

PROTECTION OF SUBMARINE CABLES.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report from the Secretary of State relating to legislation required to carry into effect the protection of submarine cables.

JANUARY 9, 1888.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State relative to the legislation required to carry into effect the international convention of March 14, 1884, for the protection of submarine cables, to which this country is a party.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 9, 1888.

The PRESIDENT :

Under Article XII of the international convention of March 14, 1884, for the protection of submarine cables, to which the United States is a party, it is made the duty of the signatory powers, respectively, to enact laws for the punishment of such persons as may violate the provisions of Articles II, V, and VI, of said convention.

In order that opportunity might be afforded for the adoption of such legislation, the 15th day of January 1886, was specified in the treaty as originally signed and proclaimed as the date upon which it should go into operation. Owing, however, to the failure of a few of the contracting parties, principal among which was the United States, to enact appropriate laws, the execution of the convention has, from time to time, been postponed. At a conference held at Paris on the 7th day of July last it appeared that legislation had been adopted by all the signatories except the United States and four other powers, and a protocol was signed *ad referendum* in which, in order to give the governments still further opportunity to legislate, the 1st day of May, 1888, was determined upon as the date on which the treaty should go into effect.

A draught of a bill which it is thought would meet all the requirements of the convention is herewith submitted. This is the same bill which was pending in the last Congress, except that section 8, which provided for the restriction of the operation of the convention to certain fathomable depths, has been omitted from the draught as being in conflict with Article IV of the convention.

It is proper to state that a similar restriction was embodied in the original act passed by the British Government to carry the treaty into effect, but has since been stricken from the law and abandoned as contrary to the provisions of the convention.

The accompanying papers relating to the subject are transmitted for the further information of Congress.

Respectfully submitted.

T. F. BAYARD.

DEPARTMENT OF STATE,
Washington, January 6, 1888.

No. 1.

Mr. McLane to Mr. Bayard.

No. 305.]

LEGATION OF THE UNITED STATES,
Paris, November 5, 1886. (Received November 17.)

SIR: Referring to my dispatch No. 220, of May 20, 1886, and that of Mr. Vignaud, No. 225, of May 27, 1886, I have the honor to call your attention to the fact that I have not received your approval of the protocol therein inclosed, with the necessary authority to communicate such approval to the conference, which adjourned in May last to meet again on the 1st of December next.

I inclose herewith a copy and translation of a communication from M. de Freycinet containing a list of the powers that have signified their approval of the protocol and requesting me to be prepared on the 1st of December to make known to the conference the views of my Government. This protocol, as I advised you in my No. 220, was satisfactory to the two American companies, but time so presses that I have to request you to communicate by telegraph authority to approve it when the conference meets the 1st of December.

I call your special attention to so much of M. de Freycinet's communication as refers to the legislation necessary to give effect to the penal clauses of the convention of the 14th of March, 1884, and I beg to be informed as to the legislation of the United States in this connection. I am not myself aware that Congress has passed any law to give effect to the convention.

I have, etc.,

ROBERT M. McLANE.

[Inclosure in No. 305.—Translation.]

M. de Freycinet's communication to Mr. McLane.

PARIS, November 4, 1886.

SIR: As you know, the delegates of the different powers having signed the convention of the 14th March, 1884, for the protection of submarine cables, met at Paris the 12th of last May and adjourned until the 1st of December, after having drawn up in a protocol a draft of an interpreting memorandum, which they engaged themselves to recommend for adoption to their respective Governments.

The Government of this Republic instructed, during the month of June, its representatives to communicate officially to the different contracting states the text of this

memorandum, and to make it known that it was much interested in having this signed with as little delay as possible.

Of the twenty-five contracting powers fifteen, the list of whom you will find annexed, have already given their adhesion to the construing memorandum.

I should be much pleased if the American Government would intimate if it accepts it also, and would be kind enough at the same time to authorize you to sign it. This formality should be fulfilled before the 1st December. It is on this date, in fact, that the conference will recommence its sessions in order to finish on the one hand the examination of the laws of which article 12 of the convention of the 14th of March, 1884, prescribes the promulgation; and, on the other hand, to agree upon a decision in regard to the contracting parties who shall not be able to show the adoption of the measures aimed at by this article 12.

In regard to this matter, the fact must not be lost sight of that the penal clauses of the convention of 14th of March, 1884, can not suffice to insure to the prevention of the violations of the convention which it foresees, the convention not specifying the penalty to be inflicted. It is then necessary, in order that the convention may be carried out in regard to this point, that the legislation of each contracting state should each contain express provisions for repressing any violation of articles 2, 5, and 6, and it is important that the Governments which had not at the time of the last conference adopted such provisions should communicate the text of them as soon as possible to the Government of the Republic, to be transmitted to the delegates of the different countries on the renewal of their deliberations; that is to say, on the 1st of December next.

I would be obliged if you would call the attention of your Government to this point, which will be kind enough, I hope, to furnish you with precise instructions, with the view of permitting the next conference to pronounce itself on the situation of the states having signed who might not be able to put the convention into operation the 1st January, 1887.

Accept, etc.,

C. DE FREYCINET.

List of the powers which have ratified the convention for the protection of submarine cables and who have already accepted the interpreting memorandum, the terms of which were agreed upon by their delegates the 21st of May, 1886: Belgium, Denmark, France, Great Britain, Guatemala, Greece, Italy, the Netherlands, Portugal, Roumania, Russia, Salvador, Servia, Sweden and Norway, Uruguay.

Protocol inclosed in Mr. Fignaud's No. 225 May 27, 1886.

The undersigned, delegates of the Argentine Republic, Austria-Hungary, Belgium, Brazil, Costa Rica, Denmark, the Dominican Republic, Spain, the United States of America, France, Great Britain, Greece, Guatemala, Italy, Japan, the Netherlands, Portugal, Roumania, Russia, Salvador, Servia, Sweden and Norway, Turkey, and Uruguay, have met together at Paris on the 12th of May, 1886, for the purpose of examining the situation of the different states signers of the convention of the 14th of March, 1884, for the protection of submarine cables, in respect to the execution of article 12 of the said convention.

As a result of the examination to which they have applied themselves in concert, they have decided upon the draft of declaration which is annexed to the present protocol and which they engage themselves to recommend for adoption to their respective Governments.

Done at Paris May 21, 1886.

Argentine Confederation: JOSÉ C. PAZ.
Austria-Hungary: GOLUCHOWSKI.
Belgium: LEOPOLD OZBAN.
Brazil: ARIMOS.
Costa Rica: FERNANDEZ.
Denmark: MOLI KEIMITFELDT.
Dominican Republic: EMANUEL DE AL-
MEDA.
Spain: JE. LUIS ALBAREDA, VICONTE
COROMNIA, ZARTO THOS ACAUA.
United States: ROBERT M. MCLANE.
France: GRANET, CLAVERY, FRIBOURG,
L. RENAULT, CHASSERIAN, T. RAY-
NAUD.
Great Britain: M. KENNED, C. C. TRE-
VOR, T. C. LAMB.

Greece: N. DELYANNI.
Guatemala: C. GOGUEL.
Italy: F. SALVATORI, G. SOLANO.
Japan: F. MARSHALL.
The Netherlands: ADE STUERS.
Portugal: ANDRADE CORVO, BRISSAC.
Roumania: V. ALECSANDRI.
Russia: E. ALEXEIEFF.
Salvador: PECTOR.
Servia: T. MARNIOVITCH.
Sweden and Norway: C. LEWENHAUPT.
Turkey: DJÉMAL.
Uruguay: JUAN J. DIAZ.

DRAUGHT OF DECLARATION.

The undersigned, plenipotentiaries of the Governments having signed the convention of the 14th March, 1884, for the protection of submarine cables, having recognized the propriety of determining precisely the sense of the terms of articles 2 and 4 of the said convention, have decided with one accord upon the following declaration:

Certain doubts having arisen as to the meaning of the word "*voluntarily*," inserted in article 2 of the convention of the 14th March, 1884, it is understood that the clause of penal responsibility, mentioned in said article, does not apply to cases of breakage or damages caused accidentally or necessarily while repairing a cable when all precautions have been taken to avoid these breakages or damages.

It is equally understood that article 4 of the convention has had no other object, and should have no other effect, than to charge the proper tribunals of each country with settling in conformity with their laws and according to the circumstances, the question of the civil responsibility of the owner of a cable, who, in the laying or the repairing of this cable, causes the breakage or damage of another cable, as well as the consequences of this responsibility if it is recognized that such exists.

In witness whereof, etc.

No. 2.

Mr. Bayard to Mr. McLane.

No. 174.]

DEPARTMENT OF STATE,
Washington, November 24, 1886.

SIR: I have received your No. 305, of the 5th instant, inclosing a communication from M. de Freycinet, in relation to the protocol or declaration adopted at the submarine cables conference in Paris in May last, for the purpose of determining the construction of certain provisions of the convention of March 14, 1884. Immediately upon the reception of your dispatch I sent you the following telegraphic instructions:

MCLANE, *Minister, Paris*:

You are authorized to sign protocol explaining cables convention, subject to Senate's approval. Legislation pending before Congress, which meets December 6.

BAYARD.

In this connection I think it proper to say that I received from the French minister at this capital, under date of the 8th July last, a note transmitting proceedings of the cables conference held at Paris in May last, and requesting me to authorize you, by telegraph, to sign the protocol in question unconditionally. The reason given for this request was that, "in order to enable the different Governments, and especially the London cabinet, to adopt such decisions as may be required by an acceptance of the proposed declaration," it was important "to change this draught of a declaration, without delay, to a definitive instrument."

With this request to give you authority to sign the declaration definitely, I did not deem it proper to comply for reasons which I will proceed to state, and which you may make known in a general way to M. de Freycinet.

The object of the declaration in question is to settle the interpretation and effect to be given to the second and fourth articles of the convention of the 14th of March, 1884. The first of these articles has reference to the punishment of persons for the "breaking or injury of a submarine cable, done willfully (*volontairement*) or through culpable negligence," etc. The second article named provides that the "owner of a cable who, by the laying or repairing of that cable shall cause the breaking or injury of another cable, shall be required to pay the cost of the repairs which such breaking or injury shall have rendered nec-

essary, but such payment shall not bar the enforcement, if there be ground therefor, of Article II of this convention."

The declaration reads as follows:

Certain doubts having arisen as to the meaning of the word *volontairement* inserted in Article II of the convention of the 14th of March, 1884, it is understood that the imposition of penal responsibility mentioned in the said article does not apply to cases of breaking or of damage occasioned accidentally or necessarily in repairing a cable, when all precautions have been taken to avoid such breaking or damages.

It is equally understood that Article II of the convention has no other end, and ought to have no other effect, than to charge the competent tribunals of each country with the determination, conformably to their laws and according to circumstances, of the question of the civil responsibility of the proprietor of a cable who, by the laying or repairing of such cable, causes the breaking or damage of another cable, and in the same manner the consequences of that responsibility if it is found to exist.

By the Constitution of the United States treaties made under the authority of the United States are a part of the supreme law of the land, and the convention of the 14th March, 1884, having been made in accordance with the Constitution, is a part of that supreme law.

But, whilst it is true that treaties are a part of the supreme law of the land, they are nevertheless to be viewed in two lights: that is to say, in the light of politics and in the light of juridical law. Where the construction of a treaty is a matter of national policy, the authoritative construction is that of the political branch of the Government. It is the function of the Executive or of Congress, as the case may be. When a political question is so determined, the courts follow that determination. Such was the decision of the Supreme Court in cases arising under the treaty of 1803 with France, of 1819 with Spain, and of 1848 with Mexico.

But where a treaty is to be construed merely as a municipal law, affecting private rights, the courts act with entire independence of the Executive in construing both the treaty and the legislation that Congress may have adopted to carry it into effect. And while great weight might be given by the courts to an opinion of the Executive in that relation, such an opinion would not be regarded as having controlling force.

The declaration in question is intended, as has been seen, to settle two questions. The first is that of penal responsibility under Article II of the convention for the accidental or necessary breaking or injury of a cable in an attempt to repair another cable; the second is that of civil responsibility under Article IV of the convention for injuries done to a cable in an effort to lay or repair another cable.

These are judicial questions to be determined by the courts before whom the appropriate suits may be brought. The only power that can authoritatively construe a treaty for the judicial tribunal on questions of the character described is the legislature, or the treaty-making power itself. In either case the result would be a law which would be binding upon the courts.

It is to be observed in this connection that the treaty in question is not self-executing, and that it requires appropriate legislation to give it effect. If, under these circumstances, the Executive should now assume to interpret the force and effect of the convention, we might hereafter have the spectacle, when Congress acted, of an Executive interpretation of one purport and a different Congressional interpretation, and this in a matter not of Executive cognizance.

For the reasons stated it was not deemed expedient to authorize you to sign the declaration unconditionally. And as the session of Congress was drawing to a close when the note of the French minister was re-

ceived, and it seemed impracticable to secure the Senate's ratification of the declaration before adjournment, it was not thought best to send you such telegraphic instructions as were solicited.

I desire, however, to refer to an incident in our diplomatic history which bears upon the matter under consideration, and which might have been regarded as a precedent for the Executive in this case, if circumstances had seemed to require a different course from that which has been taken. I refer to the protocol which accompanies the treaty of Guadalupe Hidalgo, in the volume of treaties between the United States and other powers.

The treaty as signed at the city of Guadalupe Hidalgo, on the 2d of February, 1848, was so amended by the Senate as to create doubt of its acceptance by the Mexican Government. In order to secure its ratification by that Government, as amended, President Polk sent two commissioners, Mr. A. H. Sevier and Mr. Nathan Clifford, to Mexico, with instructions to explain to the Mexican minister for foreign affairs, or to the authorized agents of the Mexican Government, the reasons which had influenced the Senate in adopting the several amendments.

Before the arrival of the commissioners at the seat of the Mexican Government, the Mexican Congress approved the treaty as amended without modification or alteration, leaving nothing to be performed except the exchange of ratifications, which took place on the 30th of May, 1848. But between the dates of the approval of the treaty by the Mexican Congress and that of the exchange of ratifications, the commissioners had several conferences with the agents of Mexico, the results of which were reduced to the form of a protocol, which was signed by Messrs. Sevier and Clifford on the part of the United States, and Señor Luis de la Rosa on the part of Mexico.

The expressed object of this protocol was to explain the amendments of the Senate. It was defended by the administration on this ground; and in a message to the House of Representatives, the President stated that "had the protocol varied the treaty, as amended by the Senate of the United States, it would have no binding effect." But notwithstanding this explanation, the course of the President in not submitting the protocol to the Senate before the exchange of ratifications of the treaty was severely criticised in Congress.

I inclose herewith a copy of the bill now pending before Congress for the execution of the convention.

I am, etc.,

T. F. BAYARD.

[Inclosure in No. 174.]

A bill to carry into effect the international convention of the fourteenth of March, eighteen hundred and eighty-four, for the protection of submarine cables.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known as the "Submarine Cables Act of eighteen hundred and eighty-six."

SEC. 2. That the provisions of this act shall be held to apply only to cables to which the convention of the fourteenth of March, eighteen hundred and eighty-four, which is hereto annexed and herein referred to as the convention, for the time being applies; and, subject to the provisions of this act, the provisions of the convention shall be of the same force as if they were embodied in this act, and shall be taken to be a part hereof.

SEC. 3. That any person who shall willfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable, in such manner

as to interrupt or obstruct, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding two years, and to a fine either in lieu of or in addition to such imprisonment not exceeding five thousand dollars.

SEC. 4. That any person who by culpable negligence shall break or injure a submarine cable in such manner as to interrupt or obstruct in whole or in part telegraphic communication shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding three months, and to a fine not exceeding five hundred dollars in lieu of or in addition to such imprisonment.

SEC. 5. That the provisions of this act shall not apply to a person who breaks or injures a cable in an effort to save the life or limb of himself or of any other person, or to save his own or any other vessel: *Provided*, That he takes reasonable precautions to avoid such breaking or injury.

SEC. 6. That the provisions of the Revised Statutes from section forty-three hundred to section forty-three hundred and five, inclusive, for the trial of offenses against the navigation laws of the United States, shall extend to the trial of offenses against the provisions of articles five and six of the convention; and a person convicted of an offense against the provisions of the said articles shall be liable to a fine not exceeding five hundred dollars.

SEC. 7. That the penalties provided in this act for the breaking or injury of a submarine cable shall not be a bar to a suit for damages on account of such breaking or injury.

SEC. 8. That the provisions of article four of the convention, in so far as they relate to the payment by the owner of a cable of the cost of repairs of another cable broken or injured in the attempt to lay or repair the former cable, shall not apply to that part of the latter cable which is laid in a depth of water exceeding one hundred fathoms.

SEC. 9. That for the purpose of carrying into effect the convention, a person commanding a ship of war of the United States or of any foreign state for the time being bound by the convention, or a ship specially commissioned by the Government of the United States or by the Government of such foreign state, may exercise and perform the duties vested in and imposed on such officer by the convention.

SEC. 10. That when an offense against this act shall have been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

SEC. 11. That any document drawn up in pursuance of article seven or article ten of the convention shall be admissible in any proceeding, civil or criminal, as prima facie evidence of the facts or matters stated therein.

SEC. 12. That unless the context of this act otherwise requires, the term "vessel" shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term "master" shall be taken to include every person having command or charge of a vessel; and the term "person" to include a body of persons corporate, or unincorporate.

SEC. 13. That the district courts shall have jurisdiction of all suits of a civil nature arising under this act; and from all decrees or judgments in such suits, where the matter in dispute exceeds the sum of fifty dollars, exclusive of costs, an appeal shall be allowed to the circuit court next to be held in such district, and such circuit court is required to receive, hear, and determine such appeal.

No. 3.

Mr. McLane to Mr. Bayard.

No. 317.]

LEGATION OF THE UNITED STATES,
Paris, December 2, 1886. (Received December 17.)

SIR: The conference for the protection of submarine cables met yesterday at the foreign office, and it was agreed informally that to enable the states which have not yet conformed to Article 12 of the convention, it would be put in operation on October 1, instead of January. If at that date there are states unprepared to enforce the convention, it will be applicable to them as fast as they adopt the legislation required by said article 12; each state giving notice of its action to the other con-

tracting parties through the French Government. At our next meeting this understanding will be put in regular shape.

I inclose herewith a printed copy* of the laws passed by Great Britain, Salvador, and Servia to enforce the convention, and beg leave to suggest the propriety of taking some means for securing similar legislation without further delay.

I have, etc.,

ROBERT M. McLANE.

No. 4.

Mr. McLane to Mr. Bayard.

No. 323.]

LEGATION OF THE UNITED STATES,
Paris, December 14, 1886. (Received December 27.)

SIR: I have to acknowledge your No. 174, of November 24, transmitting the draught of the bill now pending before Congress to give effect to the convention for the protection of submarine cables and explaining the constitutional reasons which have prevented you from giving me authority to sign unconditionally the explanatory protocol added to the convention.

I will acquaint the French Government with these reasons, which are perhaps not understood, and I will communicate the bill to the committee of the conference having charge of the matter. It came too late to be printed in the journal of the conference, which on the 6th instant adjourned until the 1st of July next, in order to enable the states which have not yet done so to adopt the legislation necessary for the application of the convention.

In the mean time the execution of the convention is deferred. The conference at its next session will fix the date upon which it is to be put in operation, which date is very likely to be the 1st of October, 1887.

I trust Congress will adopt this session the bill you kindly sent me, for if it does not we will have to ask again for delay. I beg you to communicate this information to the Committee on Foreign Affairs of the Senate and House of Representatives.

I have, etc.,

ROBERT M. McLANE.

No. 5.

Mr. Bayard to Mr. McLane.

No. 222.]

DEPARTMENT OF STATE,
Washington, May 5, 1887.

SIR: I have received your No. 386, of the 6th ultimo, inclosing the original of the explanatory protocol of the 1st of December last to the submarine cables convention, and requesting instructions as to what action you shall take at the next conference of the representatives of the signatory powers, which is to meet in Paris on the 1st of July next. The object of this conference is to agree upon a day at which the con-

*Not printed herewith.

vention shall take effect, and determine the situation of such of the contracting parties as have not adopted appropriate legislation to that end.

Under date of the 14th ultimo I received from the French minister at this capital a note transmitting a dispatch from his Government, inclosing draughts of two final protocols, to which you refer in your dispatch, and which will be laid before the approaching conference. I have answered this note, and inclose herewith a copy of the answer.

The first of the protocols in question proposes absolutely to fix a day upon which the convention shall take effect. But as Congress has not yet adopted legislation to execute the provisions of the convention, no such day can be definitely agreed upon by this Government at the present time. A bill to provide for the execution of the convention passed the House of Representatives on the 8th of February last, and was sent to the Senate, where it was referred, on the 10th of the same month, to the Committee on Foreign Relations, but no definitive action was taken.

The second draught of a protocol, inclosed by the French minister, provided that the convention shall take effect on a day to be fixed by the plenipotentiaries of the signatory powers at their next session at Paris; but it also provides that if on that day any of the Governments in question shall not have adopted the requisite legislation to execute the convention, its operation shall be suspended as regards such state until notice shall be given by it to the contracting parties, through the French Government, of the adoption of appropriate legislation. To this protocol no objection is found, and you are hereby authorized to sign it, subject to the ratification of the Senate, before which body the explanatory protocol above referred to is now pending, and as the convention is now awaiting, for its execution, the action of Congress, it is not apprehended that this course will be productive of any delay.

I am, etc.,

T. F. BAYARD.

No. 6.

Mr. McLane to Mr. Bayard.

No. 405]

LEGATION OF THE UNITED STATES,
Paris, May 13, 1887. (Received May 24.)

SIR: I received this morning from Mr. Flourens a dispatch having reference to the language of section 8 of a bill pending before Congress to enforce the convention for the protection of submarine cables. Mr. Flourens reminds me that the protocol and declaration of May 21, 1886, was intended to correct the construction placed upon articles 2 and 4 of the convention by article 4 of the British act of 1835, and remarks that all the powers parties to the convention, Great Britain and the United States comprised, having agreed to this protocol and declaration, the bill before Congress should conform to its disposition; otherwise the date of the application of the convention will have to be again deferred.

In my dispatch No. 325, of December 17, 1886, I had called your attention to the fact that section 8 of our bill reproduced article 4 of the British act, to which the conference had taken exception, and explained the intention of the authors of the convention.

Not having heard of the matter since, I was under the impression that the necessary change had been made, and I feel much embarrassed that such has not been the case. Mr. Flourens hopes that you will be

able, through the Committee of Foreign Affairs, to induce Congress at the opening of the next session to conform the bill in question with the text and spirit of the convention.

I respectfully join him in making this recommendation, and earnestly request that I be authorized to assure the conference, when it meets again in July, that the bill in question will be amended as desired, and that there will be no objection on the part of the United States to the enforcement of the convention on the 1st of January next at the latest.

I have the honor to be, etc.,

ROBERT M. McLANE.

Hon. THOMAS F. BAYARD,
Secretary of State.

No. 7.

Mr. McLane to Mr. Bayard.

No. 406.]

LEGATION OF THE UNITED STATES,
Paris, May 16, 1887. (Received May 27.)

SIR: Since writing and telegraphing to you on the 13th instant with reference to the bill for the execution of the submarine cables convention, I have received your dispatch No. 222 of May 5th and your telegram of the 14th, informing me that the bill in question had not been acted upon by Congress, and instructing me accordingly to sign, when the conference meets again in July, the second of the protocols submitted by the French Government, which provides that, if on the day fixed for the convention to go into effect any of the signatory powers have not adopted the requisite legislation, its operation shall be suspended, as regards such state, until notice shall be given by it to the French Government of the adoption of the appropriate legislation.

I inclose herewith copy of translation of Mr. Flourens's note of the 13th instant, mentioned in my No. 405 of the same date, requesting me to call your attention to the fact that section 8 of the bill which passed the House is contrary to the sense of the convention as explained by the declaration of May 1, 1886.

Being satisfied that you would have this defect corrected, I shall add nothing to what I said in my No. 405 with reference to the subject.

I have the honor to be, etc.,

ROBERT M. McLANE.

[Inclosure in No. 406.—Translation.]

Mr. Flourens to Mr. McLane.

FOREIGN OFFICE,
Paris, May 12, 1887.

By a communication dated December 26, 1885, the minister of foreign affairs has made known to the United States legation at Paris that a divergency had been noticed between the dispositions of articles 4 of the convention for the protection of submarine cables and those of section 4 of the submarine telegraph act of 1885, voted by the British Parliament to secure the observation of the international act of March 14, 1884.

On account of the difficulties raised by the restrictions which section 4 of the British act made with reference to one of the stipulations of the convention, the Government

of the French Republic proposed, at the date above mentioned, to the different signatory powers to defer the execution of the convention and to call at Paris in May, 1886, another conference to examine what solution could be given to the question.

This conference met on the 12th of May last year, and, as known by the United States minister at Paris, who represented there his Government, the delegates of the different powers agreed upon a project of explanatory declaration of articles 2 and 4 of the convention of March 14, 1884.

The acceptance by Great Britain of the terms of this project removed the divergency existing between the language of the convention and that of the British act, and caused the abandonment by the English Government of the dispositions inserted in section 4 of the act in question; consequently another act, a copy of which is herewith annexed [not received], was adopted September 25, 1885, to repeal that section.

On the other side the explanatory declaration agreed upon by the delegates, May 21, 1886, has been accepted by the twenty-five signatory powers of the convention of March 14, 1884. The diplomatic instrument of this declaration was signed at Paris, December 1 and March 23 last, by the representatives of the different Governments at Paris, and it was transmitted to the legation of the United States on April 1.

In explaining the sense of articles 2 and 4, the declaration of December 1 and March 23, 1887, suppressed the divergency of the interpretation and the difficulties which had caused the insertion in the submarine telegraph act of 1885 of the section 4, since repealed.

Now, according to information which has reached the French Government, the bill presented by the Committee on Foreign Affairs and voted by Congress to insure the enforcement of the convention of March 14, 1884, contains in its article 8 a disposition identical with the old section 4 of the British act. The insertion and the maintenance in a bill already voted by the American Congress after the third reading of this article 8, which is contrary to the stipulations of the International Convention of March 14, 1884, must come from a misunderstanding, for the United States Government have adhered to the explanatory declaration of December 1, 1886, and March 23, 1887, which had precisely for its object to avoid the article in question.

The minister of foreign affairs has the honor of pointing out specially this subject to the United States minister at Paris, who has taken such an active part in the debates of the conference concerning the execution of the convention, and begs him to call the attention of his Government to this misunderstanding, which might bring further delays in enforcing the convention. If this article (8) was definitely adopted it would be impossible to state that the different interested powers have all enacted similar measures for the execution of the convention of 1884; consequently it would be impossible to fix the time from which it would become operative.

The Government of the Republic hopes, therefore, that the Federal Government will take, without delay, the necessary steps in order that the committee for foreign affairs may introduce urgently a rectifying bill repealing the dispositions of article 8 of the one already adopted by Congress, or, if preferable, that the American Senate, which has not yet considered the bill, amend it by suppressing this article 8 contrary to the convention, and without any object since the interpretation given to articles 2 and 4 of the convention by the explanatory declaration.

Mr. Flourens seizes this occasion, etc.,

PARIS, May 12, 1887.

No. 8.

Mr. McLane to Mr. Bayard.

No. 446.]

LEGATION OF THE UNITED STATES,
Paris, July 15, 1887. (Received July 25.)

SIR: The conference relative to the protection of submarine cables met pursuant to its resolution of adjournment on the 1st of July at the ministry of foreign affairs.

The minister of foreign affairs opened the session, and explained that five powers, namely, the Argentine Republic, Austria, Brazil, the United States, and Roumania, had not yet passed the necessary laws to carry into execution the twelfth article of the convention. Since the adjournment in December last Germany, Spain, Guatemala, and Russia, all four of which were then in default, have enacted the necessary laws for carrying out the convention.

The minister of foreign affairs requests the representatives of the five states named as still in default to make such explanations in reference to this default as they might think necessary.

These explanations were made, and there appeared to be no material obstacle to the passage of the necessary laws at such time as might suit the convenience of the legislative bodies of the several countries in question, and all five of the representatives agreed to sign protocol No. 2, adopted at the December session of the conference, in virtue of which the convention would go into operation for all the powers that had voted the necessary laws to execute it, leaving the others to communicate through the French Government the adoption of their respective laws for its execution, at which time they would become subject to the operation of the convention.

At this state of the conference the representative of Great Britain expressed the desire of his Government that the convention should not go into operation until all the parties to it had adopted the necessary legislation to give it full effect, and he referred especially to the United States as one of the powers most interested in the question whose legislation had not yet been consummated. In pursuance of this view he proposed an adjournment until all the parties to the convention had enacted the necessary laws to give it effect. This view of the British delegate met with very little encouragement, and with entire unanimity the conference determined to fix a day (1st of May, 1888) for the convention to go into operation, provided all the parties to it had enacted laws for its execution, and protocol No. 2 was modified in that sense, and all the representatives to the conference agreed to sign it as modified *ad referendum* to their respective governments.

I inclose herewith a translated copy thereof and the original duly signed by the representatives of all the powers, and I can not too strongly urge upon you the necessity of legislation by Congress prior to the 1st of May to give effect to the convention. In this connection I beg to call your attention to the fact that the law which passed the House of Representatives at its last session, and which was pending in the Senate at its adjournment, was defective in fixing a particular depth, say 100 fathoms, within which limit its provisions should not apply. No limit whatever would satisfy the terms of the convention, and Great Britain was obliged to amend the original statute enacted for its execution because of such a limitation.

I have, etc.,

ROBERT M. McLANE.

[Inclosure in No. 446.—Translation.]

Protocol No. 2, as modified.

The undersigned, plenipotentiaries of the governments parties to the convention of the 14th March, 1884, for the protection of submarine cables, assembled at Paris, for the purpose of deciding, in conformity with article 16 of this international convention, upon the date of putting said convention into execution, have agreed upon the following:

I. The international convention of the 14th March, 1884, for the protection of submarine cables shall go into force the 1st of May, 1888, provided, however, that at that date those of the contracting governments who have not yet adopted the measures provided for by article 12 of the said international convention shall have conformed with this stipulation.

II. The measures that the above-mentioned states shall have taken in execution of the aforesaid article 12 shall be made known to the other contracting powers through

the intermediation of the French Government, charged with examining the general character of them.

III. The Government of the French Republic remains also charged with the examination of the same legislative provisions or rules that the states who have not taken part in the convention, and who shall wish to take advantage of the power of adhesion provided for by article 14, may adopt in their respective countries, in order to conform to article 12.

In witness whereof the undersigned plenipotentiaries have agreed upon the present final protocol, which shall be considered as making an integral part of the international convention of the 14th March, 1884.

No. 9.

Mr. Roustan to Mr. Bayard.

LEGATION OF THE FRENCH REPUBLIC
IN THE UNITED STATES,
Washington, April 14, 1887.

Mr. SECRETARY OF STATE: I have the honor herewith to transmit to you a copy of a dispatch, with inclosures, which has just been addressed to me by my Government in relation to the convention for the protection of submarine cables.

I should be very grateful to you if you could enable me, at no distant date, to reply to the inquiry of the minister of foreign affairs.

Be pleased to accept, etc.,

TH. ROUSTAN.

Mr. Flourens to Mr. Roustan.

MINISTRY OF FOREIGN AFFAIRS,
BUREAU OF COMMERCIAL AND CONSULAR BUSINESS,
Paris, March 28, 1887.

SIR: By a circular bearing date of January 14, I requested you to transmit to the Government to which you are accredited the reports of the sessions which the delegates of the signatory powers of the convention of March 14, 1884, for the protection of submarine cables, held at Paris from the 1st to the 8th of December last, with a view to having that international instrument put into execution.

As I stated at that time, it appeared from those reports that the delegates had adjourned their labors until July 1, 1887, and that the date at which the convention in question was to be put into execution was then to be finally determined.

Referring to that communication, and to the statements made by the presiding officer of the conference during the session of November 1, I will thank you to inform the minister of foreign affairs of the United States that the German Government has just signed the declaration which serves to explain articles 2 and 4 of the convention of March 14, 1884. The signatures of the representatives of the twenty-five powers that ratified the convention have thus been affixed to this declaration.

The time has consequently now arrived for the various governments to agree, in accordance with the provisions of article 16, as to the final appointment of a day on which the convention of March 14, 1884, is to become operative. It is proposed that an agreement on this subject be adopted at the projected meeting, which is to take place on the 1st of July next, and that two other points be likewise settled there, viz:

(1) The determination (the case arising) as to what is to be the situation of such of the signatory powers of the convention as may not yet have adopted the measure provided for by article 12 of that diplomatic instrument.

(2) The determination how the various contracting states are to ascertain that those powers that have not signed the convention, and that avail themselves of the privilege of accession, have taken, as regards themselves, the measures stipulated for in the convention in order to secure its observance.

With a view to practically facilitating an understanding on these different points, inasmuch as the attainment of such understanding is hampered by the number of the

contracting parties, it would be well for the delegate of the United States at the conference which is to be held in July next to be invested with the character of a plenipotentiary, and furnished with the necessary power or authority :

1. To accept, not in his own individual name but in that of his Government, as regards the taking effect of the convention, the date that shall be approved by the different Governments, which, if we may judge from the views exchanged during the last conference, will probably be the 1st of October next.

2. To determine, as regards their co-signers, the situation of those contracting powers that may not be able to put the convention into execution at the time fixed upon.

3. Finally, to decide upon the method to be adopted in order to ascertain whether such states as desire to accede to the convention have laws that permit them to guaranty the enforcement of its stipulations.

In the opinion of the Government of the Republic, the agreement reached on these different points should be placed on record in a final protocol (*protocole de clôture*), which might be drawn up in the form of either of the accompanying drafts, the first of which has been prepared on the more probable hypothesis, viz, that all the signatory states will be able to show that article 12 of the convention has been put into execution; and the second in case that one of these states may be unable fully to execute the stipulations of the convention of March 14, 1884.

The signing and putting into execution of the provisions of this draft of a final protocol do not seem likely to require any new constitutional formalities in the different contracting countries.

The convention, before the exchange of the ratifications was submitted to the legislative bodies in those states in which their sanction was necessary, and as article 16 of the convention stipulated that it should be put into execution on the day on which the high contracting parties should agree, the directing powers have been authorized to decide among themselves upon the measures designed to secure the execution of this international instrument.

I will thank you, sir, to transmit a copy of this dispatch to the Government to which you are accredited, requesting it to be pleased to inform you, with as little delay as possible, before the meeting of the delegates, whether, as we hope, the inclosed draft of a final protocol of the conference for putting into execution the convention of March 14, 1884, calls for no observation in principle on its part.

You will be pleased at the same time to represent to the Washington Cabinet, which has not yet adopted the measures provided for in the twelfth article of the convention, how important it is that the measures should be definitely decided upon by the competent authorities before the 1st of July next, so that the conference may be informed thereof at its first meeting.

Accept, etc.,

FLOURENS.

[Inclosure No. 1.]

Draft of a final protocol.

The undersigned, plenipotentiaries of the signatory Governments of the convention of March 14, 1884, for the protection of submarine cables, having met in conference at Paris, for the purpose of deciding, in pursuance of article 16 of that international instrument, upon a day for putting the said convention into execution, have agreed upon the following :

I. The convention of March 14, 1884, for the protection of submarine cables, shall take effect on the ———, 1887.

II. The Government of the French Republic is charged with the examination of the legislative or reglementary provisions to be adopted in their respective countries, in order to meet the requirements of article 12 of the convention, by such states as have not become parties to the said convention, and as may desire to avail themselves of the privilege of accession provided for in article 14.

In testimony whereof, the undersigned plenipotentiaries have adopted this final protocol, which shall be considered as forming an integral part of the international convention of March 14, 1884.

PARIS, ———, 1887.

[Inclosure No. 2.]

Draft of a final protocol.

The undersigned, plenipotentiaries of the signatory Governments of the convention of March 14, 1884, for the protection of submarine cables, having met at Paris for the purpose of deciding, in pursuance of article 16 of that international instrument,

upon a day for putting the said convention into execution, have agreed upon the following:

I. The international convention of March 14, 1884, for the protection of submarine cables, shall take effect on the ———, 1887.

II. In case that at the time above fixed for the convention to take effect, the Governments of ———, which have not yet adopted the measures provided for in article 12 of that international instrument, shall not have acted in conformity with that stipulation, it is understood that the effects of the convention of March 14, 1884, shall be suspended, as regards each of those states, until the time when notice of the measures adopted by them, in execution of the said article 12, shall have been given to the other contracting powers, through the French Government, which is charged with the examination of such measures.

III. The Government of the French Republic is likewise charged with examination of the legislative or reglementary measures that are to be adopted, in their respective countries, in pursuance of article 12, by such states as have not yet become parties to the convention, and as may desire to avail themselves of the privilege of accession provided for in article 14.

In testimony whereof, the undersigned plenipotentiaries have adopted this final protocol, which shall be considered as forming an integral part of the international convention of March 14, 1887.

PARIS, ———, 1887.

No. 10.

Mr. Bayard to Mr. Rouston.

DEPARTMENT OF STATE,
Washington, May 5, 1887.

SIR: I have had the honor to receive your note of the 14th ultimo, transmitting a dispatch, with inclosures, addressed to you by your Government in relation to the convention for the protection of submarine cables, and particularly requesting you to ascertain the situation and intentions of this Government with respect to that convention.

As the bill which was pending before the last Congress to execute the provisions of the convention was not definitively acted upon by that body it is not thought that this Government is in a position to authorize its diplomatic representative at Paris to sign the draught of a final protocol, marked in your note as inclosure No. 1, which is intended to fix a certain day for the convention to take effect.

The second draught of a protocol, marked inclosure No. 2, provides that the convention shall take effect on a day to be fixed by the plenipotentiaries of the signatory powers at their next session at Paris; but it also provides that if, on that day, any of the Governments in question shall not have adopted the requisite legislation to execute the convention, its operation shall be suspended as regards such state until notice shall be given by it to the contracting parties, through the French Government, of the adoption of appropriate legislation. To this protocol no objection is found, and the minister of the United States at Paris will be empowered to sign it. In order, however, that it may be considered, in the terms of its last clause, "as forming an integral part of the international convention of March 14, 1887, the protocol will be submitted to the Senate (before which body the explanatory protocol signed on the 1st of December last is now pending) at its next session; and as the convention is now awaiting for its execution the action of the next Congress, it is not supposed that the course stated will be productive of any delay.

Accept, etc.,

T. F. BAYARD.

No. 11.

Count Sala to Mr. Bayard.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC
 IN THE UNITED STATES,
Washington, July 8, 1887. (Received July 9.)

Mr. SECRETARY OF STATE: By a circular bearing date of the 19th of December last the representatives of the Republic near the various Governments which signed the convention of March 14, 1884, for the protection of submarine cables were instructed to propose to those Governments the holding of a conference with a view to the execution of article 12 of that international instrument.

The delegates of the various powers which accepted the invitation of the French Government met at Paris on the 12th of May last, and suspended their labors on the 22d of the same month, after having arranged, in a protocol, the terms of the draught of a declaration which they pledged themselves to recommend to their respective Governments for adoption.

I have the honor herewith to transmit to you twenty copies of the report of the proceedings of the conference in question. This report contains the text of the protocol that was signed by the delegates on the 21st of May last, official notice of which it is incumbent upon the Government of the Republic to give to the various states which signed the convention of March 14, 1884, or which have acceded thereto. This instrument consists of a declaration explanatory of articles 2 and 4 of the convention of March 14, 1884, and removes the difficulties that were originated by the restriction introduced in article 4 of the English law for the execution of the convention relative to the scope of its fourth article.

In order to enable the different Governments, and especially the London cabinet, to adopt such decisions as may be required by an acceptance of the proposed declaration, it is important to change this draught of a declaration, without delay, to a definitive instrument. I am consequently instructed, Mr. Secretary of State, to request you to be pleased to authorize the representative of the Federal Government at Paris, as soon as possible, by telegraph, to sign the declaration. My Government would be very glad if this formality could be accomplished without any unnecessary delay.

In the course of its labors the conference found that of the twenty-five states that have ratified the convention relative to submarine cables, or that have acceded thereto, twelve (Germany, the Argentine Republic, Austria-Hungary, Brazil, Spain, the United States, Guatemala, Roumania, Russia, Salvador, Servia, and Turkey) have not yet enacted or promulgated the laws necessary to render the convention operative. In this connection it is well not to lose sight of the fact that the penal clauses of the convention are not sufficient to secure the repressions of the infractions for which it provides, since that instrument does not specify what punishment is to be inflicted. It is therefore necessary, in order that the convention may become operative on this point in each state, that the laws of that state should contain express provisions for the repression of any violation of the articles which declare punishable certain acts of injury or destruction (article 2) of submarine cables; or that they should prescribe for vessels engaged in laying or repairing cables certain rules calculated to facilitate operations relative to cables. (Articles 5 and 6.)

Owing to the deficiencies thus found to exist in the laws of a certain number of countries, the conference was able to perform but a part of

its task, and it adjourned to the 1st of December next, with a view to allowing to the above-named states the time necessary for them to make known what legislative enactments they propose to promulgate in order to meet the engagement growing out of article 12 of the convention.

As most of the Governments have adhered, at least in principle, to the second proposition, which formed the subject of M. de Freycinet's circular of 19th of December last, and the object of which was to fix the 1st day of January, 1887, as the time when the international instrument of March 14, 1884, should take effect, the convention, at its meeting on the 1st of December next, will not only have to examine the new laws that shall be communicated to it, but it will also have to prepare definitively the list of the states forming the union for the protection of submarine cables. It is therefore necessary that the delegate of the United States should be furnished with precise instructions as regards the decision to be adopted in the case of states that shall not be able by the 1st of December next to show that they have enacted laws that meet the requirements of article 12 of the convention. I need not, therefore, remind you, Mr. Secretary of State, how important it is that all legislative enactments necessary to render the convention operative should be adopted by the United States before the next meeting of the delegates in order that the conference may take cognizance thereof.

I will recapitulate these remarks. The object of the communication which I am instructed to make to the American Government is twofold, viz :

1st. To request it to authorize its representative at Paris, with as little delay as possible, to sign the explanatory declaration adopted by the conference which met at Paris on the 12th of May last.

2d. To call its attention to the necessity of enacting, before the 1st of December next, such laws or of adopting such regulations as may be necessary to render the convention operative; and, further, to call attention to the fact that it is very important that the delegate of the United States should be able to make known at the next meeting of the conference the views of his Government in relation to the situation of the signatory powers that shall be unable to put the convention into execution on the 1st day of January, 1887.

I should be grateful to you, Mr. Secretary of State, if you could enable me, as speedily as possible, to make known at Paris the reply of the Federal Government.

Be pleased to accept, etc.,

SALA.

The Hon. THOMAS F. BAYARD,
Secretary of State of the United States.

No. 12.

Mr. Roustan to Mr. Bayard.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC
IN THE UNITED STATES,
Washington, November 1, 1887.

MR. SECRETARY OF STATE: The international conference for putting into execution the convention of March 14, 1884, for the protection of submarine cables, reassembled at Paris on the 1st of July last,

H. Ex. 60—2

This conference, the object of which was explained to you by the ministerial circular contained in my note of April 14, 1887, terminated its labors on the 7th of July by signing a final protocol, according to which the convention of March 14, 1884, is to go into operation on the 1st day of May, 1888, on condition, however, that the five states that have not yet adopted the measures provided for by article 12, viz, the Argentine Republic, Austria-Hungary, Brazil, the United States, and Roumania, shall at that time have conformed to the said stipulation.

It is consequently important that the American Congress should take, before that date, such action as is necessary to secure the observance of the convention of March 14, 1884, in the United States.

The House of Representatives, having this object in view, passed a bill on the 8th of February last, which contained in its eighth section a provision which conflicted with the convention, inasmuch as it limited the scope of article 4, as had previously been done by the English act of 1885, in lieu of which the submarine telegraph act of 1886 has since been passed. The bill in question, which would have caused additional delays before the convention could have gone into operation, was not passed at the time by the Senate, and is now null and void, owing to the fact that the present Congress is a new one. The Government of the Republic therefore hopes that the Federal Government will be pleased to arrange matters with the committees of Congress on foreign affairs, so that the bill of February 8 may not be taken up again, or at least so that the eighth article may not be inserted therein, as that article must have grown out of a misunderstanding, inasmuch as the United States Government adhered to the interpretative declaration of December 1, 1886, and March 23, 1887, which should have resulted in preventing the presentation of the article in question.

In pursuance of my instructions, I have the honor, Mr. Secretary of State, herewith to transmit to you twenty copies of the report of the two meetings held during their last session by the representatives of the powers that were parties to the international instrument of March 14, 1884. You will observe that the German Government, although not represented at the conference, signed the final protocol, which has consequently been approved by all the powers composing the Union for the protection of submarine cables.

Be pleased to accept, etc.,

TH. ROUSTAN.

No. 13.

Mr. Roustan to Mr. Bayard.

[Translation.]

LEGATION OF THE FRENCH REPUBLIC
IN THE UNITED STATES,
Washington, December 10, 1887.

MR. SECRETARY OF STATE:

On the 2d of November last I had the honor to write to your excellency begging you, in the name of my Government, to submit as soon as possible to the Congress the legislative measures intended to assure the execution of the convention of March, 1884, for the protection of submarine cables.

I receive to-day a new communication from Mr. Flourens, who charges me to represent to you the urgency of this question, in order to enable the enforcement of the convention in question, which, for divers reasons, has already been postponed from time to time until the 1st of May next, and which at present is only retarded by the want of the legal formalities on the part of the Government of the United States.

My Government would be very grateful to you, Mr. Secretary of State, if you would be pleased to submit this question to the urgent examination of Congress.

In referring to my previous communications in this regard, and especially to my note verbale of December, 1886, I permit myself to remind your excellency of the amendment necessary to be made in the draught of the bill presented to Congress last year. This correction consists in the suppression of section 8, which, if adopted, would render all the rest useless for the execution of the convention.

The same error was committed in the English bill of 1885, but has since been corrected by the "Submarine Telegraph Act" of 1886.

Accept, etc.,

TH. ROUSTAN.

HON. THOMAS F. BAYARD,
Secretary of State of the United States.

No. 14.

Convention between the United States of America and Germany, Argentine Confederation, Austria-Hungary, Belgium, Brazil, Costa-Rica, Denmark, Dominican Republic, Spain, United States of Colombia, France, Great Britain, Guatemala, Greece, Italy, Turkey, Netherlands, Persia, Portugal, Roumania, Russia, Salvador, Servia, Sweden and Norway, and Uruguay, for the protection of submarine cables, with an additional article concerning the means provided for admitting to the privileges of the convention the Colonies of Great Britain, namely: Canada, Newfoundland, the Cape of Good Hope, Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, West Australia, and New Zealand.

[Concluded at Paris March 14, 1884. Ratification advised by the Senate June 12, 1884. Ratified by the President January 26, 1885. Ratifications by eighteen of the signatory powers exchanged at Paris, April 16, 1885. Proclaimed May 22, 1885. The convention, by agreement between the contracting parties, will become operative January 15, 1886.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Convention for the protection of submarine cables between the United States of America and His Majesty the Emperor of Germany, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of Colombia, His Ex-

cellency the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and Norway, and His Excellency the President of the Oriental Republic of Uruguay, was concluded and signed by their respective plenipotentiaries at Paris on the fourteenth day of March, one thousand eight hundred and eighty-four, the original of which, being in the French language, is word for word as follows :

Son Excellence le Président des États-Unis d'Amérique, Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, Son Excellence le Président de la Confédération Argentine, Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., Roi apostolique de Hongrie, Sa Majesté le Roi des Belges, Sa Majesté l'Empereur du Brésil, Son Excellence le Président de la République de Costa-Rica, Sa Majesté le Roi de Danemark, Son Excellence le Président de la République Dominicaine, Sa Majesté le Roi d'Espagne, Son Excellence le Président des États-Unis de Colombie, Son Excellence le Président de la République Française, Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes, Son Excellence le Président de la République de Guatemala, Sa Majesté le Roi des Hellènes, Sa Majesté le Roi d'Italie, Sa Majesté l'Empereur des Ottomans, Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembour, Sa Majesté le Schah de Perse, Sa Majesté le Roi de Portugal et des Algarves, Sa Majesté le Roi de Roumanie, Sa Majesté l'Empereur de toutes les Russies, Son Excellence le Président de la République de Salvador, Sa Majesté le Roi de Serbie, Sa Majesté le Roi de Suède et Norvège, et Son Excellence le Président de la République Orientale de l'Uruguay, désirant assurer le maintien des communications télégraphiques, qui ont lieu au moyen des câbles sous-marins, ont résolu de conclure une Convention à cet effet et ont nommé pour leurs Plénipotentiaires, savoir :

Son Excellence le Président des États-Unis d'Amérique, M. L. P. Morton, Envoyé extraordinaire et Ministre plénipotentiaire des États-Unis d'Amérique à Paris, etc., etc., etc. ; et M. Vignaud, Secrétaire de la Légation des États-Unis d'Amérique à Paris, etc., etc., etc. ;

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, Son Altesse le Prince Chlodwig Charles Victor de Hohenlohe-Schillingsfurst, Prince de Ratibor et Corvey, Grand Chambellan de la couronne de Bavière, Son Ambassadeur extraordinaire et plénipotentiaire près le Gouvernement de la République Française, etc., etc., etc. ;

Son Excellence le Président de la Confédération Argentine, M. Balcarce, Envoyé extraordinaire et Ministre plénipotentiaire de la Confédération à Paris, etc., etc., etc. ;

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., Roi apostolique de Hongrie, Son Excellence M. le Comte Ladislas Hoyos, Conseiller intime actuel, Son Ambassadeur extraordinaire et plénipotentiaire près le Gouvernement de la République Française, etc., etc., etc. ;

Sa Majesté le Roi des Belges, M. le baron Beyens, Son Envoyé extraordinaire et Ministre plénipotentiaire à Paris, etc., etc., etc. ; et M. Léopold Orban, Envoyé extraordinaire et Ministre plénipotentiaire, Direc-

teur Général de la Politique au Département des Affaires étrangères de Belgique, etc., etc., etc. ;

Sa Majesté l'Empereur du Brésil, M. d'Araujo, Baron d'Itajubá, Chargé d'Affaires du Brésil à Paris, etc., etc., etc. ;

Son Excellence le Président de la République de Costa-Rica, M. Léon Somzée, Secrétaire de la Légation de Costa-Rica à Paris, etc., etc., etc. ;

Sa Majesté le Roi de Danemark, M. le Comte de Moltke-Hvitfeldt, Son Envoyé extraordinaire et Ministre plénipotentiaire à Paris, etc., etc., etc. ;

Son Excellence le Président de la République Dominicaine, M. le Baron de Almeda, Envoyé extraordinaire et Ministre plénipotentiaire de la République Dominicaine à Paris, etc., etc., etc. ;

Sa Majesté le Roi d'Espagne, Son Excellence M. Manuel Silvela de la Vielleuse, Sénateur inamovible, membre de l'Académie Espagnole, Son Ambassadeur extraordinaire et plénipotentiaire près le Gouvernement de la République Française, etc., etc., etc. ;

Son Excellence le Président des États-Unis de Colombie, M. le Docteur José G. Triana, Consul Général des États-Unis de Colombie à Paris, etc., etc., etc. ;

Son Excellence le Président de la République Française, M. Jules Ferry, Député, Président du Conseil, Ministre des Affaires Étrangères, etc., etc., etc. ; et M. Adolphe Cochery, Député, Ministre des Postes et des Télégraphes, etc., etc., etc. ;

Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes, Son Excellence le très-honorable Richard Bickerton Pemell, Vicomte Lyons, Pair du Royaume-Uni de la Grande Bretagne et d'Irlande, Membre du Conseil privé de Sa Majesté Britannique, Son Ambassadeur extraordinaire et plénipotentiaire près le Gouvernement de la République Française, etc., etc., etc. ;

Son Excellence le Président de la République de Guatémala, M. Crisanto Medina, Envoyé extraordinaire et Ministre plénipotentiaire de la République de Guatémala à Paris, etc., etc., etc. ;

Sa Majesté le Roi des Hellènes, M. le Prince Maurocordatos, Son Envoyé extraordinaire et Ministre plénipotentiaire à Paris, etc., etc., etc. ;

Sa Majesté le Roi d'Italie, Son Excellence M. le Général Comte Menabrea, Marquis de Valdora, Son Ambassadeur extraordinaire et plénipotentiaire près le Gouvernement de la République Française, etc., etc., etc. ;

Sa Majesté l'Empereur des Ottomans, Son Excellence Essad Pacha, Son Ambassadeur extraordinaire et plénipotentiaire près le Gouvernement de la République Française, etc., etc., etc. ;

Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, M. le Baron de Zuylen de Nyevelt, Son Envoyé extraordinaire et Ministre plénipotentiaire à Paris, etc., etc., etc. ;

Sa Majesté le Schah de Perse, M. le Général Nazare-Aga, Son Envoyé extraordinaire et Ministre plénipotentiaire à Paris, etc., etc., etc. ;

Sa Majesté le Roi de Portugal et des Algarves, M. d'Azevedo, Chargé d'Affaires de Portugal à Paris, etc., etc., etc. ;

Sa Majesté le Roi de Roumanie, M. Alexandre Odobesco, Chargé d'Affaires, *par interim*, de Roumanie à Paris, etc., etc., etc. ;

Sa Majesté l'Empereur de toutes les Russies, Son Excellence M. l'Aide-de-Camp Général Prince Nicolas Orloff, Son Ambassadeur extraordinaire et plénipotentiaire près le Gouvernement de la République Française, etc., etc., etc. ;

Son Excellence le Président de la République de Salvador, M. Torres Caicedo, Envoyé extraordinaire et Ministre plénipotentiaire de la République de Salvador à Paris, etc., etc., etc. ;

Sa Majesté le Roi de Serbie, M. Marinovitch, Son Envoyé extraordinaire et Ministre plénipotentiaire à Paris, etc., etc., etc.;

Sa Majesté le Roi de Suède et Norvège, M. Sibbern, Son Envoyé extraordinaire et Ministre plénipotentiaire à Paris, etc., etc., etc.;

Son Excellence le Président de la République Orientale de l'Uruguay, M. le Colonel Diaz, Envoyé extraordinaire et Ministre plénipotentiaire de la République de l'Uruguay à Paris, etc., etc., etc.;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants :

ARTICLE I.

La présente Convention s'applique, en dehors des eaux territoriales, à tous les câbles sous-marins légalement établis et qui atterrissent sur les territoires, colonies ou possessions de l'une ou de plusieurs des Hautes Parties contractantes.

ARTICLE II.

La rupture ou la détérioration d'un câble sous-marin, faite volontairement ou par négligence coupable, et qui pourrait avoir pour résultat d'interrompre ou d'entraver, en tout ou en partie, les communications télégraphiques est punissable, sans préjudice de l'action civile en dommages et intérêts.

Cette disposition ne s'applique pas aux ruptures ou détériorations dont les auteurs n'auraient eu que le but légitime de protéger leur vie ou la sécurité de leurs bâtiments, après avoir pris toutes les précautions nécessaires pour éviter ces ruptures ou détériorations.

ARTICLE III.

Les Hautes Parties contractantes s'engagent à imposer, autant que possible, quand elles autoriseront l'atterrissement d'un câble sous-marin, les conditions de sûreté convenables, tant sous le rapport du tracé que sous celui des dimensions du câble.

ARTICLE IV.

Le propriétaire d'un câble qui, par la pose ou la réparation de ce câble, cause la rupture ou la détérioration d'un autre câble doit supporter les frais de réparation que cette rupture ou cette détérioration aura rendus nécessaires, sans préjudice, s'il y a lieu, de l'application de l'article II. de la présente Convention.

ARTICLE V.

Les bâtiments occupés à la pose ou à la réparation des câbles sous-marins doivent observer les règles sur les signaux qui sont ou seront adoptées, d'un commun accord, par les Hautes Parties contractantes, en vue de prévenir les abordages.

Quand un bâtiment occupé à la réparation d'un câble porte lesdits signaux, les autres bâtiments qui aperçoivent ou sont en mesure d'apercevoir ces signaux doivent ou se retirer ou se tenir éloignés d'un mille nautique au moins de ce bâtiment, pour ne pas le gêner dans ses opérations.

Les engins ou filets des pêcheurs devront être tenus à la même distance.

Toutefois, les bateaux de pêche qui aperçoivent ou sont en mesure, d'apercevoir un navire télégraphique portant lesdits signaux auront pour se conformer à l'avertissement ainsi donné, un délai de vingt-quatre heures au plus, pendant lequel aucun obstacle ne devra être apporté à leurs manœuvres.

Les opérations du navire télégraphique devront être achevées dans le plus bref délai possible.

ARTICLE VI.

Les bâtiments qui voient ou sont en mesure de voir les bouées destinées à indiquer la position des câbles, en cas de pose, de dérangement ou de rupture, doivent se tenir éloignés de ces bouées à un quart de mille nautique au moins.

Les engins ou filets des pêcheurs devront être tenus à la même distance.

ARTICLE VII.

Les propriétaires des navires ou bâtiments qui peuvent prouver qu'ils ont sacrifié une ancre, un filet ou un autre engin de pêche, pour ne pas endommager un câble sous-marin, doivent être indemnisés par le propriétaire du câble.

Pour avoir droit à une telle indemnité, il faut, autant que possible, qu'aussitôt après l'accident, on ait dressé, pour le constater, un procès-verbal appuyé des témoignages des gens de l'équipage, et que le capitaine du navire fasse, dans les vingt-quatre heures de son arrivée au premier port de retour ou de relâche, sa déclaration aux autorités compétentes. Celles-ci en donnent avis aux autorités consulaires de la nation du propriétaire du câble.

ARTICLE VIII.

Les tribunaux compétents pour connaître des infractions à la présente Convention sont ceux du pays auquel appartient le bâtiment à bord duquel l'infraction a été commise.

Il est, d'ailleurs, entendu que, dans les cas où la disposition insérée dans le précédent alinéa ne pourrait pas recevoir d'exécution, la repression des infractions à la présente Convention aurait lieu, dans chacun des États contractants à l'égard de ses nationaux, conformément aux règles générales de compétence pénale résultant des lois particulières de ces États ou des traités internationaux.

ARTICLE IX.

La poursuite des infractions prévues aux articles II., V. et VI. de la présente Convention aura lieu par l'État ou en son nom.

ARTICLE X.

Les infractions à la présente Convention pourront être constatées par tous les moyens de preuve admis dans la législation du pays où siège le tribunal saisi.

Lorsque les officiers commandant les bâtiments de guerre ou les bâtiments spécialement commissionés à cet effet de l'une des Hautes Parties contractantes auront lieu de croire qu'une infraction aux mesures prévues par la présente Convention a été commise par un bâtiment autre

qu'un bâtiment de guerre, ils pourront exiger du capitaine ou du patron l'exhibition des pièces officielles justifiant de la nationalité dudit bâtiment. Mention sommaire de cette exhibition sera faite immédiatement sur les pièces produites.

En outre, des procès-verbaux pourront être dressés par lesdits officiers, quelle que soit la nationalité du bâtiment inculpé. Ces procès-verbaux seront dressés suivant les formes et dans la langue en usage dans le pays auquel appartient l'officier qui les dresse; ils pourront servir de moyen de preuve dans le pays où ils seront invoqués et suivant la législation de ce pays. Les inculpés et les témoins auront le droit d'y ajouter ou d'y faire ajouter, dans leur propre langue, toutes explications qu'ils croiront utiles; ces déclarations devront être dûment signées.

ARTICLE XI.

La procédure et le jugement des infractions aux dispositions de la présente Convention ont toujours lieu aussi sommairement que les lois et règlements en vigueur le permettent.

ARTICLE XII.

Les Hautes Parties contractantes s'engagent à prendre ou à proposer à leurs législatures respectives les mesures nécessaires pour assurer l'exécution de la présente Convention, et notamment pour faire punir soit de l'emprisonnement, soit de l'amende, soit de ces deux peines, ceux qui contreviendraient aux dispositions des articles II., V. et VI.

ARTICLE XIII.

Les Hautes Parties contractantes se communiqueront les lois qui auraient déjà été rendues ou qui viendraient à l'être dans leurs États, relativement à l'objet de la présente Convention.

ARTICLE XIV.

Les États qui n'ont point pris part à la présente Convention sont admis à y adhérer, sur leur demande. Cette adhésion sera notifiée par la voie diplomatique au Gouvernement de la République française, et par celui-ci aux autres Gouvernements signataires.

ARTICLE XV.

Il est bien entendu que les stipulations de la présente Convention ne portent aucune atteinte à la liberté d'action des belligérants.

ARTICLE XVI.

La présente Convention sera mise à exécution à partir du jour dont les Hautes Parties contractantes conviendront.

Elle restera en vigueur pendant cinq années à dater de ce jour, et, dans le cas où aucune des Hautes Parties contractantes n'aurait notifié, douze mois avant l'expiration de ladite période de cinq années, son intention d'en faire cesser les effets, elle continuera à rester en vigueur une année, et ainsi de suite d'année en année.

Dans le cas où l'une des Puissances signataires dénoncerait la Convention, cette dénonciation n'aurait d'effet qu'à son égard.

ARTICLE XVII.

La présente Convention sera ratifiée; les ratifications en seront échangées à Paris, le plus tôt possible, et, au plus tard, dans le délai d'un an.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé leurs cachets.

Fait en vingt-six exemplaires, à Paris, le 14 mars 1884.

SEAL.]	L. P. MORTON.	[SEAL.] HENRY VIGNAUD.
SEAL.]	HOHENLOHE.	
SEAL.]	M. BALCARCE.	
SEAL.]	LADISLAS COMTE HOYOS.	
SEAL.]	BEYENS.	[SEAL.] LÉOPOLD ORBAN.
SEAL.]	BN. D'ITAJUBÁ.	
SEAL.]	LÉON SOMZÉE.	
SEAL.]	MOLTKE-HVITFELDT.	
SEAL.]	EMANUEL DE ALMEDA.	
SEAL.]	MANUEL SILVELA.	
SEAL.]	JOSÉ G. TRIANA.	
SEAL.]	JULES FERRY.	[SEAL.] AD. COCHERY.
SEAL.]	LYONS.	
SEAL.]	CRISANTO MEDINA.	
SEAL.]	MAUROCORDATOS.	
SEAL.]	MENABREA.	
SEAL.]	ESSAD.	
SEAL.]	BN. DE ZUYLEN DE NYEVELT.	
SEAL.]	NAZARE-AGA.	
SEAL.]	F. D'AZEVEDO.	
SEAL.]	ODOBESCO.	
SEAL.]	PRINCE ORLOFF.	
SEAL.]	J. M. TORRES-CAYCEDO.	
SEAL.]	J. MARINOVITCH.	
SEAL.]	G. SIBBERN.	
SEAL.]	JUAN J. DIAZ.	

ARTICLE ADDITIONNEL.

Les stipulations de la Convention conclue, à la date de ce jour, pour la protection des câbles sous-marins seront applicables, conformément à l'article 1er, aux colonies et possessions de Sa Majesté Britannique, à l'exception de celles ci-après dénommées, savoir :

Le Canada;
 Terre-Neuve;
 Le Cap;
 Natal;
 La Nouvelle-Galles du Sud;
 Victoria;
 Queensland;
 La Tasmanie;
 L'Australie du Sud;
 L'Australie occidentale;
 La Nouvelle-Zélande.

Toutefois, les stipulations de ladite Convention seront applicables à l'une des colonies ou possessions ci-dessus indiquées, si, en leur nom, une notification à cet effet a été adressée par le Représentant de Sa

Majesté Britannique à Paris, au Ministre des Affaires étrangères de France.

Chacune des colonies ou possessions ci-dessus dénommées qui aurait adhéré à ladite Convention conserve la faculté de se retirer de la même manière que les Puissances contractantes. Dans le cas où l'une des colonies ou possessions dont il s'agit désirerait se retirer de la Convention, une notification à cet effet serait adressée par le Représentant de Sa Majesté Britannique à Paris, au Ministre des Affaires étrangères de France.

Fait en vingt-six exemplaires à Paris, le 14 mars 1884 :

L. P. MORTON.	HENRY VIGNAUD.
HOBENLOHE.	
M. BALCARCE.	
LADISLAS COMTE HOYOS.	
BEYENS.	LÉOPOLD ORBAN.
BN. D'ITAJUBÁ.	
LÉON SOMZÉE.	
MOLTKE-HVITFELDT.	
EMANUEL DE ALMEDA.	
MANUEL SILVELA.	
JOSÉ G. TRIANA.	
JULES FERRY.	AD. COCHERY.
LYONS.	
CRISANTO MEDINA.	
MAUROCORDATOS.	
MENABREA.	
ESSAD.	
BN. DE ZUYLEN DE NYEVELT.	
NAZARE-AGA.	
F. D'AZEVEDO.	
ODOBESCO.	
PRINCE ORLOFF.	
J. M. TORRES-CAÏCEDO.	
J. MARINOVITCH.	
G. SIBBERN.	
JUAN J. DIAZ.	

And of which the following is a translation thereof into the English language :

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 Confederation, His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His

Majesty the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and Norway, and His Excellency the President of the Oriental Republic of Uruguay, desiring to secure the maintenance of telegraphic communication by means of submarine cables, have resolved to conclude a convention to that end, and have appointed as their plenipotentiaries, to wit:

His Excellency the President of the United States of America, Mr. L. P. Morton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Paris, etc., etc., etc., and Mr. Vignaud, Secretary of the Legation of the United States of America at Paris, etc., etc., etc.;

His Majesty the Emperor of Germany, King of Prussia, His Highness Prince Charles Victor von Hohenlohe-Schillingsfürst, Prince of Ratibor and Corvey, Grand Chamberlain of the Crown of Bavaria, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Argentine Confederation, M. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Confederation at Paris, etc., etc., etc.;

His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Excellency Count Ladislas Hoyos, Actual Privy Counselor, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Belgians, Baron Beyens, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.; and Mr. Leopold Orban, Envoy Extraordinary and Minister Plenipotentiary, Director General of Political Affairs at the Department of Foreign Affairs of Belgium, etc., etc., etc.;

His Majesty the Emperor of Brazil, Mr. d'Araujo, Baron d'Itajubá, Chargé d'Affaires of Brazil at Paris, etc., etc., etc.;

His Excellency the President of the Republic of Costa-Rica, Mr. Leon Somzée, Secretary of the Legation of Costa-Rica at Paris, etc., etc., etc.;

His Majesty the King of Denmark, Count de Moltke-Hvitfeldt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Dominican Republic, Baron de Almeda, Envoy Extraordinary and Minister Plenipotentiary of the Dominican Republic at Paris, etc., etc., etc.;

His Majesty the King of Spain, His Excellency Manuel Silvela de le Vielleuse, permanent Senator, member of the Spanish Academy, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the United States of Colombia, Doctor José G. Triana, Consul-General of the United States of Colombia at Paris, etc., etc., etc.;

His Excellency the President of the French Republic, Mr. Jules Ferry, Deputy, President of the Council, Minister of Foreign Affairs, etc., etc., etc.; and Mr. Adolphe Cochery, Deputy, Minister of Posts and Telegraphs, etc., etc., etc.;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the Right Honorable Richard Bickerton Pemell, Viscount Lyons, Peer of the United Kingdom of Great Britain and Ireland, member of Her British Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Republic of Guatemala, Mr. Orisanto Medina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala at Paris, etc., etc., etc. ;

His Majesty the King of the Hellenes, Prince Maurocordatos, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc. ;

His Majesty the King of Italy, His Excellency General Count Menabrea, Marquis de Valdora, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc. ;

His Majesty the Emperor of the Ottomans, His Excellency Essad Pasha, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc. ;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Baron de Zuylen de Nyevelt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc. ;

His Majesty the Shah of Persia, General Nazare-Aga, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc. ;

His Majesty the King of Portugal and the Algarves, Mr. d'Azevedo, Chargé d'Affaires of Portugal at Paris, etc., etc., etc. ;

His Majesty the King of Roumania, Mr. Alexander Odobesco, Chargé d'Affaires *ad interim* of Roumania at Paris, etc., etc., etc. ;

His Majesty the Emperor of all the Russias, His Excellency the Aide-Camp General Prince Nicholas Orloff, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc. ;

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc. ;

His Majesty the King of Sweden and Norway, Mr. Sibbern, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc. ;

His Excellency the President of the Oriental Republic of Uruguay, Colonel Diaz, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Uruguay at Paris, 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 shall be applicable, outside of the territorial waters, to all legally established submarine cables landed in the territories, colonies, or possessions of one or more of the High Contracting Parties.

ARTICLE II.

The breaking or injury of a submarine cable, done willfully or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense, but the punishment inflicted shall be no bar to a civil action for damages.

This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures or injuries.

ARTICLE III.

The High Contracting Parties agree to insist, as far as possible, when they shall authorize the landing of a submarine cable, upon suitable conditions of safety, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, by the laying or repairing of that cable, shall cause the breaking or injury of another cable, shall be required to pay the cost of the repairs which such breaking or injury shall have rendered necessary, but such payment shall not bar the enforcement, if there be ground therefor, of article II. of this Convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables must observe the rules concerning signals that have been or shall be adopted, by common consent, by the High Contracting Parties, with a view to preventing collisions at sea.

When a vessel engaged in repairing a cable carries the said signals, other vessels that see or are able to see those signals shall withdraw or keep at a distance of at least one nautical mile from such vessel, in order not to interfere with its operations.

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

Nevertheless, a period of twenty-four hours at most shall be allowed to fishing vessels that perceive or are able to perceive a telegraph ship carrying the said signals, in order that they may be enabled to obey the notice thus given, and no obstacle shall be placed in the way of their operations during such period.

The operations of telegraph ships shall be finished as speedily as possible.

ARTICLE VI.

Vessels that see or are able to see buoys designed to show the position of cables when the latter are being laid, are out of order, or are broken, shall keep at a distance of one quarter of a nautical mile at least from such 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 any other implement used in fishing, in order to avoid injuring a submarine cable, shall be indemnified by the owner of the cable.

In order to be entitled to such indemnity, one must prepare, whenever possible, immediately after the accident, in proof thereof, a statement supported by the testimony of the men belonging to the crew; and the captain of the vessel must, within twenty-four hours after arriving at the first port of temporary entry, make his declaration to the competent authorities. The latter shall give notice thereof to the consular authorities of the nation to which the owner of the cable belongs.

ARTICLE VIII.

The courts competent to take cognizance of infractions of this convention shall be those of the country to which the vessel on board of which the infraction has been committed belongs.

It is, moreover, understood that, in cases in which the provision contained in the foregoing paragraph cannot be carried out, the repression

of violations of this convention shall take place, in each of the contracting States, in the case of its subjects or citizens, in accordance with the general rules of penal competence established by the special laws of those States, or by international treaties.

ARTICLE IX.

Prosecutions on account of the infractions contemplated in articles II., V. and VI. of this convention, shall be instituted by the State or in its name.

ARTICLE X.

Evidence of violations of this convention may be obtained by all methods of securing proof that are allowed by the laws of the country of the court before which a case has been brought.

When the officers commanding the vessels of war or the vessels specially commissioned for that 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 master to exhibit the official documents furnishing evidence of the nationality of the said vessel. Summary mention of such exhibition shall at once be made on the documents exhibited.

Reports may, 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 add or to cause to be added thereto, in their own language, any explanations that they may deem proper; these declarations shall be duly signed.

ARTICLE XI.

Proceedings and trial in cases of infractions of the provisions of this Convention shall always 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 legislative bodies the measures necessary in order to secure the execution of this Convention, and especially in order to cause the punishment, either by fine or imprisonment, or both, of such persons as may violate the provisions of articles II., V. and VI.

ARTICLE XIII.

The High Contracting Parties shall communicate to each other such laws as may already have been or as may hereafter be enacted in their respective countries, relative to the subject of this Convention.

ARTICLE XIV.

States that have not taken part in this Convention shall be allowed to adhere thereto, on their requesting to do so. Notice of such adhesion shall be given, diplomatically, to the Government of the French Republic, and by the latter to the other signatory Governments.

ARTICLE XV.

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

ARTICLE XVI.

This Convention shall take effect on such day as shall be agreed upon by the High Contracting Parties.

It shall remain in force for five years from that day, and, in case none of the High Contracting Parties shall have given notice, twelve months previously to the expiration of the said period of five years, of its intention to cause its effects to cease, it shall continue in force for one year, and so on from year to year.

In case one of the Signatory Powers shall give notice of its desire for the cessation of the effects of the Convention, such notice shall be effective as regards that Power only.

ARTICLE XVII.

This Convention shall be ratified; its ratifications shall be exchanged at Paris as speedily as possible, and within one year at the latest.

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, 1884.

L. S.	L. P. MORTON.	[L. S.] HENRY VIGNAUD.
L. S.	HOHENLOHE.	
L. S.	M. BALCARCE.	
L. S.	LADISLAS COUNT HOYOS.	
L. S.	BEYENS.	[L. S.] LEOPOLD ORBAN.
L. S.	DN. D'ITAJUBÁ.	
L. S.	LÉON SOMZÉE.	
L. S.	MOLTKE-HIVITFELDT.	
L. S.	EMANUEL DE ALMEDA.	
L. S.	MANUEL SILVELA.	
L. S.	JOSÉ G. TRIANA.	
L. S.	JULES FERRY.	[L. S.] AD. COCHERY.
L. S.	LYONS.	
L. S.	CRISANTO MEDINA.	
L. S.	MAUROCORDATOS.	
L. S.	MENABREA.	
L. S.	ESSAD.	
L. S.	DN. DE ZUYLEN DE NYEVELT.	
L. S.	NAZARE-AGA.	
L. S.	F. D'AZEVEDO.	
L. S.	ODOBESCO.	
L. S.	PRINCE ORLOFF.	
L. S.	J. M. TORRES-CAICEDO.	
L. S.	J. MARINOVITCH.	
L. S.	G. SIBBERN.	
L. S.	JUAN J. DIAZ.	

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 exceptions 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 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 fourteenth day of March, 1884.

L. P. MORTON.

HENRY VIGNAUD.

HOHENLOHE.

M. BALCARCE.

DADISLAS COUNT HOYOS.

BEYENS.

LÉOPOLD ORBAN

BN. D'ITAJUBÁ.

LÉON SOMZÉE.

MOLTKE-HVITFELDT.

EMANUEL DE ALMEDA.

MANUEL SILVELA.

JOSÉ G. TRIANA.

JULES FERRY.

AD. COCHERY.

LYONS.

CRISANTO MEDINA.

MAUROCORDATOS.

MENABREA.

ESSAD.

BN. DE ZUYLEN DE NYEVELT.

NAZARE-AGA.

F. D'AZEVEDO.

ODOBESCO.

PRINCE ORLOFF.

J. M. TORRES-CATCEDO.

J. MARINOVITCH.

G. SIBBERN.

JUAN J. DIAZ.

And whereas the said convention has been duly ratified by the United States of America on the one hand, and by seventeen of the signatory powers on the other hand, and the respective ratifications were exchanged at Paris on the sixteenth day of April, one thousand eight hundred and eighty-five;

And whereas pursuant to Article XVI of said convention, the contracting parties have agreed upon the fifteenth day of January, one thousand eight hundred and eighty-six, as the date on which the same shall go into effect;

Now, therefore, be it known that I, Grover Cleveland, President of the United States of America, have caused the said convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the city of Washington this twenty-second day of May, in the year of our Lord one thousand eight hundred and eighty-five, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.]

GROVER CLEVELAND.

By the President:

T. F. BAYARD,
Secretary of State.

No. 15.

Draught of a bill.

AN ACT to carry into effect the international convention of the fourteenth of March, eighteen hundred and eighty-four, for the protection of submarine cables.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be known as the "Submarine Cables Act of eighteen hundred and eighty-six."

SEC. 2. That the provisions of this act shall be held to apply only to cables to which the convention of the fourteenth of March, eighteen hundred and eighty-four, which is hereto annexed and herein referred to as the convention, for the time being applies; and, subject to the provisions of this act, the provisions of the convention shall be of the same force as if they were embodied in this act, and shall be taken to be a part hereof.

SEC. 3. That any person who shall willfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable, in such manner as to interrupt or obstruct, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding two years, and to a fine, either in lieu of or in addition to such imprisonment, not exceeding five thousand dollars.

SEC. 4. That any person who by culpable negligence shall break or injure a submarine cable in such manner as to interrupt or obstruct in whole or in part telegraphic communication shall be guilty of a misde-

meanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding three months, and to a fine not exceeding five hundred dollars in lieu of or in addition to such imprisonment.

SEC. 5. That the provisions of this act shall not apply to a person who breaks or injures a cable in an effort to save the life or limb of himself or of any other person, or to save his own or any other vessel: *Provided*, That he takes reasonable precautions to avoid such breaking or injury.

SEC. 6. That the provisions of the Revised Statutes from section forty-three hundred to section forty-three hundred and five, inclusive, for the trial of offenses against the navigation laws of the United States, shall extend to the trial of offenses against the provisions of articles five and six of the convention; and a person convicted of an offense against the provisions of the said articles shall be liable to a fine not exceeding five hundred dollars.

SEC. 7. That the penalties provided in this act for the breaking or injury of a submarine cable shall not be a bar to a suit for damages on account of such breaking or injury.

SEC. 8. That for the purpose of carrying into effect the convention, a person commanding a ship of war of the United States or of any foreign state for the time being bound by the convention, or a ship specially commissioned by the Government of the United States or by the Government of such foreign state, may exercise and perform the duties vested in and imposed on such officer by the convention.

SEC. 9. That when an offense against this act shall have been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

SEC. 10. That any document drawn up in pursuance of article seven or article ten of the convention shall be admissible in any proceeding, civil or criminal, as prima facie evidence of the facts or matters stated therein.

SEC. 11. That unless the context of this act otherwise requires, the term "vessel" shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term "master" shall be taken to include every person having command or charge of a vessel; and the term "person" to include a body of persons, corporate or unincorporate.

SEC. 12. That the district courts shall have jurisdiction of all suits of a civil nature arising under this act; and from all decrees or judgments in such suits, where the matter in dispute exceeds the sum of fifty dollars, exclusive of costs, an appeal shall be allowed to the circuit court next to be held in such district, and such circuit court is required to receive, hear, and determine such appeal.