direct male line of the said John Lord Erskine, to the honour and dignity of Earl of Mar in the peerage of Scotland, created in one thousand five hundred and sixty-five, or the right or title of the said Walter Henry Earl of Mar and Kellie or any other person to any lands or heritage in Scotland or elsewhere.

Order and precedence.

3. From and after the passing of this Act the earldom of Mar hereby restored shall be called at all elections of representative Peers for Scotland next after the Earldom of Sutherland; and the earldom of Mar now vested in the said Walter Henry Earl of Mar and Kellie shall be called at all such elections in the place and order properly belonging to an earldom created in the year one thousand five hundred and sixty-five; anything in the Decreet of Ranking made on the fifth day of March one thousand six hundred and six, under the Commission issued by James the Sixth, then King of the Scots, to the contrary thereof notwithstanding.

CHAPTER 49.

An Act to carry into effect an International Convention for the Protection of Submarine Telegraph Cables.

[6th August 1885.]

BE it 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:

Short title.

1. This Act may be cited as the Submarine Telegraph Act, 1885.

Confirmation of Convention.

2. The Convention of the fourteenth of March one thousand eight hundred and eighty-four mentioned in the schedule to this Act as set forth in that schedule is hereby confirmed, and subject to the provisions of this Act the articles of such Convention (referred to in this Act as the Convention) shall be of the same force as if they were enacted in the body of this Act.

Punishment for violation of Article 2 of Convention.

3. (1.) A person shall not unlawfully and wilfully, or by culpable negligence, break or injure any submarine cable to which the Convention for the time being applies, in such manner as might interrupt or obstruct in whole or in part telegraphic communication.

(2.) Any person who acts or attempts to act in contravention of this section shall be guilty of a misdemeanour, and on conviction—

(*a.*) if he acted wilfully, shall be liable to penal servitude for a term not exceeding five years, or to imprisonment, with or without hard labour, for a term not exceeding two years and to a fine either in lieu of or in addition to such penal servitude or imprisonment; and

(*b.*) if he acted by culpable negligence, shall be liable to imprisonment for a term not exceeding three months, without hard labour, and to a fine not exceeding one hundred pounds either in lieu of or in addition to such imprisonment.

(3.) Where a person does any act with the object of preserving the life or limb of himself or of any other person, or of preserving the vessel to which he belongs or any other vessel, and takes all

reasonable precautions to avoid injury to a submarine cable, such person shall not be deemed to have acted unlawfully and wilfully within the meaning of this section.

(4.) A person shall not be deemed to have unlawfully and wilfully broken or injured any submarine cable, where in the bonâ fide attempt to repair another submarine cable injury has been done to such first-mentioned cable, or the same has been broken; but this shall not apply so as to exempt such person from any liability under this Act or otherwise to pay the cost of repairing such breakage or injury.

(5.) Any person who within or (being a subject of Her Majesty) without Her Majesty's dominions in any manner procures, counsels, aids, abets, or is accessory to the commission of any offence under this section, shall be guilty of a misdemeanour, and shall be liable to be tried and punished for the offence as if he had been guilty as a principal.

Limitation of Article four of Convention.

4. Article four of the schedule to this Act shall not apply to that part of a cable which is laid in a depth of water exceeding one hundred fathoms; but nothing in the Convention or this Act shall take away, prejudice, or affect any right or remedy to which by law any party is or may be entitled otherwise than under the provisions of the Convention or this Act.

Application of law as to lights and signals for carrying into effect Articles five and six of Convention. 25 & 26 Vict. c. 63.

5. (1.) It is hereby declared that the enactments of the Merchant Shipping Act, 1862, and the enactments amending the same, touching regulations as to lights and to signals and for the avoiding of collisions, shall extend to authorise regulations for carrying into effect Articles five and six of the schedule to this Act, within as well as without the territorial waters of Her Majesty's dominions, and regulations may be made, applied, altered, and revoked, and the contravention thereof punished accordingly under the said enactments, and section six of the Sea Fisheries Act, 1883, shall extend to the enforcement of the said regulations as regards sea fishing boats within the limits of that Act.

(2.) If any vessel engaged in the laying or repairing of a submarine cable to which the Convention for the time being applies, interferes contrary to the said regulations or articles with any vessel engaged in fishing, or if the operations of any vessel in connexion with any such submarine cable are wilfully delayed so as to interfere with sea fishing, the master of the vessel, or the owner thereof, if it appear that he was in fault, shall be deemed guilty of a breach of the said regulations and may be punished accordingly.

Powers of British and foreign officers.

6. (1.) For the purpose of carrying into effect the Convention, a person commanding a ship of war of Her Majesty or of any foreign state for the time being bound by the Convention, or a ship specially commissioned for the purpose of the Convention by Her Majesty or by the government of such foreign state, may exercise and perform the powers and duties vested in and imposed on such officer by any article in the Schedule to this Act.

(2.) If any person obstructs any such officer in such exercise or performance, or refuses or neglects to comply with any demand or direction lawfully made or given by him in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not

exceeding fifty pounds, or to be imprisoned for a term not exceeding two months, with or without hard labour.

(3.) Any action, prosecution, or proceeding against any officer for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect, or default complained of.

(4.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment.

(5.) Every such action shall be brought in one of Her Majesty's superior courts in the United Kingdom (which courts shall have jurisdiction to try the same wherever the matter complained of occurred) or in a supreme court in India or in a court exercising in a British possession the like authority as the High Court of Justice in England, but in no other court whatsoever.

Incorporation of Part X. of 17 & 18 Vict. c. 104.

7. Part X. of the Merchant Shipping Act, 1854 (which relates to legal procedure), and the enactments amending the same, so far as unrepealed, shall have effect as if enacted in this Act, and offences under this Act may be tried, and fines under this Act recovered accordingly, save that nothing in the said part shall authorise the award of any punishment not authorised by this Act, or the summary prosecution of any indictable offence under this Act.

Evidence.

8. (1.) Any document drawn up in pursuance of Article seven or Article ten of the schedule to this Act shall be admissible in any proceeding, civil or criminal, as primâ facie evidence of the facts or matters therein stated.

(2.) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the officer drawing up such document may certify the said facts, or any of them.

(3.) Any document or certificate in this section mentioned purporting to be signed by an officer authorised to act under the Schedule to this Act for carrying into effect the Convention, shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by any such officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

(4.) If any person forges the signature of any such officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be guilty of a misdemeanour and liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour, and on conviction on indictment to

imprisonment with or without hard labour for a term not exceeding two years.

Liability of masters of vessels.

9. Where any offence against this Act has been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, until 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.

Savings.

10. The provisions of this Act shall be in addition to and not in derogation of any other provisions existing at common law or under Act of Parliament or under the law of a British possession for the protection of submarine cables; and nothing in this Act shall prevent any person being liable under any Act of Parliament, law of a British possession, or otherwise to any indictment, proceeding, punishment, or penalty other than is provided for any offence by this Act, so that no person shall be punished twice for the same offence; and nothing in this Act, nor any proceedings with respect to any matter, shall exempt a person from any liability in any action or suit with reference to the same matter so that no person shall be required to pay compensation twice in respect of the same injury.

Extent of Act.

11. This Act shall so far as such extension is consistent with the tenor of this Act extend to the whole of Her Majesty's dominions, and to all places within the jurisdiction of the Admiral of England, and to all places where Her Majesty has jurisdiction.

Definitions.

12. In this Act, unless the context otherwise requires,—

The expression "vessel" means every description of vessel used in navigation in whatever way it is propelled; and any reference to a vessel shall include a reference to a boat belonging to such vessel:

The expression "master" includes every person having command or charge of a vessel:

The expression "British possession" includes any part of Her Majesty's dominions exclusive of the United Kingdom:

The expression "person" includes a body of persons corporate or unincorporate.

Commencement and continuance of Act.

13. This Act shall come into force on such day as may be fixed by a notice in that behalf published in the London Gazette, and if the Convention ceases to be binding on Her Majesty, shall cease to be of any effect.

SCHEDULE.

SUBMARINE TELEGRAPHS CONVENTION.

CONVENTION for the preservation of telegraphic communications by means of submarine telegraphs made on the 14th of March 1884, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the German Emperor, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic 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 America, His Excellency the President of the United States of Colombia, His Excellency

the President of the French Republic, 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 Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and of Norway, and his Excellency the President of the Oriental Republic of the Uruguay.

The following is an English translation of the Convention with the omission of the formal beginning and end:—

ARTICLE I.

The present Convention applies outside territorial waters to all legally established submarine cables landed on the territories, colonies, or possessions of one or more of the High Contracting Parties.

ARTICLE II.

It is a punishable offence to break or injure a submarine cable, wilfully or by culpable negligence, in such manner as might interrupt or obstruct telegraphic communication, either wholly or partially, such punishment being without prejudice to any civil action for damages.

This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

ARTICLE III.

The High Contracting Parties undertake that, on granting a concession for landing a submarine cable, they will insist, so far as possible, upon proper measures of safety being taken, both as regards the track of the cable and its dimensions.

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.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables shall conform to the regulations as to signals which have been, or may be, adopted by mutual agreement among the High Contracting Parties, with the view of preventing collisions at sea.

When a ship engaged in repairing a cable exhibits the said signals, other vessels which see them, or are able to see them, shall withdraw to or keep beyond a distance of one nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, fishing vessels which see or are able to see a telegraph ship exhibiting the said signals shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time they shall not be interfered with in any way.

The operations of the telegraph ships shall be completed as quickly as possible.

ARTICLE VI.

Vessels which see, or are able to see, the buoys showing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one quarter of a nautical mile at least from the said 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 other fishing gear in order to avoid injuring a submarine cable shall receive compensation from the owner of the cable.

In order to establish a claim to such compensation, a statement, supported by the evidence of the crew, should, whenever possible, be drawn up immediately after the

occurrence; and the master must, within twenty-four hours after his return to, or next putting into port, make a declaration to the proper authorities.

The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.

ARTICLE VIII.

The tribunals competent to take cognizance of infractions of the present Convention are those of the country to which the vessel on board of which the offence was committed belongs.

It is, moreover, understood that, in cases where the provisions in the previous paragraph cannot apply, offences against the present Convention will be dealt with in each of the Contracting States in accordance, so far as the subjects and citizens of those States respectively are concerned, with the general rules of criminal jurisdiction prescribed by the laws of that particular State, or by international treaties.

ARTICLE IX.

Prosecutions for infractions provided against by Articles II., V., and VI. of the present Convention shall be instituted by the State, or in its name.

ARTICLE X.

Offences against the present Convention may be verified by all means of proof allowed by the legislation of the country of the court. When the officers commanding the ships of war, or ships specially commissioned for the purpose by one of the high contracting parties, have reason to believe that an infraction of the measures provided for in the present Convention has been committed by a vessel other than a vessel of war, they may demand from the captain or master the production of the official documents proving the nationality of the said vessel. The fact of such document having been exhibited shall then be endorsed upon it immediately. Further, formal statements of the facts may be prepared by the said officers, whatever may be the nationality of the vessel incriminated. These formal statements shall be drawn up in the form and in the language used in the country to which the officer making them belongs; they may be considered, in the country where they are adduced, as evidence in accordance with the laws of that country. The accused and the witnesses shall have the right to add, or to have added, thereto, in their own language, any explanations they may consider useful. These declarations shall be duly signed.

ARTICLE XI.

The proceedings and trial in cases of infraction of the provisions of the present 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 Legislatures the necessary measures for insuring the execution of the present Convention, and especially for punishing, by either fine or imprisonment, or both, those who contravene the provisions of Articles II., V., and VI.

ARTICLE XIII.

The High Contracting Parties will communicate to each other laws already made, or which may hereafter be made, in their respective countries relating to the object of the present Convention.

ARTICLE XIV.

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by the latter to the other Signatory Powers.

ARTICLE XV.

It is understood that the stipulations of the present Convention do not in any way restrict the freedom of action of belligerents.

ARTICLE XVI.

The present Convention shall be brought into force on a day to be agreed upon by the High Contracting Powers.

It shall remain in force for five years from that day, and unless any of the High Contracting Parties have announced, twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of one year, and so on from year to year.

If one of the Signatory Powers denounce the Convention, such denunciation shall have effect only as regards that Power.

ARTICLE XVII.

The present Convention shall be ratified, and the ratifications exchanged at Paris with as little delay as possible, and, at the latest, at the expiration of a year.

ADDITIONAL ARTICLE.

The stipulations of the Convention concluded under to-day's date for the protection of submarine cables shall be applicable, in conformity with Article I., to the colonies and possessions of Her Britannic Majesty, with the exception of those herein-after mentioned, namely:—

Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always, that the stipulations of the said Convention shall be applicable to any of the above-named colonies or possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at Paris to the French Minister for Foreign Affairs.

Each of the above-named colonies or possessions which may have acceded to the said Convention shall be at liberty to withdraw from it in the same manner as the powers parties to it. In the event of any of the said colonies or possessions desiring to withdraw from the Convention, a notification to that effect shall be made by Her Britannic Majesty's Representative at Paris to the French Minister for Foreign Affairs.

CHAPTER 50.

An Act further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes. [6th August 1885.]

WHEREAS by the Metropolitan Board of Works (Loans) Act, 1875, (in this Act referred to as "the Act of 1875,") the raising of money by the Metropolitan Board of Works (in this Act referred to as "the Board") for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the Board by Parliament for the purposes therein named should for the future be limited both in time and amount:

And whereas by the Metropolitan Board of Works (Money) Act, 1884, (in this Act referred to as "the Act of 1884,") the Board were