

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A convention between the United States and France, and the twenty-four other powers named in said convention, for the protection of submarine cables, concluded at Paris on the 14th day of March, 1884.

APRIL 14, 1884.—Read; convention read the first time, referred to the Committee on Foreign Relations, and, together with the message and accompanying dispatch, ordered to be printed in confidence for the use of the Senate.

To the Senate of the United States of America :

I transmit, herewith, to the Senate for its consideration, with a view to ratification, a Convention concluded between the United States of America and France and the twenty-four other powers named in said Convention, for the protection of submarine cables, concluded at Paris on the 14th day of March, A. D. 1884. I also inclose for the information of the Senate a copy of Mr. Morton's dispatch No. 518, of the 18th ultimo, in relation to the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, April 14, 1884.

[Translation of Convention.]

His Excellency, the President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Excellency the President of the Argentine Republic, etc., etc., etc.

Who, after having exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The present Convention applies outside territorial waters to all legally established cables landed on the territories or possessions of one or more of the High Contracting Parties.

ARTICLE II.

It is a punishable offence to break or injure a submarine cable, willfully or by culpable negligence, so as to interrupt or obstruct tele-

graphic communication either wholly or partially, such punishment being without prejudice to any civil action for damages. This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

ARTICLE III.

The High Contracting Parties undertake that, on granting a concession for landing a submarine cable, they will insist upon proper measures of safety being taken, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, on laying or repairing his own cable, breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II of the present Convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables shall conform to the regulations as to signals which have been or may be adopted by mutual agreement among the High Contracting Parties with the view of preventing collisions at sea.

When a ship engaged in repairing a cable has exhibited the said signals, other vessels which see them or are able to see them, shall withdraw to or keep beyond a distance of one nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

A vessel to which a telegraph ship has exhibited the said signals shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time she shall not be interfered with in any way.

The operations of the telegraph ships shall be completed as quickly as possible.

ARTICLE VI.

Vessels which see or are able to see, the buoys showing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one quarter of a nautical mile at least from the said buoys.

Fishing nets and gear shall be kept at the same distance.

ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or other fishing gear in order to avoid injuring a submarine cable shall receive compensation from the owner of the cable.

To be entitled to such compensation a statement, supported by the evidence of the crew, must, whenever possible, be drawn up immediately after the occurrence; and the master must, within twenty-four hours after arriving at his destination, or on next putting into port, make a declaration to the proper authorities.

The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.

ARTICLE VIII.

The Tribunals competent to take cognizance of infractions of the present Convention are those of the country to which the vessel on board which the offence was committed belongs.

It is moreover understood that in cases where the provisions in the previous paragraph cannot apply, offences against the present Convention will be dealt with in each of the contracting States in accordance, so far as the subjects and citizens of those States respectively are concerned, with the general rules of competence prescribed by the municipal laws of that State, or by International Treaties.

ARTICLE IX.

Prosecutions for offences against or contraventions of the present Convention shall be instituted by the State or in its name.

ARTICLE X.

Infractions of the present Convention may be verified by all methods of proof allowed by the laws of the country of the court of competent jurisdiction.

When the officers commanding the vessels of war, or the vessels specially commissioned for this purpose, of one of the High Contracting Parties, shall have reason to believe that an infraction of the measures provided for by this Convention has been committed by a vessel other than a vessel of war, they may require the captain or skipper to exhibit official documents furnishing evidence of the nationality of the said vessel. A summary mention of such exhibition shall at once be made on the documents exhibited.

Reports shall, moreover, be prepared by the said officers, whatever may be the nationality of the inculpated vessel. These reports shall be drawn up in the form and in the language in use in the country to which the officer drawing them up belongs; they may be used as evidence in the country in which they shall be invoked, and according to the laws of such country. The accused parties and the witnesses shall have the right to cause to be added thereto, in their own language, any explanations that they may consider as being to the purpose; such declarations shall be duly signed.

ARTICLE XI.

The proceedings and trial in cases of infraction of the provisions of the present Convention shall take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The High Contracting Parties engage to take or to propose to their respective Legislatures the necessary measures for insuring the execution of the present Convention, and especially for punishing by either fine or imprisonment, or both, those who contravene the provisions of Articles II, V, and VI.

ARTICLE XIII.

The High Contracting parties will communicate to each other laws already made, or which may hereafter be made, in their respective countries, relating to the object of the present Convention.

ARTICLE XIV.

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified diplomatically to the Government of the French Republic, and by the latter to the other Signatory Powers.

ARTICLE XV.

It is understood that the stipulations of this Convention in no wise affect the liberty of action of belligerents.

ARTICLE XVI.

The present Convention shall be brought into force on a day to be agreed upon by the High Contracting Powers.

It shall remain in force for five years from that day, and unless any of the High Contracting Parties have announced, twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of one year, and so on from year to year.

If one of the Signatory Powers denounce the Convention, such denunciation shall have effect only as regards that power.

ARTICLE XVII.

The present Convention shall be ratified, and the ratifications exchanged at Paris with as little delay as possible.

In testimony whereof the respective plenipotentiaries have signed it and have thereunto affixed their seals.

Done in twenty-six copies at Paris this 14th day of March, 1864.

ADDITIONAL ARTICLE.

The stipulations of the Convention concluded this day for the protection of submarine cables shall be applicable, according to Article I, to the colonies and possessions of Her Britannic Majesty with the exception of those named below, to wit:

Canada.
 Newfoundland.
 The Cape.
 Natal.
 New South Wales.
 Victoria.
 Queensland.
 Tasmania.
 South Australia.
 West Australia.
 New Zealand.

Nevertheless, the stipulations of the said Convention shall be applicable to one of the the above-named colonies or possessions, if, in their [its?] name, a notification to that effect has been addressed by the representative of Her Britannic Majesty at Paris to the Minister of Foreign Affairs of France.

Each of the above-named colonies or possessions that shall have adhered to the said Convention, shall have the privilege of withdrawing in the same manner as the contracting powers. In case one of the colonies or possessions in question shall desire to withdraw from the Convention, a notification to that effect shall be addressed by Her Britannic Majesty's representative at Paris to the Minister of Foreign Affairs of France.

Done in twenty-six copies at Paris, this 14th day of March, 1884.

No. 518.]

LEGATION OF THE UNITED STATES,

Paris, March 18, 1884.

The Hon. FRED'K T. FREELINGHUYSEN,

Secretary of State :

SIR: On the 22d of January last I had the honor of informing you by telegraph that it was intended to add to the convention for the protection of submarine cables, the draft of which had been signed on the 26th of October, 1883, the following additional article:

This understood that the stipulations of the present convention shall not infringe upon the liberty of action of belligerents.

I received on the 23d of January your telegram instructing me to agree to this article. Twenty-six states having also agreed to this article, their plenipotentiaries met on the 14th instant at the foreign office, where, after production of our powers, the definitive instrument was signed and sealed by all the representatives of the several states.

Before performing this last act the British ambassador made a declaration to the effect that his Government's construction of the treaty was that in case of war they would be free to act as if no treaty existed. Other Governments made the same declaration, which merely reasserts the principle expressed by the additional article above referred to, now article 15 of the convention.

The president of the council and minister of foreign affairs, Mr. Jules Ferry, who presided, stated, also, that the convention was now binding upon all the states parties to it which were not compelled by their constitutions to obtain the ratification of their legislature.

A journal of our proceedings of that day, containing the text of the declaration made, was also signed by all the plenipotentiaries. I have not yet received a copy of it.

I have the honor to send herewith the original instrument signed on the 14th instant. With the only exception of the last additional article, the translation of the convention was forwarded with the joint report of Mr. Vignaud and myself, of November 10, 1883.

This additional article, as before stated, is now the 15th. The former articles 15 and 16 are now numbered 16 and 17.

I also inclose herewith copies of my telegram of January 22, and of your reply thereto.

I have the honor to be, sir, very respectfully, your obedient servant,

LEVI P. MORTON.

[Copy of a telegram from Mr. Morton to the Secretary of State.]

PARIS, *January 22, 1884.*

FRELINGHUYSEN, Secretary, Washington :

Submarine cables Convention is to be signed on the 26th. At the request of England it is proposed to add the following supplementary article :

It is understood that the stipulations of the present Convention shall not infringe upon the liberty of action of belligerents.

All powers have agreed to this. If not directed otherwise, we shall also, and sign the Convention.

MORTON, Minister.

[Copy of a telegram received from the Department of State.]

MORTON, Minister, Paris :

You may agree to additional article, Submarine cable Convention.

FRELINGHUYSEN.

WASHINGTON. (Received January 23, 1884.)