

is expected. It is almost legitimate. There is no breach of confidence, for none is extended. So spies were honourably shot in the war of 1904, and we may expect this usage to grow in the future. But suppose a spy were to introduce himself into the headquarters' staff in the guise of a neutral attache—were to mess with the officers, were to ride daily with them, were to be the confidante of all their indiscretions—we venture to doubt whether the patriotic singleness of his inner aim would save him from execration and short shrift. There is a limit even to patriotism. The betrayal of unsuspecting intimacy is a stain, whatever its object. And that was the offence of the ancient spy.

—*Law Magazine and Review.*

SEDUCING SOLDIERS FROM THEIR DUTY.

Sir Rufus Isaacs, the Attorney-General, in the House of Commons on the 25th ult., in justifying his conduct in authorising the proceedings in the case of *Rez v. Bowman*, in which a prosecution was instituted and a conviction obtained for an attempt to seduce soldiers from their duty, said: "If the soldiers were induced to refuse to obey orders, the result would be that they would be rendered amenable to the gravest penalty, because under the Army Act, passed by this House of Commons year by year, if the men wilfully refuse to obey the orders of their superior officers, even now I say they would be liable to the penalty of death or other grave penalties after inquiry by a court-martial." Soldiers acting under the orders of their military superiors are placed in an awkward position. By the ordinary principles of the common law they are, speaking generally, justified only in using such force as is reasonably necessary for the suppression of a riot. By the Mutiny Act and Articles of War they are bound to execute any lawful order which they may receive from their military superior, and an order to fire upon a mob is lawful if such an act is reasonably necessary. An order to do more than might be necessary for the dispersion of rioters would not be a lawful order. If a soldier kills a man in obedience to his officer's orders, the question whether what was done was reasonably necessary has to be decided by a jury, probably, upon a trial for murder; whereas