

on "Submarine Cables in Time of War" which appeared in the *Late Quarterly Review* for April; 3rd. The report relating to the deputation of the two Eastern telegraph companies which waited upon Mr. Chamberlain, the Secretary of State for the Colonies, and Sir Michael Hicks-Beach, the Chancellor of the Exchequer, on 30th June, to object to Great Britain joining with the colonies in the expense of establishing and working a rival service; and 4th. The proposal of the Eastern Extension Company to extend a service from the Cape direct to Australia, without requiring to be subsidized by the Australian Governments, and to reduce the rate to 4s. per word forthwith, with a promise of further reduction as the traffic may warrant. We will first glance at the somewhat abstract question treated by the *Late Quarterly Review*. The article traces the course of discussion upon the subject since 1864, when a treaty signed by representatives of France, Brazil, Hayti, Italy and Portugal respecting a transatlantic cable proposed to be laid by a certain M. Balestrini provided as follows:—"The contracting powers engage not to cut or destroy, in the event of war, the cables submerged by M. Balestrini, and to recognize the neutrality of the telegraphic line." The projected cable was never laid, and the treaty became, therefore, waste paper. The next endeavour in the way of the neutralization of telegraphic cables was made in 1869 by the United States, in proposals characteristic of the views of a country which has always upheld the doctrine of the freedom from capture of private property at sea. The Washington Government proposed that a conference should assemble to deliberate on a scheme for an international convention which it submitted. That scheme provided that communications were to continue in time of war as in time of peace; that the Government were to exercise no control over the despatch of messages, and that the destruction of cables on the high seas was to be an act of piracy. The outbreak of war between France and Germany caused the abandonment of the proposals. Since 1870, jurists in Belgium, Norway, Germany, France and Holland have expressed their views on the whole subject. In 1879, a committee appointed by the Institute of International Law reported on "The means of protecting against destruction, in time of peace and in time of war, submarine telegraph cables which are of international importance." The report, which was very exhaustive, ended with three "conclusions," viz.:—

1st. The submarine telegraphic cable which unites two neutral territories is inviolable.

2nd. It is to be desired that when telegraphic communications ought to cease in consequence of a state of war, measures should be limited strictly to what is necessary to prevent the use of the cable.

3rd. Destruction, in every case, ought to be effected in the most restricted manner, and the belligerent effecting it should re-establish the cable as quickly as possible after the cessation of the war.

These conclusions are, indeed, lame and impotent, leaving the matter very much where it was. There is, in fact, no international law upon the subject. A question somewhat seriously discussed is—Whether that portion (the main portion) of the cable lying in extra-territorial waters should not be exempt from destruction, while the portions in territorial waters would remain liable to warlike attempts? But the discussion is quite academic, for there is no chance of agreement. Even the Americans did not hesitate to cut the cable connecting Manila with the neutral British dependency of Hongkong, although within Spanish territorial waters. Supposing, however, the American proposal of 1869 to be accepted—that cables in extra-territorial waters are not to be cut—it would still remain lawful for the United States, if at war with Canada, to cut a cable in Canadian territorial waters, as well as to cut the land lines. Similarly, a power at war with Great Britain could only legally cut a cable between Great Britain and the United States in British territorial waters, or a cable between the United States and Australia in Australian (i.e., British) territorial waters. Such a power would, however, probably think twice before taking a step offensive to the United States. Practically, therefore, an Anglo-American-Australian cable would enjoy greater immunity in time of war than an "All-British" cable.

Not only is an Anglo-American-Australian cable more likely to become inviolable than an "All-British" telegraphic service, its cost both of construction and administration to the British share would certainly be much less. Congress has authorized the laying of a cable to Honolulu, and if the United States retains the Philippines, an extension to Manila will be inevitable. From Manila to Australia would not entail a great expense. By such an arrangement Australia would not only be brought into telegraphic communication with America and Europe, but also with the Far East. Australia would then have a sound and growingly profitable service in opposition to that of the Eastern Extension.

In view of the considerations we have advanced it is to be regretted that after all the British Government, yielding to Canadian importunity, backed up by the Australian Agents-General, has, according to press messages, given a promise to contribute to the cost of an "All-British" Pacific cable service. Considering, however, that the Commonwealth of Australia will, when constituted, have sole control over the telegraphic services, the subject may be relegated to it for a final decision, so far as Australia is concerned.

As regards the Eastern Extension Australasian and China Telegraphic Company, Limited, while it may be freely admitted that it does its work well, yet it enjoys a monopoly that should no longer be tenable. It has been able to capitalize for the benefit of its shareholders, the subsidy amounting to £648,000, granted to it by the Australian Governments twenty years ago, and to pay good dividends, besides defraying the cost