

§ 13. Violations; punishment; action for damages

Any officer or agent of said railroad or telegraph companies, or of any company operating the railroads and telegraph lines of said companies, who shall refuse or fail to operate the telegraph lines of said railroad or telegraph companies under his control, or which he is engaged in operating, in the manner herein directed, or who shall refuse or fail, in such operation and use, to afford and secure to the Government and the public equal facilities, or to secure to each of said connecting telegraph lines equal advantages and facilities in the interchange of business, as herein provided for, without any discrimination whatever for or adverse to the telegraph line of any or either of said connecting companies, or shall refuse to abide by or perform and carry out within a reasonable time the order or orders of the Federal Communications Commission, shall in every such case of refusal or failure be guilty of a misdemeanor, and, on conviction thereof, shall in every such case be fined in a sum of not exceeding \$1,000, and may be imprisoned not less than six months; and in every such case of refusal or failure the party aggrieved may not only cause the officer or agent guilty thereof to be prosecuted under the provisions of this section, but may also bring an action for the damages sustained thereby against the company whose officer or agent may be guilty thereof, in the district court of the United States in any State or Territory in which any portion of the road or telegraph line of said company may be situated; and in case of suit process may be served upon any agent of the company found in such State or Territory, and such service shall be held by the court good and sufficient.

(Aug. 7, 1888, ch. 772, § 5, 25 Stat. 384; Mar. 3, 1911, ch. 231, § 289, 36 Stat. 1167; June 19, 1934, ch. 652, § 601, 48 Stat. 1101.)

CODIFICATION

Words "circuit or" which preceded "district court" were omitted in view of the abolition of the circuit courts and the transfer of their jurisdiction to the district courts by act Mar. 3, 1911.

TRANSFER OF FUNCTIONS

Duties, powers, and functions under this section relating to operation of telegraph lines by railroad and telegraph lines granted Government aid in construction of their lines imposed on and vested in Federal Communications Commission by act June 19, 1934. See section 601 of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Continuation of section under rule 4, see note by Advisory Committee under rule 4, Title 28, Appendix, Judiciary and Judicial Procedure.

Process, see rule 4, Title 28, Appendix.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 12, 15, 601 of this title.

§ 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 Communica-

tions 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 \$1,000 nor more than \$5,000, to be recovered by the Attorney General of the United States, in the name and for the use and benefit of the United States; and it shall be the duty of the Federal Communications Commission to inform the Attorney General of all such cases of neglect or refusal, whose duty it shall be to proceed at once to judicially enforce the forfeitures herein before provided.

(Aug. 7, 1888, ch. 772, § 6, 25 Stat. 384; June 19, 1934, ch. 652, § 601, 48 Stat. 1101.)

CODIFICATION

A provision in the original enactment of this section requiring filing of copies of contracts, agreements, etc., within 60 days from passage of act Aug. 7, 1888 was omitted.

TRANSFER OF FUNCTIONS

Duties, powers, and functions under this section relating to operation of telegraph lines by railroad and telegraph lines granted Government aid in construction of their lines imposed on and vested in Federal Communications Commission by act June 19, 1934. See section 601 of this title.

CROSS REFERENCES

Exclusive jurisdiction of district court of the United States of action for recovery of forfeiture, see section 1355 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 12, 15, 601 of this title.

§ 15. Reservation of power to alter, amend, or repeal act; power to fix rates and purchase lines

Nothing in sections 9 to 15 of this title shall be construed to affect or impair the right of Congress, at any time hereafter, to alter, amend, or repeal sections 1 to 6 and 8¹ of this title; and sections 9 to 15 of this title shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now or hereafter existing in the United States, or the authority of the Federal Communications Commission under the provisions of the Communications Act of 1934, as amended [47 U.S.C. 151 et seq.], to prescribe charges, classifications, regulations, and prac-

¹ See References in Text note below.

tices, including priorities, applicable to Government communications.

(Aug. 7, 1888, ch. 772, § 7, 25 Stat. 385; Sept. 3, 1954, ch. 1263, § 49, 68 Stat. 1244.)

REFERENCES IN TEXT

Sections 1 to 6 and 8 of this title, referred to in text, were repealed by act July 16, 1947, ch. 256, § 1, 61 Stat. 327.

The Communications Act of 1934, as amended, referred to in text, is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to chapter 5 (§151 et seq.) of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

AMENDMENTS

1954—Act Sept. 3, 1954, corrected references and struck out obsolete material.

CROSS REFERENCES

Federal Communications Commission, jurisdiction of, see section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 12, 601 of this title.

§ 16. Washington-Alaska Military Cable and Telegraph System; money transfers; portion of receipts withheld

On and after May 20, 1926, such amount of money as may be authorized by the Secretary of the Army may be withheld temporarily from the receipts of the Washington-Alaska Military Cable and Telegraph System by the auditor of said system as a working balance from which to make payments of money transfers from and to Alaska and between points within Alaska, to be accounted for accordingly.

(May 20, 1926, ch. 345, 44 Stat. 576; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Pub. L. 92-310, title III, §233, June 6, 1972, 86 Stat. 214.)

AMENDMENTS

1972—Pub. L. 92-310 struck out provisions which permitted the expenses of procuring necessary official 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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Sec.

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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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 23 of this title.

§ 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