

It seems certain that Scarborough and Whitby were undefended towns in the strictest sense, but there appears to be some doubt whether Hartlepool was not to some extent at least defended.

Still another unsettled question is that of the rights of a belligerent as to the cutting of submarine cables. It was much discussed at the time of the Spanish-American war. There is no doubt as to the right of a belligerent to cut cables connecting different portions of the enemy's territory or cables connecting the territories of the two belligerents. It is equally certain that a cable connecting two neutral territories is inviolable, although by subsequent stages of transmission messages might reach the enemy. But the difficulty arises when a cable connects the territory of the enemy with the territory of a neutral. It appears to be conceded that in such a case a belligerent is entitled to cut the cable in the territorial waters of the enemy even if the cable should happen to be neutral property, subject to the obligation of indemnifying the owners. This invasion of neutral rights is justified on the ground that neutral property whose *terminus ad quem* is in the territorial waters of a belligerent is subject to the same inconveniences as neutral property on occupied portions of the land of a belligerent.

But the controversy is as to whether the belligerent right can be exercised on the high seas. Against this extension of the doctrine we have the high authority of Professor Holland (letter to *The Times*, 21st May, 1898), of Professor von Bar (19 *Annuaire*, pp. 16, 308, 316) and of the Institute of International Law (19 *Annuaire*, p. 332). Their view is that a cable connecting a neutral territory with the territory of one of the belligerents cannot be cut in the open sea unless there is an effective blockade.

On the other hand, this view has been vigorously assailed by Mr. Goffin (15 L. Q. R. 145), who suggests that it proceeds upon an erroneous application of the rules of land warfare to maritime warfare. Under the rules governing the latter, he contends that "it would be open to a belligerent to cut a cable beyond the limit of his enemy's territorial waters, just as it would be open to him to seize a despatch boat on the high seas." This contention was also made before the Institute of International Law by the French jurists, MM. Renault and Lainé, the former of whom