

July 24, 1930.

Parcel post convention between the United States of America and Cuba. Signed at Washington, July 24, 1930; approved by Cuba, October 14, 1930; by the President of the United States, October 29, 1930.

PARCEL POST CONVENTION

between

THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CUBA

Parcel post convention with Cuba. Preamble.

For the purpose of concluding arrangements for the exchange of parcel post packages between the United States of America (including Alaska, Hawaii, Porto Rico, Guam, Samoa, and the Virgin Islands of the United States) and the Republic of Cuba, the undersigned, Walter F. Brown, Postmaster General of the United States of America, and José A. Montalvo, Director of Posts, and duly appointed envoy of the Republic of Cuba for the purpose of negotiating and signing a parcel post convention, by virtue of authority vested in them, have agreed upon the following Articles:

ARTICLE I

Scope of Convention.

1. The provisions of this Convention relate only to ordinary and registered parcels to be exchanged by the system herein provided for and do not affect the arrangements now existing under the Universal Postal Convention, which will continue as heretofore; and all the agreements hereinafter contained apply exclusively to parcels exchanged under these articles.

Modification of prior Conventions.

2. Articles of merchandise exceeding 8 ounces and not exceeding 22 pounds in weight, contained in the mails exchanged between the United States and Cuba, come exclusively within the terms of this Convention, and section "(a)" of Article I of the Postal Convention between the two countries signed June 16, 1903, as modified by the Amendment of August 19, 1903, is further modified accordingly.

Vol. 33, pp. 2186, 2192; Vol. 44, p. 2169.

ARTICLE II

Inclusion of all matter admitted to domestic mails.

1. There shall be admitted to the exchanges made under this Convention articles of merchandise and mail matter of all kinds (including manufactured tobacco, as well as cigars and cigarettes, upon which shall be collected the full duties applicable in either country whether the value thereof be great or small) that are admitted under any conditions to the domestic mails of the country of origin and the country of destination, except that no parcel may exceed twenty-two pounds (ten kilograms) in weight nor four feet in length, with the proviso that parcels over 42 inches but not over 44 inches in length are restricted to 24 inches in girth, those over 44 but not over 46 inches in length to 20 inches in girth, and those over 46 inches in length to 16 inches in girth.

Limits of weight and size.

All parcels must be sealed with wax, adhesive tape, or in some other acceptable manner, but in the country of destination they may be opened by customs officers for examination and appraisal of their contents, such parcels to be thereafter officially sealed by the customs officers.

Packing, etc., requirements.

ARTICLE III

1. The following articles are specially prohibited transmission in the mails exchanged under this Convention:

Specific prohibitions.

(a) A letter or communication of the nature of personal correspondence must not accompany, be written on, or inclosed with any parcel. If such be found, the letter will be placed in the mails, if separable, or, if the communication be inseparably attached, the whole parcel will be rejected. If, however, any such parcel should inadvertently be forwarded, the country of destination will collect on the letter or letters double rates of postage, according to the letter rates in force.

Letters, etc.

(b) An enclosure intended for delivery at an address other than that borne by the parcel itself. If such enclosed packages be detected, they must be sent forward singly, charged with new and distinct parcel post rates.

Enclosure with different address.

(c) Any live animal.

Live animal.

(d) Any article of which the admission is not authorized by the Customs or other laws or regulations in force in either country.

Unauthorized article.

(e) Any explosive or inflammable article, and, in general, any article of which the conveyance is dangerous.

Explosive, etc., articles.

2. Each country will supply, from time to time, a list of prohibited articles and a list of articles removed from the prohibited list which thereby become acceptable in the mails exchanged under these Articles.

List of prohibited articles to be furnished.

3. The following articles and those of similar character shall not be accepted for transmission through the parcel post to Cuba, but when mailable may be sent as registered matter provided they are sealed and the letter rate of postage is paid: Precious stones, mounted or unmounted; valuable jewelry, such as rings, brooches, tie pins, chains, cuff links, dress sets, fobs, bracelets, lockets, necklaces, etc.; all articles of gold or other precious metal for personal use, such as cigarette holders, cigarette cases, vanity cases, card cases, lorgnettes, mesh bags, watches, etc.; gold scrap, jeweler's filings; money packets (which are construed as including bank notes, coin, bullion, gold dust, bonds, and coupons payable to bearer, stocks, and other securities negotiable by bearer).

Registration required of designated articles.

4. Every article imported into the United States which is capable of being marked, stamped, branded or labeled, without injury, at the time of its manufacture or production, shall be marked, stamped, branded, or labeled, in legible English words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin; such marking, stamping, branding or labeling shall be as nearly indelible and permanent as the nature of the article will permit.

Jewelry, etc.

5. All admissible articles or merchandise mailed in one country for the other, or received in one country from the other, shall be free from any detention or inspection whatsoever, except such as is required in connection with the treatment by fiscal officers for the assessment of customs or internal revenue duties, and shall be forwarded promptly to their destination, being subject in their transmission and delivery to the laws and regulations of each country respectively.

Markings, etc.

Freedom from detention, inspection, etc.

Exception.

ARTICLE IV

Rates, etc.

1. Each country is at liberty to fix the rates of postage, registry fees, and other charges applicable to parcels mailed in its own territory, and such parcels must be fully prepaid before dispatch.

Delivery.

2. The parcels shall be promptly delivered to the addressees in accordance with the domestic regulations of the country of destination free of charge for postage; but the country of destination may, at its option, levy and collect from the addressees for interior service and delivery a charge the amount of which is to be fixed according to its own regulations; but which shall in no case exceed ten (10) cents for each parcel whatever its weight.

Customs duties, etc.

3. Every parcel shall be subject in the country of destination to all customs and internal revenue duties and all fiscal regulations in force in that country for the protection of its revenues.

ARTICLE V

Customs declaration.

1. The sender of each parcel shall prepare a customs declaration, to be securely attached to the parcel, upon a special form provided for the purpose, giving a general description of the parcel, an accurate statement of its contents and value, date of mailing, the sender's signature and address, as well as the name and address of the addressee.

Mailing receipt.

2. The sender may, on request at the time of mailing of an ordinary parcel, receive a certificate of mailing from the post office where the parcel is mailed, on a form provided for the purpose, and each country may fix a reasonable fee therefor.

ARTICLE VI

Nondelivered parcels.

1. The sender of a parcel shall give instructions at the time of posting that, if the parcel can not be delivered as addressed, it shall be either (a) treated as abandoned, (b) tendered for delivery at a second address in the country of destination, or (c) returned to the sender. No other alternative is admissible. If the sender avails himself of this facility, his instructions must appear on the parcel or on a Dispatch Note or Customs Declaration attached to or affixed to the parcel and must be in conformity with or analogous to one of the following forms:

Disposition instructions.

- (a) If not deliverable as addressed abandon.
- (b) If not deliverable as addressed, deliver to _____
- (c) If not deliverable as addressed, return to sender.

In case of forwarding or return to origin each country may apply its domestic regulations.

Nonreturnable parcels.

However, the following described parcels need not be returned to the country of origin, but may be disposed of, without recourse, in accordance with the customs laws and regulations of the country of destination:

Seizures under customs laws.

(a) Parcels containing articles subject to seizure as being imported or brought into the United States or Cuba in any manner contrary to law, including articles subject to seizure under the customs laws because of a false or fraudulent invoice or declaration covering the same or for any willful act or omission on the part of the sender or addressee or agent by means whereof the United States or Cuba shall or may be deprived of the lawful duties.

(b) All parcels of which the addressee refuses to take delivery or declines to make formal entry when requested by the customs officer in cases where the appraised value exceeds the value shown in the declaration of entry, and where evidence of fraudulent intent is shown.

Refused acceptance by addressee.

The particulars of the disposition of each parcel shall be communicated by one Postal Administration to the other.

Disposition.

2. Parcels which it has not been possible to deliver and which are liable to deterioration or corruption may, however, be sold immediately, without previous notice or legal formality, for the benefit of the party entitled thereto, the particulars of the sale being reported by one Administration to the other. The proceeds of the sale shall be devoted to paying the charges on the parcel; the remainder, if any, shall be sent to the office of origin to be paid to the sender. If for any reason a sale is impossible, the spoiled or worthless articles shall be destroyed by the postal or customs officials and appropriate report made to the administration of origin.

Perishable articles not deliverable.

3. With the reservation that the formalities prescribed for administrative reasons by the Administrations concerned be complied with, the customs duties on parcels which have to be sent back to the country of origin or redirected to a third country shall be canceled both in the United States and in Cuba.

Customs duties canceled if article returned.

4. Parcels missent to either country shall be immediately returned to the dispatching office of exchange. Attention shall be called to the error by means of a Bulletin of Verification.

Missent articles.

5. Parcels which are abandoned by the senders will not be returned to origin, but will be disposed of in accordance with the regulations of the country of destination.

Abandoned articles.

6. Each country may impose reasonable storage charges in case the addressee fails to accept delivery of any parcels within such reasonable time as is prescribed by the country of destination. Any such charges shall be canceled in the event of the return of the parcel to the country of origin.

Storage charges.

ARTICLE VII

Each country shall retain to its own use the whole of the postage, registry fees, or other charges it collects on parcels exchanged with the other, but it is agreed that the country of origin shall allow to the country of destination thirty (30) cents a parcel on the total excess number of such parcel post packages dispatched over the number of such parcel post packages received, settlement to be made in the General Postal Account between the two countries. The creditor country shall prepare an account at the end of each quarter of the amount due to it in respect of the parcels received in excess of those dispatched.

Retention of fees, etc.

Mutual payments.

Accounting.

ARTICLE VIII

1. The parcels shall be considered as a component part of the mails exchanged direct between the United States and Cuba to be dispatched to destination by the country of origin at its cost and by such means as it provides; but must be forwarded, at the option of the dispatching office, either in receptacles prepared expressly for the purpose or in ordinary mail sacks, securely sealed with a lead seal or otherwise, as may be mutually provided by regulations hereunder.

Method of transportation.

2. Each country shall promptly return empty to the dispatching office, by mail, all such sacks or receptacles.

Return of empty sacks.

Exchange offices.

3. Exchanges under this Convention from any place in either country to any place in the other shall be effected through the post offices of both countries already designated as exchange post offices, or through such others as may be hereafter agreed upon, under such regulations relative to the details of the exchange as may be mutually determined to be essential to the security and expedition of the mails and the protection of the customs revenues.

Packing.

4. Although articles admitted under this Convention will be transmitted as aforesaid between the exchange offices, they should be so carefully packed as to be safely transmitted in the open mails of either country, both in going to the exchange office in the country of origin and to the office of address in the country of destination.

Registration.

ARTICLE IX

Fee.

1. The sender of a parcel may have the same registered by paying in addition to the postage the registry fee fixed by the country of origin.

Address requirements.

2. Registered parcels shall not be addressed to initials or in pencil, but the address may be written with copying ink pencil.

Value not to be disclosed.

3. No registered parcel shall have written on it information as to the value of its contents, although this may be stated on the accompanying customs declaration.

Advice of delivery.

4. The sender of a registered parcel may obtain an advice of delivery upon payment of such additional charge, if any, as the country of origin of the parcel shall stipulate. A fee may be charged, at the option of the country of origin, on a request for information as to the disposal of a registered parcel made after it has been posted, if the sender has not already paid the special fee to obtain an advice of delivery.

Requests for information.

Marking of requests.

5. When an advice of delivery is desired, the sender or office of origin shall write or stamp on the parcel in a conspicuous manner, the words "Return receipt requested," "Advice of delivery requested," or, boldly, the letters "A. R."

Labeling, etc., registered parcels.

6. Each registered parcel must be marked or labeled or stamped "Registered" in a conspicuous manner and bear a distinguishing number. The customs declaration, if not gummed to the parcel, must also be marked or labeled or stamped "Registered."

Billing requirements.

7. Registered parcels shall be entered by the dispatching office of exchange on bills which shall show in respect to each parcel the registration number and the office (and state or country) of origin. The entry on the bill of any returned parcel must be followed by the word "Returned." Additional indicia may be required by mutual agreement from time to time, if found necessary. The bills should be numbered in the upper left-hand corner, commencing each calendar year with a new series for each office of exchange of destination. The last number of the year shall be shown on the parcel bill of the first dispatch of the following year.

ARTICLE X

Separate bills required.

1. Each dispatch of ordinary parcel post and each dispatch of registered parcel post must be accompanied with a separate parcel bill in duplicate, which must be enclosed in one of the sacks of such dispatch.

Ordinary parcels.

The ordinary parcels shall be advised on the parcel bills simply by an indication of their total number.

Registered parcels.

Each registered parcel shall be entered separately on the registered parcel bill.

- 2. In the event of a parcel bill not having been received, a substitute should be prepared at once. Substitute parcel bill.
- 3. Any errors in the entries on the parcel bill which may be discovered shall, after verification by a second officer, be corrected and noted for report to the dispatching office on a form "Bulletin of Verification" which should be sent in a special envelope. Correction of errors.
- 4. As soon as the registered parcel mail shall have reached the office of destination, that office shall check the contents of the mail. Receipt of mails.
- 5. If a registered parcel advised on the bill be not received, after the non-receipt has been verified by a second officer, the entry on the bill should be canceled, the notation "Not received" placed after that entry, and the fact reported at once. Nonreceipt of parcel.
- Should a parcel be received in damaged or imperfect condition, full particulars of the fact should be reported on the same kind of a form and the facts noted on the bill and the cover of the parcel by the exchange office of receipt. Damaged parcels.
- 6. If no "Bulletin of Verification" or note of error be received, a parcel mail shall be considered as duly delivered, having been found on examination correct in all respects. Presumption of delivery.

ARTICLE XI

- 1. Except in cases of loss through force majeure (circumstances beyond control, such as acts of war, earthquakes, tempests, etc., or such other causes as are considered in the nature of force majeure by the country in whose service the loss occurred), the sender or addressee of a registered parcel shall be entitled to an indemnity for the total loss of a parcel (wrapper and contents) corresponding to the actual amount, based on the actual value at the time of mailing of the lost article, unless the loss has arisen from the fault or negligence of the sender or the addressee, or the representative of either, or from the nature of the article, provided always that the indemnity shall not exceed the sum of ten (10) dollars (gold) for any one registered parcel on which the required registry fee was paid. Indemnity.
Allowance to sender.
- 2. Neither country is bound to pay indemnity in case of loss due to "force majeure" under any particular definitions of that term unless the other country will assume liability reciprocally under the same definitions of the term, although either country may at its option and without recourse to the other country pay indemnity for loss occurring through "force majeure" under any definitions of that term. Limit.
Loss by force majeure.
- 3. This agreement contemplates payment of indemnity only for the loss of registered parcels exchanged thereunder, but it shall be competent for the parties hereto to arrange through correspondence for the payment of indemnity for damage or rifling of such parcels at any time the adoption of such an arrangement is mutually desired by both countries. Extension of, to cover damages, rifling, etc.
- 4. In case the sender of a registered parcel, with intent to defraud, shall at any time allege the contents to be above their real value, he shall lose all claim to compensation or to the return of the postage, and the enforcement of this rule shall not prejudice any legal proceedings to which such fraudulent declaration may have rendered him liable. False appraisements.
- 5. Responsibility for the loss of a registered parcel discovered at the receiving office of exchange at the time of opening the receptacles and duly notified to the dispatching office of exchange by "Bulletin of Verification," shall fall upon the Administration to which the dispatching office of exchange is subordinate unless it be proved that the loss occurred in the service of the receiving Administration. Dispatching office responsible if loss discovered by receiving office.

Matter not entitled to indemnity.

6. No indemnity will be paid for registered matter of no intrinsic value or matter prohibited transmission in the parcel post mails exchanged between the United States and Cuba, or which did not conform to the stipulations of this Agreement or which were not posted in the manner prescribed, but the country responsible for the loss may pay indemnity in respect to such parcels without recourse to the other Administration.

No compensation for indirect loss, etc.

7. No compensation shall be given for injury or damage consequential upon, i. e., indirectly arising from the loss, damage, delay, nondelivery, or misdelivery of any registered parcel transmitted under this Agreement.

Claim to be filed within one year.

8. The request for indemnity is valid only if made within the period of one year, counting from the day following the date of mailing of the registered parcel to which it relates.

ARTICLE XII

Changes, etc., by mutual correspondence.

1. The Postmaster General of the United States of America and the Secretary of Communications of Cuba shall have authority jointly to make from time to time by correspondence such changes and modifications and further regulations of order and detail as may become necessary to facilitate the operation of the service contemplated by this Convention.

Collect on Delivery, etc., services.

2. If it is mutually decided to introduce the exchange of insured parcels (parcels with declared value) or a Collect on Delivery Service between the two contracting Administrations, the provisions regulating those services may be agreed upon by correspondence between the two Administrations.

ARTICLE XIII

Universal Postal Union to govern.

Any question that may arise under this Convention, the determination of which is not provided for herein, shall be governed by the provisions of the Universal Parcel Post Convention.

ARTICLE XIV

Effective date. Duration.

This Convention shall take effect and operations thereunder shall begin on the first day of September, 1930, and shall continue in force until terminated by mutual agreement; but may be annulled at the desire of either Administration upon ninety days' previous notice given to the other.

Signatures.

Done in duplicate and signed at Washington on the twenty-fourth day of July, 1930.

[SEAL.]

WALTER F BROWN
Postmaster General of the United States of America
J A MONTALVO
Director of Posts of the Republic of Cuba
and Special Envoy with Plenary Powers.

REPÚBLICA DE CUBA
SECRETARÍA DE COMUNICACIONES

DECRETO No. 1362

Visto el Convenio concertado para el cambio de bultos postales entre la República de Cuba y la de los Estados Unidos de América, y suscrito por el Sr. José A. Montalvo, Director de Correos y pleni-potenciario debidamente autorizado de la República de Cuba, y el Sr. Walter F. Brown, Secretario de Correos de los Estados Unidos de América, también debidamente autorizado:

RESUELVO:

Aprobar en todas sus partes el referido Convenio para el cambio de bultos postales entre ambos países y autorizar su vigencia desde el pasado día primero de septiembre de mil novecientos treinta, a reserva de dar cuenta al Senado de la República para su oportuna ratificación de acuerdo con las leyes vigentes.

Approval by Cuba.

Dado en la Habana, Palacio de la Presidencia á los 14 días del mes de Octubre de 1930.

GERARDO MACHADO
PRESIDENTE.

R F SÁNCHEZ ABALLÍ
Secretario de Comunicaciones.

The foregoing Parcel Post Convention between the United States of America and the Republic of Cuba has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

Approval by the
President.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL]

HERBERT HOOVER.

By the President
HENRY L STIMSON
Secretary of State.

WASHINGTON, October 29, 1930