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such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

(Feb. 29, 1888, ch. 17, § 9, 25 Stat. 42.)

§ 30. Definitions

Unless the context of this chapter otherwise requires, the term ''vessel'' shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term ''master'' shall be taken to include every person having command or charge of a vessel; and the term ''person'' to include a body of persons, corporate or incorporate. The term ''convention'' shall be taken to mean the International Convention for the Protection of Submarine Cables, made at Paris on the 14th day of May [March], 1884, and proclaimed by the President of the United States on the 22d day of May, 1885.

(Feb. 29, 1888, ch. 17, § 10, 25 Stat. 42.)

§ 31. Summary trials

The provisions of sections 391–396 of title 33 shall extend to the trial of offenses against the provisions of sections 24 and 25 of this title.

(Feb. 29, 1888, ch. 17, § 11, 25 Stat. 42.)

§ 32. Application

The provisions of this chapter shall be held to apply only to cables to which the convention for the time being applies.

(Feb. 29, 1888, ch. 17, § 12, 25 Stat. 42.)

§ 33. Jurisdiction and venue of actions and offenses

The district courts of the United States shall have jurisdiction over all offenses against this chapter 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: *Provided*, That in case such infraction is committed outside of the territorial waters of the United States the vessel on board of which it has been committed is a vessel of the United States. From the decrees and judgments of the district courts in actions and suits arising under this chapter appeals and writs of error[1] shall be allowed as now provided by law in other cases. Criminal actions and proceedings for a violation of the provisions of this chapter 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.)

[1] See Abolition of Writs of Error note below.

Statutory Notes and Related Subsidiaries

ABOLITION OF WRITS OF ERROR

Writs of error were abolished, and relief previously obtainable by writs of error declared to be obtainable by appeal, by act Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54. See note preceding section 1 of Title 28, Judiciary and Judicial 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 to 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.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Act May 27, 1921, ch. 12, which enacted sections 34 to 39 of this title, is popularly known as the Cable Landing Licensing Act.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions, vested in President by sections 34 to 39 of this title, to Federal Communications Commission, see section 5(a) of Ex. Ord. No. 10530, eff. May 10, 1954, 19 F.R. 2709, set out under section 301 of Title 3, The President.

§ 35. Withholding or revoking of licenses 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 operation 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, title VII, § 702(c), formerly title VI, § 602(c), 48 Stat. 1102; renumbered Pub. L. 98–549, § 6(a), Oct. 30, 1984, 98 Stat. 2804.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

AMENDMENTS

1934—Act June 19, 1934, substituted ''of the Federal Communications Commission'' for ''heretofore granted the Interstate Commerce Commission''.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions vested in President by this section to Federal Communications Commission, see note set out under section 34 of this title.

§ 36. Preventing landing or operating of cables; injunction

The President is empowered to prevent the landing of any cable about to be landed in violation of sections 34 to 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 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.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions vested in President by this section to Federal Communications Commission, see note set out under section 34 of this title.

§ 37. 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.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

§ 38. "United States" defined

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

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

Editorial Notes

CODIFICATION

Words ''the Philippine Islands'' deleted on authority of Proc. No. 2695 issued pursuant to section 1394 of Title 22, Foreign Relations and Intercourse, which recognized independence of Philippine Islands as of July 4, 1946. Proc. No. 2695 is set out under section 1394 of Title 22.

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

§ 39. Amendment, modification, etc., of rights granted

No right shall accrue to any government, person, or corporation under the terms of sections 34 to 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.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the Submarine Cable Act which comprises this chapter.

CHAPTER 3—RADIOTELEGRAPHS

§§ 51 to 63. Repealed. Feb. 23, 1927, ch. 169, § 39, 44 Stat. 1174

Section 51, act Aug. 13, 1912, ch. 287, § 1, 37 Stat. 302, required license for operation of apparatus for radio communication and transmission of radiograms or signals, revocable for cause, described its interstate, foreign and local aspects, exempted the United States from its requirement and provided for special call letters for every Government station and penalties and forfeiture of offending apparatus. See sections 301, 305, 312, 501, and 503 of this title.

Section 52, act Aug. 13, 1912, ch. 287, § 2, 37 Stat. 303, related to form of license, United States citizenship of licensee, and contents of license, including statement of restrictions, ownership, location, purpose, wave length, and hours for work of station, subjection to rules and regulations and to closing by the President in time of war, public peril or disaster or Government use or control with payment of just compensation. See sections 307 to 309 of this title.

Section 53, act Aug. 13, 1912, ch. 287, § 3, 37 Stat. 303, required that operators of radio apparatus be licensed, provided for one year period of suspension of license for noncompliance with rules and regulations, declared the employment of unlicensed operators to be unlawful and provided penalty therefor and authorized the issuance of temporary permits in emergencies by collector of customs to operators on a vessel. See sections 308 and 318 of this title.

Section 54, act Aug. 13, 1912, ch. 287, § 4, 37 Stat. 304, subjected private and commercial stations to certain specific regulations, provided for enforcement and waiver of regulations, for grant of special temporary licenses to conduct radio tests and experiments, and prescribed general penalty for violation of regulations and reduction and remittance of such penalty and suspension or revocation of license. The Regulations, numbered First-Nineteenth, related to: (1) normal wave length; (2) other wave lengths; (3) use of a pure wave; (4) use of a sharp wave; (5) use of a standard distress wave; (6) signal of distress; (7) use of broad interfering wave for distress signals (see section 321(a) of this title); (8) distance requirement for distress signals; (9) right of way for distress signals (see section 321(b) of this title); (10) reduced power for ships near a Government station; (11) intercommunication (see section 322 of this title); (12) division of time (see section 323(a) of this title); (13) Government stations to observe divisions of time (see section 323(b) of this title); (14) use of