

UNIVERSAL POSTAL UNION

*Additional act (modifying convention of 1878) and final protocol signed at Lisbon March 21, 1885*¹

Ratified and approved by the Postmaster General of the United States October 20, 1885

Approved by the President of the United States October 20, 1885

Entered into force April 1, 1886

*Terminated by convention of July 4, 1891*²

25 Stat. 1339

[TRANSLATION]

ADDITIONAL ACT OF LISBON TO CONVENTION

Additional act of Lisbon to the Convention of the 1st of June, 1878,³ concluded between Germany, the United States of America, the Argentine Republic, Austria-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, France and the French Colonies, Great Britain and various 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, Luxemburg, 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 above enumerated, being assembled in Congress at Lisbon,

By virtue of article 19 of the Convention concluded at Paris on the 1st of June, 1878,

Have, by common consent, and subject to ratification, adopted the following additional Act:

ARTICLE 1

The Convention of the 1st of June 1878 is modified as follows:

¹ For text of additional act modifying the regulations of 1878, see 25 Stat. 1352.

² *Post*, p. 188.

³ *Ante*, p. 51.

I

Article 2 will, hereafter, read as follows:

ARTICLE 2

The stipulations of this Convention extend to letters, to simple postal cards and postal cards with paid reply, to printed matter of all kinds, commercial papers, and 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 mail of the articles above mentioned between the countries of the Union and countries foreign to the Union, whenever that exchange makes use of the services of two of the contracting parties at least.

All the contracting countries are not obliged to issue postal cards with paid reply, but they assume the obligation to return reply-cards received from other countries in the Union.

II

Article 4 is modified as follows:

The following provision is substituted for paragraph 8:

2d. That wherever the rate of sea-transit is at present fixed at 5 francs per kilogramme of letters or postal cards, and at 50 centimes per kilogramme of other articles, these rates are maintained.

Paragraph 13 is modified as follows:

The general settlement of these expenses takes place on the basis of statements prepared every three years, during a period of 28 days to be determined on in the Regulations of execution ⁴ referred to in Article 14 hereafter.

The following provision is substituted for paragraph 14:

Correspondence of the Postal Administrations with each other, postal reply-cards returned to the country of origin, articles reforwarded or missent, undeliverable articles, return-receipts, post-office money orders, or advices of the issue of orders, and all other documents relative to the postal service, are exempt from all transit charges, whether territorial or maritime.

III

Article 5 is modified as follows:

The 3d paragraph will hereafter read as follows:

2d. For postal cards, 10 centimes for a simple card or for each of the two parts of a postal card with paid reply.

⁴ See footnote 1, p. 97.

The second clause of the seventh paragraph commencing with the words: "As a temporary arrangement" is suppressed.

Paragraph 14 will hereafter read as follows:

4th. Lastly, to packets of commercial papers and prints of all kinds the weight of which exceeds 2 kilogrammes or the dimensions of which in any direction exceed 45 centimeters.

IV

There is inserted between articles 5 and 6 a new article reading as follows:

ARTICLE 5 *bis*

The sender of an article of correspondence may cause it to be withdrawn from the service, or cause the address to be changed, as long as this article has not been delivered to the addressee.

The request to be formulated for this purpose is transmitted by mail or by telegraph, at the expense of the sender, who has to pay:

1st for every request by mail, the rate applicable to a single registered letter;

2d for every request by telegraph, the charge for the telegram according to the ordinary rates.

The provisions of this article are not compulsory in countries, the legislation of which does not allow the sender to dispose of an article in course of transportation.

V

The last 5 paragraphs of article 6, after the words: "In case of the loss of a registered article," &c., are suppressed, and, after said article, a new article is added reading as follows:

ARTICLE 6 *bis*

In case of the loss of a registered article, and except in case of *force majeure*, the sender, or at his request, the addressee, is entitled to an indemnity of 50 francs.

The obligation to pay the indemnity is incumbent on the Administration under which the despatching office belongs. This Administration has the right to make a reclamation on the responsible administration, that is to say, on the Administration within whose territory or in whose service the loss has occurred.

Until the contrary is proved, the responsibility rests with the Administration which, after having received the article without making any remark, can not prove either its delivery to the addressee, or its regular transmission to the next Administration.

The payment of the indemnity by the despatching office should be made as soon as possible, and at the latest, within the period of one year dating from the day of the reclamation. The responsible office is bound to reimburse without delay to the despatching office the amount of the indemnity paid by it.

It is understood that the reclamation is only admitted within the period of one year from the time when the registered article was mailed; after this period has passed, the claimant has no right to any indemnity.

If the loss has occurred during transportation between the exchange offices of two neighboring countries, and it is impossible to ascertain on which of the two territories it has taken place, the two Administrations concerned bear the loss in equal proportions.

The Administrations cease to be responsible for registered articles, the addressees of which have given a receipt for them and have accepted them.

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

A new article is inserted between articles 9 and 10, reading as follows:

ARTICLE 9 *bis*

Articles of correspondence of every kind are, at the request of the senders, delivered at the residence of the addressees by a special carrier immediately after their arrival, in countries of the Union which consent to undertake this service in their reciprocal relations.

These articles, which are indorsed "express," are subject to a special charge for delivery at the residence; this charge is fixed at 30 centimes, and must be paid in full, and in advance, by the sender, over and above the ordinary postage. It is paid to the Administration of the country of origin.

If the article is destined for a locality where there is no post-office, the Administration of Posts of the country of destination may levy an additional charge, to the amount of the rate fixed for delivery by express in its domestic service, a deduction being made of the fixed rate paid by the sender, or of its equivalent in the money of the country which levies this additional charge.

“Express” articles upon which the entire charges which are payable in advance are not fully prepaid are delivered by the ordinary means.

VII

Article 10 will, in future, read as follows:

ARTICLE 10

No additional charge is levied for the reforwarding of postal matter within the interior of the Union.

Undeliverable correspondence does not give rise to a restitution of the transit charges due to intermediary administrations for the previous conveyance of said correspondence.

VIII

The first three paragraphs of Article 11 are suppressed, and are replaced by the following provisions:

It is forbidden to the public to send by mail:

- 1st. Letters or packets containing pieces of money;
- 2nd. Any packets whatever containing articles liable to customs duty;
- 3rd. Gold or silver bullion, precious stones, jewelry, or other precious articles, but only in case the legislation of the countries concerned prohibits their being placed in the mails or their being forwarded.

IX

Article 13 is modified as follows:

ARTICLE 13

The service of letters with declared value, and the services of money orders, postal parcels, amounts to be collected, books of identity, &c., form the subject of special arrangements between the different countries or groups of countries of the Union.

X

The last part of the last paragraph of Article 14, commencing with the words: “for the conditions of the delivery of letters by express”, is suppressed, and this paragraph will read in future as follows:

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

XI

The first paragraph of Article 15 is worded as follows:

The present Convention involves no alteration in the legislation of any country as regards anything which is not provided for by the stipulations contained in this Convention.

XII

Article 17 is modified as follows:

ARTICLE 17

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 the absolute majority of the votes.

In case the votes are equally divided, the arbitrators choose, in order to settle the difference, another Administration equally disinterested in the disputed question.

The provisions of the present article apply likewise to all the Agreements concluded in virtue of Article 13 of the Convention of June 1, 1878, modified by Article 1, Number IX, of the present Additional Act.

XIII

The 2nd and 3d paragraphs of Article 20 will hereafter read as follows:

1st. Unanimity of votes, if they involve a modification of the stipulations of the present article, or of articles 2, 3, 4, 5, 5 *bis*, 6, 6 *bis*, 9, and 9 *bis* preceding;

2nd. Two-thirds of the votes, if they involve a modification of the stipulations of the Convention other than those of articles 2, 3, 4, 5, 5 *bis*, 6, 6 *bis*, 9, 9 *bis*, and 20;

ARTICLE 2

1.—The present Additional Act will take effect on the 1st of April 1886, and will remain in force for the same period as the Convention concluded at Paris on the 1st of June, 1878.

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

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

For Germany:

SACHSE
FRITSCH

For the United States of America:

WILLIAM T. OTTO
JAS. S. CRAWFORD

For the Argentine Republic:

F. P. HANSEN

For Austria:

DEWÉZ
VARGES

For Hungary:

GERVAY

For Belgium:

F. GIFE

For Bolivia:

JOAQUIN CASO

For Brazil:

LUIS C. P. GUIMARÃES

For Bulgaria:

R. IVANOFF

For Chile:

M. MARTINEZ

For the United States of Colombia:

CÉSAR CONTO

For the Republic of Costa Rica:

For Denmark and the Danish Colonies:

LUND

For the Dominican Republic:

P. GOMES DA SILVA

For Egypt:

W. F. HALTON

For Ecuador:

ANTONIO FLORES

For Spain and the Spanish Colonies:

S. ALVAREZ BUGALLAL

A. HERCE
LABOULAYE
A. BESNIER

For the French Colonies:

LABOULAYE

For Great Britain and the English

Colonies:

S. A. BLACKWOOD
H. BUXTON FORMAN

For Canada:

S. A. BLACKWOOD
H. BUXTON FORMAN

For British India:

H. E. M. JAMES

For Greece:

EUGÈNE BOREL

For Guatemala:

J. CARRERA

For the Republic of Hayti:

LABOULAYE
ANSAULT

For the Kingdom of Hawaii:

EUGÈNE BOREL

For the Republic of Honduras:

J. CARRERA

For Italy:

J. B. TANTESIO

For Japan:

YASUSHI NAMURA

For the Republic of Liberia:

COMTE SENMARTI

For Luxemburg:

CH. RISCHARD

For Mexico:

L. BRETON Y VEDRA

For Montenegro:

DEWÉZ
VARGES

For Nicaragua:

MANUEL J. ALVES DINIZ

For Paraguay:

F. A. REBELLO

For the Netherlands and the Netherlands Colonies:

HOFSTEDE
B. SWEERTS DE LANDAS-WYBORGH

For Peru:

For Persia:

N. SEMINO

For Portugal: GUILHERMINO AUGUSTO DE BARROS ERNESTO MADEIRA PINTO	For the Kingdom of Siam: PRISDANG
For the Portuguese Colonies: GUILHERMINO AUGUSTO DE BARROS	For Sweden: W. ROOS
For Roumania: JON GHICA	For Norway: HARALD ASCHE
For Russia: N. DE BESAK GEORGES DE POGGENPOHL	For Switzerland: ED. HÖHN
For Salvador:	For Turkey:
For Servia:	For Uruguay: ENRIQUE KUBLY
	For Venezuela: J. L. PER'A CRESPO

FINAL PROTOCOL

At the moment when the Conventions concluded by the Universal Postal Congress of Lisbon were to be signed, the undersigned plenipotentiaries have agreed as follows:

I

Peru, Salvador, Servia and Turkey, which form part of the Postal Union, being unrepresented at the Congress, the protocol will be left open for their adhesion to the Conventions which have been concluded at the Congress, or only to one or the other of these Conventions. The same applies to the Republic of Costa Rica, whose representative is not present at the session at which these Acts will be signed.

II

The British Colonies of Australia and the British Colonies of the Cape and of Natal will be allowed to adhere to these Conventions, or one or the other of them, and the protocol will be left open for this purpose.

III

The protocol will be left open for countries whose representatives have this day only signed the principal Convention, or only a certain number of the Conventions concluded by the Congress, for the purpose of allowing them to adhere to the other Conventions signed this day, or one or the other of them.

IV

The adhesions contemplated by Articles I, II, and III above, must be notified to the Portuguese Government by the Governments concerned, in diplomatic form. The term accorded to them for this notice will expire on the 1st of February, 1886.

V

The representatives of the countries which, so far, have not declared their adhesion to one or the other of the following Conventions, viz:

The Convention of the 1st June 1878;

The Agreement dated June 1, 1878, relative to the exchange of letters with declared value;

The Agreement of June 4, 1878, relative to the exchange of money-orders;

The Convention of November 3, 1880, relative to the exchange of postal parcels without declaration of value;

Having been allowed to take part in the Additional Acts modifying and completing these Conventions and Agreements, their signature at the foot of one or the other of these Additional Acts implies on their part, subject to ratification, the adhesion in the name of their country, to the Convention or Agreement to which such additional Act relates, such adhesion to date from the date the latter takes effect.

VI

In case one or several of the contracting parties to the Postal Conventions signed this day at Lisbon should not ratify one or the other of these Conventions, that Convention will be none the less valid for the States which have ratified it.

In faith of which the undersigned 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 in one single instrument which shall be deposited in the Archives of the Portuguese Government, and a copy of which shall be delivered to each party.

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

For Germany:

SACHSE
FRITSCH

For the United States of America:

WILLIAM T. OTTO
JAS. S. CRAWFORD

For the Argentine Republic:

F. P. HANSEN

For Austria:

DEWÉZ
VARGES

For Hungary:

GERVAY

For Belgium:

F. GIFE

For Bolivia:

JOAQUIN CASO

For Brazil:

LUIZ C. P. GUIMARÃES

For Bulgaria:

R. IVANOFF

For Chile:

M. MARTINEZ

For the United States of Colombia:

CÉSAR CONTO

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- For Egypt:
W. F. HALTON
- For Ecuador:
ANTONIO FLORES
- For Spain and the Spanish Colonies:
S. ALVAREZ BUGALLAL
A. HERCE
- For France:
LABOULAYE
A. BESNIER
- For the French Colonies:
LABOULAYE
- For Great Britain and the English Colonies:
S. A. BLACKWOOD
H. BUXTON FORMAN
- For Canada:
S. A. BLACKWOOD
H. BUXTON FORMAN
- For British India:
H. E. M. JAMES
- For Greece:
EUGÈNE BOREL
- For Guatemala:
J. CARRERA
- For the Republic of Hayti:
LABOULAYE
ANSAULT
- For the Kingdom of Hawaii:
EUGÈNE BOREL
- For the Republic of Honduras:
J. CARRERA
- For Italy:
J. B. TANTESIO
- For Japan:
YASUSHI NAMURA
- For the Republic of Liberia:
COMTE SENMARTI
- For Luxemburg:
CH. RISCHARD
- For Mexico:
L. BRETON Y VEDRA
- For Montenegro:
DEWÉZ
VARGES
- For Nicaragua:
MANUEL J. ALVES DINIZ
- For Paraguay:
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- For the Netherlands and Netherlands Colonies:
HOFSTEDE
B. SWEERTS DE LANDAS WYBORGH
- For Peru:
- For Persia:
N. SEMINO
- For Portugal:
GUILHERMINO AUGUSTO DE BARROS
ERNESTO MADEIRA PINTO
- For the Portuguese Colonies:
GUILHERMINO AUGUSTO DE BARROS
- For Roumania:
JON GHICA
- For Russia:
N. DE BESAK
GEORGES DE POGGENPOHL
- For Salvador:
- For Servia:
- For the Kingdom of Siam:
PRISDANG
- For Sweden:
W. ROOS
- For Norway:
HARALD ASCHE
- For Switzerland:
ED. HÖHN
- For Turkey:
- For Uruguay:
ENRIQUE KUBLY
- For Venezuela:
J. L. PER'A CRESPO

[For text of additional act modifying the regulations of 1878, see 25 Stat. 1352].