Such a holding applied to satellite video seems workable in its favor. Satellite video is certainly a device that is not currently in general public use, and in a situation like our home in the clearing hypothetical, it could certainly be used to deduce the details of the home in the clearing; details which would otherwise be unknowable without physically entering the property. In addition, this holding seems to support the holding of *Dow Chemical* in that the reasonableness of the expectation of privacy depends, at least to some extent, on the general availability of the technology used to conduct the surveillance.[47] One of the criticisms of those in the dissent was that the majority provided no guidelines as to what constitutes "general use."[48] This gives citizens and law enforcement no guidance on how video gathered from satellites may be utilized. At what point will satellite video cross the line into "general use" of the public, and thereby society find the expectation that activities in the clearing is unreasonable? I argue that point will come whenever the average citizen can go to a service and order video from a specific time and specific location; especially given that surveillance requiring a $22,000 camera and an airplane was once held to be "generally available to the public."[49]

Even if satellite video does become generally available to the public and useful to make deductions about the contents inside the home, should society still legislatively proscribe its warrantless use? The opinion of *Kyllo* suggests this may not be necessary, as Fourth Amendment jurisprudence would suffice. The *Kyllo* opinion states that the Fourth Amendment "draws a firm line at the entrance to the house."[50] The obvious counter to this would be that police evidence has long been gathered by staking out homes and deducing their contents by the traffic that comes and goes from them.[51] If the positioning of the video satellite is considered a public area, "navigable airspace," remaining consistent with *Ciraolo* and

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[47] Thomas D. Colbridge, *Kyllo v. United States: Technology versus Individual Privacy*, 70 FBI L. Enforcement Bull. 25, 28 (2001).

[48] *Id.*

[49] Johnson, 22 GONZ. L. REV. 393, at 403.

[50] *Kyllo*, 533 U.S., at 40 (quoting *Payton,* 445 U.S., at 590).

[51] *See Horton v. California*, 496 U.S. 128, at 137 (1990) (the court upheld warrantless seizure when "…the officer [is] *lawfully located* in a place from which the object can be plainly seen…" demonstrating an emphasis on searches being lawful without warrant when conducted by an officer who is located in a place where he has a lawful right to be).

Riley, and it's "generally available to the public," remaining consistent with *Dow* and *Kyllo*, then it's hard to imagine how our federal courts *would not* hold the use of satellite video to be any different from a police vehicle staking out a home. The distinction in *Kyllo* seems to be that using a generally *unavailable* technology to determine what is *inside* the home constitutes a warrant-requiring search. This author's envisioned use of satellite video (prior to its general availability, at least) fits that bill rather nicely. Yet in light of *Ciraolo*, one can just as easily envision the warrantless use of satellite video being upheld as not a search. This conundrum may lead to considerable unpredictability for law enforcement when the day comes that they are in a position to utilize satellite video when investigating a suspect.

Further indicative of the mess that is Fourth Amendment jurisprudence is the fact that *Kyllo* was heard by the Ninth Circuit Court of Appeals four times, decided on the third, and then the Ninth Circuit reversed itself on the fourth hearing, holding that the search *was* constitutional.[52] It's difficult even for the highest levels of our federal courts to come to a consensus as to what factors make a search unreasonable.

e. Using Satellite Video to Track Movements – analogous to Jones?

One of the additional uses the reader must envision satellite video providing is the tracking of individuals. Suppose law enforcement had sufficient information to suspect a person of committing a crime, but not enough to give them probable cause or a warrant. So, they set out to track the person's vehicle, on the public roadways, where generally one does not have a reasonable expectation of privacy,[53] all in the hope of gathering information about the suspect's activities. Satellite video, even in its current form (as detailed in the introduction of this Article), is capable of distinguishing individual vehicles. If there were enough satellites so that they could "hand-off" the video when one passes out of range, and the other into range, then law enforcement could conceivably track an individual's car silently, undetectably, and without needing to touch the

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[52] *Id.*

[53] *See generally, United States v. Knotts*, 460 U.S. 276 (1983).

car to place a tracking device or recover or intercept its on-board location data. This ability could be particularly useful to law enforcement, and in some instances where other methods of aerial surveillance are not feasible or the law enforcement has a particular need to remain undetected, satellite video could even be chosen over airplane, helicopter, or drone surveillance.

In 2012, the Supreme Court decided *United States v. Jones*.[54] *Jones* involved law enforcement tracking a suspect via a Global Positioning System (GPS) device attached to his car for a four week period.[55] The defendant sought to have the evidence gathered by the GPS tracking suppressed, and initially the District Court would only suppress the data from when the car was parked at the defendant's home.[56] For all the other data, the Court claimed while on public thoroughfares the defendant had no reasonable expectation of privacy.[57] Ultimately, the case made its way to the Supreme Court where the Court held that the attachment of the device to the car constituted a search for the purposes of the Fourth Amendment.[58]

Interestingly, the case was not decided on a reasonable expectation of privacy grounds, but instead, on the theory that placing the GPS tracker on the car constituted a trespass to chattel and therefore a search.[59] Justice Scalia in the majority opinion, specifically mentions *Katz* and decides to sidestep its "reasonable expectation of privacy" test, instead choosing to return to pre-*Katz* jurisprudence related to trespass.[60] To apply satellite video directly to *Jones* leads one to few conclusions. Because *Jones* was decided solely on the issue of trespass, it does not answer whether or not constant and long-term 24/7 tracking is actually unconstitutional without a warrant.[61] And, because satellite video surveillance certainly would not involve a physical trespass, the jury is still out, so

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[54] 565 U.S. 400 (2012).

[55] *Id.* at 403.

[56] *Id.*

[57] *Id.*

[58] *Id.* at 402.

[59] *Id.* at 404.

[60] *Id.* at 406-7.

[61] *See,* Heather Phillips*, The Big Brother Effect: The Implications of the Unanswered Question in United States v. Jones,* 48 MCGEORGE L. REV. 395, 422 (2017) (Noting that the majority opinion in *Jones* did not address at what point warrantless police surveillance or tracking becomes a warrant-requiring search).

to say, on whether or not satellite video tracking would be *per se* unconstitutional without a warrant.

Those who may be worried about a future of satellite video in the hands of law enforcement may find relief in the concurrences of *Jones*. The Jones case spawned two concurrences, each generally more favorable to addressing long term individual tracking by means of a post-*Katz* reasonable expectation of privacy test, rather than simply traditional trespass means.[62] If satellite video ultimately is capable of tracking the individual, physical trespass doctrines will do nothing to stop it. Justice Sotomayor is distinctly aware of this fact, noting in her concurrence that other forms of individual tracking will not require physical trespass at all.[63] Justice Alito also considers that non-physical trespass (even assisted by aerial surveillance) is afforded no protection at all by the majority in *Jones*.[64] Justice Alito, in his concurrence, which four other justices joined, wishes to do away entirely with pre-*Katz* physical trespass as a test of when one's right to privacy has been abridged, instead relying on a reasonable expectation of privacy test.[65] Sotomayor, alone in her concurrence, would still like to recognize physical trespass as constituting a search, but thinks the pervasive individual tracking should have been subject to the reasonable expectation of privacy test.[66] The issue for her, is that when the government is able to collect a "comprehensive record of a person's public movements that reflects a wealth of detail about her familial, political, professional, religious, and sexual associations" it is ripe for abuse.[67] Further, it could change the way the government and its citizens interact: "Awareness that the Government may be

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[62] *See generally* David Gray; Danielle Keats Citron; Liz Clark Rinehart, *Fighting Cybercrime after United States v. Jones*, 103 J. CRIM. L. & CRIMINOLOGY 745, 762-764 (2013) (noting that both Justic Sotomayor's and Justice Alito's concurrences are both sympathetic to modifying 4th Amendment privacy doctrine in the digital age.)

[63] *U.S. v. Jones*, 565 U.S. at 414.

[64] *Id* at 425.

[65] *See Id* at 422-23 (Alito notes that *Katz* "did away with" the old doctrine, and notes several cases pointing to the abandonment of physical trespass-based tests for unreasonable searches; quotes *United States v. Karo*, 468 U.S. 705, 713 (1984) in which the court held "an actual trespass is neither necessary nor sufficient to establish a constitutional trespass").

[66] *Id* at 414.

[67] Gray et al., supra note 62, at 763.

watching chills associational and expressive freedoms."[68] Some of Justice Sotomayor's concurrence might suggest a willingness to even abandon the public-observation doctrine.[69] Justice Alito also questions the public view doctrine's survival in the modern age of law enforcement surveillance.[70] Abandoning this doctrine would be beneficial to protecting against unreasonable searches conducted via satellite. It would allow for a reasonable expectation of privacy to exist against some forms of surveillance, even if the person is acting in public view, if the surveillance and individual tracking is constant and ongoing. If satellite video surveillance can be conducted constantly and conducted of a person in public view, then there is little to suggest that their Fourth Amendment right has been violated. But, if the court adopts a mosaic theory of privacy, as Justices Sotomayor and Alito suggest,[71] then perhaps in the future Fourth Amendment jurisprudence will be more favorable to satellite video surveillance protections.

Although this is not position of the Supreme Court at the time, the fact that both concurrences address the issue of constant tracking and surveillance being the "unreasonable search" seems to suggest that, going forward, the Court is in position to accept that constant surveillance can be a search even done in public areas.

Regardless, this author reasons that GPS tracking and potential satellite video tracking are not perfect analogues. Satellite video would suffer from numerous limitations: inability to penetrate cloud cover,[72] losing vehicles in tunnels or other covered areas, gaps in swath coverage,[73] overall lack of satellites, etc. Part of the reasoning behind the *Jones* decision (at least by the concurring Jus-

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[68] *US v. Jones,* 565 U.S. at 416.

[69] *Id*.

[70] *Id* at 764.

[71] *Id* at 762.

[72] *See* NASA Earth Observatory, https://earthobservatory.nasa.gov/IOTD/view.php?id=79233 (last visited April 9, 2017) (Demonstrating that when imaging in the visible spectrum, NASA's EO-1 satellite cannot image the ground through smoke; imaging through it requires using more than the visible spectrum).

[73] *See* Allan Brimicombe*, GIS, Environmental Modeling and Engineering Second Edition*, at 40 (CRC Press, 2009) (Describes generally what swath width is and, as an example, describes how the IKONOS satellite would require multiple passes over London in order to image its entirety).

tices) was the completeness, almost omnipotent nature of the tracking that the GPS provided.[74] In that sense, satellite video would most likely be lacking, relative to GPS. It is easy to imagine law enforcement knowing the unlawful nature of warrantless GPS tracking (if the police placed a tracker on the car, that is) and thus seek satellite video tracking as an alternative. It is just as easy to imagine a day in the future when, by technological advancement, satellite video has largely overcome some of the deficiencies posited above; bringing it just as, or nearly as, effective at tracking an individual's movements as GPS. This is simply another reason to suggest that legislative bodies address the situation rather than wait for the higher levels of our federal and state courts to inevitably weigh in on the matter.

III. LEGISLATING LAW ENFORCEMENT'S USE OF SATELLITE VIDEO

As one can see from examination of the relevant Fourth Amendment Supreme Court Cases, we are left with little certainty as to how the law will eventually apply law enforcement's use of satellite video to Fourth Amendment cases. This has been the case with other technologies, and, in response, state legislatures and the federal legislature have enacted legislation and regulation governing the use of certain technologies in relation to their use by law enforcement.[75] This author suggests the same should be done with satellite video. In order to examine how this might take place, this section of the Article will examine some technological analogues and how their use has been addressed in legislation.

There is debate as to whether or not legislatures should regulate what would normally be Fourth Amendment protections at all.[76] On one side (and the side to which this author is partial) schol-

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[74] *See Jones*, 565 U.S. at 415 (Justice Sotomayor, in concurring noting the litany of personal information that be gathered about someone from the constant, long term tracking of their vehicle) *and also, Id.* at 430 (Justice Alito, in his concurrence noting that "longer term GPS monitoring in investigations of most offenses impinges on expectations of privacy").

[75] David E. Steinberg, *Sense-Enhanced Searches and the Irrelevance of the Fourth Amendment*, 16 WM. & MARY BILL RTS. J. 465, 472 (2007)

[76] *Id* at 473.

ars disfavor the unpredictability of the Fourth Amendment jurisprudence.[77] As Fourth Amendment scholar David Steinberg notes, there is an inability to predict how the Supreme Court will address a new technology; prior to the handing down of the *Kyllo* decision he predicted the court would not require a warrant, but ultimately the court did.[78] Steinberg asks the question that if he, who has spent years studying the Fourth Amendment, cannot predict how the Court will address a technology "then why should we expect police officers to make accurate predictions?"[79] Therein lies the crux of this author's argument: in leaving satellite video to the Supreme Court, we make the everyday law enforcement officer the "judge" as to what is a reasonable search, at least until the courts have ruled conclusively on the new technology. To leave that determination in such hands is to subject it to decision-making with considerable bias. Further, the judicial system is inherently slow, and by the time the satellite video evidence reaches the bench, the searched person's right may have already been violated.

Conversely, some scholars suggest that new technology under the Fourth Amendment should be left to the courts.[80] Steinberg points out that those in this camp tend to disfavor the complexity that arises from legislative actions. Instead, they prefer that the basic Fourth Amendment principles are relatively accessible and concepts such as "reasonable expectation of privacy, probable cause, and reasonable suspicion are easily understood.[81] This author would argue that those with this position are possibly overestimating the average person's grasp of these concepts. In other words, they *can* be easily understood by the average person, but are they *actually* understood by the average person?

If that supposition is correct, that the average person may not truly understand what a reasonable expectation of privacy is (along with other Fourth Amendment concepts), then it makes it all the more important that we find a legislative solution to law enforcement's use of satellite video. At the Federal level, wiretapping was

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[77] *Id*.
[78] *Id*.
[79] *Id*.
[80] *Id* at 475.
[81] *Id*.

regulated in the aftermath of *Katz*.[82] Wiretapping gives the law enforcement the ability to listen or record the content of a phone call. Congress passed the Omnibus Crime Control and Safe Streets Act of 1968 which dictated that law enforcement's use of wiretaps would require a warrant.[83] In 1986, Congress enacted roughly the same requirements for pen registers (devices that capture to whom, and from where a phone call was made).[84]

Drones are a more relevant and recent example of a technology undergoing some legislation and regulation. At the Federal level there has been a push to regulate law enforcement's use of drones, with a few failed acts having warrant provisions.[85] At the state level, there has been some legislation successfully passed to require warrants for their use by law enforcement. In 2013, Illinois, Florida, Idaho, Montana, Oregon, Tennessee, and Texas all passed drone legislation that included some form of warrant-requiring provision.[86] The requirement is not always absolute; the states' legislation provides exceptions for emergencies, "exigent circumstances," and to forestall the escape of a suspect, among other exceptions.[87] There is a trend among the states to allow the legislature to more clearly define, for citizens, what exactly constitutes their reasonable expectation of privacy in relation to drones.

This author proposes that Congress follows the lead of states' action related to drones and define for the entirety of the United States what constitutes a reasonable expectation of privacy in relation to law enforcement's use of satellite video. In fact if you were to take 18 U.S.C. § 2518 (the warrant requirements for wiretapping) and replace every instance of "the interception of a wire, oral, or electronic communication" with "surveillance of an individual or individuals by means of recorded video from an orbiting satellite" you would be very near to an acceptable warrant-requiring provision for satellite video. Whatever Congress decides, it is best to do

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[82] *Id* at 471.

[83] *Id.* (for the current version of the law see 18 U.S.C. § 2518).

[84] *Id* at 472.

[85] Thomas A. Bryan, *State v. Brossart: Adapting the Fourth Amendment for a Future with Drones*, 63 CATH. U. L. REV. 465, at 494 (2014).

[86] Taly Matiteyahu, *Drone Regulations and Fourth Amendment Rights: The Interaction of State Drone Statutes and the Reasonable Expectation of Privacy*, 48 COLUM. J.L. & SOC. PROBS. 265, 285 n.145 (2015).

[87] *Id* at 285-286.

so before the technology matures in order to prevent the infringement of constitutional protections prior to the issue being dealt with by the courts.

IV. CONCLUSION

The concerns addressed in this Article may be more distant than they are near. Regardless, satellite video is a currently existing technology (even if only in its infancy), the further development of which is being pursued with considerable investment. Once it is developed to maturity, it could serve as a useful tool for law enforcement to conduct searches, track individuals and groups, and otherwise conduct investigations. Like any technology, it is a tool at law enforcement's disposal. However, law enforcement often will rush in to using the new technology without sufficient regard for Fourth Amendment principles. Perhaps rightfully so, law enforcement's mission is generally to pursue criminal suspects and protect the public, not to debate the minutiae of how each and every technology fits into Fourth Amendment jurisprudence.

Examining how satellite video surveillance fits into Fourth Amendment concepts and jurisprudence would not only serve the public's interest in being protected against unreasonable searches, but also benefit law enforcement by clearly defining their role and minimizing losses of evidence due to the exclusionary rule. When one attempts this, however, they are left with more questions than answers. *Katz* gave birth to the reasonable expectation of privacy test as well as confirming that an unreasonable search can be conducted via remote, technological means, seemingly suggesting that the fact that a satellite video is taken remotely does not preclude protection against its warrantless use. Just after arriving at that conclusion, we are faced with *Ciraolo* and *Riley*, where the warrantless use of overhead aerial surveillance was held to *not* infringe upon a constitutional protection. This leads one to inevitably ask whether or not our courts will find satellite video to be merely another form of aerial surveillance, making warrants for its use unnecessary. *Dow Chemical* expanded upon *Ciraolo* and *Riley* by finding that the use of highly specialized camera equipment to conduct the aerial surveillance did not it any way change the way the court applied the reasonable expectation of privacy test. This seemingly

allows for not only warrantless aerial surveillance, but aerial surveillance with highly specialized, sense-enhancing equipment.

Kyllo appears to offer some protection against warrantless satellite video surveillance by holding that it is an unreasonable search to use technology that is not in general public use to discern the private details of the home without a warrant. As the dissent in that case pointed out, there are no guidelines as to what constitutes general public use. How would the court determine when satellite video has reached the level of "general public use?" Further, that holding seems limited to when the technology is used to discern what is *inside* the home. Does using satellite video to watch persons coming and going from a home, and thereby deduce the contents of the home count as invading the home? Finally, in *Jones* the court held constant and long term warrantless tracking of an individual to be an unreasonable search, but only due to the physical trespass required to place the tracking device on the person's car. Does that mean if satellite video can achieve the same result (in terms of tracking) without requiring a physical trespass that its warrantless use would be upheld under the *Jones* holding?

The courts have struggled to adapt the Fourth Amendment as technology continues to evolve and surveillance becomes easier to conduct and more pervasive. This could simply be a result of the drafters of the Fourth Amendment never intending or conceiving the technology that is available today. A definitive, legislative solution can neutralize some of the worry satellite video may present. Federal and state legislatures have enacted legislation to specifically require warrants when law enforcement wishes to use pen registers, wiretaps, drones, and other technologies. There is little reason to avoid doing the same for satellite video.

TRANSLATION

TRANSLATOR'S INTRODUCTION TO THE 1865 INTERNATIONAL TELEGRAPH CONVENTION

Harrison Parker[*]

Editor's Note: The importance of the International Telecommunication Union (ITU) to international space law cannot be overstated. As the international coordinating body for electromagnetic spectrum its work touches every satellite in orbit. The ITU, though, predates satellites and even wireless transmission using electromagnetic waves. The ITU, as the oldest international organization, was first formed as the International Telegraph Union. Until now, the original convention establishing this body has only been available in French. This English translation is offered to give readers access to an important historical antecedent to the modern-day treaties that govern this important international body.

Telegraphy, like all other forms of telecommunications, was a heavily codified field. Its practice had national and international implications due to what could be conveyed across its lines, and how it should be done. Indeed, "agreement on standards is inherent in any extension of telecommunications beyond the purely local."[1]

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[1] M.B. Williams, *International Standards for Telecommunications*, Phil. Trans. R. Soc. Lond. A. (Eng.) 289, 185 (1978).

Like all other forms of telecommunications, telegraphy's codification was done through the International Telecommunication Union (ITU).[2] Utilizing ITU's voluminous documents and records produced and published from over 150 years of International Conventions, legal scholars, academics, and historians are able to explore the legal and operational histories of satellite communication, the Internet, telephonics, and radio to name a few. There is, however, one exception: telegraphy, which for historians may also be the most important. The origin of all international telecommunication and its applicable laws is inextricably tied to the origin of the ITU and its first convention, the 1865 *Convention télégraphique internationale de Paris* (the International Telegraphic Convention of Paris) and subsequent *Règlement de service international* (Rules of International Service). This document not only established the international standards and practices of telegraphy for mainland Europe, (The U.K. and other countries would be added in subsequent Conventions.) but also was the first international document to establish Morse code as the international standard alphabet of telegraphy, and it set the parameters for sending coded messages via Morse across the borders of Contracting States. The ITU's Convention, a repeated title changed only to match the technology of the age, the year, and the place, "has the status of a treaty between sovereign states in recognition of the importance of its role in international relations."[3] Unfortunately, this original document is referenced sparingly in historical analyses concerning the ITU, international telecommunications, or telegraphy, in large part because there is no official English version. As such, Williams' article on the evolution of the ITU speaks only to "the catalytic role" of the 1865 convention, and then hurdles quickly to the 1871 Convention,[4] the first produced in English. An undated internal document from ITU discussing its own history offers only half a paragraph to the 1865 Convention, which *founded* the ITU. The internal document states,

> On 17 May 1865 after two and a half months of arduous negotiations, the first International Telegraph Convention was signed by the 20 participating countries and the International

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[2] *Id.*

[3] *Id.*

[4] *Id.*

> Telegraph Union was set up to enable subsequent amendments to this initial agreement to be agreed upon. This marked the birth of the ITU.[5]

Unlike the majority of ITU's Conventions, the documents produced from the 1865 Convention were only in the original French, and before now, remained untranslated. Because of this, one of the (if not *the*) most important foundational documents for International Telecommunication laws, regulations, and standardizations has been excluded from the legal repertoire of lawyers, scholars, and historians alike.

What is presented here are both the 1865 Telegraphic Convention and the Rules of International Service, translated from the original French to English. This introductory text accompanies the translation to serve as an historical introduction, and to deliver translation notes to better appreciate the nuances of the Convention's language, discuss the method of translation, and the idiosyncrasies of translating a document from 1860s French to modern academic English. This introductory text also includes a history of both the 1865 Convention and the origin of Morse Code.

A PIECE IN TIME

There is a tendency, I think, to take for granted the nature of communication and connectivity during the era of the telegraph. This Convention was created in a time when America was at one of its lowest points during the Civil War, and Europe was at a pre-WWI height. It is easy to relegate the concept of kings, queens, and royalty to fantastical ideas of Camelot, Narnia, and fairy tales, and not to the hard, tangible history of telecommunications and wires and networks. However, they are precisely who established the first international telegraphy laws. The Convention was established by the plenipotentiaries of twelve Kings, four Emperors, one Grand-Duke, one Queen, one Free City, and the Swiss Federation. It was the age of royals that led us into communications as we know it.

One of the most striking things in the 1865 Convention, not duplicated in the 1868 or 1871 Conventions, is the introduction of

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[5] ITU History, *History*, www.itu.int/itudoc/about/itu/history/history.txt (last visited Nov. 21, 2017).

Plenipotentiaries. Perhaps nothing more indicates the grandeur of the time than the honors bestowed upon those representing the Crowns. Taking as an example Napoleon III's plenipotentiary, Mr. Édouard Droyn de Lhuys, who was awarded the Grand-Cross of the Imperial Order of the Legion of Honor, an internal award, and also similar national awards from:

> the Orders of Saint-Étienne of Austria, of the Danebrog of Denmark, of Charles III of Spain, of the Savior of Greece, of the Saints Maurice and Lazarus of Italy, of the Netherlands Lion, of the Seraphim of Sweden; decorated by the Imperial Order of the Medjidie First Class (Turkey).[6]

These accolades were mirrored either in whole or in part by the majority of Plenipotentiaries at the Convention, which showed both the interconnectivity of Europe, and the type of people who represented their countries in those days. While we tend to think about telecommunications in terms of a bunch of nerds sitting in dark rooms doing long division, the origin of telecommunications was founded by Kings and Queens.

ITU AND THE EXCLUSION OF ENGLAND

It is not until 1872 that an English document is suddenly generated by the ITU, the third such Convention.[7] This is due to a sequence of events within England that led to their approval as members of the ITU. By the time of the original 1865 Convention, England had authorized the creation of telegraph services inside the United Kingdom via "the Telegraph Act, 1863."[8] The telegraph offices born out of this act, however, were privately owned, and not under the direct control of the State.[9] Because of the sensitive nature of telegraphy, as described in the 1865 Convention, the ITU would not allow a non-State-run telegraphy system into the Union.[10] Britain, understanding the importance of being involved in

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[6] Int'l. Telecomm. Union, *Conv. Télé. Int'l. de Paris*, 3-4 (1865).

[7] *Constitution and Convention*, ITU, http://www.itu.int/en/history/Pages/ConstitutionAndConvention.aspx.

[8] The Telegraph Act 1863, 26 &27 Vict., c. 112.

[9] Williams, *supra.*

[10] Williams, *supra* at 186.

international telegraphy, then pursued the adoption of laws that would bring telegraphy back into the fold of State-run services.

When the ITU had convened its second Convention in 1868, the U.K. had passed the "Telegraph Act, 1868," (the Act) which acknowledged that "the Means of Communication by Electric Telegraphs within the United Kingdom of *Great Britain* and *Ireland* are insufficient, and many important Districts are without such Means of Communications."[11] The Act made it clear that the privately-run telegraph system was inadequate for the coming age, and that all the U.K. would profit from a standardized system, and thereby "empowered [Her Majesty's Postmaster General] to work Telegraphs in connexion with the Administration of the Post Office."[12]

The Act gave the Postmaster a unique set of powers, including the right to purchase outright any "Undertaking…" or "Company… engaged in the United Kingdom of *Great Britain* and *Ireland* in transmitting or authorized to transmit, Messages for Money or other Consideration, by means of Electric or other Telegraphs, or mechanical Agencies, and each and every of those Companies,"[13] and also to "require the Railway Company to affix Wires to Existing Posts… and the Company may have a like Power to affix Wires to the Posts belonging from Time to Time to the Postmaster General…."[14] These powers allowed the U.K. to create a comprehensive telegraphy network throughout the British Islands. Finally, the "Telegraph Act, 1870" extended "the Telegraphic Acts of 1868, 1869 to the Channel Islands and the Isle of Man," which allowed for a fully-nationalized telegraphy network across the whole of the U.K., thereby qualifying them for ITU membership,[15] joining as members to the 1872 Convention. Due to the new British paradigm wherein telegraphy was owned and operated through the British Post, the United Kingdom was represented at the 1872 Rome Convention by

> ALAN E. CHAMBRE, Chef (ad interim) des Lignes Télégraphique— fils privés — Administration Postes-Télégraphes Britanniques.

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[11] The Telegraph Act 1868, 31 & 32 Vict., c. 110.

[12] *Id*.

[13] *Id* at 3.

[14] *Id* at 9(4).

[15] Williams *supra* at 186-205.

[ALAN E. CHAMBRE, Head (ad interim) of Telegraphic Lines — private wires — British Administration of Telegraph-Post.][16]

While the British Isles struggled to gain entry to the ITU for over seven years, they already had in-roads to the ITU through their then-colony: India. The 1868 Convention accepted *l'Inde britannique* (British India), setting the currency exchange of one French franc to 76 pice, or roughly 1.20 rupee.[17] At the conclusion of the Vienna Document, Lieutenant-Colonel G. Glover signed on behalf of British India.[18] Lieutenant-Colonel Thomas George Glover was an officer in the military portion of the East India Company.[19] He joined in 1844, and would go on to work in the Public Works Department of the Punjab Circle, Garrison Engineer at Lahore, Executive Engineer at Bhirtpore, among other positions, before finally taking on the position of Director-General of Telegraphs in 1867, before retiring from service in India in 1870.[20] He continued to work in British international telegraphy, and attended both the International Telegraph Convention at Vienna in 1868 and in Rome in 1871-72. He died suddenly on September 12, 1881, at Neuenahr, Prussia.[21] While telegraphy entered into the international sphere through the medaled, titled, and crowned, by 1868 and 1872 countries' representatives within the ITU were those whose careers were either for a time, or all their lives, telegraphy.

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[16] What is surprising to learn is that Mr. Chambre would go on, by at least 1880, to become the Official Manager of the London Homeopathic Hospital. There, he served a long career in his role, lauded by gentlemen and Lords, namely Lord Ebury, who said, "he did not like to speak in too strong language of [Chambre's] services, but he always went away from the Hospital with the feeling that he ought to say 'Good-bye, Mr. Chambre, for Heaven's sake, take care of yourself.'" J. Brit. Homeopathic Soc'y., Vol 9 424-25, 1882.

[17] Int'l. Telecomm. Union, *Conv. Télé. Int'l à Vienne*, 17 (1868).

[18] *Id* at 34.

[19] *The Late Colonel Glover*, The Electrician, May- Nov., 1881, at 325.

[20] *Id*.

[21] *Id*.

THE MORSE ORIGINS

The history of telecommunication can be traced back to specific moments in time when innovators altered the means by which mankind communicated over vast distances. Some of the most famous examples have either spoken to us, or allowed us to speak through them. Most recently, IBM's journey into AI introduced itself in 2011 with, "Hello, my name is Watson."[22] In 1984, Steve Jobs introduced the Macintosh, revolutionizing modern home computing. The Mac entered into tech lore when it introduced itself to us with the classic phrase, "Hello, I'm Macintosh. It sure is great to get out of that bag."[23] Twelve years earlier, in '72, Dennis Ritchie created C Programming Language, one of computer programming's most ubiquitous languages, and, with it, Brian Kernighan taught us to code "Hello, World."[24] If we venture farther back to 1876, Alexander Graham Bell gave voice to the distance, by giving us the telephone, stating "Mr. Watson. Come here. I want to see you." However, the mantle of first pioneer in telecomm goes to Samuel F. B. Morse, who perfected telegraphy and created the standard telegraphic writing system: the Morse code. In 1844, twenty-one years before the ITU's first Convention, Morse conveyed over experimental wire from the U.S. Supreme Court chambers in Washington D.C. to the railway station in Baltimore, the first telegraphic phrase, "What hath God wrought?"[25]

Like so many origin stories, Morse and telegraphy's are fraught with hardship. Samuel Morse was born April 27, 1791.[26] After attending Yale at fourteen, and graduating at nineteen, Morse sailed to England to attend the Royal Academy of Arts in

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[22] Lauren J. Young, *What has IBM Watson Been Up to Since Winning 'Jeopardy!' 5 Years Ago?*, Inverse, April 5, 2016.

[23] David Bunnell, *The Macintosh Speaks for Itself (Literally)…*, Cult of Mac, (May 1, 2010, 6:00 AM), https://www.cultofmac.com/40440/the-macintosh-speaks-for-itself-literally/.

[24] David Cardinal, *Dennis Ritchie, creator of C, bids 'goodbye, world'*, Extreme Tech, (November 2, 2011, 11:24 AM), https://www.extremetech.com/computing/102835-dennis-ritchie-creator-of-c-bids-goodbye-world.

[25] *First telegraphic message--- 24 May 1844*, Library of Congress, https://www.loc.gov/item/mmorse000107.

[26] *Samuel F.B. Morse Papers at the Library of Congress, 1793 to 1919*, Library of Congress, https://www.loc.gov/collections/samuel-morse-papers/articles-and-essays/timeline/1791-1839/.

London.[27] After returning, he was commissioned to paint a number of portraits, including President James Monroe's, and fatefully, the Marquis de Lafayette's.[28]

Morse was a renowned portraitist and founded the National Academy of Design, where he served as president for 20 years.[29] The Marquis made his last visit to the U.S. in 1825, and Morse was commissioned to paint his portrait by the City of New York.[30] While working on the portrait, he received a letter via horse messenger, the fastest local conveyance of the time,[31] which would change not only his life, but also reshape communication in the modern world. The letter said that his wife had fallen ill, and while preparing to return the next day, he received another letter informing him that she had died.[32] He returned to Connecticut, only to find that by the time he arrived, his wife had been buried.[33] Grief-stricken and determined, Morse set out to ensure that information could freely travel over great distance in much shorter time. He set aside his career as a painter and took up the mantle of inventor, eventually discovering telegraphy through the invention of communication wires, the telegraph key,[34] and his eponymous code. Morse, an old man by the time telegraphy became an international affair, lived long enough to see the formation of the ITU and its first two Conventions, but the year the United Kingdom joining the International Telegraph Convention, in 1872, Samuel Morse passed away at 80 years old.

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[27] *Id*.

[28] *Id*.

[29] Bill Federer, *Magnificent Breakthroughs of the Morse Family*, WND, (April 1, 2017, 9:23 PM), http://www.wnd.com/2017/04/magnificent-breakthroughs-of-the-morse-family/.

[30] Aaron Jones, *Lafayette, Morse, and the March of Progress"*, Crystal Bridges Museum of American Art, (April 27, 2014), https://crystalbridges.org/blog/lafayette-morse-march-progress/.

[31] *Id*.

[32] *Id*.

[33] *Id*.

[34] In English, the device used to transmit telegrams is referred to as the "telegraph key." In French, however, the telegraph key is referred to as "l'appareil Morse," literally "the Morse device." To be clear, the Morse device is so named not because it transmits Morse code, but because it was Samuel Morse who invented it. (*Dictionnaire étymologique et historique de la langue francaise*. "morse 2" 510 (1996).

TRANSLATOR'S NOTES

Perhaps the greatest task in translating what is, for want of a better word, a period piece, is combatting the translation of words and phrases whose meanings have shifted in the past 150 years, or that have simply fallen out of use. Researching these was both the most difficult task, and the most rewarding.

The first such word is, perhaps unsurprisingly, *dépêche*. The denotative meaning of the word *dépêche* is a "dispatch," coming from the infinitive *dépêcher*, "to dispatch," from Old French *despeechier*, a combination of the root *des-* (to not) and the stem *empeechier* "to hinder," (though sharing the same root as "to impeach.") Therefore, the word "dispatch" traces back to the original meaning "to not hinder." Imagining Morse's goal of the dissemination of information across great distances with alacrity, the idea of not hindering that information makes perfect sense. This is the grammatical origin of the word, but not the path the word took once it changed from *despeechier* to *dépêche*.

The verb form, *dépêcher*, was first used in the 13th century. It first meant "to deliver (in the sense of liberate or release) from something."[35] It then went on to mean "to get something over with, to hasten," and finally by the 17th century, "to send a message with haste."[36] It was not until the 17th-century definition that *dépêche* broke away from its infinitive suffix, *-er*. The earliest definition of *dépêche* meant simply, "a letter or message," then took on the more specific, "an official letter transmitted by rapid means."[37] Finally, the 19th century altered the meaning once again to "*dépêche télégraphique*," a telegraphic dispatch, which is translated into practical English as simply, "a telegram." That is the form of the word I adopted throughout my translation.[38]

After a telegram is transmitted from one telegraph office to the other, something has to be *done* with it. Generally speaking, telegrams are turned into letters that were then delivered to the addressee through the local postal service. However, Article 16 of the Convention states that, "Telegrams may be addressed either to a

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[35] *Id.*
[36] *Id.*
[37] *Id.*
[38] *Id.*

domicile, *poste restante*, or *bureau télégraphique restant*." The concept of *poste restante* is neither an antiquated or defunct service, but it is a phrase that is chiefly postal *and* European.

Translating *poste restante* creates a circular reasoning loop when your translation source says that *poste restante* is still called *poste restante* in the U.K. A literal translation gives us "remainder mail," which describes its function a bit more. In the U.S. however, it is referred to as "general delivery." General Delivery a service requested by the sender, who marks *poste restante* in Europe or General Delivery in the U.S. The post office receives the telegram and then holds onto it (remainder mail), rather than delivering it, with the expectation that the person to whom it is addressed is expected to pick it up. Similarly, if marked *bureau télégraphique restant*, the same applies, but to the telegraph office that received the message, rather than forwarding on to a post office first.

In the vein of what must be *done* with a telegram once it arrives at the telegraph office, it can be sent on through the post to the addressee. If that addressee is not home, without further instruction, the telegram may be delivered to any adult member of their family, to employees, or hosts. There is, however, the option for the sender to put into writing that the telegram must be *entre les mains* of the addressee solely. This is not a difficult translation, but it is perhaps my favorite direct translation (which here proves to be the best). The phrase translates to "between the hands." If marked appropriately, the telegram must literally be delivered "between the hands" of the addressee.

The most era- and occupation-specific word also had the most historic evolution. It is also the one I believe requires the most explanation to truly understand. In Section VII on "Certain Special Telegrams," the beginning of Article 23 states, "Each sender may *affranchir* the response that they request from their correspondent."[39] The word I chose for translation into English was "frank," as in the verb, "to frank," rather than the phrase, "to be frank" (although these share similar roots). This word, while accurate, did not clear up the meaning for me, but editorializing within the translation was outside my purview. My translated phrase reads, "Each

[39] Int'l. Telecomm. Union, *Conv. Télé. Int'l de Paris*, 17 (1865) [Partial translation].

sender may frank the response that they request from their correspondent." Still confusing, but the etymology clears it up.

Traveling back in time farther than any other word, we find the 3rd century European tribal people, the Franks, who conquered northern Gaul around the 6th century.[40] The Franks were so named for the Old English *franc(a)*, meaning "freeman, or noble."[41] As the tribal Franks developed their land, in time they became the French, from the same root, meaning the free people.[42] Returning to the Convention, when we look up *affranchir* in the Dictionnaire Étymologique, we are told to "see *franc*."[43] The word *franc* comes from the 10th century franc/frank, a Latinized ethnic adjective of the masculine singular of *Francus*,[44] thereby sharing the Latin root with the Franks of yore. The time gap between the 3rd century tribe and 10th century adjective form shows that the "free" denotation derives from the people, and not the other way round. Later, in the 15th century, "*Francus*" would make another appearance on what we know as the French Franc. The Franc likely got its name from the original inscription on the coin: *Francorum rex*, "King of the Francs,"[45] i.e. King of the free people. In French, the adjective form meant, "having the condition of freedom, being born free," from which the meaning "exempt from certain servitudes" comes. The sense of "one who expresses themselves openly, who says what they think" ("to be frank") appears in the 12th century. This is also the time period for the French adjective "*franchise*," which follows the evolution of *franc*. *Franchise* has persisted into Modern French (the French of the Convention) as "exemption."[46] The example given is "*franchise postal*,"[47] or "exempt mail."

Therefore, *affranchir* ultimately means to make something free, liberated, or exempt. In English, we took this word and went back to the beginning and used, "to frank," which has since fallen

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[40] *Frank (n)*, Online Etymology Dictionary, https://www.etymonline.com/search?q=frank (last visited Nov. 21, 2017).

[41] *Id*.

[42] *Id*.

[43] *Dictionnaire étymologique*, *supra* at 18.

[44] *Id* at 338.

[45] *Id*.

[46] *Id*.

[47] *Id*.

into disuse, but is still the accurate translation of *affranchir*. Finally, the editorialized version of Section VII, Article 23 reads:

"Each sender may request a response from their correspondent, and make their correspondent's response free by paying its cost."

While there are a handful of other translation notes, none add as much to the historical and interpretive value as these four. Given the unimaginable leaps in technology and communication, the importance of this document is rooted in history, rather than applicability. Because of that, the history of its words is integral to the document's place in the annals of telecommunication.

1865 INTERNATIONAL TELEGRAPH CONVENTION

HIS MAJESTY THE EMPEROR OF AUSTRIA, KING OF HUNGARY AND OF BOHEMIA, HIS ROYAL HIGHNESS THE GRAND-DUKE OF BADE, HIS MAJESTY THE KING OF BAVARIA, HIS MAJESTY THE KING OF BELGIUM, HIS MAJESTY THE KING OF DENMARK, HER MAJESTY THE QUEEN OF SPAIN, HIS MAJESTY THE EMPEROR OF FRANCE, HIS MAJESTY THE KING OF GREECE, THE FREE CITY OF HAMBURG, HIS MAJESTY THE KING OF HANOVER, HIS MAJESTY THE KING OF ITALY, HIS MAJESTY THE KING OF THE NETHERLANDS, HIS MAJESTY THE KING OF PORTUGAL AND THE ALGARVES, HIS MAJESTY THE KING OF PRUSSIA, HIS MAJESTY THE EMPEROR OF ALL RUSSIA, HIS MAJESTY THE KING OF SAXONY, HIS MAJESTY THE KING OF SWEDEN AND NORWAY, THE SWISS CONFEDERATION, HIS MAJESTY THE EMPEROR OF THE OTTOMAN EMPIRE, HIS MAJESTY THE KING OF WURTEMBERG,

Equally moved by the desire to ensure the telegraphic correspondence exchanged between their respective States have the advantages of a simple and lowered tariff, to improve the current conditions of international telegraphy, and to establish a permanent agreement between their states, while conserving their freedom of action for any measures that do not interest all of the service,

Have resolved to finalize a convention to that effect, and have named their Plenipotentiaries, namely:

HIS MAJESTY THE EMPEROR OF AUSTRIA, KING OF HUNGARY AND OF BEHOMIA, THE PRINCE RICHARD DE METTERNICH-WINNEBURG, Duke of Portella, Count of Königswart, his Chamberlain and Personal Councilor, Grandee First Class of Spain, Grand Cross of the Imperial Austrian Order of Leopold, of the Order of Albert of Saxony, Grand Officer of the Belgian Order of Leopold, Knight of the Imperial Order of the Legion of Honor, etc. etc. etc., his Special Ambassador to his Majesty the Emperor of France;

HIS ROYAL HIGHNESS THE GRAND-DUKE OF BADE, HIS CURRENT PERSONAL COUNCILOR, THE BARON FERDINAND ALÉSINA

OF SCHWEIZER, Grand Cross of the Zaehringen Order of the Lion, Grand Officer of the Imperial Order of the Legion of Honor, etc. etc. etc., his Special Envoy and Minister Plenipotentiary near His Majesty the Emperor of France;

HIS MAJESTY THE KING OF BAVERIA, THE BARON AUGUSTE DE WENDLAND, his Chamberlain, Grand Commander of the Order of Virtue of the Crown, Grand-Cross of his Order of St.-Michael, Grand Officer of the Imperial Order of the Legion of Honor, etc. etc. etc., his Special Envoy and Minister Plenipotentiary near His Majesty the Emperor of France;

HIS MAJESTY THE KING OF BELGIUM, THE BARON EUGÈNE BEYENS, Officer of the Order of Leopold, Commander of the Imperial Order of the Legion of Honor, Commander of the Special Number of the Order of Charles II and of Isabella the Catholic of Spain, etc. etc. etc., his Special Envoy and Minister Plenipotentiary near His Majesty Emperor of France;

HIS MAJESTY THE KING OF DENMARK, THE COUNT LÉON DE MOLTKE-HVITFELDT, his Chamberlain, Commander of the Order of the Danebrog and decorated by the Gold Cross, Grand-Cross of the Orders of the Savior of Greece, of the Conception of Villa-Viçosa of Portugal, of Isabella the Catholic of Spain, Commander of the Order of the Tour and the Épée of Portugal, Officer of the Order of Léopold of Belgium, etc. etc. etc., his Special Envoy and Minister Plenipotentiary near His Majesty the Emperor of France.

HER MAJESTY THE QUEEN OF SPAIN, MR. ALEXANDRE MON, former President of the Council of Ministers and the Chamber of Deputies, Deputy of the Courts, Grand-Cross of the Royal Order of Charles III, of the Imperial Order of the Legion of Honor, etc. etc. etc., his Special Ambassador and Plenipotentiary near his Majesty the Emperor of France;

HIS MAJESTY THE EMPEROR OF FRANCE, MR. ÉDOUARD DROYN DE LHUYS, Senator of the Empire, Grand-Cross of the Imperial Order of the Legion of Honor, of the Orders of Saint-Étienne of Austria, of the Danebrog of Denmark, of Charles III of Spain, of the Savior of Greece, of the Saints Maurice and Lazarus of Italy, of the Netherlands Lion, of the Seraphim of Sweden; decorated by the Imperial Order of the Medjidie First Class, etc. etc. etc., his Minister of Foreign Affairs;

HIS MAJESTY THE KING OF GREECE, MR. PHOCION ROQUE, his Plenipotentiary, Officer of His Royal Order of the Savior and of the Imperial Order of the Legion of Honor, etc. etc. etc.;

THE FREE CITY OF HAMBOURG, MR. JEAN-HERMANN HERREN, Doctor of Law, Resident Minster of the Free Cities of Germany near His Majesty the Emperor of France;

HIS MAJESTY THE KING OF HANOVER, THE BARON CHARLES DE LINSINGEN, his present Legation Councilor, Officer of his Royal Order of the Guelphes, Commander of the Order of the Netherlands Lion, etc. etc. etc., his Special Envoy and Minister Plenipotentiary near His Majesty the Emperor of France;

HIS MAJESTY THE KING OF ITALY, KNIGHT CONSTATIN NIGRA, Grand-Cross of his Order of the Saints Maurice and Lazarus, Grand Officer of the Imperial Order of the Legion of Honor, etc. etc. etc. his Special Envoy and Minster Plenipotentiary near His Majesty the Emperor of France;

HIS MAJESTY THE KING OF THE NETHERLANDS, Mr. Léonard-Antoine Lightenvelt, Grand-Cross of the Order of the Netherland Lion, Grand officer of the Imperial order of the Legion of Honor, etc. etc. etc., his Special Envoy and Minster Plenipotentiary near His Majesty the Emperor of France;

HIS MAJESTY THE KING OF PORTUGAL AND THE ALGARVES, THE VISCOUNT DE PAÏVA, Peer of the Realm, Grand-Cross of the Order of the Conception of Villa-Viçosa, Grand Officer of the Imperial Order of the Legion of Honor, etc. etc. etc., his Special Envoy and Minister Plenipotentiary near His Majesty the Emperor of France;

HIS MAJESTY THE KING OF PRUSSIA, COUNT HENRI-LOUIS-ROBERT DE GOLTZ, Knight of the Royal Order of the Red Eagle First Class and of Saint John of Jerusalem, Grand-Cross of the Order of the White Eagle of Russia, of the Imperial Order of the Medjidie of Turkey, of the Royal Order of the Savior of Greece, etc. etc. etc., his Special and Plenipotentiary Ambassador near His Majesty the Emperor of France;

HIS MAJESTY THE EMPEROR OF ALL RUSSIA, BARON ANDRÉ DE BUDBERG, his private council, Grand-Cross of the Imperial Orders of Saint Elexandre Newsky and of the White Eagle, Knight of the Order of Saint Wladimir Second Class, Grand-Cross of the Imperial Order of Sainte Anne and of the Orders of the Legion

of Honor, of the Red Eagle of Prussia, of the Iron Crown of Prussia, of the Danebrog of Denmark, of the Guelphes of Hanover, etc. etc. etc., his Special and Plenipotentiary Ambassador near His Majesty the Emperor of France;

HIS MAJESTY THE KING OF SAXONY, BARON ALBIN-LÉO DE SEEBACH, his present Concillor and Chamberlain, Grand-Cross of his Royal Order of Merit, Grand Officer of the Imperial Order of the Legion of Honor, decorated by the Order of the Iron Crown of Austria First Class, by the Order of the Red Eagle of Prussia Second Class, Grand-Cross of the Order of the Ernestine Branch of Saxony, of the Orders of the White Eagle and of Sainte Anne of Russia; decorated by the Order of the Medjidie Second Class, etc. etc. etc., his Special Envoy and Minister Plenipotentiary near His Majesty the Emperor of France;

HIS MAJESTY THE KING OF SWEDEN AND OF NORWAY, MR. GEORGES-NICOLAS BARON ADELSWÄRD, Grand-Cross of the Order of the Polar Star, Grand Cross of the Order of Saint Olaf of Norway, Grand Officer of the Imperial Order of the Legion of Honor, etc. etc. etc., his Special Envoy and Minister Plenipotentiary near His Majesty the Emperor of France;

THE SWISS CONFEDERATION, MR. KERN, Special Envoy and Minister Plenipotentiary of the aforesaid Confederation near His Majesty the Emperor of France;

HIS MAJESTY THE EMPEROR OF THE OTTOMAN EMPIRE, ESSEÏD MOUHAMMED DJÉMIL-PACHA, Muchir and Member of the Grand Council of the Empire, decorated by the Imperial Orders of the Medjidie First Class, of the Osmanieh Second Class, Grand Cordon of the Imperial Order of the Legion of Honor, of the Orders of Isabella the Catholic of Spain, of the Iron Crown of Austria, of the White Eagle of Russia, of Saints Maurice and Lazarus of Italy, of the Polar Star of Sweden, of Leopold of Belgium, of the Netherlands Lion, etc. etc. etc., his Special Ambassador and Plenipotentiary near Her Majesty the Queen of Spain;

HIS MAJESTY THE KING OF WURTEMBERG, THE BARON JEAN-AUGUSTE DE WAECHTER, his State Counselor and Chamberlain, Commander of his Order of the Crown, Grand-Cross of his Royal Order of Frederic, etc. etc. etc., his Special Envoy and Minister Plenipotentiary near his Majesty the Emperor of France.

Which, after having communicated their full powers, believe in due form, agreed to enforce upon Contracting State telegraphic correspondences the following agreement:

TITLE I: ON THE INTERNATIONAL NETWORK

Art. 1.

The High Contracting Parties undertake to assign special wires to the international telegraphic service, in number sufficient to insure a rapid transmission of telegrams.

The wires will be established in the best conditions known to the practice of the service.

The cities between which exchange of the correspondences are continuous or very active will be, successively and as much as possible, connected by direct wires of superior diameter, and the service will remain open for the work of the office intermediaries.

Art. 2.

Between the important cities of the Contracting States, the service will be as often as possible permanent, day and night, without any interruption.

Ordinary offices, once daily service is completed, are open to the public:

From April 1st to September 30th, from 7:00AM to 9:00PM,

From October 1st to March 31st, from 8:00AM to 9:00PM.

The offices' open hours for limited service are fixed by the respective administrations of the Contracting States.

The hour of all the offices of a State is the standard time of the capital of that State.

Art. 3.

The Morse apparatus (telegraph key) remains adopted provisionally for international wire service.

TITLE II: ON CORRESPONDENCE.

First Section: General Conditions.

Art. 4.

The High Contracting Parties acknowledge the rights of all people to correspond by means of international telegraphs.

Art. 5.

The High Contracting Parties commit to learn of all necessary arrangements in order to make and dispatch secret correspondences.

Art. 6.

The High Contracting Parties declare however not to accept, at a rate of international telegraphy service, any responsibility.

Second Section: On Submission.

Art. 7.

Telegrams are classified into three categories:

1st State Telegrams: those that come from the Head of State, from Ministers, from Commanders-in-Chief of Ground or Naval Forces, and of Diplomatic Agents or Diplomats of the Contracting Governments.

Dispatches by Consular Agents who practice commerce are only considered as State dispatches when they deal with matters of service.

2nd Service Telegrams: those which come from telegraphic administrations of the Contracting States, and which are relative, either to service of international telegraphy, or to objects of public interest determined by the entente of the aforementioned administrations.

3rd Private Telegrams.

Art. 8.

State Telegrams are only accepted as such, that bear the seal or stamp of the authority that sent them.

The sender of a private telegram may always be required to establish the sincerity of the signature that the telegram bears.

Art. 9.

Each telegram may be written in any of the languages used in the territory of the Contracting States.

Each State remains free to appoint, among the languages used in their territory, those that they consider suitable for telegraphic correspondence.

Private telegrams may also be composed in code or secret missives, either in total or in part.

Private telegrams may also be composed in code or in secret missives, when they are exchanged between two Contracting States that admit that mode of correspondence, and in the conditions decided upon by the rules of service that are mentioned in Article 54 hereinafter.

The reservation mentioned in the above paragraph does not to apply to transit telegrams.

Telegrams in ordinary language cannot contain combinations of words, compositions, nor uncommon abbreviations.

Art. 10.

The official record of the telegram must be legible, in characters that have their equivalent in the regulatory table of telegraphic signs in use in the country where the telegram was presented.

The text must be preceded by the address and followed by the signature.

The address must carry all the necessary indications to ensure the delivery of the telegram to its destination.

Each writing between the lines, return-to-sender marking, crossing-out, or alteration must be approved by the signature on the telegram or its representative.

Third Section: On Transmission.

Art. 11.

The transmission of telegrams have place in the following order:

1st State Telegrams;
2nd Service Telegrams;
3rd Private Telegrams.