

N° 4108.

HAÏTI ET LA JAMAÏQUE

Convention relative à l'échange direct des colis postaux, et règlement d'exécution y annexé. Signés à la Jamaïque, le 6 juin 1936, et à Port-au-Prince, le 17 décembre 1936.

HAITI AND JAMAICA

Agreement for the Direct Exchange of Parcels, and Detailed Regulations annexed thereto. Signed at Jamaica, June 6th, 1936, and at Port-au-Prince, December 17th, 1936.

No. 4108. — AGREEMENT¹ BETWEEN THE POST OFFICE OF HAITI AND THE POST OFFICE OF JAMAICA FOR THE DIRECT EXCHANGE OF PARCELS. SIGNED AT JAMAICA, JUNE 6TH, 1936, AND AT PORT-AU-PRINCE, DECEMBER 17TH, 1936.

English and French official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Agreement took place May 5th, 1937.

THE POST OFFICES OF JAMAICA and HAYTI agree to effect a regular direct exchange of parcels between Kingston and Port-au-Prince.

AGREEMENT.

Article 1.

LIMITS OF WEIGHT AND SIZE.

1. A parcel for Hayti posted in Jamaica will not exceed 22 pounds in weight, 3 feet 6 inches in length, or 6 feet in length and girth combined and a parcel for Jamaica posted in Hayti shall not exceed 10 kilogrammes in weight, 1.05 metres and 55 cubic decimetres in volume.

2. As regards the exact calculation of the weight and dimensions of a parcel, the view of the despatching office shall be accepted except in a case of obvious error.

Article 2.

TRANSIT OF PARCELS.

The two Administrations guarantee the right of transit for parcels over their territory to or from any country with which they respectively have parcel post communication.

Transit parcels shall be subject to the provisions of this Agreement and to the Detailed Regulations so far as these are applicable.

Article 3.

PREPAYMENT OF POSTAGE RATES.

1. The prepayment of the postage on parcels shall be compulsory, except in the case of redirected or returned parcels.

2. The postage on parcels from Jamaica to Hayti shall be 1/6, 3/-, 4/6, 8/- for a parcel not exceeding 2 lbs., 7 lbs., 11 lbs. and 22 lbs. respectively.

¹ Came into force December 17th, 1936.

Article 4.

TERRITORIAL RATES.

For parcels exchanged between the two countries the Territorial Rates shall be 0.65, 1.15, 1.60 and 3.00 gold francs for parcels not exceeding 1 kilogramme (2 lbs.), 3 kilogrammes (7 lbs.), 5 kilogrammes (11 lbs.), 10 kilogrammes (22 lbs.) in weight respectively.

Article 5.

SEA RATE.

Each of the two Administrations shall be entitled to fix the rate for any service which it provides.

Article 6.

FEE FOR DELIVERY AND FOR CLEARANCE THROUGH THE CUSTOMS.

The Postal Administration of Hayti may collect in respect of delivery and clearance through the Customs a fee not exceeding 50 centimes per parcel. The Postal Administration of Jamaica may collect for similar services a fee not exceeding 6d. per parcel.

Article 7.

PAYMENT OF CUSTOMS AND OTHER CHARGES.

Customs charges or other non-postal charges shall be paid by the addressee of the parcels, except as provided otherwise in this Agreement.

Article 8.

WAREHOUSING CHARGES.

Each of the two countries may recover all charges for warehousing fixed by its legislation for a parcel addressed "Poste restante", or which is not claimed in the prescribed period. The cost shall not exceed in any case 5 francs per parcel.

Article 9.

PROHIBITIONS.

- i. It is forbidden to enclose in a postal parcel :
 - (a) Explosive, inflammable, or dangerous substances (including loaded metal caps, live cartridges, and matches) ;
 - (b) Articles of an obscene or immoral nature ;
 - (c) Articles the admission of which is not permitted by law or by the Customs or other regulations ;
 - (d) Letters or communications which constitute an actual or personal correspondence, as well as correspondence or packets of any kind bearing an address other than that of the addressee of the parcel.
(It is, however, permissible to enclose in a parcel an open invoice confined to the particulars which constitute an invoice, and a simple copy of the address of the parcel with the address of the sender also.)
 - (e) Live animals (except bees, which must be enclosed in boxes so as to avoid all danger to postal officers and to allow the contents to be ascertained).

2. A parcel which has been wrongly admitted to the post shall be returned to the office of origin, unless the Administration of the country of destination is authorised by its legislation to dispose of it otherwise. In the latter case the office of despatch shall be informed in a precise manner of the treatment accorded to the parcel.

Nevertheless, the fact that a parcel contains a letter or communications which constitute an actual or personal correspondence shall not, in any case, entail its return to the office of origin.

3. Explosive, inflammable or dangerous substances and articles of an obscene or immoral nature shall not be returned to the office of origin ; they shall be disposed of by the Administration which has found them in the mails in accordance with its own internal regulations.

Article 10.

REDIRECTION.

1. A parcel may be redirected in consequence of the addressee's change of address in the country of destination. The Administration of the country of destination may collect the redirection charge prescribed by its internal regulations. Similarly a parcel may be redirected from one of the two countries which are Parties to this Agreement to another country provided that the parcel complies with the conditions required for its further conveyance and provided as a rule that the postage is prepaid at the time of redirection or documentary evidence is produced that the addressee will pay it.

2. Additional charges, levied in respect of redirection and not paid by the addressee or his representative shall not be cancelled in case of further redirection or of return to origin, but shall be collected from the addressee or from the sender, as the case may be, without prejudice to the payment of any special charges incurred which the country of destination does not agree to cancel.

Article 11.

MISSENT PARCELS.

Parcels received out of course, or wrongly allowed to be despatched shall be transmitted in accordance with the provisions of Article 10, sections 1 and 2, of the Detailed Regulations.

Article 12.

NON-DELIVERY.

1. In the absence of a request by the sender to the contrary, a parcel which cannot be delivered shall be returned to the sender without previous notification and at his expense after retention for the period prescribed by the regulations of the country of destination.

2. The sender may request at the time of posting that if the parcel cannot be delivered as addressed, it may be either (a) treated as abandoned, or (b) tendered for delivery at a second address in the country of destination. No other alternative is admissible. If the sender avails himself of this facility his request must appear on the face of the address and must be in conformity with, or analogous to, one of the following forms :

“ If not delivered as addressed, abandon ”
 “ If not deliverable as addressed, deliver to

The same request must also be written on the cover of the parcel.

3. The charge due on returned undelivered parcels shall be recovered in accordance with the provisions of Article 20.

Article 13.

CANCELLATION OF CUSTOMS CHARGES.

Both Parties to this Agreement undertake to cancel Customs charges on parcels which are returned to the country of origin, abandoned by the senders, destroyed or redirected to a third country.

Article 14.

SALE. DESTRUCTION.

Articles in danger of deterioration or corruption, and these only, may be sold immediately, even when in transit on the outward or return journey, without previous notice or judicial formality. If for any reason a sale is impossible, the spoilt or putrid articles shall be destroyed.

Article 15.

ABANDONED PARCELS.

Parcels which cannot be delivered to the addressees and which the senders have abandoned shall not be returned by the office of destination, but shall be treated in accordance with its legislation.

Article 16.

ENQUIRIES.

Enquiries shall be admitted only within the period of one year from the day following the date of posting.

Article 17.

COMPENSATION.

1. In all cases of loss, abstraction, or damage, except such as are beyond control, the sender, or, in default of or at the request of the sender, the addressee, shall be entitled to an indemnity corresponding with the actual amount of the loss, abstraction, or damage, unless the damage has arisen from the fault or negligence of the sender or from the nature of the article and provided always that the indemnity does not exceed £1.

2. The obligation of paying the indemnity shall rest with the despatching office, but until the contrary is shown, the responsibility for the loss, damage or abstraction shall rest with the office which, having received the parcel without making any observation, cannot prove its delivery in good condition to the addressee, or in the case of the transit parcel its regular transfer to the next office.

3. The payment of the indemnity to the sender or addressee ought to take place as soon as possible, and at the latest within a year of the date of the application. The Administration responsible will be bound to make good, without delay, the amount of the indemnity paid.

4. No application for an indemnity will be entertained unless made within a year of the posting of the parcel ; and after this term the applicant will have no right to any indemnity.

5. If the loss, abstraction, or damage shall have occurred in the course of conveyance between the exchanging offices, and it shall not be possible to ascertain on the territory or in the service of which the loss, abstraction, or damage took place the indemnity shall be shared equally.

Article 18.

TERMINATION OF RESPONSIBILITY.

The two Administrations shall cease to be responsible for parcels which have been delivered in accordance with their internal regulations and of which the owners or their agents have accepted delivery without reservation.

Article 19.

CREDIT FOR CONVEYANCE.

For each parcel despatched from one of the two countries for delivery in the other the despatching office shall allow to the office of destination the rates which accrue to it by virtue of the provisions of Articles 4 and 5.

For each parcel despatched from one of the two countries in transit through the other the despatching office shall allow to the other office the rates due for the conveyance of the parcel.

Article 20.

CLAIMS IN CASE OF REDIRECTION OR RETURN.

In case of the redirection or of the return of a parcel from one country to the other, the re-transmitting office shall claim from the other the charges due to it and to any other Administration taking part in the redirection or return, at rate of 0.25, 0.75, 1.50, 2.50 gold francs for parcels not exceeding 1, 3, 5 and 10 kilogrammes respectively.

Article 21.

CHARGE FOR REDIRECTION IN THE COUNTRY OF DESTINATION.

In the case of further redirection or of the return to origin, the redirection charge prescribed by Article 10, section 2, shall accrue to the country which redirected the parcel within its own territory.

Article 22.

MISCELLANEOUS FEES.

The following fees shall be retained in full by the office which has collected them.

1. The fee for delivery and for Customs clearance referred to in Article 6 shall be retained by the office of destination.

Article 23.

MISCELLANEOUS PROVISIONS.

1. The francs and centimes mentioned in this Agreement are gold francs and centimes as defined in the Postal Union Convention of Cairo.

2. Parcels shall not be subjected to any postal charge other than those contemplated in this Agreement except by mutual consent of the two Administrations.

3. In extraordinary circumstances either Administration may temporarily suspend the parcel post, either entirely or partially, on condition of giving immediate notice, if necessary by telegraph, to the other Administration.

4. The two Administrations have drawn up the following Detailed Regulations for ensuring the execution of the present Agreement. Further matters of detail, not inconsistent with the

general provisions of this Agreement and not provided for in the Detailed Regulations may be arranged from time to time by mutual consent.

5. The internal legislation of Haiti and of Jamaica shall remain applicable as regards everything not provided for by the stipulations contained in the present Agreement and in the Detailed Regulations for its execution.

Article 24.

ENTRY INTO FORCE AND DURATION OF THE AGREEMENT.

This Agreement shall come into force on a date to be fixed by mutual agreement between the two Administrations and shall remain in force until the expiration of one year from the date on which it may be denounced by either of the two Administrations.

In witness whereof the undersigned, duly authorised for that purpose, have signed the present Agreement and have fixed their seals thereto.

Done in duplicate at King's House, Jamaica, on the sixth day of June, 1936, and at Port-au-Prince, Haiti, the seventeenth day of December, 1936.

(Seal) Edward DENHAM,
Governor of Jamaica.

G. N. LÉGER.

DETAILED REGULATIONS

FOR CARRYING OUT THE AGREEMENT FOR THE DIRECT EXCHANGE OF PARCELS BETWEEN
THE POST OFFICE OF HAITI AND THE POST OFFICE OF JAMAICA.

Article 1.

CIRCULATION.

1. Each Administration shall forward by the routes and means which it uses for its own parcels, parcels delivered to it by the other Administration for conveyance in transit through its territory.

2. Missent parcels will be re-transmitted to their proper destination by the most direct route at the disposal of the office re-transmitting them.

Article 2.

METHOD OF TRANSMISSION. PROVISION OF BAGS.

1. The exchange of parcels between the two countries shall be effected by the offices appointed by agreement between the two Administrations.

2. Parcels shall be exchanged between the two countries in bags duly fastened and sealed. In the absence of any agreement to the contrary, the transmission of parcels sent by one of the two contracting countries in transit through the other shall be effected "à découvert".

3. A label showing the office of Exchange of origin and the office of Exchange of destination shall be attached to the neck of each bag, the number of parcels contained in the bag being indicated on the back of the label.

4. The bag containing the Parcel Bills and other documents shall be distinctly labelled.

5. The weight of the bag of parcels shall not exceed 36 kilogrammes (80 pounds avoirdupois).

6. The bags shall be supplied by each Post Office for the forwarding of their mails, and shall be returned empty by next mail. Each bag shall be stencilled on all four sides : “ (Name of Dominion or Colony) ” and “ (Name of Country) ”.

The bags shall be used exclusively for the exchange of parcels between Jamaica and Hayti and not for any other service and each post office shall be required to make good the value of any bag which it fails to return.

7. The bags received by each post office with parcels from the other shall be returned empty made up in bundles of ten (nine bags enclosed in one) and despatched with the parcel mail addressed to the office of origin. The number of bags so forwarded shall be advised on the regular Parcel Bill.

Article 3.

INFORMATION TO BE FURNISHED.

1. Each Administration shall communicate with the other by means of a table :

(a) The names of the countries to which it can forward parcels handed over to it ;

(b) The routes available for the transmission of the said parcels from the point of entry into its territory or into its service ;

(c) The total amount to be credited to it by the other Administration for each destination ;

(d) The number of Customs declarations which must accompany each parcel, and any other necessary information.

2. Each Administration shall make known to the other the names of the countries to which it intends to send parcels in transit through the other, unless in any particular case the number of parcels concerned is insignificant.†

Article 4.

FIXING OF EQUIVALENTS.

In fixing the charges of parcels either Administration shall be at liberty to adopt such approximate equivalents as may be convenient in its own currency.

Article 5.

MAKE-UP OF PARCELS.

Every parcel shall :

(a) Bear the exact address of the addressee in Roman characters. Addresses in pencil shall not be allowed provided that parcels bearing addresses written with copying-ink pencil on a surface previously damped shall be accepted. The address shall be written on the parcel or on a label so firmly attached to it that it cannot become detached. The sender of a parcel shall be advised to enclose in a parcel a copy of the address together with a note of his own address.

(b) Be packed in a manner adequate for the length of the journey and for the protection of the contents.

Articles liable to injure officers of the Post Office or to damage other parcels shall be so packed as to prevent any risk.

Article 6.

SPECIAL PACKING.

1. Liquids and substances which easily liquefy shall be packed in two receptacles. Between the first receptacle (bottle, flask, pot, box, etc.) and the second (box of metal or of stout wood)

shall be left a space which shall be filled with sawdust, bran, or some other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage.

2. Colouring substances such as aniline, etc., shall be admitted only if enclosed in stout metal boxes placed inside wooden boxes with sawdust between the two receptacles, dry non-colouring powders shall be placed in boxes of metal, wood or cardboard ; these boxes shall be enclosed in a cover of linen or parchment.

3. Every parcel containing precious stones, jewellery, or any article of gold or silver exceeding £100 sterling (2,500 francs) in value shall be packed in a box measuring not less than 3 feet 6 inches (1.05 metres) in length and girth combined.

Article 7.

DESPATCH NOTES AND CUSTOMS DECLARATIONS.

1. Each parcel shall be accompanied by a Customs Declaration according to the regulations of the country of destination, and the Customs Declaration shall be firmly attached to the parcel.

2. The two Administrations accept no responsibility in respect of the accuracy of the Customs Declarations.

Article 8.

SERIAL NUMBER AND PLACE OF POSTING.

Each parcel shall bear a label indicating the serial number and the name of the office of posting. An office of posting shall not use two or more series of labels at the same time, unless each series is provided with a distinctive mark.

Article 9.

DATE-STAMP IMPRESSION.

Each parcel shall be impressed by the office of posting, on the address side, with a stamp showing the place and date of posting.

Article 10.

RE-TRANSMISSION.

1. The office re-transmitting a missent parcel shall not levy Customs or other non-postal charges upon it. When an office returns such a parcel to the office from which it has been directly received, it shall refund the credits received and report the error by means of a Verification Note.

In other cases, and if the amount credited to it is insufficient to cover the expense of re-transmission which it has to defray, the re-transmitting office shall allow to the office to which it forwards the parcel the credits due for onward conveyance ; it shall then recover the amount of deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim to be notified to the latter by means of a Verification Note.

2. When a parcel has been wrongly allowed to be despatched in consequence of an error attributable to the postal service and has, for this reason, to be returned to the country of origin, the office which sends the parcel back shall allow to the office from which it was received the sums credited in respect of it.

3. The charges on a parcel redirected in consequence of the removal of the addressee or of an error on the part of the sender, to a country with which Jamaica or Hayti has parcel post communication shall be claimed from the Administration to which the parcel is forwarded unless the charge for conveyance is paid at the time of redirection, in which case the parcel shall be dealt with as if it had been addressed directly from the re-transmitting country to the new country of destination.

4. A parcel shall be re-transmitted in its original packing. If the parcel, for any reason whatever, has to be re-packed, the name of the office of origin of the parcel and the original serial number shall be entered on the parcel.

Article 11.

RETURN OF UNDELIVERABLE PARCELS.

1. If the sender of an undeliverable parcel has made a request not provided for by Article 11, section 2, of the Agreement, the office of destination need not comply with it but may return the parcel to the office of origin, after retention for the period prescribed by the regulations of the country of destination.

2. The office which returns a parcel to the sender shall indicate clearly and concisely thereon the cause of non-delivery. This information may be furnished in manuscript or by means of a stamped impression or a label.

3. A parcel to be returned to the sender shall be entered on the Parcel Bill with the word " Rebut " in the " Observations " column. It shall be dealt with and charged like a parcel redirected in consequence of the removal of the addressee.

Article 12.

SALE. DESTRUCTION.

1. When a parcel has been sold or destroyed in accordance with the provisions of Article 14 of the Agreement a report of the sale or destruction shall be prepared.

2. The proceeds of the sale shall be used in the first place to defray the charges upon the parcel. Any balance which there may be shall be forwarded to the office of origin for payment to the sender, on whom the cost of forwarding it shall fall.

Article 13.

ENQUIRIES CONCERNING PARCELS.

For enquiries concerning parcels, a form shall be used similar to the specimen annexed to the Detailed Regulations of the Parcel Post Agreement of the Universal Postal Union. These forms shall be forwarded to the offices appointed by the two Administrations to deal with them and they shall be dealt with in a manner mutually arranged between the two Administrations.

Article 14.

PARCEL BILL.

1. All parcels shall be entered individually by the despatching Office of Exchange on a Parcel Bill similar to the specimen annexed hereto.¹

2. Each despatching Office of Exchange shall number the Parcel Bill in the top left-hand corner in an annual series for each office of exchange of destination, and so far as possible shall enter below the number the name of the ship conveying the mail. A note of the last number of the year shall be made on the first Parcel Bill of the following year.

Article 15.

VERIFICATION NOTE.

1. On the receipt of a mail, whether of parcels or of empty bags, the Office of Exchange shall check the parcels and the various documents which accompany them, or the empty bags as the

¹ Not reproduced.

case may be, against the particulars entered on the relative Bill, and, if necessary, shall report missing articles or other irregularities by means of a Verification Note.

2. Any discrepancies in the credits and accounting shall be notified to the despatching Office of Exchange by Verification Note. The accepted Verification Notes shall be attached to the Parcel Bills to which they relate. Corrections made on Parcel Bills not supported by vouchers shall not be considered valid.

Article 16.

ACCOUNTING FOR CREDITS.

1. Each Administration shall cause each of its offices of exchange to prepare quarterly for all the parcel mails received from the offices of exchange of the other Administration a statement of the total amounts entered on the Parcel Bills, whether to its credit or to its debit.

2. These statements shall be afterwards summarised by the same Administration in an account, which shall be forwarded to the corresponding Administration in the course of the month following the quarter to which it relates.

Article 17.

SETTLEMENT OF ACCOUNTS.

1. Payment of the balance of the account shall be made by the debtor to the creditor Administration by a draft either through London or New York.

2. The preparation and transmission of a general account and the payment of the balance of that account shall be effected as early as possible and, at the latest, within a period of three months from the end of the period to which the account related. After the expiration of this term the sums due from one Administration to the other shall bear interest at the rate of 5 per cent. per annum to be reckoned from the date of expiration of the said term.

Article 18.

COMMUNICATIONS AND NOTIFICATIONS.

Each Administration shall furnish to the other all necessary information on points of detail in connection with the working of the service.

Article 19.

ENTRY INTO FORCE AND DURATION OF THE DETAILED REGULATIONS.

The present Detailed Regulations shall come into operation on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement. The Administrations concerned shall, however, have the power by mutual consent to modify the details from time to time.

Done in duplicate at King's House, Jamaica, on the sixth day of June, 1936, and at Port-au-Prince, Hayti, on the seventeenth day of December, 1936.

(Seal)

Edward DENHAM,
Governor of Jamaica.

G. N. LÉGER.