

(28) UNIVERSAL POSTAL UNION.

ADDITIONAL ACT OF LISBON TO THE CONVENTION OF THE
1ST OF JUNE, 1837,

CONCLUDED between Germany, the United States of America, the Argentine Republic, Austro-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chili, the United States of Colombia, the Republic of Costa Rica, Denmark, and the Danish Colonies, the Dominican Republic, Egypt, Ecuador, Spain and the Spanish Colonies, Great Britain and certain British Colonies, Canada, British India, Greece, Guatemala, the Republic of Hayti, the Kingdom of Hawaii, the Republic of Honduras, Italy, Japan, the Republic of Liberia, Luxembourg, Mexico, Montenegro, Nicaragua, Paraguay, the Netherlands and the Netherland Colonies, Peru, Persia, Portugal and the Portuguese Colonies, Roumania, Russia, Salvador, Servia, the Kingdom of Siam, Sweden and Norway, Switzerland, Turkey, Uruguay and the United States of Venezuela.

The undersigned, Plenipotentiaries of the Governments of the countries specified below, assembled in Congress at Lisbon. In virtue of Article XIX of the Convention concluded at Paris on the 1st of June, 1878. Have by common consent, and subject to ratification, resolved upon the following Additional Act.

ARTICLE I. The Convention of the 1st of June, 1878, is altered as follows:

I. Article II shall henceforth read as follows:

Article II. The stipulations of this Convention extend to letters, post cards, both single and with reply paid, printed papers of every kind, commercial papers and patterns or samples of merchandise, originating in one of the countries of the Union, and intended for another of those countries. They also apply, as far as regards conveyance within the Union, to the exchange by post of the articles above mentioned between the countries of the Union and countries foreign to the Union, whenever the services of two of the Contracting Parties at least are used for that exchange.

All the Contracting Countries are not bound to issue cards with reply paid, but they assume the obligation of returning the reply halves of cards received from other countries of the Union.

II. . Article IV is altered, as follows:

Paragraph 8 is replaced by the following stipulation:

2. That in all cases where the sea transit rate is fixed at present at 5 francs per kilogramme of letters or post cards, and at 50 centimes per kilogramme of other articles, those rates are maintained.

Paragraph 13 is altered as follows:

The general accounting for those charges takes place on the basis of statements prepared every three years during a period of 28 days, to be determined on in the Detailed Regulations referred to in Article XIV hereafter.

Paragraph 14 is replaced by the following stipulation:

Correspondence between Postal Administrations, the reply halves of double post cards, returned to the country of origin, articles redirected or missent, undelivered articles, acknowledgments of delivery, post office money orders or advices of the issue of orders, and all other documents relative to the Postal Service, are exempt from all charges for territorial or sea transit.

III. Article V is altered as follows:

The 3rd paragraph shall henceforth read:

2. For post cards, 10 centimes for single cards or for each of the two halves of cards with reply paid.

The 2nd sentence of the 7th paragraph, beginning with the words "As a temporary measure" is cancelled.

The 14th paragraph shall henceforth read:

4. Lastly, packets of commercial papers and printed papers of every kind the weight of which exceeds 2 kilogrammes, of which measure in any one direction more than 45 centimetres.

IV. Between Articles V and VI, a new article is interpolated in these terms:

Article V *bis*. The sender of a letter or other article can have it withdrawn from the post or have its address altered, so long as such article has not been delivered to the addressee.

The request for such withdrawal is sent by post or by telegraph at the expense of the sender, who must pay as follows:

1. For every request by post the rate applicable to a registered single letter.

2. For every request by telegraph, the charge for a telegram according to the ordinary tariff.

The stipulations of this Article are not obligatory for countries in which the legislation does not permit the sender to dispose of an article in its course through the post.

V. The last five paragraphs of Article VI, after the words "In case of the loss of a registered article, &c.," are cancelled, and, following that article, a new article is added, thus:

Article VI. *bis*. In case of the loss of a registered article, and except in cases beyond control, the sender, or, at the request of the sender, the addressee is entitled to an indemnity of 50 francs.

The obligation of paying the indemnity rests with the Administration to which the despatching office is subordinate. To that Administration is reserved a remedy against the Administration responsible, that is to say, against the Administration on the territory or in the service of which the loss took place.

Until the contrary be proved, the responsibility rests with the Administration which, having received the article without making any observation, cannot establish the delivery to the addressee or the regular transfer to the following Administration, as the case may be.

The payment of the indemnity by the despatching office ought to take place as soon as possible, and at the latest within a year of the date of the application. The responsible office is bound to refund to the despatching office, without delay, the amount of the indemnity paid by the latter.

It is understood that the application for an indemnity is only entertained if made within a year of the posting of the registered article; after this term the applicant has no right to any indemnity.

If the loss occurred in course of conveyance between the exchanging offices of two adjacent countries, without its being possible to ascertain on which of the two territories the loss took place, the two Administrations concerned bear each a half of the loss.

The Administrations cease to be responsible for registered articles for which the owners have given a receipt on delivery.

As a temporary measure, the Administrations of countries beyond Europe, whose legislation is actually opposed to the principle of responsibility, are permitted to postpone the application of the preceding clause until the time when they shall have obtained by legislative enactment authority to subscribe to it. Up to that time the other Administrations

are not bound to pay an indemnity for the loss, in their respective services, of registered articles addressed to or originating in the said countries.

VI. Between Articles IX and X a new Article is interpolated in these terms:

Article IX *bis*. At the request of the sender, all classes of correspondence are sent to the addresses by a special messenger immediately on arrival in those countries of the Union which consent to undertake this service in their reciprocal relations.

Such correspondence, which is called "express," is subject to a special charge for delivery; this charge is fixed at 30 centimes, and must be fully paid in advance by the sender, in addition to the ordinary postage. It belongs to the Administration of the country of origin.

When an article is destined for a place where there is no Post Office, the postal Administration of the country of destination can levy an additional charge, up to the amount of the price fixed for delivery by express in its inland service, less the fixed charge paid by the sender, or its equivalent in the money of the country which levies this additional charge.

"Express" letters, &c., upon which the total amount of the charges payable in advance has not been prepaid are delivered by the ordinary means.

VII. Article X shall henceforth read as follows:

Article X. No supplementary postage is charged for the redirection of postal packets within the interior of the Union.

Undelivered correspondence does not when returned give rise to the repayment of the transit charges due to intermediary Administrations for the previous conveyance of such correspondence.

VIII. The first three paragraphs of Article XI are cancelled, and replaced by the following stipulations:

It is forbidden to the public to send by post—

1. Letters or packets containing pieces of money;
2. Any packets whatever containing articles liable to Customs duty.
3. Gold or silver bullion, precious stones, jewelry, or other precious articles, but only in case their insertion or transmission is forbidden by the legislation of the countries concerned.

IX. Article XIII is altered as follows:

Article XIII. The exchange of letters of declared value, the post office money order system, the parcel post system, the collection of bills of exchange, &c., the system of certificates of identity, &c., from the subject of special arrangements between the various countries or groups of countries composing the Union.

X. The end of the last paragraph of Article XIV, beginning with the words "for the conditions of the delivery of letters by express," &c., is cancelled, and this paragraph, will read henceforth:

The Administrations interested are, however, permitted to come to mutual arrangements for the adoption of lower rates of postage within a radius of 30 kilometres.

XI. The 1st paragraph of Article XV is to read as follows:

The present Convention does not involve alteration in the legislation of any country as regards anything which is not provided for by the stipulations contained in this Convention.

XII. Article XVII is altered as follows:

Article XVII. In case of disagreement between two or more members of the Union as to the interpretation of the present Convention, or as to the responsibility of an Administration in case of the loss of a registered article, the question in dispute is decided by arbitration. To that end, each of the Administrations concerned chooses another member of the Union not directly interested in the matter.

The decision of the arbitrators is given by an absolute majority of votes.

In case of an equality of votes the arbitrators choose, with the view of settling the difference, another Administration equally uninterested in the question in dispute.

The stipulations of the present Article apply equally to all the agreements concluded in virtue of Article XIII of the Convention of the 1st of June, 1878, modified by Article I, Section 9, of the present additional Act.

XIII. The 2nd and 3rd paragraphs of Article XX will read henceforth:

1. Unanimity of votes if they involve any modification of the stipulations of the present Article or the foregoing Articles II, III, IV, V, *V bis*, VI, *VI bis*, IX and *IX bis*.

2. Two-thirds of the votes, if they involve a modification

of the stipulations of the Convention other than those of Articles II, III, IV, V, V *bis*, VI, VI *bis*, IX, IX *bis*, and XX.

ARTICLE II. 1. The present Additional Act shall come into force on the 1st of April, 1886, and shall have the same duration as the Convention concluded at Paris on the 1st of June, 1878.

2. It shall be ratified as soon as possible. The deeds of ratification shall be exchanged at Lisbon.

In faith of which the Plenipotentiaries of the countries enumerated above have signed the present additional Act at Lisbon on the twenty-first of March, one thousand eight hundred and eighty-five.

For Great Britain & certain English Colonies—S. A. Blackwood, H. Buxton Forman.

Germany—Sachse, Fritsch.

United States of America—William T. Otto, Jas. S. Crawford.

Argentine Republic—F. P. Hansen.

Austria—Dewez, Vargas.

Hungary—Gervay.

Belgium—F. Gife.

Bolivia—Joaquin Caso.

Brazil—Luiz C. P. Guimarães.

Bulgaria—R. Ivanoff.

Chili—M. Martinez.

United States of Colombia—César Conto.

Republic of Costa Rica—

Denmark and the Danish Colonies—Lund.

Dominican Republic—P. Gomez da Silva.

Egypt—W. F. Halton.

Ecuador—Antonio Flores.

Spain and the Spanish Colonies—S. Alvarez Bugallal, A. Herce.

France—Laboulaye, A. Besnier.

The French Colonies—Laboulaye.

Canada—S. A. Blackwood, H. Buxton Forman.

British India—H. E. M. James.

Greece—Eugène Borel.

- Guatemala—J. Carrera.
 Republic of Hayti—Laboulaye, Ansault;
 Kingdom of Hawaii—Eugène Borel.
 Republic of Honduras—J. Carrera.
 Italy—J. B. Tantesio.
 Japan—Yasushi Nomura.
 Republic of Liberia—Comte Senmarte.
 Luxembourg—Ch. Rischard.
 Mexico—L. Breton y Vedra.
 Montenegro—Dewez, Vargas.
 Nicaragua—Manuel J. Alves Diniz,
 Paraguay—F. A. Rebello.
 The Netherlands and the Netherland Colonies—Hof-
 stede, B. Sweerts de Landes-Wyborgh.
 Peru—
 Persia—N. Semino.
 Portugal—Guilhermino Augusto de Barros, Ernesto Ma-
 deiro Pinto.
 Portuguese Colonies—Guilhermino Augusto de Barros.
 Roumania—Jon Ghika.
 Russia—N. de Besack, Georges de Poggenpohl.
 Salvador—
 Servia—
 Kingdom of Siam—Prisdang.
 Sweden—W. Roos.
 Norway—Harald Asche.
 Switzerland—Ed. Höhn.
 Turkey—
 Uruguay—Enrique Kubly.
 Venezuela—J. L. Perá Crespo.

FINAL PROTOCOL—At the moment of proceeding to sign the Convention settled by the Universal Postal Congress of Lisbon, the undersigned Plenipotentiaries have agreed as follows:

1. Peru, Salvador, Servia and Turkey which form part of the Postal Union, not having sent representatives to the Congress, the Protocol remains open for them to adhere to the Conventions which have been concluded by it, or only to one or other of them. This is equally the case in regard

to the Republic of Costa Rica, whose representative is not present at the sitting during which the Acts will be signed.

2. The British Colonies of Australia and the British Colonies of the Cape and Natal shall be admitted to adhere to those Conventions, or to one or other of them, and the Protocol remains open to them for that purpose.

3. The Protocol remains open in favor of the countries whose representatives have signed to-day the principal Convention alone, or only a certain number of the Conventions settled by the Congress, in order to allow them to adhere to the other Conventions signed this day or to one or other of them.

4. The adhesions contemplated in the foregoing Articles 1, 2 and 3 must be notified to the Portuguese Government by the respective Governments, in diplomatic form. The term accorded for that notification will expire on the 1st of February, 1886.

5. The representatives of the countries which have not hitherto adhered to one or other of the undermentioned Conventions, namely:

The Convention of the 1st of June, 1878;

The Agreement, dated the 1st of June, 1878, concerning the exchange of letters with value declared;

The Agreement of the 4th of June, 1878, concerning the exchange of postal money orders;

The Convention of the 3rd of November, 1880, concerning the exchange of postal parcels without declaration of value;

Having been admitted to participate in the additional Acts modifying and completing those Conventions and Agreements, their signature at the foot of one or other of such additional Acts implies on their part, subject to ratification, adhesion in the name of their respective countries to the Convention or Agreement to which such additional Act relates, from the date on which the latter comes into force.

VI. In case one or more of the Contracting Parties to the Postal Conventions, signed to-day at Lisbon, shall not ratify one or other of those Conventions, that Convention shall be none the less valid for the States which shall have ratified it.

In faith of which the under-mentioned Plenipotentiaries have drawn up the present final Protocol, which shall have the same force and value as if its provisions were inserted in the text itself of the Conventions to which it relates; and they

have signed it on a single copy which shall remain in the archives of the Portuguese Government, and of which a copy shall be handed to each party.

Lisbon, the twenty-first of March, one thousand eight hundred and eighty-five.

[Here follow the signatures of the Delegates of the Governments of Germany, the United States of America, the Argentine Republic, Austria, Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chili, the United States of Colombia, Denmark and the Danish Colonies, the Dominican Republic, Egypt, Ecuador, Spain and the Spanish Colonies, France, the French Colonies, Great Britain and certain British Colonies, Canada, British India, Greece, Guatemala, the Republic of Hayti, the Kingdom of Hawaii, the Republic of Honduras, Italy, Japan, the Republic of Liberia, Luxembourg, Mexico, Montenegro, Nicaragua, Paraguay, the Netherlands and Netherland Colonies, Persia, Portugal, the Portuguese Colonies, Roumania, Russia, the Kingdom of Siam, Sweden, Norway, Switzerland, Uruguay and Venezuela.]

RULES

FOR THE REGULATION OF A MONEY ORDER SYSTEM BETWEEN HAWAII AND HONG-KONG.

1. The Offices of Exchange for Money Order advices and accounts shall be Hong-Kong and Honolulu, only.
2. Hong-Kong may issue Orders payable at any Money Order Office in Hawaii, and Honolulu may issue Orders payable at any Money Order Office in China or at Macao.
3. All Orders are to be drawn in Dollars, each Office making its own arrangements as to rates of exchange and form of order and advice.
4. No single order shall exceed \$50. The granting of more than two \$50 Orders to the same person in favor of the same payee, by the same mail, is considered undesirable by the Hong-Kong Office, which does not, however, refuse to honor such Orders.
5. Each Office shall fix its own rate of commission and advise the other Office what its rates are.
6. Each Office shall credit the other with 1 per cent. on the total amount of Orders issued by such Office.
7. As soon as any Order is issued, relative advice shall be forwarded by the first opportunity.

8. All Orders shall be paid without deduction. Payment of any order made before the arrival of the Advice is at the risk of the country making it.

9. At the end of every six months, whichever office shall have a claim against the other, shall prepare an account embracing the entire series of Orders issued by both Offices during such six months, and shewing the balance due. Such balance must be remitted by the Office owing it by Bill of Exchange. These periodical settlements are not, however, to supercede frequent remittances on account, where all or nearly all the Orders are in one direction.

10. Money Orders which shall not have been paid within 12 months from the date of the issue thereof, shall be considered void, and the amount thereof shall be placed to the credit of the country of origin in the half-yearly accounts.

11. All these rules are open to revision by common consent from time to time.

12. The Money Order System shall come into force from April 1st, 1885.

Signed in duplicate at Honolulu this 13th day of December, A. D. 1884.

H. M. WHITNEY,

Postmaster General.

And at Hong-Kong this fifth day of February, 1885.

ALFRED LISTER,

Postmaster General.

I approve of the above Rules.

CHARLES T. GULICK,

Minister of the Interior.

Honolulu, December 13th, 1884.

I approve of the above Rules.

By order.

W. H. MARSH,

Colonial Secretary.

Hong-Kong, February 6th, 1885.

RATIFICATION OF FINAL PROTOCOL OF LISBON.

WE, KALAKAUA, by the Grace of God, of the Hawaiian Islands King; having caused to be examined all the points and articles of the aforegoing Final Protocol to the Additional Act of Lisbon, to the Convention of June 1st, 1878, of the Universal Postal Union, signed by the Plenipotentiaries of Hawaii, and of the other countries specified above, on the twenty-first day of March, A. D. 1885, and the same being found to be satisfactory, do hereby confirm and ratify the said Final Protocol.

In faith of which, We have signed this ratification with Our hand, and have caused to be affixed thereto the Great Seal of Our Kingdom.

[L.S.] Done at Our Palace of Iolani, in the City of Honolulu, this ninth day of November, in the year of Our Lord one thousand eight hundred and eighty-six, and the thirteenth year of Our Reign.

KALAKAUA REX.

By the King:

WALTER M. GIBSON,
Minister of Foreign Affairs.