INDUSTRIAL PROPERTY—1900—SUBMARINE CABLES—1884. 1949

For the United States of America:
Signed: LAWRENCE TOWNSEND.
       FRANCIS FORBES.
       WALTER H. CHAMBERLAN.

For France:
Signed: A. GÉRARD.
       C. NICOLAS.
       MICHIEL PELLETIER.

For Great Britain:
Signed: CHARLES B. STUART WORTLEY.
       H. C. BERONE.
       C. N. DALTON.

For Italy:
Signed: R. CANTAGALLI.
       C. F. GABBA.
       S. OTTOLENGHI.

For Japan:
Signed: I. MOTONO.

For Norway:
Signed: Cte WRANGL.

For the Netherlands:
Signed: SNYDER VAN WISENKERKE.

For Portugal:
Signed: ERNESTO MADEIRA PINTO.

For Servia:
Signed: DR. MICHEL VOULTCH.

For Sweden:
Signed: Cte WRANGL.

For Switzerland:
Signed: JULES BOREL.
       L. R. DE SAILIS.

For Tunis:
Signed: A. GÉRARD.

1884.

CONVENTION FOR PROTECTION OF SUBMARINE CABLES.

Concluded March 14, 1884; ratification advised by the Senate June
19, 1884; ratified by the President January 26, 1885; ratifications
exchanged April 16, 1885; proclaimed May 28, 1885.

(The text here given is from the proclamation of the President attached to
the original in the French language, submitted to the Senate.)

ARTICLES.

I. Application of convention.
II. Punishment for injuries to cables.
III. Requirements for cable laying.
IV. Payment for repairs.
V. Rules for ships laying cables.
VI. Vessels to avoid cables.
VII. Losses from cables.
VIII. Jurisdiction of courts.
IX. Prosecutions for infractions.
X. Evidence of violations.

XI. Trials.
XII. Laws to be enacted.
XIII. Communication of legislation.
XIV. Adhesion of other States.
XV. Belligerent action not affected.
XVI. Operation; duration.
XVII. Ratification.

Additional article. British colonies.
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 Columbia, 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 Russians, 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 László 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 la Vileuse, 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 Bikerton Penell, 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. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala at Paris, etc., etc., etc.;
His Majesty the King of the Hellenes, Prince Maurocordato, 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 Netherland, Grand Duke of Luxembourg, Baron de Zylen 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 Odobsco, Chargé d'Affaires ad interim of Roumania at Paris, etc., etc., etc.;
His Majesty the Emperor of all the Russias, His Excellency the Aid-de-Camp General Prince Nicholas Orloff, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;
His Excellency the President of Salvador, Mr. Torres Caicedo, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador at Paris, etc., etc., etc.;

24440—vol. 2—10—40
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 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. P. Monyon.
Henri Vignaud.
Hohenlohe.
M. Balcarce.
Ladislas Count Hoyos.
Beyens.
En. d’Itajubá.
Léon Somzés.
Moltke-Hvittfeldt.
Emanuel de Almeda.
Manuel Silvela.
José G. Triana.
Jules Ferry.
Leopold Orban.
Ad. Cochery.
Lyons.
Crisanto Medina.
Mauricardo.
Menabrea.
Essad.
En. de Zuylen de Nyevelt.
Nazare-Aga.
F. d’Azevedo.
Odoreco.
Prince Orloff.
J. M. Torres-Caicedo.
J. Marinovitch.
G. Shibbern.
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 exception of those named below, to wit:

Canada. New South Wales. South Australia.
Newfoundland. Victoria. West Australia.
Natal. Tasmania.

*These colonies subsequently adhered to the convention.*
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.  
HOFENLÖHR.  
M. BALCARCE.  
LADISLAS COUNT HOYOS.  
BEYENS.  
BN. D'ITAJUBÁ.  
LÉOPOLD ORBAN.  
LÉON SOMZÉ.  
MOLTKE-HVITTEBY.  
EMANUEL DE ALMEIDA.  
MANUEL SILVEIRA.  
JOSÉ G. TRIANA.  
JULIUS FERRY.  
AD. COCHERY.  
LYONS.  
CRISANTO MEDINA.  
MACROCORDATO.  
MENABREA.  
ESSAD.  
BN. DE ZUYLEN DE NEVELT.  
NAZARE-AGA.  
F. D'AZEVEDO.  
ODOBESCO.  
PRINCE ORLOFF.  
J. M. TORRES-CAICEDO.  
J. MARINOVITCH.  
G. SIBBERN.  
JUAN J. DIAZ.

1886.

Declaration Respecting the Interpretation of Articles II and IV of the Convention of March 14, 1884, for the Protection of Submarine Cables.

Signed at Paris December 1, 1886; ratification advised by the Senate February 20, 1888; ratified by the President March 1, 1888; proclaimed May 1, 1888.

[Translation.]

The undersigned, Plenipotentiaries of the signatory Governments of the Convention of March 14, 1884, for the protection of submarine
cables, having recognized the expediency of defining the sense of the terms of Articles II and IV, of the said convention, have prepared by common accord the following declaration:

Certain doubts having arisen as to the meaning of the word "wilfully" 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 injuries occasioned accidentally or necessarily in repairing a cable, when all precautions have been taken to avoid such breakings or damages.

It is likewise understood that Article IV of the convention has no other object and is 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 owner of a cable, who, by the laying or repairing of such cable, causes the breaking or injury of another cable, and also of the consequences of that responsibility, if it is found to exist.

Done at Paris, December 1, 1886, and March 23, 1887, for Germany.

ROBERT M. McLANE.       N. S. DELTANNI.
MÜNSTER.                 L. L. MENABREA.
José C. Paz.             Hara.
GOLUCHOWSKI.             Essad.
BEYENS.                  A. de STUERS.
ARINOS.                  COMTE DE VALDOM
R. Fernández.            V. ALECSANDRI.
MOLIERE-HITFELDT.        KOTZEBUE.
EMANUEL DE ALMEDA.       E. PECOR.
J. L. Albaréda.          J. MARINOVICH.
C. D. Freycinet.         C. LEWENHAUPT.
LYONS.                   JUAN J. DIAZ.
CRISANTO MEDINA.

1886.

Protocol. Providing for the submission to the signatory powers for their approval a draft of a declaration interpreting Articles II and IV of the convention of March 14, 1884, for the protection of submarine cables.

Signed at Paris, May 21, 1886.

The undersigned, representatives 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 assembled at Paris on the 12th of May, 1886, for the purpose of examining the situation of the different signatory States 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.

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*Translation. The protocol as signed was in the French language only.

*This draft was adopted by the signatory powers and signed by the plenipotentiaries December 1, 1886, and on the part of Germany March 23, 1887.
As the result of the examination to which they have applied themselves in concert, they have arranged a draft of a Declaration which is annexed to the present protocol and which they bind themselves to recommend for adoption to their respective governments.

Done at Paris, May 21, 1886.

Argentina Confederation:  
JOSÉ C. PAZ.

Austria-Hungary:  
GOLUCHOWSKI.

Belgium:  
LEOPOLD ORBAN.

Brazil:  
ARINOS.

Costa Rica:  
FERNÁNDEZ.

Denmark:  
MOITZKE-HVITTELDT.

Dominican Republic:  
EMANUEL DE ALMEDA.

Spain:  
J. LUIS ALBAREDA.

Vicente Coromina.

Zoilo Soto Ocaño.

United States:  
ROBERT M. McLANE.

France:  
F. GRANET.

Clavery.

Fribourg.

L. Renault.

H. CHASSÉRIAU.

J. RAYNAUD.

Great Britain:  
C. M. KENNEDY.

C. CECIL TREVOR.

J. C. LAMB.

Greece:  
N. S. DELYANNI.

Guatemala:  
C. GOGUEL.

Italy:  
F. SALVATORI.

G. POLACCO.

Japan:  
F. MARSHALL.

The Netherlands:  
A. DE STUERS.

Portugal:  
JOÃO D’ANDRADE CORVO.

João Antonio de BRIS-SAO DAS NEVES FER-REIRA.

Roumania:  
V. ALECSANDRI.

Russia:  
E. ALEXEIEFF.

Salvador:  
E. PECTOR.

Servia:  
J. MARINOVITCH.

Sweden and Norway:  
C. LEWHENHAUPT.

Turkey:  
DJEMAL.

Uruguay:  
JUAN J. DIAZ.

1887.

FINAL PROTOCOL OF AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND OTHER POWERS FIXING MAY 1ST, 1888, AS THE DATE OF EFFECT OF THE CONVENTION CONCLUDED AT PARIS MARCH 14, 1884, FOR THE PROTECTION OF SUBMARINE CABLES.

Signed at Paris July 7, 1887; ratification advised by the Senate February 20, 1888; ratified by the President March 1, 1888; proclaimed May 1, 1888.

[Translation.]

The undersigned, Plenipotentiaries of the Governments, parties to the Convention of March 14, 1884, for the protection of submarine cables, having met at Paris for the purpose of fixing, in pursuance of article 16 of that international instrument, a date 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 go into operation on the 1st day of May, 1888, provided, however, that at that date those of the contracting Governments that have not yet adopted the measures provided for by article 12 of the said international instrument, shall have conformed to that stipulation.

II. The measures which shall have been taken by the said States in execution of article 12 aforesaid, shall be made known to the other contracting Powers through the French Government, which is charged with the examination of the said measures.

III. The Government of the French Republic is likewise charged with the examination of the similar legislative and reglementary provisions which are to be adopted, in their respective countries, in pursuance of article 12, by such States as have not taken part in the Convention, and as may desire to avail themselves of the privilege of accession, for which provision is made 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.

Done at Paris, July 7, 1887.

ROBERT M. McLANE.
LEIDEN.
JOSÉ C. PAZ.
HOYOS.
BEVENS.
ARINOS.
MANUEL M. DE PERALTA.
MOLTKE-HVITTEL.
EMANUEL DE ALMEIDA.
FLOURENS.
J. LUIS ALBAREDA.
LYONS.
CHRISANTO MEDINA.

N. S. DELVANNI,
L. L. MENABRESA.
HARA.
H. MISSAK.
A. DE STUERS.
COMTE DE VALBOM.
V. ALECSANDRI.
N. DE GIERS.
J. F. MEDINA.
J. MARINOVITCH.
C. LEWENHaupt.
JUAN J. DIAZ.

1886.

CONVENTION FOR INTERNATIONAL EXCHANGE OF OFFICIAL DOCUMENTS, SCIENTIFIC AND LITERARY PUBLICATIONS.

Concluded at Brussels March 16, 1888; ratification advised by the Senate June 15, 1888; ratified by the President July 19, 1888; ratifications exchanged January 14, 1889; proclaimed January 16, 1889.

(The text is reprinted from the translation made in the Department of State and proclaimed by the President with the original treaty, which is in the French language.)

ARTICLES.

I. Bureau of exchanges to be established.
II. Publications to be exchanged.
III. Lists to be printed.
IV. Number of copies.
V. Transmission of documents.
VI. Expense of transmission.
VII. Publications of learned associations.
VIII. Application of convention.
IX. Adhesion of other States.
X. Ratifications; duration.

*Adhered to by the Argentine Republic, Paraguay and Uruguay.