

1888.
—
QUEENSLAND.

SUBMARINE TELEGRAPH CABLES.

(FURTHER CORRESPONDENCE RESPECTING)

[For previous Correspondence see "*Votes and Proceedings of the Legislative Assembly*," Session 1886, Vol. 1., p. 725, and "*Journals of the Legislative Council*," Vol. 36, part 2, p. 747.]

Presented to both Houses of Parliament by Command.

(1.)

THE SECRETARY OF STATE FOR THE COLONIES to THE OFFICER ADMINISTERING THE GOVERNMENT OF QUEENSLAND.

Downing street, 13th February, 1886.

SIR,

I have the honour to transmit, for the information of your Government, a copy of correspondence, as noted in the margin, respecting a Conference to be held on the 3rd of May next relative to the Convention of the 14th of March, 1884, for the Protection of Submarine Telegraph Cables.

I request that you will inform me as early as possible whether your Government are desirous of being represented at the Conference. You will, however, observe that only Colonies which have acceded or intend to accede to the Convention can properly be represented.

I have, &c.,
GRANVILLE.

[Enclosure 1.]

FOREIGN OFFICE to COLONIAL OFFICE.

Foreign Office, 28th January, 1886.

SIR,

I am directed by the Marquis of Salisbury to request that you will inform Secretary Colonel Stanley that in consequence of amendments made by the Legislatures of some countries, parties to the Convention of the 14th of March, 1884, relative to the protection of Submarine Telegraph Cables, further negotiation between the Powers has become necessary; and that Lord Salisbury has accepted, on behalf of Her Majesty's Government, an invitation from the French Government to send Delegates to a further Conference to be held at Paris on the 3rd of May next.

I am accordingly to request that you will move Colonel Stanley to make known this intelligence to the Colonies concerned, in order that, if they think fit, steps may be taken for the attendance of their Representatives on this occasion. If it is not desired in any particular instance to send Delegates, this Office will give attention as far as possible to any wishes in this matter which the Secretary of State may express. Mr. C. M. Kennedy, C.B., will more particularly attend to Foreign Office questions in this further negotiation.

I am, &c.,
ROBERT BOURKE.

[Enclosure 2.]

COLONIAL OFFICE to FOREIGN OFFICE.

Downing street, 3rd February, 1886.

SIR,

I am directed by Colonel Stanley to acknowledge the receipt of your letter of the 28th ultimo, relative to the Conference proposed to be held at Paris on the 3rd of May next, on the question of the Protection of Submarine Telegraph Cables, and to state that he has forwarded a copy of it to the Governors of South Australia and Victoria.

Before, however, communicating with the Governments of the other Colonies enumerated in the additional article to the Convention of 14th March, 1884, Colonel Stanley would be glad if the Marquis of Salisbury would cause him to be informed whether in his opinion Colonies which have not given notice of accession to the Convention are entitled to be represented at the Conference.

I am to add that Colonel Stanley presumes that Canada would, as having attended the previous Conference, be entitled to be represented at the present one; but as it does not appear that the Convention has been signed on her behalf, or that she has acceded to it, he would be glad to be informed whether Lord Salisbury considers that an invitation should be addressed to the Dominion Government.

I am, &c.,
R. G. W. HERBERT.

[Enclosure

[Enclosure 3.]

FOREIGN OFFICE to COLONIAL OFFICE.

SIR,

Foreign Office, 4th February, 1886.

In reply to your letter of yesterday, I am directed by the Marquis of Salisbury to state that only Colonies which have acceded, or intend to accede, to the Convention of the 14th of March, 1884, to which their right of accession is specially reserved, can properly be represented at the proposed further Conference to amend the text of the Convention, as already agreed to.

I am at the same time to suggest, for the consideration of Secretary Colonel Stanley, that it may be well to make known this opinion in the case to the Government of Canada, and also to the other Colonies which have not yet announced whether or not they desire to be included under the Convention.

I am, &c.,

ROBERT BOURKE.

(2.)

THE SECRETARY OF STATE FOR THE COLONIES to THE OFFICER ADMINISTERING THE GOVERNMENT OF QUEENSLAND.

Circular.

SIR,

Downing street, 9th April, 1886.

With reference to my predecessor's Circular Despatch of the 14th of September last, I have the honour to transmit to you, for the information of the Colony under your Government, a copy of a memorandum which has been prepared by the Board of Trade relative to the alterations made by "The Submarine Telegraph Act, 1885," in the stipulations of the International Convention of the 14th of March, 1884, for the protection of Submarine Telegraph Cables.

I have, &c.,

GRANVILLE.

[Enclosure.]

MEMORANDUM ON "THE SUBMARINE TELEGRAPH ACT, 1885."

The alterations made by this Act in the stipulations of the International Convention of the 14th March 1884, for the protection of submarine telegraphs, are two, and were urgently pressed for by various Telegraph Companies (including the principal Transatlantic Companies), whose combined capital was stated to amount to about £28,000,000, and who claim to own or work about two-thirds of the entire length of all the cables in the world. Their views were supported by companies who manufacture, lay, and repair cables.

The two alterations are as follows:—

1. Subsection 4 of section 3 provides that a person shall not be deemed to have unlawfully and wilfully broken or injured a submarine cable where injury has been done to that cable in the *bona fide* attempt to repair another cable.

It was thought but fair that it should be placed beyond a doubt that an owner of a cable should not incur a criminal liability for any unavoidable consequence which might result from his undertaking the legitimate operation of repairing his property and restoring telegraphic communication.

2. Section 4 provides that Article IV.* of the Convention shall not apply to that part of a cable which is laid in a depth of water exceeding 100 fathoms.

The 100-fathoms limit was here adopted as being the extreme depth within which vessels can anchor, and therefore the depth within which cables would be most liable to damage, and also as being a depth beyond which it is more difficult to take up and repair cables.

(3.)

SIR ANTHONY MUSGRAVE to THE SECRETARY OF STATE FOR THE COLONIES.

Government House,

MY LORD,

Brisbane, 11th May, 1886.

In reply to Your Lordship's Circular Despatch dated 13th February, 1886, relative to the Conference to be held in Paris on the 3rd instant, on the question of the protection of Submarine Telegraph Cables, I have the honour to enclose herewith for your Lordship's information, a letter from the Chief Secretary, covering an extract from the Minutes of Proceedings of the Executive Council of Queensland, dated 22nd April ultimo, authorising the accession of this Colony to the Convention of the 19th May, 1884, for the protection of Submarine Telegraph Cables.

With respect to the concluding portion of Your Lordship's Despatch, I beg to state that it is not considered necessary that this Colony should be represented at the proposed Conference.

I have, &c.

A. H. PALMER.

[Enclosure.]

THE CHIEF SECRETARY to SIR ANTHONY MUSGRAVE.

Colonial Secretary's Office,

SIR,

Brisbane, 3rd May, 1886.

With reference to the Circular Despatch of the 13th of February last, from the Secretary of State to the Officer Administering the Government of Queensland, enclosing copies of correspondence between the Colonial and Foreign Offices, relative to the Conference to be held at Paris on the 3rd of this month, on the question of the protection of submarine cables, and enquiring whether this Government is desirous of being represented at the Conference, I have the honour to enclose for Your Excellency's information a copy of a Minute of the Executive Council, dated 22nd April, authorising the accession by the Colony of Queensland to the Convention of the 14th May, 1884, for the protection of Submarine Telegraph Cables, a copy of which I have to request Your Excellency to be good enough to transmit to the Secretary of State, for the information of Her Majesty's Government.

With respect to the concluding portion of the Despatch, I beg to inform Your Excellency that it is not considered necessary that this Colony should be represented at the proposed Conference.

I have &c.,

S. W. GRIFFITH.

[Sub-Enclosure]

* Article IV.—The owner of a cable who, on laying or repairing his own cable, breaks or injures another cable, must bear the cost of repairing the breakage or injury without prejudice to the application, if need be, of Article II. of the present Convention.

[Sub-Enclosure to Enclosure.]

EXTRACT FROM THE MINUTES OF PROCEEDINGS OF THE EXECUTIVE COUNCIL OF QUEENSLAND.

At Government House, Brisbane, the 22nd day of April, 1886.

PRESENT:

His Excellency the Administrator of the Government in Council.

His Excellency the Administrator of the Government, at the instance of The Honourable the Chief Secretary, lays before the Council, Circular Despatch of the 13th February, 1886, respecting a Conference to be held on the 3rd of May next, relative to the Convention of the 14th of March, 1884, for the protection of Submarine Telegraph Cables.

The Council advise that the Colony of Queensland accede to the Convention of 14th May, 1884, for the protection of Submarine Cables, so that the stipulations of the said Convention shall be applicable to the said Colony.

A. V. DRURY,

Clerk of the Council.

(4.)

THE SECRETARY OF STATE FOR THE COLONIES to THE OFFICER ADMINISTERING THE GOVERNMENT OF QUEENSLAND.

General.

Downing street, 28th July, 1886.

SIR,

I have the honour to acknowledge the receipt of your despatch No. 42 of the 11th of May, stating the wish of your Government to accede to the Convention of the 14th of March, 1884, for the protection of Submarine Telegraph Cables.

In reply, I have the honour to inform you that I have communicated with the Secretary of State for Foreign Affairs on the subject, and that I am now informed that Her Majesty's Ambassador at Paris has been instructed to make the necessary notification to the French Government, in accordance with the additional Article of the Convention.

I have &c.,

GRANVILLE.

(5.)

THE SECRETARY OF STATE FOR THE COLONIES to THE OFFICER ADMINISTERING THE GOVERNMENT OF QUEENSLAND.

General.

Downing street, 16th August, 1886.

SIR,

In continuation of my predecessor's Despatch General of the 28th ultimo, I have the honour to transmit to you for the information of your Government, a copy of a communication from the Foreign Office, with its enclosure, stating that the French Minister for Foreign Affairs will notify the adhesion of Queensland to the provisions of the Convention of 1884, for the protection of Submarine Cables, to the other signatory powers of the Convention.

I have, &c.,

EDWARD STANHOPE.

[Enclosure.]

THE FOREIGN OFFICE to THE COLONIAL OFFICE.

Foreign Office, 12th August, 1886.

SIR,

With reference to your letter of the 15th ultimo, I am directed by the Earl of Idlesleigh to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, the accompanying copy of a despatch respecting the adhesion of Queensland to the Submarine Cables Convention.

I am, &c.,

P. W. CURRIE.

[Sub-Enclosure to Enclosure.]

MR. EGERTON to THE EARL OF IDDESLEIGH.

Paris, 9th August, 1886.

MY LORD,

With reference to Lord Lyons' Commercial Despatch No. 217 of the 28th ultimo, I have the honour to report that I have received a note from the French Minister for Foreign Affairs in which His Excellency acknowledges the receipt of Lord Lyons' notification of the adhesion of Queensland to the provisions of the Convention of 1884 for the protection of Submarine Cables, and states that he will communicate it to the other signatory Powers.

I have, &c.,

E. H. EGERTON,

(6.)

(6.)

THE SECRETARY OF STATE FOR THE COLONIES TO THE OFFICER ADMINISTERING THE GOVERNMENT
OF QUEENSLAND.

Downing street, 20th October, 1886.

SIR,

I have the honour to transmit to you for the information of your Government, copies of the reports from the British Delegates at the recent Conference at Paris relative to Submarine Telegraph Cables. Her Majesty's Government have approved of the draft declaration.

I have, &c.,

EDWARD STANHOPE.

[Enclosure 1.]

No. 1.

THE BRITISH DELEGATES TO SUBMARINE CABLES CONFERENCE to THE EARL OF ROSEBURY.

Confidential.

(Received May 24.)

(No. 10.)

MY LORD,

Paris, 22nd May, 1886.

We have the honour to report to your Lordship the proceedings at the last sittings of the Conference respecting Submarine Telegraph Cables.

The interval between the 12th and 19th instant was occupied in the examination by the "Comité de Rédaction" of the Laws passed in different countries to give effect to the Convention of the 14th March, 1884. The circumstances of the case in each country where any doubt existed with respect to legislation were very carefully considered by the Comité. The only real difficulty was found to arise in connection with "The British Submarine Telegraph Act, 1885." A copy of the Report presented by the "Comité" is annexed.

It will be seen that this document, drawn up by M. Renault, is a very able paper and conceived in a conciliatory spirit. After it was read, a note from the German Government was communicated. It is identical with the note which accompanies Sir E. Malet's despatch No. 49, Commercial, of the 12th instant. The German Government, it will be observed, express the opinion that laws of different countries which are not in exact accordance with the Convention of 1884 should be made to harmonize with it, and they accentuate the statement that the difficulties which had arisen were attributable to the Law passed by the British Parliament. We thereupon asked that the discussion relative to Article IV. of the Convention might be adjourned to the following day in order to allow time for our instructions to reach us, and also to enable us to judge of the effect produced on the Conference by M. Renault's Report and the German note. The Report as far as it relates to countries other than Great Britain, did not lead to any discussion.

The British enactments in regard to Articles II. and IV. of the Convention were thus the only points to be dealt with. As regards the former, there was a genuine agreement that subsection 4 of section 3 of the British Act of Parliament is explanatory of, and not at variance with, the Convention of 1884. A Declaration to this effect was agreed to by the Conference, but no alteration of our Act on this point will be required.

On the morning of the 20th instant, we had the honour to receive your Lordship's despatch No. 12 of the previous day.

The United States' Minister, at the sitting of the 19th instant stated to the Conference that, while he would not object to vote in favour of a recommendation to the different Governments to adopt clause 4 of the British Act, he was personally ready to accept M. Renault's compromise Declaration. After this public announcement several of our colleagues doubted whether any Delegates would be found to support us in insisting on the clause of the British Act. There was a further objection on their part that its adoption would render necessary the passing of a fresh Law in all countries which had already legislated. A similar objection existed to the abrogation of Article IV. of the Convention. We explained this position of the negotiations to the Representatives in Paris of the English Cable Companies. They, after having fully considered the whole bearing of the question at issue, stated to us that they had no desire that the Convention of 1884 should lapse. They were in some difficulty, from the opinions of eminent English and French legal advisers, that the form drafted by M. Renault did not give a sufficient guarantee that Article IV. of the Convention would not be interpreted as having the meaning and effect of which the Cable Companies were afraid.

Your Lordship's despatch above mentioned states that if a Declaration could be agreed upon "which should, under the form of an explanation, practically remove the objectionable parts of Article IV., this would probably furnish the best solution of the difficulty." Under this authority we sought with the representatives of the Companies a form of Declaration which would attain their objects in language satisfactory to them, and, at the same time, be free from the objections as regards French idiom and legal phraseology urged against the addition to the Declaration, which, in the first instance, they had asked for. These gentlemen were anxious that it should be put beyond doubt that if a Company, in laying or repairing a cable, should, in certain circumstances, break another cable, they would not necessarily incur a liability to pay damages. They therefore asked that the words "if any" might be added, so as to leave it open to the Court to decide whether or not such liability had been incurred.

Previous to the next meeting, we accordingly conferred with M. Renault. He, while maintaining that his draft in itself, or at all events when read with the explanation given to it in his Report, did not require any amplification, suggested a phrase which would not be open to the objections he had made to the addition originally proposed by the representatives of the Companies, namely, that after the clause "de meme que les conséquences de cette responsabilité," the words "s'il est reconnu qu'elle existe" might be added. We accordingly made a proposal to this effect, which, after a short discussion, was adopted. The representatives of the Companies afterwards expressed themselves to us as satisfied with the arrangement made with respect to both Articles II. and IV. of the Convention. As regards the interests of Her Majesty's Government in the matter, it is to be observed that all the cables of the Post Office are laid in the water of a depth less than 100 fathoms, and the British Act of Parliament would have left them under the liabilities imposed by Article IV. of the Convention as interpreted in the strictest sense. The Declaration recommended by the Conference relieves these cables from special liability, and places them in the same category as cables in deeper water. The Declaration is, therefore, in our opinion, more favourable to the Post Office in respect of Article IV. than the British Act of Parliament.

The

The Conference then adopted a Protocol, copy of which is herewith inclosed, submitting, in the same terms as those used in the Protocol of 1883, and recommending to the respective Governments a form of Declaration to give effect to the conclusions now arrived at. The *procès-verbaux* of the Conference, when finally corrected, will be hereafter annexed to this despatch. We agreed, on the part of Her Majesty's Government, provisionally in the terms of your Lordship's instructions of the 8th instant, to the 1st January, 1887, as the date for the Convention to come into operation.

At the final sitting on the 21st instant the Protocol was signed. The further arrangements appear to be as follows :—

The French Government will forthwith ask the several Powers, parties to the Convention of 1884 to signify their assent to the Declaration now submitted to them, and adopt any legislative measures which may be necessary in order to give effect to it. A meeting of Plenipotentiaries of the Powers will be convoked at Paris for the 1st December next, for the purpose of recording the action taken by them. Powers which may not be ready then to give effect to the Convention may adhere and bring it into operation subsequently.

We would therefore venture to suggest that the draft of Declaration now submitted should be taken into early consideration, and that, if it is, as we trust it will be, approved, the necessary steps may be taken, as soon as possible, to prepare a Bill to be introduced into Parliament to amend "*The Submarine Telegraphs Act, 1885*." The amendment will be short. Section 4 of the Act will have to be repealed and an enactment made, confirming the Declaration now agreed upon, and explaining and restricting Article IV. of the Convention in the sense of that Declaration.

We have, &c.,

C. M. KENNEDY.
C. CECIL TREVOR.
J. C. LAMB.

[*Sub-Enclosure to Enclosure 1.*]

PROTOCOLE.

Les Soussignés, Délégués de la République Argentine, de l'Autriche-Hongrie, de la Belgique, du Brésil, de Costa-Rica, du Danemark, de la République Dominicaine, de l'Espagne, des États-Unis d'Amérique, de la France, de la Grande-Bretagne, de la Grèce, du Guatemala, de l'Italie, du Japon, des Pays-Bas, du Portugal, de la Roumanie, de la Russie, du Salvador, de la Serbie, de la Suède et de la Norvège, de la Turquie et de l'Uruguay se sont réunis à Paris, le 12 Mai, 1886, à l'effet d'examiner la situation des différents États Signataires de la Convention du 14 Mars, 1884, pour la protection des câbles sous-marins, au point de vue de l'exécution de l'Article XII. de la dite Convention.

A la suite de l'examen auquel ils se sont livrés de concert, ils ont arrêté le Projet de Déclaration qui est annexé au présent Protocole et qu'ils s'engagent à recommander à l'adoption de leurs Gouvernements respectifs.

Fait à Paris, le Mai, 1886.

PROJET DE DECLARATION.

Les Soussignés, Plénipotentiaires des Gouvernements Signataires de la Convention du 14 Mars, 1884, pour la protection des câbles sous-marins, ayant reconnu la convenance de préciser le sens des termes des Articles II. et IV. de la dite Convention, ont arrêté, d'un commun accord, la Déclaration suivante :—

Certains doutes s'étant élevés sur le sens du mot "volontairement" inséré dans l'Article II. de la Convention du 14 Mars, 1884, il est entendu que la disposition de responsabilité pénale mentionnée dans le dit Article ne s'applique pas aux cas de ruptures ou de détériorations occasionnées accidentellement ou nécessairement en réparant un câble, alors que toutes les précautions ont été prises pour éviter ces ruptures ou détériorations.

Il est également entendu que l'Article IV. de la Convention n'a eu d'autre but et ne doit avoir d'autre effet que de charger les Tribunaux compétents de chaque pays de résoudre, conformément à leurs lois et suivant les circonstances, la question de la responsabilité civile du propriétaire d'un câble, qui, par la pose ou la réparation de ce câble, cause la rupture ou la détérioration d'un autre câble, de même que les conséquences de cette responsabilité, s'il est reconnu qu'elle existe.

En foi de quoi, &c.

[*Enclosure 2.*]

THE BRITISH DELEGATES to THE SUBMARINE CABLES CONFERENCE to THE EARL OF ROSEBURY.

(Received June 2.)

(No. 13.)

London, 2nd June, 1886.

MY LORD,

We had the honour to receive the papers from the Colonial Office which your Lordship communicated to us, and did not fail to consider the bearing on Colonial interests of the arrangement which the recent Conference at Paris relative to Submarine Telegraph Cables submitted to the Governments there represented.

We venture to think that this arrangement will meet the circumstances of the case, and we would request, if your Lordship sees no objection, that our Report of the 22nd ultimo, should be communicated to the Secretaries of State for the Colonies and for India. We trust that it will meet with their Lordships' approval, and also that of the Government of India and of the Governments of the several Colonies concerned.

We have &c.,

C. M. KENNEDY.
C. CECIL TREVOR.
J. C. LAMB.

(7.)

THE SECRETARY OF STATE FOR THE COLONIES to THE OFFICER ADMINISTERING THE GOVERNMENT OF QUEENSLAND.

Downing street, 6th June, 1887.

SIR,

With reference to my Despatch of the 20th October, I have the honour to transmit to you the accompanying copy of a correspondence with the Foreign Office relative to the Submarine Telegraph Convention, and I request that I may be informed at your earliest convenience whether your Government is prepared to accede to the "Projet de Déclaration" enclosed in that Despatch, as well as to the Convention.

I have to inform you that the Convention has not yet been brought into operation. An International Conference was assembled at Paris in December last to examine the laws already passed by certain of the Signatory Powers, and to consider the date at which the Convention should come into operation, but decided to adjourn to the 1st July next, when the matter will be further considered.

I take this opportunity to transmit to you the accompanying copies of "*The Submarine Telegraph Act, 1886*," amending "*The Submarine Telegraph Act, 1885*."

I have, &c.,

H. T. HOLLAND.

[Enclosure 1.]

THE FOREIGN OFFICE to THE COLONIAL OFFICE.

Foreign Office, 28th September, 1886.

SIR,

With reference to previous correspondence respecting the Submarine Telegraphs Convention of 14th March, 1884, I am now directed by the Earl of Iddesleigh to request that you will inform Mr. Secretary Stanhope that "*The Submarine Telegraph Act (1885) Amendment Bill*" has received the Royal assent.

Her Majesty's Government are therefore in a position to give effect to the Declaration drawn up at the Conference which met at Paris last May. A copy of this document accompanied the letter from this Office of the 4th of June last. The French Government have proposed that after an examination of the further laws passed by the Legislatures of countries parties to the Convention of 1884, which will be communicated to the Conference when it re-assembles on the 1st of December next, the list of these States shall then be definitely settled, and a decision come to respecting the position of States which are not at that date in a position to carry out the provisions of Article XII. of the Convention of 1884. When this preliminary business is disposed of, the Plenipotentiaries of the Powers will proceed to sign the declaration.

Lord Iddesleigh will be glad to learn whether the British Colonies enumerated in the Additional Article to the Convention of 1884 accede to the Convention and to the Declaration, and will be on the 1st December next in a position to give effect to the provisions of these engagements; and if they accede, but are not yet in a position to give effect to them, what statement is to be made with respect to each Colony so circumstanced.

I am, &c.,

JAMES FERGUSON.

[Enclosure 2.]

THE COLONIAL OFFICE to THE FOREIGN OFFICE.

Downing street, 22nd October, 1886.

SIR,

With reference to your letter of the 28th September, on the subject of the Submarine Telegraphs Convention, I am directed by Mr. Secretary Stanhope to state that the Colonies of Victoria, South Australia, and Queensland have, as the Earl of Iddesleigh is already aware, acceded to the Convention, but that they have not intimated their wishes with regard to the Declaration of May last, nor have they yet been afforded sufficient time to do so. The remaining Colonies mentioned in the additional Article not having signified their accession to the Convention, no communication has been addressed to them with reference to the Declaration; but Mr. Stanhope being now informed that Her Majesty's Government are in a position to give effect to the Declaration, will invite the Colonial Governments to furnish him with a definite answer as to their desire to accede both to the Convention and to the Declaration. I am first to inquire whether Lord Iddesleigh concurs with Mr. Stanhope in considering that the effect of accession by a Colony is (a) to make the Convention—Art. I.—operative outside the waters of the Colony, in respect of any cable which is landed upon the shores of that Colony; and (b) to pledge the Colony—Art. XII.—to pass any legislative measures which may be necessary to make the Convention operative within the waters of the Colony.

I am to add that no Colony has yet legislated on the subject.

I am, &c.

JOHN BRAMSTON.

[Enclosure 3.]

Chapter 3.

AN ACT TO AMEND "THE SUBMARINE TELEGRAPH ACT, 1885."

[25th September, 1886.]

WHEREAS the delegates of the States, parties to the convention of the fourteenth day of March, one thousand eight hundred and eighty-four, mentioned in the schedule to "*The Submarine Telegraph Act, 1885*," have recommended for adoption by their respective States a declaration respecting the interpretation of such convention, and it is expedient to provide for giving effect to such declaration when adopted:

Be

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall be construed as one with "*The Submarine Telegraph Act, 1886*," and that Act and this Act may be cited together as "*The Submarine Telegraph Acts, 1885 and 1886*," and this Act may be cited separately as "*The Submarine Telegraph Act, 1886*."

Short title and construction.
48 and 49 Vic. c. 42.

2. It shall be lawful for Her Majesty in Council at any time after the passing of this Act to order that the declaration mentioned in the schedule to this Act, as set forth in that schedule, shall be of the same force, and the same shall accordingly be of the same force, as the articles of the Convention set forth in the schedule to "*The Submarine Telegraph Act, 1885*."

Confirmation of declaration.

3. Section four of "*The Submarine Telegraph Act, 1885*," is hereby repealed.

Repeal of 48 and 49 Vic. c. 42, s. 4.

SCHEDULE.

Submarine Telegraph Declaration.

Certain doubts having been raised as to the meaning of the word "wilfully" used in Article II. of the convention of the fourteenth of March, one thousand eight hundred and eighty-four, it is understood that the provision in respect of penal responsibility contained in the said article does not apply to cases of breakage or injury caused accidentally or of necessity in the repair of a cable when all precautions have been taken to avoid such breakage or injury.

It is equally understood that Article IV. of the Convention had no other object, and is to have no other effect, than to empower the competent tribunals of each country to decide in conformity with their laws and according to the circumstances the question of the civil responsibility of the owner of a cable, who in laying or repairing his own cable breaks or injures another cable, as well as the consequences of such responsibility if it is recognised as existing.

(8.)

SIR ANTHONY MUSGRAVE to THE SECRETARY OF STATE FOR THE COLONIES.

Government House,
Brisbane, 10th October, 1887.

SIR,

With reference to your Despatch Circular of the 6th June last, enclosing copy of correspondence with the Foreign Office, relative to the Submarine Telegraph Convention of 1884, with copies of "*The Submarine Telegraph Act, 1886*," amending "*The Submarine Telegraph Act, 1885*," I have the honour to inform you that this Government is prepared to accede to the *Projet de Déclaration* referred to in the Despatch, as well as to the provisions of the Convention.

I have, &c.,

A. MUSGRAVE.

(9.)

THE SECRETARY OF STATE FOR THE COLONIES to THE OFFICER ADMINISTERING THE GOVERNMENT OF QUEENSLAND.

Downing street, 9th November, 1887.

SIR,

With reference to my Circular Despatch of the 6th of June last, I have the honour to transmit to you herewith a copy, as presented to Parliament, of the Declaration signed by the Conference at Paris on the 1st of December last, and of the Final Protocol signed by the Conference at Paris on the 7th of July last, relative to the International Convention of the 14th of March, 1884, for the Protection of Submarine Telegraph Cables.

You will observe from the Final Protocol that the 1st of May, 1888, has been fixed as the date on which the International Convention shall come into operation.

I have, &c.,

H. T. HOLLAND.

[*Enclosure.*]

DECLARATION and PROTOCOL relative to the CONVENTION of the 14th MARCH, 1884, for the PROTECTION of SUBMARINE CABLES.

Signed at Paris, December 1, 1886, and July 7, 1887.

Déclaration.

Les Soussignés, Plénipotentiaires des Gouvernements Signataires de la Convention du 14 Mars, 1884, pour la protection des câbles sous-marins, ayant reconnu la convenance de préciser le sens des termes des Articles II. et IV. de la dite Convention, ont arrêté, d'un commun accord, la déclaration suivante :

Certains doutes s'étant élevés sur le sens du mot "volontairement" inséré dans l'Article II. de la Convention du 14 Mars, 1884, il est entendu que la disposition de responsabilité pénale mentionnée dans le dit Article, ne s'applique pas aux cas de ruptures ou détériorations occasionnées accidentellement ou nécessairement en réparant un câble, alors que toutes les précautions ont été prises pour éviter ces ruptures ou détériorations

(Translation.)

Declaration.

The undersigned, Plenipotentiaries of the Signatory Governments of the Convention of the 14th March, 1884, for the protection of submarine cables, having recognized the expediency of stating precisely the meaning of the terms of Articles II. and IV. of the said Convention, have agreed upon the following declaration by common consent:—

Certain doubts having been raised as to the meaning of the word "wilfully," used in Article II. of the Convention of the 14th March, 1884, it is understood that the provision in respect of penal responsibility contained in the said Article does not apply to cases of breakage or injury caused accidentally or of necessity in the repair of a cable, when all precautions have been taken to avoid such breakage or injury.

Il est

Il est également entendu que l'Article IV. de la Convention n'a eu d'autre but et ne doit avoir d'autre effet que de charger les Tribunaux compétents de chaque pays de résoudre, conformément à leurs lois et suivant les circonstances, la question de la responsabilité civile du propriétaire d'un câble, qui, par la pose ou la réparation de ce câble, cause la rupture ou la détérioration d'un autre câble, de même que les conséquences de cette responsabilité, si'il est reconnu qu'elle existe.

Fait à Paris, le 1^{er} Décembre, 1886, et le 23 Mars, 1887, pour l'Allemagne.

(Signé) LYONS.
MÜNSTER.
JOSÉ C. PAZ.
GOLUCHOWSKI.
BEYENS.
ARINOS.
R. FERNÁNDEZ.
MOLTKE-HOITFELD.
EMANUEL DE ALMEDA.
T. LUIS ALBAREDA.
NOBEL M. McLANE.
C. DE FREYCINET.
CRISANTO MEDINA.
N. T. DELYANNI.
L. A. MENABREA.
HARA.
ESSAD.
DE STUERS.
Comte DE VALBOM.
ALECSANDRI.
KOTZEBUE.
E. PECTOR.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

It is equally understood that Article IV. of the Convention had no other object and is to have no other effect than to empower the competent Tribunals of each country to decide, in conformity with their laws and according to the circumstances, the question of the civil responsibility of the owner of a cable, who, in laying or repairing his own cable, breaks or injures another cable, as well as the consequences of such responsibility if it is recognized as existing.

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

(Signed) LYONS.
MÜNSTER.
JOSÉ C. PAZ.
GOLUCHOWSKI.
BEYENS.
ARINOS.
R. FERNÁNDEZ.
MOLTKE-HOITFELD.
EMANUEL DE ALMEDA.
T. LUIS ALBAREDA.
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E. PECTOR.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

Protocole de Clôture.

Les Soussignés, Plénipotentiaires des Gouvernements Signataires de la Convention du 14 Mars, 1884, pour la protection des câbles sous-marins, réunis à Paris à l'effet d'arrêter, conformément à l'Article XVI de cet Acte International, la date de la mise à exécution de la dite Convention, sont convenus de ce qui suit :—

1. La Convention Internationale du 14 Mars, 1884, pour la protection des câbles sous-marins, entrera en vigueur le 1^{er} Mai, 1888, sous la condition, toutefois, qu'à cette date ceux des Gouvernements Contractants qui n'ont pas encore adopté les mesures prévues par l'Article XII du dit Acte International se seront conformés à cette stipulation.

2. Les dispositions que les dits Etats auront prises en exécution de l'Article XII précité seront notifiées aux autres Puissances Contractantes par l'intermédiaire du Gouvernement Français, chargé d'en examiner la teneur.

3. Le Gouvernement de la République Française reste également chargé d'examiner les mêmes dispositions législatives ou réglementaires que devront adopter, dans leurs pays respectifs, pour se conformer à l'Article XII., les Etats qui n'ont pas pris part à la Convention et qui voudraient profiter de la faculté d'accession prévue dans l'Article XIV.

(Translation.)

Final Protocol.

The undersigned, Plenipotentiaries of the Signatory Governments of the Convention of the 14th March, 1884, for the protection of submarine cables, assembled at Paris for the purpose of fixing, in accordance with Article XVI. of this International Act, the date for the putting into force of the said Convention, have agreed as follows :—

1. The International Convention of the 14th March, 1884, for the protection of submarine cables, shall come into force the 1st May, 1888, with the condition, however, that upon that date those of the contracting Governments which have not yet adopted the measures stipulated by Article XII. of the said International Act shall have conformed to that stipulation.

2. The measures that shall have been taken by the said States in execution of Article XII. aforesaid shall be notified to the other Contracting Powers by the French Government, who are charged with the examination of their report.

3. The Government of the French Republic is equally charged with the examination of similar legislative measures or regulations which the States who have not taken part in the Convention, and who wish to avail themselves of the power of accession provided by Article XIV., must adopt in their respective countries, in accordance with Article XII.

En foi de quoi, les Plénipotentiaires Soussignés ont arrêté le présent Protocole de Clôture, qui sera considéré comme faisant partie intégrante de la Convention Internationale du 14 Mars, 1884.

Fait à Paris, le 7 Juillet, 1887.

(Signé)

LYONS.
LEYDEN.
JOSÉ C. PAZ.
HOYOS.
BEYENS.
ARINOS.
MANUEL M. DE PERALTA.
MOLTKE-HOITFELD.
EMANUEL DE ALMEDA.
FLOURENS.
T. LUIS ALBAREDA.
NOBEL M. McLANE.
CRISANTO MEDINA.
N. T. DELYANNI.
L. A. MENABREA.
HARA.
J. S. MISSAK.
DE STUERS.
Comte de VALBOM.
ALECSANDRI.
M. DE GIERS.
J. F. MEDINA.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

In witness whereof, the undersigned Plenipotentiaries have drawn up the present Final Protocol, which shall be considered as forming an integral part of the International Convention of the 14th March, 1884.

Done at Paris, the 7th July, 1887.

(Signed)

LYONS.
LEYDEN.
JOSÉ C. PAZ.
HOYOS.
BEYENS.
ARINOS.
MANUEL M. DE PERALTA.
MOLTKE-HOITFELD.
EMANUEL DE ALMEDA.
FLOURENS.
T. LUIS ALBAREDA.
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J. F. MEDINA.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.