

NEW GRANADA : MARCH 6, 1844

Postal Convention, signed at Bogotá March 6, 1844. Original in English and Spanish.

Submitted to the Senate May 13, 1844. (Message of May 7, 1844.) Resolution of advice and consent June 12, 1844. Ratified by the United States June 28, 1844. Ratified by New Granada December 1, 1844. Ratifications exchanged at Bogotá December 20, 1844. Proclaimed February 22, 1845.

Postal Convention between the United States of North America and the Republic of New Granada.

The Republics of the United States of North America, and of New Granada, being desirous of drawing more closely the relations existing between the two countries and of facilitating the prompt and regular transportation of the correspondence of the United States across the Isthmus of Panamá, have agreed to conclude a Postal Convention—for which purpose, his Excellency the President of the United States named, as a Plenipotentiary, William M. Blackford, their Chargé d’Affaires at Bogotá, and his Excellency the President of New Granada, Joaquin Acosta, Colonel of Artillery and Secretary of State for Foreign Affairs—who have agreed upon the following articles.

Convencion Postal entre la Republica de la Nueva Granada y los Estados Unidos del Norte America.

Deseando las Republicas de la Nueva Granada y de los Estados Unidos del Norte America facilitar y estrechar mas las relaciones entre los dos pueblos, y la pronta y regular conduccion de las correspondencias de los Estados Unidos al travez del Istmo de Panamá han convenido en celebrar una Convencion de correos; para lo cual su Escelencia el Presidente de la Nueva Granada nombró como Plenipotenciario al Coronel de Artilleria Joaquin Acosta, Secretario de Estado del Despacho de Relaciones Exteriores, y su Exelencia el Presidente de los Estados Unidos al Señor Guillermo M. Blackford, su Encargado de Negocios en Bogotá: los que acordaron los articulos siguientes.

ARTICLE 1

The Packet vessels of war of the Republic of the United States will disembark at Chagres or Porto-bello, the sealed bag or packet, which may contain the letters and newspapers, destined to cross the Isthmus of Panamá, which said bag or packet shall be delivered to the postmaster, of one or the other of these places, by whom it shall be forwarded to Panamá, for the consideration of thirty dollars for each trip—provided the weight of the bag or packet should not exceed one hundred pounds, and in the proportion of twelve dollars more for each succeeding hundred pounds, which sum shall be paid though the excess should not amount to one hundred pounds.

ARTICLE 2.

With respect to the letters and newspapers the said vessels may have on board, which shall not be intended to cross the Isthmus, but to be delivered at any point on the Atlantic coast of New Granada, the practice, established conformably to the New Granadian rates of postage, shall be continued.

ARTICLE 3.

The Consul, or other Agent, of the United States at Panamá shall receive the bag, unopened, and, after delivering to the Post office all the correspondence, ex-

ARTICULO 1º

Los buques de guerra correos de la República de los Estados Unidos desembarcarán en Chagres ó en Porto-belo la balija ó paquete cerrado que contenga las correspondencias é impresos destinados á atravesar el Istmo de Panamá; la cual balija ó paquete será entregada al respectivo Administrador de correos y dirigida por el a Panamá, mediante la indemnizacion de treinta pesos fuertes por cada viaje, siempre que el peso de la balija ó paquete no exediere de cien libras, y en la proporcion de doce pesos fuertes mas por cada cien libras de exceso, que se pagaran aun cuando el exceso del peso no llegare a cien libras.

ARTICULO 2º

Respecto de la correspondencia é impresos que conduzcan los mencionados buques y que vengan destinados, no á atravesar el Istmo, sino a ser entregados en cualesquiera puntos de su litoral Atlantico, se continuará la practica establecida, conforme á la tarifa de correos de la Nueva Granada.

ARTICULO 3º

El Cónsul ú otro Ajente de los Estados Unidos en Panamá recibirá la balija cerrada y, a excepcion de sus propias cartas, entregará en la administracion de

cept letters to himself, directed to Panamá or other points of the Granadian Territory, (which correspondence shall be subjected to the usual rates of postage established in New Granada), he shall retain the remainder to be forwarded to its destination as soon as an opportunity occurs.

ARTICLE 4.

The Post Office at Panamá will charge itself likewise with forwarding the mail bag or packet, which it may receive from the Consul or other Agent of the United States, to the Post office of Chagres or Porto bello, at which place it shall be delivered to the Consul, or other Agent, of the United States, or, in their default, to the Commander of the vessel of war, calling for it, under the same conditions stipulated in the 1st Article.

ARTICLE 5.

The Consul, or other Agent, of the United States residing at Panamá, shall be the person whose duty it is to pay for the carriage of the bag, across the Isthmus, as well when he receives it from the Post office at Panamá after it has crossed the Isthmus, as when he delivers it to the said Post Office to be sent to Chagres, or Porto Bello.

correos toda la correspondencia dirigida a Panamá ú otros puntos del territorio granadino (la cual pagará el porte de la tarifa de correos de la Nueva Granada), reservandose la restante para remitirla á su destino cuando haya oportunidad.

ARTICULO 4º

La administracion de correos de Panamá se encargará igualmente de enviar la balija ó paquete de correspondencia, que le entregue el Consul ú otro Agente de los Estados Unidos, para ser conducida á la Administracion de correos de Chagres, ó Porto-belo de donde se derijirá al Consul ú otro Ajente de los Estados Unidos, ó si no lo hubiere á los respectivos Comandantes de buques de guerra, que la demandaren, bajo las mismas condiciones estipulados en el Artículo 1º

ARTICULO 5º

El Cónsul ú otro Ajente de los Estados Unidos residente en Panamá, será la persona encargada de satisfacer el porte que haya devengado la balija, tanto al recibirla de la administracion de correos de Panamá despues de que haya atravezado el Istmo, como al entregarsela para ser conducida a Chagres, ó Porto-belo.

ARTICLE 6.

The said packet vessels which shall or may be established, will bring to the Ports of New Granada at which they may touch—and will also take from them to those of the United States—all official and private letters and newspapers, without any compensation whatever—Granadian vessels will be subject to the same conditions if, at any time, it may be thought advisable to contribute with them to the establishment of a line of packets between the ports of the United States and those of New Granada.

ARTICLE 7.

The packet vessels of war of the United States will also carry, free of charge, all the official or private letters and newspapers, which may be delivered to them, from one port of New Granada to another at which they may touch.

ARTICLE 8.

If the Government of the United States should think fit to employ steamers, as packets, between New Granada and the said United States—the coals which may be brought for the use of such vessels shall then enjoy, in the Granadian Ports, the same exemptions, as to introduction and deposit, which may have been granted in said ports to the

ARTICULO 6º

Los mencionados buques correos que se establezcan, ó en adelante se establecieren, traerán á aquellos puertos de la Nueva Granada en que tocaren, y llevarán de estos á los de los Estados Unidos toda la correspondencia asi oficial, como particular, y los impresos sin percibir porte alguno. A las mismas condiciones quedarán sujetos los buques granadinos, si alguna vez se juzgare oportuno contribuir con ellos al establecimiento de alguna linea de buques correos entre los puertos granadinos y los de los Estados Unidos.

ARTICULO 7º

Tambien llevaran gratuitamente los buques de guerra correos de los Estados Unidos toda la correspondencia oficial, ó particular, y los impresos que se les confiaren, de un puerto á otro de la Nueva Granada en que tocaren.

ARTICULO 8º

Si el Gobierno de los Estados Unidos tuviere por conveniente destinar al servicio de correos entre la Nueva Granada y dichos Estados algunos buques de vapor, los carbones que se traigan para el uso de tales buques, disfrutará entonces en los puertos Granadinos las mismas exenciones, relativas a introduccion y deposito, que se hayan otorgado en

coals destined for the steamers of any other power.

ARTICLE 9.

The Republics of the United States and of New Granada, being desirous of avoiding all interpretations, contrary to their intentions, declare, that any advantage, or advantages, that one or the other power may enjoy, from the foregoing stipulations, are and ought to be understood in virtue and as in compensation of the obligations they have just contracted in the present postal convention.

ARTICLE 10.

For the purpose of carrying into effect the provisions of the present Convention as soon as possible, the two high contracting parties have agreed, that said provisions shall begin to be enforced immediately after the Governor of the Province of Panamá has official knowledge that the present convention has been ratified by the Government of New Granada, and that the Consul, or other agent, of the United States shall have communicated to him that it has been also ratified by the Government of that Republic.

los mencionados puertos a los carbones destinados para el uso de los buques de vapor de cualquiera otra potencia.

ARTICULO 9º

La Republica de la Nueva Granada y la de los Estados Unidos deseando evitar toda interpretacion contraria á sus intenciones, declaran que cualquier ventaja ó ventajas que la una ó la otra potencia reporten de las estipulaciones anteriores, son y deben entenderse en virtud y como compensacion de las obligaciones que acaban de contraer en la presente convencion postal.

ARTICULO 10º

Con el objeto de que las estipulaciones de la presente convencion se lleven a efecto lo mas pronto que sea posible, las dos altas partes contratantes han convenido en que dichas estipulaciones principiaron a cumplirse inmediatamente que el Gobernador de la provincia de Panamá sepa oficialmente la ratificacion de la presente convencion por parte del Gobierno de la Nueva Granada, y que el Consul ú otro Agente de los Estados Unidos le haya comunicado igual ratificacion prestada por el Gobierno de la ultima Republica.

ARTICLE 11.

The present Convention shall remain in force and vigor for the term of eight years, to be counted from the day on which the exchange of the ratifications may be made—which shall take place in Bogotá as soon as possible—and shall continue in the same force and vigor for another term of four years more; and so on, always for another term of four years more, until one of the two Governments shall give the other six months notice of its wish that the same shall terminate.

In faith whereof the Plenipotentiaries of the two Republics have signed and sealed the present Convention in Bogotá, on the sixth day of the month of March, in the year of our Lord one thousand eight hundred and forty four.

W^m M BLACKFORD [Seal]
JOAQUIN ACOSTA [Seal]

ARTICULO 11º

La presente Convencion permanecerá en fuerza y vigor por el termino de ocho años contados desde el dia del canje de sus ratificaciones, que se verificará en Bogota lo mas pronto que sea posible, y continuará con la misma fuerza y vigor por otro termino de cuatro años mas, y asi sucesivamente siempre por un termino de otros cuatro años mas, hasta que uno de los dos Gobiernos notifique al otro, con anticipacion de seis meses, su voluntad de que termine la convencion.

En fé de lo cual los plenipotenciarios de las dos Republicas han firmado y sellado la presente Convencion en Bogotá a los seis dias del mes de Marzo del año del Señor de mil ochocientos cuarenta y cuatro.

JOAQUIN ACOSTA [Seal]
W^m M BLACKFORD [Seal]

NOTES

The former (sometimes called "Great") Republic of Colombia included New Granada, Venezuela, and Ecuador, a union from which Venezuela withdrew in 1829 and Ecuador in 1830. There followed, in November 1831, the founding of the "State of New Granada", which, in May 1834, adopted as its official designation the title, "Republic of New Granada". In 1858 the title was changed to the "Granadan Confederation"; by a *Pacto de Unión* of 1861 the title was changed to the "United States of Colombia"; and in 1885 the present designation, the "Republic of Colombia", was adopted (Robertson, *History of the Latin-American Nations*, 359-84).

Some comments on the early relations between the United States and the Republic of Colombia are in the notes to Document 47, the Treaty of Peace, Amity, Navigation, and Commerce signed at Bogotá October 3, 1824.

THE FILE PAPERS

There are two signed originals of the convention in the file, each of which has the English text written in the left columns and the Spanish in the right; as the printed texts show, the *alternat* was duly observed.

The original with which the text here printed has been collated is that which is with the duplicate United States instrument of ratification of June 28, 1844, and the original proclamation of February 22, 1845; on that original is written, "With M^r Blackford's N^o 22"; that despatch, of March 8, 1844, is quoted below.

The two signed originals are not literally and exactly alike in either the English or Spanish text; a few of the differences between them are such trifles as capitalization, spelling, and punctuation style; mostly they are matters of commas inserted or omitted in the one original as compared with the other; none of them is of any consequence; the only differences in wording are in the English text of Articles 8 and 11; the words "think fit" and "day on which" in one original read, respectively, "think it fit" and "day in which" in the other.

The treaty file contains the usual papers, in customary form; these include the attested Senate resolution of June 12, 1844 (Executive Journal, VI, 321), and the certificate of the exchange of ratifications at Bogotá on December 20, 1844, one example in English and one in Spanish; the instrument of ratification on the part of New Granada of December 1, 1844, includes both texts of the convention, the Spanish in the left columns.

The presidential message of May 7, 1844, submitting the convention to the Senate (Executive Journal, VI, 275), was accompanied by copies of "a correspondence between the Department of State and the Chairman of the Committee on Commerce in the Senate, and between the same Department and Mr. Blackford, the *chargé d'affaires* of the United States at Bogotá, who concluded the convention on the part of this Government" (printed in Senate Confidential Document No. 13, 28th Congress, 1st session, Regular Confidential Documents, XX, 143-54); some of those papers are quoted below.

THE NEGOTIATIONS

By the act of March 3, 1843 (5 Statutes at Large, 630-45), there was appropriated (p. 643):

For defraying the expenses attending the conveyance and forwarding, by land, and of the receipt and delivery, of mails, letters and despatches at and between Chagres and Panama, including the compensation to an agent of the United States at each of said places for the above purposes, one thousand dollars, to be expended under the direction of the Secretary of State.

Under date of March 14, 1843, the following instructions were sent to William M. Blackford, then *Chargé d'Affaires* at Bogotá (D.S., 15 Instructions, Colombia, 82-83):

You will probably have noticed that Congress at its late session passed an appropriation to defray the expenses of transmitting letters from and for the United States between Chagres and Panama. It is presumed that the authorities of New Granada will not object to the establishment for that purpose, of

an occasional post between those places, under the direction of agents of this government. It would be proper, however, for you to converse with the Minister for Foreign Affairs upon the subject and explain to him the purposes and views of this government in regard to it. We would of course be willing, that any proper regulations having for their object the prevention of frauds upon the revenue of New Granada by the persons engaged in the carriage of the mails should be imposed by that Government. Early intelligence of the result of your interview with the Minister will be acceptable to the Department.

Without any further authority, and without any full power, Blackford negotiated and signed this convention and reported as follows (D.S., 10 Despatches, Colombia, No. 22, March 8, 1844):

In my despatch N^o 12., I mentioned that the Granadian Government declined entering upon any arrangement, with respect to the transportation, across the Isthmus, of the mails carried to Chagres, by the American Packets, until the result of a negotiation, then in progress in London, between its Chargé d'Affaires and the British Ministry, should be known. A short time since, in answer to an enquiry touching the issue, or progress, of this negotiation, I was informed by the Secretary of Foreign Relations, that it had entirely failed, in consequence of the unreasonable demands of the British Government, and that he was now ready and anxious to receive any overture, I might feel authorised to make on the subject.

The despatch of the Department, of the 4th [14th] March last, being far from explicit in its terms, I felt somewhat at a loss to know what answer to make to this invitation. Impressed with the importance of securing, upon equitable terms, the agency of the Granadian Post in carrying our mails, and believing that the present was a favorable moment, for the attainment of this object, I determined, after mature reflection, though not specially instructed to do so, to enter upon the negotiation. I therefore presented a memorandum of an agreement on the subject. It was considered fair and liberal and was acceded to without any alteration, and upon its basis a Convention—which I have the honor herewith to transmit—was framed, and signed on the 6th Inst.

The sum, stipulated to be paid for the transportation of each mail, is less than that which it would cost to despatch it by a special messenger—and even if it were not, the convenience and greater speed and safety of transmission by the Post, would be more than equivalent to the additional expense. In no country, is the mail considered so sacred as in this—nor, having respect to the physical obstacles, is there any in which it is carried with more regularity. Though large sums, in specie, are constantly remitted, there has never occurred but one instance of robbery of the mail, and that was perpetrated, by a Guerrilla Chief, at the head of a military corps.

You will observe that the bag is not to be opened by the Granadian authorities, but to be handed to the Consul, or other agent of the United States, and that the agency of the Post is confined to its transportation from Chagres to Panama and from Panama to Chagres. The maximum weight stipulated is; perhaps, sufficient to cover any amount of correspondence which may occur for some time. Should it not, however, I have provided that the excess shall be charged at a very moderate rate.

Aware that the establishment of a line of Packets, by the Government, was not with a view to profit, and that the vessels to be employed would be ships of War, I had no hesitation in agreeing that the Granadian mails should be carried from one port of this country to another, or to the United States, free of charge. This liberality—whilst it will be attended with no inconvenience on our part—is highly appreciated by this Government, inasmuch as a Postal Convention, just concluded here by the Chargé d'Affaires of France, stipulates that the French Packets are to receive half the rates of the Postage now established, for carrying letters between the ports of the country—By the same Convention, it is provided that a postage of one Real—or twelve and a half cents—is to be charged on each single letter, contained in the French mail, carried across the Isthmus by the Granadian Post. I need not indicate to you, the greater liberality of the provisions of the Convention enclosed.

The President and Secretary of Foreign Relations have both manifested the most lively solicitude that the Packets should touch at Carthagena, before proceeding to Chagres, and I most respectfully, but earnestly renew the recommendation to that effect, which I took the liberty heretofore to make.

The very little additional time, which this enlargement of the plan will require—the advantages which a regular communication with the United States will afford to persons in trade, in the opportunities of a safe and direct transmission of letters and Specie—and the importance of counteracting the injurious influence, which the monthly communication afforded by the Steam Packets of England and France, cannot fail to exert upon our commerce with New Granada—are considerations, which, without a conscious dereliction of duty, I cannot omit, upon all proper occasions, to press upon the attention of the Department

I would respectfully suggest that the Packets should sail, at least once a month, and on a stated day, that the time of their arrival at Carthagena might be anticipated with some degree of certainty

In order to save time, I have stipulated, in case the Government at Washington approve of the Convention, that its provisions should go into effect so soon as that fact is communicated to the Governor of Panama, by the Consul of the United States for that Port. This arrangement will give efficacy to the Convention some months sooner, than if the approval were required to be first communicated to the authorities here.

I feel conscious that I have assumed some responsibility in thus concluding a Convention, in the absence of specific instructions upon the subject—But I am equally convinced that I have made an arrangement as favorable to the United States, as could be expected or desired. I have endeavored to carry out what I inferred to be the wishes and desigus of the Government, in the best manner possible, and I hope my proceedings in the premises will receive your approbation—or, at least, that my motives will be properly appreciated.

I could have wished, that the arrangement had been of a less formal character—but, according to the views of the Secretary, it could be effected in no other way than by a Convention.

Ratification of the convention “by both Houses of the Granadian Congress” was reported under date of the following May 1 (*ibid.*, No. 24).

Blackford was informed of the approval of the Senate and of the ratification by President Tyler by the instruction of June 29, 1844, which enclosed the United States instrument of ratification and a full power for the exchange of ratifications (D.S., 15 Instructions, Colombia, 88-89; 3 Credences, 93, June 28, 1844).

CHAGRES AND PORTO BELLO

The two ports on the north or Atlantic side of the Isthmus of Panama which are named in the convention are Chagres and Porto Bello (Portobelo), both now in the Province of Colón of the Republic of Panama. At the time of this convention Chagres, now a comparatively small town, was the most important port on the Atlantic side of the Isthmus. It lies at the mouth of the Chagres River, about eight miles west-southwest of Colón, which became the port of the region upon the completion of the Panama Railroad in 1855 and is situated at the Caribbean end of the Panama Canal. Chagres was discovered by Columbus in 1502 and was opened for traffic with Panamá, on the Pacific coast, by way of the Chagres River, in the sixteenth century.

Portobelo or Porto Bello, on the bay of the same name, which Columbus discovered in 1502, is twenty miles northeast of Colón; Portobelo dates from 1584 and was formerly an important commercial city; it is the terminus of an old paved road from Panamá.

A LATER STATUTE

The act of March 3, 1847 (9 Statutes at Large, 187-88), made provision for the transportation of the mail by steamships of not less than 1,500 tons and of not less than 1,000 horsepower, from "New York to New Orleans, twice a month and back; touching at Charleston, (if practicable,) Savannah and Havana; and from Havana to Chagres and back, twice a month"; for the service last named, the steamer might be of 600 tons; the vessels were to be commanded by officers of the Navy, with passed midshipmen as watch officers; and they were to carry agents of the Postmaster General in charge of the mails. The annual message of President Polk of December 7, 1847, remarked upon the construction of steamers under the statute cited (see Richardson, IV, 561).

POSTAL CONVENTIONS

Arrangements with foreign post offices were authorized by statute as early as 1792 (1 Statutes at Large, 239) and are made under statutory authority now (act of June 8, 1872, 17 Statutes at Large, 304, sec. 167; Revised Statutes, sec. 398; United States Code, title 5, ch. 6, sec. 372).

Postal conventions are not now and, except for five instances in the past, of which this convention is one, never have been submitted to the Senate as treaties. Postal conventions are approved and ratified by the President and pass under the Great Seal; their texts are printed in the Statutes at Large but they are not proclaimed; as documents they are in the custody of the Postmaster General and are not in the archives of the Department of State. The number of postal conventions printed in the Statutes at Large to volume 47 is about 280; they fill some 2,500 printed pages.

As mentioned, there are of record five postal conventions which have been submitted to the Senate and which, accordingly, are exceptions to the general practice stated, as follows: this convention with New Granada of March 6, 1844; the convention with Great Britain of December 15, 1848; the convention with Mexico of July 31, 1861, which was submitted to the Senate August 1, 1861 (Executive Journal, XI, 497), but which did not go into force; the convention with Mexico of December 11, 1861; and the convention with Costa Rica of June 9, 1862, which was submitted to the Senate July 12, 1862 (*ibid.*, XII, 398), but which did not go into force.

There are included in this edition those three postal conventions mentioned above which went into force pursuant to the customary treaty procedure of submission to the Senate, ratification on each part, exchange of ratifications, and proclamation, namely, this convention with New Granada of March 6, 1844, the convention with Great Britain of December 15, 1848, and the convention with Mexico of December 11, 1861.