

however, that the Treaty is to be justified. It is based on the reasonable and practical consideration that the purposes of national defence are better served by an agreed scheme for the limitation of armaments in fixed proportions than by a scheme of unrestricted and ruinous competition in time of peace. The abolition of such competition protects the nations not only from an insensate waste of their financial resources, but also from that permanent risk of war which results from the temptation to strike before it is too late at the growing power of a dangerous enemy.

TREATY AS TO THE USE OF SUBMARINES AND POISONOUS GAS.

As supplementary to the Naval Treaty there was signed at Washington another Treaty relative to the use of submarines and poison gas. This Treaty was signed by the same five Powers that are parties to the Naval Treaty, but it contains an invitation to all other civilized Powers to signify their adherence and their consent to be bound by it.

This Treaty commences with a formal declaration of the existing rules of international law as to the capture and destruction of merchant ships. It declares, that is to say, that a merchant vessel must be ordered to submit to visit and search before it can be seized; that a merchant vessel must not be attacked unless it refuses to submit to visit and search after warning, or to proceed as directed after seizure; and that a merchant vessel must not be destroyed unless the passengers and crew have been first placed in safety. The Treaty then proceeds to declare that submarines are not, under any circumstances, exempt from these rules, and that if a submarine cannot capture a merchant vessel in conformity with these rules the existing law of nations requires it to desist from attack and to permit the merchant vessel to proceed unmolested. In other words, the Treaty expressly and emphatically disallows that plea of necessity by which the Germans in the late war sought to justify acts of barbarity which horrified the conscience of the civilized world. In no circumstances whatever is an unresisting merchant ship to be sunk by a submarine without warning, or before the crew and passengers have been placed in safety, even if the result of this rule is that the capture or destruction of that ship is rendered impossible.

The Treaty proceeds to provide a fitting penalty for the violation of the rules so declared. Article III is in the following terms: "The signatory Powers, desiring to ensure the enforcement of the humane rules of existing law declared by them with respect to attacks upon and the seizure and destruction of merchant ships, further declare that any person in the service of any Power who shall violate any of those rules, whether or not such person is under orders of a governmental superior, shall be deemed to have violated the laws of war, and shall be liable to trial and punishment as if for an act of piracy, and may be brought to trial before the civil or military authorities of any Power within the jurisdiction of which he may be found."

The Treaty having thus declared the existing rules of international law as already binding on all nations, and having thus provided a penalty for the breach of those rules, proceeds in the next place to establish as between the five Powers which are parties to the Treaty a new rule prohibiting altogether the use of submarines for attacks on merchant ships. In other words, those five Powers have agreed as between themselves that they will in future conduct naval operations against commerce by means of cruisers and other surface ships and not by means of submarines. Article IV is as follows:—

"The signatory Powers recognize the practical impossibility of using submarines as commerce-destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and non-combatants; and to the end that the prohibition of the use of submarines as commerce-destroyers shall be accepted as a part of the law of nations, they now accept that prohibition as henceforth binding as between themselves, and they invite other nations to adhere thereto."

The Treaty then proceeds to deal with the use of poison gas—a practice which originated in the late war, and which with the advance of scientific knowledge and