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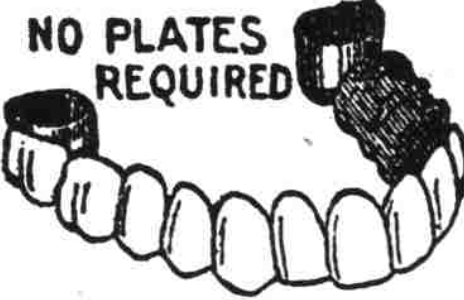
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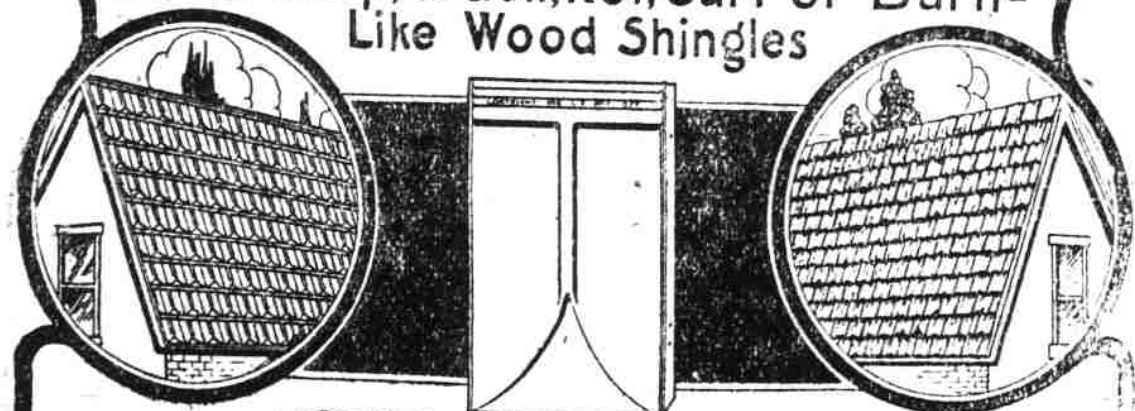
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## LAWS GOVERNING THE AIR DURING PERIODS OF WAR

Big Conflict Finds Little Done to Regulate Aeroplanes.

HAGUE ACTION IS IMPOTENT

Only England and Austria-Hungary Favored Restriction of the Use of Flying Machines — Aeronauts Not Considered Spies.

New York.—Battle in the air, the destruction of the mightiest fortifications by veritable cloudbursts of explosives and the spying out of military works or maneuvers from the deadly vantage point of the aviator are all ideas which have appealed strongly to fiction writers, a writer in the New York Times remarks. It is in the present European conflict that the fleets of the air will be given their first real test, and possibly their last one, for many authorities believe that they will add intolerable horrors to war and that as fighting machines at least they will be banished by international agreement before another conflict takes place.

International law is a complex and slowly growing body of rules which has been built up by the association of the nations of the world with each other. The science of aeronautics has grown so rapidly that it has outstripped the ponderous machinery of international conferences. As a result the greatest of wars is now in progress, with little or no agreement between the contending powers as to what constitutes a proper use of air vehicles in the carrying on of hostilities. In "The Law of the Air," written by Harold D. Hazeltine, the laws concerning the use of the air are discussed. Doctor Hazeltine is an English authority on international law and his book consists of a series of lectures delivered at the University of London.

Doctor Hazeltine first discusses the general principles concerning the control of the air space by the state. Because of the short time during which this has been a matter of any importance no very definite conclusions have been reached. Many authorities on international law hold that the air is free to all, and that any device for navigating it has the same right to travel through any part of it that a vessel has to voyage anywhere on the high seas. A number of rather ingenious arguments in support of this view have been worked out by those who advocate it, but neither general opinion nor any statute has ever recognized such a stand.

The opinion which is generally held, and on which all nations act when they arrest foreign aeroplanes which fly above their territory without permission, is that each country holds absolute sovereignty of the air space above its territory.

During the Franco-Prussian war of 1870 some attempts were made to use balloons for observing the movements of the hostile armies. The status of aeronauts had not been defined at that



Airship Bombarding a Battleship.

time, and Bismarck ordered that any who might be captured be considered as spies. As a matter of fact, a number of them were taken prisoner, but were not treated as military prisoners, and were not executed. It was not until the first Hague convention, in 1899, that the position of balloonists in time of war was defined.

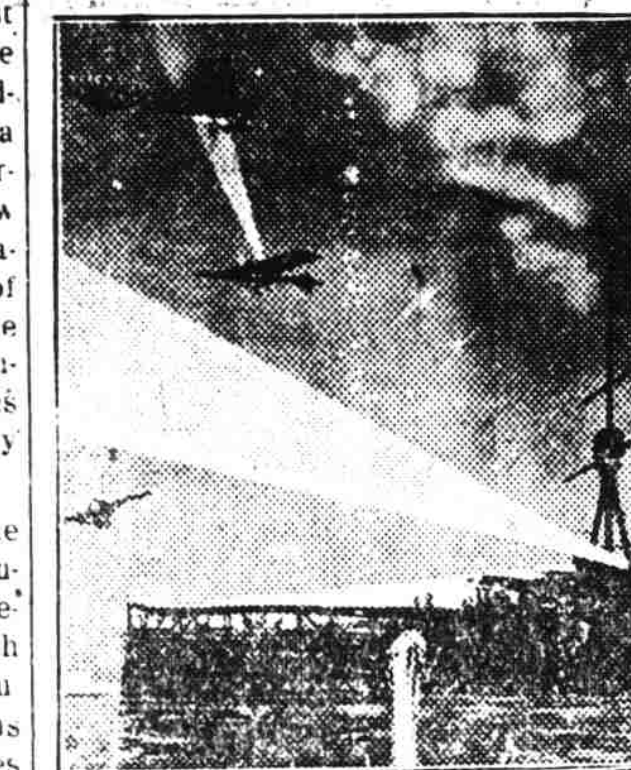
The conference decided that balloonists are not spies if they are sent "to deliver dispatches" or to "generally maintain communication between the various parts of an army or territory." This ruling fails to provide for the treatment of aviators who may be captured in the act of gaining information, but such activity seems to be provided for in a definition of a spy which was adopted at the same time. This declared that "an individual can only be considered a spy if, acting clandestinely or on false pretenses, he obtains or seeks to obtain, information in the zone of operations of a belligerent with the intention of communicating it to

the hostile party." Under this provision aviators seeking information could hardly be regarded as spies, for they operate without false pretenses and without clandestinity.

As soon as there was some indication that flying machines might be perfected, the international lawmakers were at once struck with the question of their use for the dropping of explosives. The same conference at which the laws concerning the treatment of airmen taken prisoner during war were passed took an important stand on the explosive question, and one which, it is to be regretted, has not been continued. In January of 1899 Count Mouravieff of St. Petersburg sent a circular to the states to be represented at The Hague, in which he urged "the prohibition of the discharge of projectiles or explosives of any kind from balloons or by any similar means."

The subject was given a brief consideration and the law suggested by the Russian count was adopted for a period of five years, which expired on September 4, 1903. Eight years later it appeared that the action of the tribunal was not prompted so much by humanitarian feelings as by the belief that air craft were not destined to play an important part in any war in the near future. When the second gathering at The Hague took place, in 1907, it was impossible to inspire any of the great European powers with the sentiments to which they had unanimously subscribed in 1899. The progress made in the science of aerial navigation had been so extraordinary that the military powers were deeply interested, and very few of them wished to give up this new method of attack.

England and Austria-Hungary were of the party in favor of the limitation of armaments, and accordingly favored restriction of the use of aeroplanes. Lord Reay, the British delegate, argued that it would be most unfortunate



Aeroplanes Hovering Over a Battleship.

to add a third expensive arm to the fighting force of nations already overburdened with the cost of their naval and military operations. France and Germany opposed this view, on the ground that they could not afford to give up advantages which might be very great in the future if progress in the new science of the air continued as rapidly as it seemed likely to do.

After much discussion a vote was taken on a measure providing for the continuance of the prohibition adopted at the 1899 convention until the termination of the third peace conference, scheduled for 1915. Of the 44 states represented only 27 adopted the measure, and the only important countries to do so were England and Austria. The signing of this declaration by these two nations will have no effect in the present war, because it is expressly provided that if either of them has an ally in any war who has not adopted the measure it is not binding on them.

The only attempt made to limit the activities of air craft was an addition to the rule of the Brussels conference of 1874 reading: "The attack or bombardment of towns, villages, habitations or buildings which are not defended is forbidden." This was supplemented by the words "by any means whatever."

Except for the restriction concerning undefended places it can be said that there is no law governing the use of aeroplanes and dirigibles in the present war. Anything which can be done to harass the enemy is permissible.

In the matter of wireless telegraphy some international rules have also been adopted, but they are not of much importance in this war, and it is hard to see how they could ever be enforced. The chief provision is that any neutral country may order belligerent countries to cease from sending wireless messages across its territory. It is very unlikely that such a course would be taken, because it would in all probability be disregarded.

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Potatoes and Tomatoes Are Grown on Same Plant by Gardener in Britton, S. D.

Britton, S. D.—Plants with potatoes on their roots and tomatoes on their tops, raised here by H. E. Benson, may yet place him in the garden wizard class with the famous Burbank.

In appearance the plants are of the ordinary potato variety, but at their tops are large bulbs resembling tomatoes in both meat and seeds.

Whether or not these are the ordinary potato balls often seen or a growth caused by the mixing of the pollen of the tomato and potato blossoms is not certain, although the latter explanation of the odd combination plant is believed to be the true one.

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