

requires a trial before punishment, even when they are taken in the act. Wellington employed spies constantly in Spain, and Wolseley frankly advocates them. Information about the enemy from some source is necessary, and reconnoitring in uniform which is permitted reveals only external conditions. The criminality of the spy is limited to the special expedition. After the spy has rejoined his army he ceases to be such, and, if subsequently captured, is to be treated as other prisoners of war. Messengers by balloons—and the same principle is, of course, applicable to all air vessels—have been recognised at the Hague Conference (second Hague Convention, art. 29) as a legitimate means of reconnaissance. Persons so travelling are to be regarded, when captured as prisoners of war, as legitimate aids to military operations.

The development of aerial navigation, which will, no doubt, profoundly affect the conditions of modern warfare and has already proved an important factor in the present war, may well direct attention to the conditions of aerial warfare. The whole question of balloon attacks was fully discussed in 1899, when a declaration was adopted at the first Hague Peace Conference, on the 29th July, 1899, prohibiting for a term of five years the launching of projectiles or explosives from balloons or other kinds of aerial vessels. The second Peace Conference on the 18th October, 1907, renewed this declaration, but only for a period extending to the termination of the third Peace Conference. It was ratified by Great Britain, but Germany, France, Italy, Russia, Spain, and Japan have all refused to sign it, and it is obviously of little, if any, value. The Institute of International Law, at its meetings at Madrid in 1911, adopted the principle that aerial warfare must not comprise greater danger to the person and property of the peaceful population than land or sea warfare. "There can be no doubt," writes Professor Oppenheim, "that the general principles laid down in the Declaration of St. Petersburg of 1868 in the two declarations adopted at the first Peace Conference concerning expanding bullets and projectiles diffusing asphyxiating or deleterious gases in the air, rules concerning land warfare, and the like, must find application as regards violence directed from air vessels."