could do nothing for her, Maître de Leval, *en galant homme*, tried to aid her. He thought he had arranged it all : the judge had decided to let her go ; Von Bissing had been gracious, had heard her statement, told her she could go, had bowed and kissed her hand ; but the shopkeeper on the boulevard refused to withdraw her charge. The affair dragged on for weeks, the poor Countess half sick with worry and fear ; finally she was tried, only witnesses against her being heard, and she was fined 300 francs, and to this the Governor-General added 100 marks — so that her fine in all amounted to 425 francs.

Down in Luxembourg a boy was arrested, He was tried before a court martial, and when it was shown that he was not yet sixteen years of age he was set free because of his infancy ; but a year later, having attained the age of sixteen, he was arrested, condemned, and imprisoned for the original offence.

There was a young woman who kept a little shop in the Rue de — who was sentenced to ten days in the Kommandantur for selling picture post cards, which the Germans had forbidden — one of the very few praiseworthy things they did in Belgium. She served her time, was released, and then two days later was rearrested and sent back to prison to serve another term for the same offence.

Another dealer in such things was summoned to the Kommandantur and told that he must not sell portraits of King Albert in the uniform of a Grenadier, or of the Queen in the costume of an *ambulancière* of the Red Cross. When

asked "*Why not ?*" the Germans said that the Queen had never worn such a costume and that they could not permit any one thus to misrepresent the facts.

The *patronne* of "*Le Chien Vert*", a restaurant on the Avenue de Tervueren, had as customers one evening some German officers who, after supping, gave her a five-mark piece in payment.

"*C'est l'image de notre Empereur même*", said one of the officers.

"*Eh bien*", replied the *patronne*, "*empereur ou pas empereur, ça vaut six francs cinquante, c'est tout*" — a bit of Brussels repartee that cost her a pretty fine.

Such things were happening every day.

Near Liège a man named Braconnier was arrested and kept at the Kommandantur for twenty-four hours. His brother went to ascertain why he was arrested, and was told that he was charged with having violated the laws against poaching. He was of a prominent name, with a preserve of his own.

"*Mais il est braconnier*", said the German officer, and orders had been issued that all *braconniers* \*\*\*\* were to be severely punished.

It was not long after Bâtonnier Théodor's first encounter with the German authorities that he felt again called upon to protest. However much it might be pretended that the incident created by the letter to Herr Dr. von Sandt had been closed, the inevitable conflict in that moment began. From that time on, Maître Théodor did not fear or fail, whenever the principles of liberty were violated by German intolerance or German tyranny, to protest to the very face of the authorities. He wrote a serie of letters to the occupying Power that are classics of the literature of the law and of liberty, setting forth in clear and stately, and often eloquent, words not only the imprescriptible rights of courts and of advocates who plead before them, but of peoples who look to courts as the guardians of free institutions. No lawyer can read them without a glow of pride in his profession and a nobler conception of its dignity and its responsibility There is in them something universal, as there is in all great truths, and they apply as well to the common law as to the civil law.

Maître Théodor did not content himself, however, with filing protests ; he opposed an active resistance to the encroachments of the invaders who were trying to subjugate his land, and it was his great service to his nation that he discovered and pointed out the first of those legal encroachments that were so subtle and insidious, that they might have passed unnoticed among the tragic events of the times. For his resistance he entrenched himself behind a principle of law, and in his great pleas before the courts of Belgium he exposed the designs of the invaders, pointed out the consequences that would result if they were allowed to pass unchallenged, and warned his own land of the danger of acquiescing inadvertently in its own destruction. In so doing, to use one of our old American expressions, he blazed a trail for others to follow — a trail that was found plainly marked when, two years later, the magistracy of Belgium had to enter upon an even more difficult way.

**Brand WITHLOCK**

London ; William HEINEMANN ; 1919.

**\* ORDRE DES AVOCATS À LA COUR D'APPEL DE BRUXELLES**

Cabinet du Bâtonnier.

BRUXELLES, le 4 décembre 1914.

EXCELLENCE, — Après avoir reçu votre communication du 25 novembre dernier, relativement à l'affaire de la firme " Temmerman et Cie de Düsseldorf," j'ai prié M. Rahlenbeck de me fournir des explications.

M. Rahlenbeck me répond par la lettre ci-jointe.

Vous y verrez avec quel soin minutieux M. Rahlenbeck s'explique ; combien consciencieusement, aussi, il s'est occupé des intérêts qui lui furent confiés.

M. Rahlenbeck est, au surplus, un confrère des plus distingués, aussi soigneux que soucieux des devoirs de sa profession. Je ne puis, quant à moi, que constater que la plainte de M. Temmerman n'est pas fondée et qu'aucun reproche professionnel ne peut être retenu à charge de son avocat.

Dans la même communication je lis : *"Il m'a été dit qu'il existait parmi les Avocats de Bruxelles, de la répugnance à représenter des Allemands devant les Tribunaux. Si cela devait être vrai, alors le Gouvernement impérial se verrait dans la nécessité de soigner par d'autres mesures pour la représentation, devant les Tribunaux, des intérêts allemands."*

Cette affirmation et cette menace appellent de ma part une réponse qui, je l'espère, évitera à l'avenir toute espèce de malentendus entre nous.

Je n'ai pas, comme Bâtonnier, à me préoccuper de l'état d'âme de mes confrères et, tout particulièrement, pour ce qui concerne en ce moment leurs relations avec les Allemands. Leur conscience leur appartient, avec ses secrets, ses sympathies ou ses antipathies, sans qu'il soit donné à personne, homme ou pouvoir, d'y pénétrer.

Mais, ce que je puis affirmer, c'est que l'avocat, digne de ce nom, qui a accepté de défendre les intérêts d'un sujet allemand en justice, soit qu'il le fasse spontanément, soit qu'il en ait été chargé d'office par le Bâtonnier de l'Ordre, se fera un devoir et un honneur de ne rien omettre et de tout faire pour le triomphe de sa cause.

L'avocat, dans la pratique de ses devoirs, ne connaît ni les défaillances, ni les rancunes ; pour lui, il n'y a ni ami, ni ennemi ; son souci de probité professionnelle n'est pas livré aux hasards des événements. La guerre elle-même, dans laquelle nous sommes engagés, ne saurait entamer son esprit de loyauté et d'élémentaire justice.

Sans doute, depuis qu'elle nous a envahis, l'Allemagne est devenue notre ennemie. Menacés par elle dans notre existence, nous la combattons avec toute l'âpreté d'un patriotisme enraciné. À elle nous ne devons rien. En revanche l'Allemand, sujet de droit, justiciable de nos tribunaux, est sacré à nos yeux. Qu'il comparaisse devant nos juridictions, civiles ou répressives, il peut être rassuré : il ne connaîtra ni déni de justice, ni parti-pris, ni malveillance, ni vexations. Que si sa liberté, son honneur ou ses intérêts étaient injustement menacés, le Barreau serait là pour le protéger.

Quant à la menace qui nous est faite, de *"prendre des mesures"* — mesures dont je ne devine ni la nature ni la portée — elle est superflue. Elle ne saurait modifier en rien notre attitude. Nous agirons à l'avenir comme nous l'avons fait dans le passé, sans préoccupation d'aucune espèce et sans autre mobile que celui de bien faire.

Ce sera l'éternel honneur du Barreau belge, et sa raison d'être, de n'obéir dans l'exercice de sa haute mission qu'à sa conscience, de parler et d'agir sans haine et sans crainte ; de demeurer, quoi qu'il puisse advenir, sans peur et sans reproche. Qu'il me soit permis d'ajouter que le Barreau n'est pas un corps administratif. Il constitue un organisme autonome et libre. Placé par la loi aux côtés de la magistrature pour réaliser avec elle l'oeuvre commune de la justice, protégé par des traditions séculaires, il ne connaît ni la tutelle ni le contrôle d'aucun pouvoir politique. Il règle sa vie et son activité comme il l'entend ; il ne reçoit d'ordre ni d'injonction de personne.

Cette liberté sans entraves il l'exerce, non pas l'intérêt de ses membres, mais dans l'intérêt de sa mission. Elle a développé, dans son sein, plus de discipline que d'orgueil ; elle a créé un code de règles sévères d'honneur et délicatesse qu'une élite seule peut supporter.

Toucher à cette institution serait toucher à la justice elle-même, c'est-à-dire à ce qui constitue le suprême rempart de notre vie nationale.

Placé à la tête du Barreau de la capitale belge par la confiance de mes confrères, je manquerais à mes premiers devoirs si je ne revendiquais pas, les voyant menacés, nos prérogatives contre un pouvoir étranger avec la même respectueuse liberté que je le ferais si je me trouvais en face d'un ministre belge.

Je prie votre Excellence d'agréer l'assurance de ma haute considération.

Le Bâtonnier de l'Ordre, LÉON THEODOR.

À Son Excellence Monsieur von Sandt,

Chef de l'Administration civile allemande en Belgique.

### **Translation**

ORDRE DES AVOCATS A LA COUR D'APPEL DE BRUXELLES

Cabinet du Bâtonnier.

BRUSSELS, December 4, 1914.

EXCELLENCY,— After having received your communication of November 25 last relating to the case of the firm of Temmerman and Company, of Düsseldorf, I requested Maître Rahlenbeck to furnish me with a statement of the facts of the case.

Maître Rahlenbeck replied to me by the enclosed letter,

You will see from it with what infinite care Maître Rahlenbeck explains his conduct, and how conscientiously he cared for the interests that were confided to him. Maître Rahlenbeck is, besides, one of the most distinguished of my colleagues, as careful as he is conscientious in the duties of his profession.

As for me, I can only state that the complaint of M. Temmerman has no foundation, and that there can be not the slightest ground for any professional reproach against his attorney.

In the same letter I read : "*I have been told that there existed among the lawyers of Brussels a certain repugnance to representing Germans before the courts. If this should be true, then the Imperial Government would find itself compelled to take other measures for the representation of German interests before the courts.*"

This statement and this threat call on me for a reply, which, I hope, will avoid in the future every sort of misunderstanding between us.

It is not for me, as Bâtonnier, to concern myself with the state of mind of my colleagues, especially so far as their relations with the Germans are concerned. Their conscience belongs to them, with its secrets, its sympathies or its antipathies, without the right on the part of any one, man or power, to penetrate it.

But what I can affirm is that the lawyer worthy of the name, who has agreed to defend the interests of a German subject before the law, whether he do so spontaneously or whether he be entrusted with that duty by the Bâtonnier of the Order, will consider it a duty and an honour to omit nothing, and to do everything for the triumph of his cause.

In the exercise of his duties the lawyer is influenced neither by frailties nor by malice ; for him there is neither friend nor enemy. His regard for his professional probity is not given over to the hazard of circumstances. The very war in which we are engaged could not impair his spirit of loyalty and all elementary justice.

Undoubtedly since she has invaded our soil Germany has become our enemy. Threatened by her in our national existence we combat her with all the bitterness of a deeply rooted patriotism. To her we owe nothing. On the other hand, the German, subject to the laws, amenable to our courts, is sacred in our eyes. Should he appear before our courts, civil or criminal, let him be reassured : he will know neither denial of justice, nor partiality, nor ill-will, nor vexations. That if his liberty, his honour, or his interests were unjustly threatened the Bar would be there to protect him.

As for the threat that is made against us — "*to take measures*" — measures of which I can imagine neither the nature nor the extent — it is superfluous. It could not modify our attitude in the least. We shall act in the future as we have done in the past, with no sort of preoccupation and no other motive than that of doing right.

It will be the eternal honour of the Belgian Bar, and its reason for existing, to obey, in the exercise of its high mission, only its conscience, to speak and to act without hatred and without fear, to remain, whatever befall, without fear and without reproach.

May it be permitted to me to add that the Bar is not an administrative body. It is an autonomous and a free organization. Placed by law at the side of the Magistracy to accomplish with it the joint task of justice, protected by its secular traditions, it knows neither the guardianship nor the control of any political power. It regulates its life and its activity as it wishes, it receives orders or injunctions from no one.

It exercises this liberty without restraint, not in the interest of its members, but in the interest of its mission. It has developed in its heart more discipline than pride ; it has created a code of severe rules of honour and of conduct which only the chosen can endure.

To touch this institution would be to touch justice herself, that is to say, that which constitutes the supreme bulwark of our national life.

Placed at the head of the Bar of the Belgian capital by the confidence of my colleagues, I should be lacking in my duties if I did not, seeing them threatened, uphold our prerogatives against a foreign Power with the same respectful liberty that I should employ were I to find myself before a Belgian Minister.

I beg your Excellency to accept the assurance of my high consideration.

The Bâtonnier of the Order, LÉON THÉODOR.

To His Excellency Monsieur von Sandt. Chief of the German Civil Administration in Belgium.



\*\* ORDRE DES AVOCATS À LA COUR D'APPEL DE BRUXELLES

BRUXELLES, le 12 janvier 1915.

EXCELLENCE ET HONORÉ CONFRÈRE, — À la suite de ma lettre du 4 décembre dernier, adressée à Monsieur le Gouverneur civil allemand, celui-ci a répondu ce qui suit :

*"L'Administration civile a le droit et le devoir de protéger le public allemand demandant justice.*

*"Si, dans ma lettre du 25 novembre dernier, j'ai manifesté cette manière de voir, il n'est pas possible d'y voir raisonnablement une menace pour le Barreau de Bruxelles. Ceci répondra d'une façon définitive à vos considérations concernant l'indépendance du Barreau."*

D'autre part, Monsieur le Gouverneur civil a communiqué à Me Rablenbeck une lettre de M. Temmerman, par laquelle ce dernier déclare retirer sa plainte et exprime ses regrets de l'avoir déposée.

L'incident peut donc être considéré comme terminé et tout danger d'intervention de l'autorité civile allemande, dans l'organisation du Barreau, comme définitivement écartée.

Je vous remercie encore de l'accueil si encourageant que vous avez bien voulu me faire et des sentiments de haute confraternité professionnelle que vous avez bien voulu m'exprimer. Je les reporte sur le Barreau de Bruxelles dont je suis heureux et fier d'avoir été, en ces moments graves, le représentant auprès de vous.

Je prie votre Excellence d'agréer l'assurance de ma haute considération.

Le Bâtonnier de l'Ordre, L. THÉODOR.

À Son Excellence

Monsieur le Ministre des Etats-Unis d'Amérique à Bruxelles.

**Translation**

ORDRE DES AVOCATS À LA COUR D'APPEL DE BRUXELLES

Bureau du Bâtonnier.

BRUSSELS, January 12, 1915.

EXCELLENCY AND HONOURED COLLEAGUE, — In reply to my letter of December 4 last, addressed to the German Civil Governor, he has replied to me as follows :

*"The civil administration has the right and the duty to protect the German public seeking justice.*

*"If, in my letter of November 25 last, I indicated this point of view, it is impossible reasonably to perceive therein a threat against the Bar of Brussels. This replies definitively to your remarks concerning the independence of the Bar."*

Furthermore, the Civil Governor has transmitted to Maître Rahlenbeck a letter from M. Temmerman, by which the latter withdraws his complaint and expresses his regret for having commenced action.

The incident can therefore be considered at an end, and all danger of intervention by the German civil authority in the organization of the bar as definitively averted.

I thank you again for the encouraging reception that you were good enough to extend to me, and for the sentiments of intimate fellowship in the profession which it has pleased you to express. I accept them on behalf of the Bar of Brussels, of which I am happy and proud, in these grave moments, to have been the representative near you.

I beg your Excellency to accept the assurance of my high consideration.

The Bâtonnier of the Order, L. THÉODOR.

To His Excellency

The Minister of the United States of America at Brussels.

\*\*\* Si, dans ma lettre du 25 novembre dernier, j'ai manifesté cette manière de voir, il n'est pas possible d'y voir raisonnablement une menace pour le Barreau de Bruxelles. Ceci répondra d'une façon définitive à vos considérations concernant l'indépendance du Barreau.

**Translation**

If, in my letter of November 25 last, I indicated this point of view, it is impossible reasonably to perceive therein a threat against the Bar of Brussels. This replies definitively to your remarks concerning the independence of the Bar.

\*\*\*\* I.e. poachers.