

TO AMEND SECTIONS 2804 AND 3402 OF THE REVISED
STATUTES

JANUARY 19, 1927.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. GREEN of Iowa, from the Committee on Ways and Means, sub-
mitted the following

REPORT

[To accompany H. R. 8997]

The Committee on Ways and Means, to whom was referred the bill (H. R. 8997) to amend sections 2804 and 3402 of the Revised Statutes, having had the same under consideration, report it back to the House without amendment, and recommend that the bill do pass.

The legislation herein recommended proposes to amend the existing law to permit the importation of cigars, cheroots, and cigarettes in quantities of less than 3,000 in a single shipping package or consignment. This limitation on the importation of cigars, etc., in force since 1866, makes an exception which is advantageous to only one class of imported commodities, and, because of the peculiar economic conditions, discriminates almost entirely against the Republic of Cuba.

Your committee is advised that this restriction has for years been the obstacle to the conclusion of a permanent parcel-post convention with Cuba, and unless the law is modified in the manner herein proposed, the Cuban Government has given notice that it will be compelled to abrogate the present temporary parcel-post agreement (negotiated November 2, 1925), pursuant to the option contained therein, within 18 months from January 1, 1926, or approximately June 30, 1927. Should this convention (which provides for parcel-post shipments weighing 11 pounds) be abrogated, it will carry with it, in the opinion of the postal authorities, the abrogation of the parcel-post clause of the convention of 1903, which provided a limitation of 4 pounds 6 ounces, and there will be no parcel-post communication between the two countries. The postal, as well as the customs revenues, would be seriously affected thereby and this legislation, therefore, becomes emergency in character.

The United States enjoys an enviable position in the commerce of Cuba. Cuba annually imports articles valued at \$246,325,000 of which \$166,174,000 worth, or 67½ per cent, is supplied by the United States. During the calendar year 1926, the first full year of operation of the 1925 temporary convention, 253,000 packages, in excess of 8 ounces in weight, were shipped to Cuba via parcel post. The postal receipts therefrom approximated \$248,000, of which \$58,000 was paid to Cuba in the form of terminal charges, leaving net receipts of about \$190,000.

On the other hand, Cuba shipped to the United States approximately 21,000 packages by parcel post, containing merchandise other than cigars because of the present limitation that prevents their being shipped in packages containing less than 3,000. (The average weight of 3,000 ordinary cigars is approximately 30 pounds.) The average total importation of cigars by the United States is valued at \$8,933,000 (exclusive of Porto Rico), of which \$3,792,000 worth, or 42½ per cent, comes from Cuba. The balance, except for a small item of about \$18,000 worth, comes from the Philippines and pays no duty. Cigars shipped from Porto Rico which are not included in our foreign-trade statistics because it is a possession of the United States, average in value about \$6,713,000 annually. In other words, approximately 90 per cent of all dutiable imports of cigars, cheroots, and cigarettes come from Cuba. According to the Commerce Department, the United States purchases about one-third of the cigars exported from Cuba; one-third is purchased by the United Kingdom, and the balance is exported by Cuba to other countries of the world. The annual production of cigars in the United States of all classes is approximately 7,000,000,000, so that the Cuban imports are less than one-half of 1 per cent of our total production.

Cuban manufacturers of cigars insist that it is unfair to be denied the opportunity to attempt to sell the products of their second largest staple crop by mail, which opportunity is denied them because of the existing limitations. For this reason, every effort to conclude a permanent arrangement for the exchange of merchandise by parcel post has failed, although successful arrangements have been made with practically every other Pan American Republic for accepting parcel-post packages varying in weight from 11 to 50 pounds. Since our trade with Cuba has been going forward by leaps and bounds in the last 20 years, there has been a growing demand for improved parcel-post service between the two countries. The Cuban Government, however, feels that in justice to its citizens it can not allow the United States to come into its markets via the parcel-post route without discrimination while the United States denies the same method of communication to one of its largest industries. No other country imposes such a restriction against the Cuban manufacturers of cigars.

It is declared that American investments in Cuba represent more than \$1,250,000,000; that interrupted communication of the shipping of goods to Cuba by parcel post will seriously affect this investment, as well as American commerce. Representatives of the United States Chamber of Commerce and virtually every commercial organization in the United States, exclusive of the tobacco manufacturers, as well as the Secretary of the Treasury and the Postmaster General, advocate the adoption of this legislation, and your committee is of the opinion that in fairness and justice to Cuba it should pass.

The interruption of the parcel-post shipments to Cuba would directly cause an enormous amount of damage to the new business of American producers and manufacturers and indirectly would curtail the present business. One of the principal reasons Cuban producers prefer American machinery, for example, is because of the ease with which small but vital replacement parts may be quickly obtained. Many such vital parts, bearings, cogs, etc., are shipped by parcel post, which express service would be cut off should the treaty be abrogated.

The proposed legislation does not affect in any manner the existing tariff rates, but may be the source of increased revenues should the expected increase in the shipment of boxed cigars materialize. A majority of the committee, however, do not believe that imports will be materially increased, in view of the inconvenience occasioned by the payment of customs duties and internal revenue taxes at the post office. The bill does not change the existing internal revenue laws which provide the number of cigars, cheroots, and cigarettes which may be sold in a single package. It only removes the import limitation of 3,000 to the package.

The following communications from the Treasury and Post Office Departments explain the need of this legislation. A copy of the postal convention of November 2, 1925, is also appended.

JANUARY 7, 1926.

HON. WILLIAM R. GREEN,
*Chairman Committee on Ways and Means,
House of Representatives.*

MY DEAR MR. GREEN: The Postmaster General has requested this department to submit to you, as chairman of the Committee on Ways and Means of the House of Representatives, a draft of a proposed modification of sections 2804 and 3402 of the Revised Statutes, in order to admit importations into the United States through the Parcel Post Service of cigars, cigarettes, or cheroots in quantities less than 3,000 in a single shipping package or consignment; and to request that the matter be taken up with the Ways and Means Committee with a view to securing legislation by the present Congress amending the Revised Statutes heretofore referred to.

The foregoing restriction on this class of merchandise has for years past been an obstacle to the conclusion of a permanent parcel-post treaty with Cuba, the representatives of that country alleging that thereby one of the principal commodities of that country is excluded from transportation by the Parcel Post Service for the reason that the weight of the minimum quantity permitted importation is far in excess of the weight limit fixed upon packages mailable by parcel post.

The Postmaster General advises that as a result of a recent conference with Cuban postal officials a parcel-post convention has been concluded with that country (copy herewith) in which it is provided that should the foregoing statutes fail of amendment, effective within 18 months from January 1, 1926, so as to permit the importation into the United States from Cuba under said convention of manufactured tobacco, such as cigars and cigarettes without limit of number that may be contained in a single package, the Republic of Cuba may abrogate the convention by notification to the Post Office Department, naming the exact date of termination; furthermore, that the postal administration of Cuba has given notice that it will be compelled to apply this provision in case the objectionable legislation is not modified within the time specified.

Attention is invited to the provisions of articles 2 and 13 of the convention. While it is alleged that the restriction with respect to the importation in the parcel post from Cuba of manufactured tobacco is detrimental to the interests of Cuban exporters, it is urged, on the other hand, that the suspension of the service now temporarily provided for would bear heavily on business firms in the United

States having export trade in general in the Cuban market and who may advertise their goods for shipment by parcel post should the suggested legislation fail of enactment into law.

Under the provisions of the Cuban parcel-post convention it is stipulated that no parcel may exceed 11 pounds in weight. The weight of 3,000 ordinary cigars (the minimum amount permitted importation under the current law) is approximately 30 pounds.

There are transmitted herewith drafts, respectively, of sections 2804 and 3402 of the Revised Statutes and the suggested modifications thereof, to effect the purposes of the reciprocal parcel-post convention with the Republic of Cuba. The text of the latter is identical with H. R. 7293, which was introduced by Chairman Fordney in the House of Representatives on June 21, 1921. The effect of the suggested amendments is, (a) to eliminate from the present law the minimum limitation of 3,000 cigars in a single-shipment package and to obviate the necessity of the serial number of the stamp affixed to the imported cigars, cigarettes, or cheroots being recorded in the customhouse; (b) to permit of internal-revenue stamps being affixed by customs officers or post-office officials, under proper regulations, to parcel-post and other mail packages without the necessity of removing such packages to public stores or bonded warehouses.

Importations under the proposed amendment to the law could be properly handled at exchange post offices of first receipt in the United States, and the customs charges uniformly levied thereon, and therefore this modification of the law permitting cigars made in the island of Cuba to be imported into the United States in small quantities by parcel post and the regular mails has the approval of this department. It is believed, furthermore, that the proposed permissive legislation would reciprocally benefit the trade relations between the respective countries.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

JANUARY 20, 1926.

HON. WILLIAM R. GREEN,
*Chairman Committee on Ways and Means,
House of Representatives.*

MY DEAR MR. GREEN: For a considerable number of years this department has been negotiating with the postal authorities of Cuba for a convention providing for an improved parcel-post service with that country, such convention to provide particularly for an increase in the weight of merchandise packages from 4 pounds 6 ounces to 11 pounds, but all proposals for a permanent agreement were rejected by the Habana office unless there be enacted a modification of sections 3804 and 3402 of the Revised Statutes of the United States, which prohibit the importation of less than 3,000 cigars or cigarettes in a single package.

As the result of a recent conference with Cuban post officials a temporary parcel-post convention has been concluded in which it is provided, however, that should the above-mentioned statutes fail of amendment, effective within 18 months from January 1, 1926, so as to permit the importation into the United States from Cuba under said convention of manufactured tobacco, such as cigars and cigarettes, without limit of number that may be contained in a single package, the Republic of Cuba may abrogate the convention by notification to this department, naming the exact date of termination. The postal administration of Cuba has given notice that it will be compelled to apply this provision in case the objectionable legislation is not modified within the time specified.

Cuba alone, of all Pan American Republics, has no permanent arrangement with this country for the exchange of merchandise packages above 4 pounds 6 ounces in weight. Arrangements with the other Republics for accepting parcel-post packages varying in weight from 11 to 50 pounds have been in force for a considerable number of years, and there has been a persistent and growing demand for an improved parcel-post service with Cuba.

While the restriction imposed by said statutes on the importation by parcel post from Cuba of manufactured tobacco is detrimental to the interests of Cuban exporters, there is no question but that the suspension of the service now in operation under the temporary agreement would bear heavily on business firms in the United States having an export trade of merchandise in general in the Cuban market and who may advertise their goods for shipment by parcel post, should

the proposed legislation fail of enactment. In the event of such failure I have no doubt that Cuba will terminate the temporary arrangement now in force.

The Secretary of the Treasury was requested to submit to you a draft of a proposed modification of the sections cited, and I have before me a copy of his communication dated the 7th instant. This letter conveys my earnest wish that favorable consideration be given the proposed modification in the hope that a permanent parcel-post service to Cuba may be assured with the resultant advantages to our export trade.

Very truly yours,

HARRY S. NEW, *Postmaster General.*

PARCEL-POST CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE
REPUBLIC OF CUBA

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, Harry S. New, 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

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.

2. Articles of merchandise exceeding 8 ounces and not exceeding 11 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.

ARTICLE II

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 in all quantities and conditions within the weight limit herein stipulated, provided the prohibition contained in sections 2804 and 3402 of the Revised Statutes of the United States of America is modified or amended as indicated in Article XIII of this convention) 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 11 pounds (5 kilograms) in weight, nor the following dimensions: Greatest length in any direction, 3 feet 6 inches; greatest combined length and girth, 6 feet. 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. The following articles are specially prohibited transmission in the mails exchanged under this convention:

Letters and post cards, publications which violate the copyright laws of the country of destination; poisons and explosives or inflammable substances; intoxicating liquors; opium in any form or any preparation or derivative thereof, cocaine, or other narcotics; any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article whatever for the prevention of conception or for causing unlawful abortion; any lottery ticket or any advertisement of any lottery; live or dead animals, except dead insects and reptiles when thoroughly dried; fruits and vegetable and other articles which easily decompose and deteriorate; and substances which exhale a bad odor; articles which may in any way damage or destroy the mails or injure the persons handling them.

In addition, the following articles are prohibited transmission through the mails into the United States: Films or pictorial representations of prize fights; plumage or skins of wild birds, except for scientific or educational purposes; and all articles manufactured wholly or in part in a foreign country by convict labor.

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).

Each country will supply, from time to time, a list of articles that may hereafter become prohibited, or being removed from the prohibited list become acceptable through the mails exchanged under these articles.

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.

2. All admissible articles of 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 customs officers for the assessment of customs duties, as well as for such examinations as may be made by postal employees under the provisions of paragraph 1; and shall be forwarded promptly to their destination, being subject in their transmission and delivery to the laws and regulations of each country, respectively.

ARTICLE III

1. A letter or communication of the nature of personal correspondence must not accompany, be written on, or inclosed with any parcel.

2. 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.

3. No parcel may contain packages intended for delivery at an address other than that borne by the parcel itself. If such inclosed packages be detected, they must be sent forward singly, charged with new and distinct parcel-post rates.

ARTICLE IV

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.

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 twenty (20) cents for each parcel whatever its weight.

3. Every parcel shall be subject in the country of destination to all customs duties and all customs regulations in force in that country for the protection of its customs revenues, and the customs duties and charges properly chargeable thereon shall be collected on delivery, in accordance with the customs regulations of the country of destination.

ARTICLE V

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.

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

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:

- (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.

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:

(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.

The particulars of the disposition of each parcel shall be communicated by one postal administration to the other.

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 persons 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 or origin.

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.

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.

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.

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.

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 25 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.

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.

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

3. Exchanges under this convention from any place in either country or any place in the other shall be effected through the post office 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.

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.

ARTICLE IX

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.

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

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.

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.

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."

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."

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.

8. The provisions of the Universal Postal Convention and the detailed regulations for the execution thereof will be observed as far as applicable in connection with the preparation, obtaining the disposition of return receipts and inquiries as to the disposition made by registered parcels. Likewise, the same provisions will govern with regard to the payment of indemnity and the procedure in connection therewith unless otherwise provided for in this convention or by subsequent agreement through correspondence.

ARTICLE X

1. Each dispatch of registered parcel post must be accompanied by a parcel bill in duplicate of all the registered parcels sent, which must be inclosed in one of the sacks of such dispatch.

2. As soon as the registered parcel mail shall have reached the office of destination, that office shall check the contents of the mail.

3. In the event of a registered parcel bill not having been received, a substitute should be prepared at once.

4. 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.

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.

6. 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.

7. If no "bulletin of verification" or note of error be received, a registered parcel mail shall be considered as duly delivered, having been found on examination correct in all respects.

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 \$10 (gold) for any one registered parcel on which the required registry fee was paid.

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.

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.

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.

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.

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.

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.

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

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.

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

Owing to the provisions contained in sections 2804 and 3402 of the Revised Statutes of the United States of America, it is understood and agreed should the said sections not be modified or amended so as to permit the importation into the United States from Cuba under this convention of manufactured tobacco such as cigars and cigarettes without limit of number that may be contained in a single package, such modification or amendment to become effective within 18 months from January 1, 1926, that the Republic of Cuba reserves the right to abrogate this convention by notification from the Secretary of Communications of Cuba addressed to the Postmaster General of the United States, naming the exact date when this convention shall cease and be no longer in effect.

ARTICLE XIV

This convention shall take effect and operations thereunder shall begin on the 1st day of January, 1926, and shall continue in force until terminated by mutual agreement, but may be annulled at the desire of either administration upon 90 days' previous notice given to the other.

Done in duplicate and signed at Washington on the 31st day of October, 1925.

HARRY S. NEW,
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.*

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.

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

CALVIN COOLIDGE.

By the President:

FRANK B. KELLOGG,
Secretary of State.

WASHINGTON, November 2, 1925.

