

bonds of certain enlisted men to be paid from the receipts of the system.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted Title 10, Armed Forces, which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### § 17. Repealed. Pub. L. 105-119, title VI, § 620, Nov. 26, 1997, 111 Stat. 2519

Section, act May 26, 1900, ch. 586, 31 Stat. 206, related to prohibition of establishment of telegraph or cable lines by foreigners.

### CHAPTER 2—SUBMARINE CABLES

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#### § 21. Submarine cables; willful injury to; punishment

Any person who shall willfully and wrongfully 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 embarrass, 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, 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, § 1, 25 Stat. 41.)

#### SHORT TITLE

Act Feb. 29, 1888, ch. 17, 25 Stat. 41, which enacted sections 21 to 33 of this title, is popularly known as the "Submarine Cable Act".

#### INTERNATIONAL CONVENTION

The protection of submarine cables was made the subject of an international convention between the

United States and Germany, Argentine Confederation, Austria-Hungary, Belgium, Brazil, Costa Rica, Denmark, Dominican Republic, Spain, United States of Columbia, France, Great Britain, Guatemala, Greece, Italy, Turkey, Netherlands, Persia, Portugal, Roumania, Russia, Salvador, Servia, Sweden and Norway, Uruguay, and the British Colonies. It was concluded Mar. 14, 1884, ratified Jan. 26, 1885, ratifications exchanged Apr. 16, 1885, proclaimed May 22, 1885, and entered into force for the United States May 1, 1888. Its provisions were set forth in 24 Stat. 989 to 1000.

#### § 22. Negligent injury to submarine cables; punishment

Any person who by culpable negligence shall break or injure a submarine cable in such manner as to interrupt or embarrass, 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, or to a fine not exceeding \$500, or to both fine and imprisonment, at the discretion of the court.

(Feb. 29, 1888, ch. 17, § 2, 25 Stat. 41.)

#### § 23. Injury to submarine cables in efforts to save life excepted

The provisions of sections 21 and 22 of this title 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.

(Feb. 29, 1888, ch. 17, § 3, 25 Stat. 41.)

#### § 24. Vessels laying cables; signals; avoidance of buoys

The master of any vessel which, while engaged in laying or repairing submarine cables, shall fail to observe the rules concerning signals that have been or shall be adopted by the parties to the convention described in section 30 of this title with a view to preventing collisions at sea; or the master of any vessel that, perceiving, or being able to perceive the said signals displayed upon a telegraph ship engaged in repairing a cable, shall not withdraw to or keep at distance of at least one nautical mile; or the master of any vessel that seeing or being able to see buoys intended to mark the position of a cable when being laid or when out of order or broken, shall not keep at a distance of at least a quarter of a nautical mile, shall be guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment for a term not exceeding one month, or to a fine of not exceeding \$500.

(Feb. 29, 1888, ch. 17, § 4, 25 Stat. 41.)

#### § 25. Fishing vessels; duty to keep nets from cables

The master of any fishing vessel who shall not keep his implements or nets at a distance of at least one nautical mile from a vessel engaged in laying or repairing a cable; or the master of any fishing vessel who shall not keep his implements or nets at a distance of at least a quarter of a nautical mile from a buoy or buoys intended to mark the position of a cable when being laid or when out of order or broken, shall be guilty of

a misdemeanor, and on conviction thereof, shall be liable to imprisonment for a term not exceeding ten days, or to a fine not exceeding \$250, or 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 al-

lowed 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.)