struction of their lines are imposed on and vested in the Federal Communications Commission by act June 19, 1934. See section 601 of this title.

CROSS REFERENCES
Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

FEDERAL RULES OF CIVIL PROCEDURE
Continuation of section under Rule 4, see note by Advisory Committee under said Rule 4.
Process, see Rule 4, following section 2072 of Title 28, Judiciary and Judicial Procedure.

§ 14. Contracts filed with Federal Communications Commission; reports; failure to make.

It shall be the duty of each and every one of the aforesaid railroad and telegraph companies annually to report to the Federal Communications Commission, with reasonable fullness and certainty, the nature, extent, value, and condition of the telegraph lines and property then belonging to it, the gross earnings, and all expenses of maintenance, use, and operation thereof, and its relation and business with all connecting telegraph companies during the preceding year, at such time and in such manner as may be required by a system of reports which said commission shall prescribe; and if any of said railroad or telegraph companies shall refuse or fail to make such reports or any report as may be called for by said commission, or refuse to submit its books and records for inspection, such neglect or refusal shall operate as a forfeiture, in each case of such neglect or refusal, of a sum not less than $5,000, to be recovered or refusal, whose duty It shall be to proceed at once from the Attorney General of all such cases of neglect or refusal, whose duty It shall be to proceed at once from and to Alaska and between points within Alaska, to be accounted for accordingly; and the expenses of procuring necessary official bonds, as determined by the Secretary of the Army, of enlisted men employed in connection with such money transfers, shall be paid out of the receipts of such system as an operating expense. (May 20, 1926, ch. 345, 44 Stat. 576; July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.)

CHANGE OF NAME
The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

Chapter 2.—SUBMARINE CABLES

Sec. 21. Submarine cables; willful injury to; punishment.
22. Same; negligent injury to; punishment.
23. Same; injury in efforts to save life excepted.
24. Vessels laying cables; signals; avoidance of buoys.
25. Fishing vessels; duty to keep nets from cables.
26. Duties of commanders of warships.
27. Offending vessels to show nationality.
28. Penalties not to bar suits for damages.
29. Master of offending vessel punishable.
30. Definitions.
31. Summary trials.
32. Application.
33. Jurisdiction and venue of actions and offenses.
34. Licenses for laying or operating cables connecting United States with foreign country; necessity for.
35. Same; withholding or revoking by President; terms and conditions of licenses.
36. Same; preventing landing or operating of cables.
37. Same; violations; punishment.
38. Same; definitions.
39. Same; amendment, modification, etc., of rights granted.

§ 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.)

Cross References
Offense punishable by imprisonment for term in excess of one year deemed a felony, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 22. Same; negligent injury to; 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.)

Cross References
Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 23. Same; injury 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 a distance of at least one nautical mile; or the master of any vessel that, perceiving 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.)

Cross References
Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 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.)

Cross References
Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 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.)

§ 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.)

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 unclothed 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 ac-
cording 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."

**Cross References**

Offense punishable by imprisonment for term in excess of one year deemed a felony, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 28. Penalties not to bar suits for damages.

The penalties provided in sections 21—33 of this title 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 sections 21—33 of this title 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 sections 21—33 of this title 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 incorporated. 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 chapter 8 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 sections 21—33 of this title 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 sections 21—33 of this title 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 said sections appeals shall be allowed as provided by law in other cases. Criminal actions and proceedings for a violation of the provisions of said sections 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.)

**Cross References**

Venue in civil actions generally, see section 1391 of Title 28, Judiciary and Judicial Procedure.

**Federal Rules of Criminal Procedure**

Venue in criminal proceedings, see rules 18 et seq. following section 3771 of Title 18, Crimes and Criminal Procedure.

§ 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—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.)

§ 35. Same; withholding or revoking 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 operating 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, § 602 (c), 48 Stat. 1102.)

**Amendments**

1934—Act June 19, 1934, added last sentence.

§ 36. Same; preventing landing or operating of cables.

The President is empowered to prevent the landing of any cable about to be landed in violation of sections 34—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
§ 37. Title 47.—Telegraphs, Telephones, and Radiotelegraphs

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.)

§ 37. Same; 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.)

Cross References
Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 38. Same; definitions.

The term “United States” as used in sections 34—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; 1946 Proc. No. 2695, eff. July 4, 1946, 11 F. R. 7517, 60 Stat. 1352.)

Cross References
Words, “the Philippine Islands”, were omitted from this section on authority of Proc. No. 2695 issued pursuant to section 1394 of Title 22, Foreign Relations and Intercourse, which recognized the independence of the Philippine Islands as of July 4, 1946. Said Proc. No. 2695 is set out as a note under section 1394 of said Title 22.

§ 39. Same; amendment, modification, etc., of rights granted.

No right shall accrue to any government, person, or corporation under the terms of sections 34—39 of this title that may not be rescinded, changed, modified, or amended by the Congress. (May 27, 1921, ch. 12, § 6, 42 Stat. 9.)

Chapter 3.—Radiotelegraphs

Cross References
Communications Act of 1934, see Chapter 5 of this title.


Chapter 4.—Radio Act of 1927

Cross References
Communications Act of 1934, see Chapter 5 of this title.


§§ 83a—83e. Omitted.

Cross References
Sections, acts June 30, 1932, ch. 314, §§ 511—514, 47 Stat. 417; Mar. 28, 1934, ch. 102, Title I, § 1, 48 Stat. 513, abolished the Radio Division of the Department of Commerce and transferred its powers, duties, personnel and appropria-