

neutral countries, from Belgium, Holland, Norway and Sweden, who with entire unanimity express themselves as unfavourably impressed by this development of naval warfare, which indeed raises many interesting and serious problems, some of which may be solved in the course of the present war.

The resumption by private merchantmen of the use of defensive armaments, which may apparently include naval guns of any size and in any number which the shipowner or the Admiralty of his country may deem advisable, and may apparently include the strowing of mines to delay or defeat the pursuit of a hostile cruiser, might greatly aggravate the position of neutrals in future naval warfare, and the increased power of naval weapons seems to render it even more desirable to-day than in the days of the Declaration of Paris, that the use of these improved instruments of destruction should be confined to vessels officered and manned by regular officers and men trained in the observance of the complicated code which ought to regulate naval warfare.

So far no action by armed merchantmen (other than regularly commissioned auxiliary cruisers), whether for purposes of defence or offence, has been reported in the present war. It is, however, interesting to consider some of the legal questions that may arise out of their existence before this war is ended, and in *Armed Merchant Ships*, Dr. Pearce Higgins has very clearly dealt with the position in International law of armed merchant ships, their crews and cargo. These vessels must, of course, be distinguished from the auxiliary cruisers which both Germany and ourselves have converted into men of war and regularly commissioned. They may be described as "defensively armed and uncommissioned merchant ships."

The right of merchant ships to arm for self defence has, as Dr. Higgins points out, been recently denied by German jurists.

At the meeting of the Institute of International Law at Oxford last year the following rule (Article 12 of the *Manuel des lois de la Guerre Maritime*) was adopted after discussion.