

(1) MEANS FORBIDDEN AS ACTS OF TREACHERY.

In the heat of combat, each belligerent ought to be able to reckon upon the good faith of his adversary, and to retain the conviction that the latter will do nothing contrary to honor and duty. To abuse this confidence would be to commit a treacherous and dishonorable action.

Treachery is absolutely prohibited by the law of nations. This principle is capable of receiving numerous applications, the following are the principal ones, with the deductions they permit of: It is treachery to use poison, and poisoned weapons, to poison springs, or to disseminate upon hostile territory substances intended to propagate contagious diseases. Nevertheless, there is nothing to prohibit the stoppage of springs, diverting the courses of streams, or mixing with the water substances which evidently prevent it from being drunk; acts of this nature do not abuse the enemy's confidence, and are legitimate warfare.

In accordance with the same principle a soldier should not commit any hostile act by deceiving the enemy as to its character and design. He should never, for example, show an intention to surrender in order that he may subsequently strike his adversary without warning, and by this cowardly means obtain an easy victory. No more should he, without proper authority, make use of a flag of truce, or of the Geneva arm-badge or flag; these are ensigns which both parties have an equal interest in most strictly respecting.

A less reserve is permitted with regard to the flags, uniforms, bugle calls and signals of the enemy; the custom of war permits their use before a battle, as a *ruse de guerre* in order to approach the adversary, or to entice him into an ambuscade.

The rules of the law of nations do not tolerate the attempt to take the life of an enemy by obtaining admission to his presence under false pretences, still less do they permit his assassination by means of gifts or promises to traitors. They also prohibit his being declared an outlaw, thus authorizing his slaughter by the first comer. These same rules, however, leave sufficient latitude to a combatant who does not disguise his character. A soldier who hides behind a hedge for the purpose of shooting an enemy's skirmisher, does not commit any infraction of them, no more is he guilty if, at his own risk and peril, and dressed in his uniform, he boldly penetrates the enemy's bivouacs with deadly intent. Surprise, which evades the enemy's vigilance, is not prohibited, only treachery which deceives his legitimate confidence.