

GREAT BRITAIN : DECEMBER 15, 1848

Postal Convention, signed at London December 15, 1848. Original in English.

Submitted to the Senate January 5, 1849. (Message of January 4, 1849.) Resolution of advice and consent January 5, 1849. Ratified by the United States January 6, 1849. Ratified by Great Britain January 23, 1849. Ratifications exchanged at London January 26, 1849. Proclaimed February 15, 1849.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous to promote the friendly Relations existing between their respective Citizens and subjects, by placing the communications by Post between the Territories of the United States and those of Her Britannick Majesty upon a more liberal and advantageous footing, have resolved to Conclude a Convention for this purpose, and have named as their Plenipotentiaries, that is to say,

The President of the United States, by and with the advice and consent of the Senate thereof, George Bancroft, a Citizen of the United States, their Envoy Extraordinary and Minister Plenipotentiary to Her Britannick Majesty;—

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Henry John Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of Her Britannick Majesty's most Honorable Privy Council, a Member of Parliament, Knight Grand Cross of the most Honourable Order of the Bath, and Her Britannick Majesty's Principal Secretary of State for Foreign Affairs;—

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

There shall be charged upon all letters not exceeding half an Ounce in Weight, conveyed either by United States' or by British Packets between a Port in the United States and a Port in the United King-

dom, an uniform sea rate of Eight pence, or sixteen cents; and such postage shall belong to the Country by which the Packet conveying the Letters is furnished.

ARTICLE II.

There shall be charged by the Post Office of the United Kingdom upon all letters not exceeding half an ounce in weight, posted in the United Kingdom and forwarded to the United States, or brought from the United States and delivered in the United Kingdom, whether such Letters shall be conveyed by British or by United States' Packets, an inland Postage rate of one penny halfpenny.

There shall be charged by the Post Office of the United States upon all Letters not exceeding half an ounce in weight, posted in the United States and forwarded to the United Kingdom, or brought from the United Kingdom and delivered in the United States, whether such letters shall be conveyed by United States' or by British Packets, an inland Postage rate of five cents.

ARTICLE III.

Upon all letters posted in one country and delivered in the other, these rates of postage, both sea and inland, shall be combined into one rate, of which payment in advance shall be optional in either country. It shall however not be permitted to pay less than the whole combined rate.

ARTICLE IV.

With respect to letters above the weight of half an ounce, each Country shall be at liberty to employ, as regards the collection of the whole combined rate, the scale of progression in operation in its own Territory for charging inland rates of Postage.

ARTICLE V.

The United States engage to grant to the United Kingdom the transit in closed mails, through the territory of the United States, of the Correspondence and Newspapers from the United Kingdom to the British North American Provinces, and from those Provinces to the United Kingdom, at the rate of inland postage to be charged under this Convention for Letters and Newspapers between the United Kingdom and the United States.

A British Officer shall be permitted to accompany the closed Mails during their transit.

ARTICLE VI.

On the other hand, Her Britannick Majesty engages to grant to the United States the transit in closed Mails through the British North American Provinces, of the Correspondence and Newspapers from one part of the territory of the United States to any other part of the territory of the United States, at rates not exceeding the rates of inland postage now charged or to be hereafter charged in the North American Provinces, according to the distance such closed Mails may be conveyed within the North American Provinces.

An Officer of the United States shall be permitted to accompany the closed Mails during their transit.

ARTICLE VII.

The United States further engage to grant to the United Kingdom the transit in closed mails, through the United States, or through any country where the Post Communication may be under the controul or management of the United States, of Letters and Newspapers forwarded from the United Kingdom, its Colonies or Possessions, to any other British Colony or Possession, or to any foreign Country; and from any foreign Country or British Colony or Possession, to the United Kingdom, its Colonies or Possessions.

ARTICLE VIII.

Her Britannick Majesty engages, on Her part, to grant to the United States the transit in closed mails, through the United Kingdom, or through any country where the Post communication may be under the controul or management of the United Kingdom, of Letters and newspapers forwarded from the United States, their colonies or Possessions, to any other Colony or Possession of the United States, or to any foreign Country; and from any foreign Country, or from any colony or Possession of the United States, to the United States, their Colonies or possessions.

ARTICLE IX.

When Letters shall be forwarded in closed Mails under the stipulations of Articles V. VI. VII, or VIII of the present Convention, the payment to be made to the Post Office of the United Kingdom or of the United States, as the case may be, shall be made by the ounce, according to the net weight of the Letters, at two rates to the ounce, with the addition of twenty five per cent. on the amount of postage, to compensate the loss that would otherwise be sustained by this mode of computation.

ARTICLE X.

The Country which sends or receives closed mails through the other, is to render an account of the Letters and Newspapers sent or received in such closed mails, and to account to such country for the Postage due thereon.

ARTICLE XI.

Letters posted in the United States, addressed to foreign Countries, and intended to pass in transit through the United Kingdom, shall be delivered to the British Post Office free of all United States' postage, whether Packet or inland, and Letters from foreign Countries addressed to the United States, passing in transit through the United Kingdom, shall be delivered to the United States' Post Office free of all British postage, whether Packet or inland.

In the case of those countries to which Letters cannot be forwarded unless the British postage be paid in advance, such British postage shall be collected in the United States (in addition to the United States' rates of postage) and accounted for to the British Post Office.

In the case of those Countries to which Letters cannot be forwarded unless the United States' postage be paid in advance, such United States' postage shall be collected in the United Kingdom (in addition to the British postage) and accounted for to the United States' Post Office.

ARTICLE XII.

The rate of postage to be taken by the British Post Office upon Letters arriving in the United Kingdom from the United States, either by British or by United States' Packets, and to be forwarded through the United Kingdom to Colonies or Possessions of the United Kingdom or of the United States, or to foreign Countries, and *vice-versa*, shall be the same as the rate which is now or which may hereafter be taken by the British Post Office upon Letters to or from such Colonies or possessions or foreign Countries respectively, when posted at the port of arrival, or delivered at the port of departure of the Packets conveying the Mails between the United Kingdom and the United States.

The above postage is irrespective of and beyond the inland rate to be taken in the United States upon such letters if posted or delivered therein; according to the stipulations of Article II of this Convention; and also irrespective of and beyond the sea rate upon such Letters payable according to the stipulations of Article I.

The rate of postage to be taken by the United States' Post Office upon Letters arriving in the United States, either by British or by

United States' Packets, from the United Kingdom and to be forwarded through the United States to the Colonies or Possessions of the United States or of the United Kingdom, or to those territories which, according to the Law of the United States, are beyond the limit of their established Post routes, or to foreign Countries, and *vice versâ*, shall be the same as the rate which is now, or which may hereafter be taken by the United States' Post Office upon Letters conveyed, whether by sea or land, to or from such Colonies, possessions, territories, or Foreign Countries respectively, when posted at the Port of arrival or delivered at the Port of departure of the Packets conveying the Mails between the United States and the United Kingdom.

The above postage is irrespective of and beyond the Inland rate to be taken in the United Kingdom upon such letters, if posted or delivered therein, according to the stipulations of Article II of this convention, and also irrespective of, and beyond the sea rate upon such Letters payable according to the stipulations of Article I.

There shall be excepted from the above stipulations Letters and Newspapers passing through the United Kingdom to and from France, as to which certain rates are fixed by the Postal Convention¹ existing between that Country and the United Kingdom; but the two contracting parties agree to invite France to enter into Communication with them without loss of time, in order to effect such arrangements for the conveyance of Letters and Newspapers and closed mails through the territories of the United States, of the United Kingdom, and of France respectively, as may be most conducive to the interests of the three Countries.

ARTICLE XIII.

Letters posted in the United States, addressed to the British North American Provinces, or *vice versâ*, when not conveyed by sea, shall be charged according to the rates of Postage which are now or which shall hereafter be in operation in the United States and in the British North American Provinces for Inland letters.

ARTICLE XIV.

Upon all Letters posted in the United States and addressed to the British North American Provinces, or *vice versâ*, the rates of postage fixed by the preceding Article, shall be combined into one rate, of which

¹ The text, in English and French, of that elaborate convention of ninety articles, dated April 3, 1843, is in British and Foreign State Papers, XXXI, 37-89; there were numerous additional articles of later dates; see *ibid.*, XXXIII, 48-51; XXXIV, 27-30, 32-34; XXXVI, 442-43; XXXIX, 1083-1121, 1152-75, 1225-32; XLI, 15-19.

payment in advance shall be optional both in the United States and in the British North American Provinces. It shall, however, not be permitted to pay less than the whole rate.

ARTICLE XV.

The rates to be taken on Newspapers published in the United Kingdom, when conveyed between the United Kingdom and the United States, either by British or by United States' Packets, shall be one Penny for each newspaper in the United Kingdom, and two cents in the United States. Conversely, no higher charges than those above stated, shall be made by the British or by the United States' Post Office on Newspapers published in the United States, either when dispatched from that Country, or when delivered in the United Kingdom.

There shall be no accounts between the two Offices for the transmission of Newspapers; each Office shall retain the postage it shall have charged according to the preceding stipulations.

ARTICLE XVI.

The rate of Postage to be charged in the United Kingdom upon Newspapers to and from the United States passing in transit through the United Kingdom, shall be one penny for each Newspaper, except where a lower rate is provided by any Treaty between the United Kingdom and a foreign Country; and the rate of postage to be charged in the United States upon Newspapers to and from the United Kingdom, passing in transit through the United States, shall be two cents for each Newspaper.

ARTICLE XVII.

Periodical works, not of daily publication, posted in the United Kingdom or in the United States, may be forwarded from one Country to the other, either by British or by United States' Packets, by means of the two Offices, under the following conditions, namely:—

1st There shall be no accounts between the two offices for the transmission of such works:—each Office shall retain the postage it shall have charged:—

2^{dly} They must be sent in bands or covers open at the sides or end, so that they may be easily examined.

3^{rdly} They shall be in every respect subject to the conditions prescribed by the Laws and Regulations of both Countries.

The rates to be levied in Great Britain as well on the above mentioned works addressed to the United States, as on those from the United States addressed to Great Britain, shall be as follows:—

1st For every work not exceeding Two ounces in weight, One penny.

2^{dly} For every work above Two ounces in weight, and not exceeding Three ounces, six pence.

3^{dly} For every work above three ounces in weight, and not exceeding four ounces, Eight pence.

4^{thly} And for every ounce above four, up to sixteen ounces (the limit imposed on the transmission of such articles by the British Office) two pence additional; every fraction of an Ounce being reckoned as a full ounce.

The rates to be levied by the Post Office of the United States on similar works addressed to or coming from the United States, shall not exceed the rates to be charged in the United Kingdom.

ARTICLE XVIII.

Printed pamphlets not exceeding the weight of Eight ounces, posted in the United Kingdom or in the United States, may be forwarded from one Country to the other, either by British or by United State's Packets, by means of the two Offices, at the same rates and under the same conditions as those fixed for periodical works by Article XVII.

ARTICLE XIX.

In consideration of two cents United States' currency not being precisely equivalent to one penny sterling, the British Post Office shall account to the United State's Post Office at the rate of Four Hundred and eighty four cents to the Pound sterling; and the United States' Post Office shall account to the British Post Office at the rate of Four Hundred and Eighty cents to the Pound sterling.

ARTICLE XX.

In case of war between the two Nations, the Mail Packets of the two Offices shall continue their Navigation without impediment or molestation, until six weeks after a notification shall have been made on the part of either of the two Governments, and delivered to the other, that the service is to be discontinued; in which case they shall be permitted to return freely, and under special protection, to their respective Ports.

ARTICLE XXI.

The forms in which the accounts between the respective Post Offices for the transmission and conveyance of Letters, are to be made out, the time and mode in which payment shall be made by either Post Office to the other, together with all other measures of detail

arising out of the stipulations of the present Convention, shall be settled between the Post Office of the United States and the British Post Office, as soon as possible after the exchange of the Ratifications of the present Convention.

It is also agreed that the measures of detail mentioned in the present Article may be modified by the two Post Offices, whenever, by mutual Consent, those Offices shall have decided that such modification would be beneficial to the Post Office service of the two Countries.

ARTICLE XXII.

The present Convention is Concluded for an indefinite period. It cannot be annulled by either of the two Governments except after the expiration of a year's notice given to the other Government.

ARTICLE XXIII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannick Majesty; and the Ratifications shall be exchanged at London within three Months from the date hereof. It shall come into operation as soon as possible after the exchange of the Ratifications.

In Witness Whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London the Fifteenth day of December, in the year of our Lord One Thousand Eight Hundred and Forty Eight.

[Seal] GEORGE BANCROFT

[Seal] PALMERSTON

NOTES

Bilateral postal agreements of the United States are ordinarily made as arrangements between the respective Post Office authorities of the two countries.¹ On the part of the United States they are not

¹ There are occasional instances, some recent, of the signature of a postal convention of the United States by an Ambassador or Minister accredited to this Government (e.g., April 30, 1918, 41 Statutes at Large, 1645-55, by the French Ambassador; December 15, 1922, 43 *ibid.*, 1631-39, by the Swiss Minister; October 11, 1929, 46 *ibid.*, 2397-2416, by the Italian Ambassador); but this fact cannot be deemed to affect the character of the agreements in question; see the discussion of Basdevant in "La conclusion et la rédaction des traités et des instruments diplomatiques autre que les traités", *Recueil des cours*, 1926, V, 535-643, at pp. 625-26, and the authorities there cited. There are also instances of the signature of a postal convention by an American Minister, "acting for and in the name of" the Postmaster General (e.g., March 26, 1910, 37 Statutes at Large, 1490-1503, by the Ambassador to Brazil; August 26, 1910, *ibid.*, 1471-78, by the Minister to Haiti).

negotiated through officials of the Department of State, but by or under the direction of the Postmaster General, pursuant to statutory authority (act of June 8, 1872, 17 Statutes at Large, 304, sec. 167, now United States Code, title 5, ch. 6, sec. 372; the earliest statute is that of February 20, 1792, 1 Statutes at Large, 232-39). Such postal conventions, as they are generally called, are not submitted to the Senate; while they are approved and ratified by the President,¹ pass under the Great Seal, and are published in the Statutes at Large,² they are not proclaimed;³ and they are not included in the Treaty Series. The original documents are in the archives of the Post Office Department and not in the archives of the Department of State. Postal conventions are not ordinarily included in treaty collections; indeed, there is no general collection of them; the number of postal conventions in the Statutes at Large up to 1935 is nearly 300; they fill some 2,500 pages of those volumes (this count includes the multilateral instruments of the Universal Postal Union; as to those agreements, see Akzin, "Membership in the Universal Postal Union", in *American Journal of International Law*, XXVII, 651-74).

This postal convention with Great Britain of December 15, 1848, is an exception to the general rule. It was the result of diplomatic negotiations which extended over a period of eighteen months; it was signed on the part of the United States by George Bancroft, Minister at London, and on the part of Great Britain by Viscount Palmerston, Secretary of State for Foreign Affairs; it was submitted to the Senate and received the advice and consent of that body to its ratification; it was duly ratified by the respective Governments, and the ratifications were exchanged in the customary form; thereafter it was duly proclaimed.

There were reasons for this unusual course, which will be examined later.

It may be said here that there are four other instances of postal conventions which were submitted to the Senate; two of them went into force, namely, the convention with New Granada of March 6, 1844 (Document 105), and that with Mexico of December 11, 1861 (12 Statutes at Large, 1205-11; 16 *ibid.*, 1099-1102); two other postal conventions, similarly submitted, failed to go into force, namely, that with Mexico of July 31, 1861 (Treaty Series No. 210; see *Executive Journal*, XI, 497; that convention was superseded by the convention of December 11, 1861), and that with Costa Rica of June 9, 1862 (D.S., Unperfected O; see *Executive Journal*, XII, 398).

¹ Requirement of presidential approval first appears, somewhat limited, in section 2 of the act of March 3, 1851 (9 Statutes at Large, 587-91, with which should be read section 2 of another act of the same date, *ibid.*, 637-45; see also section 4 of the act of March 9, 1868, 15 *ibid.*, 40-41); the law reached its present form by section 167 of the act of June 8, 1872 (17 *ibid.*, 283-330).

² Early volumes of the Statutes at Large do not include all the postal conventions of the time.

³ The procedure varied in former years; see 16 Statutes at Large, 833-1123, *passim*; a convention with Belgium of December 21, 1851, was proclaimed after formal exchange of ratifications, though signed by the Postmaster General of the United States "in virtue of his constitutional powers"; see *ibid.*, 899-917.

THE FILE PAPERS

The papers in the treaty file are in customary form; they include the original of the convention, the attested resolution of the Senate of January 5, the duplicate United States instrument of ratification of January 6, the British instrument of ratification of January 23, the certificate of the exchange of ratifications of January 26, and the original proclamation of February 15, 1849. The principle of the *alternat* was duly observed, as the ratification on the part of Great Britain shows.

In the Senate the resolution of advice and consent was unanimously adopted on Friday, January 5, 1849, immediately following the receipt of the presidential message of transmittal; there was no reference to committee and no order to print (Executive Journal, VIII, 16-17).

The "explanatory despatch" transmitted to the Senate with the convention was undoubtedly that of George Bancroft, Minister at London, of December 15, 1848 (D.S., 59 Despatches, Great Britain, No. 108, printed later in these notes); the text of the convention, the despatch mentioned, and two others of earlier date (58 *ibid.*, Nos. 106 and 107, December 12 and 14, 1848), were printed (with the enclosures to No. 107) in the Daily Union of Washington on January 9, 1849, without the knowledge or approval of either the Department of State or the Postmaster General, but owing to the error of an assistant in the office of the latter (D.S., 15 Instructions, Great Britain, 378, January 9, 1849).

All the relevant correspondence at London between the American Minister (and the Secretary of Legation, John Romeyn Brodhead) and Viscount Palmerston (and other British officials) for the period from June 18, 1847, to February 21, 1848, inclusive (except two formal notes of February 4 and 5, 1848, respectively), is printed in Senate Executive Document No. 30, 30th Congress, 1st session, serial 506.

THE DOUBLE SEA POSTAGE

For many years prior to 1847 the Atlantic mails between the United States and Great Britain had been carried by British packets; since 1840 that service had been under steam and was by the vessels of the Cunard Line; the *Britannia*, the first Cunarder to cross the Atlantic, arrived at Boston on her maiden voyage west on July 19, 1840. The "packet postage" was, of course, collected by the British Post Office; for a letter weighing half an ounce or less, the "packet postage" was one shilling.

American mail steamers were authorized by the act of March 3, 1845 (5 Statutes at Large, 748-50); that statute was the beginning of a new policy; the postage of a letter of half an ounce from Boston to Bremen *via* England was then 43½ cents; that of a "common newspaper", 61 cents (see House Document No. 162, 29th Congress, 1st session, serial 485). A further statute was that of March 3, 1847 (9 Statutes at Large, 187-88); in his annual message of December 5,

1848, President Polk stated that there were then seven American mail steamers afloat and that in another year there would be seventeen (Richardson, IV, 652).

The first of the American mail steamers, the *Washington*, sailed from New York for Southampton and Bremen on June 1, 1847.

On June 9, 1847,¹ the British Post Office directed the usual British "packet postage" to be charged on letters and newspapers coming or going in American packets; and it was from the foregoing circumstances that there arose the negotiations which led to this convention.

Representations on the subject were at once made to the British Government by George Bancroft, Minister at London, on his own initiative. His report of the steps taken is in his despatch of June 17, 1847, as follows (D.S., 57 Despatches, Great Britain, No. 28):

I regret to have occasion to report to you an act, on the part of the British Government, which seems to require immediate attention on the part of our own.

On Thursday last, the 10th of this month, I obtained the enclosed copy of a circular issued by command of the Postmaster General, directing the usual British Packet postage to be charged on all letters and newspapers that may come or go in the Packets instituted for the Mail service, by the Post Master General of the United States.

Surprised at the manifest injustice of charging postage on letters brought at the expense of the United States across the Atlantic, as though they had been brought at the expense of the British Government, I repaired immediately to the Foreign Office to inquire the meaning of so unfriendly a procedure. The Secretary was not in the Office, and I saw only the Under-Secretary.² He expressed himself wholly uninformed on the subject, but promised to make enquiries at the proper Department, and give me the requisite information on another day.

Returning to the Foreign Office on Saturday the 12th, I again failed of an interview with the Secretary of State; but the Under-Secretary informed me, very frankly, that the charge was imposed "for the protection of the Cunard line of Steamers", through which this government derives a revenue, and he gave me a copy of Mr Peacock's opinion³ that the charge is authorized by Law. Upon my beginning to discuss the character of the measure, he declined entering upon the subject; referring me, in part, to the Office of the Post Master General, and in part to his chief in the Foreign Department.

On Monday, the 14th, I made three several attempts to see Viscount Palmerston; but he was exceedingly occupied during the whole day, and I could not gain an interview.

I was more fortunate at the General Post Office, where I saw the Post Master General.⁴ He frankly avowed the object of protecting the Cunard line of Steamers, and the revenue derived from them. He also expressed the Opinion that the imposition of the charge was not imperative, under the law; but rested in the discretion of the Lords of the Treasury. He seemed to see the propriety of a more full postal convention between the United Kingdom and the United States. He promised, (what he promptly performed,) fully to communicate to me copies of the British Post Office Laws and Conventions; and listened readily to all that I had to say of the liberal course adopted by the United States, and the manifest injustice of his imposing a postage for the service which our Government & our Government alone had rendered. He said nothing inconsistent with his adopting immediately and without delay, the course which it seemed to me that justice

¹ The official circular is dated simply June 1847; it could not have issued later than June 9, which is here assumed to be the exact date.

² Edward John Stanley, afterwards Baron Eddisbury and later Baron Stanley of Alderley.

³ A copy of the brief opinion of M. B. Peacock, legal adviser to the Post Office, dated May 13, 1847, is an enclosure to the despatch.

⁴ The Marquis of Clanricarde.

and good policy alike indicated; and he proposed to take the subject for reference to the Treasury Department, and to meet me again at an early day. At my request he named the earliest day possible, which was the 17th.

Accordingly, I went to him, to-day, at two o'clock precisely. I had reason to expect to have met Colonel Maberly¹ with him, for the purpose of discussing the whole subject; but he was alone, and his mind, too, seemed already fully made up. He very frankly repeated that he wished to give protection to the Cunard Steamers; and in the course of conversation remarked that, true, we had as yet but one mail packet, but that if we found it profitable we should go on and build many steam vessels for the service. He seemed to fear that we should compete for the whole business.

I thanked the Marquis of Clanricarde for the frankness of his Communication. "Yes", he replied, "you will always find us frank", and repeated again his intention to protect the Cunard line of Steamers, and to derive for the British Treasury a revenue out of the Mail service of our packets as well as of his own.

Upon this, I could not forbear expressing my regret that the principle of the protective system should be revived, on the part of England, under one of its most objectionable forms, and did not conceal from him the unfavorable impression likely to be produced, by this measure, in America.

I then repeated to him the desire of the United States to conduct the postal intercourse between the two countries, on the most liberal principles. I reminded him that the United States made no charge whatever on the letters sent by the British Contract packets. I showed him the advertisements in the American newspapers, where, side by side, the "Britannia" and the "Washington" were announced as each to sail on 1 June, and where the letters by the Britannia were subject to no postage but the usual inland postage, while those by the Washington, alone, were subject in America to the packet postage also. I reminded him that the letters sent by the Cunard line to Canada were charged nothing beyond the lowest ordinary rates of inland postage: I also reminded him that this Exemption from taxation had been generously conceded without stipulating a return, solely from good feeling, after the Cunard line had been established, and while it was in our power to have imposed on it charges at our discretion. I contrasted this liberality on the part of America, with the rule which he had adopted, of levying the Packet postage on all newspapers and letters, whether the British packets carried them or not. I urged him to treat America as America has treated England. I reminded him that the Postal Conventions² of England with France, Denmark, and Prussia, divide equitably between the respective States the money received for postage; but that now in the case of America he proposed to levy, in advance, packet postage on all letters sent to America even by American Mail Boats, and keep the whole for the British Treasury. I assured him that the United States would never assent to so unequal an arrangement: that they had shown their disposition by the liberal policy they had adopted: that if instead of being met in the same spirit, they were to be harassed and taxed by the British Government, they would be driven to the grievous necessity of retaliatory measures—a necessity which I earnestly deprecated.

The British Post Master General still expressed himself desirous of a postal arrangement with the United States, in order to extend the privilege of sending sealed bags to Canada to the route by way of New York, as well as to that by way of Boston; and also to gain liberty to send a mail directly through the United States to the north west parts of Canada; but he held out no ground for our expecting a willing renunciation of the virtually prohibitory tax which he had imposed on letters by the United States' mail packets; and explicitly declined recommending to the Lords of the Treasury the discontinuance of the tax. He esteemed the present arrangement the best for British interests.

Under these circumstances, I shall, before closing this despatch, address a letter on the subject to Viscount Palmerston, as the most proper way of bringing

¹ William Leader Maberly, Secretary of the Post Office; see Dictionary of National Biography, XXXIV, 394-95.

² The convention between Great Britain and France has been cited; those with Denmark of June 26, 1846, and with Prussia of October 1, 1846, are respectively printed in British and Foreign State Papers, XXXIV, 15-22 and 34-48.

it to the serious attention of the British Government. The interests of that Government require, even more than our own, that the postal system between the two countries should not be essentially disturbed; and when it sees the United States are in earnest, it will modify or relinquish its present unreasonable demands. But delays may attend the settlement of the question, and will probably attend it, if on our side there appears any uncertainty as to our insisting upon that reciprocal equality which England concedes to France, and does not withhold from other powers. It would be well that Instructions should be here for the guidance of the person charged with the negotiations.

At the same time (June 18, 1847; D.S., 57 Despatches, Great Britain, No. 28, June 17, 1847, enclosure) Bancroft addressed a note on the subject to Lord Palmerston, British Secretary of State for Foreign Affairs, in these terms:

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, begs leave to draw the attention of Viscount Palmerston Her Majesty's Principal Secretary of State for Foreign Affairs, to a recent order from the Post Office Department of this Kingdom.

The United States having undertaken by authority of Congress, at the expense of the United States' Treasury, through the Post Master General of the United States, to institute a mail service, and carry a mail between the American Port of New York, and the English port of Southampton, the British Post Master General has issued an order to charge every letter and newspaper thus brought, in addition to the American rates paid for their conveyance across the Atlantic in American Steamers, the full British packet rates that would have been chargeable, if they had been brought by British Steamers.

The Undersigned, inquiring on this subject, first at the Foreign Office, and next at the General Post Office, has been informed that the design of this charge is the protection of the British line of Mail Steamers, and of the revenue derived from that line.

The Undersigned has further understood that the levying of this extra charge is not made obligatory by Act of Parliament, but that a discretion on the subject rests with Her Majesty's Government.

Esteeming the order referred to unequal in itself; specially unequal with regard to the United States; contrary to international comity; contrary to the spirit of existing conventions between the two countries; contrary to the wise policy of existing laws; contrary to the commercial interests of the two countries; and contrary to the interests of the respective British and American Post Office establishments, the Undersigned begs leave earnestly to urge upon Her Majesty's Government the propriety of immediately revoking it; and until a full postal convention shall be entered into, to agree, as America has already agreed, that on letters brought into the respective countries, no charge shall be levied, by either party, but for a service which that party has actually rendered.

The Undersigned is fully persuaded that perseverance in the measure adopted by the British Post Master General, would, by the action of irresistible influences, in the end certainly fail to increase the British revenue from the mail service. But he invites Lord Palmerston's attention to the subject on other grounds.

The measure is objected to by the Undersigned as in itself contrary to equity. For the British Post Office to charge the British Packet postage on letters which British packets have not carried is to reap where it has not sown: to seek to appropriate profits justly due to others. The Atlantic is not a close sea. The right to carry letters between England and the United States does not belong to England exclusively. Yet the British Post Office insists that "if vessels are employed by the Government of the United States to convey Post letters" the British Packet postage "will be chargeable on letters conveyed by such vessels between the United Kingdom and the United States." The first principles of justice imply that the wages are due to those who perform the work; where British packets perform it, to the British revenue—where American packets perform it, to the American revenue.

The want of equity in the instructions alluded to, becomes the more conspicuous when held in contrast with the conduct of America. The British mails, by the British packets, to Canada and from Canada, are carried by the United States' Post Office Department between Boston and St John's in closed bags and boxes, by an extraordinary and most speedy conveyance, without any other charge than that of the American inland postage between those points. There is no superaddition of ship charges or packet charges, or any other charges; and the inland postage is fixed by the most liberal construction on the part of the United States Post Office department at the very lowest rate of postage. On the letters & papers, brought by the British Post Office line, and distributed from Boston throughout the United States, no other charge is added than that of the usual inland postage. On the first of this month when the British Mail Steamer "Britannia" and the American Mail Steamer "Washington" were to sail on the same day for England, the advertisements of the American Post Office department announced side by side, that on letters by the Britannia the American inland postage only was to be paid, that on letters by the Washington the packet postage also must be previously paid. America made no packet charge on letters sent by the British packet and she believes herself justified in expecting that no packet charge will be made here on letters sent by the American Packet. The American Post Office department limits its charge to the service it renders and it believes itself justified in expecting that the British Post Office department will in like manner limit its charge to the service it renders.

The imposition of British Packet Postage on letters brought by American Government packets appears to the Undersigned contrary to the usual comity of nations. The Undersigned is not aware of any instance where Government packets have passed respectively between two nations, and where one of those nations has claimed to levy the packet postage on both lines for its own exclusive benefit. The Undersigned inclines to the belief that the recent act of the British Post Master General is as little sanctioned by precedent as by natural equity. So entirely did the American Post Office department rely on this comity, that believing that the British Post Office department was fully aware of the establishment of the American line and relying in unhesitating confidence on the disposition on this side the Atlantic to reciprocate the liberal treatment received on the other, the American Postmaster General did not deem it necessary to send an agent in advance, to make a formal notification of his arrangements and his views.

The measure referred to, is at variance with the spirit of the commercial convention of the 3^d July 1815 between the United States and Great Britain [Document 35, continued in force by the convention of August 6, 1827, Document 57]. That convention agrees that no charge whatever shall be imposed on the importation or exportation of any article to or from the United States other than such as is payable on the importation or exportation of the same article to or from any other foreign country. It is designed to place the United States on the footing of the most favored nation. It is a violation of the spirit of this agreement that, while France very properly derives exclusively all the pecuniary benefits of its own packet service, the British Post Office should, for the benefit of the British revenue, levy full British packet postage on letters and papers conveyed by the American Government packets.

The order of the British Post Master General is also still more plainly at variance with the spirit of existing laws. The Undersigned applauds the frankness with which it has been avowed to him, what indeed is of itself apparent, that the object of the measure was to protect the line of British packets and the British revenue derived from them. And it must be allowed that the measure, if persevered in, and not met by retaliatory measures on the part of America, is thoroughly well adapted to accomplish its end. The superaddition of the British packet postage to the American packet postage is virtually a discrimination in favor of British packets so onerous as to be actually prohibitory in its character. And this is done at the very time, when a liberal legislation is raising the imports of America from England to an extent without a parallel and while America is indulging the belief that England sees that increase with satisfaction. A protective system which has existed for centuries, may plead its length of years as its excuse for lingering on in a gradual decline; but shall the system of monopoly

be revived and applied, where it never was applied before? Shall it be applied in a manner at once to inflict an injury on the American Government and to embarrass the intercourse of the American merchants and people with their correspondents in England? The natural consequences of such an attempt at monopoly on the part of the British Government are too obvious to need comment.

Moreover the Undersigned may unhesitatingly believe that Lord Palmerston does not look for the chief benefits of the Post Office system in the mere revenue which it yields. Great Britain has honorably distinguished itself by a most liberal domestic postal system, and not only so, it has led the way in improving the international postal systems of the European continent, and has done this plainly in the primary view to promote commercial, social, and literary and scientific intercourse. No nation has more openly proclaimed by its acts its consciousness that international correspondence sets in motion international commerce. Every mail-bag by every packet from America to England promotes the commercial and manufacturing prosperity of this island. Is it of paramount importance to this Government to embarrass that correspondence in the hope of a most uncertain gain to the Post Office revenue? Why should American correspondence be received less favorably in England than on the continent? Why should any portion of it be resisted and thrown back by a prohibitory tax?

The Undersigned points to the acts of his own Government as leaving no doubt of its readiness to continue and perfect a just and liberal policy in postal arrangements. If it be not continued and improved the Undersigned takes this occasion to say that the failure to establish it reciprocally and all the consequences of such a failure, must be ascribed solely to the reluctance of Her Majesty's Government.

In conclusion the Undersigned renews his request that the United Kingdom would in this affair of their respective mail-packets, treat the United States as the United States treat the United Kingdom; that is to say, that, until a formal postal convention between the two countries is framed, it would charge no more than the usual inland postage on the letters and papers transmitted to and from the United States through the Government packets of the United States.

At a subsequent interview with Palmerston, on June 22, 1847, Bancroft was informed that "the matter was referred to the Treasury" (D.S., 57 Despatches, Great Britain, No. 31, July 2, 1847).

THE INSTRUCTIONS

The representations made by Bancroft were "highly approved by the President" in the instruction of July 27, 1847 (D.S., 15 Instructions, Great Britain, 347-48). Thereby Bancroft was furnished with a copy of a letter from the Postmaster General to the Secretary of State giving the instructions from the former to Major Selah R. Hobbie, First Assistant Postmaster General, who was then in London (where he had arrived on July 3, from Bremen) for the purpose of "concluding postal arrangements with the appropriate branch of the British Government"; and the American Minister was directed, in the event that Major Hobbie should leave London without being successful, to act upon the instructions given to him as if they had been directed to Bancroft by the Secretary of State. The text of the letter of the Postmaster General follows (D.S., Miscellaneous Letters, July-September 1847, Cave Johnson to James Buchanan, July 27, 1847):

The despatches of Mr Bancroft, the Minister of the United States at London, dated the 17th of June and the 2nd July, accompanied by his correspondence with Lord Palmerston and the Marquis of Clanricarde, together with the printed instructions No 9 for 1847 of the Postmaster General of the Kingdom of Great Britain, which you did me the honor to hand me for examination a few days since has been carefully considered.

The Department could not but feel surprise to learn that the Postmaster General of the Kingdom of Great Britain, had in his instructions directed the same rates of postage to be charged on letters forwarded by the American line of mail steamers that is charged for transportation on the Cunard line, which with the rates of postage charged by the United States make them double the amount paid by the British line.

The liberal conduct of the United States in her postal arrangements toward foreign Nations and particularly toward Great Britain had induced the hope that a corresponding spirit would control the authorities of other countries and lead to a more liberal postal intercourse between the different Governments so much required at this time by their social as well as commercial interests

By the act of the 3 March 1825 [4 Statutes at Large, 102-14, sec. 15] "every letter or packet ['] coming into the United States is charged with 6 cents when delivered at the Office where the arrival takes place and if to be conveyed by post to any other place "with two cents added to the ordinary [rates of] postage" of the United States and also provides for the payment of two cents to to the carrier for each letter, except to the commanders of Foreign Packets. This liberal arrangement, making no difference between letters transmitted by American and foreign vessels except two cents to the American Carrier has been continued to the present time.

Upon the establishment by the British Government of the Packet line of Steamers other and more liberal terms were asked by the British Postoffice for letters and packages transmitted by it to their Canadian Colonies and it was readily yielded by this office under the Authority of a Joint Resolution of the two Houses of Congress approved the 15th day of June 1844 [5 *ibid.*, 718-19.]

By this arrangement the English mails to and from her Canadian provinces are received in the offices of the United States without any charge whatever and transmitted by the most rapid mail conveyance through the United States accompanied by an agent of the British Postoffice and delivered to the carriers of the British Postoffice at the ends of the route for the sum of 12½ cents per ounce, a moderate compensation for the expense of transportation.

Still further to enlarge the intercourse between the subjects of her Majesty and the citizens of the United States this Department dispatched the the first Assistant Postmaster General by the steamer Washington on the 1st of June last with ample powers to make postal arrangements with the British and other Governments, to facilitate and increase, as well as diminish the cost of, the intercourse between the United States and other countries.

He will propose to her Majesty's Postmaster General that all letters, newspapers or packets for the Kingdom of Great Britain or its dependencies or from any other part of the world through that Kingdom addressed to persons in the United States or its territories, shall and may be transported in the mails of the United States to the place of destination and charged no higher rates of postage than is imposed upon letters packets and newspapers of the United States for the like transportation and delivery and will expect a corresponding obligation to be entered into by the British Postoffice for the transmission of all letters from the United States to Great Britain and her dependencies, charging no other or higher rates of postage than is imposed upon her Majesty's subjects for similar transportation and delivery and to agree upon such a rate of postage for American newspapers as will be equivalent to the stamp tax imposed upon them in Great Britain in lieu of postage.

He will further propose an arrangement through certain offices in the United States & Great Britain by which letters and packets may be transmitted to the one or other country, with or without pre-payment of postage and an account to be kept and settled quarterly between the offices selected and the balance to be paid to the mail lines performing the transportation

He will further propose a continuance of the existing arrangements with the British Postoffice for sending the English closed mails to her Canadian provinces and will urge the allowance of similar privileges upon similar terms for the transmission of closed mails of the United States to or from Europe, through Great Britain, if from accident or any other cause the Steamers of the United States shall be at any time disabled from the performance of their regular trips in due time

I cannot but persuade myself that propositions so liberal and just will be acceded to by her Majesty's Postmaster General. If however they shall be rejected for the protection of the Cunard line of Steamers or of the Revenues of the British Postoffice, it must at once put an end to all communications by the American line of Steamers between the two countries and will compel this Department to abolish all existing arrangements between the two Postoffices and refer the whole subject to Congress at its next session for such action as the exigency may require.

From the communication made to Mr Bancroft by the Marquis of Clanricarde, the regulation by which this unjust tax is levied upon letters transported in the American line of Steamers is under the control of the Lords of the Treasury and may be abolished without the delay for an act of Parliament.

It becomes therefore proper, that an annulment of all existing agreements between the two offices be at once made and forwarded to Mr Bancroft for delivery in the event that the first assistant Postmaster General shall not succeed in making the proposed arrangements with the British Postoffice. Accompanying this is a notice to the Marquis Clanricarde, her Majesty's Postmaster General of the annulment of all existing arrangements as prescribed in the seventh article of the agreement [printed below] between the two offices dated the 14th of February 1845, which you will please transmit to Mr Bancroft, to be delivered, whenever the contingency happens requiring it

Another enclosure to the instruction to Bancroft was the notice of abrogation of the then existing postal arrangements between the British and American postal authorities, and specially those which were embodied in the postal convention of February 14, 1845. That notice was to be delivered in the event that the negotiations between the respective postal officials came to no result. This proved to be the case, and the notice was duly delivered on August 16. It ran from the Postmaster General of the United States to the Postmaster General of Great Britain and, pursuant to Article 7 of the agreement of February 14, 1845, declared that that "agreement, as well as all other agreements in existence between the Post Office of Great Britain, or with any of the subordinate offices and the Post Office of the United States, shall be determined and annulled from and after three Calendar months from the delivery of this notice" (D.S., 57 Despatches, Great Britain, No. 40, August 16, 1847, enclosure 2, acknowledgment of the notice of abrogation, dated August 17, 1847). Regarding the delivery of the notice, Bancroft wrote thus (*ibid.*):

Your despatch N^o 15 with the enclosures from Mr Johnson came to hand on the 15th. It is a pleasure to transact business for his department, his instructions are so explicit and his confidence so full. His communications were precisely what was needed. The condition under which the annulment of the existing postal arrangement with Great Britain was to be made, had arrived. Mr Hobbie had exerted himself with ability and assiduity to effect an arrangement; but from causes beyond his control, without success. It was resolved at the British Post Office, if possible, to confine the negotiation with him to two points only, vizt, the reciprocal grant of closed mails, and the option as to prepayment, preserving the present unjust discrimination.

Under these circumstances my course was a plain one; to annul the existing partial arrangement, and once more refer the questions involved, directly to the Ministry. I consider it an advantage to be the first to present propositions. To this end I first waited on Lord Palmerston, explained the whole ground to him, suggested to him what he seemed to recognise, the propriety of annulling the existing arrangement, complained a little of the dilatoriness of the British Ministry, and obtained a promise of an early definitive answer. To prevent any misapprehension, on my return, I drafted and sent him the despatch [quoted below] of which I enclose a copy.

I also repaired to the General Post Office to communicate to Lord Clanricarde the paper from Mr Johnson. The Marquis was absent, but the paper was passed from one to another, till it reached Colonel Maberly, the Chief Executive Assistant. I took care to accompany the delivery of the paper with the remarks,

That in determining and annulling on that day, the 16th of August 1847, the postal arrangements between the United States and Great Britain, the object of the United States was not to withhold any liberal accommodation from the British Government, but only to frame a new arrangement on a basis more suited to present relations, and equal in its terms towards both nations.

It is hardly worth the while to relate the conversation that followed; it is due to Col. Hobbie to say, the interview proved to me that the failure to make a satisfactory arrangement between the Post Office Departments was most certainly no fault of Col. Hobbie's.

Having a fit opportunity I did not fail to call the particular attention of Lord John Russell to this subject of postal arrangements, and obtained from him the promise of giving it his personal consideration. The unfriendly discriminating tax was laid without his having been consulted.

I have also spoken on the subject repeatedly and very fully at the Foreign Office. My confidence in a good issue is unabated. If this Ministry which professes to be liberal, should act otherwise, it is my strong desire to leave the liberality of the American Government evident to the world, that it may be seen that the failure of a good postal arrangement between the two countries is due to the British Government alone.

THE POSTAL CONVENTION OF 1845

The postal convention with Great Britain of February 14, 1845, was of limited scope, dealing only with the "closed mails" between Boston and Canada; it was signed in interchanged examples, one by the Postmaster General of the United States (Charles A. Wickliffe) on December 28, 1844, and the other by the Postmaster General of Great Britain (the Earl of Lonsdale) on February 14, 1845; it appears that the text of that convention was not published in either country; no original or copy has been found in the archives of the Post Office Department; the text which follows is from the signed original in the archives of the British Post Office (copy enclosed with despatch No. 512 from London of November 26, 1932, D.S., file 811.71241/33); it will be observed that on the part of the United States the convention was made under special statutory authority (joint resolution of June 15, 1844; 5 Statutes at Large, 718-19), that it was not formally approved or ratified by the President, and that it bore the seal of the Post Office Department:

AN AGREEMENT made, between CHARLES A. WICKLIFFE Post Master General of the UNITED STATES OF AMERICA, under authority conferred by a joint resolution of the Congress of the United States, of the one part; and the Post Master General of her BRITANIC MAJESTY, duly authorized thereunto, of the other part, relative to the transmission of the British mails in their unbroken state or condition between Boston and Canada; by which the following arrangements are entered into and established, to wit:

1. The Post Office Department of the United States is to transport the British mails conveyed to the port of Boston by the British mail steamers plying between Liverpool and Boston and delivered into the Boston post office, from said Boston post office to St. John's in Canada during the season of steam boat navigation on Lake Champlain, and to Highgate, Vt. during the residue of the year; also the British mails from St. John's during the season of navigation aforesaid, and from Highgate the residue of the year, to Boston for dispatch thence to Liverpool by the British mail steamers, to wit: twice per month in the months of April, May,

June, July, August, September, October and November, and once per month in the months of January, February, March and December in each year.

2. Said mails are to be transported in bulk, in closed bags under the lock or seal of the British Post Office, and with them a mail agent or courier if one be provided by the British Post Office to accompany and take charge of said mails.

3. Said mails are to be conveyed over the most expeditious post route of the United States in operation between the points named, and where there are different routes arranged to the same speed the choice of route for this purpose is to be made by the United States Post Office Department. The contemplated time for this dispatch will be, ordinarily, thirtysix hours between Boston and Burlington, and twelve hours thence when the residue of the trip is performed by steam boat; when by land to Highgate the time required may be five hours longer: Every effort will be made to give the greatest possible speed at all times by dispatching from Boston, on the arrival of the steamer, an extra train, if necessary to connect with the mail steam boat at Burlington, on the evening of the second day after the arrival of the steamer at Boston.

4. The Post Master General of her Britannic Majesty is to pay to the Post Master General of the United States for this service at the following rates, namely: the equivalent of one franc, to wit: 18% cents per net ounce for all letters or written mails; and the equivalent of five centimes, to wit: 9% mills for each newspaper, price current, or other sheet of printed matter. Should the rates of postage in the United States be reduced by law, it is agreed that the amount to be paid by the Post Office Department of Great Britain shall be hereafter adjusted so as not to exceed the rates of postage which would be charged on said letters if mailed in the United States, Provided, said reduction shall not bring the aggregate amount below the expense of the transportation.

5. The weight of the letter mails and the number of papers, prices current, and sheets of printed matter is to be certified in each instance by the Postmaster of Liverpool in regard to the mails *for* Canada; and by the Postmaster at Montreal in regard to the mails *from* Canada, to the Postmaster of Boston. In case such report, from accident or other cause, be not made, the Postmaster of Boston will compute the amount of the mails from the gross weight according to the charge per ounce, distinguishing between the newspapers and letters, if practicable: each instance of which will be reported to the British Post Office at London, subject to be corrected by their official returns.

6. The Post Office Department of the United States will transmit to the British Post Office at London, quarterly accounts in the months of April, July, October and January for the services rendered in the quarters preceeding those months respectively. And the Post Master General of the British Post Office will cause said accounts to be paid to the Post Master General of the United States in the succeeding months of May, August, November and February.

7. This Agreement is to go into operation with the first trip to Boston made by the British mail steamers after the execution of these articles by her Britannic Majesty's Post Master General. And it may be determined and annulled at any time by either party, by his written declaration to that effect, made under his seal of office, and transmitted to the other party, — to take effect on the expiration of three calendar months after receipt thereof.

IN WITNESS WHEREOF, these articles are interchanged between the consenting parties, the seal of the Post Office Department of the United States being affixed hereto, and these articles being signed this twenty-eighth day of December, A.D. 1844, by

C. A. WICKLIFFE.

Post Master General of the United States.

PROPOSALS OF THE UNITED STATES

No arrangement having been effected between the postal authorities of the two Governments, Bancroft at once decided, as he wrote in his despatch of August 16, 1847 (quoted above), to "refer the questions involved, directly to the Ministry"; and on the same day, after

a conference with Lord Palmerston, the following note, containing definite proposals for a reciprocal arrangement, was addressed to him by Bancroft (D.S., 57 Despatches, Great Britain, No. 40, August 16, 1847, enclosure):

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, begs leave once more to call the attention of Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, to the subject of a postal arrangement between the United States and Great Britain. During the time that the letter of the Undersigned of June the 18th to Lord Palmerston has remained without any answer from Her Majesty's Government, the Undersigned has had time to write to his own Government, and to receive answers therefrom on the other side of the Atlantic.

To make the whole subject entirely easy of arrangement, the Undersigned has this day terminated the partial postal arrangement which heretofore existed, not with the disposition to refuse to the British Government the advantages enjoyed under it, but to renew it on a broader basis having equal reference to both nations.

The communication by letters and papers and packets between the two Continents, is considered by the United States not merely as a source of revenue, but is still more highly prized as the channel through which business is increased, affection cherished, and intelligence communicated between America and Europe.

The Undersigned is therefore instructed to offer on the part of his Government the most liberal reciprocal arrangements. If Great Britain can devise and will offer more liberal reciprocal terms, the Undersigned doubts not his ability to accept them forthwith. Exact equality is the only *sine qua non*, on which he must insist. If, (which he cannot believe,) Great Britain prefers a policy of impediments, the Undersigned has only to remind the British Government, that in interposing impediments, those impediments, or others warranted by them, will be adopted on the other side of the water.

And that Lord Palmerston may be able to state precisely what the Undersigned esteems as a liberal reciprocal arrangement, (being only most happy if Her Majesty's Government can devise and will propose a more liberal one,) the Undersigned proposes:

The letters and newspapers shall as near as may be come to the receiver of them whether in the United States or in England, in Canada, the West Indies, Mexico, and other parts of America, or on the continent, or other islands of Europe, charged with the same postage, whether brought by the English steamer or by the American steamer across the Atlantic.

Each Post Office may charge on the letters and packets received respectively from the steamers of the other for distribution within its own country, its own inland postage; but shall superadd no Post Office charge, or packet charge or ship charge or any other charge whatsoever.

On newspapers or printed matter so received and distributed the United States shall not charge more than three farthings a newspaper, or a sheet, and Great Britain shall not charge more than one penny, whether distributed in their respective countries or forwarded through them.

For Canada, or for the West Indies and other parts of America for which the United States have mails, letters and packets received from British steamers shall be forwarded by the United States' Post Office with no charge but that which would be charged on similar letters and packets mailed by an American citizen resident at the place of arrival of the British steamer and vice versa. Letters for the Continent or other parts of Europe received from American steamers shall be forwarded with no other charge than the charge on similar letters and packets mailed by a British citizen resident at the port at which the American steamer may arrive.

The United States will forward closed mails from Britain through the United States to Canada, and to the West Indies and other countries in America in so far as the United States have established or shall establish lines to them, and Great Britain shall in like manner forward closed mails from the United States to the continent of Europe, where Great Britain has established or shall establish lines, subject to postage as above, to be adjusted in the usual manner.

It shall be a constant instruction from each Government to its Post Office department to preserve the most perfect equality in all arrangements, and this being provided for to further in the freest manner postal intercourse between the two countries.

Inasmuch as the United States are from principle opposed to deriving any revenue from the mail service beyond its expenses, the Undersigned is prepared further to agree that it shall be open to either party to propose a reduction of postage, and in the event of the refusal of the other party to agree to such reduction, the party proposing it may proceed to reduce its own packet charges.

If these principles are agreed to by Her Majesty's Government, all details, especially relating to the transmission of letters with or without prepayment of postage and the consequent regulation of accounts, may be left to arrangement between the two departments without further troubling the Lords of the Treasury.

POSITION OF THE TWO GOVERNMENTS.

Besides the Foreign Office, two other Departments of the British Government were concerned: the Treasury¹ and the Post Office. At the time Lord John Russell was Prime Minister and First Lord of the Treasury. Sir Charles Wood (who later became Viscount Halifax) was Chancellor of the Exchequer, Viscount Palmerston was Secretary of State for Foreign Affairs, and the Marquis of Clanricarde was Postmaster General. Throughout the discussions George Bancroft, American Minister, was in communication with the United States Postmaster General, Cave Johnson; and until the latter part of October 1847 Selah R. Hobbie, First Assistant Postmaster General, was in London and participated.

Regarding the double sea postage, that is to say, the charge made by the British Post Office regulation of June 9, 1847, various notes were written on the one part and on the other. Neither Government changed its attitude during the course of those exchanges; the regulation was not withdrawn, and the matter was left to be settled in the proposed new postal convention.

The position taken by the British Government in the matter of the sea postage was stated in the note of Palmerston of August 27, 1847, which is quoted below. In transmitting the note of August 27 with his despatch of September 1, Bancroft said that Lord Palmerston had admitted that the American proposal of August 16 for a postal convention was "very liberal"; and Bancroft added, "The note of Lord Palmerston of the 27th August, is no expression of the views of this Government. It is merely the apology of the Post Office for its unfriendly course" (D.S., 57 Despatches, Great Britain, No. 43). Lord John Russell had previously told Bancroft (*ibid.*, No. 40, August 16, 1847) that the "unfriendly discriminating tax was laid without his having been consulted"; and in a "long interview" on August 18, when Bancroft gave to Russell a copy of the American note of August 16, Russell "approved of the principles laid down . . . , was sensible

¹ The office of Lord High Treasurer has been in commission since 1714, its functions being entrusted to a board comprising a first lord, a chancellor, and various junior lords; the office of First Lord of the Treasury (which since 1783 has usually been held by the Prime Minister) has now, in itself, duties hardly more than nominal; the responsible finance minister is the Chancellor of the Exchequer, who is named second in the patent of appointment.

that no fit solution of the question was to be expected from the London Post Office Department, and promised as one of the Lords of the Treasury, himself to give immediate attention to the subject" (*ibid.*, No. 41, August 18, 1847). It was obvious that the views of the various British Departments were not wholly concordant. The note of Palmerston of August 27 reads as follows:

The Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honor to inform Mr Bancroft Envoy Extraordinary and Minister Plenipotentiary of the United States of America at this Court, that he has received from the proper Department of Her Majesty's Government a letter which enables him to answer the note addressed to him by Mr Bancroft of the 18th of June last, on the subject of an Order which had been issued by the General Post Office stating that Letters and Newspapers either brought to England from the United States or despatched from England to the United States by way of Southampton, in the steam vessels employed by the Government of the United States to carry mails between New York and Southampton, are liable to be charged with the full amount of the British Packet rates of Postage which would be chargeable thereon if such Letters were conveyed by British Packets.

The Undersigned now begs leave to explain that the Post Office order above referred to, did not introduce any new Rate of Postage specially imposed to meet the particular case of the employment of American steam vessels to carry mails between New York and Southampton. But the object of the notice so issued by Her Majesty's Post Master General was to inform the Postmasters throughout the Kingdom that the American vessels in question were *Packets*, and that the Rates of Packet Postage, and not the ordinary Rates of Ship Letter Postage ought therefore to be charged upon Letters conveyed by those Packets.

The Undersigned begs also to state that the levying of this charge is not a new measure, but is made simply in fulfilment of the ordinary Law applicable to such cases; For the Act of the 3^d and 4th Victoria: Cap. 96 expressly declares that all Letters not weighing more than half an ounce which shall be transmitted by the Post between the United Kingdom and the United States of North America shall be chargeable with a uniform rate of one shilling; and the 71st Section of the same Act provides that the expression "by the Post" shall be understood as including the Transmission of Post Letters by Packet Boats. The Undersigned would beg also to explain that the United States is not the only country to which the abovementioned act has been applied but that, on the contrary, the Regulation by which Packet Postage is charged upon Letters and Newspapers conveyed by Foreign Packets has been invariably acted upon in regard to Letters conveyed by the Mail Packets of all Foreign Countries: The last occasion on which this Regulation was so applied happened in 1844, when the Belgian Government having established Packets to run twice a week between Dover and Ostend, Letters conveyed by those Packets were ordered to be charged with precisely the same Rates of Postage which are chargeable on Letters conveyed by British Mail Packets.

But Mr Bancroft conceives that Letters conveyed by the American Packets ought to be charged in this country with the Inland Rates of Postage only; and he states that when the American Post Office Department established those Packets they felt no doubt that the Letters carried by those Packets would be so dealt with.

But the Undersigned begs to remark that the Post Master General of the United States in a Memorandum which he transmitted on the 26th December last to the British Minister at Washington, with reference to a proposed arrangement for the conveyance of mails between New York and Montreal, said that "the Post-master General of the United States is desirous that a mutual arrangement be made between the two Governments that will dispense with the charge of Ship Postage on the Letters brought into the respective Countries by the mail lines of each; that is, that such Postage shall not be charged in the United States on Letters brought into them by the Cunard line of Steamers, and that it shall not be charged in Great Britain on Letters taken into it by the mail steamers in

“the employment of the Government of the United States”; and the Undersigned would observe that this passage seems to show that the United States' Post Office was at that time aware that under the existing Regulations of the British Post Office, Letters brought to the United Kingdom by American Packets would be chargeable with Postage for sea conveyance, or what the Postmaster General of the United States calls “Ship Postage”, in addition to Inland Postage.

Mr Bancroft further remarks that the Government of the United States charges only the Inland Rate of Postage on the British closed mails to and from Canada, but the Undersigned would beg to observe that the transit Rate which is paid by agreement for this correspondence was fixed without any regard to the Inland Rates of Postage charged in the United States on Letters conveyed to and from Canada; For Mr Wickliffe then Postmaster General of the United States, with whom the agreement was concluded, stated that the terms which he demanded were founded upon the arrangement made between Great Britain and France for the conveyance of the Indian mails through the French Territory.

It is indeed true that one of the articles of the Agreement respecting the Canada Postage provided that if the Rates of Postage in the United States should be reduced by Law, the Payment stipulated to be made by Great Britain should be adjusted so as not to exceed the Rates of Postage which would be charged upon the Letters if they were posted in the United States; But this provision was qualified by a Clause stipulating on the part of the United States, that no reduction of this Rate of Postage should be made which would bring down the aggregate amount paid by Great Britain so as to make it less than the cost of conveyance; and Her Majesty's Government have lately received an account from the United States' Post-Office in which the Transit Rate to be paid for the Canadian closed mails is reduced to the amount of the Inland Rate charged in the United States for the distance over which those mails are carried, with an addition of Twenty five per cent to cover the loss supposed to be sustained by the United States' Post-Office in consequence of the Letters being weighed in bulk instead of singly.

Mr Bancroft also states that upon the Letters and Papers brought by the British Post-Office Steamers and distributed from Boston throughout the United States, no other charge is made than that of the usual Inland Postage. But it would appear that Mr Bancroft has not been correctly informed upon this point, because a charge for Ship Letter postage is made upon every Letter contained in the British Mails, the amount being six cents for each Letter delivered in Boston, and two cents for each Letter delivered in any other part of the United States, the charge in the latter case being of course added to the Inland Postage.

The Undersigned begs leave in conclusion to assure Mr Bancroft that Her Majesty's Government so far from being disposed to deal illiberally with the United States in this matter, have on the contrary favored that country with regard to the Postage charged upon its correspondence. For, in 1839 when Her Majesty's Government reduced the Packet Postage on Letters to and from the British American Provinces from 2/2^d to 1/— (in which latter sum was included all charge for Inland conveyance within the United Kingdom) that reduction of Postage was extended to Letters conveyed to and from the United States; and although Her Majesty's Government do not usually grant such advantages to Foreign Countries without requiring reciprocal reductions in favor of Great Britain, no such demand was on that occasion addressed to the United States: and this reduction took place some time before the general reduction of Postage on the British colonial correspondence.

The Undersigned takes this opportunity of informing Mr Bancroft that he has had the honor to receive, and that he has referred to the proper Department of Her Majesty's Government, Mr Bancroft's note of the 16th of August, stating the terms upon which he has been authorized by his Government to propose that Great Britain and the United States should conclude an arrangement for the transmission of mails between the two countries.

The foregoing note was thus answered by Bancroft on August 31 (D.S., 57 Despatches, Great Britain, No. 43, September 1, 1847, enclosure 2):

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, having received from Viscount Palmerston Her Majesty's Principal Secretary of State for Foreign Affairs, a note, dated the 27th instant, in reply to the letter of the Undersigned of the 18th of June last, complaining of the double postage imposed on letters brought to England in American Packets, the Undersigned desired a conference with Lord Palmerston, in the hope of effecting an immediate practical result.

Having, this day, had such conference, and Lord Palmerston having informed the Undersigned of the necessity Lord Palmerston is under of consulting another Department of Government before giving a reply, and having invited the Undersigned to reduce what he had to say to writing, he seizes the earliest moment to do so.

On the 12th of July last, the Undersigned announced to Lord Palmerston that Mr Hobbie, the First Assistant Post Master General of the United States being in London, the Undersigned was prepared to assist in making a postal arrangement between America and the United Kingdom. On the 16th of this month the Undersigned communicated to Lord Palmerston the terms which he is authorized by the American Government to propose. These terms Lord Palmerston has now under consideration: the delay in proceeding with the negotiation has not rested with the Undersigned.

Pending the negotiation, the Undersigned proposes that Her Majesty's Government should suspend the action of the Post Office Order N^o 9, of June 1847, imposing double postage on letters brought by American Packets; in which case, the Undersigned will undertake, in return, that pending the negotiation, the United States will omit the retaliatory measure of double postage on English and Canadian letters, which otherwise must take place. Lord Palmerston was pleased to say that Great Britain would have no ground to complain of such retaliatory measures; but the Undersigned will certainly complain greatly if circumstances beyond his controul put upon him the most irksome necessity of recommending them.

The Undersigned having thus found himself obliged to make this further communication on the subject of Postal arrangements, is constrained to repeat what he had the honor to say to Lord Palmerston, that the explanations contained in Lord Palmerston's note of the 27th instant will be far from reconciling the Government and People of the United States to the British imposition of double postage on letters conveyed in American Packets.

Lord Palmerston refers to the Act of the 3^d and 4th Victoria, Cap: 96, as the authority for the double charge. But it is agreed that a discretion rests with the Treasury Board in the application of that authority: and, indeed, the United States, of all nations in the world, are now alone singled out to suffer from the imposition of double postage.

Lord Palmerston it is true, remarks that this regulation was applied to the Belgian Packets in 1844. But it could have been only as an experiment; and for an exceedingly short period. The experiment must at once have failed: for Belgian and English Packets ply, and have long plied indiscriminately between Dover and Ostend, and the postage in England for receiving or transmitting a letter is no higher by the Belgian than by the English Steamer. The precedent of Belgium is then against the imposition of the double charge.

Lord Palmerston appears to think that the Post Master General of the United States must have been prepared for the imposition of double postage, because he proposes there should be no charge of Ship postage, at all, in Either Country. The Undersigned cannot see why Mr Johnson should have expected his fair and candid proposition should have been summarily dismissed. The Undersigned had till now supposed Mr Johnson's offer could not have come to the knowledge of the British Government. The Undersigned cannot but express surprise, that so fair and candid a proposition, conveyed through the estimable British Minister at Washington, should have had for its answer a Post Office Order imposing double postage, without any notification to the American Government whatever.

But surprise becomes still greater when Lord Palmerston seeks to invalidate the allusion of the Undersigned to the indisputable fact, that on the British closed mails to and from Canada, the United States charge only inland postage. Lord Palmerston's argument is, that the transit rate was fixed without any regard to the inland rates of postage in the United States. Lord Palmerston can have been but partially informed on this subject. The people of the United States taking into consideration their established rates of postage, and desirous to manifest their disposition to live in special good neighborhood with England, and thinking their high rates of postage might be an obstacle to intercourse across their territory, freely and purposely authorized Mr Wickliffe, then the Post Master General, to adopt a lower transit rate for England than was paid by Americans themselves. But the People of the United States did not foresee that Lord Palmerston would make this discrimination of the United States in favor of letters transmitted from British Packets through America, a reason for the imposition of double postage on letters transmitted from American Packets through England.

But as the contract referred to provided for a still further reduction of the transit rates, if a general reduction of the American rates should make the regular postage less than the rates fixed in the Agreement with England, Lord Palmerston next finds in the contract reference to the American inland rates of postage; but finds also the provision qualified by a clause stipulating indemnity to the United States against loss. The answer is plain: the contract was so qualified only because Her Majesty's Government first qualified it by stipulating for extraordinary means of conveyance, at uncertain times, and at extraordinary speed.

Lord Palmerston is quite right in supposing the Undersigned not to have been correctly informed as to the charge of two cents on letters brought into the United States by Ships from abroad. It is true that by the Act of Congress of 3^d March 1825 [4 Statutes at Large, 102-14], two cents on each of such letters are exacted; but the law had its motive not in the interest of the public Treasury, but in the desire to promote intercourse with all nations. The little pittance of Ship money thus collected is paid to the Ship master, if not a public officer. The United States' Government is not at liberty to pay the public officers of other countries, and is entitled to the service of its own. If this little charge, so small in amount as to be almost imperceptible, less, per cent, in amount, than the extreme variation in the legal valuation of the Pound Sterling in the United States, continues to be charged on some part, and some part only, of letters brought by the Cunard line, it is only because Her Majesty's Government has not given attention to the repeatedly expressed wish of America to abolish it.

Lord Palmerston finally urges, as evidence of British liberality, that Great Britain did America the *favor* to reduce postage on American letters from 2¹/₂ to 1¹/₂—for America as well as for the British Provinces. Great Britain at great cost long supported a Colonial mail. At length it reduced the postage; improved the mail service; extended it to the United States; and the mails increased perhaps more than a hundred fold; so that what had been an excessive burthen on the British Treasury, became a remunerating business. The Undersigned rejoices that it proved so. Every one must feel satisfaction at this result. But why should this system be spoken of as one of privileges and *favours*? It is rather the testimony of experience against the system of privilege, protection, and *favor*, and in support of liberal reciprocity and the offices of good neighborhood.

The Undersigned renews the proposition that pending the negotiation for a postal arrangement Her Majesty's Government should suspend the exaction of double postage on letters conveyed by American Packets; the Undersigned offering, in return, that the United States will, in that case, pending the negotiation, forego the retaliatory measures which Lord Palmerston has very candidly observed it would be the perfect right of America to adopt without giving any cause of complaint to this Government, with which the Undersigned is instructed to cultivate the most friendly relations.

Further exchanges, elaborating the respective positions of the two Governments, were the formal protest of Bancroft in his note of October 22 (D.S., 57 Despatches, Great Britain, No. 50, October 23,

1847, enclosure 4) and the reply of Palmerston thereto of December 21 (*ibid.*, No. 56, December 29, 1847, enclosure).

FURTHER NEGOTIATIONS

Discussions, both oral and written, of the terms of a postal convention were resumed in September and October 1847 and again in February 1848; the chief negotiators were, for Great Britain, the Postmaster General and, for the United States, the American Minister; but the Chancellor of the Exchequer also took part and so did the First Assistant Postmaster General of the United States during the time preceding his return to the United States (October 24, 1847); there were detailed proposals and counterproposals, which are fully reported in the despatches of Bancroft for the period in question (D.S., 57 and 58 Despatches, Great Britain, *passim*).

As has been seen, the double charge of sea postage was not really favored either by the First Lord of the Treasury or by the Secretary of State for Foreign Affairs; and in the negotiations regarding the terms of a postal convention it was not questioned that the sea postage, as such, should be single and not double, and collected by the Government whose packets rendered the service; but on another point, closely connected with the sea postage proper, the negotiations for the time being failed; and some explanation of the postal arrangements of that time, much more complex than those now prevailing, is essential. For simplicity, the rates will all be stated in American money, at 2 cts to the penny; only the letter postage will be considered, and minor points that arose will be omitted from the narrative.

The basic unit of weight for letters was then the half ounce; the carriage of letters from England to America or *vice versa* was considered to be a threefold service, the rate for which involved three charges. Those three charges were (a) the postage in the country of origin, for delivery to the packet; (b) the sea postage; and (c) the postage in the country of receipt, for delivery from the packet. Various figures of the total rate were proposed; but only one of them need be mentioned in order to show the points of divergence; that was a total rate of 30 cents, of which 24 cents was the sea postage and 6 cents the aggregate of the two inland rates.

In such case the British Post Office proposed that, while the sea postage would go in its entirety to the country whose packet performed the service, the aggregate of the inland rates should be equally divided, so that each country would get 3 cents. To this last Bancroft objected; and it was on this point of the inland rates that the negotiators failed to reach early agreement.

The ground of Bancroft's objection was the difference between the domestic letter rates at the time in force in the two countries. In England the rate was 2 cents (penny postage; on letters not prepaid, the rate was 2 pence); in the United States it was 2 cents for delivery from the office of receipt ("drop letters"), 5 cents for transmission to points within three hundred miles, and 10 cents to points beyond that distance. (These were the United States rates within "estab-

lished Post routes"; see Article 12, paragraph 3; they did not extend, for example, throughout the far west.) Bancroft pointed out that the equal division of such a rate meant that the British Post Office would get 3 cents for a service which it was performing otherwise for 2 cents, and that the United States Post Office would get 3 cents for a service for which it was otherwise charging (in general) 5 cents or 10 cents. He argued that the enormous distances in America required a difference in this regard, that the penny postage in Great Britain produced a revenue, whereas the rates in America made a charge on the Treasury, and that a rate of 3 cents for a letter from New Orleans to Boston was wholly unreasonable. Bancroft's proposal was that each country should regulate and collect its own inland postage, with the condition of equal rates for letters carried by the packets of both.

An alternative proposal made by Bancroft, however, was to divide the 30 cents into a sea rate of 18 cents and two inland rates of 6 cents each. To this, by itself, the British Post Office was willing to assent; but not to the condition coupled with it. That condition was that that rate should be extended to transit mail; the transit mail meant, for example, the Atlantic mail going from Boston or New York to Canada, or from Liverpool through England to the Continent.

The only result of the discussions between Bancroft and Clanricarde was disagreement; Bancroft wrote in his despatch of February 25, 1848; as follows (D.S., 58 Despatches, Great Britain, No. 63):

The British Post Master General has positively refused to form any Postal Treaty with the United States, except on the basis of "the uniform and equally divided inland rate". If the United States were to agree to that, he would argue that that inland rate should be the sole transit rate to Canada, and would still insist on exacting the present transit rates through England to the Continent.

The positions of the two negotiators were respectively stated in their notes of February 10 and 11, the texts of which follow (*ibid.*, No. 61, enclosures 8 and 9):

[The Marquis of Clanricarde to Mr. Bancroft]

G.P.O. Febv 10. 1848.

DEAR SIR, I have considered, and have conferred with the Chancellor of the Exchequer upon the counter-propositions transmitted to you by the Postmaster General of the United States [Cave Johnson], in reply to those we had the honour to submit to you, and particularly upon that which is referred to in the extract from Mr Cave Johnson's letter which you have been so good as to send me.

To that proposition, vizt, that letters sent from one country should be treated, upon their arrival in the other, upon precisely the same terms as the inland letters of the latter country, we cannot agree. We should thereby gain, upon making the alteration in our Law which you desire, nothing for the advantage of the Commercial world, or the publick of the two countries.

Great Britain established regular and steam packets for the correspondence across the Atlantick at considerable risk and at great Expense. In 1839 we lowered the rates of Postage between England and America voluntarily; and the Law you wish to change was passed with the approbation of the American, quite as much as of the British publick. We are ready to change that Law in order to gain increased facilities for the correspondence of the two countries.

But we think it essential, in making any change, to secure for the publick optional prepayment, and a reduced and uniform rate of Postage.

As the proposition to which I refer is the most important of any, I need not now advert to the others you mentioned to me.

The Chancellor of the Exchequer and myself had hoped that the mode by which we proposed to attain the objects to which I have alluded, would have been as well received at Washington as we flattered ourselves it was by you; and that we might easily have agreed upon the remaining points for a Convention, which in such case might have been concluded without further delay than that which official forms would have required. But, as there appears to be a reluctance upon the part of the Government of the United States to accept our propositions, it will be necessary for me to place them upon record by transmitting them in the usual form through the Treasury to the Foreign Office. And I cannot abandon the hope, that, upon reconsideration, Mr Cave Johnson will advise the acceptance of a proposal which is calculated to confer upon the Commercial world on both sides of the Atlantick great and permanent advantages.

I remain, my dear Sir your very faithful and obedient servant

(signed) CLANRICARDE

Honb^o GEO. BANCROFT,
&c &c &c

[*Mr. Bancroft to the Marquis of Clanricarde*]

90 EATON SQUARE, 11 February, 1848.

MY LORD, The interview to which your Lordship invited me on Monday last [February 7, 1848], did not prepare me for the abrupt termination of our direct negotiation, as announced to me in your note which I received late last night, and in which your Lordship refuses the principle of reciprocity as the basis of a Postal convention with the United States.

You decline the proposition that letters sent from one country should be treated upon their arrival in the other, upon precisely the same terms as the inland letters of the latter Country, and at the same time you insist on maintaining your own present high rates of Postage on transit letters taken across the channel. That is to say: you decline a Postal arrangement with the United States, unless where British Postage is low you may raise it on American Correspondence; and where British Postage is very high, you may retain it as it is; and you further claim that British Correspondence shall be carried from Boston to Austin or Jefferson City; or Astoria,—from one end of a Continent to the other—at the same rate at which you carry letters through the limited and densely peopled regions of Great Britain and Ireland.

This creates surprise. Still more am I surprised at your Lordship's assigning as a reason for your refusal to agree to Mr Johnson's proposition, that by acceding to it nothing would be gained for the advantage of the commercial world. Now, in point of fact, Mr Johnson's proposition as conveyed by me to your Lordship doubles the opportunities of correspondence, and reduces the rate of postage twenty per cent, or even thirty three and one third per cent. At the same time it offers no insurmountable obstacle to the system of optional prepayment.

I will add that my desire to promote the comfort and interest of the commercial world and the public of the two countries, is the leading, not to say the sole motive of my urging this negotiation to an immediate settlement. The interests of the American Post Office revenue I regard as subordinate.

You allude to the fact that Great Britain was the first to establish regular Packets; as though that circumstance should give Great Britain an advantage in the negotiation. The British Packet service between America and Great Britain is as old as the importance of the British American Colonies. It goes far back into the last century, and perhaps farther; and used to be a very heavy burthen on the British Treasury. A few years ago you improved the service and defrayed the expenses of it out of the United States' correspondence, of which the United States permitted you to be the sole carriers. We now intend to be joint carriers. By the custom of Nations, which forms international Law, by the municipal Laws of England and of the United States, and by the Consti-

tution of the United States, the Postal service is a function of Government. Between independent nations it can have no foundation but reciprocity.

You are quite right as to my views when you refer to my desire to establish a reduced and uniform rate of Postage between America and Great Britain, coupled, you will keep in mind, with such a reduction of the Transit Rates of Postage as should make England the channel of Communication with the European Continent. From Boston to St John's, from New York to the Canadian line, is as far as from Southampton to Ostend, or from Liverpool to Havre or Boulogne. I endeavored with all the earnestness in my power, to persuade you to make England the great medium of communication between America and the European Continent. I pointed out to you a double advantage to Great Britain from adopting such a course: I., to English Trade; for if England is the regular channel through which American correspondence with the Continent passes, more of it, and consequently more of American Commerce will remain in England; and II., to the British Post Office revenue; for it is plain that to share in carrying the correspondence of America to the European Continent would largely increase that revenue.

These arguments, and the proposition founded on them, on my part, of a reduced and uniform rate of Postage, you rejected. I abandon therefore, as I told you on Monday, all attempts to induce you to reduce your Transit Rates, and I leave the subject to your own laws and your own views of your own interest. In like manner, I invite you to leave the American Government to fix its own inland rates, according to the nature of its widely-extended, thinly-peopled country, with its roads, new, or unfinished, or primitive, and sometimes all but impassable; with its inland seas which are several times wider than the British Channel; with its Rivers which are mail routes and which from source to mouth are longer than the distance from Liverpool to Boston. We have fixed those inland Rates on liberal terms, and are now preparing to reduce them. Let the reduction be left to the judgment and liberality of the American People. Do you also, on your part, establish your own inland rates, according to the system which perfect roads and a limited and every where densely-peopled territory incline you to establish.

To the Postal Communication between England and America, there are three parts: the inland British service; the inland American service; and the sea service. The service on the sea is identically the same for both parties: the respective inland service is widely different.

I repeat to your Lordship this offer.

Let Great Britain establish its own inland Rates and transit rates as it will, making them the same for correspondence by British or American Packets. Let America establish its own inland rates and transit rates as it will, making them the same for correspondence by American or British Packets. Let there be one uniform sea-rate of seven pence, or any sum you may prefer, not much exceeding seven pence, with option of prepayment.

As you name the Chancellor of the Exchequer in your note, be good enough to acquaint him with this my reply, which I intend as official. There is no need of referring this subject back again to the United States. My powers are full; and if you please, I shall myself be glad to receive and to consider your reply.

I remain, my Lord, very faithfully, your obedient humble servant,

(signed) GEORGE BANCROFT

The MARQUIS OF CLANRICARDE,
&c &c &c

The argument was continued and amplified in notes written a few days later (D.S., 58 Despatches, Great Britain, No. 63, February 25, 1848, enclosures 1, 2, and 3, Clanricarde to Bancroft, February 14 and 18, and the latter to the former, February 15, 1848); in the latest of those three communications this was the final paragraph:

If, therefore, it is not within your power to renew our negotiations by an acceptance of the uniform, and equally-divided inland rate, and of the Packet Rate to be equally levied and equitably paid,—which we have proposed—I have

no alternative but to transmit in official form through the Treasury and the Foreign Office, the offer we have made, and by which we must advise Her Majesty's Government to abide.

THE FINAL NEGOTIATIONS

In the meantime President Polk had called the matter to the attention of Congress in his annual message of December 7, 1847, in which he wrote (Richardson, IV, 562-63):

The first of the American mail steamers authorized by the act of the 3d of March, 1845, was completed and entered upon the service on the 1st of June last, and is now on her third voyage to Bremen and other intermediate ports. The other vessels authorized under the provisions of that act are in course of construction, and will be put upon the line as soon as completed. Contracts have also been made for the transportation of the mail in a steamer from Charleston to Havana.

A reciprocal and satisfactory postal arrangement¹ has been made by the Postmaster-General with the authorities of Bremen, and no difficulty is apprehended in making similar arrangements with all other powers with which we may have communications by mail steamers, except with Great Britain.

On the arrival of the first of the American steamers bound to Bremen at Southampton, in the month of June last, the British post-office directed the collection of discriminating postages on all letters and other mailable matter which she took out to Great Britain or which went into the British post-office on their way to France and other parts of Europe. The effect of the order of the British post-office is to subject all letters and other matter transported by American steamers to double postage, one postage having been previously paid on them to the United States, while letters transported in British steamers are subject to pay but a single postage. This measure was adopted with the avowed object of protecting the British line of mail steamers now running between Boston and Liverpool, and if permitted to continue must speedily put an end to the transportation of all letters and other matter by American steamers and give to British steamers a monopoly of the business. A just and fair reciprocity is all that we desire, and on this we must insist. By our laws no such discrimination is made against British steamers bringing letters into our ports, but all letters arriving in the United States are subject to the same rate of postage, whether brought in British or American vessels. I refer you to the report² of the Postmaster-General for a full statement of the facts of the case and of the steps taken by him to correct this inequality. He has exerted all the power conferred upon him by the existing laws.

The minister of the United States at London has brought the subject to the attention of the British Government, and is now engaged in negotiations for the purpose of adjusting reciprocal postal arrangements which shall be equally just to both countries. Should he fail in concluding such arrangements, and should Great Britain insist on enforcing the unequal and unjust measure she has adopted, it will become necessary to confer additional powers on the Postmaster-General in order to enable him to meet the emergency and to put our own steamers on an equal footing with British steamers engaged in transporting the mails between the two countries, and I recommend that such powers be conferred.

Under date of February 10, 1848 (D.S., 58 Despatches, Great Britain, No. 61), Bancroft wrote that "The passage in the President's message respecting our Postal relations here, the annual Report of the American Post Master General, and the publication of the Protest in England attracted public attention to the subject. The commercial

¹ For this arrangement of 1847 with Bremen, see Senate Executive Document No. 25, 30th Congress, 2d session, serial 531.

² For the relevant portion of this report, see Senate Executive Document No. 1, 30th Congress, 1st session, serial 503, pp. 1324-27.

men of Liverpool, of Manchester, and of Glasgow, have expressed a desire to see the question promptly settled”.

Upon the failure of the discussions with Clanricarde, Bancroft shifted the negotiations to the Foreign Office by a note to Palmerston of February 21, in which he called attention to the fact that his proposal of August 16, 1847 (quoted above), for a postal convention, had not received an answer; with this note he enclosed the following memorandum, to be taken into consideration with the earlier proposition (*ibid.*, No. 63, February 25, 1848, enclosure 4):

Memorandum: To be considered in connection with Mr Bancroft's Note to Viscount Palmerston of 16 August, 1847.

The American Government in a Postal Arrangement with Her Majesty's Government, desires the greatest facilities for correspondence between the two Countries; seeks to diminish rather than increase the present rates of postage; and offers principles of perfect reciprocity as the basis of an arrangement.

The service requires inland carriage in America; sea conveyance; and inland carriage in the British Isles.

The sea conveyance is the same for both. The inland carriage differs in distance; and, from difference in density of population, in cost, and in productiveness. The distance from Liverpool to the remotest point in the British Isles, is but a few hundred miles. From Boston to Mobile, New Orleans, Galveston, and Austin, is further by the Mail routes, than from London to Constantinople, Smyrna, and Cairo. Many Post Offices in the United States are as far asunder as the whole breadth of the Atlantic. The river course from Pittsburg to New Orleans, which is but a part of one of the great thoroughfares between the North and New Orleans, is a Mail route, thronged with Mail Boats every day; and the distance is greater than the distance from Halifax to the United Kingdom. The regular Mail route from Boston to New Orleans uses steam boats twice or three times, and each time for a distance many times greater than the distance across the British Channel. The line from Boston or New York to St John's passes over Lake Champlain for a distance greater than the distance between England and France, or England and Belgium. A postage in America of two cents, of five cents, or of ten cents, according to distance, leaves the Post Office still a burthen on the Treasury. Her Majesty's Government is fully aware of these things; it has introduced the penny postage in Great Britain, but not in Canada.

It is therefore proposed by the American Government:

First, that Each Country shall establish its own inland rates; and letters sent from one Country shall be received and treated in the offices of the other as letters originating in the latter Country.

There shall in addition to such inland rates, be one uniform sea-rate, of which the British Government may fix the amount. The American Government would prefer the rates as follows:—

On single letters under half an ounce, one uniform sea rate of seven pence half penny, or fifteen cents:

On newspapers, periodicals, and pamphlets, one uniform rate of one half-penny the printed sheet or ounce: but, Editors and publishers of newspapers might exchange papers free of postage.

N.B. As two cents are a very little less than a penny, if America collects at two cents the penny, and England in Sterling Money, England should account to America at 484 cents the Pound Sterling, and America to England at 480 cents the Pound Sterling; one shilling being 24½ cents, and a Pound being, not 480 cents but 484 cents.

SECOND: The payment of this sea rate shall be optional in either country:

Or: the respective inland rates may be combined with the sea-rate, and the payment of the whole combined rate may be made optional in either country:

Or: if the British Government takes ten pence or twenty cents, as the sea-rate, the combined rate between Liverpool or Southampton and New York, or

Liverpool and Boston, may be twelve pence only, or twenty four cents; vizt, ten pence for the sea-rate, and one penny inland rate for each country. For letters sent forward in America some further inland postage is required by the nature of the American Continent as explained. But that further sum might be charged and collected in America, and the British Government have no trouble about it.

THIRD: Whatever postage is made optional is to be accounted for. The sums representing the sea-rate shall belong to the Country by which the Packet conveying the letter shall be furnished. The sums representing the respective inland rates shall belong to the respective Countries performing the inland services.

FOURTH: Each country shall account to the other according to the actual number and amount of postages.

FIFTH: On letters destined for countries Foreign or Colonial, the country receiving and transmitting the letter shall charge in lieu of inland Postage the Transit Postage that would be charged upon letters for the same destination and posted by residents at the place where the Packet may arrive.

SIXTH: Each Country shall grant to the other closed mails; the rate of postage to be charged on such correspondence to be the same as that levied on ordinary Transit letters.

SEVENTH: Optional payment of postage may be established between the United States and British North America.

There, for a few months, the matter rested, though some questions were put in the House of Commons (see Hansard, 3d series, XCVIII, 835, 929-31); and on June 27, 1848, a statute of the United States was enacted (see the recommendations of the Postmaster General of January 20, 1848; House Executive Document No. 35, 30th Congress, 1st session, serial 516) which authorized retaliatory postage charges (9 Statutes at Large, 241-42); the gist of the statute was in this, its first sentence:

That the Postmaster-General, under the direction of the President of the United States, be, and he is hereby, authorized and empowered to charge upon, and collect from, all letters and other mailable matter carried to or from any port of the United States, in any foreign packet ship or other vessel, the same rate or rates of charge for American postage which the government to which such foreign packet or other vessel belongs imposes upon letters and other mailable matter conveyed to or from such foreign country in American packets or other vessels, as the postage of such government, and at any time to revoke the same.

The extra rate authorized by that statute was duly put into force; the result was that for some months (until December 1848) there was double sea postage on the Atlantic mails by both the American and British packets.

Questions in the House of Commons were resumed and seem to have had some influence. Bancroft wrote on July 28 (D.S., 58 Despatches, Great Britain, No. 82):

On the subject of the Postal Treaty, I am still without any communication from Lord Palmerston or any other member of the British Government. The effect of the passage of our retaliatory measure has been great. All agree in its justice: indeed, we should have suffered in public esteem, if the Law had been allowed to remain as it was. Scarcely had the news arrived before the Ministry was questioned in the House of Commons with regard to it. Lord Palmerston seemed to think the matter belonged to the Chancellor of the Exchequer and Lord Clanricarde. The Chancellor, on Friday of last week, said the matter lay with Lord Clanricarde. Lord Palmerston promised to look over the papers and say on Monday if they could be printed. Monday came; but Lord Palmerston did not appear 'till the House had entered on the orders of the day. Yesterday

morning the "Times" newspaper invited the British Government to state its case by publishing its correspondence. Last evening M^r Hume¹ in the House of Commons again invited it to do so; on which the Chancellor of the Exchequer refused to present the papers, on the ground that the negotiation is still going on. The inference from this is obvious. The American view of the case, is, as far as I am informed, regarded almost unanimously as right. I believe the ministry will soon be questioned again on the subject.

The despatch of Bancroft of Friday, August 11, 1848, gives a lively account of an interview which he had with Palmerston; its relevant portion is here quoted (D.S., 58 Despatches, Great Britain, No. 84):

All parties interested in American Commerce appear to be entirely satisfied with the course of our Government in its offers of a Postal Convention with this Country. Last week, on Friday night, the very able member for Liverpool [Edward (later Viscount) Cardwell] brought the subject up in the house of Commons, and asked for the Correspondence. Lord Palmerston postponed his answer 'till Monday. On that day he came into the House of Commons very late,—almost at the last moment when a question could be put. The member for Liverpool insisted on an answer to his question. Lord Palmerston declined to lay the correspondence on the table:—the negotiation was still going on, and he was to make a communication to the American Minister. The Member for Manchester [John Bright] hinted that the British Government had done nothing since the 21st of February. Another member inquired if there had been any communication since the 21st of February; and if in the progress of these negotiations the postage had not been changed from one shilling to two? The Chancellor of the Exchequer said there had been no Diplomatic communications since Feb^r 21.;—but that there had been other communications which were more likely to lead to a result. Every body interested in the question considered Lord Palmerston pledged to a new proposal.

Calling at the Foreign Office on Wednesday, the Under Secretary said to me—“You might think from the report of the debate on Monday night, we had some proposition to make to you. But there is nothing of the kind. We only intend to send to you from this Office an account of what you know already from Lord Clanricarde and the Chancellor of the Exchequer.”

A few minutes after, I met Lord John Russell. He addressed me very cordially. I expressed to him my regret that this little Postal matter was not settled. “I regret it as much as you”, said he;—“I did all I could”:—and the prevailing opinion is that Lord John is well disposed, but is disinclined to trouble himself with a matter of detail.

I thought it best to wait on Lord Palmerston to find out what he intended to do, & to get at his views. Thursday at one o'clock, I waited on him and drew him into a discussion which on his part grew pretty warm.

He said the British Offer was the most convenient for the merchants. I answered that in framing our proposition we had consulted the merchants of America, as far as we could, and the merchants and manufacturers of England; and that the business classes of the two countries wanted nothing better than what we had proposed.

He said, the distance letters were carried made only an inappreciable difference; hence it was quite right to demand a uniform inland rate of postage for all America. I replied: 1. this demand is not founded in Equity: 2. is not supported by your own Post Office arrangements; for the East India mail has, for example, one rate for a letter to Bombay, and a higher to Calcutta; and all this by order of the Post Office here; and yet, New Orleans is further from Boston than Calcutta from Bombay: 3. as an international question, there was the Postal Treaty of England with France, which allows to France rates twice as high as are taken for England, rates which England in part collects and pays over to France: [for I

¹ Joseph Hume, M.P. for Montrose.

had learned that of the international postages collected between England and France, England allows France two-thirds.]¹ Lord Palmerston hesitated: and then said that England sought progress: that past abuses were not to be taken as precedents.

He felt the weakness of his answer: and said plainly: "By admitting you to the competition we sustain a loss of revenue, for which we must seek from you some countervailing advantage."

I replied: the increased facilities may increase intercourse, and as a consequence may increase revenue. But if not, what then? It would be but the usual case, where a person or a company having for a time a monopoly of a business, finds a competitor; and we had certainly a right to share in the carrying of correspondence between the two countries. But this right, Lord Palmerston said he was not prepared to admit.

As to the Existence of the present inconvenience to the business classes, Lord Palmerston said, "the origin of all the difficulty is with you. Your Government set up steam boats without being requested to do so by England." "We never asked you to do it." And he repeated this argument.

On my hinting that the difficulty lay in Great Britain's demanding pay for work which the United States had done: he said, that the Postage levied on letters brought into the United Kingdom, was to be considered as a revenue duty, and not as the price paid for a service rendered. If it were to be so considered, then England would certainly have committed an injustice in taking the price of another's labor: but that it is a Revenue impost, or tax, to be levied equally on all letters brought into the United Kingdom whether by Foreign or Home packets: that if we had insisted on setting up Steamers and had carried letters in our Steamers for nothing, there would have resulted no inconvenience.

To the suggestion that the course of the British Government on this subject might produce an unpleasant impression on the public mind in America, Lord Palmerston spoke out with warmth: "That is worn threadbare", said he, with great emphasis. "You want us always to yield to you, in order to keep you in an amicable mood. It has always been so; and we have always yielded to you. We did so on the North-Eastern-Boundary-question; we did so on the Oregon question; and what is the Consequence? There never comes up any disturbance in this country but from one end of the United States to the other you begin an outcry against England. Your _____ (naming one of the recent orators in behalf of Ireland,) and so many others, are always and on every occasion uttering all manner of evil about us."

It was not hard to make Lord Palmerston retract what he had so unguardedly uttered. He at once explained away his remarks, and acknowledged fully the loyalty and honorable conduct towards this Country of all persons in America in responsible places.

Thinking I had heard enough, I asked if I were to report what he had said to me as the answer of his Government. He said he would rather give me a written answer to my note of the 21st of February.

I then endeavored to point out to him the bearing of the question on our commerce with England; the eagerness of the Continent, particularly Germany, to attract our commerce; the increased facilities of intercourse with the Continent from the great emigration of Germans; that as a question between Post-Office and Post-Office the American Post-Office Revenue was well off under the British rule, which Lord Palmerston now and always admits we were quite right in applying on our side if we chose to do so; that as a question between Government and Government, we desired to promote friendly commercial intercourse; that the course of the British Government, if persisted in, must be taken as an authoritative declaration on the part of the British Ministry, that they wished us to look elsewhere for our supplies of European manufactures; that we should take care to show clearly our persevering preference for a friendly and liberal policy; that we wanted no yielding to us, but the mutual adoption of principles of even justice; and that we under all circumstances should deplore but should know how to meet any course on the part of the British Ministry tending to the exclusive protection of a British interest.

¹The brackets appear in the original despatch.

Lord Palmerston closed this on his part exceedingly characteristic dialogue by voluntarily acknowledging that we had taken a proper course in the retaliatory measure which Congress had adopted; and expressing in the blindest manner his pleasure at the interview.

Negotiations with the British Postmaster General were reopened verbally on September 22, 1848 (D.S., 58 Despatches, Great Britain, No. 87), and on the following October 14 an accord in principle on the chief point was reached and stated as follows (*ibid.*, No. 94, October 14, 1848; the brackets are in the original; this despatch was read by Clanricarde, as stated in despatch No. 95, of the following day): "that there shall be a sea rate of ten pence to go to the country whose packet does the service; that there shall be a rate of a penny [in America of two cents] to be levied at the respective ports of arrival and departure which penny [or two cents] is to be the only inland rate for those ports respectively; that on letters received and forwarded inland in the United Kingdom, there may be added the further rate of a penny as the British inland rate; and in like manner on letters received or forwarded inland in the United States, there may be added the American inland rate as established by the American law." But these "varying rates" were deemed by the British authorities very inconvenient (*ibid.*, No. 98, November 3, 1848, enclosure, note of Clanricarde of October 30). Bancroft agreed but thought the total too high; his suggestion, which was accepted and embodied in Articles 1 and 2 of the convention, was thus put forward (*ibid.*, enclosure, note of November 1): "Let there then be one uniform rate extending to all parts of the United States embraced in our regular Mail Service, (I mean to exclude from this, for instance, California and Oregon as you exclude the more accessible Bombay and Calcutta,) of 1½^d inland British rate, 8^d Sea rate, and 2¼^d inland American rate."

There remained numerous matters of detail, some of which proved extremely troublesome in the drafting; among these were the clauses regarding "closed mails" and transit letters and the clauses which bore on the postal conventions existing between Great Britain and other countries, particularly that with France of April 3, 1843. As late as November 28 Postmaster General Cave Johnson (who had before him recent despatches, including that of the previous November 10) wrote that he had "lost all hope of any accommodation"; and on November 16 the Secretary of the British Post Office, Colonel W. L. Maberly, informed the Chancellor of the Exchequer that he "considered the Negotiation at an end" (*ibid.*, No. 103, November 24, 1848, enclosure 5); but on December 4 agreement with the Post Office authorities was finally reached. In reporting the agreement Bancroft wrote of the obstacles which he had overcome and added that, while the treaty was to be signed by the Secretary of State (Viscount Palmerston), in the framing of it he had been referred by the Secretary of State to the Treasury, by the Treasury to the Postmaster General, and by the Postmaster General to the Secretary of the Post Office, and that "this last official person avows his continued

resistance to the Treaty from the beginning" (*ibid.*, No. 106, December 12, 1848).

Even after signed copies of the agreed terms had been interchanged at the General Post Office, alterations of importance were proposed and made, following suggestions by Bancroft to Palmerston and discussion with the Chancellor of the Exchequer, Sir Charles Wood, with whom the terms of the convention were definitively arranged on December 13 (*ibid.*, and enclosures, and No. 107, December 14, 1848); and on the day of the signature of the convention, December 15, 1848, it was transmitted to Washington with the following despatch (D.S., 59 Despatches, Great Britain, No. 108):

I send this day, by the "Europa", for Ratification, a Postal Convention between the United States and the United Kingdom which has just been signed by myself, and, in the absence of the Postmaster General, by Lord Palmerston alone.

In negotiating this Treaty, I have aimed at a just and fair reciprocity; the reduction of the sea-rates; the abrogation of all discriminating charges, whatever; respect for the existing Laws regulating inland postage; and a due regard for facilitating the daily course of manual business in the Post Offices of both Countries. This Convention in its progress has encountered much opposition in some quarters here;—I trust it may meet general approbation at home.

The British Post Master General reluctantly consented to accept the varying inland rates now levied by the Laws of the United States within their territory, and to concede the English rate as fixed by Law. The principle was thus settled; its application was difficult, for it gave, for example, on a letter from Boston to Liverpool, and conversely, one rate if sent directly from Port to Port; another rate if sent by New York and Liverpool; and still another if sent by New York and Southampton. To keep just accounts under so varying rates would have been difficult. I agreed, therefore, to make an average of the inland rates in each Country, (excepting always our mails for California and to our remote territories, by land or sea, which are specially provided for in Article Twelve,) and to adopt uniformly these average rates. In England the inland rate on a letter, if paid in advance, is one Penny: if not paid in advance, as most foreign Letters are not, it is Two pence. Three half pence, then, is a just and fair uniform British inland rate. For America an inland letter, if received at a Post Office, for delivery, and not for transmission, pays two cents; if transmitted it pays a varying rate of Five and Ten cents. The average is therefore Five Cents and two thirds of a cent,—less than six cents. Our Post Master General, moreover, as well as Committees in both Houses of Congress, recommend a uniform rate not exceeding Five cents: That rate, therefore, was taken as the uniform American inland rate. But I consented to this only on condition that the Sea rate should be reduced. This was agreed to: so that now by Articles I, II, and III, there is one uniform rate of Twenty four cents on every letter of half an ounce or less, from any part of the United States, within our established post routes,—whether from New York, or New Orleans, or the remotest village Post Office in the far-west—to any part of the United Kingdom. This is a less rate than the present one between London and Paris. It is what the British Packet rate alone formerly was. This Treaty effects such a reduction in the combined rate, that our American inland rate of Five cents, each way, is obtained out of the former British Packet rate.

After this important concession of a reduced sea rate,—which operates exclusively to our benefit until we get at least an equal number of Mail Packets with England,—I did not think I should be justified in refusing to take the Canada mails across our Territory at the Uniform inland rate established by Article II. It seemed to me wise to treat our Canadian neighbors liberally: A special Act of Congress on the subject of mails in transit to Canada [joint resolution of June 15, 1844; 5 Statutes at Large, 718–19], favors such a policy: the concession of a sea rate of Eight pence was coupled with my assent to this Fifth Article: and moreover, I believe that Congress, before this Convention goes fully into opera-

tion, will have reduced our own rates for our own letters to Canada, to Five Cents. Besides: the old agreement gave to the English closed mails a special express Conveyance;—there is now no stipulation for a separate train, or for extraordinary speed: It is all left to the Post Master General's discretion.

I would have insisted in Article VI, for a corresponding concession for closed mails through Canada at reduced rates. But Great Britain is on the point of transferring the management of the Canadian Post Office to the Canadas; and the Canadas are themselves to reduce their inland postage.

Newspapers are by Article XV to cross the seas in the Mail Packets of either Country without charge for sea conveyance; only each country is to take on its own account, two cents or one Penny on every newspaper going out of it or coming into it. So for the transit, each newspaper is to be charged two cents in America, and in Great Britain one penny or in some cases less.

In like manner, by Articles Seventeen and Eighteen there is to be no charge for sea conveyance of other periodicals, and pamphlets. Each party is to collect for itself suitable inland rates. If more convenient, we may retain our present rates & scale of increase for printed matter, or adopt any other not higher on the average than the rates in the Articles. The rates and scale of increase named in the Treaty are those adopted by Great Britain in all its Postal Conventions. The rate for the first two ounces is very moderate; the scale of increase is high. I would have consented to adopt a lower one; but it was alleged that in practice it would have crowded the mails beyond measure with what perhaps more properly should go through the Custom Houses of the two Countries.

I offered to permit the printed Circulars of merchants and manufacturers to be sent at the same rate as other printed matter. The British Post Office objected: but our American advertisements, if printed as extra newspapers, will pay only newspaper postage.

Freedom of transit for letters and newspapers was of the utmost importance. I held that we should have the right to bring our transit letters in our own Packets to a British port, and deposit them free of British charge in the British Post Office, there to be treated as letters originating in England. The Post Office department insisted on charging three half pence beside. But the Chancellor of the Exchequer viewed the subject exactly as I did: and we very easily came to an agreement on the point, as expressed in Article Twelve. By that Article, a letter sent through England pays in America twenty one cents in advance, instead of twenty four. Of these, five cents is the American inland rate, and sixteen cents the Packet rate, American or British, as it may be. For that payment in advance,—all of which goes into our Treasury if the Packet is ours,—the letter is delivered into the British Post Office, to be sent at the rates paid by the British themselves, to any part of the world to which the British Postal system extends. And conversely.

A small difficulty did indeed arise; but as the Chancellor and I had but one mind on what was right, we easily surmounted it.

By Article VIII, you will perceive that we have a right to send Letters and Newspapers, in the usual channels, or in closed mails, through the United Kingdom, as well to France, as to other foreign Countries. A difficulty occurred in settling the rates to be paid for letters to France, passing through England. By the 52^d Article of the British and French Postal Convention [of April 3, 1843; British and Foreign State Papers, XXXI, 37–89], (of which I have sent home a Copy,) the French pay on letters, to the British Government one uniform rate of Forty pence per ounce, British net weight, for transit through the United Kingdom and sea conveyance to and from Countries beyond sea. There is one and the same rate for Letters, whether from Brazil or Van Dieman's Land; from Boston or Calcutta. But by our present Treaty with England this rate becomes too high on letters between France and the United States passing through the United Kingdom. The Chancellor of the Exchequer is therefore willing, on his part, to reduce the rates to be paid on such letters, and apply the principle of the Twelfth Article of this Treaty to France.

For this, the concurrence of France is necessary. But, of course, France will not refuse to accept what comes to her mainly as a simple reduction of her rate of postage. At the same time, we ourselves have a motive to introduce France into this part of the negotiation; for, as far as Great Britain is concerned, she has

a common interest with us. Further; we may have mail Steamers to Havre bringing letters for Great Britain; and these must be provided for. It seems, therefore, that we have nothing to lose by consenting to perfect this part of our arrangement by a tripartite agreement between the three Countries.

The question comes up as to how we shall be placed in the interim. We can send letters under cover to Liverpool, to be there mailed and forwarded to France, at a rate of only three half pence the half ounce beyond what would be payable if France were not excepted from the Twelfth Article. Letters so sent, would in many cases go at less cost than under the British Treaty with France. On a parcel of a half ounce, the New York rate would be Five cents, or two pence halfpenny, the sea rate, Eight pence, the British inland rate one penny halfpenny, to which five pence must be added for Transit from Liverpool to France; while by the English Treaty with France a letter of a half ounce which equally pays in New York Five cents or two pence halfpenny, pays on delivery in France, for sea conveyance and transit, the sum of Twenty pence: So that, by the one way, the cost on a letter of a half ounce from the United States through England to France, will be Seventeen pence, and on the other, will be Twenty Two and a half pence. Of course, England has as strong an interest as we, to remove this inconvenient inequality.

Thus I think it no disadvantage to us to leave the transit rate to France to be settled conjointly with France;—the Chancellor having most explicitly and repeatedly stated, that his wish is to arrange with France to charge on our letters in Transit to France what a Liverpool merchant pays on a letter to France originating in Liverpool, and conversely, without the further exaction of the three half pence British inland rate as established by Article II of this Convention.

The preceding paragraphs of my dispatch, relating to the transit of our Letters and Newspapers, through the United Kingdom to and from France, have been read by me to the Chancellor of the Exchequer, who concurs in the exact accuracy of my statements.

I hope for the approbation of the President on the result of this very laborious negotiation, which could not have been proceeded with but for the aid of Congress, and even now would hardly have been terminated, but for the enlightened goodwill of the First Lord of the Treasury, and the hearty co-operation of the Chancellor of the Exchequer and Viscount Palmerston.

P.S. By Article IV, you will perceive that I have reserved for our Country the liberty, on letters over a half ounce in weight, to employ the scale of progression in operation in its own territory. But, at the same time, I cannot but recommend the adoption of the English scale of progression. It would raise the rate on scarcely one letter in a hundred; at the same time it would save to the Post Office a great deal of labour on every letter transmitted. The success of the cheap postage system depends on simplifying the manual processes, and diminishing labor. Where the rates are high it is proper to weigh each letter; and so to have a scale of progression by the half ounce. Where rates are uniform and low, the scale of progression should be by the ounce, so that the Post Office clerks may, without often using the scales, at once decide what rate attaches to each letter.

TERMINATION OF THE DOUBLE SEA POSTAGE

On the day before the signature of the convention it was agreed that the charges levied by each country on letters conveyed by the packets of the other should be ended, and the following notes were written, the first by the Chancellor of the Exchequer, Sir Charles Wood, and the second by the American Minister "on behalf of the Postmaster General of the United States" (D.S., 58 Despatches, Great Britain, No. 107, December 14, 1848, enclosures):

[Sir Charles Wood to Mr. Bancroft]

DOWNING STREET, December 14, 1848.

DEAR SIR, As we have now arranged the terms of the Convention for regulating the transmission of Letters, and postage thereon, between the United Kingdom and the United States, on the principle that the payment for the sea passage shall always be made to the Country by whose Packets the letters are conveyed but it will require some time before the necessary measures can be taken for executing all the stipulations of the Convention, I would propose to you to relieve the Communication between the two Countries, at once, from the charge levied in each Country on the letters conveyed by the Packets of the other: and I am quite ready to take the necessary steps for this purpose in this Country, if I can rely on a similar course being pursued in the United States.

Yours truly

(Signed) CHARLES WOOD

GEORGE BANCROFT, Esq^r
&c &c &c

[Mr. Bancroft to Sir Charles Wood]

AMERICAN LEGATION
London 14 December, 1848.

DEAR SIR CHARLES, I accept, on behalf of the Postmaster General of the United States, the proposition contained in your note of this day. I request you therefore, at once to take the necessary steps on your part, to relieve the communications between the two Countries from the charge levied in each Country on the Letters conveyed by the Packets of the other. I am authorized by the Post Master General of the United States to assure you, that a similar course in the United States will forthwith be pursued.

Yours sincerely

(Signed) GEORGE BANCROFT

The CHANCELLOR OF THE EXCHEQUER
&c &c &c

The report of Bancroft regarding this agreement is in the despatch last cited, as follows:

Having yesterday arranged definitively with the Chancellor of the Exchequer the terms of our Postal convention, I urged him to the immediate rescinding of the Post Office order No 9. of June. 1847; offering in return the old rates as they existed with us before our retaliatory law. The Chancellor took the subject into consideration, and at our interview today, he adopted the proposition. A question of form arose. I said, a note from him to me & a reply on my part for Mr Johnson would be sufficient. At once he addressed me the note and I returned the reply, of which you find copies annexed. Pray communicate immediately with Mr Johnson, that our Post Office may adopt *forthwith* the necessary steps for fulfilling the engagement into which I have entered on its behalf. Let me congratulate Mr Johnson on the happy result of his firmness. The difficulties on this side have been wholly at the British Post-Office; the Chancellor it was, who, almost simultaneously with myself suggested (but not to me) the basis on which this troublesome business could be properly settled; and it is due to him to say, that his conduct at the close of this negotiation has been such as was to have been expected from a statesman, careful of the interests of his own country, & at the same time disposed to do justice to ours.

FORM OF THE CONVENTION

All bilateral postal conventions between the United States and Great Britain except the one now under consideration have taken the form

of agreements made by the Post Office authorities of the two countries and have not been submitted to the Senate of the United States.

During the years immediately preceding 1847 the negotiations that took place between the American and British Post Office Departments were conducted by correspondence, not direct, but through the medium of the diplomatic channel; in February 1843 the Minister at London (Edward Everett) transmitted to the Secretary of State (Daniel Webster) a draft of a postal convention communicated by the Secretary of the General Post Office (Colonel Maberly) by direction of his chief, the Postmaster General (Lord Lonsdale); this draft was referred by the Department of State to the Postmaster General of the United States (Charles A. Wickliffe), who wrote his comments thereon to the American Minister at London, who in turn wrote to the Postmaster General of Great Britain suggesting a conference on the subject (see D.S., 50 Despatches, Great Britain, No. 33, February 28, 1843; 15 Instructions, Great Britain, 83-84, March 29, 1843; 56 Despatches, Great Britain, No. 47, May 21, 1846, and enclosures); and the proposals and other communications that led up to the postal convention of February 14, 1845 (the text of which is printed above in these notes), passed to and fro along a somewhat similarly circuitous route, the British Minister at Washington being in that instance one of the intermediaries instead of the American Minister at London (see Library of Congress, Pakenham Papers, facsimiles from the Public Record Office, London, Foreign Office Records, 1844-45, *passim*).

The mission to Europe of Selah R. Hobbie, First Assistant Postmaster General of the United States, in 1847, is an early instance of direct Post Office negotiations; and the chief reason for that mission was the establishment of the policy of American mail steamers by the acts of March 3, 1845, and March 3, 1847 (5 Statutes at Large, 748-50, and 9 *ibid.*, 187-88); it was on the maiden voyage of the first of the American packets, the *Washington*, that Hobbie embarked for Bremen on June 1, 1847; he was sent by the Post Office Department "with ample powers to make postal arrangements" (letter of Cave Johnson of July 27, 1847, quoted above. For the results of the mission of Hobbie and his powers, instructions, and report, see Senate Executive Document No. 1, 30th Congress, 1st session, serial 503, pp. 1324-27; House Executive Document No. 35, 30th Congress, 1st session, serial 516; Senate Executive Document No. 25, 30th Congress, 2d session, serial 531).

Those powers had statutory bases and limitations; there were in force two enactments granting authority in this regard to the Postmaster General; one of these, the act of March 3, 1825, was a general statute, section 34 of which is relevant here (4 Statutes at Large, 102-14; the wording of the relevant section is from section 26 of the act of February 20, 1792, 1 *ibid.*, 232-39); the joint resolution of June 15, 1844 (5 *ibid.*, 718-19), dealt with arrangements for the Canadian mails and with the authorities in France and Germany. The rates of postage fixed by the act of 1825 had been reduced by the act of March 3, 1845 (*ibid.*, 732-39).

Had the controversy regarding the double sea postage not arisen, it may well be that Bancroft would not have taken part in the postal negotiations initiated at London in the summer of 1847; and in any case the form of agreement first contemplated was a postal convention made as an arrangement between the two Post Office Departments. In his despatch of October 9, 1847, Bancroft wrote (D.S., 57 Despatches, Great Britain, No. 47):

Mr Hobbie came to town in season to be at the Legation on the morning of Monday the 4th of October. We first considered the powers given us for making a Postal arrangement with Great Britain. They seemed so ample as to include a delegation of all the powers of the Post Master General himself, on the subject.

Mr Johnson in his letter to me of August 23, expresses his hope that an arrangement for the interchange of mails between the two countries may be effected "on terms equally advantageous to both".

The 34th Section of Chapter 54, Session of 1825 . . . gives unqualified power to the Post Master General to "make arrangements with the Post Masters in any foreign Country for the reciprocal receipt and delivery of letters and packets through the Post Office".

The joint Resolution of June 15, 1844 . . . authorizes special arrangements respecting the Canada Mail, and points to optional prepayment as the American policy with Foreign Commercial States.

Under these circumstances we deemed ourselves authorized to proceed in framing an arrangement with the Post Master General of Great Britain.

Clearly there was not at that time in the minds of either American official any arrangement going beyond the described statutory authority of the Postmaster General of the United States.

Two weeks later Bancroft envisaged the possibility of a different form of convention and asked for instructions; from his despatch of October 23, 1847, the following is excerpted (*ibid.*, No. 50):

As Mr Hobbie returns in the "Washington", to-morrow, I feel more sensibly the want of further and more definite instructions. Shall the Postal arrangement be concluded as a Treaty, or by me as Agent of the Post Office? Shall it be completed here, and at once put into effect? Or shall it be transmitted to America for execution? What rates, Inland and Sea will be satisfactory? And what are admissible? What rates are admissible for the Canada Postage?

I should like specific opinions and Instructions from yourself or Mr Johnson on every point.

It seems that Bancroft then had in mind the distinction that while a convention generally providing for reciprocal treatment might be signed by him forthwith "as Agent of the Post Office", an agreement with detailed clauses of rates would perhaps require more time and a different procedure. A note to Clanricarde of the same date as the despatch last cited contains these paragraphs (*ibid.*, enclosure 3):

I am ready at any moment to sign and put into immediate operation a Convention on general terms of entire reciprocity, as expressed in the Commercial Convention of 1815; leaving each country to regulate respectively its inland postage and transit rates, but applying uniform rates to packet ships and letters of both countries.

And I am also ready, whenever it may suit your Lordship's pleasure to give continuous attention to the questions of transit and other rates; if the mode of adjustment by fixed rates, jointly agreed upon, is preferred by your Lordship.

The course which the negotiations took a year later brought clearly into view the two sources of authority under which Bancroft might act; as set forth earlier in this narrative, Bancroft and Clanricarde reached an agreement in principle on October 14, 1848; that basis (quoted above) was one of simple reciprocity; but when it was implemented, practical inconveniences were apparent and both negotiators preferred (and finally adopted) clauses for uniformity of rates, leading to a convention of much greater detail; difficulties arose in the drafting of those clauses; at a moment when those difficulties appeared to be quite serious, Bancroft proposed, in the event that they should prove to be fatal, or even to necessitate delay, to revert to the basis of October 14; such an agreement could, Bancroft said, be signed as one between the two Post Offices (although he had earlier spoken of its submission to the Senate; see D.S., 58 Despatches, Great Britain, No. 95, October 15, 1848), while the more elaborate "uniformity" clauses required "the sanction of the President and Senate".

The reasons for Bancroft's opinion (the correctness of which is not doubted) were these: Inland rates of postage in the United States were fixed by law; the proposed "reciprocity" convention left them as they were; the submission to the Senate of such a convention, while doubtless possible, was superfluous, as it was clearly within the statutory authority of the Postmaster General under section 34 of the act of 1825 (cited previously); but on the other hand the proposed "uniformity" convention not only varied those lawful rates but in some cases lowered them below the figures of the statute; for such a convention the Postmaster General of the United States had no power; only a treaty approved by the Senate (or an amending statute) might override the enactment; so the proposed "reciprocity" convention Bancroft had accepted on behalf of the Postmaster General; the "uniformity" convention he accepted only "as Minister". Bancroft thus wrote to Clanricarde on the subject on November 23, 1848 (*ibid.*, No. 103, November 24, 1848, enclosure 10):

The report which I made to my Government on the 14th of October, of our settlement of the Post Office differences, gave great satisfaction. I sent home the identical paper which I had submitted for your perusal, and which obtained your approbation. The public got some intimation of our Agreement, and general gratification was expressed, in precisely that tone of feeling which I am sure your Lordship as well as I, wishes may ever prevail. Mr. Johnson our Postmaster General, has returned his cordial approval of the arrangement agreed upon; he likes the basis on which it rests; and further: he authorizes me at once to sign a Convention on the basis of your Proposition of the 14th October, to go into operation immediately, his powers being sufficient for that purpose. If, therefore, our negotiation for uniformity, *which requires the sanction of the President and Senate*, shall be delayed, or shall fail, I have only to ask you, on your return to London, to sign with me, or in your absence, to cause to be signed by the Secretary of the Post Office on your side, and the Secretary of this Legation on mine, the few simple articles you offered me and I accepted at our interview of the 14th of October.

I say, if our negotiation for uniformity shall be delayed, or shall fail. . . .

In the draft of the Treaty, the Fifth Article which we, under the basis of the 14th of October were agreed upon, was altered, and the Rate of Five cents for the Canada Mails was substituted, even in cases where our people pay Ten. I could not agree to this without reflection. Taking a day to think of it, and remembering that I could yield this only on my responsibility as Minister, I yet, to show you my earnest disposition to meet your wishes, resolved to do so.

This convention is thus an illustration of the well-settled principle that a treaty as the "supreme Law of the Land" may supersede (in this case *pro tanto*) an earlier and conflicting statute.

It is, moreover, significant that when Bancroft signed the convention of December 15, 1848, he (almost certainly) had before him a letter of Cave Johnson, Postmaster General, expressly *disapproving* certain of its clauses; only one paragraph of that letter of November 28, 1848, need be quoted (D.S., 58 Despatches, Great Britain, bound following despatch No. 100 and enclosures):

I can never give my Consent to any Postal arrangement which will authorise the letters of the Citizens of the United States, when Conveyed in the English Mails, to be Charged more than is paid by British subjects for the same service and at the same time, undertake to Convey British letters in the Mails of the United States for less than the price paid by our own Citizens.

The second paragraph of the preamble (which Bancroft wrote; see his note to Palmerston of December 5, 1848, and the enclosed "Counterpart Copy of the Preamble"; *ibid.*, No. 106, December 12, 1848, enclosure) in itself shows that Bancroft was acting "as Minister"; he is there said to have been named as Plenipotentiary "by and with the advice and consent of the Senate"; the reference is to his commission of December 23, 1846, as "Envoy Extraordinary and Minister Plenipotentiary of The United States of America at the Court of The United Kingdom of Great Britain and Ireland", following confirmation by the Senate on the same day (D.S., 3 Credences, 185; see Executive Journal, VII, 168; the earlier recess commission is of September 9, 1846; see D.S., 3 Credences, 183); there is no record of the issuance of any full power to Bancroft for this convention; and while there is the usual formal mention in the preamble (paragraph 4) of the communication of the respective full powers, the wording quoted from the second paragraph is evidence that none was issued, for the consent of the Senate to the naming of a Minister in a full power was (and is) unnecessary; Bancroft had plenary authority to sign; and it was to that authority and not to any formal instrument that he referred when he wrote to Clanricarde (in answer to his enquiry) on November 1, 1848, "I have full powers to conclude and sign a Treaty" (D.S., 58 Despatches, Great Britain, No. 92, November 3, 1848, enclosures).

But in one respect Bancroft did act formally not "as Minister" but "on behalf of the Postmaster General of the United States"; his note to the Chancellor of the Exchequer of December 14, 1848 (quoted above), agreeing to the termination on both sides of the double sea postage, is expressly so worded.

There is nothing in the papers (aside from the customary words of the fourth paragraph of the preamble) regarding the issuance of any full power (in the formal sense) to Lord Palmerston; such an instrument was doubtless deemed unnecessary. The fact that the Marquis of Clanricarde did not also sign on behalf of Great Britain is attributed to his absence from London at the time (see the first paragraph of the despatch of Bancroft of December 15, 1848, quoted above); so this

postal convention was signed by the British Secretary of State for Foreign Affairs and the American Minister as the respective Plenipotentiaries, a circumstance unique in the relations of the two countries.

While, as has been seen, it was essential from the American standpoint that this convention should be written as a treaty for submission to the Senate, it appears that, for very different reasons, the form adopted was also deemed desirable by the British Government and that a simple arrangement between the two Post Offices would hardly have been acceptable; the following excerpts are relevant to the point (D.S., 58 Despatches, Great Britain):

The Marquess of Clanricarde declared the difficulty he had had in coming to an agreement on his sole responsibility as Post Master General; that as a member of the government he viewed the question as an international one; that the First Lord of the Treasury and the Chancellor of the Exchequer agreed in wishing the subject satisfactorily settled: [No. 94 from Bancroft, October 14, 1848.]

I see no reason why the new arrangements should not come into operation with the new Year, even if the Treaty should not be formally signed. Because I understand the Postmaster General of the United States to possess sufficient powers, as does the Treasury of my Government, to give immediate effect to our agreement. [Clanricarde to Bancroft, November 10, 1848, enclosure to No. 100, of the same date.]

Lord Clanricarde must have the official sanction of the Treasury before he could sign even a provisional agreement; still if the Chancellor of the Exchequer agrees, all this may be arranged in a few days by his giving directions . . . to have the matter arranged immediately. I fear the provisional agreement could not come into operation by the 1st of January. After the warrant was signed by the Lords of the Treasury we would want 8 or 10 days to print and circulate through the Kingdom the necessary orders to our Postmasters. [Maberly to Bancroft, November 13, 1848, enclosure to No. 101, November 17, 1848.]

Lord Clanricarde appears still to decline to make a Postal Convention between the two Post Offices. Indeed, he once told me he was unwilling to do so, because he wished to share with his Government the responsibility of the Postal Treaty. [No. 104 from Bancroft, December 1, 1848.]

Having yesterday arranged definitively with the Chancellor of the Exchequer the terms of our Postal convention. . . . [No. 107 from Bancroft, December 14, 1848.]

During this general period some British postal conventions were signed as formal diplomatic instruments and some as arrangements between Post Offices; for example, the convention with France of April 3, 1843 (British and Foreign State Papers, XXXI, 37-89), was signed at London by the Secretary of State for Foreign Affairs and the Postmaster General on the one hand and by the French Ambassador on the other, with full powers, respectively, from the Queen of the United Kingdom of Great Britain and Ireland and from the King of the French; similarly, the convention with France of September 24, 1856 (*ibid.*, XLVI, 195-224), was signed at Paris by the British Ambassador and the French Minister for Foreign Affairs, with full powers from their respective monarchs; on the other hand, the convention with the Netherlands of October 14, 1843 (*ibid.*, XXXI, 89-109), was signed at London by postal officials with full powers from

the respective chiefs of the Post Offices of the two countries; the content of the two conventions with France mentioned is doubtless to be deemed at least one reason for the difference of form; such articles as 7 and 8 of the convention of 1843 and 5 and 11 of the convention of 1856 would normally be only for Foreign Offices to write.

ARTICLE 12

The final paragraph of Article 12 excepts from the previous stipulations transit mail to and from France through England, adding that "the two contracting parties agree to invite France to enter into Communication with them without loss of time, in order to effect such arrangements for the conveyance of Letters and Newspapers and closed mails through the territories of the United States, of the United Kingdom, and of France respectively, as may be most conducive to the interests of the three Countries."

Steps were at once taken in this regard; a full power was issued, as follows (D.S., 3 Credences, 259):

James K. Polk, President of the United States of America,

To all to whom these presents shall come, Greeting:

Know Ye, That reposing special trust and confidence in the integrity, prudence, and abilities of George Bancroft, Envoy Extraordinary and Minister Plenipotentiary at London, and Richard Rush, Envoy Extraordinary and Minister Plenipotentiary at Paris, I have invested them with full and all manner of power, for and in the name of the United States, to meet and confer, jointly or severally, with any person or persons furnished with like powers on the part of Great Britain and of France, and with him or them to negotiate for the arrangement and improvement of the communication by post between the United States of America, Great Britain, and France, and of all matters and subjects connected therewith which may be interesting to the three countries; and to conclude or sign a treaty or treaties, convention or conventions, touching the premises, transmitting the same to the President of the United States for his ratification by and with the advice and consent of the Senate thereof.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed. Given under my hand, at the City of Washington (L.S.) on the eighth day of January, in the year of our Lord one thousand eight hundred and forty-nine.

JAMES K. POLK.

By the President:

JAMES BUCHANAN,
Secretary of State.

The negotiations contemplated were to be carried on by Bancroft exclusively, if had at London, but otherwise if at Paris (D.S., 15 Instructions, Great Britain, 377-78); they were at once initiated at Paris (D.S., 59 Despatches, Great Britain, Nos. 118 and 119, February 7 and 8, 1849); but neither the efforts of Bancroft nor those of his successors during some years were successful; and in 1853 the advisability of terminating this convention of 1848, pursuant to the provisions of Article 22 thereof, was considered (D.S., 16 Instructions, Great Britain, 189-90, February 3, 1853). The printed correspondence up to 1855 is extensive (Senate Executive Documents No. 32, 32d Congress, 2d session, serial 660, and No. 73, 33d Congress, 2d

session, serial 756); the questions involved are elaborately presented in a letter of the Postmaster General (James Campbell) to the Secretary of State (William L. Marcy) of July 19, 1853 (printed in *ibid.*, pp. 47-56); they are referred to in the successive annual reports of the Postmasters General from 1849 to 1857, inclusive (Senate Executive Documents No. 1, pt. 1, 31st Congress, 1st session, serial 549, p. 795; No. 1, pt. 1, 31st Congress, 2d session, serial 587, p. 407; No. 1, pt. 2, 32d Congress, 1st session, serial 612, pp. 438-39; No. 1, pt. 2, 32d Congress, 2d session, serial 659, p. 645; No. 1, pt. 3, 33d Congress, 1st session, serial 692, pp. 720-21; No. 1, pt. 2, 33d Congress, 2d session, serial 747, pp. 631-33; No. 1, pt. 3, 34th Congress, 1st session, serial 812, p. 333; No. 5, pt. 2, 34th Congress, 3d session, serial 876, pp. 773-74; No. 11, pt. 3, 35th Congress, 1st session, serial 921, p. 974); the latest of those reports announced the conclusion of a postal convention with France on March 2, 1857 (16 Statutes at Large, 871-89); regarding that convention the report said: "The rate of postage for letters of the weight of one-quarter ounce or under is fifteen cents, irrespective of the route, whether through England or direct, by which they are conveyed. France accounts to Great Britain for the British sea, and transit postage, as explained in the articles of agreement hereto annexed. This is the first postal convention between the two countries."

That postal convention of March 2, 1857; between the United States and France appears to have been made possible by the postal convention of September 24, 1856, between France and Great Britain (British and Foreign State Papers, XLVI, 195-224); the rates fixed by that convention are strikingly lower than those of the earlier convention between the two countries (April 3, 1843; *ibid.*, XXXI, 37-89); for example (reduced to American currency at the then approximate equivalents), the sum payable for transit and sea conveyance of letters by the convention of 1843 is 80 cents an ounce net weight, and by the convention of 1856, 32 cents (cf. Article 52 of the convention of 1843 with Articles 21 and 22 of the convention of 1856).

ARTICLE 21

There were sixteen subsequent agreements made between the respective Post Offices, pursuant to Article 21; these are listed in 16 Statutes at Large, xxxi, and are printed in the same volume at pages 788-832.

ARTICLE 22

This convention was superseded and terminated by the convention between the two Post Offices of June 18, 1867 (*ibid.*, 833-36).