

to both such fine and imprisonment, at the discretion of the court. Fishing vessels, on perceiving or being able to perceive the said signals displayed on a telegraph ship, shall be allowed such time as may be necessary to obey the notice thus given, not exceeding twenty-four hours, during which period no obstacle shall be placed in the way of their operations.

(Feb. 29, 1888, ch. 17, § 5, 25 Stat. 42.)

#### § 26. Duties of commanders of warships

For the purpose of carrying into effect the convention described in section 30 of this title 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 with respect to requiring exhibition of documents evidencing the nationality of offending vessels and making reports of infractions vested in and imposed on such officer by the convention.

(Feb. 29, 1888, ch. 17, § 6, 25 Stat. 42.)

#### CODIFICATION

The original enactment of this section did not contain the words, "with respect to requiring exhibition of documents evidencing the nationality of offending vessels and making reports of infractions," which are inserted in view of the powers conferred on commanders of vessels of war contained in article 10 of the Convention, 24 Stat. 996, set out as a note under section 27 of this title.

#### § 27. Offending vessels to show nationality

Any person having the custody of the papers necessary for the preparation of the statements provided for in article 10 of the said convention with respect to reports of infractions, by officers commanding vessels of war or vessels especially commissioned, who shall refuse to exhibit them or shall violently resist persons having authority according to article 10 of said convention to draw up statements of facts in the exercise of their functions, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to imprisonment not exceeding two years, or to a fine not exceeding \$5,000, or to both fine and imprisonment, at the discretion of the court.

(Feb. 29, 1888, ch. 17, § 7, 25 Stat. 42.)

#### CODIFICATION

The original enactment of this section did not contain the words, "with respect to reports of infractions, by officers commanding vessels of war or vessels especially commissioned," which have been inserted in view of article 10 of the Convention, referred to in text, and set out as a note below.

#### PROVISION OF INTERNATIONAL CONVENTION

Article 10 of the International Convention for the Protection of Submarine Cables, made at Paris on May (March) 14, 1884, and proclaimed by the President of the United States on May 22, 1885, 24 Stat. 996, referred to in this section, read as follows:

"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."

#### § 28. Penalties not to bar suits for damages

The penalties provided in this chapter 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.

(Feb. 29, 1888, ch. 17, § 8, 25 Stat. 42.)

#### § 29. Master of offending vessel punishable

When an offense against this chapter 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.

(Feb. 29, 1888, ch. 17, § 9, 25 Stat. 42.)

#### § 30. Definitions

Unless the context of this chapter 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 incorporate. The term "convention" shall be taken to mean the International Convention for the Protection of Submarine Cables, made at Paris on the 14th day of May [March], 1884, and proclaimed by the President of the United States on the 22d day of May, 1885.

(Feb. 29, 1888, ch. 17, § 10, 25 Stat. 42.)

#### § 31. Summary trials

The provisions of sections 391-396 of title 33 shall extend to the trial of offenses against the provisions of sections 24 and 25 of this title.

(Feb. 29, 1888, ch. 17, § 11, 25 Stat. 42.)

#### § 32. Application

The provisions of this chapter shall be held to apply only to cables to which the convention for the time being applies.

(Feb. 29, 1888, ch. 17, § 12, 25 Stat. 42.)

#### § 33. Jurisdiction and venue of actions and offenses

The district courts of the United States shall have jurisdiction over all offenses against this

chapter and of all suits of a civil nature arising thereunder, whether the infraction complained of shall have been committed within the territorial waters of the United States or on board a vessel of the United States outside of said waters. From the decrees and judgments of the district courts in actions and suits arising under this chapter appeals shall be allowed as provided by law in other cases. Criminal actions and proceedings for a violation of the provisions of this chapter shall be commenced and prosecuted in the district court for the district within which the offense was committed, and when not committed within any judicial district, then in the district court for the district within which the offender may be found; and suits of a civil nature may be commenced in the district court for any district within which the defendant may be found and shall be served with process.

(Feb. 29, 1888, ch. 17, §13, 25 Stat. 42; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54.)

CODIFICATION

Words "and writs of error" after "appeals" deleted in view of section 1 of act Jan. 31, 1928, which abolished writs of error and provided for similar relief by appeal.

**§ 34. Licenses for landing or operating cables connecting United States with foreign country; necessity for**

No person shall land or operate in the United States any submarine cable directly or indirectly connecting the United States with any foreign country, or connecting one portion of the United States with any other portion thereof, unless a written license to land or operate such cable has been issued by the President of the United States. The conditions of sections 34 to 39 of this title shall not apply to cables, all of which, including both terminals, lie wholly within the continental United States.

(May 27, 1921, ch. 12, §1, 42 Stat. 8.)

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

DELEGATION OF FUNCTIONS

For delegation of functions, vested in President by sections 34 to 39 of this title, to Federal Communications Commission, see section 5(a) of Ex. Ord. No. 10530, eff. May 10, 1954, 19 F.R. 2709, set out under section 301 of Title 3, The President.

**§ 35. Withholding or revoking of licenses by President; terms and conditions of licenses**

The President may withhold or revoke such license when he shall be satisfied after due notice and hearing that such action will assist in securing rights for the landing or operation of cables in foreign countries, or in maintaining the rights or interests of the United States or of its citizens in foreign countries, or will promote the security of the United States, or may grant such license upon such terms as shall be necessary to assure just and reasonable rates and service in the operation and use of cables so licensed. The license shall not contain terms or conditions granting to the licensee exclusive rights of landing or of operation in the United States. Nothing herein contained shall be construed to limit

the power and jurisdiction of the Federal Communications Commission with respect to the transmission of messages.

(May 27, 1921, ch. 12, §2, 42 Stat. 8; June 19, 1934, ch. 652, title VII, §702(c), formerly title VI, §602(c), 48 Stat. 1102; renumbered Pub. L. 98-549, §6(a), Oct. 30, 1984, 98 Stat. 2804.)

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

AMENDMENTS

1934—Act June 19, 1934, substituted "of the Federal Communications Commission" for "heretofore granted the Interstate Commerce Commission".

DELEGATION OF FUNCTIONS

For delegation of functions vested in President by this section to Federal Communications Commission, see note set out under section 34 of this title.

**§ 36. Preventing landing or operating of cables; injunction**

The President is empowered to prevent the landing of any cable about to be landed in violation of sections 34 to 39 of this title. When any such cable is about to be or is landed or is being operated without a license, any district court of the United States exercising jurisdiction in the district in which such cable is about to be or is landed, or any district court of the United States having jurisdiction of the parties, shall have jurisdiction, at the suit of the United States, to enjoin the landing or operation of such cable or to compel, by injunction, the removal thereof.

(May 27, 1921, ch. 12, §3, 42 Stat. 8.)

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

DELEGATION OF FUNCTIONS

For delegation of functions vested in President by this section to Federal Communications Commission, see note set out under section 34 of this title.

**§ 37. Violations; punishment**

Whoever knowingly commits, instigates, or assists in any act forbidden by section 34 of this title shall be guilty of a misdemeanor and shall be fined not more than \$5,000, or imprisoned for not more than one year, or both.

(May 27, 1921, ch. 12, §4, 42 Stat. 8.)

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

**§ 38. "United States" defined**

The term "United States" as used in sections 34 to 39 of this title includes the Canal Zone and all territory continental or insular, subject to the jurisdiction of the United States of America.

(May 27, 1921, ch. 12, §5, 42 Stat. 8; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.