INTERNATIONAL LABOUR OFFICE

EMIGRATION AND IMMIGRATION:

LEGISLATION AND TREATIES

GENEVA
1922

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INTRODUCTION.

Among the principles, the application of which would seem likely to ensure the establishment of universal peace based upon social justice, the Treaty of Peace included the protection of the interests of workers when employed in countries other than their own and the regulation of the labour supply. A programme of this kind implies that workers in search of employment should be granted facilities and guarantees to go from one country to another. It is for this reason that the International Labour Conference at its First Session, held at Washington in October 1919, considered the regulation of emigration as one of the means available for dealing with the problem of unemployment and adopted a Resolution asking the Governing Body of the International Labour Office to constitute an International Emigration Commission which, while giving due regard to the sovereign rights of each State, should consider and report what measures could be adopted to regulate the migration of workers out of their native country and to protect the interests of wage earners residing in another country than their own.

This Commission, composed of representatives of the Governments, employers' organisations and workers' organisations of eighteen of the principal countries of emigration and immigration, met at Geneva on 2-11 August 1921. It undertook a general study of the different aspects of the problem of emigration, as a result of which it adopted a large number of Resolutions which constitute a complete programme of work for the protection of emigrants and of workers living in countries other than their own.

These Resolutions, of which there are 29, are contained in a report which was submitted to the International Labour Conference of 1921. The measures proposed deal with the supervision of undertakings and agents concerning transport and emigration, the collective recruiting of workers in foreign countries, the inspection of emigrants before embarkation, hygiene on board ship and in emigrant trains, insurance of emigrants during the journey, arrangements for finding employment for emigrants who have arrived at their destination, the legal protection of wages, welfare and insurance systems, special taxes on foreign workers,

education, and various other matters intended to ensure to foreign workers of whatever race equality of treatment from the economic point of view, identical, if possible, with that accorded to the nationals of the country concerned.

At the head of this programme, as an essential preliminary of any study of the problems of emigration from the international point of view, the Commission placed the need for ensuring an international supply of information, as accurate and complete as possible, on the different aspects of the problem of emigration, and it passed a special Resolution in favour of the regular communication to the International Labour Office of all available information which each State possesses on this question, and on the other hand, the establishment of certain basic common rules, with regard to statistics, so as to make international comparisons possible. This question is on the agenda of the Fourth Session of the Conference.

The International Emigration Commission, however, thought that the supply of information, however indispensable it may be, could be considered only as a first step towards the attainment of the objects in view. In the opinion of the Commission, it is also of importance to ensure harmony in the measures taken by different States on the matter of emigration. The effect of such a co-ordination of national laws would be to smooth over the difficulties which might occur between countries of emigration and immigration, to ensure the application of measures of an international nature which the Governments consider it desirable to adopt by agreement, to supervise the application of international Conventions on the subject of the recruiting of workers, in a word, to bring into harmony the sometimes diverse measures taken by different States with a view to regulating emigration and immigration.

The Commission thought that the International Labour Office was particularly well qualified to attempt to bring about this international co-ordination, and it adopted on this subject the following Resolution:—

> The Commission requests the Governing Body of the International Labour Office to take all measures necessary to ensure that the Technical Emigration Section, assisted, if necessary, by a few experts, shall investigate the question of international co-ordination of legislation affecting emigration.

The present volume has been prepared in order to assist in achieving the double object of a thorough knowledge of the phenomena and the elaboration of a uniform legislation. It constitutes the preparatory work which is indispensable for the further study of the legislative problems dealt with by the Commission. If the study of these questions, which will be raised before the International Labour Conference, is to be undertaken with success it is necessary to have at least a general idea of all the aspects of the phenomenon in countries. That is the object of this volume.

No attempt has been made to draw up a practical guide for the use of the emigrant ; for the International Labour Office does not pretend to be able to replace the advice of the authorities or of philanthropic societies. The aim has been to provide the necessary means of work for philanthropists who desire to know the measures of regulation and protection adopted in favour of emigrants, for private societies which are trying to find out the countries to which emigration can take place, for people engaged in political work, and for legislators.

This work is not to be considered as a complete collection of the legislative or administrative provisions adopted for the regulation of emigration. That would have been an enormous task which at the present time is premature. There can be no question of entering into the details of texts adopted in all countries, but only of making known the guiding principles of the various laws, and the means adopted to control the volume, direction, and nature of migratory movements, in order to determine, from a consideration of all these measures, the essential regulations which should lead to the realisation of the programme which the International Emigration Commission set before the Governments.

Whilst the work of the International Emigration Commission, and that of future Sessions of the International Labour Conference, may lead to the adoption of Conventions intended to simplify and co-ordinate existing laws, the present volume will already make it possible to compare the legislative and diplomatic measures in force, to bring into prominence the differences, which often result, in practice, in serious difficulties for the emigrants, and to discover the points on which agreement is possible.

For this reason, the laws, regulations, and treaties are not presented *in extenso* country by country, but are classified according to matter. This seemed likely to facilitate the consultation of the volume on any particular problem. The sense and the scope of texts existing in the different States are in fact made clear by comparison, and it is possible to understand the various national laws as a whole better in examining the points on which they agree and on which they differ.

Almost always a law concerning emigration or immigration has no meaning unless it is compared with the corresponding law of the country from which the emigrant comes, or to which he goes. It is of particular importance to place the provisions concerning immigration in relation to emigration laws and *vice versa*, without forgetting to indicate the legislation of countries of transit and of the country whose ships carry the emigrant from one country to another.

It is also necessary, for the purpose of studying the complete system of regulations applied by a particular country, to consider not only its legislation, but also bilateral treaties and general conventions to which the country has adhered. In the course of recent years, international agreements concerning emigration have

developed to such an extent that it is no longer possible to neglect them ; laws and treaties now form an indivisible whole.

Finally, by analysing the texts, it has been possible to omit unimportant details, questions of internal law and other matters which are of hardly any, or no, interest to emigrants, and to make only a rapid examination of secondary aspects which are transitory or purely administrative. Thus attention has been concentrated upon the essential points, often difficult to perceive in the length and complexity of legislative and diplomatic texts.

The book has been divided into three principal parts :

1) Legislation concerning emigration.

2) Legislation concerning immigration.

3) International agreements concerning emigration and immigration.

Certain subjects, which are dealt with within these three broad divisions, such as transit of emigrants, continental emigration, repatriation, transport, and settlement, while being subject to the ordinary legislative measures concerning emigration, have necessitated certain special measures to which it has been deemed necessary to refer.

The table of contents has been made as detailed as possible in order to facilitate a search for information on particular subjects, while each question has been dealt with in the alphabetical order of the different countries, so as to make it possible to find and to bring together the matter contained in the whole of a text relating to a particular country.

Thirty-two countries sent replies to the Questionnaire which was despatched to the Governments in preparation for the work of the International Emigration Commission, and those countries also sent copies of all their available documents, both legislative and diplomatic, concerning emigration and immigration. The technical section of the International Labour Office has in addition obtained a large number of texts relating to other countries, and other questions, so that it has been possible to consult the laws, regulations and treaties of 76 countries. These countries are Albania, Algeria, Argentina, Australia, Austria, Belgium, the Bermudas, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, the Belgian Congo, Corea, Costa Rica, Cuba, Curacao, Czechoslovakia, Denmark, Ecuador, Esthonia, Finland, France, Germany, Great Britain and Ireland, Greece, Guatemala, British Guiana, Dutch Guiana, Haiti, Honduras, Hungary, India, Netherlands Indies, Italy, Japan, Latvia, Liberia, Lichtenstein, Lithuania, Luxemburg, the Republic of San Marino, Morocco, Mexico, the Principality of Monaco, Mozambique, Netherlands, Newfoundland, New Zealand, Norway, Palestine, Panama, Paraguay, Persia, Peru, Poland, Portugal, Rhodesia, Roumania, Russia, Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, Spain.

South Africa, Sweden, Switzerland, Tanganyika, Tunis, Turkey, United States, Uruguay, Venezuela, Zanzibar.

This work deals only with measures adopted before January 1922. Since then a certain number of laws and bills, which are mentioned, have already been modified or definitely adopted in the form of Acts.[1] This book deals only with the essential laws, the texts of which have been communicated or have been obtained in some other way, and it makes no pretension to exhaust the subject. It has not been possible to include either all the details of colonial legislation or a study of the regulations of individual States forming part of a federation, or special regulations adopted in the administration of certain ports, provinces or territories. In 1907, the Italian Government attempted to make an enumeration of all laws and regulations on the subject and it discovered the titles of more than a thousand texts. To-day, this list would be considerably longer. It has, therefore, been necessary to give only what is essential and what is important at the present time.

Even within these limits it is probable that important texts have been omitted or have not been given their due value. The International Labour Office will always be glad to have these omissions and any errors which may have escaped its attention pointed out to it, so that it may be possible to correct the information which is now at its disposal, and to prepare more complete publications, the need for which will probably be shown in the near future.

No reforms and no modification of existing legislation are suggested in the present volume, which is purely of a documentary nature, but those readers who are patient enough to study it without being repelled by a subject almost entirely legal in character will certainly find matter for reflection.

A general view of existing legislation on the subject of emigration bears a particular interest at this moment, when most Governments seem to be revising their general emigration policy. During the whole of the 19th century, migration was, generally speaking, unhindered, and each emigrant could decide on the time of his departure, his arrival or his return, to suit his own convenience.

Almost all countries kept an open door both for emigrants and immigrants. The United States in particular, the great country of immigration, willingly received the millions of emigrants who went there from all the countries of Europe, and almost all other countries of immigration held out welcoming hands. In the European countries of emigration the disappearance of passports and a fairly general indifference on the part of the

[1] At the end of the book is a supplement giving an analysis of the principal legislative and diplomatic measures adopted between 1 January 1922 and the endof August 1922. Further, the "Notes on Migration", which appear regularly in the *International Labour Review* give an account of current events relating to emigration.

Governments so far as migration was concerned rendered this easy ; the emigrant could decide freely, having no one but himself to thank or to reproach for the success or failure of his venture.

The war which in 1914 burst unexpectedly on the world suddenly dried up many of the sources of emigration and broke off time-honoured relationships by altering the direction of, or damming up, the great migratory currents. All the belligerent countries had, for military or economic reasons, to raise barriers in order to prevent either the exit or entrance of emigrants from or to their territory. A certain number of great nationalised war industries obtained labour of foreign nationality or even of native races in order to fill up for a few months the vacancies which were created by mobilisation among the working class population.

During the first few years after the war, public opinion in the different countries rather turned away from the study of the phenomena of migration. On the other hand, countries both of emigration and immigration appeared to fear that, in the troubles and confusion of the post-war period, large movements of the population might compromise their national future, and severely restrictive measures were adopted.

But as quieter times reappear it is possible to perceive a renewed interest in the question of emigration, and Parliaments are returning almost everywhere to a consideration of this subject : the United States, Italy, Greece, Czechoslovakia, the Kingdom of the Serbs, Croats and Slovenes, India, Brazil and several other South American Republics have recently passed laws regulating migration. Bills have been announced or already introduced in many other countries, particularly in Germany, Austria, Canada, United States, France, Great Britain, the Netherlands, Roumania and the Netherlands Indies. Precise treaties, already numerous, have been concluded between countries of emigration and immigration. The multiplicity of regulations makes it necessary for emigrants to undertake a close study of texts, the application of which is ensured by severe passport regulations. The emigrant has to submit to all these provisions, under penalty of being rejected by the country of immigration, or of offending against the law, thus losing the protection of his country and often becoming liable to severe punishment.

It is true that the present development is frequently inspired by tendencies which are rather of a national character and its scope is still restricted, but when it is considered how troublous are the times through which the world is still passing and how deeply its equilibrium has been upset by the war it will be easy to understand that emigration can help materially to make good the consequences of alterations in frontiers, changes with regard to economic well-being, the ruin of so many industries, and the upsetting of so many traditional relationships. Artificial solutions and the employment of force will give way to emigration, a redistribution of population which is insufficient in one place and

superabundant in another, immigration and settlement. To prevent unemployment, to do away with famines and other periodical scourges, which are always brought about by a bad distribution of population, to calm the minds of the people, an ever growing attention will have to be paid to the phenomena of migration.

In a world which has once more become united and in which people understand that the well-being of each one is a condition of the well-being o fall, the problems of emigration will undoubtedly appear worthy of the special attention of Governments.

This volume will, it is hoped, help in the discovery, by studying the differences in existing legislation, of the guiding lines of a policy, inspired, above all, by the interests of the emigrants. Already the International Emigration Commission has drawn up a provisional programme which deserves examination. The decisions taken at the end of 1921 by the official delegates of seventeen of the Governments of the countries of emigration and immigration most interested in the matter are evidence of goodwill, and show the direction in which studies can be pursued at the present moment.

PART I.

LEGISLATION

CONCERNING

EMIGRATION

CHAPTER I.

THE DEFINITION OF AN EMIGRANT.

The definitions of the terms "emigrant" and "immigrant" are closely allied. The present chapter is confined to an examination of the former, while the latter is considered in Part II (*Legislation concerning Immigration*). It is important not to forget that it is the same person who, an emigrant at the start, becomes an immigrant at the end, and it is therefore desirable, in preparing international conventions or recommendations on emigration, that the definition of an emigrant in the country from which the person sets out should apply to the same person as the definition of an immigrant in the country in which he arrives.

The definitions of "emigration" and of "emigrant" adopted in 27 countries are given below:—

Australia.

The Australian Government, in its reply to the Questionnaire[1], defines an emigrant as "a person leaving Australia permanently".

Austria.

There is no legal definition of an emigrant, but the Austrian Government, in its reply to the Questionnaire, makes the following declaration :— "We believe that an emigrant should be considered as a person who leaves his country to settle permanently in another country, or one who, with or without this object, goes with the intention of looking for work, and the definition should include the members of his family who accompany or follow him."

In the Bill of 1913 an emigrant is considered to be a person, whether an alien or not, who leaves the Empire and goes abroad with a view to earning his living there, and any person

[1] Questionnaire sent out by the International Labour Office at the end of 1920, in view of the meeting of the International Emigration Commission.

who accompanies or follows him. With regard to trans-oceanic emigration, the Bill states that all persons who leave Austria in order to go to a non-European country, embark at an Austrian or foreign port, and travel in the steerage or in a class corresponding thereto, are to be considered as emigrants, unless it is clear from the circumstances that the journey is not made with the object of earning their living.

BELGIUM.

The Regulations of 15 December 1876 consider an emigrant to be a passenger who pays a sum of less than 50 frs. per week for his passage. This regulation does not apply to persons who take their meals at the captain's or officers' table on board. In case of doubt the Maritime Commissioner has to decide the point.

CANADA.

The Canadian Government in its reply to the Questionnaire states: "An emigrant from Canada is one who leaves that Dominion with the intention of remaining permanently outside the same."

CHINA.

According to the Act of 21 April 1918, all workers who are citizens of the Chinese Republic and are employed abroad are considered as " emigrant workers".

COREA.

In the Act of 12 July 1906, concerning the protection of Corean emigrants, an emigrant is defined as a person who goes abroad with the intention of engaging in manual work, or a member of such person's family who accompanies him or joins him later.

CZECHOSLOVAKIA.

A Bill[1] introduced in 1921 includes in the class of emigrants all persons leaving the territory of the Republic in order to seek their living abroad or with the purpose of not returning, and also the members of the families of such persons accompanying them or intending to join them.

[1] The Bill has since become law.

Persons travelling steerage, or in a class corresponding to steerage, are considered as emigrants unless they are going abroad for other reasons than those mentioned in the preceding paragraph.

DENMARK.

An emigrant, in the official Danish statistics of emigration, is, according to the reply of the Danish Government to the Questionnaire, a person "who, through an emigration agent authorised by the State, makes a contract in Denmark concerning his being conveyed to an oversea country, i.e. a country outside Europe. As a rule, all such persons, and consequently also pleasure trippers and commercial travellers, are in the Danish statistics to be put down as emigrants."

FINLAND.

In the absence of a legal definition, the Government states in its reply to the Questionnaire: "In the statistics, emigrants are defined as all persons, with their families, who have left for some country out of Europe in order to earn a living or to improve their circumstances."

FRANCE.

A Decree of 9 March 1861 considers as an emigrant every passenger who pays for his passage on a sailing ship or steamer, including food, a weekly sum of less than 40 frs. This does not apply to passengers who take their meals at the captain's or officers' table. The Emigration Commissioner has to decide in case of doubt.

The reply of the French Government to the Questionnaire shows that this definition has dropped out of use, for it states: "There is no legal definition of emigration to be found in French documents. It may be said that emigration is the act of leaving one's native country without intending to return, and with a view to settling abroad."

GERMANY.

The reply of the German Government to the Questionnaire states that the Emigration Act of 9 June 1897, which is now in force, contains no definition of an emigrant, but that it was the intention of the framers to understand by the term "emigration", the leaving of the territory of a State with a view to

settling elsewhere for a lengthy period, that is to say, if not for life, at least for a long and indefinite period. The reply adds that the new Bill now in preparation also includes temporary emigration, and that it defines temporary emigrants as persons who leave their country to settle temporarily abroad.

GREAT BRITAIN.

From the Regulations, dated 31 January 1912, made by the Board of Trade under Section 76 of the Merchant Shipping Act, 1906, as to Passenger Returns, it follows that an emigrant is considered to be any passenger who leaves the country after having resided there for at least one year, with the intention of settling permanently out of Europe and not within the Mediterranean Sea.

The Merchant Shipping Act contains the following definition of a steerage passenger, who may be considered as almost the same as an emigrant :— "The expression 'steerage passenger' means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless

(*a*) the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each statute adult[1] ; and

(*b*) the fare contracted to be paid by them amounts to at least the sum of £25 for the entire voyage and is in the proportion of at least 65s. for every 1000 miles of the length of the voyage ; and

(*c*) they have been furnished with a duly signed contract ticket in the form prescribed by the Board of Trade for cabin passengers."

Further, the Conference of Premiers and Representatives of the United Kingdom, the Dominions and India, which met in London in 1921, decided that in future the terms " emigration" and " immigration," "emigrants" and "immigrants," should only be employed for movements to and from countries outside the Empire, whilst for journeys within the Empire terms such as "oversea settlement" and "oversea settlers" should be used.

GREECE.

The Emigration Act defines an emigrant as any third-class passenger, or passenger of any other class considered as equivalent to the third-class by the emigration authorities, leaving a Greek port, directly or even indirectly by way of foreign

[1] "Statute adult" in the Merchant Shipping Act means a person of the age of 12 years or upwards.

ports for a non-European country, with the exception of Asia Minor and the north coast of Africa as far as the Straits of Gibraltar.

Hungary.

The Emigration Act of 1909 defines an emigrant as a person who goes abroad with a view to finding permanent employment there. The provisions of the Act do not apply, as a general rule, to persons who go to a European country to do definite work for a period of less than one year. The Minister of the Interior can, however, according to need, extend the provisions of the Act by regulations to cover such persons.

India.

In the Indian Emigration Act, 1908, the word "emigrant" means a native of India who departs by sea under an agreement to labour for hire in some country beyond the limits of India, other than the Island of Ceylon or the Straits Settlements.

In the Bill[1] introduced in 1921 for amending the Act of 1908, the definition is also made to include workers who are assisted to depart for the purpose or with the intention of working for hire or engaging in agriculture. The exemptions granted to Ceylon and the Straits Settlements are cancelled in this Bill.

Italy.

The Act of 13 November 1919, (Section 10), states :— "Except as specially provided to the contrary, any citizen shall be deemed to be an emigrant for the purposes of the laws and regulations respecting emigration, if he or she leaves the country exclusively for purposes of manual work or in order to carry on business in a small way, or goes to rejoin wife or husband, parents or other ascendants, children or other descendants, brother or sister, aunt or uncle, nephew or niece, or connections by marriage of the same degrees who have previously emigrated for purposes of work, or who is returning to a foreign destination whither he had formerly gone as an emigrant under the conditions specified in this section."

Regarding emigration to countries overseas, Section 17 of the above-mentioned Act states : "For the purposes of this chapter a citizen shall be deemed to be an emigrant if any of the conditions named in Section 10 apply to him, or if he is travelling in the third class or in any class which the General Emigration Office *(Commissariato Generale dell'Emigrazione)*

[1] The Bill has since become law.

has declared to be equivalent to the third, provided that he is going to a destination beyond the Suez Canal (exclusive of Italian colonies and protectorates) or the Straits of Gibraltar (exclusive of places on the coast of Europe). The regulations shall further determine in what cases a person travelling in a class above the third shall be deemed to be an emigrant unless the contrary is proved. An emigrant of other than Italian nationality who embarks at any port within the kingdom shall be treated in all respects as if he were Italian, except that he shall not be entitled to benefit by the activities of the emigrants' protection offices in other countries as specified in Section 8. Persons who of their own choice and at their own expense travel third class or in a class corresponding to the third on Italian or foreign steamships, and who are going beyond the Suez Canal, shall be deemed to be emigrants in cases where there are more than fifty such persons of Italian nationality; notwithstanding, the Department shall be empowered to authorise exemptions from this provision in respect of the conveyance of such persons."

Japan.

According to the Act for the protection of emigrants, all persons will be considered as such who leave Japan for the purpose of working abroad.

Luxemburg.

The reply to the Questionnaire states : "An emigrant is a person who leaves the Grand-Duchy to settle in a foreign country."

The Netherlands.

Existing legislation on the subject does not provide any definition of an emigrant. Section 27 of the Emigration Act applies only to vessels having at least 20 emigrants on board if they are going to European ports, or at least 10 emigrants on board if they are going to non-European ports.[1]

[1] The Dutch Emigration Society submitted a Report to the Government in 1918, when a new Emigration Bill was under discussion. In this report a critical study was made of different laws, and proposals were put forward with regard to the Bill. The report recommends a distinction between emigrants and transmigrants. Emigrants are defined as all Dutchmen and all inhabitants of the Netherlands who go abroad voluntarily with the intention of settling there, whether permanently or temporarily, and also all members of their families who accompany or ultimately rejoin them. The words "inhabitants of the Netherlands" should be

NORWAY.

The Bill of 1915 considers an emigrant to be any person who leaves Norway for life, or for a long period. Legal protection is extended to all who go from Norway to a country out of Europe, and are carried during the whole or part of the voyage, as passengers in the third class or a cheap class, by ship or railway, or by any other means of transport which the Administration regards as equivalent.

POLAND.

The Government states, in reply to the Questionnaire: "On the basis of existing practice, an emigrant is a person who goes abroad with the intention of earning his living by means of physical work, and also all members of his family who accompany him."

PORTUGAL.

The Decree of 10 May 1919 considers as emigrants:—

(1) all nationals who embark for foreign countries with a third-class ticket;

(2) nationals who embark in the first or second class, or an intermediate class, and who belong to one of the following categories:—

(*a*) those who intend to settle permanently in a foreign country;

(*b*) married women not accompanied by their husbands unless they can prove a legal separation;

(*c*) minors not accompanied by their parents or guardians;

(*d*) persons less than 45 years of age and liable to military service.

(3) nationals who leave the country by an overland route to embark in the third class, with a view to evading the provisions of the decree, and those included under Section 2 who, with the same object in view, embark at a foreign port.

The regulations framed to carry out this Decree include widows as well as married women.

added, because aliens living in the Netherlands should not be considered as transmigrants. As the colonies are considered as part of the kingdom, persons who go there should not be regarded as emigrants.

The following definition of transmigrants might be adopted: all aliens who pass through Holland to go to a country out of Europe, or return from such country, and are carried, during the whole or part of the journey, as third class passengers by ship or train, as steerage passengers or passengers of a similar class.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

An emigrant is defined in the legislative Decree of 1921 as any Jugo-Slav citizen who emigrates to an oversea country in search of work, who travels in the third class or a class equivalent to the third, or in the steerage, or who goes to join parents who have emigrated previously under the same conditions and who were also considered as emigrants by the authorities.

SPAIN.

The Act of 21 December 1907 states: "Emigrants within the meaning of this Act are Spaniards who wish to leave their mother country, and to be conveyed, on payment of a fare or free of charge, in the third class or in any other class recognised by the Superior Emigration Council as being equivalent thereto, to any place in America, Asia or Oceania."

Such is the text of the Act, but it should be remarked that the Royal Decree of 16 March 1918 has extended the competence of the Superior Emigration Council so as to include the protection of emigrants who are going, whether by land or sea, to other European countries or to Africa. Such protection has, however, not yet been granted in fact, the Decree in question having laid down that this provision will not be put into operation until sufficient resources are available for establishing the service [1].

By a Royal Decree of 1914 the legal definition of "emigrant" also includes Spanish subjects going to Gibraltar by a Spanish port authorised for the embarkation of emigrants, with third-class tickets or other tickets declared equivalent to third-class, or else going to Gibraltar by land for the purpose of embarking there as emigrants.

SWITZERLAND.

According to the reply of the Federal Government to the Questionnaire, "the statistics of the Federal Emigration Office include as emigrants, as a general rule (in accordance with a circular letter sent by the Office to all emigration agencies and ticket agencies on 20 October 1916), all persons, either of Swiss nationality or foreigners, whom the emigration agencies or ticket agencies send, or assist in sending, to a non-European country, and who go with the intention of remaining there an indefinite length of time (more than one year), of settling, earning their living, occupying a position, or engaging in busi-

[1] See Chapter IX below: *Special Regulations concerning Continental Emigration.*

ness there, or who are returning to one of these countries (re-emigrant) after having stayed in Switzerland and deposited their papers in a commune with a view to residence."

The Federal Government adds: "This use of the word emigrant is to be explained by the fact that emigration to European countries lost all importance in the nineteenth century in comparison with the emigration to oversea countries. It has been definitely adopted in our legislation."

United States of America.

In the reply of the United States Government to the Questionnaire, it is stated that, from the point of view of statistics, departing aliens whose permanent residence has been in the United States and who intend to reside permanently abroad are classed as emigrant aliens. There is no definition relating to the emigration of nationals.

Uruguay.

In its reply to the Questionnaire, the Government of Uruguay states: "The principal factor which has, in our view, to be taken into consideration in deciding upon an exact definition of the terms 'emigrant' and 'immigrant' is the *intention to remain* in the country (in the case of an alien immigrant) or abroad (in the case of a national who emigrates). Seasonal emigration is an exception to these principles, and such emigrants are, from the workers' point of view, to be distinguished from all other classes of the floating population (tourists, travellers, etc.) by the *intention to work*".

* * *

The definitions of emigration and of an emigrant here reviewed show considerable variation. One point alone is common to them all, namely that emigration involves going from one country to another. This condition, however, is not sufficient to distinguish the emigrant from the international traveller, to whom the emigration regulations do not apply. Each definition, therefore, includes another element, sometimes several distinct elements. These may be classified as follows:—

1. The journey must be made with a view to a *lengthy period of residence abroad.*

2. The journey must be undertaken with a view to *earning a living abroad.*

3. The journey must be undertaken under certain *conditions as to transport* (class in which the person travels or cost of the journey).

4. The journey must be made to *certain countries* to the exclusion of others (for example, oversea countries).

5. The journey must be the subject of a *special contract* (transport or labour contract).

1. *Lengthy Period of Residence Abroad.*

The first point, that of *lengthy residence* abroad, is explicitly mentioned in the definitions of Australia, Austria (definition proposed in the reply to the Questionnaire), Canada, Czechoslovakia, France (definition proposed in the reply to the Questionnaire), Germany, Hungary, Luxemburg (reply to the Questionnaire), Portugal (travellers in the first or second class), Switzerland, and the United States.

According to the American, Australian, Austrian, Czechoslovak, French, German and Portuguese definitions, this condition alone is sufficient to determine emigration in the legal sense of the word.

In the other countries which have been mentioned, namely Canada, Hungary, Luxemburg, and Switzerland, this point is a necessary condition of emigration, but it is not sufficient by itself; several other conditions must also be fulfilled.

2. *Earning one's Living Abroad.*

This point is explicitly mentioned in the definitions given by Austria (reply to the Questionnaire), China, Corea, Czechoslovak (Bill), Finland (reply to the Questionnaire), Germany (Bill relating to temporary emigration as well as permanent emigration), Hungary, India, Italy, Japan, Poland (reply to the Questionnaire), the Kingdom of the Serbs, Croats and Slovenes, and Switzerland.

In China, Japan and Poland, the intention of earning one's living abroad is sufficient to determine an emigrant as distinct from an ordinary traveller. In the case of Poland, it is, however, stated that a living must be earned by *physical* work.

In Germany, the definition proposed in the Emigration Bill also treats the act of seeking employment abroad as sufficient to determine emigration, even if it is not accompanied by permanent residence in a foreign country. In Germany there would, therefore, be a double definition:

i. permanent emigration determined solely by lengthy residence abroad;

ii. temporary emigration determined solely by the act of seeking employment abroad.

The same applies to Austria and Czechoslovakia. In Italy, no distinction is made between permanent and temporary

emigration, and "the sole object of seeking manual work or of engaging in a small business" is sufficient to determine emigration, with the exception that in cases of trans-oceanic emigration certain conditions as to transport must be fulfilled.

In Finland, Hungary, India, the Kingdom of the Serbs, Croats and Slovenes, and Switzerland, other points are added to this.

3. *Transport Conditions* (cost, or class in which the person travels).

In certain countries only persons who travel in a particular class, or, what amounts to practically the same thing, those whose fare is less than a certain sum in proportion to distance, are considered as emigrants. These countries are Belgium, Czechoslovakia (Bill), France (Decree of 9 March 1861), Great Britain (definition of a steerage passenger), Greece, the Netherlands, Portugal, the Kingdom of the Serbs, Croats and Slovenes, and also Italy so far as trans-oceanic emigration is concerned.

In Great Britain, the definition referred to here is not strictly speaking that of an emigrant but is that of a steerage passenger.

In the Netherlands, the law does not define an emigrant, but it is stated that it applies only to emigrants travelling on board ship, and numbering at least 10 or 20, according to circumstances.

In Belgium and France, the fare for the voyage in the steamer suffices to distinguish the emigrant in a legal sense from an ordinary traveller ; no other condition, which is not a consequence of this, counts.

In Portugal, it is not the fare but the class in which the person travels which is the important matter.

In Czechoslovakia, Greece, the Kingdom of the Serbs, Croats and Slovenes and Spain, the definition, which includes a condition as to class, also includes other points, which are specifically referred to.

It may be noticed that all these definitions based wholly or partly on conditions of transport concern trans-oceanic emigration and not continental emigration.

4. *Restriction of Emigration to Certain Countries.*

This point means that there is no emigration in the legal sense of the word, or from the point of view of the regulations, unless a journey is made to particular countries. It is to be found in the definitions of Denmark, Finland, France, Greece, Hungary, India, the Netherlands, Portugal, the Kingdom of the Serbs, Croats and Slovenes, Spain and Switzerland.

The Indian definition, given in the Act of 1908, is confined, in this respect, to excluding the Island of Ceylon and the Straits Settlements. To all other countries there is emigration, within

the meaning of the Act, whenever a native of India goes out of the country by sea, having a labour contract in his possession [1].

In the other definitions included in this section, which concern all European countries, the emigration referred to is trans-oceanic and not continental. The laws and regulations of these countries do not, therefore, affect persons who go to another European country or even to Northern Africa with a view to settling or seeking employment there.

On the other hand, according to the Austrian, Czecho-slovak, German, Italian, Luxemburg, and Polish definitions, continental as well as trans-oceanic emigration is considered.

Australia, Canada, China, and Japan make no distinction among the different countries to which emigrants go.

5. *Special Contract.*

Holding a special contract affects the definition in three countries only : Denmark, India, and Switzerland.

In Denmark, this condition is sufficient, if the journey is made to an oversea country, to determine emigration ; that is to say, an emigrant is a person who has concluded a contract for transportation abroad with an emigration agent authorised by the Government.

In India, the emigration of indentured labour, envisaged by the Indian Emigration Act, 1908, has been abolished.

In the Swiss definition, this point is also important, but it is only one of a number of points which have already been mentioned : lengthy residence in a non-European country, with a view to earning one's living, etc.

* * *

In almost all countries, all persons are considered as emigrants who are proceeding to join a relation who has previously emigrated.

It should be noted also that there is a difference between the emigrant who goes directly from his country of residence to the country in which he intends to settle and the trans-migrant, who is obliged to cross one or more countries on the way, and is considered as such from the time he crosses the first frontier to the time he finally arrives at his destination.

Although this distinction is not always clearly brought out in legislation, it exists nevertheless.

We shall examine in a separate chapter [2] the special regulations relating specifically to transmigrants.

[1] Reference has already been made to the alterations proposed in the Bill of 1921.

[2] See Chapter X.

CHAPTER II.

THE RIGHT TO EMIGRATE AND RESTRICTIONS ON THIS RIGHT.

A. General Principles.

The right to emigrate follows logically from the principle of personal freedom. This right is recognised, with a few reservations, by almost all writers on the subject, Grotius, Vattel, Kluber, G. F. de Martens, Heffter, Pradier-Fédéré, F. de Martens, Pasquale Fiore, etc. [1]

The principle of the right to emigrate is expressly stated in the legislation of certain countries; thus, the Greek law declares that "emigration and departure for a foreign country are permitted within the limits fixed by the law"; the Italian law contains the statement that "emigration shall be free within the limits fixed by law"; the Spanish law "recognises for every Spanish subject the right to emigrate." As for other countries, the right to emigrate exists as a result of the general principles of the law: that is true of the Austrian Bill of 1913, of the German Act of 9 June 1894, of the French Act of 18 July 1860, of the Belgian Act of 14 December 1876, and, generally speaking, of the legislation of Czechoslovakia, Denmark, Finland, Great Britain, India, the Netherlands, Norway, Poland, Portugal, the Kingdom of the Serbs, Croats and Slovenes, Sweden and Switzerland.

B. The Restrictions.

In no country is the principle of the right to emigrate recognised without exception. The interests of justice, national defence, and sometimes even of intending emigrants themselves, frequently bring about limitations.

[1] Henri Bonfils: *Manuel de Droit International Public.* Paris, 1914. *Droit des Gens* (page 269). *Le Droit d'Emigration* No. 412.

National laws generally specify the classes of persons who are forbidden to emigrate and the reasons for any general prohibition. These reasons may be tabulated as follows :—

1. *Military service.*
2. *Legal proceedings.*
3. *Minors.*
4. *Special regulations concerning women.*
5. *Old age and permanent incapacity.*
6. *Sickness and infirmity.*
7. *Cases in which it is probable that the emigrant will be refused admission into the country to which he is travelling.*
8. *Absence of identity papers or other documents.*
9. *Obligations undischarged by the emigrant.*
10. *Occupation of emigrant workers.*
11. *Lack of resources either on arrival or on departure.*
12. *Collective emigration.*
13. *Receipt of an advance for the expenses of the journey.*
14. *The obligation to embark at certain ports.*
15. *Emigrants previously repatriated at the expense of the State.*
16. *Reasons of a general nature.*

1. *Military Service.*

(1) The Austrian Bill of 1913 refers to the Act and regulations under the Act dealing with Military Service.

(2) Czechoslovakia restricts emigration for military reasons only ; § 51 of the National Defence Act of 19 March 1920 states that all male subjects of the country from the time they complete their 17th year until they complete their 40th year, who desire to leave the country with the intention of becoming subjects of a foreign country, must obtain the permission of the Minister of National Defence. Passports for men of 17 to 40 years are granted for a limited period only, and in view of the possibility of war a list of persons living abroad is kept in the Ministry.

§ 2 of the Emigration Bill provides similarly that "the restrictions laid on emigration for purposes of national defence shall be regulated by the Army Act."

(3) The German Act of 1897 forbids the emigration of individuals between 17 and 25 years of age, unless they have been duly granted leave or freed from military service, or have left a substitute in the army.

Since the date of the Treaty of Versailles, however, this practice has been modified, and a communication of the German

Migration Office [1] states that it is no longer necessary for emigrants to show any papers relating to their military service.

(4) In GREECE "every citizen having no military duty at present or previously unfulfilled has the right to emigrate, but all who are included under § 63 of the Recruiting Act must obtain an authorisation, in accordance with that Act, the amount of the fine which may be imposed for failure to do this varying from 500 to 10,000 drachmas."

(5) In HUNGARY, according to the Act of 1909 no man may emigrate from 1 January in the year he reaches his 17th year until he has completely fulfilled his military duties, unless he has obtained special authority from the Minister of the Interior or the Minister of National Defence. This authority can be granted only if the applicant deposits a sum of from 100 to 1000 crowns in Hungarian money with the Minister of the Interior. This deposit is forfeited if the depositor does not return at the end of the period for which his passport is granted.

In the event of the emigration of persons subject to military service assuming large proportions, the law allows a total prohibition, for one year, of the emigration of men coming under this heading. This prohibition must be communicated to Parliament.

(6) ITALY does not allow the emigration of persons liable for military service who have completed their 18th year of age, or who will complete it within the calendar year, or of those liable for naval service or as soldiers in the Royal Marines unless they have obtained permission from the competent authority. Soldiers included in the first and second classes who have not completed their 28th year of age may emigrate only if they obtain permission from the commanding officer of the district. Emigration is freely allowed in the case of soldiers and sailors of the third class, and also to those in the first and second classes who have completed their 28th year, but until they have completed their 32nd year they must notify their departure to the commanding officer of the district. The right to emigrate so far as soldiers and sailors of all classes are concerned may be temporarily suspended in exceptional circumstances on the proposal of the Ministers for War and the Navy.

Authority to emigrate may be refused if there is a presumption that the person concerned is trying to escape the fulfilment of his military duties. The intending emigrant may in that case appeal from this decision to the Minister for War. [2]

[1] *Reichswanderungsamt, Merkblatt 13.*

[2] According to the DUTCH Report of 1918, the question of the emigration of persons liable for military service is to be specially examined by the Minister for War, particular attention being paid to the experience obtained at the time of the mobilisation in 1914.

(7) The legislation of NORWAY subjects to military service all fit young men who have reached their 20th year. These men are not allowed to emigrate unless they are in possession of the requisite authority, which can be obtained only after an examination of their position as regards military service. In addition to the Act of 19 July 1910, Norway has adopted measures dealing with the military service of emigrants by the conclusion of a number of treaties, with the Republic of Hawaii (1852), Italy (1862), the United States (1869), the Argentine (1885), Mexico (1885), and Japan (1911).

(8) The PORTUGUESE law declares that persons who have not yet completed their 48th year and who are subject to military service must present a passport before they are allowed to emigrate.

(9) In the Kingdom of the SERBS, CROATS AND SLOVENES a passport is not delivered to an emigrant unless he can prove that he has carried out all his military service obligations.

(10) In the SWEDISH law the obligation of military service is included among the reasons for the limitation of the right to emigrate.

(11) The SPANISH law prohibits the emigration of persons liable to military service during the period of uninterrupted service and states that the Council of Ministers may prohibit the emigration of all persons more than 15 years old who have not yet served in the army, and of men belonging to the first or second reserve.

(12) The SWISS law says : "Emigration agents are forbidden to arrange for the departure.... (6) of Swiss citizens subject to military service who cannot prove that they have returned their army kit to the State."

2. *Legal Proceedings pending.*

(1) The CHINESE law lays down that emigrant workers must, in addition to other conditions, also fulfil those of good conduct, of being free of vice and sensuality, and of not having committed criminal offences.

(2) The CZECHOSLOVAK Bill would prohibit the emigration of persons who are under arrest, or who are wanted by the judicial authorities for crimes or offences which may result in their imprisonment, or for whose arrest a warrant has been issued, or who have been summoned before a Court.

(3) The GERMAN law prohibits the emigration of all persons whose arrest has been ordered by a judge or on a police warrant.

(4) In GREECE, emigration is forbidden in the case of every citizen who is the object of criminal proceedings involving

imprisonment, or who is subject to a penalty which has not been discharged.

(5) The HUNGARIAN law forbids the emigration of persons against whom legal proceedings have been commenced, or who are liable to a sentence involving fine or imprisonment, during the period in which the sentence is being carried out. [1]

(6) The JAPANESE law prohibits the emigration of persons whose arrest has been ordered.

(7) In the Kingdom of the SERBS, CROATS AND SLOVENES, a passport is not granted to an emigrant unless he can prove that no action has been commenced against him under the criminal law, or, if he has been condemned, that he has completed the punishment imposed.

(8) In SPAIN, the emigration of all accused or convicted persons is prohibited.

3. *Minors.*

(1) In AUSTRALIA, the Emigration Act 1910 prohibits the emigration of (*a*) any child (boy under 16 or a girl under 18 years of age) who is under contract to perform work outside the Commonwealth, or (*b*) any child unless in the care or charge of an adult person, except in pursuance of a permit under the Act. A child is deemed to be under contract if any agreement or arrangement exists between the child, or a parent or guardian of the child, and any other person under which the child is to perform any theatrical, operatic, or other work outside the Commonwealth.

Applicants for permits under this Act may be required to give security as a guarantee that any conditions imposed will be carried out.

(2) The AUSTRIAN Bill of 1913 extends the prohibition to emigrate to all minors travelling without their father, unless they receive an authorisation from the Tribunal of Guardians. Minors more than 18 years of age, however, going to a European country are not included in this regulation, but even in this case the Tribunal of Guardians may refuse the authorisation to emigrate, if the circumstances and particularly the nature of the occupation lead them to fear some danger to the morals or health of the minor.

The emigration of unaccompanied minors less than 16 years of age to oversea countries is expressly forbidden by this Bill.

[1] In the NETHERLANDS, the Report of 1918 proposes to prohibit the emigration of all persons against whom legal proceedings have been commenced, or who, having been condemned, unconditionally and without the right of appeal, have not yet carried out the sentence passed on them.

(3) In China, emigrant labourers must be between 20 and 40 years of age.

(4) In the Belgian Congo, according to the Decree of 5 November 1896, no native child may be taken out of the country by an individual in whatever capacity without the authorisation of the Governor-General or his deputy, who must ascertain that the parents agree to the journey and to the stay of the child abroad. This authorisation is subject to a deposit for each child as security for the observation of official regulations, the amount of which is proportioned to the length of the journey and cannot be less than 2,500 francs.

(5) According to the Czechoslovak Bill, minors not travelling with their parents must be provided with the authorisation of the official Council of Guardians. This provision does not apply to minors over 18 years of age going to a European country. The Council of Guardians may, however, prohibit the journey if it considers that the effects would be detrimental to the morality or health of the person concerned. Women under age and boys of less than 16 years of age may further emigrate without their parents if accompanied to their final destination by adults of over 24 years of age who are fully reliable.

(6) The Greek Act of 1920 forbids the emigration of children of either sex, less than 16 years of age, unless they go with older relations or brothers of full age, or are going to join relations living abroad, or in exceptional circumstances at the discretion of the Minister of the Interior. In the cases referred to above, and generally speaking, whenever there is any question of a minor less than 21 years of age going to another country, either the father or the guardian must put in an application, giving the name of the person who is to accompany the minor.

This provision has been rendered executive by a Royal Decree of 24 September 1920, which, amended by a second Decree of 17 February 1921, lays down that "the emigration of minors of the male sex of 16 years of age or less is generally prohibited, whatever the class on the ship or railway in which they propose to travel. The certificate issued by the Mayor or President of the Commune of the person concerned, stating that the latter has been inscribed on the matriculation register, will be considered sufficient proof of the year of birth."

(7) According to the Hungarian Act (1909), minors who are under parental authority may emigrate without their father only if they have authority in writing, stamped with the official visa. Those who are under the care of a guardian must have the formal permission of their guardian and of the guardians' authorities. In either case they are not allowed to emigrate unless it can be shown that their support is provided for at the place to which they are going.

Women who are not yet of age and boys less than 16 years of age may emigrate without their parents only if it can be shown, apart from the conditions mentioned above, that they are travelling to their destination with an adult person absolutely worthy of confidence.

(8) The ITALIAN law states that any person who procures to go, takes, or sends abroad, a young person below the age of 15 years for purposes of work, unless such young person has been presented for medical inspection and has received from the municipal authority the book provided for in Arts. 4 *et seq.* of the regulations respecting child labour, shall be liable to a fine. Any person who procures or takes charge of one or more young persons below the age of 15 years, for purposes of employment abroad in occupations detrimental to health, shall be liable to imprisonment, etc., and the same applies to any person who deserts in a foreign country a young person below the age of 17 years who was entrusted to him within the kingdom for the purpose of employment. [1]

(9) According to the Bill introduced in NORWAY in 1915 the written permission of the parents or guardians is required before emigration is allowed; if the minor is less than 16 years of age, proof must be forthcoming that his support is assured at his destination.

(10) In PORTUGAL, minors less than 14 years of age may emigrate only if accompanied by their parents or guardians or by persons worthy of confidence, in whose care they have been placed by their parents. If they are not accompanied by their parents or guardians, or are not going to join the latter in a foreign country, proof must be furnished that their support is provided for in the place to which they are going.

(11) In the KINGDOM OF THE SERBS, CROATS AND SLOVENES, separate passports are not delivered to emigrants who are less than 18 years of age. The names of such emigrants are mentioned on the passport of the family with which they are travelling, or of a person authorised by the father or guardian.

[1] Among the proposals of the DUTCH Report of 1918 is one to the effect that the emigration of minors should be forbidden except when they are accompanied by relations, guardians, or persons worthy of confidence, with the permission of the father or the guardian given before a competent authority. This permission should not be granted unless there are satisfactory guarantees with regard to safety on the journey, from the point of view of morality, and to the support of the minor in the country of immigration. Permission should be refused if the minor is to engage in work in the foreign country which is forbidden by its laws, or if the health of the minor, or the insufficient mental or physical development of the minor, constitute an obstacle to his or her departure. A distinction should be made between minors less than, and those more than, 18 years of age. The penalty for a breach of this regulation should be the forfeiture of the paternal power.

In the case of every other emigrant less than 18 years of age no ticket for the journey may be given.

(12) According to the Spanish Act, minors are not allowed to emigrate without the consent of their parents or guardians. The Emigration Inspectors may, however, in cases where they do not consider this permission necessary, exempt emigrant minors on their own responsibility from the need for it, if the latter can prove indisputably that they are going to join their parents who are residing in a foreign country, or if there is any other satisfactory reason for granting the exemption.

(13) The Swiss federal law of 1888 forbids emigration agents to arrange for the departure of minors without the written permission of the father or guardian, given in authorised legal form. Minors less than 16 years of age must also be accompanied by persons worthy of confidence, and proof must be forthcoming that their maintenance is assured in the place to which they are going.

4. *Special Regulations concerning Women.*

(1) In Great Britain, the London County Council obtained special powers from Parliament in 1910 (London County Council General Powers Act, 1910) for the strict supervision of employment agencies, including those for recruiting women and children for abroad. Every agency must obtain a licence from the County Council, which may refuse to renew or to grant a licence if it considers that the holder or the offices of the agency are unsuitable or that the agency is or has been suspect. No agent may recruit women for abroad unless in possession of information obtained from a responsible person or society or from other sources worthy of confidence, indicating the satisfactory nature of the proposed work. No agent may make proposals or conclude arrangements for employing abroad women under 16 years of age unless he has previously obtained the written consent of their parents or guardians and unless he has himself ascertained that suitable steps have been taken for the well-being of such persons during their engagement and, after the latter has terminated, for return to their own country, and that the recruitment is allowed by the law of the country where the work is to be performed.

The Foreign Office also takes special precautions in the case of women and young girls who desire to emigrate. Every application has to be personally supported by a responsible person, and all applications are the subject of very careful scrutiny. Except in the case of a passport required for a short holiday abroad, it is necessary to provide a certificate of the relatives living abroad or, in the case of a person recruited, a certificate of the employers. For young girls of under 18 years

of age, the passport is only issued on the receipt of the written agreement of her parents or guardians.

(2) In Greece, according to the Royal Decree of 24 September 1920, as amended by that of 17 February 1921, the emigration of women and of minors of the female sex over 16 years of age is not allowed unless accompanied by a husband, father or mother, elder brother, uncle, son-in-law, brother-in-law, or other near relation; or unless they are invited by such persons or by their prospective husbands living in the country where they wish to go, who will expressly guarantee their protection by declaration made either before the local authorities and legalised by the Greek Consul, or directly before the Greek Consular authorities. The emigration of an adult woman may be authorised without previous declaration if, in the view of the Minister of the Interior, there are exceptional reasons for so doing.

(3) In Hungary, in addition to the general provisions of the Emigration Act of 1909, the instruction issued to all municipalities by the Minister of the Interior in 1869 requires them to prevent the journey of young girls or women to the East for immoral purposes. [1]

(4) In Portugal, a married woman who desires to emigrate must obtain the authorisation of her husband, or give proof of a legal separation; the emigration of an unmarried woman less than 25 years of age is forbidden, if she is unaccompanied and there is reason to believe that she is going for an mmoral purpose.

(5) In the Kingdom of the Serbs, Croats and Slovenes, any person who sells passage tickets to women with regard to whom there is a legitimate suspicion that they may have been recruited with a view to engaging in prostitution abroad, is liable to the maximum penalties laid down by the law.

(6) The Spanish Act forbids the emigration of a married woman, unless she has the permission of her husband. An unmarried woman under 23 years of age who is not under

[1] The Dutch Report of 1918 proposes that the law relating to emigration should include a clause forbidding women under a certain age to emigrate: 30 years, if there is no guarantee that their safety is assured on the journey and at their destination, and that the work which they intend to undertake in the country of immigration suits them, unless, however, they are in possession of special permission. This would have the effect of preventing the traffic in women for immoral purposes. The permission should not be given until the attention of the woman has been specially drawn to the dangers to which she will be exposed, and only on condition that she is ready to make the journey on her own responsibility. This clause would greatly facilitate the regulation, provided for by the Act of 31 December 1906, of the traffic in women and young girls. It should be applied particularly to emigrants in transit through the country.

paternal control nor subject to the authority of a guardian or some other legal representative may not emigrate, if being unaccompanied by parents, relations or other responsible persons, there is reason to fear that she is going for the purposes of a suspicious traffic. Widows, women divorced from their husbands and unmarried women more than 25 years of age may emigrate freely.

For unmarried women, more than 23 and less than 25 years of age, and who live with their parents, it is prescribed, in accordance with the terms of the Civil Code relating to permanent departure from the paternal home, that they may not emigrate without having obtained the consent of their parents, except in the event of the father or mother, being widowed, having married again.

5. *Old Age and Permanent Incapacity.* [1]

(1) The CHINESE law specifies that emigrant labourers must not be more than 40 years of age.

(2) The CZECHOSLOVAK Bill would prohibit the emigration of persons who are unable to earn their living on account of advanced age unless their maintenance is ensured at their destination.

(3) The proposals in the NORWEGIAN Bill include one to the effect that the right to emigrate should be refused in the case of lunatics.

(4) The PORTUGUESE law forbids the emigration of persons more than 60 years of age who propose to emigrate without a contract of labour, unless they can prove that their maintenance is completely assured at their destination.

(5) In the SWISS law, the departure of persons who, by reason of old age, are incapable of working is forbidden, unless it can be proved that their support is sufficiently assured in the place to which they are going. With regard to persons who are under a guardian's care the written consent of the guardian, given in due legal form, must be produced.

6. *Sickness and Infirmity.*

(1) The AUSTRIAN Bill of 1913 proposes that all emigrants should be medically examined before departure, and embarkation should be prohibited in case of illness which might be

[1] The DUTCH Report of 1918 proposes that the right to emigrate should be refused to those who are incapable of working in consequence of old age, sickness, or invalidity, except when their maintenance is assured in a satisfactory manner in the country to which they are going.

dangerous for the emigrant himself or for his fellow-travellers, or in case admission should be refused on this account in the country of immigration.

(2) The BELGIAN regulation of 14 December 1876 prohibits any emigrant who is seriously ill or shows symptoms of a contagious disease from embarking.

(3) By the CHINESE Act, emigrant labourers must have good health, and must be free from infectious diseases.

(4) The CZECHOSLOVAK Bill would prohibit the emigration of sick or infirm persons unless their maintenance at their destination is assured.

(5) By Article 29 of the DANISH law on the transport of emigrants, dated 28 March 1870, the Inspecting Doctor is obliged to prevent the departure of any passengers suffering from contagious diseases or from diseases affecting the brain or of any passengers who in consequence of weakness or infirmity would be unable to stand the journey.

(6) In GREAT BRITAIN, it is laid down that any person who is in a condition likely to endanger the health or safety of the other persons on board must be relanded.

(7) The ITALIAN Regulation of 1901 forbids the embarkation of any person, who by reason of being either sick or convalescent, may endanger the health or safety of the other passengers. [1]

(8) With regard to the NETHERLANDS, emigrants who, according to a written declaration of a competent doctor, are suffering from a dangerously infectious disease, must not be embarked. Should such a disease develop after embarkation but before the departure of the ship, those who are declared by the doctor to be affected must be relanded.

(9) The NORWEGIAN Bill would also forbid the embarkation of emigrants suffering from an infectious disease liable to endanger the health of other passengers.

(10) In PORTUGAL, the Decree of 1919 forbids the emigration of persons suffering from sickness or infirmity which renders them unfit for work in the country to which they are going, unless they can prove that their support is assured in that country.

(11) Under the terms of the SPANISH Regulation, the embarkation of any emigrant suffering from an infectious disease is forbidden, even if the ship has left a Spanish port and reached an intermediate port.

[1] See also p. 54.

(12) The Swiss law forbids agents to arrange for the departure of emigrants who, by reason of sickness or infirmity, are incapable of working, unless it can be proved that their support is assured in the place to which they are going.

7. *Cases in which it is Probable that the Emigrant will be Refused Admission in the Country to which he is Travelling.*

(1) According to the Austrian Bill of 1913, emigration is forbidden to all persons who would be refused permission to land in the country to which they are going.

(2) The Czechoslovak Bill would prohibit the emigration of persons who would be refused admission to the countries where they intend to go.

(3) In Hungary, persons who do not satisfy the conditions imposed on immigrants in the country to which they wish to go are not allowed to emigrate. [1]

(4) In the Kingdom of the Serbs, Croats and Slovenes, a passport is not granted to an emigrant unless he complies with the immigration conditions laid down in the country to which he is going. Further information on this subject will be given by the Minister for Social Affairs.

(5) Under the terms of the Swiss Federal Act, emigration agents must not arrange for the departure of persons who, in accordance with the laws of the country to which they are going, would be refused admission.

Other countries (Greece, Italy, Spain) confine themselves to making clear the obligation of shipping companies to repatriate at their own cost any emigrant who is refused permission to land at the port of disembarkation for a reason which existed before embarkation, or to compensate such emigrant for all losses sustained by him in consequence.

8. *Absence of Identity Papers or Other Special Documents.* [2]

Certain countries insist on their emigrants having identity papers or others documents, in the absence of which emigration is not allowed.

[1] One of the proposals of the Dutch Report of 1918 is that permission to emigrate should be refused in the case of all persons who do not satisfy the conditions imposed by the country to which they wish to go.

[2] As the question of passports is dealt with in Chapter III, it is not referred to here.

(1) In Australia, aboriginal natives are not allowed to emigrate unless they have a permit and any person who takes or attempts to take any aboriginal native out of the Commonwealth without a permit is guilty of an offence under the Act. An applicant for such a permit may be required to deposit security as a guarantee that any conditions that may be imposed will be carried out.

(2) By the Chinese Act, emigrant labourers who are employed directly (cf. page 32) must obtain ratification of their contract from the Emigration Office. In making application for this ratification, the labourers must state (*a*) the name of the country and locality where they are to be employed, (*b*) the name of the organisation through which they are to be employed, (*c*) the kind of work they are to undertake.

(3) By the Corean Act, no emigrant may leave the country without a permit from the Minister of Agriculture, Commerce, and Industry. This permit is cancelled if the journey is not commenced within six months of its being granted. The Minister can delay the departure of an emigrant, or cancel the permit, at any time, if he should think it necessary.

(4) The German law of 1897 insists, in the case of persons between 17 and 25 years of age, on the presentation of certain military papers.

This formality is now suppressed. But, in place of this, a number of fresh papers are required from intending emigrants, apart from the passport which is referred to in Chapter III. Emigrants must first of all obtain a declaration from the tax authorities *(Unbedenklichkeitserklärung)*, to the effect that they have complied with the Act of 1918 regarding evasion of taxes (see paragraph 9 below). They must also prove that they have taken steps to comply with the provisions of the Act of 29 March 1920, which obliges emigrants to pay an income tax two years after leaving their residence. In certain towns, of which Berlin is one, the emigrant has also to obtain a declaration from the police authorities *(Passvorbescheinigung)*, before he is given his passport. He must then arrange his financial affairs and obtain authority to take his property abroad, bearing in mind that he cannot take more than 1000 marks in a day, or 3000 marks in a month, for each person travelling, or the equivalent of these sums in foreign coin at the pre-war rate of exchange.

(5) The Greek law makes the stipulation that the authorisation which is demanded by the Recruiting Act is essential for those who are included in the terms of that Act. [1]

[1] In the Netherlands, it is proposed in the Report of 1918 that the statements made in applying for authority to emigrate should be verified in the locality where the applicant resides. On the other hand, no person should be permitted to emigrate unless he or she can show an emi-

(6) The JAPANESE law requires emigrants to obtain an emigration permit, which must be applied for from the governor within whose jurisdiction the home or residence of the emigrant lies. The permit ceases to be valid unless used within six months.

(7) The NORWEGIAN Bill of 1915 states that any one desiring to emigrate must make a declaration to the police officers of the locality where he or she resides or to an authority declared to be competent by the administration. The person who hears this declaration must enquire into the position of the emigrant and give the latter a certificate if he is of opinion that the necessary conditions have been fulfilled. In the absence of such authority, the journey must not be undertaken, nor must it be attempted in any way. It is forbidden for anyone to assist the emigration of any person who has not fulfilled the conditions of this regulation.

(8) In SPAIN, emigrants must show their "registration cards," every Spaniard being obliged to obtain one of these cards once a year from his municipality. In addition, the emigrant must possess the "identity book" specially drawn up for emigration purposes, in accordance with the Decree of 23 September 1916 (see Chapter III).

(9) The SWISS Federal Act states that emigrants must provide themselves with papers showing their birth-place and their nationality. If the emigrant is liable for military service, he must present the certificate attached to his service book testifying that he has returned all his kit.

Persons who leave behind them young children must show, if necessary, a special permit given by a competent authority.

9. *Obligations undischarged by the Emigrant.*

(1) By Article 5 of the BULGARIAN Act respecting compulsory labour service of 5 June 1920, a Bulgarian citizen must not change his nationality or settle in a foreign country until he has completed his compulsory labour service.

(2) The CZECHOSLOVAK Bill would prohibit the departure of parents who, in emigrating, leave behind them children of less than 16 years of age without making arrangements for their maintenance.

grant's form authorising a change of residence. This form, which should be similar to that which has to be obtained by every person desiring to change his residence, should be drawn up in accordance with the instructions on the subject and show clearly that no objection is raised to the departure of the person concerned. These forms authorising a change of residence are indispensable for statistical purposes and must include an indication of the sum of money taken abroad. A fee of 1 florin for each such authorisation should be charged in return for the protection accorded by the Government to the emigrants. This sum should be paid into an emigration fund.

(3) The GERMAN Act of 27 July 1918, concerning evasion of taxes *(Steuerfluchtgesetz)* obliges all German subjects, when they give up their permanent residence in Germany, to pay their taxes, both for the Empire and for the States, for three years after the conclusion of peace. They are not allowed to leave the country until they have made a declaration to the tax authorities as to their property and obtained special authority from them.

Certain classes of persons may, however, emigrate freely, particularly those whose property does not exceed 30,000 marks and those who emigrate in the interests of Germany.

The guarantees that must be given by intending emigrants amount to from 20 to 50 % of their property.

Unless the permit of the tax authorities *(Unbedenklichkeitserklärung)* is produced, no passport can be obtained.

Intending emigrants must also comply with the provisions of the Act of 29 March 1920, relating to Income Tax, according to which income tax must be paid for two years after residence in Germany has been given up. [1]

(4) By HUNGARIAN law, emigration is forbidden to parents who leave children less than 16 years of age behind them without having made arrangements for their welfare in the future, and also to persons who have not made arrangements for dependents incapable of working. [2]

(5) In NORWAY, emigration is forbidden to all persons who have certain duties to perform or who have obligations to discharge towards the community or towards individuals. Emigration is permitted only after these obligations have been discharged or satisfactory guarantees have been given. Debtors who come within the terms of the Bankruptcy Act of 6 June 1863 may be arrested if they emigrate. The Finance Act forbids the emigration of persons who have not paid their taxes, and the law concerning children forbids the emigration of persons who would in that way escape from the obligation to look after their children.

A Bill was introduced in 1915, according to which emigration would not be permitted to parents leaving behind them children less than 15 years of age, unless the welfare of such children is looked after either by the father or the mother (one or other remaining in the country), or by persons worthy of confidence.

(6) In the KINGDOM OF THE SERBS, CROATS AND SLOVENES, an emigrant cannot obtain a passport unless he produces a

[1] *Reichswanderungsamt, Merkblatt*, No. 13.

[2] The DUTCH Report of 1918 proposes to withhold permission to emigrate from anyone who abandons necessitous persons dependent upon them, without having provided for their support in a manner judged to be satisfactory by an official welfare organisation.

declaration of the fiscal authorities to the effect that he has carried out all his obligations towards them.

(7) By a Portuguese Decree of 1919, the emigration of persons is not permitted if they leave young people behind, unless they have made satisfactory arrangements with the competent authority.

By a Decree of December 1921, all persons of Portuguese nationality inhabiting the continental territory of Portugal, or the adjacent islands, and proposing to leave the country, have to deposit the sum of £20, which can be recovered, in escudos at the current rate of exchange, only if the persons in question return to Portugal within three months. Certain exceptions are made in the decree, but these do not apply to emigrants.

(8) Under the provisions of the Swedish Act of 14 June 1917, a person having the care of children may not emigrate unless he or she has given satisfactory guarantees.

(9) The Swiss Act does not authorise the emigration of parents who propose to leave their young children in Switzerland, unless they have made satisfactory arrangements with the competent authority.

(10) A Turkish Act of 1896 forbids any Mohammedan subject to declare allegiance to another country without having obtained permission from the Sultan. This permission granted, he must swear never to return again to the Ottoman Empire.

10. *The Occupation of Emigrant Workers.*

The Indian Emigration Act of 1908, makes a distinction between skilled and unskilled workers. The emigration of the latter is subject to regulations which are far more severe than those in force for skilled workers or artisans. Thus, unskilled workers can emigrate only to certain countries ; it is the policy of the Government to prohibit such emigration, unless the country to which the emigrants are going gives satisfactory guarantees as to their treatment, safety, and welfare. Similar measures are taken in the case of the emigration of workers who are serving under a contract of apprenticeship.[1]

11. *Lack of Resources either on Arrival or on Departure.*

(1) The Czechoslovak Bill aims at prohibiting the emigration of persons who have not sufficient means, after the payment of their fare, to provide for their maintenance on reaching their destination.

(2) The Hungarian law forbids the emigration of any per-

[1] Reply of the Government of India to the Questionnaire.

sons who cannot show, at the port of embarkation, that they are in possession of a sufficient sum of money.

(3) By the Swiss Federal law, the authorities in Switzerland forbid the embarkation of persons who, after having paid their passage money, would arrive at their destination without resources.

12. *Collective Emigration.*

In Spain, a special ministerial authorisation is an indispensable preliminary to collective emigration. By "collective emigration" is meant emigration which would result in the depopulation of a district, town, village or parish.

13. *Receipt of an Advance for the Expenses of the Journey.*

(1) By the Austrian Bill of 1913, trans-oceanic emigration is prohibited in the case of persons for whom a foreign Government, corporation, or institution pays directly or indirectly the whole or part of the travelling expenses or who is repaid, or given compensation of this kind. The Minister of the Interior can, however, grant exemption from this regulation.

(2) The Czechoslovak Bill proposes to prohibit the transportation of Czechoslovak emigrants who have received from a foreign country or institution a promise to defray all or part of the cost of emigration, or who have already received such payment in part or in full. The Minister of Social Welfare is empowered to exempt from such provisions workers recruited in Czechoslovakia under the conditions provided for in Sections 7 *et seq.* of the Bill.

(3) The German Act of 1897 forbids the transport of persons who have received from a foreign Government, or from any colonisation enterprise, the money necessary to pay the cost of the journey, even if the amount is ultimately recoverable.

(4) In Hungary, emigration is forbidden in the case of any persons the expenses of whose journey are paid, either wholly or partly, by a colonisation enterprise under the aegis of a foreign government, or by a society for colonisation or any similar society, or by private persons ; the same prohibition applies to those who receive a promise to have their travelling expenses repaid. [1]

[1] The Dutch Report of 1918 proposes to prohibit the emigration of persons whose passage money is paid in advance, either wholly or partly, by the agents of colonisation societies or similar institutions, unless the latter have the authority of the Government to recruit emigrants. An active supervision should be exercised on the holders of "prepaid tickets." The Government should forbid emigrants to accept these tickets if they have to surrender their freedom in order to obtain them.

(5) Under the Swiss Regulations, no one is allowed, without the authority of the Federal Council, to sign an emigration contract with any person whose travelling expenses have been advanced or paid, wholly or partly, by foreign societies, institutions, enterprises, or governments.

14. *The Obligation to Embark at Certain Ports.*

(1) The Belgian Regulations designate Antwerp as the seat of the emigration service.

(2) The Czechoslovak Bill provides that the Government may fix as emigration routes those considered most advantageous from the point of view of State control in the public interest or the interest of the emigrants.

(3) Under the provisions of the German law, the authorisation necessary for transport undertakings which deal with emigrants is granted for certain countries, parts of a country, or fixed localities only, and, in the case of trans-oceanic emigration, for certain definite ports of embarkation.

(4) In Great Britain, the embarkation of emigrants takes place at ports where there is an Emigration Officer. These officers are to be found at Cardiff, Dublin, Glasgow, Hull, Leith, Liverpool, London, Plymouth, and North Shields. There are also assistant emigration officers in other ports.

(5) In Greece, the embarkation of emigrants is permitted only at certain sea-ports determined by a Royal Decree.

(6) In Hungary, the Minister of the Interior may confine emigration to a certain number of fixed routes which appear particularly suitable from the point of view of supervision or of the interests of the emigrants themselves. Contracts for the journey and tickets, delivered by non-recognised companies, must be seized by the frontier police and sent to the Minister of the Interior. Even "prepaid tickets" sent from America must be seized.

Anyone who tries to infringe the above-mentioned regulations is liable to 15 days' imprisonment and a fine of 200 crowns, and will be obliged to return home by one of the routes specified in the regulations.

(7) Under the Indian Emigration Act, emigration is not lawful except from the ports of Calcutta, Madras, Bombay and Karachi, and from such other ports as the Governor General in Council declares to be ports from which emigration is lawful.

(8) By the terms of the ITALIAN law, the embarkation of emigrants can take place only at certain ports prescribed by law.

The Italian Government grants the following concessions to emigrants who embark on these conditions :—

a) Delivery of the embarkation ticket to the emigrant at his residence.

b) This ticket is equivalent to a contract, absolutely guaranteed, particularly by the deposit which the emigrant carrier has to make.

c) Special facilities and reduced prices on the Italian railways allowed to holders of embarkation tickets.

d) The existence at the port of embarkation of official organisations for the protection of the emigrant.

e) Certainty that the ship fulfils the hygienic conditions laid down by the Government.

f) The presence on board of an official of the emigration service.

g) Assistance of protection societies for the emigrants at the ports of disembarkation.

h) Recourse, if necessary, to special arbitration councils in all difficulties arising during and in connection with the journey.

(9) In JAPAN, the embarkation of emigrants is allowed only at the ports of Yokohama, Kobi, Nagasaki, Tsuruga, Shimonoseki, Hakodate and Moji.

(10) The RUSSIAN Bill of 1914 concerning permanent emigration proposed to grant certain privileges to Russian emigrants who go direct from Russian ports to non-European countries on ships having the special Russian authority to carry steerage passengers. In place of the usual expensive passports, emigrants can obtain papers which are valid for the return journey within 5 years on a Russian vessel and by way of a Russian port.

(11) In the KINGDOM OF THE SERBS, CROATS AND SLOVENES, passage tickets for oversea countries cannot be issued except for the ships of companies which embark and disembark in Jugo-Slav ports.

(12) The SPANISH Regulations state that the embarkation of emigrants can take place only at ports where a local Emigration Committee exists. These ports are at present Barcelona, Bilbao, Cadiz, Corunna, Gijon, Malaga, Santander, Valencia, Vigo and Villagarcia on the mainland, and Las Palmas, Santa Cruz de la Palma and Santa Cruz (Teneriffe) in the Canary Islands.

15. *Emigrants previously Repatriated at the Expense of the State.*

The HUNGARIAN law prohibits the emigration of persons who, having previously been repatriated at the expense of the State, have not refunded to the latter the cost of their repatriation.

16. *Reasons of a General Nature.*

When reasons of law and order, the material or moral welfare of the emigrant, or the interests of the community, demand it, emigration to certain countries or States is often prohibited by Governments.

(1) The AUSTRIAN Bill of 1913 proposes to prohibit, by means of an Order, emigration to certain definite countries when the health, morality, or economic future of the emigrant is exposed to great danger.

(2) In CHINA, the emigration of labourers is restricted to *(a)* those selected by the Government, *(b)* those directly employed, *(c)* those employed by agents.

(3) In the BELGIAN CONGO, the Decree of the Governor-General of 7 December 1887 lays down that the Maritime Commissioner shall see that no native is embarked except of his own free will and for countries where liberty of work is guaranteed.

(4) The CZECHOSLOVAK Bill would authorise the Government to restrict or prohibit emigration to certain areas for reasons of public order, or where the liberty, life or property of the emigrants would be threatened, or when the material or moral interests of the emigrants so require.

(5) In GREECE, by a Royal Decree, issued on the advice of the Minister of the Interior and as a result of a decision of the Cabinet, persons of both sexes, with or without age limit, or certain classes of persons, may be forbidden to emigrate or to go to any foreign country, or to a particular foreign country ; the departure of such persons may, however, be permitted in special circumstances.

(6) According to HUNGARIAN law, emigration may be prohibited to countries where the life, health, material or moral interests of the emigrant are threatened. This prohibition may be confined either to a limited period, or to a particular category of persons of a certain profession or of a certain age.

(7) The INDIAN Act states that where the Governor-General in Council has reason to believe that sufficient grounds exist for prohibiting emigration to any country he may, by notification in the Gazette of India, declare that emigration to that country shall cease to be lawful.

Where the Local Government has reason to believe that, in any country, the plague or other epidemic disease dangerous to human life has broken out, and that emigrants, if allowed to emigrate to that country, would be exposed to serious risk of life on arrival there, it may, by notification in the local official Gazette, declare that emigration to that country from any port in the territories administered by it shall cease to be lawful pending a reference to the Governor-General in Council.

(8) In ITALY, "the Minister for Foreign Affairs, in agreement with the Minister of the Interior, may suspend emigration to any particular area on grounds of public order or because the life, liberty, or property of emigrants may be threatened, or because the economic or moral interests of the emigrants necessitate such action." [1]

(9) In JAPAN, the administrative authorities may, for reasons concerning the protection of the emigrants, the maintenance of public peace, or foreign relations, suspend emigration or recall permits issued.

(10) According to the terms of the NORWEGIAN Bill, a person may, in certain special cases, be at any time refused authority to leave the country : (1) if it appears from the circumstances that the person concerned will be exposed in the course of his journey, or in consequence of it, to reprehensible practices, to labour of an abnormal kind, or to other dangers ; (2) if a person desires to emigrate on the strength of a contract of labour which gives no guarantee ; or (3) if the person does not fulfil the conditions laid down by law.

(11) It is laid down in the PORTUGUESE Decree that "the Government may, in virtue of a decision of the Council of Ministers, suspend emigration to a certain country for reasons of law and order or if there is ground for the belief that the life, liberty, or property of the emigrants may be threatened."

(12) In the KINGDOM OF THE SERBS, CROATS AND SLOVENES, freedom of emigration is recognised in principle, but the Minister for Social Affairs is authorised to restrict it and even to suspend it for a certain time or towards certain countries if this restriction of suspension is necessary in the interests of the country or of the emigrants.

[1] According to the proposals made in the NETHERLANDS in the Report of 1918, the Government may forbid, in very special cases, emigration to certain countries or places, by reason of special conditions prevailing in these countries and liable to be seriously detrimental to the emigrant, from the point of view of morality or of health, of the safety of his fortune or the preservation of his freedom.

(13) The SPANISH law permits the Government, either for reasons of public order or for reasons concerning the health or safety of emigrants, temporarily to forbid, of its own accord or at the suggestion of the Emigration Office, emigration to certain countries or states. Except in urgent cases, the views of the Council of State are first to be heard on such prohibition in so far as it is determined by reasons of state.

CHAPTER III.

THE PASSPORT AS AN ESSENTIAL PRELIMINARY TO LEAVING A COUNTRY.

In Section 8 of the last Chapter, reference was made to the neeessity for an emigrant to have special papers authorising him to emigrate. These papers practically constitute special emigrants' passports ; such passports were in existence before the war, even in countries where a passport was not generally required. Their scope had gradually been extended. The old form of passport, a paper issued by the police and intended to facilitate the supervision of individuals by the authorities, had gradually become, especially in Italy, a document which entitled the emigrant to legal protection, which served as a guide, and guaranteed his personal safety. [1]

In certain cases, papers are issued with the object of facilitating the possible return of the emigrant to his native country.

The Australian Immigration Act, 1901-1920, states that any person who has resided in Australia for a period or periods in the aggregate of not less than 5 years, and who is about to depart from the Commonwealth, may apply to a competent officer for a certificate excepting him, if he returns to the Commonwealth within the period limited in the certificate, from the dictation test.

In South Africa, one of the clauses of the Immigrants Regulation Act, 1913, states that any person who desires some assurance as to his title to return to the Union without going under the restrictive operation of the Act, can obtain from an immigration officer a permit described as a certificate of identity. The person in question must prove lawful residence in the Union. A fee is charged for this certificate, the duration of which is limited to three years. Holders of these documents who do not return to the Union within the currency of the

[1] Dr. E. A. Ehrenfreund. *La Disciplina dell'immigrazione secondo le leggi canadesi. Bollettino dell'Emigrazione*, Rome, 15 July 1914, p. 48.

certificate may be required to undergo the test imposed by law.

In addition to special papers already referred to, the emigrant has to procure, like every other traveller, an ordinary passport or some similar document, authorising him to leave his country or to enter another one.

Many countries have prescribed formalities which differ in the case of emigrants from those required from other travellers. Without entering into the details of all administrative regulations dealing with the grant of these documents and visas, a few indications are given in this chapter on the more important systems applied to emigrants.

The most striking characteristic in recent laws is the tendeney to impose on the emigrant the obligation to obtain more numerous papers or to undergo more complicated formalities than the ordinary traveller.

(1) Canada. The laws and regulations now in force do not require a passport or an exit visa for persons leaving Canada, but a passport is granted to Canadians who need it in other countries.

(2) China. Emigrants are required to provide themselves with a passport issued by the Emigration Office.

(3) Czechoslovak Republic. The departure of emigrants is made conditional on the possession of passports, which, in the case of men between 17 and 40 years of age, are delivered for a limited period only.

In addition, the Bill now under consideration aims at the institution of compulsory passports for all Czechoslovak emigrants, issued to the applicant when his identity has been clearly established and when there is no legal obstacle to his emigration. Certain categories of emigrants and certain European countries may by decree be exempt from this obligation, but the passport would always be compulsory for persons subject to Section 31 of the Army Act.

(4) Germany. When the intending emigrant has accomplished the different formalities indicated in Section 8 of the preceding chapter, he is able to obtain the passport itself, which must be accompanied by a special paper *(Ausweis)* for each child. Before leaving, the emigrant must obtain a visa from the police authorities *(deutscher Sichtvermerk)*. Having secured these documents, the emigrant has then to go to the diplomatic or consular authorities of the country to which he is going, and obtain a visa and permission to enter the country *(Einwanderungserlaubnis)*. This is, generally speaking, not granted except on production of a medical certificate *(Gesundheitsbescheinigung)* and a certificate of good conduct and habits, delivered by the police *(Leumundbescheinigung)*. If the emigrant does not embark at a German port, he must also

have the visa of the consular and diplomatic authorities of the countries through which he will pass *(Durchreisesichtvermerk)*.

The normal validity of the passport is two years, subject to renewal for a further three years. It is in exceptional cases limited to a single journey.

(5) Greece. Emigrants, in accordance with Article 2 of the Emigration Act 1920, must obtain the necessary passport from the competent prefecture. The Minister for Foreign Affairs may, however, authorise the Emigration Office of the Piraeus to give passports to emigrants.

It is also forbidden for shipowners and agents to deliver tickets for foreign countries to Greek subjects who have no passports.

(6) Hungary. The law states that every emigrant must have a passport for the country to which he desires to emigrate, and it is forbidden for anyone to conclude a contract with any person not in possession of a passport. Since the war, the Hungarian authorities have delivered passports only to persons provided with an "affidavit," a document sent by relations resident in America to certify that they bind themselves on their honour to ensure, in case of need, the maintenance of the immigrants.

In consequence of the large number of false declarations, especially with regard to family ties, the Minister of the Interior has by a Decree (No. 12,000/XI/1921) restored the pre-war regulation regarding passports, in accordance with the provisions of Act No. II of 1909. This regulation states that the "affidavit" will be admitted only in the case of a minor. For every other person, the competent police authorities must find out whether the person concerned is an emigrant under § 1 of the above-mentioned Act.

(7) Italy. The emigrant must obtain a special passport from the competent authority, in accordance with the regulations in force and with the instructions of the General Emigration Office. A fee of two lire shall be charged for the passport and for each renewal, irrespective of the number of persons included on it; the money thus obtained shall be remitted intact to the Emigration Fund. During the period for which a passport is valid an alteration may be made therein by any of the competent authorities in respect of the destination there entered, upon payment of 1 lira. Contraventions of the passport regulations shall be punished by fine and imprisonment. The competent authority shall hand over the passport within 24 hours, or, if necessary, after receiving authority from the General Emigration Office.

(8) Japan. The Order of 15 March 1907 stipulates that, when a passport is applied for by an emigrant whose departure is regulated through the medium of an emigration agency

(Imin Toriatsukainin) or by means of a guarantee given by at least two persons, the emigration agent or the persons giving the guarantee are required to sign the application for a passport.

(9) Netherlands. The obligation to obtain a consular visa has recently been cancelled for all emigrants crossing Holland in order to go to a non-European country who can produce a ticket or other adequate proof that a place has been reserved for them on board ship for such a journey.

(10) New Zealand. According to Regulation 2 of the second schedule of the War Regulations Continuance Act, 1920, no person more than 15 years of age will be permitted to leave New Zealand for an oversea destination without having previously obtained written authorisation to do so. This authorisation is granted to the holder of a passport in the form of an exit visa. This formality will therefore remain in force until the regulations referred to above are amended or abolished.

(11) Poland. The regulations in force tend to simplify as far as possible the formalities which must be undertaken in order to obtain the passport which is essential for emigrants. In accordance with an instruction issued jointly by the Minister of the Interior and the Minister of Labour, dated 27 April 1920, emigrants going to America must, in order to obtain their passports, send a special form to the Emigration Office, show their tickets, whether "prepaid" or not, and produce the affidavit or permit. The necessary steps with regard to the above must be taken by the intending emigrant personally; no one can act on his behalf. A small fee is charged for the passport.

(12) Portugal. Every emigrant must have a passport, which can be obtained from a prefecture. The presence of the person concerned is not necessary if he sends identity papers obtained from the municipal authorities. Persons more than 14 and less than 40 years of age can obtain passports only if they obtain the authorisation of the competent military authorities. Each individual must have a separate passport, made out in accordance with the official form, indicating whether the emigrant has been hired or whether he is going entirely on his own initiative to look for employment.

(13) In the Kingdom of the Serbs, Croats and Slovenes, the special emigrant's passport is only valid for one journey from a Jugo-Slav port to the port of immigration and for the return to the port of embarkation in the Kingdom.

(14) The Spanish Decree of 23 September 1916 establishes an "identity book" for emigrants. This document, in the form of a bound book, contains the photograph and the finger-print of the emigrant, and complete information concerning his identity, his birth-place, his position with regard to military service, his destination, the ship on which he is authorised to

embark, the port and date of departure, the consular visas for departure and arrival, any indications concerning the employment of the emigrant, changes of residence in the country of immigration, repatriation, etc. This "identity book" can be obtained at a small charge at any post office, and it is countersigned by the competent Justice of the Peace gratuitously.

In addition, emigrants must be in possession of a "registration card", which is compulsory for every Spaniard.

(15) SWITZERLAND. The Federal Council does not recognise collective emigrants' passports except in the case of transit in the exceptional cases when emigrants travel in groups. The visa fees for collective passports are calculated in accordance with the tariff drawn up for ordinary travellers.

* * *

This system of passports and papers giving persons the right to leave their country is subject to very great variations in different directions. It is interesting to note that, by conventions of reciprocity concluded with most of the neighbouring countries, Belgium has already abandoned the need for a passport or at least for the visa. Other countries have adopted a similar policy.

But for most countries this requirement still exists ; it is, according to the general opinion, one of the consequences of the war and constitutes a return to the state of things which seemed to have been abolished in the great majority of civilised nations before the end of the last century and it has greatly pre-occupied world opinion. Problems raised by the system were considered by a special Conference on Passports, Customs Formalities and Through Tickets, which was convoked by the League of Nations in October 1920.

The Conference proposed that the League of Nations should forthwith invite the Governments to adopt measures with as little delay as possible to bring about a uniform passport system.

The most important of the measures which the Governments were thus invited to adopt as a result of a resolution of the Second General Assembly of the League of Nations are as follows :—

(1) The establishment of a uniform type of ordinary passport, identical for all countries, in order to facilitate control during the journey. The fees charged to be moderate and without discrimination as between countries or persons. Not more than two kinds of passports to be delivered, those for a single journey and those with validity for two years, the latter being capable of extension.

(2) Exit visas to be abolished for all except nationals. In the case of a passport issued for a single journey, the duration of

the validity of the visa should be the same as that of the passport. For passports issued for two years the visas will be valid for one year except in exceptional cases. The maximum fee shall be 10 francs gold.

(3) The transit visa will, unless for exceptional reasons (e. g. undesirability), be issued at once without enquiry, solely upon production of entrance visa for the country of destination in addition to transit visas for the intermediate countries. The duration of validity of a visa shall always be the same as that of the entrance visa of the country of destination. The maximum fee charged will be 1 franc.

(4) The provisions of the above paragraph will be applicable to family passports, including husband, wife and children under 15 years of age, the family passport being considered, especially as regards the charges levied, as an individual passport.

In the sitting of 18 October 1920, the Conference decided to make no particular investigation of the question of special emigrants' passports and to make them part of the ordinary system of family passports.

The Conference adopted the following resolution on the subject of *collective passports for emigrants:* "The fees for visas on collective passports for emigrants will be collected without any discrimination whatever based upon either the nationality of the holder, the points of entry into or exit from the territory of the State issuing the visa, subject, however, to the conditions of reciprocity provided for in Article 8. The provisions of Articles 2, 3, 5, 6, 7, 9 and 10 will apply to such passports."

Among the countries which have communicated their reply to the Advisory and Technical Committee for Communications and Transit[1], a certain number have adopted the measures referred to in the Resolution in their entirety (Czechoslovakia, Greece, Roumania and Siam). Other countries have agreed to adopt these measures on a basis of reciprocity. Certain countries, particularly those situated in Eastern Europe, declare that at present it is impossible for them to make great changes in the existing system.

Certain groups of adjacent countries have gone beyond the international convention thus drawn up on the subject of passports (Scandinavian countries ; Belgium, France and Netherlands ; Great Britain, Luxemburg and Switzerland ; the Succession States of the Austro-Hungarian Empire) and have arrived at, or are negotiating, special agreements on the subject of passport facilities, identity papers, transit visas, etc. Some of these agreements have gone so far as to abolish completely the system of passports and visas.

[1] League of Nations : Advisory and Technical Committee for Communications and Transit. *Replies of the Governments to the Enquiry on the Application of the Resolutions relating to Passports, Customs Formalities, and Through Tickets.* Geneva, 1922.

CHAPTER IV.

EMIGRATION FUNDS.

A. The Constitution of the Fund.

The constitution of a fund sufficient to meet all the expenses necessary for the protection of emigrants is a question which has often occupied the minds of legislators. It seems right that the expenses pertaining to the application of the emigration law should be placed to the charge, on the one hand, of the emigrants who enjoy the protection of their government in a foreign country, although they have ceased to contribute to the expenses of their own country, and, on the other hand, of the steamship companies which derive considerable benefit from the transport of emigrants, and cause increased expenses of supervision to the authorities of the country of emigration.

The sources from which emigration funds are obtained are generally the following: the sums derived from the annual licenses or concessions paid by emigration agents or shipping companies; fines imposed for infringement of regulations; the fees charged for passports and tickets; subsidies paid to the emigration services by governments or societies, etc.

The emigration fund is, generally, a separate entity, provided with money of its own and enjoying in that way an autonomy rarely met with among national institutions. The HUNGARIAN and SPANISH laws designate, as the primary source of the emigration fund, subsidies paid by the State.

HUNGARY, ITALY, PORTUGAL and SPAIN mention among the sources of revenue available for the emigration fund the fees which have to be paid by emigration agents or their representatives to obtain a concession in accordance with the law. The ITALIAN law states that "the amount of the concession tax, the whole of which shall be remitted to the emigration fund, may be varied by Royal Decree, on the proposal of the Minister for Foreign Affairs after hearing the Superior Emigration Council."

The same countries also include among the revenues available for the emigration fund the different fees payable for passports, embarkation tickets, etc., and also the amount of the fines imposed by the authorities for breach of the regulations.

The AUSTRIAN Bill of 1913, while providing for various taxes and fines in virtue of the Emigration Act, does not propose to create a special fund; it states that these sums are to be placed in the State Treasury.

The CZECHOSLOVAK Bill confines itself to a declaration that taxes collected in accordance with its provisions, as well as fines, would be paid into the Treasury.

HUNGARY places at the disposal of the emigration fund the amount of the deposits made by emigrants between 1 January of the year in which they reach their 18th year and the date on which they are called up for military service. The deposits are confiscated by the State in the event of the person concerned not presenting himself to the authorities on the date when the passport ceases to be valid.

ITALY gives to the emigration fund the sums derived from the special licenses procured from the consular authorities at an oversea port by the captains of ships not registered on a carrier's certificate for the regular transport of emigrants but on which it is desired to carry more than 50 Italian passengers travelling in the third class, or any class corresponding thereto, or returning emigrants. In addition, the Italian fund includes the amount produced by the sale of railway tickets to emigrants going to a European country.[1]

[1] By way of example, the budget of the Italian emigration fund, taken from the financial report which appeared a few months ago, is given below, the following statement being for a more or less normal year (November 1913-1914):—

The receipts of the Italian emigration fund for the year 1913-14 amounted to 4,375,147.03 lire, of which 537,241.60 lire came from the resources of the fund itself (interest derived from sums held on current account, State bonds, and bonds guaranteed by the State); 2,818,242.80 came from payments made by transport agents (license fees, embarkation tax, fees payable on the nomination of representatives of shipowners transporting emigrants, and fees for the consular authorisation necessary for the return journey); 46,290 from the sale of railway tickets for emigration to other parts of Europe; 643,488.93 from repayments made by persons participating in the expenses (repayment of the sums allocated to the military doctors who are in charge of the sanitary service on board emigrant ships, expenses on board and lodging of the emigrants in houses or quarantine stations); and 329,833.70 from various sources (fines for breach of the regulations, exceptional receipts, etc.).

The total expenses for the same period were 3,476,290.65 lire, the details of which are as follows: general expenses, 402,677.76 lire; providing emigrants with useful information, 52,366.78; assistance to emigrants before departure or during the journey 74,577.62; protection of emigrants in foreign countries 1,720,351.79; exceptional expenses 559,296.70.

In Norway the Bill of 1915 proposes that a special emigration fund should be formed by means of a passport fee, a license fee for shipowners transporting emigrants, and the amount obtained from fines imposed for breach of the regulations.

In the Kingdom of the Serbs, Croats and Slovenes, the income of the fund is derived from fines and all other contributions imposed by the law and the regulations based upon it. The Minister for Social Affairs may also determine by means of an Order the contribution which must be paid by repatriated subjects of the Kingdom for the services which have been rendered to them in oversea countries by the officials of the Ministry.

The Spanish law authorises the Superior Emigration Council to receive, on behalf of the emigration fund, subventions and gifts from corporations and individuals. The regulations state in addition that the Central Emigration Council has legal power to accept, in the name of the State, by way of inheritance, legacies or donations, goods or money which may be offered to it for purposes for which it is authorised. The Council is authorised by law to receive funds from any source whatsoever and to sign contracts in accordance with the law.

B. Administration of the Fund.

The administration of the emigration fund is entrusted to special emigration authorities.

(1) The Hungarian law makes the Minister of the Interior responsible for the control and the administration of the emigration fund, but should a sum of money be sent to the President of the Council of Ministers, to be used in accordance with the law, the latter must render an account of it.

(2) In Italy, the administration of the fund by the General Emigration Office is under the supervision of a permanent committee of three senators and three deputies.

So much of the fund as is not required to meet the expenses of the emigration service shall be invested in State bonds, or bonds guaranteed by the State. The money needed for the service is placed in the bank.

The redemption of securities can only be effected on an order of the Commissioner-General. The accounts of the emigration fund shall be presented annually by the Minister for Foreign Affairs to Parliament, where it shall be examined and voted on separately.

(3) Poland entrusts the administration of the emigration fund to the Emigration Office.

(4) In Portugal, the administration of the emigration fund is entirely in the hands of the Emigration Department. But there is a regulation, peculiar to Portugal, to the effect that the revenue of the emigration fund cannot be applied in its entirety to the purpose of the control and protection of emigrants. A sum not exceeding 53,300,000 reis is applied to the remuneration of the personnel of the emigration service ; then a sum of 15,000,000 reis is placed at the disposal of the Minister of the Interior for public aid centres ; the remainder goes to the State.

In the Kingdom of the Serbs, Croats and Slovenes, the money is deposited with the Minister for Social Affairs, whose duty it is to administer the fund.

(5) The Spanish law charges Section IV (Financial) of the Superior Emigration Council with the administration of the emigration fund. The money is placed on current account at the Bank of Spain, with the exception of a reserve intended to cover the immediate expenses of the service. This reserve is at no time to exceed 5,000 pesetas. Redemption of funds and all banking operations must be signed by the President of the Superior Council and by the Secretary of the Financial Section. The regulations lay down the financial principles to be adopted. The accounts are made up every month and presented to the first plenary sitting of the Council. Every year a detailed and precise financial report is prepared.

From the point of view of decentralisation, notice should be taken of Article 75 of the Spanish Regulations : "If the Central Emigration Council considers it desirable, it may place at the disposal of a local committee a part of its revenues, or it may waive its right to the receipt of all sums over and above a certain fixed amount. This local committee has, in that case, the right to appoint a salaried secretary and the necessary staff. The estimates of the local committee and also a complete financial statement at the end of each year must be submitted to the Council for approval."

C. Special Regulations in force in Certain Countries.

The Austrian Bill of 1913 does not provide for the creation of an autonomous emigration fund, but it would require every transport undertaking to pay a tax of 10 crowns for the transport of each Austrian emigrant, 5 crowns for a " half emigrant " and 2 crowns for a " quarter-emigrant. " These sums are to be paid into the State Treasury.

In Greece, no fund independent of the Treasury and enjoying an autonomous administration has been created. On the contrary, it is expressly stated that money paid by emigrants, fines

imposed by judicial authority in virtue of the emigration law, and fees charged by the Ministry of the Interior are to be paid in to the Government account, considered as public revenue, and figure among the receipts under a special title. A sum equal to the revenue is to be used for the purpose of facilitating the return of Greek emigrants from America (or elsewhere), of helping them to settle in Greece, and to assist those among the repatriated who are ill; if the sums available permit, a certain amount is to be spent on behalf of elementary instruction in the Greek language in America. For these purposes, a credit equal to the revenue for the preceding financial year is to be placed in the accounts of the Ministry of the Interior. On the first occasion of applying the law a credit equal to the estimated revenue for the forthcoming year is to be placed in the budget. The money is distributed by the Minister of the Interior on the recommendation of a Commission known as the "Repatriation Commission." This Commission deals with repatriation and is permitted to correspond directly with public authorities.

Mention should also be made of the system in force in the NETHERLANDS, to assist in defraying the expenses of the emigration service. There is no emigration fund properly speaking but a certain sum, determined annually, and put down in the public accounts, is allocated to every committee exercising supervision over the transport of emigrants. The law states that, should one of these committees lose an action brought against a shipowner or his representative, the fine imposed upon it and the expenses incurred are charged on the public accounts. [1]

In the KINGDOM OF THE SERBS, CROATS AND SLOVENES the emigration fund is constituted with a view to meeting all the expenses of the emigration service not provided for in the Budget, for example, subsidies to emigrants' organisations or to poor emigrants, the construction of emigrants' hostels and, in general, all expenses which may be incurred in the interests of emigrants.

[1] The DUTCH Report of 1918 proposes the formation of an emigration fund, to which certain sums should flow automatically, such as the tax on change of residence, the tax on every passenger carried by steamship companies, license fees for agents and sub-agents, for transport, emigration and recruiting, fines, and voluntary contributions. As the amount derived from these sources may vary considerably from year to year, a State subsidy should also be provided. Among the expenses charged on the emigration fund would be those relating to repatriation and subsidies to aid societies established in countries of immigration.

CHAPTER V.

THE PROTECTION OF EMIGRANTS AND THE INFORMATION GIVEN TO THEM BEFORE DEPARTURE.

Protecting the emigrant and giving him exact information constitute, one might say, the underlying principles of the legislation of most countries concerning emigration.

This protection can be most effectively provided before the departure of the emigrant. If emigration is to be carried out methodically and with the greatest possible advantage, both to the emigrant and to the countries of emigration and immigration, the persons concerned must above all be able to obtain, without difficulty, precise information on the questions which affect them, particularly with regard to transport, and the conditions prevailing in the country to which they are going.

Several Governments have a National Information Office for emigrants. Generally, this office forms part of the governmental machinery which is set up for dealing with all emigration matters. In addition, there are in many countries private information offices, or other institutions or associations which make it easy for future emigrants to obtain useful information.

Apart from this, legislation aims at preventing illegal propaganda, regulating recruiting, and intervening in the matter of labour contracts in foreign countries. Supervision is exercised over the action of agencies, transport contracts, and the embarkation of emigrants, even the price of the tickets for the journey being determined.

In AUSTRIA an Information Office for Emigrants *(Oesterreichische Auskunftsstelle für Auswanderer)*, established at Vienna, was founded by the Government in 1920, and is placed under the immediate control of the Minister of the Interior. Its sole object is to give all who desire to emigrate gratuitous information on emigration, particularly on the economic and health conditions of different countries, on the travelling formalities, etc.

The Austrian organisation is intended—on the assumption that the right to emigrate is recognised by law—to protect the emigrant against all forms of injury and exploitation, to prevent illegal propaganda, and to safeguard the home country against an abnormal emigration of workers.

In Belgium, there is an office whose duty it is to collect and to communicate to interested persons all available information concerning the conditions of emigration overseas. It is established at the Ministry for Foreign Affairs, in the Department of Commerce and the Consular Service. But the Government was aware that the centralisation of all such information in the capital would place it out of reach of the persons who require it, and it has therefore established information offices in different parts of the kingdom in direct communication with the central administration. It was considered desirable to establish one of these offices in the principal town of each province ; each office receives from the Ministry for Foreign Affairs a certain number of copies of statistics and reports which summarise the economic situation in countries open to emigration. In addition, the provincial offices place at the disposal of all interested persons the text of emigration laws, and a list of firms authorised in Belgium to recruit and transport emigrants.

For emigration purposes there are at Antwerp : (1) a committee of inspection, (2) a surveying committee, (3) a Government representative, (4) a medical service.[1]

The committee of inspection has to verify and to control, in matters concerning emigration, the work of the surveying committee, to clear up difficulties and to decide in case of disputes which may arise as to the engagement or transport of the emigrants.

The surveying committee has to survey everything concerning the conditions of the emigrants on board and the measures adopted for ensuring the safety and health of persons travelling in emigrant ships.

The Government representative has to see that all regulations concerning the transport of emigrants are carried out.

Finally, the medical service supervises the sanitary condition of the ships and the state of health of the passengers.

In the Belgian Congo, the Maritime Commissioner supervises the embarkation of emigrants at the ports of Banana, Boma, and Matadi.

The Czechoslovak Republic, in view of the emigration from districts formerly belonging to Hungary, the population of which has at all times been attracted to America, has established, at Bratislava, under the Minister Plenipotentiary charged with the administration of Slovakia, and at Uzhorod (Ungwar), under the Administration for the Carpathians and

[1] Regulations of 2 December 1905, Art. 1.

Ruthenia, a special section, whose duty it is to give information to emigrants and to dissipate the erroneous ideas which the inhabitants of those districts may hold with regard to the conditions in America.

Wage earners who desire to emigrate in order to obtain work abroad can apply for this purpose to the public employment exchanges.

Illicit propaganda carried on by emigration agencies is forbidden by the law of 21 April 1897 (No. 27 of the Bulletin of Imperial Laws). All the regulations now in force with regard to emigration aim at the protection of emigrants against exploitation and dishonest practices.

The Emigration Bill would lay upon the Minister of Social Welfare the duty of watching over the accuracy of the information given to emigrants as to the prospects of emigration. Such information cannot be given unless authorised by the Ministry of Social Welfare. Special permission for giving information would not be needed by an undertaking authorised by law to carry on emigration business for the purpose of engaging emigrants and for performing its ordinary duties. Nor would permission be needed for publishing official information nor for publishing occasional information without a view to profit. Authorisations might always be restricted or cancelled. The Bill adds that a council would be created at the Ministry of Social Welfare for the study of all questions relating to emigration.

In FRANCE, emigration is not of great importance, and it is rather in immigration questions that the administration has taken an active part. Emigration to the colonies, however, has developed on a considerable scale, and in connection with it some special arrangements have been made.

The Office of the Algerian Government, the Office of the Sherifian Government and of the French Protectorate in Morocco, the Office of the Government of Tunis, the General Agency *(Agence Générale)* of the Colonies (Ministry for the Colonies) and the economic agencies created by the Governments of Indo-China, Madagascar, French West and Equatorial Africa—organisations maintained in the capital by the colonies and protectorates concerned—provide Frenchmen who intend to settle in these different countries with the necessary information concerning agriculture, trade, industry, and the conditions of work.

The Office of the Algerian Government was founded in 1892 on the recommendation of the budget committee of the Chamber of Deputies with a view to developing the colonisation of Algiers by people of French nationality. It organises publicity campaigns on as large a scale as possible to bring to the knowledge of the public the advantages bestowed by the Algerian Administration on colonists. It gives precise and de-

tailed indications as to the places which have been, or may be, opened up, on the available resources, and on the kind of work that can be undertaken in the districts open to colonisation.[1]

In GERMANY, the *Reichswanderungsamt* has to examine and to make extracts from communications addressed by official organisations in different countries and German representatives abroad on the conditions affecting emigration, immigration and repatriation in each place, to obtain information on the situation from German emigrants in foreign countries, to register particulars of persons who desire to emigrate, immigrate, or be repatriated, to give information to future emigrants to any particular country, to prevent illegal recruiting of emigrants, to supervise colonisation companies or societies, to oppose in every possible way the activities of persons who attempt to draw profit from the present depression by way of recruiting, to give encouragement to all plans for the protection of emigrants, to supervise and improve the working of institutions concerned with emigration and immigration, and to ensure the regulation of repatriation, the reception of the repatriated, and the settlement of their affairs.

The information is frequently given orally to the persons interested. The activity of the office embraces the whole of Germany, and it is assisted in this by a number of subordinate offices, of which there are at present 25, and which help the central office in collecting information and in giving it to those who need it. In addition, the central office recognises a large number of private institutions as being of benefit to the public, and it maintains official relations with them.

With a view to distributing its information more effectively, the office publishes a journal twice a month, which is available for everybody to see. It also publishes pamphlets on conditions of emigration and on the state of affairs in foreign countries, as well as leaflets (*Merkblätter*) with reference either to particular classes of emigrants or to emigrants in general. The office frequently publishes articles in the press and organises popular lectures.

Finally, the office is in communication with institutions, professional associations and trade unions, which may be able

[1] Among the institutions and societies which provide prospective emigrants with useful information may be noted the Colonial Institutes of Bordeaux and Marseilles, which send to their correspondents all necessary documents, and certain private societies which arrange for grants of land and advance capital for this purpose. Mention may also be made of "Colonising France" *(La France Colonisatrice)* at Rouen, "French Colonisation" in Paris, the Coligny Society at Montreuil-sous-Bois (Seine), and several others, such as the Colonial League, the Colonial Union, and the Dupleix Committee. It frequently happens, however, that these societies direct enquirers to the office of the Government of Algeria, which appears to them better informed and better able to answer the enquiries than they are themselves.

to co-operate with it, and with the Evangelical Society for Emigrants and the Catholic Association of Saint-Raphael.

The office is kept informed of the issue of passports, so that it may be able to give future emigrants all the information that may be of use to them.

The public employment exchanges are available for the use of all those who desire to emigrate. Special arrangements have been made with regard to this matter between the Federal Migration Office and the Federal Employment Board.

In Great Britain, an Emigration Bill was introduced into Parliament in 1918, based on the recommendations of the Dominions Royal Commission. This Bill, with amendments put forward by the Government, proposed to set up a Central Emigration Committee, consisting of not more than eight persons appointed by the Secretary of State for the Colonies and a Consultative Board consisting of not more than ten persons, including persons representative of the Oversea Dominions and India. The powers and duties conferred or imposed on the Committee were, among others :

> *(a)* to collect information in relation to emigration and to publish and distribute the same in such manner as to make it available to intending emigrants ; and
>
> *(b)* to advise and assist intending emigrants ; and
>
> *(c)* to give advice and assistance to the Board of Trade and any other Government Department in relation to matters connected with emigration, and in particular to give advice to the Board of Trade on matters connected with the accommodation on emigrant ships, and the health of emigrants during the voyage and (after consultation with the Board and any other Government Department concerned) as to the returns of passengers to be required under the Merchant Shipping Act, 1906.

The Committee was to exercise supervision over all emigration societies, etc., which would not be allowed to undertake any work connected with emigration without the approval of the Committee.

This Bill failed to pass into law. The Oversea Settlement Committee was appointed by the Government in December 1918, to take the place of the Emigrants' Information Office. This Committee publishes handbooks on emigration to different countries, which are distributed free or at a small charge. In addition, information can be obtained by making personal application or by correspondence.

Representatives of the Dominions and Colonies in England also provide intending emigrants with information.

The employment exchanges distribute official publications on the conditions prevailing in different countries and inform

prospective emigrants of favourable openings in other countries. Sub-committees of the local employment committees assist women who desire to emigrate and it is intended to extend this system to men.

A manual for the use of emigrants has been published by the Board of Trade entitled "Abstract of the Law relating to Passenger and Emigrant Ships." Five copies of this "Abstract" must be provided on request to the masters of all emigrant ships leaving the British Isles for a British possession. The master is required to supply one of these copies to any emigrant who applies for it, and to display other copies in suitable places in the steerage where the emigrants are accommodated.

The Oversea Settlement Committee has not so far in its opinion been granted sufficient power by law. It proposed in its report for 1920 that a Bill should be introduced setting up a Central Emigration Authority having the following powers: *(a)* to give information and advice to persons intending to settle overseas or to emigrate; *(b)* to exercise legal control over licensed passage brokers and their agents and also over emigration societies; *(c)* similarly to control propaganda in connection with emigration to foreign countries and settlement within the Empire. The Authority in question should be charged with the duty of satisfying itself that all arrangements for the recruiting, departure, reception, welcome, employment and welfare of settlers within the Empire and of emigrants to foreign countries are satisfactory. It should also co-operate with the Ministry of Labour in finding employment for British subjects overseas and in foreign countries, and should act as a link between the Home Government and the Governments of the self-governing Dominions in all matters concerning land settlement overseas. The work of this Authority should be able to prevent emigration unless there is a real guarantee of employment, and to stop the exploitation of ex-service men and all other classes of settlers who are tempted to emigrate to countries where their lives and their health would be endangered.

In GREECE, the supervision and administration of the services dealing with emigration and departure for foreign countries are placed under the direction of the Minister of the Interior and entrusted to a department of this Ministry under the Director of Public Aid and Public Health.

At the Piraeus, at Patras, and in other towns determined by Royal Decree, there are emigration offices, including as a rule a section dealing with departure for foreign countries. These offices are attached to the Prefectures at emigration ports, with the exception of the emigration office at the Piraeus which is directly under the Emigration Department of the Ministry of the Interior. The work relating to emigration and to departure for foreign countries and that of the Prefecture

may, on the advice of the prefect and with the approval of the Home Secretary, be concentrated in the above-mentioned offices.

There are at present no offices in Greece, either official or private, giving information on conditions of emigration and colonisation, nor are there any institutions or associations which assist emigrants to obtain information concerning the journey.

In HUNGARY, the Emigration Department supplies the necessary information and publications of general interest to emigrants. The Emigration Commissioners are charged with the supervision of all work concerning the protection of the emigrant.

An Emigration Council has been established at Budapest, and the Ministry of the Interior must be advised by this Council before granting a license to a transport agent, or before cancelling a license already granted. Similarly, the Council has a voice in all questions concerning emigration.

The Council is composed of: four delegates of the House of Magnates and the Chamber of Deputies respectively; two representatives of the Chamber of Commerce and Industry at Budapest; one member elected by each of the following: the Hungarian Agricultural Union, the Association of Hungarian Agriculturists, the National Association of Manufacturers, and the National Industrial Committee; two economists appointed by the Minister of the Interior; two representatives elected by workers' organisations, and two delegates from the Chamber of Agriculture.

The placing of Hungarian subjects in foreign countries must be submitted to the State Employment Office for approval.

With regard to INDIA, reference has already been made to the distinction drawn in the Indian Emigration, Act, 1908, between skilled and unskilled workers. The protection of the latter is ensured by very severe regulations in order to prevent their being exploited. Emigration is not allowed except to countries designated by the Government. With regard to skilled workers, the authorities satisfy themselves that the contracts are advantageous, and, above all, that the workers before signing them understand exactly the obligations they undertake. The Government supervises the recruiting and the transport agreements of the emigrants. The Governor-General in Council has the right to forbid emigration to any particular country, if there are good reasons for such a measure. The Governments of countries to which the emigration of Indians is lawful may appoint an Emigration Agent in India; the local Government may appoint a Protector of Emigrants among whose duties are those of protecting and aiding all emigrants and of causing the provisions of the Act and rules made under the Act to be

complied with.[1] Agreements made by emigrants in view of their departure must be in accordance with the law and controlled and registered by a special authority, charged with the duty of making sure that the emigrants have thoroughly understood the nature of their agreements and that they have not been induced to enter into them by coercion, undue influence, fraud, misrepresentation, or mistake.

In Italy, the General Emigration Office is the central authority dealing with everything concerning emigration affairs. The Office, placed under the Ministry for Foreign Affairs, is composed of a Commissioner-General and three Commissioners. A central office is maintained, and, apart from that, officials are placed in different parts of the kingdom and in foreign countries. The Office, under the direction and political responsibility of the Ministry for Foreign Affairs, organises the emigration services in the kingdom for the grant of licenses to transport agents, fixing the price of journey tickets, maintaining organisation in the ports of embarkation, the grant of permits to recruit workers for European countries, etc. ; ensures the protection of emigrants on board ship ; prepares international agreements on emigration and labour ; is responsible for giving aid and protection to emigrants in foreign countries ; and supervises aid institutions, both public and private.

Apart from the General Emigration Office and the auxiliary services dependent upon it, there are other offices and societies, both public and private, which give emigrants the information and assistance of which they stand in need. The municipal and communal emigration committees (*comitati mandamentali e communali dell'emigrazione)*, appointed by the Emigration Office and subject to its supervision, and provincial and communal labour offices *(uffici provinciali e communali del lavoro)* are official organisations.[2]

All these institutions give information which may be useful to emigrants, either by replying to verbal or written questions or by publishing information on the conditions of emigration by means of the press or by any other means, or by distributing, sometimes gratuitously and sometimes at a small charge, guides, handbills, bulletins, etc., published by special institutions or by the Emigration Office. There are a number of weekly and monthly publications in Italy devoted entirely to emigration questions. Some of these institutions organise special instruction and evening classes in order to prepare the emi-

[1] The emigration of indentured labour has been stopped and will not be permitted in the future.

[2] Private Aid Societies for Emigrants have had a remarkable development in Italy. *The Humanitarian Society*, the *Bonomelli Societies*, the *Italica Gens*, the *National Union for Emigration and Labour*, the *Society for the Protection of Girls*, etc., have founded in Italy and elsewhere, branches and offices for providing emigrants with assistance.

grants for the new conditions under which they will be placed. The curriculum of these classes varies according to the place to which emigrants are going, the trade or profession in which they will be engaged, the economic and social conditions of the different countries of immigration, and the intellectual standard of the intending emigrants.

Before starting, emigrants have to undergo a medical examination and are vaccinated, and their luggage is disinfected. At Naples, the principal port of emigration in Italy, there is a hostel where emigrants receive medical attention and where they are vaccinated, where they undergo a period of isolation (if necessary), are submitted to a bacteriological examination, and other medical precautions that may be found necessary are taken. Arrangements are being made for similar hostels in other Italian ports, always under the control of the Emigration Office.

At the time of departure, a committee visits and inspects the ship, and has to satisfy itself with regard to the medical condition of the passengers and the crew and the sanitary arrangements on board.

Finally, propaganda in favour of emigration by means of handbills, guides or publications of any kind is punished under the Italian Penal Code.

In the NETHERLANDS, the official department dealing with unemployment insurance and employment exchanges, under the Minister of Labour, has, apart from its activity in Holland itself, to determine whether workers cannot find employment in other European countries, particularly in Belgium, Denmark, France, Germany, Great Britain, and Switzerland. For this purpose, the department gets into touch with official organisations in the countries concerned, and sends the information obtained to the employment exchanges, which pass it on free of charge to intending emigrants.

Before the formation of the *Landverhuizing* Society in 1913, all information relating to oversea countries emanated from the Minister for Foreign Affairs. This society now deals officially with such matters. It is subsidised by the Government, and placed under the supervision of a Government Commissary. Its principal organ is an information office, located at the Ministry of Agriculture, Industry, and Commerce.

The duties of the society are to give information to, and to protect, emigrants (particularly those going to oversea countries), to study the problem of emigration and the means of counteracting the abuses of emigration propaganda. It gives information to the Government on emigration questions.

The society publishes pamphlets, circulars, and articles in the press, and organises public lectures. It keeps in touch with institutions and societies which can co-operate in its work,

both abroad and in Holland itself. It takes steps to establish in the most important immigration countries a series of Dutch committees and correspondents from whom to obtain reliable information. [1]

Transport Inspection Committees have to carry out the provisions of the law relating to emigration; they are stationed at Amsterdam, Rotterdam, Dordrecht, Flushing,and Harlingen. At places where no such committee exists, these duties are undertaken by the burgomaster and aldermen.

The general duties of these committees are to protect emigrants and to give them advice and information, to try to settle amicably all disputes between emigrants and shipowners or their agents, to inspect, or to have inspected, all ships engaged in the transport of emigrants, and buildings where emigrants are housed, and to supervise the health of the emigrants.

In Norway the public employment exchanges are available for all emigrants, but as emigration from Norway has hitherto largely been to oversea countries Norwegian emigrants have made little use of them. These exchanges are to a large extent used as information bureaux as to the conditions of labour in Sweden and Denmark.

The Norwegian Information Office for Industry and Commerce *(Norges Oplyanings Kontor for Naringsveione)*, which is subsidised by the Government, apart from its work regarding the development of Norwegian commerce, gives information on the economic conditions, the openings, demand for labour, etc. in foreign countries.

Among private institutions, the *Ny Jord, Selskap for landets kolonisacjon eg emigrasjonen innakreukning* (Society for the Colonisation of the Country and the Limitation of Emigration) gives information to Norwegian publications on the economic condition of countries on the American Continent, and aims at making public, by means of lectures, handbills, etc., as much information as possible on emigration matters.

The *Nordmannsforbundet* (Norwegian Association) was founded to keep in touch with Norwegians who have emigrated, and to give information on foreign countries to intending emigrants.

[1] The *Zuid-Afrikaansche Voorschotkas* (South African Advance Fund) founded in 1903, gives information and makes advances to persons intending to emigrate to South Africa. In giving information, this Association works in co-operation with the *Landverhuizing*. Other societies which give information regarding emigration, but to a smaller extent, are the Emigration Committee of the *Nederlandsche Jongelingsverbond* (League of Young Dutchmen). *Ter behartiging der belangen von jonge meisjes* (Society for the Protection of Girls), the *Montefiore Society*, and the *Steun aan doortrekkenden*, a society which gives assistance to travellers, principally Jews.

Another society, the *Hasjonalforeningen til bekjempelse av den hvite slavenhandel* (National Association against the White Slave Traffic) also gives information of the same kind.

In POLAND, the Emigration Office, established on 22 April 1920, at the Ministry of Labour and Social Welfare, deals with all questions concerning emigration, repatriation, and the giving of assistance to emigrants. It deals particularly, in agreement with the Minister for Foreign Affairs, with the preparation of conventions and all international agreements relating to emigration, immigration and repatriation ; with the control of the recruiting of workers for foreign countries ; with the action to be taken against harmful propaganda in favour of emigration and the illegal recruiting of emigrants ; with gathering and supplying information as to conditions of immigration in foreign countries ; the transport of emigrants and persons repatriated ; assisting emigrants and persons repatriated during the voyage ; the protection of the interests and rights of emigrants when at work ; assisting those who have been repatriated immediately after their return ; collaboration with the Finance Ministry with regard to the transfer of emigrants' savings; the encouragement of economic and social societies and institutions in Poland and abroad, whose objects are to give assistance to emigrants and repatriated persons ; and the control of these associations from the point of view of the official regulations ; it makes recommendations with regard to granting permission to shipping companies to sell third-class and steerage tickets ; it deals, in agreement with the Superior Statistical Department, with the statistics of emigration.

The bodies through which the Emigration Office works are *(a)* the Emigration Commissioner, appointed by the Minister of Labour and the Minister for Foreign Affairs, *(b)* the offices for employment and the protection of emigrants, so far as emigration affairs are concerned, in accordance with the Decree of 27 January 1919.

The offices for employment and the protection of emigrants, instituted by the Decree of the President of 27 January 1919, have the duty, apart from finding employment for workers at home and abroad, of giving emigrants information as to the conditions and duration of the journey, and the work abroad, to supervise the contracts concluded by foreign recruiting agents with temporary workers, to act as intermediaries in procuring advances for the workers, to assist them in exchanging their money into the required foreign currency, and, generally, to give every possible assistance to emigrants on the outward and homeward journeys. The consular attachés, to whom reference will be made in Chapter VIII, are the officials who have to carry out the Polish emigration policy.

The Decree of 22 April 1920 provided for the establishment of an advisory council or committee in connection with the Emigration Office.[1]

This committee was established by an Order of the Council of Ministers of 9 June 1921. Its duties are to give advice on all questions of emigration and immigration, assistance to foreigners, international Draft Conventions, and the applications of steamship companies for permits authorising them to sell third-class and steerage tickets.

In Portugal, public encouragement of emigration and propaganda in the form of individual or collective recruiting are forbidden. Recruiting may not be undertaken except by organisations authorised by law, and in accordance with the law. With regard to emigrants whose journey is paid for, either partially or wholly, the Government must approve the basis of the emigration contract. All such contracts must contain legal clauses stating precisely the obligations of the agent towards the emigrant, and, in addition, must mention the name of the country to which the emigrant is going, the work he is to undertake, the guarantees given to him, and the wages offered.

The emigration services are directed by the General Emigration Department, which is under the Ministry of the Interior. They are directly under the Director-General of Public Health. The Committee gives, either verbally or in writing, all information asked for concerning emigration, and publishes news and information about foreign countries which may be of interest to emigrants before their departure. It examines the demands of emigrants, and complies with them as far as possible. There is an inspection service in the ports of Lisbon and Oporto, charged with the duty of supervising embarkation and of making sure that the transport of emigrants is undertaken in accordance with the law.

In the Kingdom of the Serbs, Croats and Slovenes, an emigration and immigration section has been formed in the Ministry for Social Affairs and is to deal with all questions relating

[1] With regard to social institutions for the assistance of emigrants the Polish Emigration Society at Cracow and the Emigrants' Aid Society at Warsaw were both closed at the outbreak of war. Societies which were formed during the war—such as, for example, the Society for assisting the Victims of the War—are philanthropic institutions having as their object a rather more general assistance of a social nature. Only occasionally has assistance been granted to emigrants by the Polish Philanthopic Society at Paris. The Polish branch of the Red Cross at Paris, the Franco-Polish Society, and the Young Men's Christian Association, are developing a service of help of an intellectual nature to Polish emigrants in France. Of far greater importance is the Emigrants' Refuge at New York, kept up by the National Polish Union. Recently a Polish branch of the Hebrew-American Immigration Society has been founded ; the aim of this branch is to facilitate the emigration of the Jewish population from Poland to America.

to emigration and to supervise all emigration and immigration services. It appoints in the principal ports of the country emigration and immigration commissioners whose duty it is to inform the police and port authorities of all contraventions of the law. All questions relating to the emigration of Jugo-Slav subjects are dealt with by the Ministry for Social Affairs, which has to publish a complete annual report of the work of the emigration section. The Minister for Social Affairs has an unlimited right of supervision over all licensed shipping companies and over their representatives, their offices and their ships.

In Spain, the Superior Emigration Council and its auxiliary departments are charged with the duties of protecting and giving information to emigrants. The following are represented on the Council : the Ministries for Foreign Affairs, the Interior, War, and the Navy ; the Directors-General of Agriculture and of Public Works ; the Geographical and Statistical Institutes ; the Institute of Social Reform ; the Maritime League ; the Department for Sanitary Inspection of Ports and Frontiers ; the Geographical Society and the Committee for Home Colonisation. Finally, the workers are represented by four members and there are representatives of the shipowners or charterers authorised to undertake the transport of emigrants.

The Council studies the question of Spanish emigration in relation to that of other countries, draws up statistics, and publishes any information that may be of use to persons who intend to emigrate. It issues an Annual Report, which is sent to the Government and submitted to the Cortes.

The Emigration Council is divided into four sections :— Inspection, Justice, Information and Publicity, and Finance.

The duties of the Council are to supervise the application of the law and regulations concerning emigration, to give information to the Government on the subject of emigration, to decide in doubtful cases concerning the law and regulations, to submit proposals to the Government on emigration, to discuss and to approve or disapprove the budget and accounts presented by the financial section, and to impose fines for infringement of the emigration regulations.

At the ports where the embarkation of emigrants is authorised, the Government, on the advice of the Emigration Council, creates Emigration Committees, composed of one member of the municipality, the Sanitary Inspector, a practising advocate appointed by the College of Advocates, or, where there is no such college, by the Court of First Instance, the President of the Chamber of Commerce or a manufacturer, three representatives chosen by the Workmen's Associations, two representatives of the duly authorised shipowners and consignees of the port, and, finally, two members appointed by the Council.

The Committees (*Juntas*) act as Courts of Arbitration in claims made by emigrants against shipowners, and they supervise the application of the regulations concerning emigration.

Independently of the Superior Council, the local committees and emigration inspectors establish information offices for the use of emigrants. Shipowners and consignees authorised to transport emigrants give information as to journey tickets, conditions of transport, the probable length of the journey, etc. These shipowners and consignees also have the right, if they obtain special authorisation from the Superior Emigration Council, to establish information offices in places other than the ports of embarkation. Preparations are being made for the establishment of offices of this kind throughout Spain.

The emigration regulations specify the conditions that must be fulfilled regarding the issue of posters, pamphlets, and all printed matter concerning the departure of emigrant ships.

The information given by the Superior Council and the local committees is absolutely free. An examination into the organisation of special institutions which shall make it easier for future emigrants to obtain useful information is now being made.

Swedish legislation on this subject aims primarily at protecting the emigrant against the abuses of emigration agents. This official protection is assisted by the action of certain emigrants' protective societies, such as the National anti-Emigration Society, which has its central office at Stockholm, with subsidiary offices at the two principal ports of embarkation, Gothenburg and Malmoe.[1]

The Federal Constitution of Switzerland states that "the operations of emigration agencies and of insurance societies not owned by the State are subject to federal supervision and legislation." In order to put this principle into practice, the Confederation passed a law and issued regulations and instructions to regulate the activity of emigration agents and to protect the emigrant against possible abuses.

The Federal Act of 1888 determines the conditions under which a transport contract may be drawn up; this must be done on a special form. The regulation prohibits agents from urging emigration and from going up and down the country for propaganda purposes. Each Canton exercises control over the accuracy of the information given on posters or in prospectuses.

The Executive Order of 10 July 1888 is specially concerned with propaganda in favour of colonisation enterprises, the Act of 1888 having given the Federal Council power to prohibit

[1] The object of this association is to stop emigration by publishing information on the subject of home colonisation, and to facilitate the repatriation of emigrants and assist them to settle in the kingdom.

the publication in newspapers or in any other publications of advertisements which might lead intending emigrants astray.

Under date of 12 February 1889, the Federal Council issued the following amendments to the Regulations : (1) Participation in a colonisation enterprise is forbidden to anyone who has not furnished the Federal Council with full particulars, especially with regard to the reciprocal obligations entered into by the emigrants and the persons engaging them ; (2) It is forbidden to issue publications with a view to propaganda and to give information on unauthorised colonisation enterprises ; (3) It is forbidden to sign an emigration contract with persons whose travelling expenses have been advanced or paid, either wholly or partly, by any foreign society, institution, enterprise or group ; (4) It is forbidden to put advertisements in the newspapers or any other publications whatsoever, promising to advance either wholly or partly the travelling expenses.

An Order of 31 December 1900 created an Emigration Office under the Political Department. This office must give its consent before a license is granted and supervise emigration agents, propaganda, encouragement to emigrate by means of false promises, offers of work from individuals or societies, the transport of emigrants, etc. The Order of 17 May 1918 charges the office with the duty of supervising contracts and emigration generally. Inquiries sent to the federal authorities must be addressed to the Emigration Office, which provides persons who have accepted an engagement with information and advice.

To sum up, the Federal Act of 1888 and the regulations made since that date have as their object to institute an effective control over emigration agencies, so that these agencies shall guarantee to emigrants reasonable care during the journey, at the ports, and on board ship. The supervision of the State, without preventing emigration, puts the emigrant on guard against the activities of unauthorised and unscrupulous agents, alluring offers, and organised exploitation. To give the emigrant information on the conditions of life and the state of employment overseas is the duty undertaken by the Federal Government with regard to protecting the emigrant before his departure.

Employment exchanges, both official and private, are available to persons who wish to emigrate without any restriction. They inform emigrants as to the state of employment in the country of immigration, under the control of the Federal Emigration Office, to which they can apply for full information.

CHAPTER VI.

PROTECTIVE MEASURES CONCERNING OWNERS OF UNDERTAKINGS AND AGENTS ENGAGED IN TRANSPORT, EMIGRATION AND RECRUITING.

I. Agents in general.

Legislation in different countries is frequently concerned with the control of emigration agencies of all kinds, but there are no definite principles according to which agents of this kind can be classified.

Although very few countries make the distinction clearly, there are, in point of fact, three classes of agents concerned in the transport of emigrants: owners of transport undertakings, emigration agents and brokers, and recruiting agents.

The first class consists of shipowners who arrange the journey of the emigrants, and for this purpose conclude a contract with them. The second class consists of local or district agents, whose duty it is to get into touch with emigrants with a view to persuading them to travel and to conclude a transport contract with the shipping lines they represent. The third class consists of persons whose object it is to find workmen in response to demands by industrial concerns abroad and to conclude labour contracts with them. In practice, it is very difficult to draw a clear distinction between these different types, for a single person is frequently engaged in work pertaining to all these classes.

A. NECESSITY FOR A LICENSE.

The activity of all these persons (owners or agents) is generally subject to a license or permit granted by public authorities under certain conditions.

In Austria, the Bill of 1913 proposes that the license should be given by the Minister of the Interior; in Belgium, it is given by the Minister for Foreign Affairs; in China, by the Emigration Office; in Corea, by the Minister of Agriculture, Commerce, and Industry; in Czechoslovakia, by the Minister for Social Welfare; in Denmark, by the Minister of Justice; in Germany, by the Chancellor, with the approval of the Federal Council, so far as owners of undertakings are concerned, and by the principal local authorities in the case of agents; in Great Britain, by a local authority or magistrate; in Greece and Hungary, by the Minister of the Interior; in India, by the local Government or Protector of Emigrants, in the case of transport agents and recruiting agents respectively; in Italy, by the Emigration Department; in Japan, by the Minister for Foreign Affairs: in the Grand Duchy of Luxemburg, by the Government; in the Netherlands, by the Supervising Emigration Committees; in Norway, by the local chief of police; in Poland, by the Government, on the advice of the Emigration Office; in Portugal, by the Emigration Department; in the Kingdom of the Serbs, Croats and Slovenes, by the Minister for Social Affairs; in Spain, by the Minister of the Interior, on the advice of the Superior Emigration Council; in Switzerland, by the Federal Council.

B. CONDITIONS WHICH MUST BE FULFILLED BEFORE A LICENSE CAN BE OBTAINED.

The conditions that must be fulfilled by persons or undertakings concerned in emigration affairs vary greatly in different countries.

The Austrian Bill of 1913 proposes, as an essential condition prior to obtaining a license, that the shipowner should possess, or have at his disposal, suitable, well-constructed and well-equipped ships.

The licensee may carry on his business at branch offices *(Geschäftsstelle)* on obtaining a permit for the purpose from the Ministry of the Interior. A fee of 100 crowns should be payable for each office.

Persons engaged in recruiting or colonisation should not be able to obtain a license as transport agents.

New agencies for the sale of tickets for sea passages are not to be allowed, but those which are in existence when the law comes into force may continue their business on payment of a deposit and on complying with the terms of the new law. The license is to be withdrawn as a penalty for the first offence.

The Bill also permits the Minister of the Interior to grant to philanthropic societies or institutions a special license to take part in emigration affairs on certain specified conditions. Among these public utility organisations are the official employment exchanges.

The Bill of 1913 allows the granting of a license to native or foreign shipowners and freighters, but preference is always to be given to natives of the country and to the owners of ships which take emigrants from Austrian ports. Foreigners are to be subject to special regulations, and in particular are to be under an obligation to submit disputes to Austrian courts, and to have an Austrian as their legal representative.

According to the BELGIAN regulations, persons engaged in recruiting or in the transport of emigrants must reside in Belgium. The owner of the undertaking has the right to appoint in the country agents authorised to engage emigrants. These agents must be provided with full power by an authorised owner and must obtain the approval of the local authority.

The CZECHOSLOVAK Bill lays down that the transport of emigrants can only be carried out by persons who have received a license for this purpose from the Ministry of Social Welfare. The license can only be granted to the following persons: —

1. Czechoslovak subjects whose undertakings are situate within the territory of the Czechoslovak Republic.
2. Commercial companies, registered companies and bodies corporate, whose undertakings are situate within the territory of the Republic (partnerships, limited partnerships, and limited partnerships with share capital can obtain a license only if all the members who are personally liable are Czechoslovak subjects).
3. Foreigners, foreign companies and Czechoslovak subjects, whose companies are situate outside the territory of the Republic, on condition that they open an office in Czechoslovak territory, with a representative with unlimited responsibility, fully empowered to represent them before individuals and official organisations, and that in the event of litigation, they submit to the Czechoslovak courts, and declare themselves prepared to accept the obligations imposed by emigration legislation.

Foreign joint-stock steamship companies may only obtain a license to transport emigrants if they have been authorised to carry on their business in Czechoslovakia, in conformity with the provisions in force regulating the admission of foreign joint-stock companies, and on condition that they give full powers to some one member of their agency in Czechoslovakia. Foreign limited liability companies must first of all be entered on the Commercial Register, and appoint as their legal representative a member of their agency in the country. The latter

must be a Czechoslovak subject, and must be approved by the Ministry of Social Welfare, whose approval may at any time be withdrawn.

A transport license is only granted for one year for prescribed countries or places, and in the case of trans-Atlantic voyages, only to prescribed ports. The Ministry of Social Welfare has the right to withdraw or to restrict its scope at any time. A license for trans-Atlantic journeys can only be granted to persons able to prove that they have at their disposal the sort of ships required, fitted up in accordance with legislation in force.

A license may be refused to persons who are engaged in recruiting emigrants, or to persons suspected of applying for it in order to carry out a colonisation scheme. Such persons will not be accepted as agents or legal representatives.

According to the COREAN Act, an agent is a person authorised to recruit emigrants or to make the necessary arrangements for sending them abroad. Such agents must have a license. In the event of their desiring to appoint sub-agents, they must obtain special licenses for this purpose. If the agent does not commence business within six months, the license is withdrawn.

In DENMARK the license can be granted only to persons of good reputation, who must be of age and who must have resided in the country for at least five years consecutively. But, with regard to this last condition, a special authorisation may be granted by the Minister of Justice.

The GERMAN Act draws a clear distinction between owners of undertakings *(Unternehmer)* and agents *(Agenten)*. A license to transport emigrants may be granted only to German subjects, to commercial companies and partnerships, registered co-operative societies and bodies corporate, resident or having their head office in Germany; but partnerships, limited partnerships, and limited partnerships with share capital *(Kommanditgesellschaften auf Aktien)* can obtain a license only if all the members who are personally responsible are German subjects. Foreign companies and German subjects resident abroad can obtain a license only if they appoint a legal representative in Germany, and submit to the German emigration laws. In addition, in cases of trans-oceanic emigration, the applicant must prove that he is a shipowner. Emigration agents must be resident in the district for which the license has been obtained, and must be empowered by a licensed owner to act on the latter's behalf.

In GREAT BRITAIN, a person is authorised by the local authority granting the license to sell steerage-passages only if he has a good reputation and is duly qualified. Licensed passage-brokers may appoint agents, but such appointment must be approved by an emigration officer of the Board of Trade, and the passage-broker remains responsible for all acts

done by his agent. The agents must not appoint sub-agents and must not sell tickets other than those handed to him by the broker who employs him.

Emigrant runners are assistants whose activity is regulated by law. If any person other than a licensed passage-broker or his *bona-fide* salaried clerk, "directly or indirectly conducts, solicits, influences, or recommends any intending emigrant to or on behalf of any passage-broker, or any owner, charterer, or master of a ship, or any keeper of a lodging-house, tavern, or shop, or any money changer or other dealer for any purpose connected with the preparation or arrangements for a passage or gives or pretends to give to any intending emigrant any information or assistance in any way relating to emigration," that person shall be considered an emigrant runner. The emigrant runner must obtain a license from the competent licensing authority. This license, which must be renewed annually, may be forfeited for certain acts of misconduct. The emigrant runner must wear a special badge conspicuously on his breast, so that emigrants and officials may know that he is licensed. A person who desires to obtain a license as emigrant runner must present a recommendation in writing from an emigration officer, or from the chief constable or other head officer of police in the place. The grant of this license is optional.

Under the Bill of 1918, the Central Emigration Committee, which it was proposed to set up, might grant passage-brokers' licenses, and for that purpose might cause enquiry to be made with respect to applicants for licenses. A passage-broker might not employ a person as passage-broker's agent unless (*a*) the appointment of that person as agent had been approved in writing by the Committee, and (*b*) that person held from the passage-broker an appointment for the time being in force, signed by the passage-broker and enclosed with the approval of the Committee.

In Greece, a license to sell tickets, and in general to deal with the transport of emigrants, is granted only to Greek citizens, official representatives of shipping companies, foreign or Greek, or of shipowners, and only on satisfactory evidence that the company or shipowner making application actually possesses suitable ships, and after an enquiry as to the moral standing of the agent. A license may not be granted to foreign companies or shipowners unless the country to which they belong grants similar privileges to Greek shipowners. Similarly, foreign companies may have representatives of their own nationality holding licenses of this kind only if their own country allows this in the case of Greek companies. In exceptional cases, a license may be granted to a representative of a different nationality from that of the company, if he was acting as a representative in Greece at least three years before the vote on the Emigration Act, and on condition that the laws of his

country grant the same privileges to Greek subjects. In any event, foreign companies and their representatives are subject to all Greek laws.

In HUNGARY, a license may be granted (1) to owners of undertakings who are Hungarian citizens, resident in Hungary, have never been convicted, are not accused of any misdemeanour under, or contravention of, the emigration law, and who have a good reputation : such owners, moreover, must not concern themselves with colonisation or employment in foreign countries : (2) to Hungarian companies, on condition that the majority of the members having a personal responsibility are Hungarian citizens, reside in Hungary, and fulfil the conditions imposed on agents generally : (3) to foreign owners, whether individuals or companies, having their residence abroad, on condition (*a*) that they appoint a person to represent them ; (*b*) that they submit, so far as their emigration activities are concerned, to Hungarian law and to Hungarian authorities and do not concern themselves with foreign colonisation schemes.

In ITALY, Italian shipping companies, shipowners and charterers may be granted certificates, either individually or collectively, provided they manage their vessels in accordance with the conditions laid down in the regulations. This also applies to foreign shipping companies (recognised in the Kingdom by the Commercial Code), foreign shipowners, or charterers. A certificate must not, however, be issued to a foreign shipping company, shipowner, or charterer, unless such company or person nominates as agent an Italian citizen domiciled in Italy, or a legally constituted Italian firm, and observes all laws and regulations of the Kingdom concerning emigration.

In JAPAN the license is only granted to persons or companies of Japanese nationality. The licensee is required to pay a deposit fixed by the Minister for Foreign Affairs.

In the NETHERLANDS, a license may be granted to shipowners and agents who pay a deposit or find a guarantor. Foreign shipowners and agents have the same rights as those of Dutch nationality, provided they are resident in the Netherlands. [1]

[1] The Report of 1918 proposes that licenses should be granted only on the following conditions :— (1) that the shipowners, agents, and sub-agents have a good reputation ; (2) that all representatives have a written authority from the Government ; (3) that such authority, which should be renewable annually, be granted only on payment of an annual fee of from 100 to 3,000 florins for each shipowner and representative, and from 100 to 300 florins for each agent and sub-agent, the amount being in proportion to the tonnage of the ships in which the emigration agent is interested ; (4) that a deposit of from 3,000 to 50,000 florins be made in applying for each license ; (5) that shipowners, etc., pay their agents a fixed salary and no commission ; (6) that shipowners, etc., be considered as absolutely responsible for the actions of their agents and sub-agents.

According to Norwegian law, a license may be granted by the chief of the local police subject to the deposit of a sum sufficient to cover the responsibility of the agent towards the emigrant, and any obligations imposed upon him by the regulations on the transport of emigrants. Sub-agents must be granted full power to act by the agent who appoints them, and if they carry on their work outside the district in which such agent resides they must show the local authorities a certificate of good conduct, which is to be obtained from the police authorities of that district. The agent remains responsible for the acts of the sub-agent appointed by him. At present agents have to pay a fee of 0,50 crowns for each emigrant registered. All regulations which apply to agents apply also to freighters or shipowners who transport emigrants without having recourse to agents.

A Bill has been introduced, which proposes that a license should be confined to one person and valid for one year only, subject to an annual tax, up to a maximum of 2,000 crowns, and in addition to a fee varying from 50 oere to 5 crowns for every emigrant taken out of the country.

In Poland, shipping companies must appoint authorised representatives in the country. The representative of a company authorised to transport emigrants must reside in the country, and be, if possible, of Polish nationality.

Portugal imposes the following conditions on the grant of a license: (1) the applicant must be a natural-born or naturalised Portuguese citizen ; (2) he must show a certificate stating that he has never been convicted, and he must present a certificate of good conduct and morals ; (3) he must undertake to observe all regulations concerning emigration and to submit to the competent prefecture all contracts which he concludes with emigrants.

In the Kingdom of the Serbs, Croats and Slovenes, third class and steerage tickets may only be sold by shipping companies which have obtained a license from the Minister for Social Affairs. This license is not transferable. Licensed Companies must submit to all the provisions of the emigration law. They must pay a fee of at least 100,000 dinars a year varying according to the amount of their capital. A Regulation issued by the Ministry for Social Affairs lays down that the license is valid for the whole kingdom, but the holder must indicate the place in which he intends to appoint representatives. In addition licensed companies must pay a fee for every third class ticket held and the amount of this fee cannot be demanded from the emigrant. A Council of Ministers will decide which of the companies applying for a license of this kind shall receive it. Jugo-Slav companies will have the preference, if their ships comply with the needs of the emigration service.

A license granted to a shipping company can always be cancelled and the Minister is not bound to state the reason.

Shipping companies are forbidden to have representatives and to sell tickets in places for which they have no license.

In Spain, the shipping agent, who must be a shipowner, must be a Spaniard and reside in Spain. In the case of a company it is sufficient if the members of the Board of Directors have the said nationality and residence. If the shipping agent is not a Spaniard or if he resides abroad, he must appoint a Spanish agent resident in Spanish territory to represent him. A consignee, appointed by a shipping agent, may be granted a permit by the Emigration Committees, provided he is a Spaniard, is of age and in full possession of his civil rights, and has not been punished for any offence.

Shipowners and all other persons who, in accordance with the law, take part in the transport of emigrants, are subject to Spanish law and jurisdiction in all questions concerning transport.

Emigration agencies are forbidden on Spanish territory.

Under the Swiss law, a license is granted only to agents or to representatives of emigration agencies who can prove: (1) that they have a good reputation and are in full possession of their civil and political rights; (2) that they understand emigration affairs and are in a position to transport emigrants in safety; (3) that they are domiciled in Switzerland. Agents may appoint sub-agents to represent them. Sub-agents must conform to the same conditions as the agents, and their nomination must be submitted for confirmation to the Federal Council. Agents and sub-agents must not be either officials or employees of the Confederation. Applicants for licenses must, in addition, declare that they are not in the service of a shipping or railway company and are not dependent in any way on such companies. A license as emigration agent is not granted to foreigners, if the laws of the country of which they are subjects prohibit foreigners from acting in a similar capacity.

Almost all countries lay down the principle, by law, that the authorities may cancel the license, if the holder no longer fulfils the conditions imposed, or if he is guilty of a grave breach or continued infringement of the emigration regulations.

C. AGENTS' DEPOSITS.

In addition to the license, owners of undertakings and agents have generally to furnish a personal or financial guarantee that they will meet their obligations.

The Austrian Bill of 1913 fixes the deposit at 100,000 crowns for owners of undertakings and 50,000 for agents. In

addition, a fee of 2,500 to 10,000 crowns is payable for every office owned by an undertaking.

The BELGIAN Regulations name a sum of 40,000 francs, which shall bear interest at 2½ per cent. if paid in cash.

The COREAN law stipulates that the deposit shall be fixed by the Minister of Agriculture, Commerce, and Industry. It must not be less than 10,000 yen.

The CZECHOSLOVAK Bill lays down a minimum deposit of 300,000 crowns to be paid by persons who apply for a transport license. Similarly, a minimum deposit of 100,000 crowns is required before appointing a legal representative. The methods of payment and of refunding deposit are to be fixed by further decree. In any case, the undertaking must pay a sum of 10,000 crowns for the transport license.

The DANISH law states that the deposit shall vary from 3,000 to 10,000 crowns. If the agent is authorised to undertake the transport beyond the port of disembarkation, the deposit must not be less than 7,000 crowns.

The GERMAN law fixes a minimum deposit of 50,000 marks for owners of undertakings and of 1,500 marks for agents.

In GREAT BRITAIN, passage-brokers must deposit £1,000. Under the Bill of 1918, passage-brokers have to enter into a joint and several bond to the Crown in the sum of two thousand five hundred pounds.

In GREECE, emigration agents must deposit cash or Treasury Bonds amounting to from 25,000 to 100,000 drachmas.

In HUNGARY, the deposit is 100,000 crowns; the representative of a foreign undertaking must, however, deposit 50,000 crowns.

In ITALY, agents deposit a minimum of 30,000 lire, in addition to the fee for the annual license of 1,000 lire for every ship registered.

In JAPAN, the agent cannot begin business until he has paid a deposit of at least 10,000 yen.

In the NETHERLANDS, the deposit is fixed by the supervising committee, and must not exceed 10,000 florins. [1]

The NORWEGIAN law states that the deposit must not be less than 8,000, nor more than 25,000, crowns.

In POLAND, the owner of an undertaking must deposit from 300,000 to 800,000 Polish marks, and each agent managing an office in the same undertaking must deposit from 30,000 to

[1] According to the Report of 1918, a large deposit should be handed over by the undertaking, subject to increase for every agent or sub-agent appointed by it.

80,000 Polish marks. In addition, an annual premium of 10,000 marks must be paid by the owner.

In Portugal, emigration agents must deposit 6,000,000 reis and must also pay an annual fee of 500,000 reis.

In the Kindgom of the Serbs, Croats and Slovenes, every shipping company which applies for a license must deposit 500,000 dinars ; this sum may be increased at the discretion of the Minister for Social Affairs. It must always be brought up to the full amount whenever it falls below 400,000 dinars. Deposits must be made with the National Bank.

In Spain, the deposit is fixed, for shipowners, at 50,000 pesetas ; an annual license fee of 1,000 to 3,000 pesetas must also be paid ; consignees have to make a deposit of 25,000 pesetas.

The Act of 29 April 1920 has increased the amount to be paid by foreign shipowners or charterers. The sum will be 10,000 to 25,000 pesetas according to the number of emigrants they are able to transport. The consignees, whether Spanish or foreigners, must pay an annual fee of 1,000 to 5,000 pesetas, according to the number of emigrants to be embarked. Further, both national and foreign companies must pay, on each emigrant's or immigrant's ticket issued, the sum of 5 pesetas, and 2.50 pesetas on every half ticket.

In Sweden, the deposit varies from 10,000 to 60,000 crowns. If the agent declares that he intends to arrange for the transport of the emigrants beyond the port of disembarkation, the amount of the deposit cannot be less than 20,000 crowns.

According to the Swiss Federal law, the agent must, on applying for his license, deposit 40,000 francs, and on the appointment of each sub-agent must deposit an additional sum of 3,000 francs. Persons who make it their business to sell tickets for the journey must deposit 20,000 francs. The annual fee payable for a license is 50 francs.

D. RECRUITING AGENTS.

Countries of emigration do not all consider, from the same point of view, the question of recruiting workers for foreign countries. Certain countries forbid recruiting altogether, while others authorise and regulate it.

The Austrian Bill of 1913 is particularly severe concerning the granting of recruiting permits, which may be given only to reliable persons of Austrian nationality, to employment

offices, to public utility enterprises or to foreign employers who appoint an authorised Austrian representative.

The permit may on no account be granted to officials, railway employees, almoners, teachers, advocates, notaries, hotel or inn-keepers or members of their families, owners of transport undertakings, or to foremen or directors of industrial enterprises.

The recruiters may be appointed for a period not exceeding three years but the permit can be withdrawn at any time, and they have to deposit from 2,000 to 5,000 crowns. They may not employ sub-agents and are to be obliged to hand a written contract to all persons recruited, at least one copy being in the language of the emigrant; these contracts have to contain a large number of clauses specified by the authorities as being in the interest of public order. The scale of charges payable by the workers to the recruiting agent is fixed by the authorities. All the accounts and correspondence of the recruiting agents are to be held at the disposal of the authorities.

By the Chinese Act of 21 April 1918, recruiting agents must obtain a license from the Emigration Office. The application for the license must state :— (*a*) name, age, place of birth, address, and profession of the applicant, (*b*) locality of the business office or its branch, (*c*) total sum of capitalisation, (*d*) kind of company, etc. No license is granted to an applicant who is deprived of civil rights, is an undischarged bankrupt, or is declared disqualified for property-holding privileges, or to one who has been punished within the past three years for violation of the Regulations or who has been refused a license within the past twelve months.

A special permit is required for each recruiting operation. In applying for this, the agent must state the place where the labourers are to be recruited, the name of the country and locality where they are to be employed, the nature of the employment, the total number of labourers to be employed, and must deposit duplicate copies of the contract between the agent and the employer and of the contract between the employer and the labourers.

Every agent has to pay a "special security fee" of $ 10.000 on obtaining his license, and a further "business security fee" of at least $ 5.000 for each special permit.

The agent's activities are subject to certain conditions. He must not recruit workers outside the locality to which he has been assigned. He must report to the nearest branch of the Emigration Office when the labourers are recruited and when they sail ; he is not allowed to demand money from the emigrant labourers. If the emigrants do not sail on the appointed day, unless this is due to *force majeure*, they have a right to demand compensation for damages. Should the agent fail to observe

the provisions of the contract, the emigrants can apply to the branch Emigration Office for assistance, and the expenses incurred for such assistance may be paid out of the business security fee.

An agent's license is withdrawn if he commits unlawful acts, acts against the public safety, treats the labourers badly, or if he recruits labourers by cheating or other false inducements. If the agent desires to engage simultaneously in business that directly relates to the labourers recruited he must obtain a permit for this purpose from the Emigration Office, stating on his application the kind of business, the locality, the capitalisation, and the management.

According to the detailed regulations giving an outline of contract of emigrant labour, which were promulgated on 3 May 1918, the contract must stipulate that the labourers shall receive equality of treatment with nationals as regards hours of work, wages, etc.; that 20 % of the wages shall be remitted to the Emigration Commissioner for the support of the emigrant's family; that board, room, and clothing shall be paid for by the employer and deducted from wages; that a life insurance fee shall be deducted from wages (these two deductions not to exceed one-third of the total wages), that the labourer shall be repatriated at the conclusion of his contract; that, in case of illness, the medical fee shall be paid by the employer without deduction from wages; and that, in case of death, the burial fee shall be paid by the employer.

Interpreters must be appointed in the places where Chinese labourers are to be engaged. They must be approved by the Emigration Office.

The contract must be endorsed and guaranteed by the Minister of the country concerned at Peking, and must be ratified by the Chinese Emigration Office.

In Corea, an agent is forbidden to send emigrants to any country unless he has a sub-agent or a representative there. If he induces an emigrant to go abroad as an indentured labourer or drafts an agreement stipulating for such an indenture, the indenture must be in writing and must be submitted for approval to the Minister of Agriculture, Commerce, and Industry. The agent must not receive fees from the emigrants in excess of those approved by the Minister.

If an emigrant living abroad is infirm or in distress, the agent who arranges his departure from Corea has to assist him or give him the means of returning to his own country. He remains under this obligation for ten years from the month in which the emigrant left Corea.

In Curaçao, an Order of 17 July 1883, which is still in force, stipulates that the recruiting or hiring of persons residing in Curaçao for employment outside the colony must be carried out by means of authentic contracts under sign-manual given

in the presence of an official appointed by the Governor. The latter must withhold his assent unless the length of the engagement and the rate of wages are clearly stated, a free passage back to Curaçao is assured to the emigrant at the expiration of the engagement, and in the case of minors unless their parents or guardians have given their consent. He must also refuse to agree if he is convinced that the worker has been deceived.

The Czechoslovak Bill prohibits the engagement of settlers for abroad, but allows for the recruiting of a certain number of settlers by decree, on condition that steps are taken for protecting them, both from the point of view of health and from the economic point of view. Further, the foreign Government must undertake to provide facilities for inspection by representatives of the Czechoslovak authorities and their legal representatives attached to courts and official organisations, and it must guarantee that Czechoslovak subjects will retain their nationality, their religion, and the right to return. The license will be granted on the payment of a heavy deposit, which is only refunded after the settlement has been inspected by the Czechoslovak authorities. It must indicate the kind of transport and free repatriation provided for all settlers who have fallen ill, or are considered unable to work. The settler must receive compensation when he falls ill, or if he meets with an accident, or becomes unable to work owing to the fault of the recruiting agent, as a result of the neglect of the latter or of one of his employees, or if the agent was able before the engagement to foresee the incapacity that would provide a reason for repatriation. The Ministry of Social Welfare alone may cancel the prohibition on recruiting for countries outside Europe, allowing the recruiting that of a fixed number of workers intended to be employed solely in the undertakings of the recruiter. As regards European countries, recruiting is only allowed by consent of the Labour Office, which will determine the country, the trade and the number of workers who may be engaged. The engagement of workers can only be concluded through the medium of the public employment exchanges.

Workers can only be engaged for abroad on written application by the employer, countersigned by the competent authority in the foreign country, which must confirm the accuracy of all the information given, and that there is no objection to the engagement.

A labour contract is indispensable. Among other general conditions, this contract must stipulate for a guarantee that there is neither a strike nor a lock-out in the works in question, and that the worker will enjoy the same conditions of labour and of wages as nationals.

As regards men, the contract must stipulate that the worker will be allowed a maximum leave of 3 days without loss of

pay, in order to appear before the military Recruiting Committee or the Czechoslovak representatives. All provisions of the contract will be null and void which stipulate that the worker shall give up his right to resort to law for settling disputes arising out of the labour contract, or requiring him to pay a deposit exceeding one month's wages, or when the worker, as a result of the cancelling of the contract, whether by himself or by the employer, finds himself in a more unfavourable position than that laid down by the Government of the country in which he is.

The FRENCH law prohibits anyone from acting as a recruiting agent without authorisation of the Government.

The GERMAN law forbids emigration agents to transport German subjects whose travelling expenses have been paid or advanced, wholly or partly, by Colonisation Societies, or similar undertakings, or by foreign Governments.

In GREAT BRITAIN, there are no special provisions relating to recruiting agents for foreign workers, but Article 1 (3) (b) of the Aliens Order, 1920, states that an alien who is desirous of entering the service of an employer in the United Kingdom must produce a permit in writing for his engagement issued to the employer by the Minister of Labour.

According to the HUNGARIAN law, the Minister of the Interior may fix by decree, in agreement with the other competent ministers, regulations as to recruiting and hiring of workers for foreign countries ; these regulations must be submitted to Parliament.

The INDIAN Act (Chap. V.) deals with the activity of recruiters. These recruiters, who, in the Act, are distinguished from emigration agents, must be provided with a license granted by the Protector of Emigrants at one of the ports from which emigration is lawful. This license must indicate the area within which the recruiter is authorised to act ; it remains in force not longer than one year, and the Protector may at any time, on the ground of misconduct, cancel the license. The recruiter must not act as such in any place beyond the limits of a port from which emigration is lawful, unless his license bears the counter-signature of the District Magistrate. If a District Magistrate has satisfied himself, after such enquiry as he thinks necessary, that the licensee is, by character or from any other cause, unfitted to be a recruiter, or that sufficient and proper accommodation has not been provided, or is not available, for emigrants, he may refuse to countersign a license, but he must, in that event, record in writing his reasons for so doing. The emigration agent on whose application any recruiter is licensed must supply the recruiter with a statement, signed by the agent, and countersigned by the Protector

of Emigrants, of the terms of the agreement which the recruiter is authorised to offer on behalf of the agent to intending emigrants. This statement must be both in English and in the vernacular language or languages of the local area within which the recruiter is licensed to recruit. The recruiter must give a true copy of the statement to every person whom he invites to emigrate, and must provide sufficient and proper accommodation in a suitable place for intending emigrants pending their registration or removal to the port of embarkation.

These conditions have not been retained in the Bill for amending the Emigration Act. The regulations concerning the work of recruiters will be drawn up in notifications permitting emigration to various countries.

The Italian Act states that a person shall not enrol emigrants or engage them by paying a deposit, or promise to sell embarkation tickets, unless he has obtained from the Emigration Office a certificate as a carrier of emigrants *(vettore di emigranti)*. The same conditions are imposed on the recruiting agent as on emigration agents in general. The Emigration Department may, on conditions determined by a special license, authorise a private individual to undertake, either on his own account or on behalf of a colonial enterprise, authorised by the laws of the country concerned, the recruiting of Italian workers for work in countries beyond the Suez Canal, with the exception of Italian colonies and protectorates, or beyond the Straits of Gibraltar, with the exception of the European coast, on condition that the transport of such workers be carried out by a licensed carrier *(vettore)* and that the latter pays the legal tax on the number of persons embarked. In the case of emigration to places frequented little or not at all by Italian emigrants, permission may be granted, under certain conditions, for the transport to be undertaken by a shipowner who is not a licensed carrier. The license is subject to a tax of 20 lire, which is paid into the Emigration Fund.

Persons who recruit workers for European countries must have a permit from the Emigration Office, or from a prefect, acting on its behalf. The procedure and conditions for the issue and renewal of the permit are determined by the regulations ; the deposit of a certain sum as guarantee may be included in the conditions. The permit is subject to a payment of 20 lire, to be remitted to the Emigration Fund. A labour contract, signed by the persons or firm for whom the enrolment is carried out, must be attached to the original permit. Records of enrolment are subject to a duty of 5 lire payable to the Emigration Fund in respect of each worker enrolled. Contraventions of these provisions are punished by a fine of not less than 50 and not more than 1,000 lire for each worker improperly enrolled. When the person improperly enrolled is under age or a woman, the fine shall not be less

than 200 lire for each person concerned, and a term of imprisonment not exceeding 6 months may be imposed in addition.

The JAPANESE Act stipulates that agents or their sub-agents may not carry on recruiting without previously obtaining permission from the Ministry of Foreign Affairs. Agents must conclude their agreements with emigrants by written contract which must be approved by the authorities.

The agent, before undertaking the recruiting of emigrants, must notify the local governor of the place where his agency is established of his scheme, adding a list of the places where the recruiting is to be carried on and the number of workers to be recruited in each place.

In the NETHERLANDS INDIES an Order of 9 January 1887, reissued in 1914, prohibits the recruiting of natives for work outside the Netherlands Indies, but the Governor-General has the power to grant exceptions, specifying the conditions of recruiting in each case.

The recruiting of natives of Java is authorised at present for the Straits Settlements, the Federated Malay States, French Indo-China, New Caledonia, British North Borneo, and Sarawak.

The NORWEGIAN Act of 12 June 1896, concerning employment and recruiting agencies, states that any person desirous of undertaking the recruiting of seamen or the hiring of persons for any purpose must obtain a license from the Municipal Authority and must pay a deposit. Article 3 of this law contains special regulations which must be complied with by agents who engage persons for work abroad. A written contract must be signed with reference to the engagement, but this contract is not binding on the workman unless it has been approved and countersigned by the police authorities, with a declaration that it conforms with the regulations. Should the workman not obtain the position offered, or should he be obliged to leave the place through the fault of the employer, the agent must compensate him, and the Norwegian Consul or the Government must support him in making his claim.

In POLAND, the Bill relating to employment offices at which payment is demanded gives the State offices for employment and the protection of emigrants the sole right to engage workmen for foreign countries, and forbids private offices and agencies to undertake recruiting for abroad, under penalty of a fine and imprisonment.

The PORTUGUESE Decree of 1919 makes no distinction between emigration and recruiting agents. The same regulations are applied to all these agents, grouped under the general heading of emigration agents. Recruiting is forbidden except in cases in which the Government has approved by Decree

the principle of the contract which has to be signed by the agent and the emigrant. In the contract the recruiting agent must indicate the qualifications of the emigrants, the place or district to which they are going, the employment they are going to take up, the wages they are to receive and the rights guaranteed to them.

The SPANISH law absolutely prohibits the recruiting of emigrants for oversea countries and all forms of propaganda for this purpose.

By the SWEDISH regulations, any person who acts as an agent to procure situations within or outside the county must have a license from the county government, and must also deposit not less than 1000, nor more than 5000, crowns. For situations abroad a detailed agreement must be made in duplicate, stating the names and addresses of the worker and of the employer, the nature of the situation, and the wages to be given ; the agreement must also contain a clause to the effect that the agent will compensate the worker if the terms of the agreement are not carried out, and will, if necessary, pay for the emigrant's return journey. The agreement must not contain any stipulation to the effect that the expenses for the journey or for living shall be deducted from the wages offered, or be worked off on arrival. The emigrant's copy of the agreement, together with a certificate of removal, must be examined and signed in the local police office before departure from the country is allowed.

Article 10 of the SWISS Federal Act runs as follows : "all persons, societies, or agencies, representing in whatever form a colonisation undertaking, must inform the Federal Council of the fact and furnish it with complete information on the undertaking. The Federal Council is competent to decide, in each case, whether, and if so under what conditions, individuals, societies, or agencies may be permitted to represent a colonisation undertaking." Consequently, the regulations state that anyone who has not furnished complete information to the Federal Council is forbidden to take part in a colonisation undertaking having as its object emigration to a particular colony or to another country. Detailed particulars must, for example, be given as to the obligation of the emigrants to the contractor, and also as to the latter's obligations. It is forbidden to issue publications, with a view to propaganda, and to give information on colonisation enterprises not authorised by the Federal Council. No contract of emigration is to be signed, without the authority of the Federal Council, with persons whose travelling expenses have been advanced or paid, wholly or partly, by foreign societies, institutions, undertakings, or governments.

In conclusion, it may be recalled that the International Labour Conference, during its first session at Washington

(1919), examined the conditions under which it seemed desirable to organise the recruiting of workers and adopted the the following Recommendation :

"The General Conference recommends to the Members of the International Labour Organisation that the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned."

II. The Obligations of Agents.

The laws of different countries lay down the principle that the emigration agent, whether he be a citizen of the country concerned or a foreigner, must not only obtain a license in order to carry on his work, but must also conform to certain regulations on the subject, and submit to the jurisdiction of the competent authorities and the local tribunals regarding the sanctions and the responsibilities provided for by the laws in force for the time being.

A. THE CONTRACT.

1. *Need for a written contract.*

Generally speaking, the emigration agent has to sign with the emigrant a transport contract, the essential conditions, the form, and the means of carrying it out being provided for in the law, with the object of protecting the emigrant against every possible abuse and exploitation.

These contracts, in certain cases (Austria, Belgium, Great Britain, the Netherlands, Poland, Spain, Switzerland), are drawn up in accordance with an official form.

In the majority of cases, the transport contracts must contain the following particulars :—

(1) The name of the emigration agent (owner of an undertaking), and the surname, Christian names, place of birth, age, occupation, last residence, etc. of the emigrant and of the persons accompanying him.

(2) The name of the ship, its nationality, the company to which it belongs, the name of the captain, the length of the journey, the route to be followed, etc.

(3) The date of departure, and the time at which the emigrant has to go on board.

(4) The ports of embarkation and disembarkation, or the place of departure and the destination, as the case may be.

(5) The conditions under which the journey is to be made—whether it is direct, or whether it is necessary to change to another ship, and if so, the name of the port where the change is to be made and the name of the ship that the emigrant is to take at that place.

(6) The class in which the emigrant is to travel.

(7) The cost of the journey, in words and figures. If the contract includes several persons, this price is to be shown for each person.

(8) The total space at the disposal of the emigrant, for himself, his family, and his luggage, number of berths, etc.

(9) The food of the emigrant during the journey.

(10) General regulations as to the obligations of the agent and as to claims and actions which may be brought as a result of the transportation of emigrants.

Apart from this general form of contract, reference has to be made, in certain countries, to other matters.

Thus, the AUSTRIAN Bill of 1913 stipulates that recruiting and oversea transport contracts must be in writing, and the former must in addition be drawn up in the languages of the recruiter and the person recruited.

The CZECHOSLOVAK Bill states that the contract must be communicated to the emigrant immediately after the payment of his fare, and in any case before he leaves Czechoslovak territory. The agent may be forced by decree to agree to submit, in the event of litigation, to the judgment of the competent Czechoslovak Consulate, on condition that the emigrant declares in writing that he accepts such procedure.

By the DANISH law, if the emigrant is an agriculturist the contract must state whether he is landlord, farmer, servant, etc. In the case of a servant, the contract must specify that his engagement is terminated, and must state the class to which

his parents belong (tenants, peasant proprietors). These statements must be verified by a certificate given by the authorities at the emigrant's home.

By the GERMAN law, the contract must state what sum of money remains in the hands of the emigration agent in the event of the emigrant not arriving in time to embark.

By the HUNGARIAN law, there must be three copies of the contract; by the ITALIAN and SPANISH laws, two copies. In cases where only one copy is required, that copy is kept by the emigrant.

By the ITALIAN law, the contract must indicate the number of trunks the transport of which is guaranteed.

In the KINGDOM OF THE SERBS, CROATS AND SLOVENES, a written contract concerning the voyage must be drawn up between the emigrant and the company or its authorised representative. This contract must be made either in the Serbian, Croatian or Slovenian language and in duplicate. If the shipping company accepts emigrants at some point in the interior of the country the contract must also include the transport conditions from this point to the port of embarkation and the conditions under which the emigrant will be maintained from the day of his departure to the day of sailing.

By the NORWEGIAN Act of 22 May 1869, amended 5 June 1897, the transport agent is obliged to make a written contract with each emigrant, and this contract must include all the conditions of transport. The contract must in addition be submitted to the police authorities, to whom each emigrant must present himself in person.

The SPANISH law demands an indication of the names of persons who have given the emigrant the authorisation to embark, in cases where this consent is necessary; a detailed list of the luggage which the emigrant is taking with him; in addition, the contract must state whether the emigrant is illiterate or not.

2. *Clauses in the public interest.*

Many countries lay down the principle that any clause which is contrary to the emigration law is null and void. This is the case in BELGIUM, HUNGARY and SWITZERLAND.

The GERMAN law lays down a whole series of regulations in the public interest in Articles 27 to 30.

The ITALIAN law states that application for a license as a carrier of emigrants implies the acceptance of all obligations specified in the Regulations under the Emigration Act.

The SPANISH law declares that all agreements whereby any emigrant renounces some or all of the conditions which must be stipulated in the contract, and all agreements whereby personal service is rendered in lieu of the whole or part of his fare, shall be null and void.

3. *Cost of the journey.*

The AUSTRIAN Bill of 1913 proposes that the charges should include all expenses from port to port, such as maintenance and medical attention, and must be communicated to the Ministry of the Interior at least a fortnight before coming into force. Modifications in the scale may be insisted upon during this period. The scales are to be regularly published and posted up. Should an excessive charge be demanded, the emigrant has the right to repayment of three times the amount asked in excess of the scale.

According to the CZECHOSLOVAK Bill, the agent must notify the Ministry of Social Welfare of the scale of charges 14 days before they come into force. During these 14 days the Minister may order the scale to be amended, after having given the agent a hearing. The period of 14 days provided for as above, may be reduced by the Ministry of Social Welfare in urgent cases.

GREECE. Before the departure of the ships, the emigration agent must submit for the approval of the Minister of the Interior a tariff showing the sums which the emigrants will have to pay, indicating at the same time the date on which this tariff will come into force. The receipt of any sums in addition to this approved tariff, for any purpose whatsoever, is prohibited ; the carrier is also forbidden to refuse to take a passenger who offers to pay the regulation fare. Carriers are not allowed to accept as emigrants persons who are not travelling at their own expense, and whose travelling expenses are paid, wholly or partly, by a foreign business man or Government.

By the HUNGARIAN law, every transport or emigration agent must communicate his transport rates to the Minister of the Interior.

ITALY. Carriers must forward the proposed schedule of fares to the General Emigration Office not later than 15 November, 15 March, and 15 July in each year. The Department decides as to approval of the fares after hearing the opinion of the Director-General of the Mercantile Marine

and of the Italian Chambers of Commerce abroad in the principal centres to which Italians emigrate, and the current fares in the principal foreign ports, particulars of which are to be supplied by the Italian Consuls in periodical reports. Carriers must abide by the approved schedule of fares. If any carrier does not do so, his certificate is withdrawn. [1]

In JAPAN, the agent for the transport of emigrants must submit a schedule of fares for the approval of the authorities.

In the KINGDOM OF THE SERBS, CROATS AND SLOVENES, the prices of passenger tickets must be submitted to the Minister for Social Affairs for examination and approval. They cannot be put in force until after they have been approved. Prices must always be fixed in dinars and never in foreign money. If a shipping company sells tickets at a price higher than the authorised tariff the emigrant has a right to demand the return of double the excess.

In SWITZERLAND, emigration agents must communicate to the Department for Foreign Affairs a schedule of fares for

[1] The schedule of fares, fixed for the first four months of 1921, is given herewith by way of example :—

Fares during the four months, January to April 1921, *fixed by the Emigration Office*, 1 *February* 1921.

Kind of Vessel.	Number of Vessels licensed	Fares (in lire) to					Increase for Trieste	Reduction for Reservists
		United States	Canada	Argentine	Brazil	Central America		
1st Class	14	1,600	1,800	1,800	1,750	2,000	150	10%
2nd »	18	1,400	1,600	1,600	1,550	1,800	150	10%
3rd »	5	1,300	1,500	1,500	1,450	1,700	150	10%

"Prepaid tickets" from North America, 100 dollars ; from South America 210 including tax.

The number of "prepaid tickets" must not exceed 20 % per ship.

Fares for the return of poor Italian subjects, registered by the Consulate :—

20 lire per person per day.
5 lire per child between 3 and 12 years of age.
Children less than 3 years of age free.

The average rates (in lire) fixed for the third quarter of 1913 were as follows :—

Kind of Vessel.	United States	Canada	Brazil	Argentine	Central America
1st Class	210	—	200	215	210
2nd »	200	170	184	186	195
3rd »	185	—	165	176	—

each route followed by their ships, distinguishing clearly between the fare to the port of disembarkation and the fare to the destination in the country of immigration.

4. *The responsibility of the agent, in relation to his employees.*

By the AUSTRIAN Bill of 1913, the transport agent or any holder of a license must submit to the Ministry of the Interior a list of all his employees with an indication of their duties. The Ministry may demand the dismissal of any employee. The employees have to wear a badge and have to be in possession of credentials. Employees are to be paid a fixed salary, without reference to the number of emigrants transported.

The CZECHOSLOVAK Bill lays down that the agent is responsible for all the acts of his employees in so far as they are connected with the transport of emigrants. The agent and his representative are jointly and severally responsible for the acts of the employees of the latter.

By the FRENCH law, agents must be provided with a certificate valid for one year. This certificate implies the responsibility of the carrier for all acts of his representative.

In GREAT BRITAIN, a passage broker must transmit once a month a list of all persons authorised to act as his agents or as emigrant runners for him to the emigration officer nearest to his place of business, and must report to that emigration officer every discharge or fresh engagement of an agent or an emigrant runner within twenty-four hours of the same taking place.

Article 341 of the Merchant Shipping Act lays down that the acts and defaults of any person acting on behalf of, or as an agent, of a passage-broker, are deemed to be also the acts and defaults of the passage-broker. The Bill of 1918 similarly lays down the responsibility of the agent, unless the passage-broker can prove that he has used due diligence to enforce the execution of the law, and that the act or default was committed without his knowledge, consent, or connivance.

HUNGARY. Emigration agents, representatives, and offices on Hungarian territory, must keep books, in form provided by law, which must be open for inspection at any time by the authorities, who may take copies. The names of the managers of all offices and of their staffs must be notified in advance to the Minister of the Interior. The owner of the undertaking is responsible for the acts of his employees.

Under the ITALIAN law, a national carrier of emigrants may nominate representatives, and he must forward a list of such representatives to the Emigration Office; he

assumes full civil responsibility, on his personal security. He must also, notwithstanding any agreement to the contrary, accept full responsibility for the activities of all persons to whom all or part of the arrangements for the transport of an emigrant are entrusted. [1]

Poland. Emigration agents must submit their books or copies of transport contracts to inspection, whenever the authorities judge it necessary.

Portugal. Agents have to transmit to the Emigration authorities all books and documents concerning the transport of emigrants, whenever the said authorities desire to examine them. They must also communicate to these authorities, in good time, the probable number of emigrants who will embark on each vessel, so that the Emigration Office may appoint, if necessary, an inspector to accompany the emigrants. Finally, they must provide facilities for the authorities to visit the vessels, so that their enquiries may be made, if necessary, on board.

In the Kingdom of the Serbs, Croats and Slovenes, every action of an agent involves the full legal responsibility of the shipping company he represents. For this purpose representatives or agents should always be Jugo-Slav citizens and have a permanent domicile in the Kingdom. Foreign shipping companies must submit, so far as their business is concerned, to the laws of the Kingdom.

Switzerland. Agents are personally responsible to the authorities for their own acts, for those of their sub-agents, and for those of their representatives abroad.

Agents must send to the Department for Foreign Affairs exact information as to the name, profession and residence of sub-agents whom they propose to engage.

Agents must inform the Department for Foreign Affairs of the names of their representatives and attorneys at the ports of embarkation and disembarkation.

They must also furnish a statement of all sums of money deposited with them and which are to be refunded to the emigrant at his destination; they must send in statements, as required by the Department for Foreign Affairs, on the subject of their emigration contracts and their relations with foreign shipping companies; they must furnish the police with full information, as required, which may be of assistance in the search for criminals. Agencies which in any way whatever represent a colonisation undertaking must give full information about it to the Federal Council.

[1] The Dutch Report of 1918 proposes that transportation agents should be fully responsible for the activities of their representatives, sub-agents, and recruiters.

B. CANCELLING CONTRACTS OR DELAY IN EXECUTING THEM.

1. *The obligation to feed and house the emigrant in case of delay.*

The first obligation of the emigration agent is, as has already been seen, to sign with the emigrant *a formal contract ensuring the transportation of the person concerned* and other persons accompanying him. As a result, the agent is held firmly to the duty of transporting the emigrant to the destination fixed by the contract.

Should the departure not take place on the date fixed, the agent is obliged to house and feed the emigrant until the actual day of departure, or to pay him compensation, the amount being fixed by law.

Austria. The Bill of 1913 refers to different periods :

(1) the emigrant may arrive at the port of embarkation not more than 15 days before the date of departure of the ship or the train, and the transport agent must arrange for his maintenance from that moment at a charge fixed by the Ministry of the Interior ;

(2) from midday on the third day before the day of departure, when the agent must feed and house the emigrant at his own expense ;

(3) the emigrant may demand to be received on board on the day before the departure and to be kept there 48 hours after arrival, if the law of the country of immigration allows it ; if not he can insist on being provided for on land during the same period of time ;

(4) if the departure is delayed through no fault of the shipowner, the emigrant may demand food and lodging, or alternatively compensation fixed by Order ;

(5) if the departure is delayed more than eight days, the emigrant may cancel his contract, and must in that case be repaid his expenses and perhaps compensation also.

Belgium. If the vessel does not leave the port on the day fixed by the contract, the responsible agent must pay to each emigrant, for each day of delay, a sum of 3 francs for an adult or 1.50 for a child between 1 and 12 years of age. If the delay exceeds 10 days, and if, in the meantime, the agent has not been able to arrange for the emigrant to travel on another ship, on the conditions laid down in the contract, the emigrant has the right to withdraw from the contract by a declaration made before the Maritime Commissioner and to obtain the repayment

of the sum paid for the journey, without prejudice to any damages which may be awarded. If, however, the delay is caused by *force majeure*, the agent is under no obligation except to house and feed the emigrant.

China. If the departure does not take place on the date fixed, the emigrants are entitled to receive compensation from the agent for the inconvenience suffered, unless the postponement was unavoidable.

Czechoslovakia. If the departure is postponed, and the delay cannot be attributed to the emigrant, the latter may demand, under the provisions of the Emigration Bill, either free board and lodging, or the payment of compensation for each day of delay at a rate to be fixed by special decree. If the delay lasts for more than a week, the emigrant has the right, not only to cancel the contract, but also to claim repayment of the fare and the payment of the return journey including board, without prejudice to the compensation which he might receive. If the ship does not undertake the journey, the owner of the undertaking is required to board and lodge the emigrant at his own expense, or to pay him a daily compensation. He must further, within the shortest possible time, secure the transport of the emigrant and his luggage to his destination.

Denmark. In the event of the departure being postponed, emigrants must be fed and housed on board or on land at the expense of the agent. They may, in agreement with the agent, receive a daily sum of money, the amount of which must be specified in the contract.

Germany. The agent has to house and feed the emigrant satisfactorily. If the delay exceeds a week, the emigrant has the right to be repaid his travelling expenses and compensated for losses suffered in consequence of such delay.

Great Britain. If a steerage passenger fails to obtain a passage within ten days of the stipulated date of sailing, for any cause other than his own neglect or default or a legal prohibition, and if he is not in receipt of daily compensation under the Act, summary proceedings can be taken for the recovery of the passage money and for reasonable compensation up to £10 for the inconvenience or loss which has been caused.

Steerage passengers must be maintained during any period of detention. If the detention is unavoidable and not due to the fault of the owners or master, it is sufficient if the passengers are maintained on board in the ordinary way ; but in other cases the steerage passengers are entitled to 1s. 6d. per day for the first 10 days and 3s. per day afterwards. If the emigrants are maintained on board as if the journey had already begun, they have no right to receive compensation during the first two days following the date fixed for the departure.

Every steerage passenger on an emigrant ship is entitled to at least forty-eight hours' rest after his arrival at the end of his voyage, to sleep in the ship and to be provided for and maintained on board, in the same manner as during the voyage, unless within that period the ship leaves the port in the further prosecution of her voyage.

Any question as to the breach or non-performance of any stipulation in a contract ticket may be tried before a court of summary jurisdiction, and damages awarded up to £20 in addition to the passage money. If a passenger has obtained compensation or redress under any other provisions of the Act, he is not entitled to recover damages under this section in respect of the same matter.

Greece. Tickets, whether given provisionally or otherwise, and likewise every declaration, agreement, or simple receipt, must contain a precise statement as to the day on which, or within what period (which must not in any case be longer than eight days), the departure of the passenger is to take place, on board which vessels he is to travel, and from which port he is to start.

If the departure does not take place within the period specified, the agent must pay the emigrant a sum of ten drachmas daily to the day of departure. This sum is payable to the passenger for a fortnight from the end of the period specified on the ticket. The passenger has the right to denounce the contract at any time during the period of delay; and in such an event the fare which he has paid in advance is returned to him.

At the end of the period of a fortnight referred to above, or when the journey is definitely postponed, for any reason, the agent must, in addition to paying the sums already mentioned, repay to the passenger his expenses from his home to the port of embarkation, and also his expenses home again, even if the passenger does not return home immediately.

These different sums are paid to the passenger on presentation of a statement drawn up by himself and examined by the competent Director of the Emigration Office. In the event of refusal on the part of the agent, the necessary documents, accompanied by a report, are sent to the proper department of the Ministry of the Interior, which, without further formality, orders the payment to be made from the deposit made by the responsible agent.

If the voyage is postponed as a result of *force majeure*, the emigration agent has the right to denounce the contract within the fortnight's grace allowed, on paying to the emigrant the above-mentioned compensation for the period already elapsed and his travelling expenses from and to his home, and on repaying him the cost of the sea voyage.

Hungary. In the event of postponement of the departure through no fault of the emigrant, the agent must feed and

house the latter free of charge and must make arrangements for the transport of the emigrant to his destination as soon as possible.

ITALY. If the emigrant cannot start for reasons—even accidental reasons—which can be imputed to the agent, he is entitled to the repayment of his fare. In the case of emigration subsidised or assisted in any way, if an emigrant cannot embark for the above-mentioned reasons or because of the prohibition of the competent authorities, the carrier is liable for the cost of lodging, food, and travelling from and to his home; this is without prejudice to the emigrant's right to compensation for any loss he may have incurred.

An emigrant holding a third-class ticket is to be boarded and lodged at the expense of the carrier from noon of the day preceding that indicated on the ticket as the date of sailing to the day on which the vessel sails, whatever may be the cause of delay in sailing.

An emigrant holding a third-class ticket, who has been informed of a delay in sailing after he has been supplied with a ticket, but before he leaves his home, is entitled to an allowance of 2 lire a day if he has taken a half-cabin or quarter cabin, down to and including the day before that on which sailing actually takes place.

If the delay exceeds ten days, any emigrant concerned may give up the journey, recover the fare which he has paid, and claim from the proper inspector of emigration compensation for losses incurred, if any.

JAPAN. The agent is required to fix and to announce the date of departure. In the case of an avoidable postponement, he must defray all the expenditure incurred by the emigrants as a result of the postponement.

NETHERLANDS. The agent must provide food and lodging for emigrants whom he has undertaken to transport. He is under this obligation from the day fixed for the departure until 48 hours after the arrival of the emigrants at their destination. If the ship does not go or if the voyage is interrupted, the agent must provide food and lodging for the emigrants and must arrange for their transport by another ship. [1]

PORTUGAL. The agents must feed and house emigrants at the port of embarkation from the day fixed for sailing. If the emigrant cannot embark, owing to there being no room, the agent must repay the fare and compensate the emigrant for his travelling expenses to the port of embarkation, unless the

[1] The Report of 1918 proposes that transport agents should be obliged to provide emigrants with good food and lodging from the day before that fixed for embarkation.

emigrant prefers to wait for another ship ; in this case, the agent must provide food and lodging until the day of departure.

In the Kingdom of the Serbs, Croats and Slovenes, if the departure is postponed, the shipping company has to provide the emigrant with food and lodging during the period of delay. If the delay exceeds eight days, the emigrant has the right to cancel the contract at the expense of the shipping company or to demand an indemnity of 50 dinars for every day's delay.

Spain. In the event of the departure being postponed, the agent at the port in question must pay him 3.50 pesetas for every day during which the ship is detained. This does not apply if the departure of the ship is delayed owing to a strike of workmen or dock labourers, the state of the sea, a fire or damage on board, a prohibition by the health or police authorities on the ground of public order, an earthquake, a landslip or any accident which makes the quays inaccessible. Further, the agent is not obliged to pay compensation if the delay occurs after the embarkation of the emigrants, provided he feeds them at his own expense until the hour of departure.

In the event of the delay lasting for a longer period than 14 days, the emigrant may withdraw from the contract, and shall be entitled to the repayment of the monies paid by him, or, in the case of a free passage, to the payment of the expenses of his journey home.

If the departure of a ship is postponed, the agent may be required—or authorised, if he asks for it himself—by the emigration inspector to arrange for the transport of the emigrants on another ship complying with the same requirements as the first one, if this second ship is to sail within 14 days of the date fixed for the original departure ; emigrants who do not agree to travel under these conditions are not entitled to compensation ; but, if the departure of the second ship takes place more than 14 days later, the emigrants are entitled to withdraw from the contract.

2. *Withdrawal from the contract in cases of "force majeure."*

It may happen that in consequence of illness duly verified, or in other cases of *force majeure*, the emigrant is unable to undertake or to continue the journey. This contingency is generally provided for by law in such a way that the agent is under an obligation to repay, either wholly or partly, the sums paid for the journey.

The Austrian Bill of 1913 states that when illness, death, or any other case of *force majeure* prevents the continuation of a voyage the transport agents must repay the cost of the uncompleted part of the journey.

The Belgian law stipulates that an emigrant who has been prevented from travelling on account of serious or contagious illness, properly verified, is entitled to the repayment of his fare. The fare is also repaid to members of his family who remain behind with him, in all cases if they are in direct descent, and to the third degree inclusive if they are in another branch of the family. The repayment of the fare may be demanded if one of the emigrants, or one of the members of his family, dies or falls ill before the departure, or is prevented from undertaking the journey for reasons beyond his control. In case of dispute the Government Commissioner must inform the president of the Inspection Committee of the Emigration Service. Minors and women less than 30 years of age, entrusted to the care of the emigrant, are considered as forming part of his family.

If the agent has sold a contract coupon, and if, as a result of judicial decision, the emigrant is prevented from travelling, the agent must, on the demand of the Government, repay to the emigrant, his creditors, or persons having a claim against him, all or part of the sum paid.

The Czechoslovak Bill lays down that when, in consequence of illness or other inevitable cause for which he is not responsible, the emigrant is prevented from travelling or must break his journey, or if he dies before embarkation or during the journey, he or his heirs may claim repayment of the total fare if he has not begun the journey, or otherwise of the proportion of the fare corresponding to the part of the journey not yet made. The emigrant or his heirs are, however, obliged immediately to inform the owner of the undertaking, or his legal representative of their inability to undertake or to continue the journey. If the death of the emigrant, or the impossibility of continuing or undertaking the journey is such as also to interrupt or prevent the members of his family from travelling, the latter have the right to demand the repayment of the fares they have paid.

The Danish law stipulates that the fare must be repaid to an emigrant who, in consequence of his health, is not allowed by the inspecting doctor to embark. If, on this account, the members of his family or other persons travelling with him decide not to make the journey, their fares must also be repaid ; the agent may, however, retain any sums actually expended by him for the maintenance of the persons in question.

By the German law, the fare must be repaid in the event of the death or illness of the emigrant or of any member of his family who was to have accompanied him, and in case of accident or any hindrance of a similar nature. Should these contingencies arise in a trans-oceanic port, and should the contract provide for the transport of the emigrant to or from

a place in the interior of the country, the fare for the uncompleted partof the journey must be repaid.

In the Netherlands, the agent must repay the fare to an emigrant who, owing to a case of illness duly verified, cannot go or remain on board, and to all the members of his family who remain on land, or are relanded, with him.

By the Portuguese law, in case of illness, duly verified, affecting the emigrant or a member of his family, the agent must repay the whole amount. The death of a member of the emigrant's family entitles the emigrant, if he should withdraw from the contract in consequence, to the repayment of half the sums expended.

In the Kingdom of the Serbs, Croats and Slovenes, if the emigrant is not able to undertake the journey on account of an illness affecting himself or affecting some member of his family or for any reason due to the shipping company or its representative, he has the right to the return of all the money that he has paid out. The same thing applies if the shipping company tries to embark a person who has been rejected in the medical examination before embarkation or who does not possess all the necessary documents on departure.

By the Spanish law, in case of illness affecting either the emigrant himself or one of the persons accompanying him, it is sufficient for the persons concerned to give six hours' notice before the departure. The regulations include as legitimate causes for withdrawal, under the same conditions, the serious illness or death of the father, mother, or child of the emigrant, even though these persons are not to accompany him on the journey ; in such a case, the date of the illness or death must be subsequent to that of taking the ticket. Cases of *force majeure*, duly verified, are also considered as legitimate causes of withdrawal, under the above conditions.

If the emigrant dies before the date of departure, the whole fare must be refunded to his executors.

By the Swiss law, the fare must be repaid, after deduction has been made for unavoidable expenses and outlay on the part of the agent, either in drawing up or in the partial carrying out of the contract.

3. *Withdrawal due to the fault of the transport agent.*

One of the characteristics of the Italian law is that of suppressing the responsibility of intermediaries and making the transport agent and the emigrant the only persons having rights and duties. If the emigrant is refused permission to

embark, the transport agent must compensate him, because the obligations of the contract accepted by the transport agent include that of ensuring for his departure to the country of immigration. [1]

4. *Withdrawal at the desire of the emigrant.*

The Austrian Bill of 1913 provides under these circumstances for the repayment of half the value of the uncompleted part of the journey.

According to the Czechoslovak Bill, when the emigrant before embarkation or during the voyage cancels the transport contract, for any reason whatever, he has the right to claim repayment of half the fare for the journey not yet made.

The German law provides for the repayment of half the fare.

By the Hungarian law, an emigrant who, for any reason, withdraws from the contract before embarkation is entitled to the return of his fare.[2]

By the Portuguese law, the emigrant has the right, up to five days before embarkation, to withdraw from the contract ; the agent must, in that case, repay to the emigrant half of what the latter has paid.

In the Kingdom of the Serbs, Croats and Slovenes, if an emigrant voluntarily cancels the contract before embarking he has a right to the return of half the journey money paid.

By the Spanish law, the emigrant may withdraw from the contract at least five days before the embarkation; in this case he is repaid half his fare.

5. *Enforced stay at a port.*

Should the ship be held up at any port in the course of the voyage, for any reason whatever, food and lodging for the emigrant must be provided by the transport agent. This is

[1] The Dutch Report of 1918 proposes that the emigrant should be entitled, when the contract is broken through the fault of the agent or recruiter, to the repayment of the whole fare and of all sums paid out by him, and also to compensation for losses incurred. The report also makes proposals with regard to withdrawing, in certain cases, a license which has already been granted.

[2] The Dutch Report of 1918 proposes to authorise the emigrant to withdraw, at any time before embarkation, from the contract on behalf of himself and his family, and he would be entitled in that case to the return of his fare, minus the expenses which have actually been incurred.

laid down in the laws of Belgium, Germany, Hungary, Italy, Spain and Switzerland. In case of shipwreck or any accident preventing the ship from sailing from an intermediate port, the agent must arrange for another ship to take the emigrants to their destination.

The Czechoslovak Bill lays down that the agent shall be required, in the event of interruption of the journey for any reason, to procure free board and lodging for the emigrant, or to pay him daily compensation until the journey is resumed. He must further secure, with the least possible delay, the free transport of the emigrant and his luggage to his destination.

In Great Britain, it is stipulated that if an emigrant ship becomes unfit to proceed on the voyage, a written undertaking must be given to the emigration officer that the steerage passengers will be forwarded to their destination within six weeks, and during the interval they must be maintained at the expense of the ship. If they are not forwarded within six weeks the passage money may be recovered.

The Italian law imposes a similar obligation on the agent in the event of the stay at an intermediate port exceeding a fortnight.

The Dutch law states that there is no obligation on the part of the agent if the voyage has been interrupted by reason of *force majeure* other than an accident at sea. [1]

In the Kingdom of the Serbs, Croats and Slovenes, shipping companies are responsible for all transport expenses not mentioned in the contract and particularly for those brought about during the voyage as a result of bad weather or of orders given by the authorities, or in cases of *force majeure*.

6. *Insurance of the emigrant and his luggage.*

In certain countries the agent is obliged to effect an insurance on behalf of the emigrants.

The Belgian regulations stipulate that the agent must insure himself for a sum equal to the cost of transporting the passengers and to the value of the provisions taken on the voyage. This sum is increased sufficiently to cover all loss and damage which may be incurred as a result of a total or partial failure to carry out the transport contract, at the rate of 50 % of the fare per adult passenger for trans-oceanic voyages. If

[1] Under the proposals of the Report of 1918, the transport agent may be required to have the emigrants taken by a competing company if, in cases of *force majeure*, he finds it impossible to arrange the transport himself.

the agent is not able to effect the insurance in time, he must hand over the sum in question to the government deposit and consignment office. This can be withdrawn only on production to the emigration inspection committee of an insurance policy or a legal document certifying the due arrival of the ship at its destination. If in the course of the voyage the sums insured or deposited are absorbed or partly used up, the agent must without delay insure or deposit a sum equal to the certified deficit.

The Czechoslovak Bill requires the agent to insure the head of the family or his representatives against accident, and his luggage against loss or damage, as far as his destination, with a Czechoslovak company, at rates approved by the Ministry of Social Welfare.

In Hungary, the agent has to insure the head of the family against accidents, and his luggage against loss or damage, in accordance with the rates approved by the Minister of the Interior; the agent must do this through a Hungarian Insurance Company.

In the Netherlands, the agent must effect an insurance by which the insurance company undertakes to repay the expenses which would be incurred, in case of accident at sea, in providing lodging and food for the emigrants during the time occupied in repairing the ship, or in arranging for transport to their destination, if the ship is unfit to continue the voyage. The sum insured must be, at least, equal to the total cost of the tickets plus 50 %. If the amount insured is wholly or partly exhausted, the agent must send to the supervising committee, within a specified period, a new insurance policy for an amount equal to the original sum or to the amount already used. If the amount of the insurance is not recoverable, the agent remains personally responsible for the transport of the emigrants. [1]

The law dealing with the insurance of Spanish emigrants makes this rather a social insurance than an obligation imposed on transport agents. For that reason no further reference is made to it here, in spite of its great interest. [2]

The Swiss law imposes on the agent the obligation to insure luggage against loss and damage, at rates indicated in the contract and submitted for approval to the Federal Council; and also to insure against accident the head of the family, or, if he is not present, his representative, for the duration of the voyage to the destination mentioned in the contract, for the sum of Fr. 500. The premium for this last insurance must be

[1] The proposal in the Report of 1918 is that the transport agent should insure the emigrant against accidents and the loss of his luggage. The expenses of the insurance may, of course, be recovered from the emigrant.

[2] See Chapter VII.

indicated in the contract and the rate submitted for approval to the Federal Council.

7. *Burial.*

In Hungary and Switzerland, the transport agent has —in case of the emigrant's death in the course of the voyage —to arrange for suitable interment. The Czechoslovak Bill contains a similar provision.

C. REPATRIATION OF EMIGRANTS.[1]

1. *Emigrants refused admission: transport agent at fault.*

The shipowner or agent is often obliged to compensate or to repatriate at his own expense emigrants whom he has transported without passports, or who are refused admission by the authorities of the country of immigration for reasons laid down in the immigration regulations.

Shipowners accept such clauses without hesitation because the laws of the countries of immigration frequently impose on them the obligation to repatriate emigrants whom they have transported and who are refused admission.

The Austrian Bill of 1913 states in a general way that a shipowner who has transported an emigrant rejected on arrival is obliged to bring him back without delay and free of charge to his last residence.

Greece. Emigration agents have to bring back at their own expense, to the port of departure, all emigrants who are refused permission to land in America or elsewhere for reasons which existed before the departure from Greece. They are also required to repay the emigrant's travelling expenses and to compensate him for any other losses incurred, even though it was due to simple negligence. On the other hand, agents have the right to demand from emigrants all necessary information so that they may determine whether the latter fulfil the conditions or not.

Hungary. The shipowner must repatriate free of charge all emigrants transported by him without a passport.

India. The conditions of repatriation are regulated in the agreements made by the Government of India with the Government of the country of destination.

Italy. The carrier is responsible for the loss incurred by

[1] See also Chapter XI.

an emigrant who is rejected by the country to which he goes under the laws there in force respecting immigration, in any case in which it is proved that the carrier was aware before sailing of the conditions which caused the rejection of the said emigrant. [1]

The Norwegian Bill of 1915 requires the responsible shipowner or agent to bring the emigrant back free of charge to the place where the ticket for the journey was taken. This applies to the whole family, if the head of the family, his wife and children, are rejected.

Poland. The agent has to repatriate at his own expense emigrants refused by the authorities of the country of immigration, and to bring them back to the place from which they started.

Portugal. The agent is responsible for loss incurred by an emigrant who is not accepted by the undertaking which, or the persons who, engaged him ; he must arrange for the emigrant's repatriation and reimburse him for all expenses necessitated by his return home.

Spain. If the owners of a ship convey an emigrant to a destination where, by virtue of the laws there operative he is refused admission, they must repatriate him without delay and free of charge. In the event of such laws being amended, withdrawn or replaced, the owners of the ship are entitled to be reimbursed the cost of the return journey if it was impossible to receive due notice of such change before the conclusion of the embarkation contract. Should the emigrant be unable to pay the sum required, the Emigration Council may consider the voyage as two of the repatriations which, in accordance with the emigration law, the agent has to undertake at half price.

2. *Other cases of repatriation.*

In certain countries shipowners are required to repatriate a number of emigrants *free of charge or at half-price.*

Austria. The Bill of 1913 obliges shipowners who have transported Austrian emigrants to bring back at least 10 % of this number at half-price to Austrian ports, in so far as destitute persons, repatriated by the Austrian diplomatic authorities, are concerned.

[1] The Dutch Report of 1918 proposes that, in the event of an emigration agent being at fault, not only should a free passage be given to the emigrant who is rejected by the country of immigration, but the agent should be made fully responsible for all loss incurred by the emigrants if, when they embark, they obviously do not fulfil the conditions laid down for admission. Emigration entails heavy expenses for the emigrant, and the responsibility for these expenses should fall on the agent.

China. The provisions relating to the engagement of emigrant workers require the employer to repatriate the workers free of charge on the expiry of their engagement. In the case of prolonged illness, the worker must be similarly repatriated.

Czechoslovakia. The Emigration Bill stipulates that emigrants sent back to their own country by the Czechoslovak authorities abroad, for whatever reason, must be repatriated at half price via the European port most used by emigrants from the Czechoslovak Republic. The agent shall only defray half the cost of the return journey in so far as the number of emigrants to be repatriated during the year does not exceed one-hundredth of the total number of Czechoslovak passengers he has transported to the country in question during the preceding year.

Greece. Every agent must each year place at the disposal of the Ministry of the Interior or the authorities appointed by the latter, free of charge to the latter and at the expense of the company he represents, twenty third-class tickets from New York to a Greek port, and fifty similar tickets at half-price, for the repatriation of destitute Greek subjects.

Italy. A carrier is bound to carry poor Italians who for any reason are returning home under arrangements made by and at the request of a royal diplomatic or consular official, at a price fixed by order of the Emigration Office, and including food. The amount to be paid in such a case by the Government is 20 lire per day per head, including the maintenance expenses. The number of poor persons who may be repatriated under these conditions is at the rate of 10 (whole berths) in each vessel below 1000 metric tons, with an increase of 1 for every 200 tons or parts thereof above 1000 tons, up to a maximum of 30. Children above 3 and under 12 years of age are paid for at a reduced price ; those under 3 years of age travel free.

By the Norwegian Bill, poor emigrants who, within three months of their arrival, desire to return home, and whose request is supported by the Norwegian Consul, have the right to be repatriated, on payment of the bare cost of maintenance on board. The number of emigrants repatriated under these conditions must not exceed ½ per cent. of the total number of emigrants transported by the agent in the course of the previous year.

Portugal. Shipping Companies undertaking the transport of emigrants must repatriate a certain number of persons free of charge or at half-price (3 % of the emigrants carried during the preceding quarter for free transport and 10 % for transport at half-price).

In the Kingdom of the Serbs, Croats and Slovenes, the shipping companies authorised to transport emigrants must keep on each ship on its return journey fifteen places for indigent Jugo-Slav subjects who are repatriated by order of the consular authorities.

Spain. Agents are required to repatriate at half-price a number of emigrants not exceeding 20 % of the emigrants they have transported to the country in question during the preceding quarter. The Spanish consul at the port of arrival overseas sends a note to the shipowner's representative certifying the total number of emigrants disembarked and fixing on this basis the number of immigrants to be repatriated during the following three months; if the shipowner has no ship available to effect this repatriation at the time indicated, he must give the immigrant a passage-ticket on a ship belonging to another undertaking or company. [1]

D. POLICE REGULATIONS.

1. *Communication of lists of emigrants.*

In many instances agents are required to hand to the competent authorities a list of the emigrants whom they transport on each voyage.

The Austrian Bill of 1913 obliges transport agents to give particulars regarding all emigrants transported. These particulars may be checked in the books of the agent.

In Belgium, the shipowners must hand to the Government Commissioner, on the day before sailing, a provisional list of the passengers he is taking. The final list, duly signed, must be handed in, within 24 hours of the departure of the passengers, to the Government Commissioner and to the Maritime Commissioner, and must contain, in precise form, the following particulars : surname, Christian name or names, sex, age, nationality, last residence, destination, the name of the ship, the names of the ports of embarkation and disembarkation, transhipments in the course of the voyage, and the means of transport to the final destination.

The Czechoslovak Bill provides that the representatives of Czechoslovakia, Legations or Emigration Commissioners, should be informed in good time of the arrival of the emigrants in the port of embarkation.

The German Regulations of 14 March 1898 stipulate

[1] The Dutch Report of 1918 proposes that transport agents shall be obliged to return emigrants and persons in transit to their original country, providing them in the meantime with food and lodging. The expenses should be borne by the agent if he is at fault, but not otherwise.

that the shipowner must place at the disposal of the Inspector, six hours before the departure of the ship, a list giving the names of

(*a*) persons more than 10 years of age ;
(*b*) children more than 1 year and less than 10 years of age ;
(*c*) children less than a year old ;
(*d*) women travelling alone ;
(*e*) men travelling alone.

The German law stipulates that information must be immediately given to the German consul at the port of disembarkation as to the names, nationality, and aim of journey of women who appear to have been the object of an immoral traffic. Information must also be given with regard to men accompanying them.

In Great Britain, the master of every ship carrying steerage passengers must sign in duplicate a passengers' list, setting forth the name and other particulars of the ship and of every passenger on board. The list must be countersigned by the emigration officer if there is one at the port, and then delivered to the officer of customs, who countersigns it, returns one copy to the master, and retains the other copy himself. If any requirement of this section of the Act is not complied with, or if any passengers' list is wilfully false, the master of the ship is liable to a fine not exceeding one hundred pounds.

Under the Bill of 1918 a passage broker or his agent is obliged, before issuing a ticket, to give not less than seven clear days' notice to the Central Emigration Committee, specifying correctly the name, present address and proposed destination of the person to whom it is proposed to issue the ticket.

In Greece, emigration agents are required to submit to the Ministry of the Interior a copy, legalised by the Greek Consul-General at New York, of the declaration made to the immigration authorities at Ellis Island by the captain of every ship sailing from a Greek port to America. With a view to ensuring control of departures and the verification of the taxes payable, shipowners and shipping agents must submit, every month, a list of persons to whom tickets have been delivered, giving separately the names of (1) emigrants, (2) other passengers, (3) foreign passengers (that is to say, those who travel with a foreign passport).

The Italian regulations stipulate that the captain of a ship shall furnish the emigration authorities with a list of emigrants and other passengers transported by him. This list is kept by the emigration inspector.

The Japanese regulations require the agents to inform

the Imperial Consuls at the place of destination of the names of the emigrants they transport.

In the NETHERLANDS, the shipowner must transmit to the supervising committee, within three days of the departure of the ship, a list signed by him, showing : the surname, Christian names, age, sex, profession, and last residence of emigrants who are on board the ship, the name of the ship, the name of the captain, and the destination. If, subsequent to this declaration, the ship is in communication with land, the committee has the right to demand that within a specified period the shipowner shall prove the accuracy of his statement, or add the names of emigrants who did not start and the names of those who embarked at the last moment. [1]

By the NORWEGIAN regulations, agents must hand to the authorities a list of emigrants whom they are going to transport, and who have received tickets from them.

In POLAND, the agent must hand to the authorities, before departure, a list of third-class passengers who are to embark. This list must be made out in a form approved by the Emigration Office.

In PORTUGAL, agents or consignees must deposit in the emigration inspection offices, before the departure of the ships, a list of passengers who are to embark, and the documents in which the embarkation of each person has been authorised. In addition, they must remit every month a list of emigrants who have sailed during the preceding month.

In SPAIN, charterers must transmit to Spanish consuls at the end of the journey a list of the emigrants transported. They must also forward to the Central Council for Emigration a copy of this information. When an inspector accompanies any ship, he shall be entrusted with the preparation of the documents for transmission to the Consuls and to the Central Council for Emigration. These lists must state : the surname, Christian names, sex, age, place of birth, whether married or single, last residence, and, in addition, the name of the ship, its nationality, and the country to which it is going. Persons liable to military service, who are authorised to emigrate, must be mentioned on a special list with an indication of their military position and the regiment to which they belong.

In SWEDEN the master of the ship must, on arrival at his destination, submit to the Swedish Consul a list of emigrants countersigned by the competent Swedish authorities.

[1] The DUTCH Report of 1918 proposes that the shipowner should transmit to the Dutch consul at the port of arrival a list of Dutch passengers disembarked.

In Switzerland, agents must send to the Department for Foreign Affairs a list of persons transported ; the forms for this list are supplied free of charge to the agents and must be sent in every month, duly filled up. Agents must also see that the respective consuls are advised of the embarkation and disembarkation of emigrants.

2. *Publicity and Notices.*

The Austrian Bill of 1913 states that the scales of transport charges authorised by the Minister of the Interior must be exhibited in the offices of all owners of transport undertakings, their representatives, and holders of emigration licenses.

In Belgium, agents must exhibit in the most conspicuous place in their offices the fares charged by the different companies for whom they are authorised to sell tickets.

According to the Czechoslovak Bill, the rates of transport must be posted up conspicuously in the offices of the agent.

In Great Britain, passage-brokers must keep exhibited in their offices a list of persons for the time being authorised to act as agents or as emigrant runners.

Under the Bill of 1918, a passage-broker or his agent is obliged to take all necessary steps to bring to the notice of an intending emigrant any publications of the Oversea Settlement Committee which affect the case of that emigrant.

In Spain, consignees, authorised to engage in the transport of emigrants, are required to exhibit in a conspicuous place in their offices the number of berths they hold at their disposal on each ship and for each destination. They are not allowed to sell more tickets than the number stated there.

3. *Admission of officials on the voyage.*

The protection of emigrants on the voyage is undertaken by special officials, frequently doctors, appointed by the Government, and shipowners are obliged to admit them on board their ships.

The Austrian Bill of 1913 is particularly generous in the matter of protectors of emigrants during the voyage. Not only does it provide for the nomination of emigration commissioners on board all emigrant ships, but it also provided that every important group of emigrants should be accompanied by a chaplain (*Seelsorger*), by trustworthy women whose duty it

would be to prevent anything in the nature of a White Slave Traffic, and by emigration experts.

The Belgian regulations stipulate that the Government has the right, if it considers it desirable, to have a special official, travelling first class and free of charge, on every emigrant ship.

According to the Czechoslovak Bill, the transport agent, when requested by the Ministry of Social Welfare, must admit the person appointed by the Ministry to supervise emigrants and the execution of the provisions of the law, on board ships transporting Czechoslovak emigrants. This measure may only be enforced twice a year. The person in question must receive gratis the treatment of a second-class passenger, both going and returning. If the ship does not return to the port of departure, the person in question must be sent back to that port at the agent's expense.

Under the Greek Act (Art. 10) the doctor-commissioner of emigration who must, as an emigration commissioner, go on board every ship carrying more than 25 emigrants, travels first-class, and he is fed at the expense of the agent. He receives an allowance of 10 drachmas per day, paid by the competent agent of the emigration service before the departure of the ship. Whenever he finds it necessary to stay on land, he receives an additional allowance of 20 drachmas per day. It is his duty during the journey to protect the emigrants, and to supervise the application of the law and regulations while at the same time giving assistance wherever necessary.

In Italy, every ship carrying emigrants overseas must have on board a commissioner, whose duty it is, in accordance with the regulations, to supervise the sanitary conditions and the carrying out of the regulations relating to emigration. These commissioners fulfil the same duties on the return journey, when the ship is sailing to a European port and carrying Italian third-class passengers. If the work of the commissioner is concluded outside the limits of Italy owing to circumstances under the control of the shipowner, the latter must arrange for the return of the commissioner to Italy. These commissioners are paid out of the emigration fund, to which shipowners have to contribute. They travel in the best class existing on the ship. [1]

Poland. Shipowners must take on board their ships, at the demand of the Emigration Office, and transport at their own expense, a commissioner to accompany emigrants or persons repatriated. There must be at least one interpreter on board for Polish emigrants.

In the Kingdom of the Serbs, Croats and Slovenes on

[1] The Dutch Report of 1918 proposes that officials, particularly women, should travel with the emigrants for the protection of the latter.

every steamer which transports overseas more than fifty emigrants, the captain must place a first-class cabin with sufficient food for the journey both going and returning, free of charge, at the disposal of an official of the Ministry for Social Affairs, who during the whole voyage has a right to supervise the accommodation and the food of the emigrants and to inspect all the ships papers.

Spain. Emigration inspectors, when travelling on a ship carrying more than 49 emigrants, are entitled to a free passage in the first class and to a place at the captain's table, both on the outward and return journeys. If the ship does not come back to Spain, the shipowner has to provide the inspector with the means of repatriation. Shipowners must also admit on board, and feed at their own expense, doctors and male and female nurses, as prescribed in the regulations. These officials are paid by the shipowner. The pay on foreign ships must be the same as that of members of the crew doing similar service.

4. *Medical inspection before departure.*

In several countries emigrants have to undergo a medical examination before they are allowed to embark.

By the Austrian Bill, passengers must be examined by a doctor before their departure, and have their baggage disinfected.

Under the Belgian law, the doctor of the emigration service examines all steerage passengers in the presence of the ship's doctor.

The Czechoslovak Bill stipulates that emigrants must undergo a medical examination before embarkation, and that their luggage must be disinfected.

By the German law the health of the emigrants must be examined, before the departure of the ship, by a doctor appointed by the emigration authorities.

In Great Britain, an emigrant ship must not clear outwards or proceed to sea until a medical practitioner appointed by the emigration officer has inspected all the steerage passengers and crew, and has certified to the emigration officer, and that officer is satisfied, that none of the steerage passengers or crew appear to be likely to endanger the health or safety of the other persons about to proceed in the ship. [1]

5. *Arbitration, legal and administrative decisions.*

The Austrian Bill of 1913 proposes that the law should

[1] The Dutch Report of 1918 proposes that a medical inspection should be obligatory at the expense of the shipowner. In addition, a medical inspection of all persons in transit, unless they have a very recent certificate delivered in the country from which they come, should be made compulsory at the frontier.

be carried out in the first place by the local authorities *(politische Bezirksbehörden)* at the land frontiers, and by the port authorities otherwise, and in the second place by the authorities of the country *(Landes- und Seebehörden)*. The ultimate authority is to be the Ministry of the Interior. It is proposed to create an Emigration Council. In addition shipowners may be obliged to put a clause in their transport contracts to the effect that in all disputes concerning these contracts the arbitration of the consular authorities should be accepted, if the emigrant binds himself in a similar manner with regard to carrying out the terms of the contract.

In Belgium, the emigration inspection committee has to arrange difficulties and to settle amicably any disputes to which the engagement or transport of emigrants may give rise.

According to the Czechoslovak Bill, the Court of First Instance would be the competent authorities for crimes and offences in connection with emigration legislation. Contraventions come within the jurisdiction of district courts. The offences enumerated in paragraph 42 of the Bill would come within the jurisdiction of the political authorities. A copy of the sentence must be communicated to the Ministry of Social Welfare, which is required to take the protective measures necessitated by the circumstances.

The Greek Act stipulates that the head of an emigration office, or his representative, may act as an examining magistrate. All claims of emigrants against the agent with whom he has a contract, or against the captain of the ship which has transported him, are within the jurisdiction of the President of the Court of First Instance in the district in which the agency is situated, and are dealt with summarily. The claim must be made before the Greek Consul not later than one month after disembarkation.

In Italy, inspectors of emigration at ports of embarkation are qualified to deal with disputes between emigrants and carriers or their representatives which arise out of the transport contract or enrolments, or with demands made for the expenses incurred in the interests of emigrants, in cases where the responsibility for the action necessitating such expenses rests with a carrier, representative, undertaking, business agency, or other private person or body. All proceedings of this nature must be taken within a year from the day on which the outward journey is, or ought to be, begun, and, in the case of an inward voyage, from the day on which the emigrants land in Italy. The examination of cases is conducted officially. Cases involving amounts not exceeding 50 lire may be dealt with summarily, without formalities and the observance of time-limits.

According to the NORWEGIAN law, the emigrant may make a formal complaint of violation of contract before the nearest Norwegian Consul, who must examine it and make a report on the subject to the Government. The competent department has the right to decide the dispute against the agent up to an amount covered by his deposit.

The SPANISH regulations stipulate that local emigration committees at the ports of embarkation have the power to sit as a court of arbitration to deal with demands against transport agents, in all cases which come within the jurisdiction of these committees. In urgent cases, a summary procedure may be followed. The committees are also competent to hear appeals brought against the fines imposed by, and the decisions of, emigration inspectors.

The representatives of carriers or agents in oversea ports must obey all demands and observations of Spanish Consuls or of emigration inspectors, and must give to such officials, on demand, an acknowledgment of all communications sent to them.

6. *Statistics and accounts.*

According to the CZECHOSLOVAK Bill, the transport agent and his representatives are required to keep books showing exactly how the undertaking is working. Correspondence and books must be preserved for five years from the date of being closed.

The GERMAN law requires every transport agent to keep a list of emigrants transported by him in accordance with an official form; on the other hand, the names of all emigrants of German nationality, or coming from Germany, must be communicated to the German Consul.

Under the BRITISH Bill of 1918, passage-brokers and their agents have to furnish to the proposed Central Emigration Committee, when required, a correct statement in writing of the amounts received by way of commission, bonus, or other remuneration from any source, on account of steerage passages to oversea countries.

The HUNGARIAN law requires transport agents and their representatives to draw up their accounts and to fill up their forms in accordance with the instructions of the Minister of the Interior. The regulations prescribe in particular that agents must keep a register of all emigrants and a duplicate of all contracts signed by them. An alphabetical list of all emigrants and persons repatriated, and a list for each ship, must also be kept.

In Italy, carriers are obliged to keep a register of the surnames and Christian names of all emigrants transported. [1]

The Japanese regulations require agents to submit to the Minister of Foreign Affairs at fixed dates a register of the names of the emigrants sent, the emigrants repatriated, and of those who have died. [1]

In Spain, shipowners authorised to transport emigrants must keep a general register containing the names of all emigrants transported.

Shipowners must for five years hold at the disposal of the local Committees and Emigration Inspectors the register of emigrants transported by them, and the counterfoils of the tickets which they have delivered. Each of these counterfoils must be stamped by the authorities.

In Switzerland, agents must submit for the inspection of the Department for Foreign Affairs the control registers, books and other written documents of their offices. Sub-agents are under a similar obligation. The cantonal authorities also have the right to examine these documents.

E. OTHER DUTIES OF EMIGRATION AGENTS TO EMIGRANTS.

1. *The carrying of money.*

One of the greatest inconveniences suffered by emigrants and returning emigrants at present is that caused by the instability of the exchanges and the regulations which forbid the carrying of gold and silver coin, and even of paper money in excess of a certain value. A large number of repatriated persons return to Europe with American dollars, the value of which, in consequence of several unfortunate exchange operations, which are compulsory at the frontier, show a tendency to approximate to the rate of the most depreciated national currencies.

Even before the war emigrants suffered from such abuses and measures of protection had to be adopted ; such measures are more than ever necessary nowadays.

[1] The Dutch Report of 1918 proposes that shipping and recruiting agents should be obliged to keep their accounts in accordance with an official form, and to furnish full particulars necessary for the framing of good statistics.

With this in view, certain laws make agents responsible for the punctual payment to emigrants at their destination of the sums deposited with them.[1]

In PORTUGAL, the agent is responsible for the payment, without deduction, at the port of disembarkation, of any money which has been deposited with him by the emigrant, even if the emigrant is not accepted by the undertaking for which, or the person for whom, the agent has engaged him.

The SWISS law specifies that agencies which receive money on deposit must arrange for the emigrant to obtain, at his destination, the amount in cash without deduction, at such a rate that it corresponds to the sum paid to the agent in Switzerland ; in normal times, the rate of exchange of the principal powers of Europe should, in every case, serve as a basis for payment.

2. *Transport of luggage.*

The AUSTRIAN Bill of 1913 requires the transport agent to carry all the luggage of the emigrant by the same ship as the latter.

In the event of an emigrant's luggage being lost, agents are, under the law in force in certain countries, obliged to compensate the emigrant, if no insurance has been effected with regard to it.

The SPANISH Regulations state that such compensation is not to exceed 100 pesetas.

3. *Refuges for emigrants.*

The POLISH Regulations of 26 July 1920 require transport agents to contribute to the expenses incurred in the erection of refuges for emigrants, put up by the Emigration Office, or to erect such refuges at their own expense at places indicated, and under conditions laid down, by the Office, which retains control of the organisation of these refuges.

4. *Obligation to pay a fixed salary to agents and sub-agents.*

By the terms of the AUSTRIAN Bill of 1913, shipowners are obliged to pay a fixed salary to their employees, without consideration of the number of emigrants transported.

According to the CZECHOSLOVAK Bill, the transport agent must have a fixed salary, all payment varying with the number

[1] The DUTCH Report of 1918 proposes that transport agents should be obliged to repay to emigrants, at the port of disembarkation, the money deposited with them without any discount. This payment should be made in legal tender at the current rate of exchange.

of transport contracts issued or the welfare of the undertaking being prohibited. Similarly, all measures intended for the evasion of the law, such as bonuses, supplementary pay, or refunding of fictitious expenses would be prohibited.

By the HUNGARIAN law, the director and all employees of the transport services must be paid a suitable salary determined in advance. All commissions in proportion to the number of contracts signed, all share in profits, and any other remuneration of a similar nature, are forbidden.[1]

III. Restrictions on the Activity of Agents.

1. *Prohibition of propaganda in favour of emigration.*

Prohibition of all propaganda, whether direct or indirect, in favour of emigration, is very common. Generally speaking, emigration agents are authorised only to announce simply and clearly the date of departure of ships, the ports of embarkation, the routes to be followed, the fares, the documents which must be shown before tickets can be obtained, and other necessary information, which must not be in any way in the nature of propaganda.

The AUSTRIAN Bill of 1913 stipulates that neither the owner of an undertaking *(Unternehmer)* nor his agents *(Agenten)* may encourage emigration, either personally or through the medium of a third person. Agents are forbidden to give information on emigration to individuals who do not ask for it, and to distribute handbills on the subject of the transport of emigrants.

According to the CZECHOSLOVAK Bill, emigration agents are only allowed to state in their advertisements their office address, the name of the ship, the route and the conditions of transport. They are not allowed to distribute prospectuses to persons who do not ask for them, nor to enter into relations on the subject of emigration with third parties who, for the purpose of propaganda, undertake paid work for the agents.

In GREAT BRITAIN, if any person by any false representation, fraud, or false pretence, induces any person to emigrate or to engage a steerage passage in any ship, he is liable to a

[1] The DUTCH Report of 1918 proposes that transport agents should be obliged to pay their recruiters, representatives, and sub-agents fixed salaries, without any commission given in proportion to the number of persons embarked.

fine not exceeding fifty pounds, or to imprisonment with or without hard labour for a period not exceeding three months.

According to the Bill of 1918, passage-brokers may not bring to the notice of intending emigrants any publication or other written information relating to emigration except in accordance with regulations made for this purpose by the Central Emigration Committee. This provision does not, of course, apply to official publications issued by the different government departments or Dominion Governments or Governments of other territory under His Majesty's protection. Persons guilty of contravention are liable to a fine not exceeding £50, and in the case of a second offence, to a fine which may amount to £5 for each day during which the offence continues.

In GREECE all emigration agents, their representatives, and their employees are forbidden to carry on propaganda in favour of emigration by means of publications, circulars, or the giving of information ; they are also forbidden to publish or to put into circulation, by any means whatever, information of this kind. Circulars and bills issued by emigration agents must mention nothing but the name and tonnage of the ship, the date of departure, the names of the different ports and length of time to be spent there, the duration of the journey, and the restrictions on immigration in force in the oversea countries.

In HUNGARY, the agent, his representatives, and employees, are forbidden to publish, or to send to anyone, notices, appeals, or handbills on emigration. Publications must be confined to information as to route, food, and transport. This information must not be sent, or given verbally, direct to the emigrant except at the express request of the latter.

Under the ITALIAN law, undertakings must keep a collection of all printed matter, circulars, communications, and publications issued by them or their agents.

In JAPAN the agent is required to obtain the previous approval of the governor of the province where recruiting is to be undertaken for all advertisements in newspapers and for the distribution of propagandist prospectuses

In the NETHERLANDS, persons not provided with a special permit are forbidden to announce through the medium of newspapers, notices, bills, or in any similar way, that they deal with emigration. [1]

[1] The Dutch Report of 1918 proposes that transport agents and sub-agents should be forbidden to carry on any propaganda in favour of emigration. Information may be given only on the subject of the fares, dates of arrival and departure of ships, transhipment in case of an interrupted voyage, board and lodging, the ports of embarkation, of transhipment, and of disembarkation, excluding all reference to the employment conditions in the countries of immigration.

In Norway, agents are forbidden to encourage emigration by means of information on the situation in foreign countries, or in any other way. They are also forbidden to offer their services in an officious manner.

The Polish regulations of 1920 forbid shipping companies and their representatives and agents to engage in any propaganda in favour of emigration.

(Under the Russian penal code, which is still in force in the former Kingdom of Poland, illicit propaganda in favour of emigration is punishable by imprisonment (Art. 265 of the Penal Code).

In Portugal, propaganda in favour of emigration or of recruiting of emigrants is forbidden.

In the Kingdom of the Serbs, Croats and Slovenes, the recruiting of emigrants, especially by means of false information or promises is severely forbidden. The representatives of shipping companies may not give any information except such as concerns the transport itself.

In Spain, recruiting and propaganda in favour of emigration are forbidden. The bills and circulars of shipowners and shipping agents concerning the transport of emigrants must not mention anything besides the dates of arrival and departure of the ships at ports of embarkation and destination, and intermediate ports, and the transport conditions. Emigration agencies, properly speaking, are altogether forbidden on Spanish soil.

Shipowners have to send to the local emigration inspector two copies of every prospectus, bill, or other printed matter which they publish concerning their operations. The inspector returns one of them to the shipowner, signed and stamped. The latter has to place this copy at the disposal of the inspectors at any time. All copies circulated must be in accordance with the approved copy.

The Swiss federal law forbids emigration or colonisation agencies to conclude contracts by which they undertake to send a definite number of persons either to a transport undertaking, or a colonisation or any other kind of enterprise, or to a foreign Government. The Federal Council has the right to prohibit announcements in public journals, or any other publications, which might lead astray persons desirous of emigrating. Agents and sub-agents are forbidden to induce persons to emigrate or to try to do business connected with emigration by going up and down the country, and to employ for their business relations with emigrants persons whose appointments have not been confirmed by the Federal Council, or sub-agents, or another agency, or emissaries.

2. *Prohibition of demands that emigrants should make certain payments, or stay in a particular place, or perform certain work.*

In certain countries regulations are in force to the effect that payment for the journey must be made in cash ; the agent must not conclude with the emigrant a contract which stipulates that either the whole or part of the payment for the journey shall be made in kind. This is the case in GERMANY, HUNGARY, NORWAY, SPAIN, and SWITZERLAND.

The AUSTRIAN Bill of 1913 stipulates that a transport agent shall be forbidden to conclude a contract with an emigrant by which the latter undertakes to pay the passage money after arrival at his destination or to do work in payment of the passage, or to restrict in any way whatsoever his liberty or his right to work where he wishes in the country of immigration.

The CZECHOSLOVAK Bill prohibits agents from concluding agreements with emigrants, requiring the latter to work, either during the journey or after arriving at their destination, in part or full payment for their passage and for insurance.

The GERMAN Act forbids the exaction from the emigrant of payment of his fare or money advanced in the form of labour after embarkation. He must not be limited in his choice of residence or of occupation at his destination.

The HUNGARIAN Act forbids the conclusion of contracts which stipulate that payment of the fare or of insurance shall be made by means of labour in the course of the voyage or after arrival at his destination.[1]

By the SPANISH Act, any contract is null and void which stipulates for payment of the fare by means of personal labour, or which binds the emigrant after disembarkation.

3. *Prohibition of a demand for supplementary payments.*

In no case must the agent demand from the emigrant any sums, taxes, or expenditure in addition to those mentioned

[1] The Dutch Report of 1918 proposes that transport agents should be forbidden to ask emigrants :
(*a*) for payment by means of personal service on board ship or on the quay ;
(*b*) for payment after disembarkation in any form whatever ;
(*c*) for an undertaking to work for certain companies or employers ;
(*d*) to stay in particular districts ;
(*e*) to do certain work.
These regulations have been framed particularly with the object of preventing illegal practices in connection with female emigrants.

in the contract. This is expressly referred to in the laws of GERMANY, HUNGARY, ITALY, the NETHERLANDS, and SWITZERLAND.

The CZECHOSLOVAK Bill prohibits higher charges than those provided for in the schedule. All agreements contravening this provision are null and void, and the person who had taken the ticket can claim three times the excess charge as compensation.

The ITALIAN law stipulates that the emigrant is entitled to the repayment of double the amount obtained from him in violation of this regulation. He can, in addition, claim damages.

The SWISS law stipulates that no supplement may be demanded from the emigrant for transport to the port of disembarkation.

4. *Prohibition of the sale of additional tickets.*

According to the CZECHOSLOVAK Bill, the sale of railway tickets to emigrants before their arrival at the port of destination, for journeys beyond that port, are prohibited ; but this provision is only valid in the case of passage contracts requiring the agents to secure the transport of the passenger to his final destination.

The DUTCH law prohibits the sale, or offer, of tickets for the continuation of the journey beyond the port of disembarkation, before arrival there. Agents authorised to transport emigrants may nevertheless arrange for transport beyond the port of disembarkation in accordance with a previously signed contract.[1]

5. *Prohibition of advances and exchange operations.*

The AUSTRIAN Bill of 1913 prohibits owners of transport undertakings and their agents from concluding contracts of sale or exchange, or to engage in credit operations of any kind whatsoever, either directly or through the medium of a third person.

[1] The Dutch Report of 1918 proposes that the transport agent should be obliged, if there is an agreement on the subject of transporting emigrants by land, to indicate precisely in the contract the means and the route by which the journey is to be continued, what kind of train the emigrant is to travel by, the length of the journey, and to mention the emigrant's right, if any, to travel by other routes, etc.

The Czechoslovak Bill prohibits agents from engaging in the business of purchase, exchange or credit with emigrants, whether directly or indirectly.

The Hungarian law forbids the agent to make any advances to the emigrant. [1]

The Japanese law declares that all persons who propose to advance money to an emigrant in order that he may pay his passage, must previously obtain the approval of the authorities to the terms of the proposed arrangement.

In the Kingdom of the Serbs, Croats and Slovenes, the exchanging of money by emigration agents is severely forbidden.

The Spanish law states that an emigrant's luggage must not be held back as security for any advances that may be made by agents or their representatives to him, or for money owed by him.

6. *Prohibition of the employment of unauthorised agents.*

The Austrian Bill of 1913 prohibits owners of transport undertakings, their representatives, and holders of licenses (agencies) from employing, without authority, any agent or broker, or any clerks outside their offices.

The Czechoslovak Bill prohibits the transport agent and his representatives from making use of third persons to effect the transport, or from engaging employees to work outside the office. The Ministry of Social Welfare may, however, authorise the employment of outside persons for advising and sending off the emigrants. The transport agent must deposit at the Ministry of Social Welfare a list of employees engaged in sending off emigrants, showing exactly the work done by each of them. Any change made in this list must be notified within eight days.

By the Hungarian law, an agent must neither employ intermediaries for his business affairs nor open branches of his business. An agent authorised to transport emigrants must not conclude contracts in this matter with other agents who are not authorised.

In Italy, carriers who employ as their agents persons not legally recognised as representatives are fined.

In the Kingdom of the Serbs, Croats and Slovenes, the recruiting of emigrants by unauthorised sub-agents is forbidden.

[1] The Dutch Report of 1918 proposes that advances to emigrants should be prohibited, but it admits the possibility of exceptions authorised by the Government, particularly in the case of tools, etc., obtained on credit.

The Swiss regulations forbid agents to employ, in their business relations with emigrants, persons whose appointments have not been confirmed by the Federal Council. Agents are not allowed to employ sub-agents of another agency, nor to employ emissaries. Sub-agents must not, without the authorisation of the Department for Foreign Affairs, carry on business relating to emigration in any district other than that indicated in the application.

7. *Prohibition of transhipment.*

By the Belgian law, transport should be direct, unless there are regulations to the contrary.

The Italian law forbids transhipment at foreign ports other than those of oversea countries.

The Spanish regulations prohibit the transhipment of emigrants at foreign ports, except in cases of *force majeure.*

8. *Prohibition on embarking emigrants in foreign ports.*

In Italy, agents are forbidden to direct emigrants to a non-Italian port for embarkation. The Emigration Office has the power, however, to suspend these regulations if the interests of the emigrants demand such a course.

The Spanish regulations prohibit captains of ships from embarking Spanish emigrants in foreign ports without the authorisation of the Superior Emigration Council.

In accordance with the Swedish regulations (Order of 4 June 1884), passengers cannot be embarked for abroad in foreign ports unless previous notice has been given to the competent authorities in the Swedish port of departure. A special agent designated by these authorities must travel on board the ship and make sure that passengers of whom previous notice has not been received shall not be embarked in foreign ports.

9. *Prohibition of the transport of persons whose emigration is prohibited.*

In Australia, the master, owner, or agent of any vessel who has reason to suspect that any passenger is a prohibited emigrant must, before the departure of the vessel, give notice to the customs authorities. Customs officers, and other officers appointed under the Emigration Act, have the right to search any vessel in the territorial waters of the Commonwealth to ascertain whether there are any prohibited emigrants on board.

The Czechoslovak Bill prohibits agents from transporting persons who do not present a passport for the country to which they are going and of persons belonging to any of the categories for whom emigration is illegal.

According to the Norwegian Bill, the transport of persons is prohibited if they are bound by a labour contract requiring them to pay their passage in full or in part by work done in the country of destination.

IV. Penalties for Infringement of the Law.

In nearly all countries of emigration the law specifies penalties, more or less severe, in the way of fines or imprisonment, for transport and emigration agents who violate the laws and regulations. In several cases the withdrawal of the license or certificate is specified. Penalties are also imposed on emigrants who try to evade the law or regulations.

The Austrian Bill of 1913 goes so far as to make it possible to deport emigrants who violate the law.

This whole question is associated with the penal code in force in each country, and a detailed examination of the penalties allowed and imposed would be outside the scope of this study.

CHAPTER VII.

TRANSPORT.

A. Transport by Sea.

The question of the transport of emigrants has occupied the attention of the authorities in countries of emigration and immigration for a long time past. Assistance of emigrants in relation to health during the trying journey across the ocean has in view, apart from its humanitarian side, the practical object of preventing the workman from arriving at his destination too weak to obtain suitable employment.

As the sea voyage may be considered in some way as the connecting link between emigration and immigration, it represents common ground which may be covered by two legislations at once. This sometimes gives rise to difficult situations when there is disagreement between the legislations of countries of emigration and immigration, both of which claim jurisdiction over the trans-oceanic voyage.

At this point it is intended to give an indication of the provisions contained in the laws of countries of emigration alone, the transport legislation of countries of immigration being postponed for consideration in Part II of this work.

The Belgian regulations specify the following ships as coming within the scope of the emigration service :—

(1) All ships sailing to trans-Atlantic ports and capable of transporting steerage passengers ;

(2) All ships sailing to European ports and used for steerage passengers on their way to embark in foreign ports.

In Orders issued in the Dutch colony of Curaçao, the conditions of safety and hygiene in which sailing vessels and steamships transporting more than ten emigrants are allowed to leave the colony are specified in detail.

The Danish law is applied to all sailing ships and steamships, whether Danish or foreign, capable of carrying more than 25 passengers between Danish and oversea ports.

The German law includes in the term "emigrant ships" all vessels sailing to oversea ports, and capable of transporting—apart from cabin passengers—at least 25 persons.

In Great Britain, the Merchant Shipping Act states that "the expression 'emigrant ship' shall mean every sea-going ship, whether British or foreign, and whether or not conveying mails, carrying, upon any voyage to which the provisions of this part of this Act respecting emigrant ships apply, more than fifty steerage passengers, or a greater number of steerage passengers than in the proportion, (*a*) if the ship is a sailing-ship, of one statute adult to thirty-three tons of the ship's registered tonnage, and (*b*) if the ship is a steamship, of one statute adult to every twenty tons of the ship's registered tonnage, and includes a ship which, having proceeded from a port outside the British Islands, takes on board at any port in the British Islands such number of steerage passengers, whether British subjects or aliens resident in the British Islands, as would, either with or without the steerage passengers which she already has on board, constitute her an emigrant ship."

The Greek law stipulates that every ship intended for the transport of emigrants must, before its first voyage, be inspected, especially from the point of view of space and installation, its cleanliness, and in general its suitability for the purposes to which it is put. The ship must also be inspected on every succeeding voyage.

In Italy,[1] the hygienic and sanitary services of emigration are carried out in the Government offices and with all the means at the disposal of the port sanitary authorities and by the officials and the inspectors at the port of embarkation. These services are carried out both on land and on board the steamer provided for the transport of the emigrants.

Prior to their embarkation, the emigrants are kept for several days in special lodging houses under the supervision of the sanitary authorities and vaccinated on the Jenner system. The luggage is disinfected in special rooms. The port of Naples, which is the principal port of emigration in the kingdom, possesses a refuge for emigrants in which they are subjected to medical inspection and vaccination, and, if necessary, to isolation, bacteriological examination, and any other prophylactic measures demanded by the circumstances. Steps have been taken, under the supervision of the General Emigration Office, for the institution of similar refuges in other ports.

[1] Reply of the Italian Government to the Questionnaire.

At the moment of embarkation, a visiting committee, composed of the Emigration Inspector, the doctor of the port, and a doctor of the Royal Navy, who is Royal Commissioner on board the steamer in question, proceeds to a scrupulous inspection of the crew and emigrants, rejecting on embarkation all persons affected with or suspected of infectious or contagious diseases, or other complaints which might prove of serious inconvenience to their fellow-passengers, and of persons suffering from such affections or personal imperfections as would cause them to be rejected on disembarkation, in accordance with the legislation of the country of immigration.

The committee, moreover, devotes special attention to the condition of health of all persons arriving from districts infected by epidemic diseases.

Once embarked, the emigrants remain under the sanitary supervision of the Royal Naval Medical Officer accompanying them to the port of disembarkation. During the voyage this officer supervises the hygienic condition of the steamer, and of the goods embarked, the health of the passengers and crew, and devotes special attention to the possible development of infectious disease. In such a case he promptly and rigorously confines the invalids to special hospital wards, and adopts all the hygienic and prophylactic measures necessary to arrest the progress of the disease.

On arrival at destination, the Royal Commissioner informs the local port authorities of any cases of infectious disease which have occurred during the journey, and states what hygienic and prophylactic measures have been adopted ; moreover, he sees to it that the ship is properly disinfected before starting on her return journey.

On returning to the Italian ports, and after disembarking the repatriated passengers, the Royal Commissioner remains on board in order to ascertain that in those cases where it was found unnecessary to destroy them, the blankets and mattresses of the berths, refuges and hospital wards are properly washed within three days of arrival ; he leaves a certificate with the ship's captain to this effect.

The Italian law states, in addition, that on any occasion when more than fifty Italian passengers travelling in the third class, or returning emigrants, embark on an Italian or foreign vessel not registered on a carrier's certificate, which is sailing from an oversea port, the captain must procure a special license which the Italian consular authority is empowered to grant.

In JAPAN, the transport of emigrants must be authorised by the Ministry of Foreign Affairs. The Japanese law defines all ships transporting at least 50 emigrants as "emigrant ships."

In the NETHERLANDS, the law relating to the transport of emigrants is not applicable to :—

(1) Ships sailing to non-European ports and carrying less than 20 emigrants, exclusive of cabin passengers ;

(2) Ships sailing to European ports and carrying less than 10 emigrants, exclusive of cabin passengers ;

(3) All ships which are not sea-going vessels.

In Norway, the Act of 9 June 1903, concerning the navigability of ships, has a special chapter on the control of passenger vessels ; such ships must be inspected before each voyage, and the regulations state in detail the things which must be examined on those occasions.

In the Kingdom of the Serbs, Croats and Slovenes, tickets for the journey may not be delivered except for ships which satisfy the regulations of the maritime authorities, issued in virtue of the Order of 15 December 1919. Every steamer upon which it is proposed to transport emigrants is for this purpose submitted for inspection. Detailed regulations issued by the Ministry of Public Health specify the duties of the ship's doctor, equipment of the dispensary, the manner in which the crew will be examined before departure, and the conditions of the disinfection of luggage and of the transport of sick persons.

Whether they define the term "emigrant ship" or not, all countries regulate the transport of emigrants overseas.

Generally, the regulations refer to

(*a*) The construction of the vessel and its accessories, boilers, engines, etc.

(*b*) The dimensions and situation of the cabins both for men and for women, the quarters being often separate ; the number, type, and dimensions of the berths ; dimensions of the space allotted to emigrants, lighting and heating arrangements, height and diameter of the air-shafts ; system of artificial ventilation, laundry arrangements, bathrooms, water-closets, hospitals, etc.

(*c*) The arrangements for feeding the emigrants ; kitchens, drinking water, distilling apparatus, the quality of the food, refrigerating machines ;

(*d*) The medical service, surgical appliances, diets for the sick and for children, arrangements for disinfection, isolation of persons suffering from infectious diseases ;

(*e*) Life-saving appliances, means for extinguishing fire, signalling apparatus, life boats, apparatus for wireless telegraphy and telephony.

The regulations also deal with all matters concerning the medical inspection of the passengers and crew, the constant inspection and supervision of the ship and its cargo, the care of the emigrants, the supply of food to the ship during the voyage, and the length of the journey.

Most of the emigration laws leave the question of the detailed conditions of health and safety with which ships engaged

in the transport of emigrants must comply to speeial regulations. In certain cases definitions are given of the ships to which the law applies.

By way of example, we append an extract from the British regulations concerning the supervision of ships engaged in the transport of emigrants.

An emigrant ship, in respect of which a passenger steamer's certificate is not in force, shall not clear outwards or proceed to sea on any voyage, unless she has been surveyed under the direction of the emigration officer at the port of clearance, but at the expense of the owner or charterer thereof, by two or more competent surveyors to be appointed at any port in the British Islands where there is an emigration officer by the Board of Trade, and at other ports by the Commissioners of Customs, and has been reported by such surveyors to be in their opinion seaworthy and fit for her intended voyage.... If any such surveyors report that the ship is not seaworthy, or not fit for her intended voyage, the owner or charterer may, if he thinks fit, by writing under his hand require the emigration officer to appoint three other competent surveyors (of whom two at least must be shipwrights) to survey the ship at the expense of the owner or charterer ; and the said officer shall thereupon appoint such surveyors, and they shall survey the ship, and if by unanimous report under their hands, but not otherwise, they declare the ship to be seaworthy and fit for her intended voyage, the ship shall for the purposes of this part of the Act be deemed seaworthy and fit for that voyage....

A ship shall not carry passengers, whether cabin or steerage passengers, in more than one deck below the water-line....

No greater number of steerage passengers may be carried in the lowest passenger deck than in the proportion of one statute adult to every eighteen clear superficial feet allotted to their use, or on other passenger decks than in the proportion of one statute adult to every fifteen clear superficial feet of deck allotted to their use.... An emigrant ship ... shall not carry a greater number of steerage passengers on the whole than in the proportion of one statute adult to every five superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the emigration officer, and this space shall not be counted or included in the area available for any other passengers....

Each berth shall be conspicuously numbered. There shall not be more than two tiers of berths on any one deck. The interval between the deck and the lower side of the berth immediately above it shall not be less than twelve inches. The interval between each tier of berths and between the uppermost tier and the deck above it shall not be less than two feet six inches. The berths shall be securely constructed and of dimensions not less than six feet in length and twenty-two inches in breadth for each statute adult.... Not more than one steerage passenger, except in the case of children under the age of twelve years, shall be placed in or occupy the same berth.... Berths occupied by steerage passengers during the voyage shall not be taken down until twenty-four hours after the arrival of the ship at the port of final discharge, unless all the steerage passengers have voluntarily quitted the ship before the expiration of that time....

Spaces shall be set apart in every emigrant ship for use exclusively as hospital accommodation for the steerage passengers, and these spaces together shall contain not less than twenty-four superficial feet for every 50 steerage passengers carried. In no case shall a single hospital contain less than 48 superficial feet, or the total hospital space less than 96 superficial feet. Separate and sufficient hospital accommodation shall be provided for each sex where male and female passengers are carried. The spaces set apart for hospital accommodation shall be in or above the uppermost passenger deck, and shall be properly divided off from other living quarters.... The hospital spaees shall be fitted with bed places and supplied with proper

beds, bedding, and utensils, and shall be efficiently heated and ventilated.... There shall also be provided... at least one water-closet to each hospital or set of hospitals, and it shall be situated immediately adjacent to the hospitals.... In the case of an infectious hospital, a full-sized bath with an ample supply of hot and cold water shall be provided.... In addition... a dispensary shall be provided (fitted with all necessaries), and a full-length couch for the examination of patients....

Every emigrant ship shall be provided ... with at least five wash-basins for every 100 steerage passengers. In addition, there shall be at least one washing trough for every 100 females and one for every 200 males.... Every emigrant ship shall be provided with at least one full-sized bath for every 100 females, and at least one full-sized bath for every 100 males; half of the baths may be shower baths fitted in enclosed cubicles. Every emigrant ship shall be provided ... with at least four water-closets for every 100 passengers up to three hundred passengers, and two water-closets for each additional hundred passengers beyond that number.... Urinals shall be provided at the rate of at least two urinals for each 100 male passengers up to 300, and at least one urinal for each additional hundred beyond 300.... Water-closets and urinals shall have an ample flush of water.

Every emigrant ship shall be supplied with such provision for affording light and air to the passenger decks as the circumstances of the case and the conditions of the service intended may, in the judgment of the emigration officer at the port of clearance, require....

No part of the cargo, or of the steerage passengers' luggage, or of the provisions, water, or stores... shall be carried on the upper deck or on the passenger decks, unless, in the opinion of the emigration officer at the port of clearance the same is so placed as not to impede light or ventilation or to interfere with the comfort of the steerage passengers....

The master of every emigrant ship ... shall issue to each steerage passenger ... an allowance of pure water and sweet and wholesome provisions of good quality, in accordance with the dietary scales (made under section 17 of the Act of 1906).... He shall, on request, produce to any steerage passenger for his perusal a copy of this scale ... and shall post up copies of the scale in at least two conspicuous places between the decks on which steerage passengers may be carried....

An emigrant ship shall not clear outwards or proceed to sea, if there is on board as cargo any explosive... or any articles which... are likely to endanger the health or lives of the steerage passengers or the safety of the ship, or animals (except on the conditions stated in the regulations)....

A duly authorised medical practitioner shall be carried ... where the number of steerage passengers on board exceeds fifty, and also where the number of persons on board (including cabin passengers, officers, and crew) exceeds three hundred....

An emigrant ship shall not clear outwards or proceed to sea until a medical practitioner, appointed by the emigration officer at the port of clearance, has inspected all the steerage passengers and crew ... and has certified to the emigration officer, and that officer is satisfied, that none of the steerage passengers or crew appear to be by reason of any bodily or mental disease unfit to proceed, or likely to endanger the health or safety of the other persons about to proceed in the ship.... If any such person is present the Emigration Officer shall prohibit the embarkation of that person, or, if he is embarked, shall require him to be relanded." [1]

Czechoslovakia, India, Norway, Poland (Regulations of May 1920), Portugal, Spain, Sweden, and Switzerland, and various other countries also deal in their legislation with the transport of emigrants to oversea ports.

[1] See "*Abstract of the Law relating to Passenger and Emigrant Ships*", p. 15 *et seq.*

B. Insurance of Emigrants transported by Sea.

In Spain, a Royal Decree, dated 7 August 1920, authorises the Central Council for Emigration to pay insurance benefits to Spanish emigrants on account of death or total incapacity as a result of shipwreck. An Order dated 11 December 1920, drawn up by the Ministry of Labour, fixed the following conditions :—

The insurance covers risk of death or total permanent incapacity of Spanish emigrants, provided that such death or incapacity are direct results of shipwreck, fire, collision, or other accident at sea.

The following are considered as Spanish emigrants : persons included under Article 2 of the Act of 21 December 1907 and supplementary clauses ; that is to say, Spanish subjects who leave Spain with a third-class ticket (or ticket considered by the Emigration Department to be of an equivalent class) for any country of America, Asia, or Oceania. These persons, however, are not covered by the insurance if their names are not included in the list mentioned later. Children between 10 and 14 years of age will not be insured against death. Children below the age of 10 years are not insured at all.

Benefits will be paid to parties entitled in the following order of priority :—

(a) Widow, or children in care of deceased.
(b) Grand-children (orphans) in care of deceased.
(c) Parents maintained by deceased.
(d) Grandparents maintained by deceased.
(e) Brothers and sisters maintained by deceased.

The benefit for each insured person amounts to 3,000 pesetas.

The premium is provisionally fixed at one peseta to each 1,000 pesetas benefit, that is to say, 3 pesetas per emigrant.

All emigrants, as defined in paragraph 2 of the Act, who embark from the same port in the same boat, will be insured together although their destinations may be different. A necessary condition of insurance is that the boat in question be one authorised by Spanish law to transport emigrants. Lists of insured emigrants will be drawn up giving the following particulars :—

Surname and Christian name of the emigrant ; age ; occupation ; commune and province in which born ; transhipments to be carried out during the voyage, and ports where they are to be effected ; date and hour of commencement of insurance.

The Official Insurance Committee will put a special collective insurance policy at the disposal of the Emigration Council. Each list of emigrants handed over by the Committee will

come under this agreement and the insurance will be effected from this list. Insurance begins from the moment the boat leaves port and continues until the time it arrives at the port of destination.

In case of accident at sea the Emigration Council will furnish the Insurance Committee with all necessary information, statements by authorities, consular reports, etc. The Insurance Committee, having considered the evidence, will decide as to the payment of benefits. This decision must be communicated to the Emigration Council within 24 hours. Payment will be made by the Emigration Fund, which will transmit the benefits to the parties entitled to them. If payment is not agreed to by the Insurance Committee, the Emigration Council has the right to bring up fresh proofs. In case of difference of opinion, the question will be submitted to the President of the Council of Ministers.

Every five years the Emigration Council and the Official Insurance Committee will revise their agreement.

Various other laws also compel shipowners or emigration agents to insure their clients ; the question arose above in the consideration of the obligations of shipowners.

C. Transport by Land.

Although very numerous regulations deal with the transport of emigrants by sea, there are very few relating to their transport by land.

Very few countries have adopted special measures concerning the transport of emigrants by rail, but the International Conference on Passports, Customs Formalities, and Through Tickets, which was held in Paris in October 1920, under the auspices of the Provisional Committee on Communications and Transit of the League of Nations and charged with the study of the methods necessary to facilitate international passenger traffic by rail, considered the special situation of emigrants during their journey by land. This Conference passed the following resolution [1] :—

> "That the most efficient measures should be taken to ensure that the transport of emigrants be carried out in the conditions most favourable to public health ; that corridor-trains should be used, as far as possible, for the transportation of emigrants ; that prolonged stoppages at frontier or other stations for the purpose of passports, customs, or sanitary formalities in connection with the transport of emigrants, should take place where material

[1] *Documents of the League of Nations ;* Transport of Emigrants (IV m.).

facilities exist which permit of this being done without danger to the public health ; that authorities issuing passports to emigrants should, at the same time, furnish them with particulars of the sanitary and other conditions to which they will be subject, and the expenses which they will incur en route until arrival in the country of destination."

This decision was communicated to the different Governments by the League of Nations and, although the measures indicated have not yet been adopted, several Governments have declared themselves in favour of the recommendation (Austria, Czechoslovakia, Finland, Great Britain, Germany, Greece, Hungary, Luxemburg, Netherlands, Norway, Poland, Siam, and Switzerland).

CHAPTER VIII.

THE PROTECTION OF THE EMIGRANT ABROAD BY THE AUTHORITIES OF HIS COUNTRY.

The emigrant who has arrived at his destination overseas is still in need of effective protection, and this is guaranteed to him as far as possible by the laws and the authorities of his country, unless there is — a rare occurrence — an international agreement covering the protection of foreign workers. [1]

The countries of emigration, particularly those which have special laws on this subject, give their diplomatic and consular officials very precise instructions regarding the protection of emigrants.

Generally speaking, it is a consul's duty to receive and transmit the complaints of emigrants against the abuses of transport and recruiting agents, to control the application of transport regulations, to arrange for the inspection of authorised ships, to intervene in cases of dispute or controversy between emigrants and agents, to defend, in every way, the rights of emigrants, to supervise and facilitate repatriation, to study local labour conditions, to inform their Governments as to immigration and colonisation, to facilitate, if necessary, the finding of suitable employment by fresh immigrants, to put a stop to the activity of persons engaged in the White Slave Traffic, etc.

The AUSTRIAN Bill of 1913 contains an interesting clause, which states that all legal questions arising out of the contract are to be brought before an Austrian court, and that agents must accept all obligations determined by the law or by Orders issued as a result of it.

[1] For information on this subject see Part III of this work (*Treaties concerning Emigration and Immigration*).

The Belgian law stipulates that failure to comply with the regulations in foreign ports, on board Belgian ships, must be ascertained by the consuls, assisted by qualified persons, if necessary.

The Chinese law lays down that officials of the Chinese legations and consulates may be appointed as Emigration Commissioners in the countries to which Chinese workers are travelling.

The Danish law forbids consular officials to take any part in emigration societies or to undertake any action which might encourage Danish emigration.

Germany regards consuls as emigration commissioners.

The Italian law stipulates that arbitration by an Inspector of Emigration can be invoked by making an application to the consul, either verbally or in writing. The examination of the case is conducted officially.

The Italian regulations stipulate that the complaints of emigrants against transport agents or their representatives must be made in legal form to the military doctor or the emigration commissioner travelling on board the ship, and that these complaints come within the jurisdiction of the Italian consul at the destination of the emigrant, or of the Inspector of Emigration in Italy. Complaints made by emigrants abroad must be communicated by the Italian consul or the Italian emigration official, with proofs and necessary information, to the Emigration Office, which transmits them to the competent prefect. The same regulations declare that, immediately on arrival, the military doctor or the emigration commissioner who has travelled on the vessel must go to the consulate and submit the log-book to the consul; he must inform the consul of all important facts regarding the voyage. The consul must, if called upon to do so, go on board and give assistance to the emigrants.

The supervision of Javanese workers abroad is assured by the inspectors of labour in agreement with the consuls.

Spanish law requires the consuls to register in a special book all emigrants' complaints, to encourage the formation of societies and associations for the defence of the emigrants' interests, to submit to the Government quarterly and annual reports on everything concerning Spanish emigration, and the conditions under which emigrants are living, and finally to give to emigrants, free of charge, all documents and certificates necessary for the support of their claims.

By the Swiss law, consuls at seaports must examine, without charge, all complaints made by Swiss emigrants concerning

failure to carry out their contracts. If the persons concerned demand it, a report of the hearing will be made, and a copy sent to the Federal Council, which will take steps, so far as the credits at its disposal will permit, to ensure that at the principal ports of embarkation Swiss emigrants may receive assistance and advice.

It should be noted that certain countries fix a period within which claims and complaints must be brought before the consuls. By the ITALIAN and SPANISH laws, proceedings concerning failure to carry out a contract or to comply with the emigration regulations must be taken within a period of one year. The GREEK law stipulates that no complaints will be heard unless they are made within one month after the arrival of the emigrant at his destination, in the form of a written petition sent to the consul. The SWISS Federal law requires complaints of this kind to be presented within 96 hours of arrival.

Several countries have appointed special officials, apart from the consuls, to deal with matters concerning emigration.

AUSTRIA has in the Argentine a special delegate of the Ministry of the Interior to deal with questions of emigration.

The CHINESE law lays down that when circumstances require, special commissioners may be appointed in the countries to which Chinese workers are travelling.

At the consulates of CZECHOSLOVAKIA there are always officials whose duty it is to study emigration problems at first hand.

GERMANY has appointed special representatives in certain places as, for example, in the Argentine and Mexico.

The ITALIAN Act of 1919, states that "offices for protecting emigrants, for supplying them with information, and for getting them into employment, shall be established, by agreement with the Governments concerned or otherwise, in countries to which Italians emigrate.

"Emigration officers may be appointed in the principal centres to which Italians emigrate, in manner to be determined by the regulations, and they shall supply information to the Department on the conditions affecting Italian emigration, collect and transmit the wishes of emigrants, and discharge any other duties that are entrusted to them. The said duties may be assigned also to consular or other state officials.

"Regular inspections shall be carried out on board steamships carrying emigrants, both at intermediate ports and at the final destination, under the authority of the emigration

officers or consular officials, in accordance with the regulations and in such manner as is prescribed therein."[1]

Poland appoints "emigration attachés" to serve with her diplomatic and consular officials, with the following duties :— to study the local labour conditions and to inform the Government regarding them, to study the conditions of Polish emigration, give active assistance to emigrants in finding employment, keep in touch with Polish emigrants, give them legal advice regarding social legislation, assist the consuls in dealing with accidents during employment, supervise the transmission of savings to the country of birth, etc.... At the end of April 1920, Poland had emigration attachés at New York, Paris, Curityba (Parana, Brazil), and Berlin.

The Government of the Serbs, Croats and Slovenes may appoint an immigration attaché with its diplomatic and consular representatives in foreign countries, where there is an important colony of immigrants. In some countries it will establish special committees to co-operate with the consular and diplomatic authorities. The competence and sphere of activity of these authorities will be determined by the Ministry of Social Affairs.

Switzerland has appointed a secretary, attached to the consulate at New York, and bearing the title of commissary, who deals particularly with the arrival of immigrants.

Certain countries (such as India and Spain) send special inspectors to investigate the conditions of their emigrants in countries of immigration.

[1] The whole system of protection for Italian emigrants has been carefully organised by the Italian Emigration Fund, which spent for this purpose in 1913-14, a normal pre-war year, a sum of 1,720,035.79 lire. This amount did not include the ordinary expenses of the diplomatic and consular representatives, which were charged to another account.

This sum of money was used to cover expenses relating to emigration inspectors abroad, who were at that time carrying on their work at New York, New Orleans, Montreal, St. Paul (Brazil), Briey (France), Cologne, Lucerne and Paris : to special missions regarding emigration with which certain consular agents were charged, particularly at New York, Rosario, Munich, and Havre ; to the upkeep of Italian schools in America ; to inspectors, doctors and schoolmasters; to subsidies given to welfare organisations abroad, principally in Europe, Africa and America ; to offices for the legal assistance of emigrants (particularly in the case of accidents met with in the course of their work), which were established at Washington, New York, Philadelphia, Chicago, Damas, San Francisco, Boston and Montreal; and finally, to exceptional cases of repatriation or assistance.

CHAPTER IX.

SPECIAL REGULATIONS CONCERNING CONTINENTAL EMIGRATION.

Emigration is not confined to trans-oceanic countries. We have also to consider the so-called "continental emigration", which is generally of a temporary nature ; that is to say, the emigrant leaves his country for a comparatively short period, which hardly ever exceeds a year. Emigrants of this kind are principally agricultural labourers.

The laws of some countries refer specially to this question, those of others do not ; it depends on the importance of the movement in each country. In certain cases official regulations are drawn up for continental emigration, in others the ordinary regulations applying to all emigration apply to it, and in others again it is expressly stated that the regulations are confined to trans-oceanic emigration.

Moreover, it must be remembered that, in addition to the regulations applicable to all emigrants, there is an increasing number of special agreements arrived at by two countries with a view to regulating the conditions of continental emigration between these countries. France, as a country of immigration, Italy and Poland, as countries of emigration, have done a great deal in this direction ; this is examined in greater detail in connection with emigration treaties in Part III.

The Austrian Bill of 1913 deals at length with the question of continental emigration and the conditions in which the recruiting and transport of the emigrants may be carried on. Recruiting agents are obliged to deposit 2,500 to 5,000 crowns and to give the emigrants a contract of labour containing a large number of obligatory clauses, both for industrial and agricultural workers. Official employment exchanges are, however, not subjected to these regulations.

In Belgium, the transport of emigrants to European countries is, like that to oversea countries, subject to the general

regulations concerning licenses, deposits, insurance, contract-tickets and the transmission of lists of passengers.

Indirectly, these regulations refer rather to trans-oceanic than to continental emigration. In point of fact, these voyages by sea from one continental port to another are generally only the preliminary to a trans-oceanic voyage. So far as Belgium is concerned, continental or seasonal emigration takes place, or took place, in most cases to France, the Grand-Duchy of Luxemburg, Holland and Germany, and did not involve a sea journey at all.

The CZECHOSLOVAK Bill deals with the engagement of workers for European countries, making such engagement subject to the consent of the Labour Office. In general, the provisions relating to the transport of emigrants overseas are also valid for the transport of emigrants by sea to other European countries, and for all Continental emigrant transport. Railway carriages intended for the transport of emigrants must be well closed and the number of persons carried must not exceed that provided for in the regulations. The details for carrying out the provisions with regard to Continental emigration are left to special decrees.

The GERMAN Order of 14 March 1898, sets out certain special conditions applying to the transport contracts of emigrants travelling by sea to European countries.

The ITALIAN law states that "a person shall not take action, preliminary or otherwise, in connection with the enrolment of emigrants for work to be carried out in any foreign country (other than a country overseas) unless he has obtained special permission from the General Emigration Office. The permit to carry out the enrolment shall be issued by the Office or by a Prefect on its behalf." The procedure and conditions for the issue and renewal of the permit are determined by the regulations, and the permit is subject to a duty of 20 lire. A labour contract, signed by the person or firm for whom the enrolment is carried out, must be attached to the original permit; this contract must include an obligation on the part of the contractor to insure the worker against accidents in accordance with the Italian law if the work is to be carried out in a foreign country where insurance is not compulsory for aliens under the laws in force at the time, and must further contain certain general provisions specified in the regulations.

Records of enrolment are subject to a duty of 5 lire payable to the Emigration Fund in respect of each worker enrolled; this duty is paid by the person who carries out the enrolment.

An emigrant who goes by railway to a foreign country for purposes of work is granted special travelling privileges on the Italian railways, and elsewhere as may be arranged with foreign authorities, and for this purpose a pass valid for one year and

valued at 1 lira is issued to him at the same time as his ticket for the journey, at the station from which he starts.

The Minister for Foreign Affairs is empowered to make special provision for the protection of emigrants travelling by sea to countries other than those overseas, after hearing the Superior Emigration Council.

In the NETHERLANDS any person undertaking, either on his own account or as representative of some other person, the transport of emigrants, whether Dutch or foreign, from Holland to any European country, or any person who is engaged as an agent, whether the emigrants embark at a Dutch port or elsewhere, must give a personal or financial guarantee in advance to the supervising committee, or if that is not possible, to the municipal council of the place in which he resides ; the deposit must not exceed 5,000 florins. The agent is not allowed to undertake the transport of emigrants out of Europe. He must deliver to each emigrant a written and signed declaration giving all the usual particulars. If the agent provides board and lodging for the emigrants up to the time of their departure, this fact must be mentioned in the declaration ; if the cost of board and lodging is not included in the price of the ticket, but is reckoned separately, the amount must be fixed in accordance with a scale approved by the supervising committee. Should the vessel which is to make the journey not be ready for the emigrants on the day mentioned in the above-mentioned declaration, the agent must provide board and lodging for the emigrants at his own cost.

With regard to seasonal emigration from POLAND, the formalities which an emigrant had to undertake before his departure were in pre-war days the subject of regulations which were not very severe. By the Austro-German agreement of 1850, for example, an Austrian passport was accepted in Germany as an identity paper. In Russia, passports were delivered free of charge to emigrants going to Germany for agricultural work between 1 February and 20 December ; the agreement attached to the Russo-German commercial treaty, signed at Berlin on 28 July 1904, confirmed this regulation.

The Republic of Poland has continued to make it as easy as possible to obtain passports. In accordance with the Order issued jointly by the Ministry of the Interior and the Ministry of Labour on 27 April 1920, temporary emigrants can obtain their passports direct from the Offices for Employment and the Protection of Emigrants, on payment of a minimum sum of 5 marks. Similar facilities are granted to emigrants' families. One of the forms filled in by the emigrant when making his application is sent to the Emigration Office, which in consequence is able to draw up regular emigration statistics.

* * *

In certain countries, as has already been said, the regulations are expressly applicable only to trans-oceanic emigration.

The HUNGARIAN Act of 1909 does not apply to emigrants going to a European country for a period of one year or less to do certain definite work. The Minister of the Interior can, however, if he thinks it desirable, extend the provisions of the Emigration Act to such emigrants. Similarly, he can issue regulations by Decree, in agreement with other departments concerned, regarding the employment and engagement of workers abroad.

The provisions of the INDIAN Emigration Act 1908 do not apply to emigrants going to Ceylon or the Straits Settlements. For emigration to these places, the activities of agents and recruiters are not prohibited. But the recruiters for the Straits Settlements are already under the supervision of the Government of that colony, and the Government of Ceylon is proposing to control the operations of recruiters of Indian emigrants for the island.

The Government of MEXICO has put forward proposed regulations concerning the protection of the numerous Mexican workers who emigrate, this being one of the most important examples of continental emigration in North America. The principal provisions are as follows :—

1. Mexican workers are only allowed to leave the country if furnished with a labour contract guaranteeing them, among other things, a wage equal to that received by workers of other nationalities in the same place. The rate of wages need not be stipulated in the contract, but only the indication that it will be in conformity with local conditions. The contract shall also guarantee the same housing and food conditions as to other workers.

2. Contractors of foreign labour shall be bound to pay the travelling expenses both ways of Mexican workers. The return journey of each worker shall be guaranteed by depositing with the emigration office at the port of embarkation a sum 10 % in excess of the return journey. If the worker has not claimed the return journey six months after the termination of his contract, the deposit made by the contractor shall be used for benevolent purposes. Workers claiming their return journey should apply to the Mexican Consul at their place of residence.

3. Contractors must declare in the labour contract that they will submit to all the provisions of Article 123 of the Mexican Constitution. This article contains the foundations of labour legislation in Mexico, and lays down, in particular, the following principles : the 8-hour day ; 7 hours for night-work ; 6 hours

per day for workers 12-16 years of age ; prohibition of dangerous and unhealthy work and night-work for women and minors less than 16 years of age, weekly rest, etc.

In Spain, events have shown the necessity of framing special regulations for continental emigration. Shortly after the outbreak of the war there was a remarkable emigration of Spaniards to the belligerent countries. The Superior Emigration Council offered its services to the Government with a view to organising the protection of Spanish emigrants going to European countries, who were in danger, in the absence of special regulations, of being deprived of protection altogether. Later, the Royal Decree of 16 March 1918, contained a provision to the effect that the protection and control exercised by the Superior Emigration Council should be extended to emigration to European countries and to Africa, either overland or by sea, but this provision was not to come into force until there were, in the opinion of the Council and subject to the approval of the Government, sufficient funds available for this service.

The Emigration Council made the following recommendations with regard to the organisation of this service :—

(1) That information should be given to intending emigrants regarding the employment position and the conditions of life and of work; that there should be a legal guarantee for Spanish workers in European countries.

(2) The formation of a Department of Statistics.

(3) Prohibition of emigration without a labour contract stating explicitly the minimum salary of the worker, the duration of the employment, the compensation payable for dismissal due to no fault of the worker, the payment of the expenses of the return journey, accident insurance (in countries which do not give a legal guarantee of such insurance to Spanish workers, or which give it with restrictions) ; the payment of wages in cash weekly, or at least fortnightly ; and finally the destination of the worker. These contracts must be drawn up in triplicate, one copy being sent to the Emigration Council. If the engagement is made by the employer himself, the contract must be drawn up in accordance with the letters or other documents, having the visa of the Spanish consul in the place where the work is to be done, these letters or documents remaining in the possession of the worker ; if the engagement is made through the medium of official or private agents of an organisation which is either official or officially recognised by the Government of the country in question, the contract must be drawn up before a consul of that country, who becomes in that way guarantor for the agent.

The contracts may be drawn up either for an individual or a family. Collective contracts of labour for foreign countries are not allowed.

Workers in frontier districts are exempt from the obligation to present, before emigrating, a contract of labour.

(4) Prohibition of recruiting through the medium of agencies or intermediaries not provided with an official authorisation by the persons in whose name the workers are engaged.

(5) Improvement of the consular service in the direction of providing assistance for workers abroad. Formation of protection and assistance committees.

(6) Co-operation for the information, statistical and publicity services, etc., of all authorities and official institutions fulfilling economic or social functions.

In SWITZERLAND, employment offices can give information as to vacancies in European countries. In cases of abuse or irregularity, the Federal Emigration Office can, in accordance with the Federal Order of 17 May 1918, ask the cantonal and local authorities to adopt repressive measures.

An article of the Federal Emigration Act, referring to the transport of emigrants by railway, declares that such emigrants must travel in passenger coaches which can be closed, and in which each traveller can sit down, in accordance with the transport regulations. The use of waiting rooms should be allowed as far as possible at stations where there is a period of waiting.

CHAPTER X.

EMIGRANTS IN TRANSIT.

The question of the transit of emigrants was, even before the war, one of considerable importance. A few European countries, such as Switzerland and Serbia, had no access to the sea, and their trans-oceanic emigrants had to embark at foreign ports. In many other countries from which there was considerable emigration, emigrants often did not embark in the country itself, either because the ports were few in number and badly situated, or because the sea communications were badly organised. This was the case in Austria, Bulgaria, Hungary and Russia. It may be estimated roughly that about half the total number of trans-oceanic emigrants embarked in foreign ports. A large number of the emigrants from the principal ports of Belgium, France, Germany, and the Netherlands were foreigners. Many continental emigrants were also transported from British ports.

As a result of the war, moreover, many new countries have appeared, many of them having unsatisfactory access, or no access at all, to the sea.

The question of transit is also of importance to continental emigrants, whose starting point is often situated at a considerable distance from their destination. Thus, Italians going to Germany or Luxemburg have to make long journeys across Switzerland or France, Czechoslovaks and Poles going to France have long journeys across Germany, Austria, and Switzerland.

The legal position of emigrants in transit deserves special consideration. Away from their families, and unable to enjoy their usual conditions of life, situated at a particularly difficult period of their lives in a country of which they do not know the laws and the language, obliged to have recourse to commercial agents, who think mainly of their profits, emigrants in transit ought to have at their disposal a well-organised service of protection to defend their threatened interests.

Unfortunately there is no such service. Emigrants have in the countries of transit no political power comparable to that

of the national steamship lines ; the authorities too often consider these people as a profitable cargo rather than as human beings who are entitled to respect and pity and they are more concerned to send them on their way as promptly as possible than to accord them humane treatment and serious protection.

As the interests of nationals of three or four different countries are generally concerned in the question of transit an international solution of the question is at present being sought by the League of Nations, which held a conference on the subject of transit at Barcelona in 1921. Further reference to this will be made in Part III of this work.

Very few laws or regulations exist at present on the subject of the transit of emigrants.

Argentine legislation provides that the benefits granted to immigrants are not applicable in the case of immigrants passing through to another country. Immigrants who subsequently move to a neighbouring country must indemnify the Government for all expenses incurred by it for their voyage, disembarkation, accommodation, subsistence and transport.

The Immigration Department keeps a special register of the persons who, having entered the country as immigrants, leave it as emigrants to other countries.

The Austrian Decree of 1 July 1919, on the passport system prescribes regulations for transit through Austria. A passport is obligatory for every person entering Austria ; no other document, such as an identity card, employment card, servant's card, etc. is of any use to procure the bearer's admission to Austria. The Government can fix certain points on the frontier at which entry into Austria must be made.

The Czechoslovak Bill lays down that the Government has the right to regulate the admission of emigrants in transit on grounds of the poverty of the emigrants, and of the health and safety of the nation.

In Germany, before the war, elaborate regulations were framed for the admission to the country of persons wishing to embark at a German port. Before any foreign emigrant was allowed to enter Prussia, he had to have a passport, a transport contract with a shipping company authorised in Germany, a railway ticket to the port of embarkation, and finally a sufficient sum of money for the return journey in case permission to land were refused in the oversea country.

In Great Britain, Article 4 of the Aliens Order 1920, states that nothing " shall prevent the landing in the United Kingdom of any alien who satisfies an Immigration Officer either

"(1) that he holds a prepaid ticket to some destination out of the United Kingdom, and that the master or owner of the ship in which he arrived or by which he

is to leave the United Kingdom has given security to the satisfaction of the Secretary of State that, except for the purposes of transit or in other circumstances approved by the Secretary of State, the alien will not remain in, or, having been rejected by another country, will not re-enter, the United Kingdom, and will be properly maintained and controlled during transit ; or

"(2) that having taken his ticket in the United Kingdom and embarked directly therefrom for some other country after a period of residence in the United Kingdom of not less than six months, he has been refused admission to that country and has returned directly therefrom to a port in the United Kingdom."

Before the war, the British authorities learned of cases where young girls of foreign origin, engaged for purposes of prostitution in other foreign countries, were crossing Great Britain together with other classes of emigrants in transit. Each case, as soon as it was discovered, was made the subject of an enquiry, but certain difficulties were experienced on account of the fact that a warrant was required before persons suspected of being a subject of such traffic could be arrested. This was remedied by the Act of 1912, of which Section 1 lays down that a police constable can arrest without warrant all persons whom he has reason to suspect of being about to commit or of having already committed an offence against Section 2 of the Criminal Law Amendment Act of 1885 (concerning Procuring or the Attempt to Procure).

The ITALIAN Act of 1919 states that "an emigrant of other than Italian nationality who embarks at any port within the kingdom shall be treated in all respects as if he were Italian, except that he shall not be entitled to benefit by the activities of the emigrants' protection offices in other countries."

In the NETHERLANDS, the law of 1861 states that emigrants are allowed to cross the country, even if they have no passports or safe-conducts, provided that at the frontier, or at the first place they stop at, they can give the competent officials a satisfactory explanation of the object of their journey. The chief of police at the frontier or at the first stopping place has to undertake the examination and he gives the emigrants a transit permit which serves also as a permit to remain in the country for two months. He also gives them the information necessary to enable them to continue their journey to the port of embarkation.

Alien emigrants who, within two months of their arrival, have not left the country, must obtain authority to stay in the country in accordance with the immigration regulations. Should the departure have been delayed for reasons considered to be valid, the above-mentioned permit may be prolonged for

a further period determined by the chief of police at the place where the alien is staying.

The Polish Decree of 26 July 1920 states that transport agents must undertake the collective transport of emigrants as far as Dantzig by the route, and under the conditions, specified by the Emigration Office.

In the Kingdom of the Serbs, Croats and Slovenes, all the rights laid down by the law in favour of Jugo-Slav subjects are also granted to foreigners who embark or disembark at national ports.

In Switzerland, there is no special law on the transit of emigrants, which is under the supervision of the Federal Emigration Office. Since 1903, agencies have had to report to the Office on all emigrants in transit with whom they are concerned.

In the United States, in virtue of the Immigration Act of 5 February 1917, every alien seeking a landing for the purpose of proceeding directly through the United States to a foreign country is examined, and, if found to be a member of any one of the excluded classes (except illiterates), is refused permission to land, in the same manner as though he intended to remain in the United States. Cases where a refusal of the privilege would entail exceptional hardship may be reported for a special ruling.

Illiterates who are allowed to cross the territory of the United States must do so in groups, accompanied by an immigration official.

Other aliens, who are granted the transit privilege without being grouped, have to deposit the head tax.

CHAPTER XI.

REPATRIATION.

The return of emigrants, either voluntary or enforced, may be effected in a variety of ways, so far as the payment of expenses is concerned. These expenses, which are sometimes very heavy, may be paid

(*a*) by the emigrant himself;
(*b*) by the emigrant and the transport agent;
(*c*) by the transport agent alone;
(*d*) by the emigrant's native country;
(*e*) by the country in which he resides;
(*f*) by private protection and welfare societies.

(*a*) Voluntary repatriation at the expense of the emigrant himself is the most usual method of return. There are no laws dealing with repatriation of this kind, except to ensure satisfactory travelling conditions and the same treatment on board that emigrants enjoy on the outward journey.

This is the case in ITALY and SPAIN. The Italian Regulations, issued in accordance with the Decree of 14 March 1909, state that transport agents must, when their ships are carrying Italian third-class passengers from an oversea port to an Italian port, comply with the regulations concerning speed and conditions of hygiene, safety, etc., laid down for the transport of emigrants from Italy overseas. The scale of charges must not be modified. If the ship is one that has left an Italian port with Italian emigrants, the military doctor must assist Italian third-class passengers as far as the Italian port to which they are going. Passengers who are not of Italian nationality are free to ask for the help of the ship's doctor, and should the ship have no doctor the Italian doctor must assist all the passengers and crew. The Italian doctor must satisfy himself that the cabins are suitably washed and disinfected before the vessel sets out on the return journey, and also that all regulations concerning berths, mattresses and blankets used by third-class passengers are complied with. This agent must, in

the transport contracts which he signs with emigrants returning home, comply with the regulations in force for the transport of emigrants from an Italian port overseas. It must also be stated whether the repatriation is to be accomplished direct, or whether there is to be transhipment at an intermediate port, or whether part of the journey is to be made by railway. In case of transhipment, the regulations relating to that point must be complied with. If the ship does not start on the day fixed in the contract, the shipowner responsible for the delay must provide board and lodging at his own expense for the emigrants up to the day of departure ; and he must carry out any instructions which the Italian Consul may think it necessary to give him. Emigrants may make their complaints against the transport agent, for all loss and injury caused by him abroad or during the journey, to the military doctor, or the emigration commissary, or the competent inspector.

The Spanish Decree of 12 August 1912, states that ships authorised to transport emigrants in accordance with the regulations in force must also comply during the return journey with all these regulations concerning hygiene and the safety of the emigrants.

(*b*) With a view to facilitating the repatriation of emigrants whose means are insufficient to meet all the expenses—and this frequently happens where there is a large family—certain countries make it obligatory for the transport agent to repatriate a certain definite number of emigrants at half-price, or at a price determined by the emigration authorities, under the same conditions as apply to other third-class passengers. Reference has already been made to this matter when dealing with the agents' obligations. The expenses of repatriation are in that case borne by the returning emigrant and the transport agent.[1]

(*c*) In other cases the agent has, at his own cost, to repatriate destitute emigrants.

The Czechoslovak Bill lays down that an emigrant who is refused admission by the country of destination in accordance with the provisions of the law in force there, must be repatriated as soon as possible and at the expense of the shipowner as far as his last place of residence, and, if the latter is situated outside Czechoslovakia, as far as the frontier of the republic. The shipowner must also pay the expenses of maintenance of the emigrant during the return journey.

The same Bill prescribes that if a person who is forbidden to emigrate cannot maintain himself at the place where his journey has been interrupted he must be brought back by the agent to the legal place of residence chosen by him or by his legal representative. If such a place of residence has not been

[1] See above, pp. 97 and 98, the provisions of the laws of Greece, Italy, Portugal, and Spain.

fixed or if the choice has been provoked by illegal means, or if his stay in the place chosen has been forbidden by law, the immigrant must be taken back to the commune to which he belonged or to the town in which, after an enquiry has been made by the Labour Office, he will be sure to find means of earning his living.

By the GREEK law, emigration agents have to bring back at their own expense, to the port of departure, all emigrants who are refused permission to land in America or elsewhere for reasons which existed before the departure from Greece. They are also bound to place at the disposal of the Ministry of the Interior or the authorities appointed by the latter, twenty third-class tickets from New York to a Greek port for the repatriation of destitute Greek subjects.

HUNGARY. The shipowner must repatriate free of charge all emigrants transported by him without a passport.

ITALY. The carrier is responsible for the loss incurred by an emigrant who is rejected by the country to which he goes under the laws there in force respecting emigration in any case in which it is proved that the carrier was aware before sailing of the conditions which caused the rejection of the said emigrant. The principal loss coming under this heading is the expense of the return journey, although the law does not expressly say so.

The PORTUGUESE Decree obliges each shipping company to repatriate, free of charge and under the same conditions as to board and lodging as apply to other third-class passengers, 3 % of the emigrants transported during the preceding quarter. In obtaining these free tickets, the instructions mentioned in reference to repatriation at half-price must be followed.

In the KINGDOM OF THE SERBS, CROATS AND SLOVENES, shipping companies have to repatriate at their own expense any emigrant who has been refused admission to the country to which he was going in virtue of the provisions of the immigration law in force there.

SPAIN. If the owners of a ship convey an emigrant to a destination where, by virtue of the laws there operative, he is refused admission, they must repatriate him without delay and free of charge. This is the general rule ; but, in the event of such laws being amended, withdrawn, or replaced, the owners of the ship are entitled to be reimbursed the cost of the return journey, if it was impossible to receive due notice of such change before the conclusion of the embarkation contract. Should the emigrant be unable to pay the sum required, the Emigration Council may treat the voyage as equivalent to two of the repatriations which, in accordance with the emigration law, the agent has to undertake free of charge.

By the Swedish Act of 1884, if the competent authorities prohibit the disembarkation of an immigrant and if the prohibition is determined by circumstances which have arisen since the signature of the contract, the agent is obliged to reimburse the immigrant the cost of the journey and to take the necessary steps to repatriate him free of charge.

(*d*) Repatriation at the sole expense of the State of which the emigrant is a subject is no longer conceded as a right by countries which oblige emigration agents to repatriate, free of charge or at half-price, emigrants who have been for a certain period in the overseas country. Other countries generally undertake such repatriation through the medium of their diplomatic and consular agents, and at the expense of public funds, unless philanthropic societies of the same nationality do this work.

In the Belgian Congo, a committee for supervising native children was set up by an Order of the Secretary of State of 5 November 1896. This committee supervises the material conditions of life, etc., of the children and arranges for their repatriation if they live abroad. Instructions of the Governor-General prescribe that officials shall repatriate natives, without distinction of sex, who have emigrated from their district without being provided with a passport.

In Belgium, repatriation at the public expense is not a right to which all Belgian subjects abroad are entitled ; it is a privilege, and is to be considered as an exceptional measure. Officials of the diplomatic and consular services are bound, except in cases which are absolutely and demonstrably urgent, to ask for and to await ministerial authority before repatriating Belgian subjects. The repatriation must be effected by the most direct and the most economical route.

One of the provisions of the Danish consular regulations is to the effect that if no work can be found or if the destitute person cannot work, it is often advisable to repatriate him from a country not far distant and within easy reach of Denmark ; if the country in question is more distant, the consent of the Ministry for Foreign Affairs must be obtained. Should repatriation be undertaken, the destitute person receives a certificate stating the reasons for his repatriation and the assistance given to him. If the repatriated person travels by land, and it is impossible to obtain a through ticket, it is advisable to give only sufficient help to take him to the nearest consulate or vice-consulate.

Arrangements were made by the British Government shortly after the armistice to repatriate free of charge all foreign workers who were brought to the country for employment on war services. The facilities provided by the Government

for repatriation extended also to those foreign workmen who were brought to the United Kingdom by private employers for employment on war service. Repatriation is now complete, and no scheme on similar lines now exists.

The HUNGARIAN Emigration Act states that, among the objects to which the emigration fund can be applied is that of paying wholly or partly the expenses of the return journey of destitute emigrants who desire to return to their native land.

(*e*) It is not, however, always the Government of the emigrant's native country which has to bear the expense of repatriating destitute emigrants. Sometimes the State in which the emigrant is living has to do it. This is the result of agreements, such as those signed by BELGIUM and GERMANY on 7 July 1877; BELGIUM and ITALY on 24 January 1880; and BELGIUM and SWITZERLAND on 12 November 1896, with reference to assistance for, and repatriation of, destitute subjects of the respective countries. These agreements state that the repayment of expenses for assistance, maintenance, medical treatment, or repatriation of destitute persons, cannot be claimed from the Government of the State to which the person concerned belongs, nor from his commune, nor any public fund in the country.

The agreement signed by FRANCE and the NETHERLANDS on 11 February 1911, to regulate the repatriation of subjects of the contracting States afflicted with insanity, and who have had recourse to assistance from public funds, declares that "the expenses arising out of the transport of the destitute person to one of the frontier stations, and of medical attention up to the date of repatriation, shall be borne by the State sending the insane person, unless it can obtain repayment on his property or on that of relations who are under an obligation in such matters."

(*f*) Finally, repatriation is frequently arranged through the initiative and at the expense of welfare societies or philanthropic institutions which exist in certain countries of emigration; or by general aid societies founded by the immigrants of each nationality in the countries of immigration.

APPENDIX.

List of Acts, Bills, and Regulations consulted.

Australia.

Immigration Act, 1901-1920.
Emigration Act, 1910.

Austria.

Bill of 1913 concerning emigration.
Decree of 1 July 1919, on the passport system.

Belgium.

Act of 14 December 1876 concerning the transport of emigrants.
Amending Act of 7 January 1890.
Regulations of 2 December 1905, made under the Act of 1876.

Bulgaria.

Act respecting Compulsory Labour Service, 5 June 1920.[1]

China.

Emigrant Labour Act, 21 April 1918.
Regulations concerning recruiting agents, 21 April 1918.
Outline of Contract of Emigrant Labour, 3 May 1918.

[1] The full text of the Act has been issued in the *Legislative Series* of the International Labour Office (hereafter cited as the *Legislative Series*). See 1920 (Bulg. 1).

Belgian Congo.

Order of the Governor-General of 7 December 1887.
Order of the Secretary of State of 5 November 1896.
Decree of 2 May 1910, on districts and sub-districts.
Decree of 16 November 1916, on the census.

Corea.

Act concerning the protection of Corean emigrants, 12 July 1906.

Czechoslovakia.

Act of 21 April 1897, forbidding propaganda (No. 27 of the Collection of Imperial Laws on Emigration, April 1921).
Emigration Bill, 1921.

Curaçao.

See Netherlands Indies.

Denmark.

Emigration Act of 1 May 1868.
Regulations of 28 March 1870, concerning the transport of emigrants.

France.

Act of 18 July 1860 on emigration.
Decree of 15 March 1861.
Administrative Decrees of 20 March and 21 May 1861 in pursuance of above Act.

Germany.

Emigration Act of 9 June 1897, No. 2393.
Regulation of 26 January 1898, concerning the organisation of the Advisory Emigration Council.
Order of the Chancellor of 14 March 1898, on the operations of owners of undertakings and agents regarding emigration.
Act of 27 July 1918, concerning evasion of taxes.
Act of 29 March 1920, concerning income tax.

GREAT BRITAIN.

The Merchant Shipping Act, 1894, Part III, Passenger and Emigrant Ships, Sections 267 to 368.
Act to amend the Merchant Shipping Acts, 1894 to 1900, 21 December 1906.
Aliens Act, 1905.
London County Council General Powers Act, 1910.
Criminal Law Amendment Act, 1912.
Aliens Restriction Act, 1914.
Emigration Bill, 1918.
Aliens Restriction (Amendment) Act, 1919.
Aliens Order, 1920.

GREECE.

Act No. 2475 of 17/30 September 1920, respecting Emigration.[1]
Royal Decree 24 September 1920, amended by the Royal Decree 17 January 1921, concerning emigration of women and girls.

HUNGARY.

Order of 1869 concerning the emigration of women and girls.
Emigration Act of 18 February 1909.

INDIA.

Indian Emigration Act (Act XVII of 1908).

ITALY.

Act No. 24 of 1 February 1901 concerning the savings of emigrants.
Decree of 14 March 1909 on the different conditions which have to be fulfilled on ships authorised to transport emigrants.
Act of 13 November 1919, No. 2205, to co-ordinate the provisions respecting emigration and the legal protection of emigrants.[2]
Royal Decrees of 10 July 1901, No. 375; of 10 March 1904, No. 165; of 24 April 1904; of 2 December 1906, No. 621; of 28 June 1908, No. 411; of 28 August 1913, No. 1643; and Regulations of 29 December 1901, No. 571; of 23 July 1911, No. 866; of 9 August 1911, No. 1086; of 6 March 1912, No. 849; of 16 May 1912, No. 556, for the application of the Emigration Act of 31 January 1901 (re-issued in 1919).

[1] *Legislative Series*, 1921 (Part II: Gr. 1).
[2] *Ibid.*, 1920 (It. 1).

JAPAN.

Law for the protection of emigrants. (Law No. 70, of 7 April, 29th year of Meiji (1896), as amended by Law No. 23, 34th year of Meiji (1901), Law No. 4, 35th year of Meiji (1902), and Law No. 33, 40th year of Meiji (1907).

Detailed Regulations for the enforcement of the Law for the protection of emigrants (Ordinance No. 70 of the Department of Foreign Affairs, 8 June, 40th year of Meiji (1907), as amended by Departmental Ordinance No. 4, 42nd year of Meiji (1909).

Ordinance No. 1 of the Department of Foreign Affairs, 15 March, 40th year of Meiji (1907).

NETHERLANDS.

Act and Order of 1 June 1861, concerning the transit and transport of emigrants.

NETHERLANDS INDIES.

Order of 14 September 1914 concerning recruiting of natives from Java and Madura for work in commerce, agriculture, industry and public works abroad (with the exception of Dutch Guiana.)

Order of 17 July 1883, for CURAÇAO, amended by Orders of 17 July 1919 and 18 March 1920, concerning :—

(1) The hiring or recruiting of inhabitants of the colony for manual work abroad :

(2) Protection of the health and safety of persons who embark in large numbers on sailing ships with a view to leaving the colony.

Order of 9 January 1887, concerning recruiting of native workers (re-issued in 1914).

NEW ZEALAND.

War Regulations Continuance Act, 1920.

NORWAY.

Bankruptcy Act, 6 June 1863.

Act of 22 May 1869, amended 5 June 1897, concerning emigration.

Act of 12 June 1896, concerning employment and recruiting agencies.
Act of 9 June 1903 concerning navigability of ships.
Bill of 1915.

POLAND.

Decree of 27 January 1919, setting up an emigration office and employment exchanges.
Order of the Council of Ministers setting up the Emigration Council provided for by the Decree of 27 January 1919.
Decree of 22 April 1920, concerning the creation of an Emigration Office under the Ministry of Labour and Social Welfare.
Decree of 26 July 1920, concerning the sale of third-class and steerage passage tickets.
Order of 27 April 1920 concerning emigrants' passports.

PORTUGAL.

Decree No. 5624 of 10 May 1919, concerning emigration.
Regulations made under the Decree, No. 5886 of 19 June 1919.
Decree of December 1921, concerning the necessity for every Portuguese subject leaving the Republic to make a deposit.

RUSSIA.

Emigration Bill, 1914.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

Legislative Decree concerning Emigration, 21 May 1921.
Emigration Bill 1921.[1]

SOUTH AFRICA.

Immigrants' Regulation Act, 1913.

SPAIN.

Emigration Act of 21 December 1907.
Provisional Regulation of 30 April 1908, made under the Act of 1907.

[1] The Bill has since become law.

Royal Decree of 6 November 1914, modifying the regulations of 30 April 1908, concerning passage tickets, inspection, local migration committees, inspectors, complaints of emigrants, etc.

Decree of 12 August 1912, concerning conditions of hygiene on emigrant ships.

Royal Decree of 23 September 1916, concerning the issue of an identity book for emigrants.

Royal Decree of 2 March 1917, fixing the amount of compensation due to emigrants in the event of the ship's being delayed in sailing.

Instruction of 30 April 1917, concerning the use of the identity book for emigrants.

Royal Decree of 16 May 1918, reorganising the emigration service.

Act of 29 April 1920, increasing the fees payable by foreign ships and freighters.

Royal Decree of 5 August 1920, to authorise the permanent committe of the Superior Emigration Council to apply a part of its funds to the payment of premiums for the insurance of Spanish emigrants and immigrants against death or total permanent invalidity consequent upon shipwreck.[1]

Royal Order of 11 December 1920, concerning the establishment of emigrants' insurance in accordance with the rules hereinafter contained.[1]

SWEDEN.

Royal Decree of 4 June 1884, modified on 28 September 1893, and 8 July 1894, concerning the transport of emigrants.

Order of 5 May 1916, concerning employment agencies.

Act of 14 June 1917, restricting the emigration of persons having children in their charge.

SWITZERLAND.

Article 34 of the Constitution of the Swiss Confederation, 29 May 1874.

Federal Act of 22 March 1888, concerning the operations of emigration agencies.

Circular of the Federal Council of 10 July 1888, on the same subject.

Regulations of 10 July 1888, to carry out the terms of the Federal Act of 22 March 1888, concerning the operations of emigration agencies.

[1] *Legislative Series*, 1920 (Sp. 6-7).

Circular of the Federal Council of 12 February 1889, to all the States of the Confederation, concerning an amendment of the Federal Act of 22 March 1888.
Order of the Federal Council of 12 February 1889, completing the regulations of 10 July 1888.
Order of the Federal Council of 31 December 1900, on the organisation of the Federal Emigration Office.
Circular of the Federal Emigration Office of 20 October 1916, to all emigration agencies and to persons selling tickets for the journey.
Order of the Federal Council of 17 May 1918, charging the Emigration Office with the duty of supervising the engagement and emigration of persons abroad.

TURKEY.

Act of 1896 on emigration.

PART II.

LEGISLATION

CONCERNING

IMMIGRATION

CHAPTER I.

THE DEFINITION OF AN IMMIGRANT.

It will be seen from the following notes that there is considerable variation in the definition of the term "immigrant" in different countries.

Argentina.

According to the Immigration and Colonisation Act of 18 October 1876, the term "immigrant" refers to any foreigner, whether labourer or skilled worker, whether engaged in industry or agriculture, or in a profession, less than 60 years of age and able to prove his morality and his skill, who goes to the Argentine Republic in order to settle there, either by sailing ship or by steamer, and who pays a second or third class fare, or receives a free ticket from the nation, or a province, or from private undertakings interested in immigration and colonisation.

Australia.

The Government states, in reply to the Questionnaire of the International Emigration Commission, that an immigrant is a "person arriving in Australia to settle, excluding tourists."

Austria.

There is no legal definition of the term "immigrant" in Austria. The Austrian Government, however, in its reply

to the Questionnaire, suggests a definition for the term "emigrant" and adds: "From this interpretation it is possible to deduce that of the immigrant". In the opinion of the Austrian Government the following persons would, therefore, be regarded as immigrants :—

Persons who have left their own country to take up a permanent residence in Austria or who have come to Austria temporarily in search of employment, and also members of their families who accompany them or join them.

Bolivia.

According to the Immigration Regulations of 18 March 1907, the following are regarded as immigrants :—

All foreign workers, whether agricultural or industrial, who are under 60, who can establish that their moral character and attainments are satisfactory and who intend to settle on Bolivian territory.

Brazil.

A Decree dated 3 November 1911 lays down that the following persons shall be admitted as immigrants:— "Foreigners who are under 60 years of age, are not suffering from contagious diseases, do not carry on any illegal occupation, are not known to be criminals, promoters of disorder, mendicants, or vagabonds, or to be insane or disabled, who land as second or third class passengers in a Brazilian port and who, while fulfilling the abovementioned conditions, desire to benefit by the advantages allowed to new arrivals."

Persons over 60 years of age and persons who are unable to work are not admitted unless they are accompanied by their families or have come to join the latter, and subject to the condition that there is at least one healthy person for each disabled person in the family, or for each one or two persons over 60 years of age.

If a distinction is made between that part of the above provisions which refers to conditions of admission and that which defines the term immigrants, it appears that the definition includes two points : the class by which the person concerned travels, and his desire to benefit by the special advantages allowed to immigrants.

The reply of the Brazilian Government to the Questionnaire adds that in the State of Sao Paulo, which has an independent administration dealing with immigration, the following persons are regarded as immigrants: "Foreigners, whether unmarried

or forming part of a family, who are under 60 years of age, who come to settle on the territory of the State in the capacity of agricultural workers or artisans, who can prove that their moral character and attainments are satisfactory, and who have travelled third class."

CANADA.

According to the reply of the Government to the Questionnaire, an immigrant is "one who goes to Canada for the first time and intends to remain there permanently." Reference is also made in the reply to the text of the Immigration Act, 1919, which states that "for the purposes of this Act every person entering Canada shall be presumed to be an immigrant unless belonging to one of the following classes of persons, hereinafter called 'non-immigrant classes' :— (1) Canadian citizens, and persons who have Canadian domicile ; (2) Diplomatic and consular officers... ; (3) Officers and men, with their wives and families, belonging to or connected with His Majesty's regular naval and military forces ; (4) Tourists and travellers merely passing through Canada to another country ; (5) Students ; (6) Members of dramatic, artistic, athletic or spectacular organisations entering Canada temporarily for the purpose of giving public performances or exhibitions of an entertaining or instructive nature and actors, artists, lecturers, priests and ministers of religion, authors, lawyers, physicians, professors of colleges and commercial travellers entering Canada for the temporary exercise of their respective callings ; (7) holders of a permit to enter Canada, in force for the time being.

COLOMBIA.

The Immigration Decree of 18 November 1909 lays down that the term "immigrant" includes all foreigners who are engaged in any kind of occupation, who are over 10 and under 60 years of age, whose moral character and attainments are satisfactory, and who land on the territory of the Republic for the purpose of settling there.

GREAT BRITAIN.

In the Aliens Act 1905, the expression "immigrant" means "an alien steerage passenger who is to be landed in the United Kingdom, but does not include :—

"(*a*) Any passenger who shows to the satisfaction of the immigration officer or board concerned with the case that he desires to land in the United Kingdom only for the purpose of proceeding within a reasonable time to some destination out of the United Kingdom ; or

"(*b*) Any passengers holding prepaid through tickets to some such destination, if the master or owner of the ship by which they are brought to the United Kingdom, or by which they are to be taken away from the United Kingdom, gives security to the satisfaction of the Secretary of State that, except for the purposes of transit or under other circumstances approved by the Secretary of State, they will not remain in the United Kingdom, or, having been rejected in another country re-enter the United Kingdom, and that they will be properly maintained and controlled during their transit."

Dutch Guiana.

The Order of 19 March 1863 states that an immigrant is a person who leaves his country of birth or of residence for the purpose of employment as a wage-earner in agricultural or industrial work, for a fixed number of years, in accordance with a contract.

Luxemburg.

The reply to the Questionnaire states that the term "immigrant" includes "persons of foreign nationality who arrive in the Grand Duchy for the purpose of settling there."

Mexico.

The Immigration Act of 22 December 1908 is divided into two distinct parts. The first applies to all foreigners who wish to enter the territory of the Republic, while the second refers only to immigrant workers.

According to Article 20 of the Act the term "immigrant worker" includes all foreigners who enter the country to engage temporarily or permanently in manual labour, and the members of their families.

Paraguay.

The Immigration Act of 1904 states that an immigrant is "an alien able to work, less than 50 years of age, and arriving in Paraguay with the intention of settling there."

Poland.

According to the reply of the Polish Government to the Questionnaire the term "immigrant" includes all persons who are not citizens of the Polish Republic by birth and who enter Poland for the purpose of earning their living by physical labour.

United States.

According to the reply of the Government to the Questionnaire, "arriving aliens whose permanent domicile has been outside the United States and who intend to reside permanently in the United States are classed as immigrant aliens."

Uruguay.

The Act of 10 June 1890 regards the following persons as immigrants :—

All foreigners of good repute and capable of work who arrive in the Republic by second or third class with the intention of settling there.

Venezuela.

According to the Act of 26 August 1894 the only persons regarded as immigrants are those whose fares to Venezuela have been paid by the Venezuelan Government.

In the Act of 1918, the term "immigrant" means any foreigner of good conduct who is skilled in some particular trade, industry or profession, and who goes to Venezuela with the intention of settling there permanently.

* * *

In addition to the essential fact of arrival in a foreign country, these various definitions include the following four main distinctive features either separately or together :—

(1) permanent or temporary residence in the country.
(2) occupation, or the intention to find employment.
(3) certain conditions as regards transport.
(4) the claim on the part of the foreign subject to benefit by certain advantages allowed to immigrants.

These four factors are considered below.

(1) *Permanent or temporary residence in the country.*

The question raised by this factor in the definition of the term "immigrant" is whether permanent immigration only is

taken into account or whether temporary immigration is to be included. The latter appears to be the case in the Argentine, Austria, Great Britain, Mexico and Poland.

The definition of the term "immigrant" in the Argentine Act of 1876 includes no condition concerning permanent or prolonged stay in the country. All artisans or agricultural workers who arrive in the country as second or third class passengers are regarded as immigrants.

The reply of the Austrian Government to the Questionnaire refers expressly to the temporary immigration of persons who go to Austria in search of employment for a certain time, in addition to permanent immigration.

The British Aliens Act of 1905, which defines an immigrant as any steerage passenger landing in the United Kingdom, only excludes those passengers who immediately proceed to some other destination.

In Dutch Guiana only temporary immigration is considered.

In the case of Mexico temporary employment is expressly mentioned as well as permanent employment.

In Poland all foreigners are regarded as immigrants if they arrive in the country to earn their living by physical labour.

In Australia, Bolivia, Colombia, Luxemburg, Paraguay and Uruguay, the definitions include a condition as to settlement in the country, but it is not stated whether this includes temporary settlement or whether permanent settlement only is considered.

The other four definitions (Brazil, Canada, United States, Venezuela), explicitly or implicitly lay down the condition of permanent settlement, and the purely temporary immigrant is excluded.

The widest definitions are those of Austria and Luxemburg, which include all persons who arrive in the country in order to settle there. Then come the United States definition and that proposed by Austria, which merely lay down that the intention of the foreign subject must be to settle permanently in the country.

All the other definitions include one or more other factors connected either with the occupation of the foreign subject, his intention to find employment, or the conditions of transport.

(2) *Occupation or intention to find employment.*

In certain countries the term "immigrant" is only applied in laws and regulations to certain occupations :—

In Argentina, to artisans or agricultural workers ; in the State of S. Paulo (Brazil) to agricultural workers, day labourers, industrial workers or artisans ; in Bolivia to agricultural and industrial workers ; and in Dutch Guiana to agricultural and industrial workers under contract.

In other countries the only condition is intention on the part of the immigrant to earn his living at work of some kind. These countries include Austria (definition proposed in reply to the Questionnaire as regards temporary immigration); Brazil (implicit consequence of the definition); Canada (with the exception of persons engaged in giving entertainments, the liberal professions, and commercial travellers); Colombia, Mexico and Poland (the two latter specify that the work in question must be manual or physical); Paraguay, Uruguay and Venezuela (implicit consequence of the definition).

It is regarded as sufficient in Austria (proposed definition of temporary immigrants), in Mexico and in Poland, that the immigrant should intend to find employment, irrespective of the length of time he intends to settle in the country and the conditions on which he made the voyage.

The definitions given by Australia, Great Britain, Luxemburg and the United States lay down no conditions either as to the occupation of the immigrants or their intention of finding employment.

(3) *Transport conditions.*

The definition of the term "immigrant" includes conditions as to transport in the following countries: –

Argentine (second or third class passengers); Brazil (second or third class passengers); Great Britain (steerage passengers); Uruguay (second or third class passengers); and Venezuela, according to the first definition, (fare paid by the Venezuelan Government) In no country, however, is this condition in itself sufficient for the definition of an immigrant; the latter also includes either the intention of finding employment or the intention of settling permanently in the country, which in the case of Venezuela results implicitly from the payment of the fare by the Government.

In some countries, however, such as Australia, Austria, Bolivia, Canada, Colombia, Dutch Guiana, Luxemburg, Mexico, Poland and the United States no conditions as regards transport are included in the definition.

(4) *Intention to profit by certain advantages.*

In two countries, Brazil and Dutch Guiana, the main or principal feature of the definition of the term "immigrant" is the intention to benefit by certain advantages allowed to immigrants.

In Brazil immigrants in the legal sense are second and third class passengers who fulfil the necessary conditions for admission and "wish to benefit by the advantages allowed to new arrivals."

In Dutch Guiana, an immigrant, in the terms of the Act, must enter the country with a special contract of labour.

In Venezuela immigrants, according to the Act of 1894, were persons whose fare was paid by the Venezuelan Government. In these countries, the intention of finding employment is of course implied as a condition of the enjoyment of these advantages.

* * *

The remarks which have already been made concerning the definition of the term "emigrant" apply also to the definition of the term "immigrant". The reason for the difference in the definition given by the various countries is that in some cases the definition is limited to a particular form of immigration: that of workers or that of all foreigners, of immgration under contract or free, permanent or temporary immigration, trans-oceanic or continental immigration, collective or individual immigration. It follows that these various definitions, or at any rate the factors which they include, should all be taken into account in establishing an international definition of the term "immigration"; in other words it is necessary, according to the international measures which are proposed, to adopt a definition either limiting them to the immigrant worker or extending them to members of his family, applying them exclusively to immigrants who settle permanently in the country or including those who immigrate temporarily, covering those who arrive by sea or those who arrive by land, those who immigrate in groups, and those who immigrate individually, and those who come freely or those who come in virtue of a contract.

* * *

It has been pointed out that it is necessary for the definitions of "emigrant" and "immigrant" to correspond. In spite of the differences between one country and another it may be said that generally speaking the same three principal elements are to be found in both: the intention to find employment, the duration of settlement in the country and conditions of transport. It thus follows that the definitions of emigration and immigration, which are two phases of the same phenomenon successively affecting the same individual, may without difficulty be made to correspond.

CHAPTER II.

CONDITIONS OF ADMISSION.

The immigration of aliens is not absolutely prohibited in any country. The right to emigrate, which the first part of this work has established as existing in principle, leads to and is to a certain extent complemented by the right to immigrate. But this latter right is even more strictly limited, and at the present time the admission of aliens in every country, and in particular of aliens classed as immigrants, is subjected to certain conditions.

During the war the possession of a passport issued by the national authorities, with a visa of the representatives of the country to which the traveller intended to go, became compulsory for all international travelling. This regulation has survived the war, but is tending to be gradually relaxed. More and more Governments are agreeing to suppress the compulsory visa and even the passport for their respective nationals. There is no need to return here to what has been said in Part I (Chapter III) on the subject of the negotiations at present in progress between various authorities for the purpose of introducing international regulation and for the ultimate abolition of passports and visas between certain countries ; nor is it necessary to enter into a detailed examination of the various national regulations relating to passports, although they apply to immigrants as to other travellers. A review is given of the special conditions of admission applying to immigrants, as defined for the various countries in the previous chapter.

These conditions have been grouped under the eight following heads :

(1) Police regulations, including those relating to moral character.

(2) Regulations relating to the defence of the existing social order.

(3) Regulations relating to race, religion or nationality.
(4) Literacy tests.
(5) Health regulations.
(6) Regulations of an economic or occupational nature.
(7) Restriction of the number of immigrants.
(8) Various exceptions.

In the group of police regulations will be found on the one hand those requiring the possession of certain papers, such as identity cards, certificates of morality, special immigration passports ; on the other hand those excluding persons of bad character such as prostitutes, persons living on the proceeds of prostitution, keepers of houses of ill fame or persons who have served certain sentences.

The second category of conditions of admission relates to the maintenance of the existing social order. The profession of certain subversive doctrines or the furtherance of the overthrow of the existing order by violence, are considered as reasons for refusing admission in many countries. Other countries, on the other hand, expressly exclude from the reasons for rejection all sentences for political crimes and offences, or even allow special privileges for persons so sentenced.

The conditions relating to the race, religion or nationality of the immigrant constitute a third category, which covers the measures for exclusion taken by certain countries against certain racial or religious elements which for various reasons they do not admit as immigrants.

Some countries are also particularly anxious not to lower the general cultural standard of their population by an influx of illiterate immigrants. The measures taken for this purpose form the fourth category of conditions of admission.

The conditions grouped in these first four categories have all in common the characteristic of being chiefly inspired by care for the moral, intellectual, social or political protection of the immigration states. Others, as will be seen later, are rather of an economic character. Between the two groups are the conditions relating to the health of the immigrants which partake of the characteristics of both. On the one hand the governments refuse to admit immigrants carrying the germs of contagious diseases, in order to avoid contamination of the population of their countries ; on the other hand, they are inspired by motives of public economy when they also refuse persons suffering from certain non-contagious illnesses or disabled people who are likely to become a burden to the country of immigration.

The sixth category includes the conditions of an economic character properly so-called. Provisions for excluding beggars or persons incapable, or deemed incapable, of earning their living, such as old men, will be considered under this head,

provisions requiring the possession of a certain sum of money enabling the immigrant to provide for his first needs before having obtained work, those requiring the immigrant to carry on certain trades or professions to the exclusion of others, the obligation to arrive in the country either without a previous engagement or, on the contrary, with a formal labour contract. Certain of these conditions may be either permanent or intermittent in character, that is to say, in the latter case they are applicable or not according to the situation of the labour market, according to whether the industries of the country are wanting labour or whether, on the other hand, the workers of the country have to be protected against an excessive influx of foreign workers.

Although the provisions recently introduced in the legislation of the United States for limiting the number of immigrants display this latter characteristic, they have been classed in a special category (limitation of the number of persons admitted), on account of the exceptional importance of their effects.

The final section deals with special provisions which in certain cases accentuate or modify the conditions of admission and transform texts which are apparently rigid into measures which may be adapted to the economic or political needs of the moment.

No special attention can be paid in the present work to the often voluminous legislation regulating the conditions of admission and departure of sailors and the measures which have been adopted in many countries for preventing immigrants from assuming the character of deserting sailors.

§ 1. Police Regulations, including those relating to Moral Character.

ARGENTINA.

By the Regulation of 1916 immigrants are required to produce a certificate issued by the judicial authorities of their country of origin, with the visa of the Argentine consular representative, certifying that they have not been prosecuted during the past five years for any offence against public order, or for any grave crime.

In accordance with a Decree dated 31 March 1919, the certificates issued by the judicial authorities may be replaced by other documents certifying to the Argentine authorities at the port of disembarkation the identity, the good conduct and general capability of the immigrant.

According to a Decree of 10 August 1921, foreigners are not admitted to the Argentine unless they possess, in addition to the documents indicated in previous decrees, a personal record to be drawn up by the Argentine Consul at the port of embarkation on presentation to the latter of the documents required in

accordance with the form approved by the General Immigration Department of the Argentine. These records are collected by officers of the Department on arrival at the Argentine port.

AUSTRALIA.

According to the Immigration Act 1901-1920, the following classes are forbidden to enter the Commonwealth :—

(*a*) Any person who has been convicted of a crime and sentenced to imprisonment for one year or more, unless five years have elapsed since the termination of the imprisonment ;

(*b*) Any person who has been convicted of any crime involving moral turpitude, but whose sentence has been suspended or shortened conditionally on his emigration, unless five years have elapsed since the expiration of the term for which he was sentenced ;

(*c*) Any prostitute, procurer, or person living on the prostitution of others ;

(*d*) Any person who has been deported.

The following classes are exempt from the above restrictions :—

(*a*) Any person holding an exemption certificate ;

(*b*) Soldiers and sailors in the regular forces ;

(*c*) The master and crew of any vessel during the stay of the ship in the Commonwealth. The members of the crew have, however, to produce an identification card if it is asked for by an officer.

BOLIVIA.

In accordance with the Regulation dated 18 March 1907, immigrants are required to produce a certificate as to moral character issued by the municipal authorities of their place of origin.

A presidential Decree of 27 October 1921 states : "With a view to ensuring that, among the workers who enter the country, there are none who cannot be considered by their past life and conduct as healthy and useful immigrants, everyone desiring to enter the country must possess the following papers :—

"(1) A passport issued by the country of origin, with a complete description of the immigrant and with finger prints, and having the visa of the Bolivian consul ;

"(2) A medical certificate ;

"(3) A declaration of the authorities of the country of origin proving that the emigrant has not been condemned or been the object of a judicial action during the previous five years;

"(4) A declaration of the same authorities that the person in question is engaged in an honourable occupation."

Children accompanied by their parents have merely to show a medical certificate.

BRAZIL.

In accordance with Art. 2 of the Regulations dated 3 November 1911, aliens exercising an unlawful profession or recognized as criminals, agitators or vagabonds are not admitted to Brazilian territory.

The Act of 11 January 1921 laid down more rigorous restrictions on the entry of aliens into Brazil. The Government has the power to forbid the entry of any male alien who can be expelled from the national territory under Art. 2 of the Act,[1] and of every female alien who arrives in the country for purposes of prostitution.

A draft Regulation of the National Labour Department [2] stipulates in Art. 117 that entry to Brazil would also be forbidden to aliens who cannot present to the port or frontier authorities documents issued by the competent authorities of their country of origin, certifying as to their personal antecedents, and identity papers having attached thereto a photograph, finger prints and other indications of the bearer's identity. All these documents must be stamped by the issuing authority and have the visa of the Brazilian Immigration Commissioner, or, failing this, of the Brazilian Consul at the port of embarkation.

CANADA.

By the Immigration Act 1901-1920, an alien must arrive in Canada by continuous journey from the country of which he is a native or citizen, and upon a through ticket purchased in that country or prepaid in Canada.

British subjects proceeding to Canada from the United Kingdom do not require a passport, [3] providing (*a*) that they land at a Canadian port, and (*b*) that they intend to remain permanently in Canada, but passports are necessary for passengers proceeding via Canadian ports to the United States or other countries. Passengers other than British subjects

[1] See Chapter IV, Section 4.

[2] *Diario Official*, 23 July 1921.

[3] Canadian Government Immigration Regulations. Immigration Leaflet 30-A.

require passports or penal certificates or both, if the country from which they come delivers such documents.

The Minister of Immigration and Colonization may issue a written permit authorising any person to enter Canada without being subject to the provisions of the Immigration Act. Such permit remains in force for a specified period only, but it may at any time be extended or cancelled by the minister in writing.

The following are prohibited from entering Canada :—

(*a*) Persons who have been convicted of, or admit having committed, any crime involving moral turpitude ;

(*b*) Prostitutes and women and girls coming to Canada for any immoral purpose, and pimps or persons living on the avails of prostitution ;

(*c*) Persons who attempt to bring into Canada prostitutes, or women or girls for immoral purposes ;

(*d*) Persons who have been rejected at a Canadian port or who have been deported from Canada.

All women from the British Isles going to Canada to settle must have an emigration permit from a Canadian Government emigration agent unless accompanied by husband, father, mother or such other relative as may be approved by the Superintendent of Emigration for Canada in England.

Chile.

The Act of 12 December 1918 refuses admission to Chilian territory to foreigners who have been convicted of or are subject to prosecution for such offences against common law as are regarded as crimes by the Penal Code.

Admission is also refused to persons carrying on illicit traffic or any traffic contrary to good morals or to public order in general.

Colombia.

In accordance with the Act of 18 November 1909, immigrants, in order to be allowed to enter Colombia, must prove that they are of good character and morals. The entry of vagabonds, persons convicted of crimes against common law, and escaped prisoners is forbidden.

The law forbids immigration agents for Colombia to conclude contracts with persons not fulfilling the conditions prescribed by the emigration laws of their respective countries. This prohibition likewise applies to private persons or companies engaged in the transport of immigrants to Colombia.

The immigrant must show the authorities at the port of disembarkation, if he has not already done so to the Consuls or competent immigration agents, his birth certificate and those of the persons accompanying him, and also certificates as to their state of health and moral character and as to his capability in the employment in which he proposes to engage.

Costa Rica.

Immigrants coming under one of the following headings are rejected :— persons prosecuted for crimes or having been convicted of crimes, persons suspected of arson, even if the crime has not been proved, agitators, persons engaged in proselytising for certain religions, prostitutes, smugglers, inebriates, ether and morphia-maniacs and also all persons not having lawful means of support.

Cuba.

In accordance with a Decree dated 15 May 1902 (section 1), admission to Cuban territory is forbidden to persons convicted of grave crimes, or of offences against morality, to polygamists, to persons convicted of crimes or dishonourable offences having no political character, and to prostitutes.

Ecuador.

A Bill introduced in 1916 would refuse admission to the national territory to persons convicted of crimes or offences proving their moral depravity, to polygamists, prostitutes or persons inciting others to prostitution, and to persons expelled from Ecuador as undesirable.

Great Britain.

The admission, supervision, and control of aliens are at present regulated by the Aliens Order 1920, made under the Aliens Restriction Act 1914 and the Aliens Restriction (Amendment) Act 1919. The provisions which under the former Act applied only when "imminent national danger or great emergency" had arisen were extended by the latter Act for a period of one year after that Act came into force. This measure has been re-enacted year by year, and the exercise of the powers conferred by it is no longer contingent upon the existence of any occasion of national danger or emergency.

The Aliens Order, 1920 provides that an alien shall not land in the United Kingdom without the permission of an Immigration Officer and permission to land may not be given unless the alien complies with certain conditions.

Among these are the following :—

(*a*) that he has not been sentenced in a foreign country for an extradition crime ;

(*b*) that he is not the subject of a deportation order in force under the Act of 1914, or of an expulsion order under the Aliens Act 1905 ;

(*c*) that he has not been prohibited from landing by the Home Secretary.

The Home Secretary is further empowered to prescribe other requirements that must be fulfilled by an alien immigrant.

Permission is, however, granted to an alien to land if he can prove to the satisfaction of an immigration officer : —

(1) That he holds a prepaid ticket to some destination out of the United Kingdom ; that the master or owner of the ship in which he arrived or by which he is to leave the United Kingdom has given security that (except for the purposes of transit or in other circumstances approved by the Secretary of State) the alien will not remain in the country ; that similar security is given that if he is rejected by another country he will not re-enter the United Kingdom ; and that he will be properly maintained and controlled during transit ; or he must be able to prove —

(2) That having taken his ticket in the United Kingdom and embarked direct therefrom for some other country after a period of residence in the United Kingdom of not less than six months, he has been refused admission to that country and has returned direct therefrom to a port in the United Kingdom.

All aliens other than seamen coming to the United Kingdom must land at an approved port.

British Colonies, Protectorates, and Mandated Territories.

It is stated in the replies of the British Government to a questionnaire sent by the League of Nations on the subject of the traffic in women and children that many British Colonies, etc. prohibit the admission of immigrants who are prostitutes, or are persons, either men or women, living on or receiving, or who may have lived on or received, the proceeds of prostitution, or who hire or have hired women for purposes of prostitution, or who receive or have received money from establishments where prostitution is carried on.

This is the case, for instance, in Northern and Southern Rhodesia, Tanganyika, Zanzibar, and the Bermuda Islands.

Guatemala.

The Act of 30 April 1909 lays down that criminals and persons of bad character may not be admitted as immigrants.

Honduras.

The Act of 8 February 1906 forbids the admission of persons of bad morals.

Mexico.

The Act of 22 December 1908 refuses admission to Mexican territory to escaped prisoners and to fugitives condemned for a crime involving imprisonment of more than two years, according to Mexican law, with the exception of fugitives condemned solely on account of political offences or for military reasons. The following are also forbidden to enter Mexico: prostitutes and persons seeking to introduce prostitutes into the country, in order to traffic in them or live on their earnings.

Aliens who have stayed more than three years on Mexican territory, and who return there after less than one year's absence, are treated as Mexican citizens for the purpose of the Immigration law.

New Zealand.

By the Immigration Restriction Act 1908, as amended by Act No. 16 of 1910, any person who arrives in New Zealand less than two years after the termination of any imprisonment suffered by him for an offence which, if committed in New Zealand, would be punishable by death or imprisonment for two years or upwards, not being a mere political offence and no pardon having been granted, is prohibited from landing.

By the Immigration Restriction Amendment Act 1920, all persons, unless they are of British birth and parentage, require a permit to enter New Zealand. The Governor-General may, however, by Order-in-Council, declare that this requirement shall not apply to particular nations or peoples.

Application for a permit must be made in the prescribed form and sent to the Minister of Customs. On this form the applicant must state his reasons for desiring to settle in New Zealand, the business or occupation he proposes to undertake, his birth and parentage, the number and ages of his family if they are to accompany him, his means, and such other details as may be required. The Minister of Customs has the right to grant or to refuse permits.

A permit may be granted subject to such conditions as may be prescribed by regulations, or as may be imposed by the Minister; it may include the wife of the applicant, and one or more members of his family.

The Act of 1920 stipulates that every person who is a British subject must on arrival in New Zealand take the oath of allegiance. Other persons arriving in New Zealand must take the oath of obedience to the laws of New Zealand. Persons refusing to take the oath are deemed to be prohibited immigrants.

A person shall not be exempt from these provisions by reason that he is domiciled in New Zealand, or that he is returning to New Zealand, or that he has on some previous arrival in New Zealand taken the oath required in his case by the Act.

Panama.

Section 17 of Act No. 32 of 19 December 1914 states that entry into Panama is free to all foreigners, without distinction of race or nationality, with the exception of certain categories, viz., fugitive criminals, adventurers or vagabonds of recognized bad character, etc.

Paraguay.

According to the Act of 9 October 1903, immigrants must give proofs as to their moral character. In no case can Paraguayan consuls or immigration agents issue certificates in favour of convicted persons or of persons who are the object of any legal prosecution.

Peru.

The Act of 22 September 1920 forbids the entry into Peruvian territory of vagabonds, persons devoting themselves to prostitution and persons condemned to imprisonment, if they have not finished their term or if two years have not elapsed since their release.

These regulations do not apply to persons condemned or prosecuted for political or religious motives, nor to those seeking refuge on Peruvian territory to save their lives, nor to those who, after having resided six months in the Republic and having gone to another country, are expelled therefrom.

Salvador.

A Decree of 5 October 1914 refuses admission to the territory of Salvador to keepers of houses of ill-fame, pickpockets, vagabonds, prostitutes and beggars.

Persons wishing to enter the territory of Salvador must present certificates of identity and good character to the competent authorities.

South Africa.

Under the Immigrants Regulation Act of 1913, no person is permitted to land who, from information received from any government, whether British or foreign, is deemed by the competent Minister to be undesirable. In particular, all persons living on prostitution or convicted of a criminal offence are refused admission or expelled after admission.

The examination for the admission of immigrants takes place on arrival in the Union, and the High Commissioner of South Africa in London has no power to grant permits to land or exemptions to the law. On the other hand, the local authorities may issue to any immigrant who does not fulfil the stipulated conditions a temporary permit which will allow him to enter and reside in the Union.

Finally, reference has already been made in our study of the general passport regulations to the fact that a special permit is issued, which is intended to facilitate the admission of persons to the territory of the Union who have previously lived in the country. Persons to whom a permit of this kind has been issued by the immigration officers may return to South Africa within a period of three years after the issue of the permit without being affected by the restrictions on admission laid down by law.

Switzerland.

The Federal Order of 29 November 1921 lays down that foreigners entering Swiss territory must have a passport or, in exceptional cases, equivalent identity papers provided with the photograph of the bearer. These papers must indicate the nationality of the bearer and prove that he is free at all times to return to his country of origin or to the state where he last resided. The identity paper of the foreigner must be provided with a visa by the competent Swiss authority. The visa only gives the right to cross the frontier.

The legations and consulates are required to submit to the Central Police Office for Foreigners, together with a detailed notice, all applications for crossing the frontier presented by foreigners who do not possess valid identity papers issued by their country of origin and recognised by Switzerland.[1]

United States.

The Immigration Act of 5 February 1917, "regarding immigration of aliens to and residence of aliens in the United States" repealed all prior acts or parts of acts inconsistent with the new law.

The United States Congress also passed "an act to limit the immigration of aliens into the United States" which was approved by the President on 19 May 1921. The provisions of this Act are in addition to the provisions of existing laws, conventions or treaties of the United States relating to the immigration, exclusion, or expulsion of aliens.

[1] Cf. Chapter II, Section 6.

According to the Act of 1917 no person is allowed to come to the United States who has been convicted of or admits having committed a felony or other crime or misdemeanour involving moral turpitude ; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy ; prostitutes or persons coming into the United States for the purpose of prostitution or for any other immoral purpose ; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose ; persons who are supported by or receive in whole or in part the proceeds of prostitution ; persons who have been deported under any of the provisions of this Act, and who may again seek admission within one year from the date of such deportation, unless prior to their re-embarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labour consents to their reapplying for admission ; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labour.

In cases in which aliens who are excluded from permanent entry on these grounds apply for the privilege of entering the United States temporarily, they are required to show that their temporary entry is an urgent necessity or that unusual and grave hardship would result from a denial of their request. A bond, a cash deposit, or other equally satisfactory assurance that such alien will depart in due course from the United States is exacted by the department in every instance.

Aliens who have lived in the United States continuously for seven years may be readmitted after a temporary absence abroad, under such conditions as the department may prescribe. An absence not exceeding six months shall be deemed a "temporary absence."

Uruguay.

A Decree of 18 January 1915 forbids the disembarkation of persons not in possession of a passport or other document proving that they had authority to embark in their country of origin, and of persons devoting themselves to itinerant occupations or working in temporary buildings, which might, in the opinion of the immigration authorities, be dangerous to the population, either through the nature of the business itself or through the lack of sanitary conditions.

Section 9 of the Act of 1890 lays down that the immigrant, on arriving in Uruguay, must produce a certificate of good character issued or visaed gratis by the Uruguayan consular agent at the port of embarkation.

Venezuela.

The Act of 26 June 1918 forbids the entry of criminals, persons whose immorality is well-known, and persons without a trade or honourable calling. The good conduct of the immigrant must be proved by a certificate of the Consul, the immigration agent, or the local authorities. Persons who have been condemned for crime, other than political crime, are prohibited immigrants.

2. Regulations relating to the Defence of the Existing Social Order.

Argentina.

The entry of persons convicted of offences against the social order is forbidden.

Australia.

According to the Act of 1920, any person who advocates the overthrow by force or violence of any established Government or of all forms of law, who advocates the abolition of organised government, the assassination of public officials or the unlawful destruction of property, or who is a member of any organisation which entertains and teaches any of the doctrines and practices specified in this paragraph, is excluded.

Canada.

According to the Act of 1919, the following classes are prohibited from entering the country :—

Persons who believe in the overthrow by force or violence of the Government of Canada or of constituted law and authority, who disbelieve in organised government, who advocate the assassination of public officials or the unlawful destruction of property ;

Persons who are members of any organisation entertaining or teaching disbelief in organised government, or the duty, necessity, or propriety of the unlawful assaulting or killing of officers of any organized government, because of their official character, or advocating the unlawful destruction of property ;

Persons guilty of espionage with respect to His Majesty or any of His Majesty's allies ;

Persons who have been found guilty of treason for an offence in connection with the war, or of conspiring against His Majesty, or of assisting His Majesty's enemies during the war, or of any similar offence against any of His Majesty's allies ;

Persons who at any time within a period of ten years from 1 August 1914 were or may be deported from any part of the British Empire or from any allied country on account of treason or of conspiring against the King, or of any similar offence in connection with the war against any of the allies of Great Britain, or because such persons were or may be regarded as hostile or dangerous to the allied cause during the war.

Chile.

The admission of persons who disturb or attempt to bring about the disturbance of the social or political order by violence is prohibited.

Persons are forbidden to reside in the country if they, in any manner whatsoever, propagate doctrines incompatible with the unity or individuality of the nation.

Colombia.

All persons who advocate or carry on propaganda in favour of disobedience to the authorities or laws of the country, or who preach the overthrow by violence of the constitutional government, as well as anarchists, communists and those who commit offences against property, are refused admission.

Costa Rica.

Anarchists or members of associations whose aim is to carry on agitation among the working classes are excluded.

Ecuador.

A Bill of 1916 proposed to refuse admission to persons supporting the overthrow by violence of the constituted Government or of all forms of law, or supporting the assassination of public officials.

Honduras.

The Aliens Act, dated 8 February 1906, forbids the entry into Honduras of persons dangerous to public order.

Mexico.

Persons who preach the doctrine of the destruction of governments by force or the assassination of officials are not admitted.

Panama.

The legislation of Panama forbids the admission of anarchists.

United States.

Under the Act of 1917, the following are excluded from the United States :

Anarchists [1] ; persons who advocate the overthrow by force or violence of the Government of the United States, or of all forms of law ; who are opposed to organised government ; who advocate the assassination of public officials, or the unlawful destruction of property.

It is, however, specifically laid down that the Act shall not exclude persons, if otherwise admissible, convicted, or who admit the commission, or who teach or advocate the commission, of an offence purely political.

3. Regulations relating to Race, Religion or Nationality.

Argentina.

The entry of gipsies is forbidden.

Australia.

With a view to restricting the immigration of Asiatics and other coloured persons into Australia, the Commonwealth Parliament passed the Immigration Restriction Act in 1901, which provides that any person, who, when asked to do so by a public officer, fails to write out from dictation and sign in the presence of the officer a passage of fifty words in any

[1] The Act of 16 October 1918, amended by the Act of 5 June 1920 gives particulars as to the exclusion and expulsion of aliens who are members of the anarchistic and similar bodies. In addition to foreign anarchists, all persons are excluded who are members of an organisation advocating opposition to all organised governments, all who support doctrines aiming at the overthrow by force or violence of the Government of the United States, or of any other organised Government, or who advocate the assassination of any officer of the United States or other organised Government, or the unlawful destruction of property or sabotage. Aliens who write, or cause to be written, or distribute or print publications of the above character, or who are members of organisations for the publication or printing of such matter, are considered equivalent to anarchists. The donation or promise of money or other articles of value for these purposes is considered adequate proof that a person supports anarchist doctrines, or belongs to anarchist organisations.

prescribed language, is prohibited from landing in Australia. Certificates of exemption are granted in certain cases; members of the military and naval forces, as well as the master and crew of any public vessel of any government, are excepted.

The Act of 1920 prescribes that, until the Governor General determines otherwise, no person who, in the opinion of an officer, is of German, Austro-German, Bulgarian or Hungarian parentage and nationality, or is a Turk of Ottoman race, is allowed to enter the Commonwealth.

By the War Precautions Act Repeal Act 1920, a British subject is prohibited from entering the Commonwealth if, upon being required to make and subscribe an oath or affirmation of loyalty, he fails to do so.

Under the Pacific Island Labourers' Act 1901-1906, no Pacific Island labourer may enter Australia. The term Pacific Island labourer includes all natives not of European extraction of any island, except the islands of New Zealand, situated in the Pacific Ocean beyond the Commonwealth.

The Minister may grant a certificate to any Pacific Island labourer excepting him from all or any of the provisions of the Act.

A certificate under this section is issued only to a Pacific Island labourer who proves to the satisfaction of the Minister :

(1) That he was introduced into Australia prior to September 1879 ; or

(2) That he is of such extreme age, or is suffering from such bodily infirmity, as to be unable to obtain a livelihood if returned to his native island ; or

(3) That having been married before 9 October 1906, to a native of some island other than his own, he cannot be deported without risk to the life of either himself or his family ; or

(4) That he was married before 9 October 1906 to a female, not a native of the Pacific Islands; or

(5) That he was on 1 July 1906, and still is, registered as the beneficial owner of a freehold in Queensland ; or

(6) That he was continuously resident in Australia for a period of not less than twenty years prior to 31 December 1906.

The Minister may order a Pacific Island labourer who is not in possession of such a certificate to be deported from Australia.

Canada.

By the Immigration Act the Governor-General in Council may prohibit or limit in number the landing in Canada of immigrants belonging to any nationality or race, by reason of any economic,

industrial or other condition temporarily existing in Canada, or because unsuitable, having regard to the climatic, industrial, social, educational, labour and other conditions or requirements of Canada, or because such immigrants are deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property and because of their probable inability to assume the duties and responsibilities of Canadian citizenship within a reasonable time after the entry.

In virtue of this provision, two Orders in Council were issued on 9 June 1919 prohibiting the landing (1) of any immigrant of the Doukhobor, Hutterite, or Mennonite class, (2) of immigrants who were alien enemies during the last war. This last provision does not apply to races or nationalities, technically and formerly subjects of Germany, Austria-Hungary, Bulgaria, or Turkey who have declared their independence, or whose independence is recognised by the Peace Conference, or whose government is placed under the control of a Mandatory Power.

Regulations made by the Governor-General in Council under the Act may provide as a condition to permission to land in Canada that immigrants and tourists must possess in their own right money to a prescribed minimum amount, which may vary according to the race, or occupation, or destination of the person concerned, and otherwise according to circumstances.

In virtue of this provision, an Order in Council was issued on 7 January 1914 to the effect that from that date no immigrant of any Asiatic race would be permitted to land in Canada unless he possess in his own right money to the amount of at least 200 dollars. This regulation does not apply to countries with which there is in operation a special treaty, convention, and arrangement inconsistent with it.

By the Chinese Immigration Act every person of Chinese origin, or whose father was of Chinese origin, irrespective of allegiance, has to pay, on entering Canada, a tax of five hundred dollars, the only exceptions being official representatives, merchants, tourists, men of science, duly certified teachers, clergymen, students, and Canadian-born children of Chinese origin who have gone abroad for purpose of study.

No person of Chinese origin passing through Canada in transit is allowed to pay the tax imposed by the Chinese Immigration Act, or to remain in Canada.

Every person of Chinese origin who wishes to leave Canada, with the declared intention of returning thereto, must give written notice of such intention to the controller of customs at the port or place whence he proposes to sail or depart ; this notice must contain the name of the foreign port or place which such person wishes to visit, and the route he intends taking, both going and returning.

With Japan an arrangement, hitherto confidential, has been concluded on the subject of admitting, as immigrants, certain subjects of that country.

The regulations contained in the Order in Council of 9 May 1910, which permits the immigration of female domestic servants, farm workers, and relatives of persons residing in Canada do not apply to immigrants belonging to any Asiatic race.

By an Order in Council, dated 7 January 1914, issued under Section 38 of the Act, the landing in Canada is prohibited of any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen, and upon a through ticket purchased in that country, or prepaid in Canada.

An Order in Council of 9 June 1919 (P.C. 1202) prohibits the landing at the ports of British Columbia of any skilled or unskilled labourers.

These regulations are of such a nature as to apply particularly to immigrants of certain countries or races who can hardly arrive otherwise than by indirect journey or by way of the Pacific ports.

Costa Rica.

The law forbids the entry into the national territory of persons of Asiatic race and also of gipsies, with the exception of consular or diplomatic agents and of naval officials who, for purposes of transit or in the exercise of their official duty, find it necessary to enter Costa Rica. This prohibition refers in particular to Arabs, Turks, Armenians and Syrians.

Section 3 of the Act of 20 July 1896 permits the executive power to take similar steps against persons of other nationality.

Cuba.

Order No. 155 of 15 May 1902 (Section 7) forbids the immigration of Chinese. By Section 4 of the Act of 3 August 1917, this prohibition was suspended, but this suspension was only to have effect for a period of two years after the end of the state of war existing at the time of its publication.

Ecuador.

By a Decree of 14 September 1889, the Republic of Ecuador prohibited the admission of Chinese to the country, but those who were already there were allowed to stay, subject to the Government's power of expulsion.

Great Britain.

The admission of former enemy aliens is subject to special statutory restrictions imposed by Section 10 of the Act of

1919, under which they are prohibited from landing in the United Kingdom for a period of three years from 23 December 1919 except by permission of the Secretary of State; such permission is only to be granted on special grounds and to be limited to a period of three months renewable on similar grounds for a like period.

GUATEMALA.

The entry of Asiatics in general is forbidden.

HAITI.

The entry of gipsies is forbidden.

INDIA.

Former enemy subjects are prohibited from entering India for a period of five years from the conclusion of the war. Exceptions are, however, allowed, and are made more freely in the case of Austrians and Bulgarians. As regards Asiatic Turks, the prohibition is generally relaxed, subject to conditions or exceptions in individual cases or classes.

NEW ZEALAND.

Under the Immigration Restriction Amendment Act 1920, no person other than a person of British birth and parentage may enter New Zealand unless he is in possession of a permit.

Application must be made for the permit to the Minister of Customs, and must be sent by post from the country of origin of the applicant, or from the country where the applicant has resided for at least one year.

A person is not considered to be of British birth and parentage by reason that he or his parents are naturalised British subjects, or by reason that he is an aboriginal native, or the descendant of an aboriginal native of any dominion other than the Dominion of New Zealand or of any colony or other possession or of any protectorate of Great Britain.

The Governor-General may, by Order in Council, declare that the provisions relative to the permit shall not apply to certain nations or peoples. The Minister of Customs may exempt from the requirements referred to above any person or class of persons entering or desiring to enter New Zealand.

By the Act of 1908, any Chinese proposing to land in the Dominion must be able to read a printed passage of not less than one hundred words of the English language. [1]

Under the Act of 1919 no person who has at any time been a subject of the State of Germany or of Austria-Hungary as

[1] See Chapter II, Section 1.

those States existed on 4 August 1914, and no alien born in any place which on that date was within the limits of the German Empire in Europe or within the limits of the monarchy of Austria-Hungary, may land in New Zealand without a licence issued by the Attorney-General.

This does not apply to an alien who at the time when he arrives in New Zealand is already domiciled there and has not been absent for a longer period than two years.

PANAMA.

The Act of 1914 did not change the regulations concerning the admission of Chinese, Syrians, Turks and North-Africans of Turkish race included in the Act of 24 March 1913. According to the latter, the entry of aliens of these races into the Republic of Panama is forbidden. Persons belonging to the above mentioned races who enter in spite of the prohibition, can be condemned to work on public works for a year and be deported after undergoing their penalty. If persons of the said races arrive in Panama in transit on their way to other countries, they are obliged to submit to the measures taken in regard to them by the Government during their stay in the country. This prohibition applies also to persons belonging to the said races, who have been naturalized in another country. Diplomatic and consular agents belonging to the races in question are exempt. Any person within the scope of this prohibition, who wishes to visit the country as a tourist or for the purposes of study, can be admitted (Article 40 of the Regulations dated 31 May 1913) on condition that he obtain previously a written authorisation from the Secretary for Foreign Affairs, that he present a certificate of identity issued by a diplomatic or consular agent of Panama, or, failing this, by the agent of a friendly nation, and accredited in the country of origin of the visitor, and that he furnish, on his arrival, a cautionary payment of 300 *balboas*[1] as guarantee that he will leave the country within three months.

The entry of gipsies is forbidden.

PARAGUAY.

Persons of yellow or black races, and gipsies, are not admitted.

PERU.

The Decree of 14 May 1909 suspended the immigration of Chinese. This Decree resulted in difficulties between China and Peru, and a protocol was signed on this matter between the two countries on 28 August 1909.

[1] One balboa = one dollar.

Salvador.

Nationals of the other four Central American republics are exempt from the obligation to have $ 100 on their arrival in Salvador.

South Africa.

The Immigrants' Regulation Act 1913 applies equally to all races, classes and religions, but by Section IV (1. *a*) the Minister of the Interior is empowered to certify as prohibited immigrants persons or classes of persons whose presence for economic or other reasons is considered undesirable. Use has been made of this power to prohibit the immigration of all Asiatics except the wives and young children of domiciled residents, nor are resident Asiatics allowed to change their province.

Some exceptions to this rule in favour of certain classes of Asiatics who were domiciled in the Transvaal before 1902 are, however, allowed, so that the immigration of adult male Asiatics is not completely prevented. [1]

United States.

According to the Act of 1917, but subject to the reservation that special treaties have not been concluded, persons coming from what is known as the Asiatic barred zone [2] are not admitted unless they are Government officers, ministers, religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, artists, merchants, travellers for curiosity or pleasure, or their legal wives or minor children ; but if any such persons fail to maintain in the United States a status or occupation placing them within the accepted classes, they are liable to deportation.

[1] Official Year-Book of the Union of South Africa, 1910-1918, Pretoria 1920, pp. 182-189.

[2] This refers to persons who are natives of islands not possessed by the United States adjacent to the continent of Asia, situate south of the twentieth parallel of latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province or dependency situate on the continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich, east of the fiftieth meridian of longitude east from Greenwich, and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north.

With regard to Japanese immigrants, it may be stated that the policy of the Japanese Government has always been opposed to the emigration of workers of that country to the continental United States. About 1906, however, it was observed [1] in the United States that passports issued to Japanese workers for Hawaii, Canada or Mexico had been used to evade this policy and procure admission to the United States. As a result the President of the United States issued a proclamation on 14 March 1907, prohibiting Japanese and Korean labourers from admission to continental United States if they had received passports for Mexico, Canada or Hawaii and came from these countries.

In order to put this measure into operation, a lengthy correspondence took place between the American Embassy at Tokio and the Japanese Ministry of Foreign Affairs. An agreement was entered into with Japan, which has neither been incorporated in a Treaty nor drawn up as a formal diplomatic instrument. This is the "gentlemen's agreement", by which the Japanese agreed to introduce certain voluntary restrictions on emigration. [2]

According to this agreement, the existing policy of Japan of discouraging emigration of its subjects of the labouring classes to continental United States was to be continued, and was, by co-operation of the Governments, to be made as effective as possible. "This understanding contemplates that the Japanese Government shall issue passports to continental United States only to such of its subjects as are non-labourers, or are labourers who in coming to the continent seek to resume a formerly acquired domicile, to join a parent, wife, or children residing there, or to assume active control of an already possessed interest in a farming enterprise in this country : so that the three classes of labourers entitled to receive passports have come to be designated 'former residents', 'parents, wives, or children of residents,' and 'settled agriculturalists.'

"With respect to Hawaii, the Japanese Government of its own volition stated that, experimentally at least, the issuance of passports to members of the labouring classes proceeding thence would be limited to 'former residents', and 'parents, wives, or children of residents.' The said Government has also been exercising a careful supervision over the subject of emigration of its labouring class to foreign contiguous territory." [3]

The understanding with regard to Hawaii also specified that the Japanese Government would not depart from the

[1] Report of the United States Commissioner General of Immigration for 1908, p. 125.

[2] Labor Problems in Hawaii. Hearings before the Committee on Immigration and Naturalization, House of Representatives, U.S.A. of 22 July 1921. Statement of Mr. J.V.A. MacMurray, Chief of Division of Far Eastern Affairs, State Department, p. 553.

[3] Report of the Commissioner-General of Immigration, 1908, p. 125.

policy outlined above without ascertaining from an American official source the labour conditions in the islands. [1]

Since then the Japanese Government has voluntarily limited the emigration of its nationals to the United States. Certain provisions have further been included in American legislation for preventing any modification of such voluntary restriction by the introduction of new practices. Thus the Act of 1917 contains a proviso prohibiting "the emigration to the United States of natives of the Asiatic barred zone as well as all aliens now in any way excluded or prevented from entering the United States."

In the Act of 1921 fixing the percentage of admissible immigrants, there is a statement to the effect that this measure shall not apply to aliens whose immigration is regulated by treaties or agreements dealing exclusively with immigration, nor to aliens from the so-called Asiatic barred zone.

The Treaty of Commerce between the United States and Japan contains the following final declaration :—

"In proceeding this day to the signature of the Treaty of Commerce and Navigation, the undersigned has the honour to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the immigration of labourers to the United States.

(signed) Y. Uchida."

Owing to discontent in the United States at the large number of "picture brides" [2] and adopted children brought over from Japan, negotiations were commenced on this question in 1920, and the Japanese Ambassador at Washington promised that the immigration of picture brides and adopted children to the United States would be forbidden in future.

This prohibition is strictly enforced in the United States, but it does not extend to Hawaii, although the gentlemen's agreement applies there.

[1] Labor Problems in Hawaii : *op. cit.*, pp. 928-929 : Letters of Mr. Hughes, Secretary of State, to Mr. Albert Johnson, Chairman of the Committee on Immigration and Naturalisation of the House of Representatives, 16 August 1921.

[2] The name "picture brides" is given to Japanese women who are married to immigrants by proxy, after having sent them a photograph. These marriages are celebrated in Japan, and, as soon as the ceremony is over, the young wife embarks for the United States to join her husband, whom she does not know except for the photograph. Similarly, children are adopted in Japan by immigrants in the United States, and they travel to the latter country to join their "parents".

The Immigration Treaty concluded in 1881 with China, which is still in force, provides that whenever in the opinion of the Government of the United States the coming of Chinese labourers to the United States or their residence therein affects the interests of that country or endangers good order, the Government of China agrees that the Government of the United States may regulate, limit or suspend such coming or residence, but may not absolutely prohibit it. Another principle established in this Treaty is that immigrants of all other classes may enter or leave the United States at their own free will.

The clauses of this Treaty with China are brought into operation under the following Acts :— the Act of 6 March 1882, supplemented and amended by the Act of 5 July 1884 ; the Act of 13 September 1888 and that of 5 May 1892.

By the first of these Acts the admission of Chinese workers to the territory of the United States was suspended for a period of ten years. The owners of ships who knowingly imported Chinese workers were liable to a fine up to $ 500 per Chinese worker imported and to imprisonment for a maximum period of one year.

The Act of 13 September 1888 prohibits the admission to the United States of Chinese workers, even those who had been living there and had left, subject to the exceptions provided for under the Act.

The Act of 15 May 1892 finally prolonged the period of validity of the above Acts for ten years. By a resolution of 7 July 1898 the immigration of Chinese workers to Hawaii was subjected to the same conditions as that to the United States.

The classes of Chinese immigrants admitted to the United States are teachers, students, travellers for curiosity or pleasure, merchants and their lawful and minor children, officials of the Chinese Government and their body and household servants, Chinese labourers holding the return certificate prescribed by the rules, those seeking in good faith to pass through the country to a foreign territory ; persons whose physical condition necessitates immediate hospital treatment ; Chinese persons shown to have been born in the United States and the wives and children of such Chinese-American citizens and seamen. Chinese workers employed in exhibitions that have been approved by Congress are also admitted. Burden of proof is upon the applicant to show admissibility.

When Hawaii was annexed to the United States, a Joint Resolution was passed (7 July 1898) to the effect that "there shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States ; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands."

With regard to Mexicans, shortly after the declaration of war in the spring of 1917, the government as a matter of war policy to aid primarily in the production of foodstuffs and cotton, acting under the terms of the ninth proviso to section 3 of the Immigration Act, suspended temporarily the operation of the head tax, contract labour, and literacy test provisions of the law in favour of labourers coming from Mexico to engage in agricultural work.

Early in the fiscal year 1919-20 the Department of Labour, by an Order of 9 July 1919, continued in force until 1 January 1920 the then existing arrangements as regards the temporary admission of Mexican labourers, restricting their employment to agriculture and pursuits immediately connected therewith.

Pending action by Congress on proposed legislation as to the admission of labourers for agricultural pursuits to meet conditions such as are claimed to exist in States on the northern and southern borders and in the State of Florida, the frontier authorities have been directed by the Department of Labour, until further instructed, to put into force on said borders and in the State of Florida the regulations existing on 1 January 1920, relating to the admission of labourers in States on the southern borders and in Florida.

The above regulation was later (12 April 1920) broadened so as to include in its terms the principal sugar-beet raising States in the Rocky mountain region.

All these provisions with regard to exemptions for Mexicans were finally cancelled by an Order of the Secretary of Labour dated 1 March 1921, declaring that all further importations or engagements of workers under the Department of Labour's exceptions to the contract labour, head tax and illiteracy provisions of the Immigration Act would be discontinued as from 2 March. Some temporary relaxations have, however, been allowed by a further Order of 14 March 1921, which, however, retains the principle embodied in the Order of 1 March abolishing the measures adopted in favour of Mexicans.

By the Act of 19 May 1921 (Cf. Chapter II, para. 7), the percentage principle is not applied to aliens who have lived continuously for at least one year[1] in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central or South America, or adjacent islands.

Uruguay.

The Decree of 1915 forbids the entry of Asiatics and Africans, when the immigration authorities think fit to reject them. The entry of gipsies is also forbidden.

[1] This has since been extended to five years.

Venezuela.

The law does not admit immigrants who are not of European race, but natives of yellow race belonging to the islands situated in the Northern Hemisphere may be admitted.

4. Literacy Tests.

Australia.

Any person who fails to pass a dictation test, that is to say, who fails to write out not less than fifty words of a language prescribed by regulation, when dictated to him by an officer administering the Act, is prohibited from entering the Commonwealth of Australia. An immigrant may be required to pass a dictation test at any time within two years after he has entered the Commonwealth.

Arrangements may be made with the Government of any country, regulating the admission into Australia of the subjects or citizens of such country, such persons not being required to pass the dictation test so long as the arrangement lasts. No regulations for prescribing languages have any force until they have been before both Houses of Parliament for thirty days and have been agreed to by both Houses.

Canada.

According to the Act of 1919 the following persons are prohibited from entering or landing in Canada :—

Persons over fifteen years of age, physically capable of reading, who cannot read the English or the French language or some other language or dialect. The test does not apply to the father or grandfather, over fifty-five years of age, wife, mother, grandmother, or unmarried or widowed daughter, if otherwise admissible, of any admissible person or any person legally admitted, or any citizen of Canada ; persons who have Canadian domicile ; persons in transit through Canada ; persons approved by the Minister ; immigrants landed in Canada who later go in transit through, or for a temporary purpose to, foreign contiguous territory (they may remain in foreign contiguous territory under these conditions for not more than 60 days).

New Zealand.

Any person other than of British or Irish birth and parentage who fails to write out and sign, in the presence of an officer, in any European language, an application in such one of the prescribed forms as the officer thinks fit, is prohibited from landing.

South Africa.

Any person who is unable, by reason of deficient education, to read and write any European language, including Yiddish, to the satisfaction of an immigration officer, is prohibited from entering the country.

The Act provides for a number of exemptions, particularly in the case of members of naval and military forces or accredited officials and authorised persons coming from neighbouring territories.

United States.

By the Act of 1917 all aliens over sixteen years of age, physically capable of reading, who cannot read the English language, or some other language or dialect, including Hebrew or Yiddish, are refused admission. For the purpose of ascertaining whether aliens can read, the immigrant inspectors are furnished with slips of uniform size, prepared under the direction of the Secretary of Labour, each containing not less than thirty, nor more than forty, words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and is required to read the words printed on the slip in such language or dialect.

The following classes of aliens over 16 years of age are exempted by law from the literacy test :—

(*a*) Persons who are physically incapable of reading.

(*b*) Persons of any of the following relationships to United States' citizens, admissible aliens, or legally admitted alien residents of the United States, brought in or sent for by such persons : Father, or grandfather, if over 55 years of age ; wife, mother, grandmother, unmarried or widowed daughter.

(*c*) Persons seeking admission to the United States, to avoid religious persecution in the country of their last permanent residence.

(*d*) Persons previously residing in the United States, who were lawfully admitted, have resided there continuously for five years, and return to the United States within six months from the date of their departure therefrom.

(*e*) Persons in transit through the United States.

(*f*) Persons lawfully admitted, and who later go in transit through foreign contiguous territory. The period an alien may remain in foreign contiguous territory while in transit under this exemption is limited to 60 days. An alien may leave and enter the United States at the same port and still be in transit for the purposes of this exemption.

(g) Exhibitors and employees of fairs and exhibitions authorised by Congress.

Aliens whose ability to read can be readily and certainly learned or ascertained by any ordinary method approved by the department may be excused from the actual taking of the test.

All claims are investigated by a board of special enquiry and in all cases in which the exemption is not fully established before the board the alien is debarred. Clear and convincing proof of claims of exemption from the literacy test are required in every instance.

An Act of 5 June 1920 states that an alien who cannot read may, if otherwise admissible, be admitted if, within five years after this act becomes law, a citizen of the United States who has served in the military or naval forces of the United States during the war with the Imperial German Government requests that such alien be admitted, and with the approval of the Secretary of Labour marries such alien at a United States immigration station.

5. Health Regulations.

Argentina.

Section 32 of the Act of 1876 forbids the entry of persons suffering from contagious diseases, lunatics and the infirm. The Decree of 28 October 1913 forbids the entry of any immigrant showing symptoms of tuberculosis, leprosy or trachoma. In accordance with a Regulation of 26 April 1916, admission to Argentine territory is also refused to blind, deaf and dumb or paralytic immigrants, and to persons disabled in both arms, or in the right arm, or in both legs, or persons having any other defect which may lessen their capacity for work, and to idiots, epileptics or persons suffering from any other form of mental affection.

Immigrants must show a certificate with a photograph of the bearer attached and with the visa of the competent Argentine consul, proving that they are not affected with and that they have never suffered from any mental disease.

Australia.

The following persons are prohibited from entering the Commonwealth :— those not possessed of the prescribed certificate of health ; those suffering from a serious transmissible disease or defect, from pulmonary tuberculosis, trachoma,

or from any loathsome or dangerous communicable disease ; those suffering from any disease or mental or physical defect which is liable to render the person concerned a charge upon the public or upon any public or charitable institution ; idiots, imbeciles, feeble-minded persons, epileptics, persons suffering from dementia, and persons who have been insane within five years previously, or who have had two or more attacks of insanity.

Bolivia.

According to the Presidential Decree of 27 October 1921 every immigrant must possess a declaration made by a doctor in his last country of residence stating that he is not suffering from any contagious disease.

Brazil.

The Act of 1921 forbids the entry into Brazil of all aliens who are either mutilated, crippled, blind, suffering from mental disease or incurable or serious contagious illness ; but these persons, save those suffering from serious contagious disease, may have free access to the country, if they can prove that they dispose of sufficient funds to support themselves, or if relations or other persons give an undertaking to the Police Authorities that they will be responsible for the maintenance of such persons.

Canada.

Persons afflicted with tuberculosis in any form or with any contagious or infectious disease which may become dangerous to the public health, are forbidden to enter the country, whether such persons intend to settle in Canada or only to pass through Canada in transit to some other country. If, however, such disease is one which is curable within a reasonably short time, such persons may, subject to the regulations, be permitted to remain on board ship if hospital facilities do not exist on shore, or to leave the ship for medical treatment.

The following persons are also excluded from Canada :— those with chronic alcoholism; those of constitutional psychopathic inferiority and persons who are certified by a medical officer as being mentally defective to such a degree as to affect their ability to earn a living ; idiots, imbeciles, feeble-minded persons, epileptics, insane persons and persons who have been insane at any time previously ; immigrants who are dumb, blind, or otherwise physically defective unless in the opinion of a Board of Inquiry, or an officer acting

as such, they have sufficient money, or have such legitimate mode of earning a living that they are not liable to become a public charge, or unless they belong to a family accompanying them or already in Canada, and which gives security satisfactory to the Minister against such immigrants becoming a public charge.

On arrival in Canada, immigrants are required to undergo medical examination for the purpose of ascertaining that their state of health is not such as to become a danger to public health or to make them a public charge.

Chile.

Admission is refused to all immigrants who appear to be included in one of the categories of disease indicated in the 2nd paragraph of Article 101 of the Chilian Sanitary Code (incurable diseases or organic affections).

Colombia.

Persons suffering from chronic or contagious diseases, such as tuberculosis, trachoma, leprosy and other illnesses requiring quarantine, are not admitted. Persons suffering from acute, serious or contagious illness will be placed in quarantine, and must themselves defray the costs of medical aid.

Persons suffering from mental disease, including all persons suffering from feeble-mindedness, mania and general paralysis, chronic alcoholism, ataxia, idiocy, cretinism, and all cripples whose physical infirmities render them unable to work, are also excluded. Such persons may, however, be admitted if they belong to an immigrant family of which the other members enjoy good health and are able to work. Similarly, foreigners resident in Colombia are exempt from these provisions when returning to the country after an absence abroad not exceeding three years.

The immigrant's passport must indicate his state of health.

Belgian Congo.

By an Order of 7 August 1921, the Government prohibits from entering, or staying in, the territory of the colony all persons, other than those of Congolese race, suffering from open tuberculosis, and demands from every immigrant a certificate in legal form, stating that he is free from the disease in question. The certificate must be drawn up by a doctor of the country from which the immigrant comes, or in which he had his last domicile.

The certificate is also demanded from those who intend to pass through the colony in transit.

Costa Rica.

Admission is refused to lunatics, idiots, imbeciles, the blind or the deaf and dumb and to persons suffering from leprosy, bubonic plague, yellow fever, tuberculosis or any other contagious or infectious disease; also to persons incapacitated for work.

Cuba.

The following immigrants are refused entry:— Idiots, imbeciles, or persons affected with a loathsome, serious or contagious disease.

Ecuador.

The Bill of 1916 forbade the entry of idiots, epilepties, lunatics, lepers and persons suffering from other loathsome or contagious diseases.

Great Britain.

Under the Aliens Order 1920, an alien is not allowed to land if he is a lunatic, an idiot, mentally deficient, or if he is the subject of a certificate given by a medical inspector to the effect that for medical reasons it is undesirable that the alien should be permitted to land.

Guatemala.

Immigrants suffering from any kind of contagious disease are not admitted.

Honduras.

Immigrants not enjoying good health are forbidden to enter the territory of Honduras.

Mexico.

The entry into Mexican territory of immigrants coming under the following categories is forbidden:—

(1) Persons suffering from bubonic plague, cholera, yellow fever, cerebro-spinal meningitis, typhoid, exanthematic typhus, erysipelas, measles, scarlet fever, smallpox, diphtheria or from any other acute disease considered contagious or infectious by the executive authority ;

(2) Persons suffering from tuberculosis, leprosy, beriberi, trachoma, scurvy or from other chronic disease considered contagious by the executive authority ;

(3) Epileptics and lunatics ;

(4) Persons suffering from rickets, the lame, the one-armed, hunch-backs, paralytics, the blind or the crippled of whatever nature and persons suffering from a deformity or a physical or mental defect which renders them unfit for work.

These immigrants, with the exception of persons included in the first category, may be admitted into the country by a special concession from the Government, when they can produce a sufficient guarantee to ensure that they will not become a public charge.

In the case of an alien established in Mexico, who has declared his intention of acquiring Mexican nationality, wishing his wife, his relations or his children under age to join him in Mexico, if one of these persons is suffering from a disease included in the 2nd or 3rd categories mentioned above, the Government may authorise the entry of such sick person or persons on certain conditions.

Newfoundland.

By an Act of 10 May 1906, no person who is infected with any disease, is infirm, or is otherwise likely to become a public charge, is allowed to land, and the master of any vessel bringing such persons to the colony is liable to a fine of $ 100.

New Zealand.

No person who is an idiot or insane, or is suffering from a loathsome or dangerous contagious disease, is permitted to land.

Palestine.

An Ordinance of 1920 prohibits the admission of lunatics, idiots, mentally deficient persons, and all persons who are the subject of a certificate by a medical inspector that on medical grounds they should not be permitted to land.

PANAMA.

The Immigration Act of 1914 forbids the entry of lunatics, dangerous maniacs, idiots, persons suffering from tuberculosis, lepers, epileptics and in general of any person afflicted with a loathsome or contagious disease.

In accordance with Article 9 of the Decree of 1 March 1916 admission is also refused to aliens suffering from any physical defect, which might in the opinion of the sanitary authorities of the port of arrival render them incapable of earning their living, unless they can prove that they possess sufficient means for their support.

PARAGUAY.

Consuls and immigration agents are forbidden to issue immigration certificates to persons suffering from contagious disease.

PERU.

Admission to Peruvian territory is refused to lunatics, idiots, persons suffering from incurable diseases or incapable of earning their living and to persons suffering from a disease considered by the law to be dangerous to the public health. In accordance with the provisions of the Decree of 16 August 1906, immigrants must present a certificate of health issued by a doctor appointed by the Peruvian Consul at the port of embarkation, and bearing the visa of this latter official.

A certificate of health must not be granted to idiots, lunatics, or persons suffering from a contagious, infectious or loathsome disease, nor to those who may possibly become a public charge. The following diseases are considered as chronic, contagious or loathsome; tuberculosis, syphilis, leprosy, cancer in its various forms, lupus, scurf, all sorts of chronic cutaneous diseases, trachoma and filariosis.

Persons belonging to the following categories are considered as likely to become a public charge :— inebriates, persons suffering from rupture, from chronic rheumatism or from chronic diseases of the heart, persons of more than 60 years of age, or who manifest evident symptoms of senility, persons suffering from varicose veins in the lower limbs, persons suffering from general debility, epileptics, persons suffering from general paralysis, from chronic myelites, from polyneuritis, from partial paralysis or from atrophy rendering them unfit for work, and in general those who are liable to become infirm, as the result of any physical ailment whatsoever.

Beri-beri is the object of special medical investigation,

owing to the peculiar developments of this disease. Immigrants who have not been vaccinated are obliged to submit to vaccination before departure.

SALVADOR.

Persons suffering from hydrophobia, typhus, anchylostomiasis, syphilis, tuberculosis, trachoma or mental diseases and persons unfit for work are not allowed to enter the country (Decree of 1914).

SOUTH AFRICA.

The Act of 1913 prohibits the entry into the country of any person who is afflicted with leprosy or with any infectious, contagious, or loathsome or other disease, as specified in the regulations, and any person suffering from tuberculosis, unless he is in possession of a permit to enter the Union. The Government has now, however, stopped the issue of such permits. The Governor General may declare any disease to be such that any person suffering from it becomes a prohibited immigrant. By Regulation 17, the following is the list of such diseases at present in force :— leprosy, trachoma, favus, framboesia or yaws, syphilis, scabies.

Permits issued to persons afflicted with tuberculosis are issued only at the ports of Cape Town and Durban. Every such permit is issued subject to such of the special conditions as may be prescribed in any case.

Other persons excluded are : — idiots or epileptics ; persons who are insane or mentally deficient ; persons who are deaf and dumb, blind or otherwise physically afflicted, unless security is given for their permanent support in the Union, or for their removal therefrom whenever required by the Minister.

All persons intending to enter the Union may be required to submit to medical or other examination. If they fail to pass it, they are declared prohibited immigrants.

UNITED STATES.

The following are forbidden to land in the United States :—

Any person afflicted with tuberculosis in any form, or with a loathsome or dangerous contagious disease ; idiots, imbeciles, feeble-minded persons, epileptics, insane persons ; persons who have had one or more attacks of insanity at any time previously ; persons of constitutional psychopathic inferiority ; persons with chronic alcoholism ; persons who are certified by

the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of the person to earn a living.

By an Act of 1893, the President of the United States is empowered to suspend all immigration from countries where there is an epidemic of cholera or other contagious or infectious disease.

Reference to the medical examination will be made in the chapter dealing with the admission and rejection of immigrants.

URUGUAY.

Immigration is forbidden in the case of persons suffering from trachoma, leprosy or tuberculosis ; of lunatics and persons suffering from a physical imperfection or from some organic defect which renders them unfit for work. Nevertheless the blind are admitted if persons provided with sufficient means undertake to support them.

In a case where there is any difficulty of diagnosing the symptoms of the disease from which an immigrant is suffering, disembarkation is conditionally authorized and the immigrant is taken to a hospital until such time as the diagnosis is complete.

VENEZUELA.

Entry into Venezuelan territory is forbidden to immigrants suffering from a contagious or infectious disease.

The Act of 1918 decrees that all ships carrying immigrants must be visited on arrival by a medical officer of health and an agent of the Immigration Committee in order to ascertain the immigrant's state of health and to see that all legal provisions are observed.

6. Regulations of an Economic or Occupational Nature (Situation as regards property, trade, contract of labour, age, sex, etc.)

ARGENTINA.

The Regulations of 1916 forbid the entry of beggars, considering as such not only those persons who have practised begging in their country of origin, but also unaccompanied women with children less than ten years of age and any other person who would seem likely to become a charge on the public.

Every immigrant must show to the immigration authorities a certificate issued by the competent authorities in his country of origin, with a photograph of the bearer attached, certifying that he has never been engaged in begging. This certificate must bear the visa of the competent Argentine Consul.

Under the Act of 1876, the only immigrants admitted are day-labourers, artisans, industrial workers, agricultural workers or persons belonging to one of the liberal professions. The immigrant has to prove his ability by means of certificates issued by the authorities of the country where he resided, and bearing the visa of the competent Argentine Consul.

Immigrants more than 60 years of age, not being heads of families, are rejected.

Australia.

Admission of immigrants under contract to perform manual labour is controlled by the provisions of the Contract Immigrants Act 1905, and is permitted if the contract is in writing, is made by or on behalf of some person named in the contract and resident in Australia, and is approved by the Minister. Such approval, which must be obtained before the immigrant lands in Australia, is not given if the contract is made with a view to affecting an industrial dispute, or if the remuneration and other terms are not as advantageous to the contract immigrant as those current for workers of the same class at the place where the contract is to be carried out.

Moreover the Minister must be satisfied that there is difficulty in the employer's obtaining a worker of at least equal skill and ability, except in the case of a British subject born in the United Kingdom or descendant of such a person.

If, before the Minister approves the terms of the contract, the immigrant lands in Australia,

(*a*) the contract is absolutely void ;

(*b*) the immigrant is liable to a penalty ;

(*c*) the employer is liable to a penalty ;

(*d*) the employer must pay a sum of money sufficient either to maintain the immigrant until he can be reasonably expected to find suitable employment or to enable him to return to the country whence he came.

Any officer may ask any immigrant before he lands in the Commonwealth, or within one year after he has entered the Commonwealth, whether he has come to Australia under a contract or agreement to perform manual labour in Australia, and the immigrant must truly answer the question.

Bolivia.

The Regulations of 1907 require immigrants to show a certificate issued by the authorities of their place of origin, stating the occupation of the bearer.

Brazil.

Mendicants are forbidden to enter Brazil. According to the Act of 1921, aliens sixty years of age have free access to Brazilian territory, if they can prove that they dispose of sufficient means to support themselves or if relations or other persons declare themselves responsible for their support.

Canada. [1]

By the Immigration Act 1910-1919, the Department of Immigration and Colonization applies such Immigration Regulations as are required to carry out the policy adopted by the Canadian Parliament. These Regulations may vary from time to time according to the financial, commercial, industrial and labour conditions in Canada generally or in any locality.

(1) *Immigrants' landing money.* — Under the authority of an Order-in-Council, the landing money requirements which were first in force only from 1 January to 31 March 1921 were extended indefinitely. Until otherwise notified, every immigrant of the mechanic, artisan or labouring classes, whether skilled or unskilled, arriving in Canada must possess $ 250 landing money, and if married his wife must also have $ 125 landing money and each child between 5 and 18 years $ 50 landing money. The Immigration Agents at the port of landing have power to absolve from this money regulation farm workers and domestic servants going to assured employment in these occupations. [2]

The Department of Immigration and Colonization has power to exempt from this regulation a wife, and children under 14 years, provided evidence is submitted showing that the husband was legally admitted to Canada, and is willing and able to maintain his wife and such children. At the present time all other relatives of persons in Canada must comply strictly with the Regulations.

(2) *Beggars and vagrants.* — Under the Immigration Act 1910-1919 :—

Professional beggars or vagrants, and persons likely to become a public charge, are prohibited from landing.

(3) *Assisted immigrants.* — Immigrants are prohibited to whom money has been given or loaned by any charitable organisation for the purpose of enabling them to qualify for landing in Canada, or whose passage to Canada has been paid wholly or in part by any charitable organisation, or out of public moneys, unless it

[1] Extracted partly from the reply of the Canadian Government to the Questionnaire.

[2] Special Notice to Booking Agents, issued by the Superintendent of Emigration for Canada in London.

is shown that the authority in writing of the Deputy Minister, or in case of persons coming from Europe, the authority in writing of the assistant Superintendent of Immigration for Canada in London, has been obtained for the landing in Canada of such persons, and that such authority has been acted upon within a period of sixty days.

(4) *Immigrant workers.* — Applications by employers for workers from Great Britain have to be approved by the officer in charge of the nearest employment office, who must satisfy himself s to the *bona fides* and apparent ability of the employer to fulfil the offered terms, and also by the Director of the Employment Service at Ottawa, who has to determine whether there is really a shortage of labour of the kind required in Canada. The application is then sent to the British Ministry of Labour. In carrying out this plan the Employment Service of Canada works in co-operation with the Canadian Immigration Department in Ottawa and London.

In general the immigration of workers to Canada is based on the following principles :—

(1) That the Government is satisfied with the wages and factory conditions.

(2) That there is a reasonable prospect that the future immigrant will be able to find housing at the place where he is to be employed.

(3) That the category of workers asked for cannot be found at the time in Canada.

(4) The law of Canada does not prevent the admission of persons who can comply with the regulations in force, and it cannot even prevent the admission of strike-breakers, unless a special Order-in-Council was passed against their admission, if such strike breakers had been warned before leaving home that a strike was in existence at the place to which they were going.

(5) *Immigration of women.* — According to the Order of 22 January 1920, the landing of all women at the chief ports of Nova Scotia, New Brunswick and the Province of Quebec is prohibited unless they are accompanied by a husband, father, mother, or other relative approved by the Canadian Superintendent of Immigration in London or unless they are provided with a "sailing permit" issued by that official.

CHILE.

Entry into Chilian territory is forbidden to those who have no profession or trade, which will render them capable of earning their living, or are not in a state to exercise such a profession or trade.

Colombia.

The Act of 1909 recognises three classes of immigrants: (1) immigrants without contract; (2) immigrants recruited by the Government; (3) immigrants recruited by private undertakings established in the republic.

Every immigration contract must stipulate that the immigrant shall be subject to Colombian laws and courts and that he expressly renounces his right to make complaints or demands through diplomatic channels, except in the case of a denial of justice. The contract must particularly indicate the obligation under which the immigrant lies to submit to the provisions of Act 145 of 1888 on Foreigners and Naturalization, of which the text must be posted up in all immigration offices. Immigrants without contract must, on arrival in Colombia, sign a declaration of a similar character.

Admission to the country is refused to immigrants of over 60 years of age.

The Decree of 1920 lays down that an immigrant must declare the trade or profession he intends to exercise in the country. Persons without an honourable trade or profession are not admitted to the country.

Costa Rica.

No immigrant bearing on his person a sum of less than one hundred colons [1] is allowed to enter the territory of Costa Rica.

Aged persons are not admitted as immigrants.

Cuba.

The entry is forbidden of mendicants or persons liable to become a public burden and of persons engaged in advance to perform work or undertake any occupation whatsoever in the country, unless the engagement has been made by a person or company previously authorized by the State, in accordance with Article 16 of the Act of 11 July 1906.

This prohibition is not extended to persons summoned by aliens residing temporarily in Cuba to serve as private secretaries, valets or domestic servants, nor is it extended to skilled workers engaged abroad to go to Cuba for the purpose of working in a new industry, if the labour required for this special purpose cannot be obtained in any other way. In the same manner, actors, lecturers, singers and domestic servants are excluded from this prohibition.

The Act of 3 August 1917, authorizing exceptional war immigration, temporarily suspended the above-mentioned prohibition.

[1] One colon = approximately 1s. 11d. at par.

Order No. 155 of 15 May 1902 forbids the entry of immigrants whose passage money has been paid by any other person, society or company, except in the case of a person helping a member of his family living abroad to come over and settle in the territory of the Republic.

DENMARK.

Foreign workers who wish to settle in Denmark must be provided with a police permit-book and they must, therefore, on arrival in Denmark apply to the competent police authority, presenting a certificate of identity issued by a competent authority in their own country. They must furthermore prove that they either dispose of the necessary means of existence for a certain minimum period or that work has been secured for them in Denmark. If these conditions are not complied with, the police may refuse the person concerned a permit to settle in Denmark.

These rules have, however, diminished in importance owing to the fact that in Denmark as well as in other countries compulsory passports and visas for aliens have been introduced.

Precise indications as to the cases in which the visas may be expected to be granted cannot be given, but it may be stated that the granting of the visa to persons intending to earn their living in Denmark will depend chiefly on the supply of native labour in the particular trade concerned. [1]

ECUADOR.

A Bill of 1916 provides for the rejection of beggars or persons likely to become a public charge.

FRANCE.

In reply to the Questionnaire sent out in connection with the work of the International Emigration Commission, the French Government supplied the following information :—

"The principles on which the immigration policy of the French Government is based are embodied in the Labour Treaty with Italy and the Conventions on emigration and immigration concluded with Poland and the Czechoslovak Republic. These principles are as follows :—

"All administrative facilities are granted to foreigners desirous of coming to France in order to work there, and no special conditions are required of them on entering French territory.

"Such facilities, however, do not exclude the application of specifically French legislation and regulations ; nor do they exclude the organisation and regulation of the migra-

[1] Reply of the Danish Government to the Questionnaire.

tory movement of workers. In fact it has been realised that instead of leaving such movements to themselves it was important to prevent them from injuring the economic development of the country of emigration, or the native workers of the country of immigration. Hence, in so far as the Governments interested have to intervene, i.e., particularly in the question of the collective recruiting of labour authorised or requested by them, the aforementioned Treaties have laid down rules according to which the contingents of workers to be recruited collectively are defined. Such definition is reached by agreement between France and the countries interested, the periodical conference held for the purpose undertaking the two following operations :—

"(*a*) It makes an approximate estimate of the number of workers who can be recruited during the forthcoming period.

"(*b*) It indicates the districts towards which the immigrant workers should preferably be directed.

"In order to emphasize its concern for the interest of the workers of the country of immigration, the Commission may have recourse to the advice of the employers' and workers' organisations concerned.

"Moreover, if during a period between the sessions of the Conference, the labour market is such as to prevent immigrants who have come to find work on their own account from obtaining employment in certain areas or in certain occupations, the Government concerned must immediately inform the Government of the other country through diplomatic channels in order to place it in a position to take the necessary steps.....

"The Treaties concluded between France and the countries mentioned above uphold the essential principle that the wages of the immigrant workers must not be lower than those of native workers of the same class employed either in the same undertaking or in the same district, and they add that the Government of the country of immigration must undertake to see to it that such equality of wages shall be regularly observed on its territory.

"Briefly, France favours the immigration of foreign workers. All she requires is that such immigration shall be reasonable and subject to regulation, in order not to injure the legitimate interests of French workers, and not to run the risk of disturbing the equilibrium of the national labour market."

In conformity with these principles, and as a result of the unemployment crisis at the beginning of 1921, instructions were issued, on the advice of the Permanent Inter-ministerial Immigration Commission, to French diplomatic and consular agents abroad, and to the offices charged with the control of immigration at the frontier, in order to draw their attention to the situation of the French labour market, and to request

them to restrict the admission to French territory of agricultural workers, miners and workers in certain other industries. In the case of the latter, authorisation is only given on the presentation of an employment contract, countersigned by the Ministry of Labour, after enquiries have been made at the employment exchanges, in order to ascertain that the workers are only being obtained for undertakings or districts where there is a shortage of French labour, and for which labour cannot be obtained elsewhere in France.

GERMANY.

With a view to restricting immigration into Germany, an Order was issued on 24 February 1920, according to which industrial workers presenting themselves at the German frontier without a German visa are refused admission, and visas are only granted in such cases if the authorities of the State to which the workman is going give their consent. Before giving this consent, the State authorities have to consult the central State employment exchange and the housing authorities, and permission is refused if there is no need for the worker or if there is no housing accommodation for him.

The Federal Minister of Labour issued an Order on 24 July 1920, according to which an assurance must be given, when immigrant workers are asked for, that they will be employed only at places where suitable German labour cannot be obtained.

The following procedure is laid down for obtaining foreign seasonal labour for agricultural work. The employer sends his demand to the nearest administrative authority, which transmits it with observations to the competent State employment exchange. The latter submits the demand to the joint agricultural council of the State, or in default of that, to the agricultural committee of the exchange, and has then to decide whether immigrant workers are to be admitted. The demand is sent to the Chamber of Agriculture or the Central Office for Workers (*Deutsche Arbeiterzentrale*) with a request for information as to whether they have suitable German workers at their disposal.

GREAT BRITAIN.

Under the Aliens Order 1920 an alien is not allowed to land in the United Kingdom unless he complies with the following conditions :—

(1) he must be in a position to support himself and his dependents ;

(2) if desirous of entering the service of an employer in the United Kingdom he must produce a permit in writing for his engagement issued to the employer by the Minister of Labour.

The British Government stated, in its reply to the Questionnaire, that "in order to render this system of permits effective it has been necessary so far to refuse permission to land to aliens coming to the United Kingdom to look for work. When the system of Ministry of Labour permits is abolished, as it may be in the near future, the admission of foreign labour will, as the order at present stands, be mainly regulated by the consideration whether a particular alien will or will not be in a position if admitted to support himself and his dependents."

GUATEMALA.

Immigrants more than 60 years of age are not admitted unless they are members of a family established in the country, or they arrive as heads of a family accompanying them.

HONDURAS.

The law divides immigrants into three categories similar to those which have been indicated above for Colombia.

The Act of 1906 considers as immigrants only those aliens who are suitable for employment in agriculture, commerce, cattle-rearing, arts, business or any other sort of industry.

Persons of more than 60 years of age are only admitted if they are heads of immigrant families, or if their families are already in the country.

MEXICO.

The admission of immigrants who are necessitous or who are likely to become a public charge is prohibited. Old men are not admitted unless they can provide sufficient security that they will not become a public charge. Children under 16 years of age are not admitted unless arriving under the guidance of another person or for the purpose of joining someone resident in the country who is in a position to support them.

According to instructions issued to Mexican consular agents by their Government on 18 May 1921, the latter are required to refuse visas for the passports of immigrant workers in general and, in particular, of labourers who intend to go to Mexico, unless the person concerned can prove that he is in possession of

means, whether in money or in kind, for his maintenance, or that his occupation has been duly secured by contract. In the latter case the contract must be approved by the Mexican Government. Immigrants expressly authorised by the Ministry of Agriculture to go to Mexico in order to settle there on the land are exempt from the above provisions.

Netherlands.

Immigrants have to comply with the provisions of the Act of 13 August 1849, regulating the admission and expulsion of foreigners, amended by the Act of 10 February 1910. Art. 1 prescribes that all foreigners having sufficient means of existence, or who can procure them by means of work, are admitted to the Netherlands.

Newfoundland.

By the Act of 1906 no person who is likely to become a charge upon the rates may be landed in the colony.

New Zealand.

The Immigration Restriction Act 1908 provides that, if a passenger arriving in New Zealand on board any ship is deemed likely to become a charge upon the public or any charitable institution, the owner, charterer or master of such ship shall execute a bond and defray any expense which may be incurred within five years from the execution of the bond for the maintenance of such passenger by any public or charitable institution in New Zealand.

These provisions do not extend to immigrants brought to New Zealand either wholly or partly at the expense of the Government nor to any person domiciled in New Zealand.

Palestine.

Visas to enter Palestine are restricted to the following persons :—

Travellers whose stay will not exceed three months ; persons of independent means ; members of professions who intend to follow their calling in Palestine ; residents returning to their homes ; wives, children, and others wholly dependent on residents ; persons who have definite prospects of employment with individual employers or enterprises ; and persons of religious occupation who have gone to Palestine in recent years from religious motives and can show that they will have means of maintenance there.

In order to obtain admission to the country, the immigrant is required to prove that he possesses or is in a position to receive sufficient resources for himself and for the persons dependent upon him. He is required to declare when registering ot the Police Office the trade he carries on and the property he will ultimately possess in Palestine.

PANAMA.

Beggars are not admitted as immigrants. Moreover, immigrants arriving as third class passengers must, in accordance with the Act of 1914 and the first Article of the Decree of 2 June 1917, be in possession of a sum of thirty *balboas*. This sum must be placed by them in the hands of the shipping company which issued them their tickets, and the agents of the company in question must send these deposits to the provincial or general Treasury of the Republic, according to the circumstances of the case.

In accordance with Article 2 of the Decree of 1 March 1916, this deposit will only be returned to the immigrant after a period of three months, and then only if he can prove by the testimony of three reliable persons or by a certificate from his Consul that he has found employment in a legal and stable occupation. These documents will also indicate the registered number of the immigrant at his Consulate, the name of the employer and the nature of the work in which he is engaged.

By a stable occupation is understood work which is done on the person's own account or on the account of another in a commercial, industrial, professional or agricultural establishment, or in works of construction.

Article 8 of the same decree grants exemption from this deposit to the following persons :—

(*a*) Workmen engaged by contract in the service of the Panama Canal, on condition that either the Canal Administration or the Company give notice to the Government of Panama.

(*b*) Immigrants to whom the Government has granted facilities for the purpose of proceeding to Panama to settle there as agriculturists and who are furnished with a certificate from the Consul of Panama at the port of embarkation.

(*c*) Persons dwelling in the country who arrive furnished with a certificate from the Governor of the province in which they reside.

(*d*) Persons engaged by contract for the service of a private individual or of a business established in Panama, on condition that the employers have taken the necessary steps at the Foreign Office.

PARAGUAY.

The only persons accepted as immigrants are aliens who can give proof of their status as agriculturists, artizans, mechanics, professors, electricians or engineers by means of a certificate from a Paraguayan consul or immigration agent or on the testimony of two qualified persons, witnessed by the authorities at the immigrant's home, and bearing the visa of the consul or competent immigration agent of the Republic, or by means of certificates or diplomas recognized as valid and duly authenticated.

Immigrants, who wish to enjoy the advantages laid down in the Act of 6 October 1903, must be in possession, on their arrival in Asuncion, of a sum of 50 gold pesos if they arrive alone and of 30 gold pesos per male adult, if they arrive in a family.

Only persons under 50 years of age are accepted as immigrants.

PERU.

The law provides for the rejection of immigrants living by begging or likely to become a charge to the public.

SALVADOR.

The Decree of 1914 lays down that immigrants, in order to enter the country, must possess a sum of at least 100 dollars or 250 Salvador pesos. [2]

SOUTH AFRICA.

The following classes are not permitted to enter the Union of South Africa as immigrants :—

(1) Any person considered on economic grounds or on account of their standard or habits of life to be unsuited to the requirements of the Union, or any particular Province thereof ;

[1] One gold peso = 4s.

[2] One Salvador peso = 1s. 7d. at par.

(2) Any person who is likely to become a public charge, by reason of infirmity of mind or body, or because he is not in possession for his own use of sufficient means to support himself and such of his dependents as he brings with him into the Union.

By Regulation 13, made under the Act of 1913, it is prescribed that an immigrant who is not infirm of mind or body, in order to prove that he is not likely to become a public charge, must satisfy the immigration officer :—

(*a*) that he has the means of reaching his destination ; and (*b*) that he has definite employment awaiting him, that having a reasonable prospect of employment he has some temporary means of support, that he has friends able and willing to support him, or that he has with him a sufficient sum of money to maintain him and his dependents until he obtains employment or other means of support.

Up to the end of 1921, persons without definite occupation, if British subjects, were required to possess £ 20, and if aliens £ 35, on entering the Union. A Revised Notice issued by the High Commissioner for South Africa in London in January 1922 stated that the sum of £ 20 was now regarded as totally inadequate, "sufficing as it does for barely a month for the immediate living needs of one person finding himself in a strange country." No definite sum is mentioned in the Notice, but unless the intending immigrant is able to produce to the Immigration Officer at the port of arrival evidence of adequate capital, or written evidence of definite employment, his entry into the Union will be prohibited.

Such evidence must show the nature of the employment and the proposed wage. The ability of the offeror to carry out his undertaking must be indicated, and, to avoid difficulties, the offeror should obtain the support of a J.P. or other competent public official to his written statement. In the absence of employment, the intending immigrant must establish the fact that he has sufficient capital to maintain himself for a considerable period after arrival, at least six months.

The following are not considered as prohibited immigrants :

(*a*) Members of the Regular Naval or Military Forces ;

(*b*) Persons entering the Union under conditions prescribed by any law or under any convention with the Government of a territory or state adjacent to the Union ;

(*c*) Persons of European descent who are agricultural workers or domestic servants, skilled artisans, mechanics, workmen or miners, if they enter the Union under conditions which the Governor-General has approved, but such immigrants must produce, if required, a certificate of the person authorised to

issue such certificates, to the effect that they have been engaged to serve, immediately on arrival in the Union, an employer of repute at adequate wages and for a period of time not less than one year to be fixed in the said conditions.

Sweden.

According to the reply of the Swedish Government to the Questionnaire, the regulations at present in force regarding the immigration of workers into Sweden are not equally severe for all nationalities. For Danes and Norwegians only a passport is required from the respective Danish and Norwegian authorities. The Swedish Legations in England, France, Holland and America can grant permission for not more than six weeks' residence in Sweden without obtaining special authority from Sweden. In the case of this special authority, a recommendation either from a well-known private person or a firm or from another legation is, however, required.

In the case of other nationalities instructions must be asked for from the Foreign Office in Stockholm. When a foreign worker intends to stay in the country more than six weeks, or to have a previous permission prolonged, a special request from the Swedish employer concerned is generally required for the passport visa.

Switzerland.

By the Decree of 29 November 1921, legations and consulates are required to submit to the Central Police Office for Foreigners a detailed notice of applications to cross the frontier, presented by foreigners desiring to enter Switzerland in order to live there or to carry on a gainful trade or profession. The applications must be accompanied by a certificate of good character and an exact copy of the police record issued by the country of origin of the immigrant.

The Central Office must submit the applications to the Canton concerned, which will decide if and on what conditions the presence of the foreigner may be authorised. The Central Office will decide if the foreigner may cross the frontier. In agreement with the Canton, it may allow the foreigner to cross the frontier before the conditions of residence have been settled.

For seasonal workers and female domestic servants, the legations and consulates grant a visa as soon as they have obtained the agreement of the police authorities of the Canton to which the applicant intends to go. In these cases it is unnecessary to produce a certificate of good morals and an extract of the police record.

The conditions of residence for every foreigner entering Switzerland must be settled at the time the declaration of ar-

rival is made. Permission to stay or to reside in the country is given by the Canton, but the Central Office has a right to oppose the grant of such a permit. If the Central Office does not oppose the grant within one month of the date on which it received the application from the Cantonal authority, together with the necessary papers, the permit is definitely granted.

A foreigner may not carry on a gainful profession before the expiry of the month, or before the Central Office has come to a decision in virtue of its right of rejection. In urgent cases the Canton may grant a provisional authorisation, when it must immediately notify the Central Office. There are two cases in which the Central Office has no right of opposition :—

When, in view of the circumstances and the reasons for residence, it appears likely that the foreigner will not stay in Switzerland for more than a short period, and when he renounces in writing his right to carry on a gainful profession, the cantonal police authorities or the cantonal authorities charged with the inspection of foreigners may issue authorisations for a limited stay up to two years from the date of crossing the frontier. In this case the Central Office cannot exercise its right to reject.

The Cantons have the right, without being subject to the right of the Central Office to reject, to issue authorisations for residence during the current season to seasonal workers and to female domestic servants for a maximum period of two years.

United States.

(1) *General.* — The following are among the classes of prohibited immigrants :— Paupers, professional beggars and vagrants, and persons likely to become a public charge.

It is laid down that whenever passports are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labour conditions there, the President shall refuse to permit such persons to enter.

For purposes of supervision all passengers must declare on the form handed to them by the Captain of the ship that they possess at least $ 50, and if less, what sum they possess, and whether they are provided with railway tickets to their final destination or with the money needed to buy them.

Passports are in many cases not visaed by United States Consuls unless an affidavit of support is presented. This affidavit is a declaration made under oath before a notary public of the United States to the effect that the person making the declaration knows the intending immigrant, guarantees that he will discharge his obligations, is ready to receive him in his house and to maintain him, if necessary, in such a way that he can never become a public charge.

(2) *Children.* — All children under 16 unaccompanied by either parent are detained for special inquiry unless a parent already within the United States appears in person. The board may admit such children, having ascertained (1) that they are strong and healthy, (2) that while abroad they have not been the objects of public charity, (3) that they are going to close relatives who are able and willing to support and properly care from them, (4) that it is the intention of such relatives to send them to day school until they are 16, and (5) that they will not be put at work unsuited to their years. The board must admit, when it is satisfactorily shown that an otherwise admissible child is going to one or both of its parents. Where the board finds that the five above-mentioned conditions are not fulfilled but that the case is otherwise especially meritorious, it reports this fact to the officer in charge and refers final action until the latter has personally inspected the child. When in the opinion of the officer the child is not clearly admissible, the board must exclude and give notice of the right of appeal. If thereafter an appeal be filed, the case is forwarded with a recommendation either for (1) admission outright, (2) admission on bond or cash deposit, or (3) exclusion.

(3) *Assisted persons.* — Persons whose tickets or passage are paid for with the money of others, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the excluded classes, and persons whose tickets or passage are paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly, are forbidden to enter the United States.

(4) *Contract Labourers.* — Persons called "contract labourers," who have been induced, assisted, encouraged, or solicited to migrate to the United States by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, expressed or implied, to perform labour in that country of any kind, skilled or unskilled, are also forbidden to enter the United States.

In the Act of 26 February 1885, prohibiting importation of labourers under contract, it is stated that all contracts or agreements expressed or implied, parol or special, which may hereafter be made between any person, company, partnership, or corporation, and any foreigner to perform labour or service, previous to the migration or importation of the person or persons whose labour or service is contracted for into the United States, shall be utterly void and of no effect.

Skilled labour, if otherwise admissible, may be imported if labour of like kind unemployed cannot be found in the United States, the question of the necessity of importing such skilled labour in any particular instance being eventually determined

by the Secretary of Labour. Application for permission to do this must be submitted in due time by the person, company or corporation seeking such privilege to the immigration official in charge of the district within which it is proposed to employ such skilled labour.

The application must state clearly all facts and circumstances material to the case, including (*a*) the number and sex of the persons whom the applicant desires to import ; (*b*) a non-technical description of the work which it is intended they shall perform ; (*c*) whether the industry is already established or is new in the United States ; (*d*) the approximate length of time required for one to become skilled in the trade ; (*e*) the wages paid and the hours of labour required ; (*f*) whether or not a strike exists or is threatened among the applicant's employees or there is a lock-out against such employees ; (*g*) what city or cities if any constitute the centre of the trade ; (*h*) whether or not there are any journals specially devoted to the industry, and (*i*) the nature of the efforts, if any, made to secure the desired labour in the United States and the results of such efforts. The application must be supported by such affidavits as the applicant can furnish. The applicant must also furnish, or agree to furnish at a later date, the names, ages, nationality and last permanent foreign residence of the aliens and the name of the port at which and of the vessel by which they will arrive, and the date of the proposed arrival.

The immigration official in charge conducts a thorough investigation (using contract-labour inspectors). The entire record is summarised and submitted to the department with appropriate recommendation.

When a decision is favourable, a copy of the record is transmitted to the port at which it is proposed the alien contract labourers shall enter.

The Act of 19 October 1888 promises persons who supply information as to infringements of the regulations relating to the introduction of workers engaged by contract, a fair share of the fines collected, in no case, however, exceeding 50 per cent.

These regulations do not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory.

Professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors of colleges or seminaries, persons belonging to any recognised learned profession, or persons employed as domestic servants are declared not to come within the scope of the Act.

Finally, nothing in the contract-labour or reading-test provisions of the Act are to prevent any alien exhibitor, or holder of concession or privilege for any fair or exposition authorised by Act of Congress, from bringing into the United States, under contract, such otherwise admissible alien mechan-

ics, artisans, agents, or other employees, natives of his country, as may be necessary for installing or conducting his exhibit, under such rules and regulations as the Commissioner General of Immigration may prescribe.

URUGUAY.

In accordance with the Act of 1890, every immigrant, to obtain admittance into Uruguayan territory, must prove his fitness for work by means of a certificate issued or visaed free of charge by a Consular agent of the Republic in the port of embarkation.

Persons obtaining a living by begging, or who are likely to become a public charge are rejected.

Persons more than 60 years of age are accepted :—

(1) if they are heads of families and accompanied by the latter ;

(2) if they have relations in Uruguay, who will be responsible for their support and dispose of the necessary means for this purpose.

VENEZUELA.

The law forbids the admission, as immigrants, of aliens more than 60 years of age, unless they are the parents or grandparents of another immigrant.

The same applies to persons having no honourable profession.

A certificate issued by the Consul, immigration agent or local authorities must testify to the skill of the immigrant.

7. Restriction of the Number of Immigrants.

UNITED STATES.

The Act of 19 May 1921 is perhaps the first example in the history of immigration legislation of a law designed expressly to restrict the number of immigrants admitted. It is, however, provisional in kind, only remaining in force during the fiscal year 1921-1922[1]. The Act is based on the principle that "the number of aliens of any nationality who may be admitted under the immigration laws to the United States in any fiscal year shall be limited to 3 per centum of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910."

[1] This Act was extended in May 1922 for two more years. An amendment was inserted increasing from one to five years the length of time aliens must have resided in contiguous countries in order to be exempt from the provisions of the Act. See next paragraph (exemption 7).

This provision does not apply to the following persons, and they are not counted in reckoning any of the percentage limits provided in the Act: (1) Government officials, their families, attendants, servants, and employees; (2) aliens in continuous transit through the United States; (3) aliens who have been lawfully admitted to the United States and who later go in transit from one part of the United States to another through foreign contiguous territory; (4) aliens visiting the United States as tourists or temporarily for business or pleasure; (5) aliens from countries, immigration from which is now regulated in accordance with treaties or agreements; (6) aliens coming from the so-called Asiatic barred zone, as described in section 3 of the Act of 1917; or (7) aliens who have resided continuously for at least one year in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Mexico, countries of Central or South America, or adjacent islands.

Nationality is determined by country of birth, but the term "country" does not include colonies or dependencies, which are considered as separate countries.

The Secretary of State, the Secretary of Commerce, and the Secretary of Labour, had jointly to prepare a statement showing the number of persons of the various nationalities resident in the United States as determined by the United States census of 1910, which statement is the population basis for the purpose of the Act. Whenever such population basis is not applicable by reason of changes in political boundaries in foreign countries occurring subsequent to 1910 and resulting in the creation of new countries, the Governments of which are recognised by the United States, or otherwise in the transference of territory from one country to another, such transference being officially recognised by the United States, the officials estimate the number of persons resident in the United States in 1910 who were born within the area now included in such new and other countries, and in the case of such countries such estimate is taken as the population basis. [1]

When the maximum number of aliens of any nationality who may be admitted in any fiscal year under this act has been admitted all other aliens of such nationality, who may apply for admission during the same fiscal year, are to be excluded. The number of aliens of any nationality who may be admitted in any month must not exceed 20 per cent of the total number of aliens of such nationality who are admissible in the fiscal year. Moreover, aliens returning from a temporary visit abroad,

[1] To illustrate: (1) A native of Alsace-Lorraine, regardless of claimed nationality, is charged to France; (2) a native of a Baltic state (formerly a portion of Russia), the government of which has not been recognised by the Government of the United States, is charged to Russia; and (3) an alien born in what is now recognised as Poland is charged to the quota of that country, regardless of present citizenship.

aliens who are professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors in colleges or seminaries, aliens belonging to any recognised learned profession, or aliens employed as domestic servants, may be admitted notwithstanding the maximum number of aliens of the same nationality, admissible in the same month or fiscal year, has already entered the United States (but aliens of the classes included in this proviso who enter the United States before such maximum number has entered are counted in reckoning the percentage limits provided in the Act). In the enforcement of the Act preference must be given as far as possible to the wives and minor children of aliens who are now in the United States and have applied for citizenship in the manner provided by law.

The Commissioner General of Immigration, with the approval of the Secretary of Labour, is empowered to prescribe rules and regulations necessary to carry the provisions of the Act into effect.

He has to publish monthly statements during the time the Act remains in force showing the number of aliens of each nationality already admitted during the current fiscal year, and the number who may be admitted under the provisions of this Act during the remainder of such year, but when 75 per cent of the maximum number of any nationality admissible during the fiscal year has been admitted such statements are to be issued weekly. All statements must be made available for general publication and must be mailed to all transportation companies taking aliens to the United States who request the same, and file with the Department of Labour the address to which such statements shall be sent. The Secretary of Labour must also submit such statements to the Secretary of State, who transmits the information contained therein to the proper diplomatic and consular officials of the United States, and the latter have to make the same available to persons intending to emigrate to the United States, and to others who may apply.

The following statement was published by the Commissioner-General of Immigration, showing the maximum number of each nationality admissible during the fiscal year 1921-1922[1]:

United Kingdom . .	77,206	Sweden	19,956
Germany	68,039	Czechoslovakia . .	14,269
Italy	42,021	Norway	12,116
Russia (incl. Siberia)	34,247	Austria	7,444
Poland	20,019	Roumania	7,414

[1] When the Act was extended in 1922, these figures were modified, owing to the inclusion of the foreign-born population of Alaska, Hawaii, and Porto Rico, and to the merging of Smyrna, Turkish, and Turkish Armenian territories into one. There are also changes in certain quotas in consequence of the partition of Upper Silesia.

Jugo-Slavia	6,405	Luxemburg	92
Eastern Galicia . .	5,781	Fiume	71
France	5,692	Other Europe . . .	86
Denmark	5,644	Armenia	1,588
Hungary	5,635	Syria	905
Finland	3,890	Smyrna District . .	438
Switzerland	3,745	Palestine	56
Netherlands	3,602	Other Turkey	
Greece	3,286	(Europe and Asia) .	215
Portugal		Other Asia	78
(incl. Azores and		Africa	120
Madeira Islands).	2,269	Australia	271
Belgium	1,557	New Zealand . . .	50
Spain	663	Other Atlantic	
Bulgaria	301	Islands	60
Albania	287	Other Pacific Islands	22
Danzig	285		

It will be noted that the Act restricted the number of possible immigrants in the United States to 355,825 per year. Of these not more than 71, 163 may be admitted during any one month. [1]

Various decisions involving certain modifications in the strict application of the Act have been made since the Act came into force.

Regulations have been published as to the classes of persons who are not subject to the Act of 1921. They may be summarised as follows :—

(*a*) *Aliens in continuous transit through the United States :*— Immigration officials will exercise care to prevent an abuse of this exemption, to which end they shall, among other things, satisfy themselves that a *bona fide* transit is intended and that it is the purpose of the alien to pass by continuous journey through and out of the United States. Aliens of this and the class referred to in paragraph (*c*) who are later found residing in the United States under circumstances indicating abandonment of their declared purpose in entering shall be charged to the unfilled quotas of their respective countries, to which end such cases shall be promptly reported to the immigration official in charge at the port where entry occurred.

(*b*) *Aliens lawfully admitted to the United States who later go in transit from one part of the United States to another through foreign contiguous territory :*— The transit journey herein referred to must be completed within sixty days. Departure and return may occur through the same port.

(*c*) *Aliens coming to the United States as tourists or temporarily for business or pleasure :*— Aliens of these classes coming for a period not to exceed six months shall be considered exemp-

[1] *Monthly Labour Review*, July 1921, p. 225, Washington.

ted ; but any such found residing in the United States under circumstances indicating abandonment of visit shall be reported as provided in paragraph (*a*).

(*d*) *Aliens applying for admission from certain foreign countries following a continuous residence of one year or more therein :—* Exemption hereunder shall not be lost merely by reason of temporary absences of short duration from the countries and islands referred to in the Act.

(e) Aliens returning from a temporary visit abroad :— A "temporary visit abroad" shall be construed to mean an absence in any foreign country (without relinquishment of domicile) not exceeding six months in duration. An alien who remains abroad in excess of six months shall be presumed to have abandoned his domicile in the United States. However, such presumption may be overcome by the production of evidence to the contrary, satisfactory to the appropriate immigration officers.

8. Various Exceptions.

In the seven preceding sections an analysis has been made of legal measures concerning economic, health and other conditions of immigration.

In practice these provisions are not always applied in a very rigid manner, and there are in most laws clauses which permit of exceptions being made. Some of these modify the restrictive provisions of the law. Others, on the contrary, authorise in certain cases the adoption of fairly arbitrary measures, the result of which is to increase restrictions and even to close frontiers almost completely.

An analysis of these very varied modifications in the principles of the laws lies rather outside the scope of this work and it would be impossible to arrive at conclusive results, for when they are incorporated in the legal texts the modifications are generally of a temporary nature, being neither applied continuously nor permanently. It is however useful to remember, in this connection, that the real scope of a text is not necessarily proportionate to what is contained in it. Thus, clauses which are in appearence of a most severe character may have a very limited effect in practice, while a very innocent clause may make it possible to close a frontier when that is in the real or supposed interest of a country. In this case, the application is much more important than the text itself and an analysis which is confined to the latter might easily lead to entirely erroneous conclusions.

Among the measures which lessen the restrictive nature of certain laws the following may be mentioned :—

(1) Certain trades and professions are exempt from the operation of the immigration laws ; reference may be made in a general manner to diplomatic officials, in many cases to tourists,

and sometimes to persons of certain occupations, for which there is a considerable demand, such as teachers, servants, agriculturists, etc.

(2) Many exceptional clauses facilitate the reunion of families. Wives, minor children, old parents or other members of the family, or friends, specified by the immigrants, are received either by way of exception to the ordinary law or under special conditions.

(3) The effects of the war are still being felt and ex-soldiers, men disabled in the war, and nurses often receive preferential treatment, while subjects of ex-enemy countries are still refused admission in many cases.

(4) Considerable latitude in interpretation is frequently allowed to the representatives of immigration countries abroad, such as High Commissioners, Consuls, or Emigration Agents and the same applies to different authorities in the immigration country itself. A number of laws and regulations authorise certain of these officials holding more or less high positions to grant special authority for admission into the country which they represent. This authority, which is sometimes valid for an indefinite period, but more often for a fixed period, generally exempts the immigrant from only one part of the conditions of admission.

Certain exemptions are granted finally, others simply prescribe a delay during which the immigrant can prove that he complies with such and such a condition. Others again permit entry into the country subject to a deposit or some other guarantee. In fact, although it is easy to enact rigorous laws, it is not always possible to rule out of account the considerations of humanity in their application, for a literal interpretation of the law would, in many cases, involve obvious hardship.

(5) Travellers in transit or those coming from certain countries or districts often enjoy special conditions which can, however, not be analysed here.

* * *

There are also many provisions which have the effect of increasing the restrictive nature of the law.

(1) The most important of these have reference to passports and visas. The Consul of a country can, without giving any reason for his action, either grant or refuse his visa, in consequence of instructions from his Government, which may or may not have been made public, or as a result of a variety of considerations.

(2) In many laws it is laid down that for reasons which are kept secret or as a result of information received from the

authorities of the country of emigration or elsewhere, the embarkation or disembarkation of an immigrant may always be forbidden in individual cases.

(3) Other laws confer on certain diplomatic or consular officials abroad the right to issue temporary regulations in accordance with instructions received from their Government, which modify the conditions of admission to such an extent as frequently to render access to the country impossible for the emigrant.

(4) Many laws also authorise the national authorities to issue regulations by means of administrative orders, either for all immigrants or for certain classes of immigrants, which at very short notice alter the conditions of admission into the country. In this connection the industrial situation in the country of immigration exercises a great influence on the regulations and on the system applied to immigrants.

* * *

Under these conditions a knowledge of the immigration laws does not enable us always to state with certainty that a particular individual will be admitted or rejected. Further, the personal element always plays a certain part in the question of admission or rejection. Reference can only be made, therefore, to the fact that in addition to the general conditions of admission there are in each country exceptional clauses of various kinds. In practice it is absolutely indispensable to apply to Consuls or to other qualified persons representing the countries of immigration, for they are in the best position to advise in individual cases. They alone can know and apply the different Orders, which are frequently modified, and, above all, the instructions received which explain their scope and their sense.

CHAPTER III.

THE ORGANISATION OF IMMIGRATION.

The majority of countries of immigration have appointed special administrative bodies to deal with matters connected with the admission of immigrants to the country, either in order to limit excessive immigration, or on the contrary to appeal for immigrants by circulating information on the conditions offered to foreign workers in the country or by appointing officials abroad to recruit immigrants. Provisions of this kind are reviewed in the first section of this chapter.

The second section deals with the advantages granted to immigrants, in connection, for instance, with the expenses of the journey, the transport of instruments and tools, accommodation on arrival, and various other privileges. It also shows what system in the chief countries of immigration is at present in force as regards land settlement, in so far as this affects immigrants. In most new countries the main reason for making an appeal for immigrants is a desire to have the land cultivated.

It should be remarked in connection with the latter section, even more than with the conditions of admission of immigrants, that the advantages granted are of such a kind as to be frequently modified. The legislation, which is analysed here and which has sometimes been in force for a considerable time, is often modified or falls into partial or complete disuse, and it is not always possible to determine when such and such an advantage was introduced, suspended, suppressed or re-established. This is more particularly true of distant or quite new countries. Moreover, the granting of these privileges is always a more or less arbitrary concession on the part of the agents of the government, which has extensive rights to select or refuse applicants.

The laws which are analysed here are those which have been adopted and put into force for a fairly long period and are intended to show what rights the immigrant can claim when he arrives at his destination. These rights cannot be determined exactly and for each particular case except by the agents of the country of immigration, for the settlement measures are often modified or suspended in view of the economic conditions of the moment.

1. Administrative Bodies dealing with Immigration.

Algeria.

The Office of the Algerian Government was created in 1892 as a result of a resolution passed by the Budget Commission of the French Chamber of Deputies. Its functions are specially concerned with French colonisation in Algeria. To this end the Office organises widespread propaganda in order to bring before the public knowledge of the privileges granted by the Algerian Administration to future settlers. In particular it announces the sale of land at reduced prices and free concessions by the issue of pamphlets and booklets containing all the necessary information required by those who wish to acquire State property.

Legislation on concessions and sales of State property in Algeria is favourable to colonisation, in the sense that it reserves the privilege of such free grants or advantageous terms for acquiring property to settlers of European origin, to the exclusion of natives. For this purpose the Office provides precise and detailed information on the centres which have been, or will be, created, on the resources to be found there, and on the kind of cultivation to which the areas devoted to settlement are suited.

Argentina.

The Act of 1876, which is still in force so far as most of its provisions are concerned, created a General Immigration Department immediately dependent upon the Ministry of Agriculture. It is directed by a Commissioner General.

The duty of this Department is to encourage immigration and distribute immigrants in the most suitable way. For this purpose it has to keep in touch with all the emigration agents of the Republic abroad, and with all the Commissions and authorities which are concerned with the question of immigration, in particular with the Office of Lands and Colonies, in such a way as to co-operate in the work of colonisation. It has to

promote honourable and active immigration and point out suitable means for stopping the current of undesirable or useless immigration. It inspects immigrant ships and insists upon the strict carrying out of the laws relating to the sleeping accommodation, food, hygiene, safety and convenience of immigrants on board ; it intervenes at the time of the immigrants' disembarkation, supervises the transportation contracts in accordance with the instructions of the Executive Power, and receives from the captains of immigrant ships the lists of immigrants and all other papers which are considered to be necessary. It assists in finding employment for immigrants through the medium of the employment exchanges and it sends towards the interior of the country those immigrants who desire to go there. It facilitates legal action on the part of immigrants with reference to any question relating to immigration, prepares the budget of the Department and administers the Immigration Fund. It also has to keep a register in which is inscribed in chronological order the arrival of each immigrant, together with all details judged necessary by the law, and to prepare the annual report of the number of immigrants who arrive, their quality, their occupation, their origin, etc...

For propaganda abroad the Executive Power may appoint special agents in suitable places in Europe and in America with a view to encouraging emigration to the Argentine. The Executive Power may also appoint immigration commissions, subordinate to the central Department, in all the provincial capitals and ports of disembarkation.

Finally, the Government has organised a general Immigration Fund which has the following resources :—

(1) Credits, voted specially for the fund in the Budget Act.

(2) Money transmitted by the Office of Lands and Colonisation.

(3) Fines which are imposed as a result of the immigration laws.

(4) All sums of money payable by immigrants.

The administration of this fund is in the hands of the Immigration Department which has to utilise the money exclusively for making advances or paying travelling expenses to immigrants in cases laid down by the law, to the supervision of contracts which are made with shipping companies for the transport of immigrants to the Republic, for immigrants' hostels, for the payment of expenses entailed by providing accommodation and the transport of immigrants to that part of the Republic in which they desire to settle.

In addition, special immigration funds can be created for the payment of relief to poor immigrants and for the development of new industries. Budget surpluses are used for the most part in the construction of new hostels.

Australia

Various measures have from time to time been adopted by the Commonwealth and State Governments with a view to promoting the immigration of suitable classes of settlers into Australia. The activities of the Commonwealth Government (which is vested with constitutional powers in regard to immigration under Chap. I., Pt. V., Sec. 51, XXVII and XXVIII of the Commonwealth Constitution Act 1900) with respect to the encouragement of immigration, have until recently practically been confined to advertising the resources and attractions of Australian handbooks, newspapers, and periodicals. The advertising in the United Kingdom of the resources of the individual States was carried out by their Agents-General in London.

An agreement was reached between the Commonwealth and the States in 1920 under which the Commonwealth, in addition to carrying on propaganda work, is responsible for the recruiting of immigrants abroad and for their transport to Australia. The States are responsible for the reception of the immigrants on arrival in Australia, and for placing them in employment or upon the land. [1]

In pursuance of this agreement a new Australian Government Department, known as the Migration and Settlement Office, was opened at Australia House in London on 1 March 1921. All matters dealing with migration and settlement for all the States of Australia are dealt with at this Office.

The Department of Customs is, generally speaking, entrusted with the duty of carrying out the immigration laws.

Bolivia

A Labour Office, created in 1907, has the sole charge of matters relating to immigration. This office receives and places immigrants and gives them every assistance until they are settled. Persons wishing to engage immigrants or to have them brought from Europe must apply to this Office.

Immigration Committees have been created in the chief town in each Department in order to co-operate with the Labour Office in placing and settling immigrants.

The task of carrying on propaganda abroad in favour of emigration to Bolivia and of disseminating information on this subject is entrusted to consular agents.

Brazil

The enforcement of the federal laws on immigration and colonisation is entrusted to the Land Settlement Office, which is connected with the Ministry of Agriculture, Industry and

[1] Cf. *Official Year Book of the Commonwealth of Australia*, 1901- 1920, p. 1037.

Labour. This Office is divided into two sections, one of which deals with immigration, the other with colonisation.

The federal Land Settlement Office includes an Immigration Inspection Office, whose function is to give detailed information concerning the conditions of colonisation in Brazil to immigrants landing at Rio de Janeiro, Santos and Sao Paulo or persons in transit travelling on ships.

This information is provided by the Official Information and Employment Office, which is situated near the port of Rio. Application may also be made to the Ministry of Agriculture, Industry and Trade, where a special Information Office and the Central Colonisation Board are situated.

A draft Regulation of 1921 places the Immigration Offices under the National Labour Department, one section of which is specially entrusted with matters concerning the introduction, lodging, employment, repatriation, etc. of immigrants.

The same draft Regulation provides for the establishment of Immigration Commissioners abroad, whose principal duties would be to disseminate information on immigration, colonisation and the conditions of labour in Brazil.

In the State of Sao Paulo the Ministry of Agriculture, Trade and Public Works deals with all matters relating to immigration and colonisation, and for this purpose possesses the following offices :—

(1) The Immigration Inspection Office, situated at Santos, which superintends landing operations and inspects vessels on their arrival.

(2) The Board of Land Settlement and Immigration, which is situated at Sao Paulo and entrusted with the organisation of the official settlements.

The government of Sao Paulo has a commissioner in Europe, who gives information to persons desirous of settling on the territory of the State.

Canada

The Department of Immigration and Colonisation at Ottawa controls all official machinery in Canada referring to immigration and colonisation. There are Commissioners of Immigration at Ottawa (for Eastern Canada), Winnipeg (for the prairie provinces), and Vancouver (for the Pacific province). Throughout the country, there are land agents, land guides, and immigration inspectors, travelling on trains and otherwise, to whom any immigrant may apply for help, advice or assistance.

For the Continent of Europe the Government has organised an Emigration Service consisting of a Superintendent of Emigration, whose headquarters are in London, and a Government emigration agent at a number of towns in the United Kingdom.

Through these agencies, which are official and the entire expense of which is borne by the Canadian Government, enquirers and intending emigrants are advised as to the resources, opportunities and conditions in Canada. No charge is made to immigrants for the information provided.

By the Act of 1919, every person who, in a country outside of Canada, makes false representations as to the opportunities for employment in Canada, intended to encourage or induce, or to deter or prevent, immigration into Canada, is liable on summary conviction before two justices of the peace to a fine or to imprisonment or to both.

Chile

A Decree of 14 October 1907 reorganised the Office for Colonisation Inspection, the title of which was changed to Office for Colonisation and Immigration Inspection. Since that date this office has been entrusted with the enforcement of the immigration laws and regulations and with propaganda for the development of immigration. An Agency General for immigration has been established in Europe.

Colombia.

The General Immigration Department is a section of the Ministry of Public Works.

The Department can establish immigration committees in the chief towns of the Departments, ports and in any other place that may be considered convenient.

The General Immigration Department is entrusted with the following duties :—

(1) Maintaining relations with immigration agents or the agents of the Republic abroad, with consular agents, immigration committees and the authorities of the country on all matters connected with the encouragement of immigration and the distribution of immigrants throughout the country ;

(2) The encouragement of useful immigration and the suppression of immigration harmful to the country, the enforcement of the regulations concerning the lodging, feeding, health and security of the immigrant ;

(3) Demanding from immigration agents the list of immigrants, their passports, documents, contracts and all other necessary information ;

(4) To provide for the settlement of immigrants ;

(5) To facilitate legal action by immigrants in cases of failure to carry out contracts for work or transport, bad treatment, etc.

(6) To propose to the Government the adoption of suitable measures concerning immigration, or the reform of such as have proved to be unsuitable in practice ;

(7) To administer the funds provided for the encouragement of immigration ;

(8) To keep a register of immigrants ;

(9) To direct immigration to the districts indicated by the Government for colonisation ;

(10) To report annually on immigration in Colombia.

(11) To make the necessary regulations for its own organisation and work.

The powers and duties of the Immigration Committees are :

(1) To receive, lodge and direct immigrants ;

(2) To encourage immigration to their respective territories by means of active propaganda ;

(3) To facilitate in their respective districts the creation of private associations for the protection of immigrants ;

(4) To obtain from the government and municipal authorities subsidies in money or land, etc., on behalf of immigrants ;

(5) To give all possible aid to the General Immigration Department in all that concerns immigration ;

(6) To furnish the Department with annual reports on immigration in their respective territories.

By the Act of 1909, consular agents of the Republic are provisionally required to act as immigration agents in places where this is allowed by the legislation of the country concerned. For this purpose the duties of these officials include the following :—

(1) To issue gratis to all emigrants for Colombia certificates as to character and fitness.

(2) To observe that the transport contracts entered into between the masters of ships and emigrants are satisfactory from the point of view of the latter.

(3) To obtain from the masters of ships in the ports of embarkation lists of the names of emigrants for Colombia and to transmit these lists to the Immigration Department together with any necessary information.

(4) To conclude immigration contracts according to Government instructions.

The Department of Agriculture, Commerce and Labour comprises a section for Immigration, Colonisation, and Labour. This section is divided into two parts, one for Immigration, the other for Colonisation and Labour.

Regulations issued on 20 August 1910, for the enforcement of the Immigration Act of 1906, entrusted this section with the following functions :—

(a) Administration of the Colonisation Offices ;

(b) Preparation of agreements with colonisation enterprises and with individuals having an interest in the immigration of settlers ;

(c) Intervention in all matters affecting Immigration Offices and officials established abroad ;

(d) Proposal of measures for the encouragement of immigration, for the administration of State settlements, and the protection of settlers and their families ;

(e) Enforcement of the regulations issued by the Secretary of State for Agriculture, Commerce and Labour concerning the activity of the section ;

(f) Collection and custody of all documents, contracts, plans, valuations, etc., relating to the settlement lands and the agreements made abroad or at home between immigrants and immigration enterprises.

A special delegate in Europe for immigration and colonisation was appointed under the above regulations. The diplomatic and consular representatives of the Republic are in communication with this official and assist him in all matters relating to his office.

The delegate's functions include that of organising propaganda on behalf of emigration to Cuba and of supplying information to persons desirous of going to that country.

He is further required to certify the fitness and moral character of emigrants for Cuba, to intervene with regard to transport contracts of emigrants leaving on Government account ; to observe that the regulations and conditions under which ships must transport emigrants are being carried out : to obtain from captains of these ships lists of the emigrants embarked ; to pay the travelling expenses of families of immigrants authorised to join the latter at Government expense ; and to make an annual report to the Secretary for Agriculture, Commerce and Labour, on the immigration movement and on methods of improving existing services.

DENMARK.

The execution of the provisions of the Act of 1912 concerning the protection of immigrants is supervised, in accordance with the instructions of the Minister of the Interior, as far as possible by the police or, if necessary, in certain districts, by the factory inspectors. Inspectors and the police and medical authorities can enter any establishment where foreign workers are employed or are in residence.

The expenses for journeys, transport, interpreters, etc., incurred in consequence of the inspection, are covered by the annual Finance Act.

FRANCE.

In 1916 a department was created at the Ministry of Munitions, charged with supervising the recruiting of labour and, after the workers had arrived in France, with supervising the conditions and place of employment.

In view of the connection existing between the work of the new office and the general organisation of labour, the department was transferred in October 1917 to the Ministry of Labour, to which it is now attached.

By an Interministerial Decree of 18 July 1920, a Permanent Immigration Commission was established. This Commission was charged :—

(1) With the preparation of treaties and conventions relating to immigration and the supervision of their general application.

(2) With the establishment, after consultation with the National Labour Council, of co-ordination in the work of the various Ministries dealing with foreign workers.

This Commission is established at the Ministry of Foreign Affairs. It consists of directors from the various ministries interested in the question of migration, and of a professor of the Faculty of Law. One of the members of the Commission is nominated by the Minister for Foreign Affairs to act as permanent General Secretary. It is his duty to maintain relations with accredited diplomatic and consular agents in France in all matters connected with foreign labour.

Frequent conferences among the ministries concerned, and particularly the above-mentioned Commission, determine periodically the requirements with regard to foreign labour and the measures which may be adopted with a view to facilitating and regulating its introduction. Immigrant workers are protected both by the Government of their country and by the French Government.

Special conventions have been concluded for this purpose by France with Poland, Italy and Czechoslovakia.

The report on the budget of the Ministry of Labour for 1921 proposed the establishment of a National Immigration Office. This Office, attached to the Ministry of Labour, would centralise all services relating to immigration, which are to-day divided among various ministries.

To the suggested office would belong the task of dealing with the preparation, drawing up and application of international regulations.

In a declaration made to the Chamber on 28 January 1921, by the Minister of Labour, it was stated that the organisation of this Office was at that time receiving the attention of the Government.

A private Bill has also been introduced into the Chamber of Deputies, with the object of centralising the various departments which deal at present with immigration in several Ministries, and forming a single Office attached to the Ministry of Foreign Affairs. [1]

The Office would be a legal person *(personnalité civile)* and have financial autonomy. It would be financed by grants from the public authorities and by charges levied on employers for the foreign workers procured for them.

The Office would be sub-divided into two sections, agricultural and industrial respectively. [2]

In the Chamber of Deputies, on 8 March 1921, the Minister of Labour stated that the Immigration Office would have the flexibility proper to an organisation over which Parliament should always have the right of supervision. The term "office" in French administrative language generally represents an organ which is a legal person and has financial autonomy. This is not the case with the Immigration Office, which should not be an autonomous and self-contained organisation ; it should be submitted directly to financial and parliamentary control, and to the immediate authority of the responsible ministers.

French Colonies.

Frenchmen intending to settle in French Colonies and Protectorates are given any necessary information as to agriculture, commerce, industry and the conditions of work by the Office of the Algerian Government. the Office of the Sherifian

[1] Bill introduced by Mr. Edmond de Warren and other members of the Chamber of Deputies *(No. 2343. Annexe au procès-verbal de la séance du 17 mars 1921, Chambre des députés.)*

[2] Appendix to the Minutes of the Sitting of the Chamber of Deputies of 17 March 1921. *(Annexe au Compte-rendu des séances de la Chambre des députés du 17 mars 1921.)*

Government and of the French Protectorate in Morocco, the Office of the Government of Tunis, the General Agency of the Colonies (Ministry for the Colonies) and the economic agencies created by the Governments of Indo-China, Madagascar, French West Africa and the French Congo, these being the various official bodies maintained in France by the respective colonies and protectorates.

Germany.

The Federal Migration Office *(Reichswanderungsamt)* deals with immigration and repatriation. Its duties include the collection, examination, and publication of information which is of interest to immigrants or repatriated Germans, giving advice regarding travelling facilities, etc. It looks after the lodging of immigrants, helps to find employment for them, and gives them advice in settling down in the country.

Greece.

There is an Office in Greece whose duty it is to supervise emigration and immigration and the application of all legislation on this matter. It is attached to the Ministry of the Interior, and has provincial branches in the Prefectures.

Guatemala.

An Immigration Commission has been established at the Ministry of Public Works. It is composed of five members appointed by the Executive Power.

Dutch Guiana.

An immigration fund was established by a Regulation of 21 August 1878. The administrators of this fund have to take all necessary steps to encourage the importation of free workers, and deal with all other matters connected with this question. The fund consists of the receipts obtained from a large number of differents sources, among which special reference may be made to a tax on male emigrants of 5 florins and on female emigrants of 2.50 florins. There are several provisions in the laws of the colony on the question of the recruiting, embarkation, landing, labour contracts, rates of wages, education, medical treatment, and conditions of labour of immigrants, as well as in connection with land settlements, all of which are subject to minute regulation. In

1910 an Immigration and Settlement Code was published, which has since been supplemented by a large number of special provisions [1]. It is the special duty of the immigration fund administrators to supervise the application of this legislation.

HONDURAS.

In accordance with the Act of 1906 a Department of Immigration and Agriculture has been created. Its members are the Minister for Public Works *(Fomento)*, the Minister of the Interior, a breeding expert, a scientific agriculturist, and a commercial man, the three latter being appointed by the administrative authorities. This department acts as a consultative organ of the Government in all matters relating to immigration.

MEXICO.

In accordance with the Act of 1908, matters relating to immigration are dealt with by the Secretary of the Interior.

The staff consists of :—

(1) Immigration Inspectors at the ports and frontier stations;

(2) Assistant Inspectors;

(3) Immigration Councils established in each place having an inspector. In districts having no Immigration Inspector his functions are performed by the Health Delegates.

PALESTINE.

By the Ordinance of 1920, the High Commissioner may nominate a Director of Immigration and other Immigration Officers.

PARAGUAY.

A general Immigration and Colonisation Office has been established under the control of the Ministry of Foreign Affairs (Act of 1903).

[1] *Speciale Wetgeving op de Immigratie en Kolonisatie van Surinam*, 2e Druk. Bril-Leiden, 1910.

There is an Immigration Section in the Department of Lands and Settlements, the functions of which are laid down in the Act of 13 June 1920. It acts as an employment office, inspects official and private settlements, and assists foreign settlers in making claims for non-execution of a contract.

There is a propaganda branch, which publishes particulars on the different settlement systems, the advantages offered to immigrants, the facilities for obtaining State lands, etc. It has to determine the conduct and skill of every immigrant, send a quarterly statement to the Department of Lands and Settlements as to the number and quality of immigrants, or as to the causes of the increase or decrease in the number, and, in general, has to keep in touch with all matters affecting the immigrants.

Kingdom of the Serbs, Croats and Slovenes.

An Emigration and Immigration Section has been formed at the Ministry of Social Affairs. It is the duty of this section to deal with emigration and immigration matters and to supervise the authorities concerned with these questions. Commissioners are appointed in all the ports of the country, and it is their duty to inform the police and port authorities of any contraventions of the law.

South Africa.

The function of the Department for Immigration and Asiatic Affairs, established in the Ministry of the Interior, is the prevention of the entrance of prohibited immigrants, and it carries out any other powers and duties specially conferred or imposed upon it.

United States.

The Department of Labour contains a Bureau of Immigration. The head of this Bureau is the Commissioner General of Immigration, who is appointed by the President. His duties are defined as follows in the Act of 1917 :—

" That the Commissioner General of Immigration shall perform all his duties under the direction of the Secretary of Labour. Under such direction he shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder ; he shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions not inconsis-

tent with the law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto, from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, at any time within three years after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed; he shall prescribe rules for the entry and inspection of aliens coming to the United States from or through Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose. It shall be the duty of the Commissioner of Immigration to detail officers of the Immigration Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Secretary of Labour, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers for service in foreign countries ; and, upon his request, approved by the Secretary of Labour, the Secretary of the Treasury may detail medical officers of the United States Public Health Service for the performance of duties in foreign countries in connection with the enforcement of this act. The duties of commissioners of immigration and other immigration officials in charge of districts, ports, or stations shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Labour.[1]"

To cover the expenses of this administration, an Immigrant Fund has been established. This Fund depends for its income

[1] The immigration force consisted in 1920-21 of about 1700 officers and employees. The requirements for the seamen's provisions of the immigration law of 1917 have materially increased not only the work but the responsibilities of the Immigration Service. Inspections at seaports increased from 810,097 in 1919 to 933,081 in 1920. The total number of examinations aggregated 1,566,452, composed of 621,576 aliens admitted (430,001 immigrant and 191,575 non-immigrant), 11,795 aliens debarred, and 933,081 alien seamen, exceeding by 391,504 the average yearly inspections of all classes of aliens for the 10 years preceding the World War, which was 1,174,948, and greater by 114,919 than the total inspections of aliens in 1907, when immigration reached its highest point.

mainly on the Head Tax imposed on aliens arriving in the United States.

Another great revenue producer for the Immigrant Fund is the administrative fine, which is a penalty imposed by the Secretary of Labour for certain violations of the immigration law on the part of steamship companies.

The last source of the Immigrant Fund are court fines and forfeited bonds.[1]

There is a Division of Information in the Bureau of Immigration, which was created to promote a beneficial distribution of aliens admitted into the United States among the several States and territories desiring immigration. The Act of 1907 lays down that this Division shall correspond with the proper officials of the states and territories, and shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each state and territory; it shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations and to other persons who desire them.

Any state or territory may be represented at an immigrant station by agents, who may have access to admitted aliens for the purpose of presenting the special inducements offered by each state or territory to aliens to settle there.

While on duty at an immigrant station, such agents are subject to all regulations prescribed by the Commissioner General of Immigration who may, for violation of any such regulations, deny to the agent concerned any of the privileges referred to in the Act.

The Division of Information is the only agency of the Federal Government which specifically seeks to inform arriving immigrants concerning the matters referred to. Several of the states, however, maintain departments which are intended to promote a mutually beneficial distribution of immigrants and, in some instances, their colonisation on the land.

The Act of 1913, creating the Department of Labour, prescribes that the head of the Bureau of Naturalisation shall be known as the Commissioner of Naturalisation, who shall be the administrative officer in charge of the Bureau and of the administration of the naturalisation laws and under immediate direction of the Secretary of Labour.

Uruguay.

A Decree of 11 October 1912 charged the Director of the Immigrants' Hostel at Montevideo with the duty of super-

[1] The revenues for the fiscal year ending 30 June 1920 were as follows :

Head Tax	$ 2.947,984.00
Administrative Fines	$ 154,210.00
Court Fines and Forfeited Bonds	$ 42,073.00
	$ 3.144.267.00

vising immigration. He is further required to furnish any information as to immigration, free of charge.

There is also a Settlement Commission, whose duty it is to supervise all matters connected with land settlement.

Consuls abroad are required to act as immigration and recruiting agents. Their work under this head consists in :—

(1) Certifying fitness and moral character of persons intending to go to Uruguay.

(2) Issuing the tickets for the journey placed at their disposal by the Government.

(3) Reporting on the use made of the money obtained from the State for these services and on the movement of emigrants from their place of residence to Uruguay and other countries of immigration.

VENEZUELA.

The Act of 26 June 1918 established a Central Immigration Committee at Caracas empowered to encourage and facilitate the introduction of immigrants and to ensure their finding work.

Emigration agents are appointed in Europe by this committee, and they work in co-operation with the Consuls.

By the Act of 1918 the Government emigration agents are required to furnish future emigrants and steamship companies with all the information they ask for. They must carry on continuous propaganda in this matter, while taking strict precautions that immigrants shall only obtain accurate information. They must issue denials of any false information or exaggerated promises that may be given by companies or private individuals to the detriment of the nation. The Government itself takes every necessary step to prevent immigrants from being deceived as to internal conditions.

In order to meet expenditure in connection with immigration, the Government has created an Immigration Fund, with rather limited resources, derived in the main from budget subsidies.

2. Advantages granted to Immigrants.

ARGENTINA.

Every immigrant who satisfactorily proves his good conduct and his skill in any trade or industry has the right on entering the Republic to the following advantages :—

(1) To receive board and lodging at the expense of the State for from 5 to 22 days according to the circumstances, such as the immigrant's state of health.

(2) To be placed in employment in the trade or industry of his choice if it exists in the country.

(3) To be transported at the expense of the State to the part of the Republic in which he desires to settle.

(4) To bring with him, free of all duty, furniture, clothing, instruments and tools which are necessary for the work he is going to undertake, up to the value indicated by the Executive Power.

These provisions are extended, wherever they are applicable, to the wives and children of immigrants.

Special regulations are in force for immigrants who are going to agricultural settlements.

An immigrant who desires to settle in one of the interior provinces of the Republic or on a settlement is transported as soon as possible and free of charge with his family and his luggage to the point which he has chosen. In such a case he has the right to be maintained by an Immigration Commission for a period of 10 days, after which he has to pay a sum fixed by the Government. With a view to facilitating the carrying out of this measure the internal navigation companies have to put a certain number of places on their steamers at the disposal of the Government.

Australia. [1]

The Commonwealth Government grants £ 12 towards the passages of approved British settlers for Australia. Further assistance is granted by way of loans in special cases. Under the joint scheme between the Commonwealth and the States immigrants entitled to part-paid fares are either assisted or nominated immigrants. The former are those who are originally recruited by the Commonwealth overseas. The latter are those nominated by persons resident in the Commonwealth, and the nominators, who must submit their applications through the Officers in charge of the State Immigration Offices in the various capital cities, are required to undertake to look after their nominees upon arrival, and to see that they do not become a burden upon the State. [2]

[1] Free passages are granted by the Oversea Settlement Committee (London) to British ex-service men and their dependents and to British ex-service women to any of the Dominions, subject to acceptance by the latter. The last date for making application under this scheme was 31 December 1921.

[2] Cf. *Official Year Book of the Commonwealth of Australia*, 1901-1920, p. 1037.

Bolivia.

The advantages granted to immigrants according to the Regulations of 1907 include free transport of the immigrant and his family as well as of his luggage and working tools on the railways or other transport undertakings of the Republic.

They also include Government grants of State lands for carrying on agricultural or industrial work. The land allotted amounts to 50 hectares per person. Children over 14 years of age have the right to an allotment of 25 hectares. The immigrant enjoys certain facilities as to payment for occupied land and as to the acquisition of other State lands.

Brazil.

The following privileges are granted by the Federal Government to immigrant agricultural workers coming to Brazil with their families :

(1) Free third class journey from the port of embarkation to Rio, or any other port where there is an office for their reception and lodging.

(2) Free landing of passengers and luggage, free board and lodging and medical treatment in case of illness whilst waiting to continue the journey to their destination, usually for eight days.

(3) Exemption from payment of duty on luggage, agricultural implements, etc.

(4) Free transport to the settlement.

(5) Full information given by interpreters, who accompany the immigrants if necessary.

With regard to other immigrants the Government has entered into agreements with steamship companies in order to reduce the price of third class tickets on all their lines to minimum rates, by which voluntary immigrants may profit. In special cases the latter have a right to a reduction of 10 % on the ordinary rates. Further a voluntary immigrant whose family includes at least three persons between the ages of 12 and 50 years and capable of work, and who settles on the land, may obtain a refund of his third class passage from the port of embarkation within two years of the date of his arrival.

In special cases the Government may send for agricultural experts at its own expense as well as immigrants of any particular trade for the construction of railways, public works, etc.

On arriving in the settlement he has chosen, the immigrant obtains free board and lodging for three to six days according to requirements, after which he takes possession of the house already built for him. If he is without means, he is given paid work during the first six months at the rate of 15 days of work a month for each adult. If that arrangement is insufficient, he is able to obtain food on credit on fixed terms.

Seed and plants are issued periodically free of charge. During the first six months he is allowed free use of live stock and agricultural tools and machinery, subject to the approval of the directors of the settlement.

Free instruction and medical attendance are also given.

The kind of land to be used for immigrant settlements is defined in the Decree of 9 July 1911.

As regards the acquisition of land by immigrants, the settler's rights are first of all guaranteed by temporary title deeds which are handed to the head of the family when he reaches the settlement, if he does not possess the necessary means for paying in cash. The settler is permanently entitled to the land when he has fulfilled all his obligations towards the Government.

Payment for holdings of 25 hectares is made in five annual sums dating from the first day of the third year of his stay. Interest at 3 % must be paid on arrears, whilst a grant of 1 % per month is allowed on all payments in advance. In the case of holdings of the second category (50 hectares) and other cases, payment is made in eight annual sums according to the decision of the Government.

Each settler can only obtain one holding, but when it has been paid for he may purchase a second if his family includes more than three persons capable of work.

Special advantages are granted, with regard to the acquisition of holdings, to immigrants who marry Brazilian women.

In settlements founded by the States with the support of the Federal Government, immigrants are granted similar privileges.

Transport companies which establish settlements with Government support are obliged to allow the settlers a reduction of 50 % on the rate of transport of all produce of the settlement for five years from the date of arrival of the first family. Similar conditions are imposed on transport companies working in the neighbourhood of settlements founded by the Federal Government or by the various States.

Canada.

The Department of Immigration and Colonisation for many years encouraged a movement of juvenile immigrants from the United Kingdom to Canada, and paid a yearly *per capita* bonus of two dollars to the Receiving and Distributing Offiee and Homes, which are maintained by various philanthropic societies. By an Order in Council, dated 29 May 1920, it was decided to discontinue this bonus and to make a grant to Offices and Homes which bring at least one hundred juvenile immigrants to Canada of one thousand dollars for the first hundred and five hundred dollars for each additional hundred

immigrants. The Homes are inspected by the Chief Inspector of British Juvenile Immigrants before the grant is paid.

Apart from the grant towards the immigration of British juvenile settlers, the Canadian Government does not, through the Immigration Service or any other Service, offer any financial assistance by way of grant, reduction of travelling expenses, or in any other way, but there is a system of free homesteading, under which every male over 18 years of age (and others specially designated) may secure 160 acres of land from the public domain of Canada, upon certain residential and cultivation conditions.

This grant of land is available to foreign-born as well as to native-born, provided only that the foreign-born must become naturalised Canadian subjects before the free grant, by Letters Patent, of this land will be made by the Crown to them.

Chile.

A Regulation of 15 October 1895, amended in 1898 and 1900, granted reduced rates for the transportation of immigrants and their luggage. By a Regulation of 23 December 1906 free passages were instituted, but at a later date the number of immigrants was limited, and since 19 July 1910 free passages have been granted in exceptional cases only.

Cuba.

According to the Act of 11 July 1906, the State undertakes to defray the travelling expenses of families coming from Europe or the Canary Islands to Cuba provided that the family proposes to settle on the property of a landowner, tenant, or settler who has previously agreed to conclude a contract with the head of the family to ensure his settlement on the land in question. The application of the landowner, tenant or settler must be addressed to the Department of Agriculture together with a copy of the contract which he proposes to conclude with the heads of the families. Free transport may, however, be granted by the State even without the presentation of an application by a landowner, tenant or settler.

By the same Act every immigrant who can testify that he has been engaged in agricultural work in Cuba during one year and can prove his good conduct, has the right to apply for the transport of the family which he has left in his own country, at State expense. Preference is given in this connection to immigrants who state their intention to become naturalised Cubans.

By Section 26 of the Regulation of 20 August 1910 on immigration and colonisation, every immigrant who can prove his good conduct, who has been engaged for two years in work connected with the cultivation of land, with mines, or agricultural industries on the territory of the Republic, has the right to obtain the transport to Cuba at State expense of his wife and children.

Section 27 of the same Regulation establishes further that every " settler " (see below) under State or private undertakings who has lived in the country for two years has the right to apply for transport to Cuba at State expense of any member of his family who desires to come there in order to work, provided that information on the moral character of such person is favourable.

These provisions may be extended to the widows of agricultural immigrants who have died in Cuba after a stay of more than two years, provided that they can prove that they are not more than 40 years of age, that they have children aged over 8 years, that their conduct has been satisfactory and that they are capable of doing domestic work.

The Government is empowered by Section 37 to make arrangements with national corporations, undertakings and landowners, to bring out at the expense of the State the families of immigrants provided that such corporations, undertakings or individuals agree to grant holdings of land on advantageous terms and to employ the men in such families during the first year of their stay in the country.

Section 24 of the Regulation of 20 August 1910 defines an " immigrant settler " as any male alien, agricultural worker, industrial worker or artisan who is not over 55 years of age, and who, having produced evidence as to his moral character and capacity, agrees before an immigration agent of the Republic abroad, authorised for this purpose, to go to Cuba together with his family, his passage to be paid by the Government, by a public corporation, by a private undertaking, or by himself, for the purpose of establishing himself in accordance with the laws in force on this matter, on a settlement belonging to the State, to a public corporation or to a private individual.

Settlers who arrive in Cuba on these conditions enjoy certain privileges such as disembarkation, board and lodging at the expense of the State until the date of their installation, the free importation of their personal property, furniture and tools, transport to their final destination, the concession of a holding of land, and their establishment as privileged settlers, together with the whole or part of the privileges provided for in the Regulation of 1910.

Section 30 of the above Regulation stipulates that every settler who arrives in Cuba in accordance with an agreement

as described, in order to occupy a holding on a State settlement, must sign a contract the terms of which provide for State payment of his passage and that of his family, and the cession of a holding of land of 6-15 hectares including a dwelling, with the necessary furniture, tools and live stock as laid down in detail in the Regulation. The settler for his part undertakes in the contract to maintain everything that he receives for carrying on his work in good condition and to look after the live stock. For six months from the date of his installation in the settlement, the settler receives an allowance proportionate to the number of members of his family, varying from 20 to 30 piastres per month, which is repayable without interest in 10 years dating from the second year of his installation, in annual payments at rates fixed in the contract. The failure to make these payments for two years involves the cancellation of the contract. As soon as the settler has refunded half the advance made to him, he becomes the owner of the property, but the State retains a special mortgage on the remaining half until the total advance has been repaid. The settler enjoys all the privileges granted under the Royal Decree of 1790. The elementary education of all minors belonging to the families of settlers is paid for by the State.

France.

Foreign agricultural workers are entitled to benefit by the various advantages granted to Frenchmen in the matter of credits, mutual aid and agricultural co-operation. They are at present allowed to travel at half rates on all the large French railway systems.

The same system applies to foreign workers for whom work has been obtained through the immigration offices or public employment exchanges, and who enjoy the same travelling facilities as French workers (reduced rates for travelling, etc.).

Germany.

The Federal Migration Office *(Reichswanderungsamt)* gives immigrants such advice and information as may be useful to them. Under the auspices of this Office, the Colonial Bank *(Kolonistenbank)* was founded, with a view to assisting Germans coming from Russia, on a co-operative basis. The Office also promoted a fund for the assistance of repatriated Germans coming from any part of the world.

Guatemala.

Three classes of immigrants are distinguished by law :

(1) Those who arrive in the country without a contract ;

(2) Those who have been engaged by companies or private undertakings ;

(3) Those who have been engaged by the Government.

Immigrants belonging to the first of these three classes are allowed free passage, exemption from the payment of customs duties on their personal property and of consular fees, and free transport to their destination. Those of the second and third classes enjoy the same privileges, but the cost of their journey is charged, in the former case, to the company or person who has engaged them and, in the latter, to the Government itself.

All three classes of immigrants obtain from the Government board and lodging during the five days following their arrival.

Immigrants whose good conduct has been ascertained may be given by the Government a concession of a land holding of 45 hectares on condition that they cultivate one-third of the land obtained during the following four years, after which they are entitled to the property.

Dutch Guiana.

By an Order of 11 December 1914 which was intended to promote the encouragement of small holdings, and particularly the permanent establishment of immigrant workers as settlers, the Government is empowered either to let or sell holdings of State property on advantageous terms, either to nationals or to foreign workers who have fulfilled previous contracts in a satisfactory manner. The holdings may not be smaller than 1 ½ hectares. They are exempt from all payments and land tax for six years. At the end of these six years the immigrant must pay a rent varying from 2-10 florins per hectare per annum according to the situation of the property.

On the other hand, the Colonial Administration may make advances to proprietors of land on conditions laid down by the Decree of 11 December 1914.

Finally, there are measures applicable to immigrants who, having originally come to Dutch Guiana in order to work in a private enterprise, consent to remain in the country as settlers after the date on which they can claim to be repatriated by the enterprise which recruited them. If at a later date they give up their agricultural work, the Colonial Administration ensures their repatriation on the same conditions as those to which they were entitled as a result of their recruiting contract, or, if they prefer it, the Administration grants them an indemnity of 100 to 200 florins according to whether they are single or married.

Mexico.

According to a Presidential decision of 27 July 1921, the Department of Agriculture and Public Works *(Secretaria de Agricultura y Fomento)* is empowered to pay to immigrants :

(1) The cost of their journey from the place at which they entered Mexican territory to their final destination ;

(2) 50 % of the cost of transport of their luggage, furniture, agricultural implements and live stock ;

(3) Any customs duties that they may have paid on importing such goods.

New Zealand.

Assisted and nominated passages are available from Great Britain to New Zealand. Nominations can be made by residents in the Dominion for domestic servants and agriculturists. A nomination is accepted only upon the understanding that the resident in the Dominion is responsible for the nominee immediately on arrival. The question of suitability of any applicant for a reduced passage is decided by the High Commissioner in London.

Paraguay.

According to the Act of 9 October 1903, an immigrant who travelled on his own account and had a minimum capital of 50 gold pesos if alone, or 30 gold pesos per adult male if the head of a family, enjoyed the following advantages :—

(1) A second class ticket from any place on the La Plata or Parana rivers to Asuncion ;

(2) The free disembarkation of his luggage and tools ;

(3) Board and lodging at State expense during the eight days following his landing and, in case of illness, free medical aid ;

(4) Free importation of his personal property, furniture, live stock and tools ;

(5) Transport at State expense up to his destination provided that such destination is situated on a railway or navigable river.

(6) The assistance of the immigration authorities in all matters connected with the necessary information as to his settlement and the contracts into which he must enter prior to engaging labour.

Immigrants were prohibited from leaving the territory of the Republic in order to establish themselves in a neighbouring country on pain of having to refund to the State the costs due to their journey, disembarkation, board and lodging, etc. The authorities could, if need be, prevent the departure of an immigrant who failed to observe these provisions.

The Government has generally speaking ceased to allow immigrants the cost of the journey from Buenos Aires to Paraguay. The privilege is, however, still granted to immigrants in certain cases where there is sufficient justification for so doing. The principal advantage at present granted in connection with the transport of immigrants consists in a reduction of 25 % on the normal railway rates in the case of groups of immigrants of more than ten persons.

Uruguay.

Ships carrying immigrants are visited by an official of the Immigration Service who is expected to come to the aid of the immigrants, especially of those intending to stop at the immigrants' hostel, where they may stay free of charge for five days. Those who stay longer are required to pay 30 gold centavos, children being taken at half price. They can also obtain board there. An employment agency concerned particularly with agricultural work is at the disposal of immigrants.

The Immigration Service allows a reduction of 50 % in the cost of the journey from Montevideo to the country. A reduction may also be allowed on the very high charge made for the transport of luggage.

The State makes an advance of the cost of the journey of immigrant labourers by virtue of the Decree of 7 July 1911, which amount must be refunded by the person who has applied for the workers and who must pay the neeessary deposit for this purpose when making his application. By the Decree of 22 February 1913, the repayment of the advance must be made within 2 ½ years dating from the arrival of the immigrants, in half yearly sums equivalent to 20 % of the amount advanced by the State.

Venezuela.

The Government maintains agents in the principal immigration ports, whose duty it is to receive immigrants, and accompany them to special depots, the establishment and administration of which are charged to the State. These agents have to provide the immigrants with lodging, and see to the landing of their luggage at the expense of the Government. They have also to look for work for the immigrants, and draw up labour contracts

if the immigrant so desires. All this must be done gratis. Board and lodging are provided free of charge to immigrants without contracts for a period of 10 days, and to immigrants going to agricultural settlements, until their arrival at the latter.

The immigrants are free from military service under certain conditions. Like Venezuelan subjects they may occupy national waste lands and obtain free concessions in accordance with the laws of the country.

The Act of 1918 authorises emigration agents in Europe to pay the passage of those who have agreed to go to Venezuela as immigrants on contract or as settlers. The executive authorities are empowered for this purpose to enter into agreements with transport undertakings.

The second part of the Act of 1918 sets up a special Office for this purpose under the Ministry of Public Works *(Fomento)*. Large areas have been placed at the disposal of this Office, whose duty it is to allot the sections thus created to Venezuelan subjects and to immigrants in accordance with the schemes and systems described at length in the Act (Sections 55-127).

The first 100 families, of whom at least half must be those of immigrants, who establish themselves in a Section receive free grants of land (to the extent of 25 hectares per adult to 10 hectares per child). The rest of the farming lands after such allotment has taken place are paid for at the rate of 10 bolivars per hectare, repayable in ten annual payments of 1 bolivar per hectare as from the end of the first two years. These sales are made on condition that two-thirds of the land shall be cultivated within five years. In addition building land is ceded at the rate of 10 bolivars per lot.

Advances may also be made to immigrants in the form of the provision of tools, live stock, material, seed, board and lodging, or of cash at the rate of at most 1,000 bolivars, repayable in five equal sums per annum dating from the third year. Advances for afforestation are also made by the Government, which provides for the creation of special settlements for breeding and industry.

The produce of the sale of farming land and of the refunding of advances is to be used for forming a settlement fund intended for the development of settlements.

CHAPTER IV.

ADMISSION AND REJECTION OF IMMIGRANTS.

In this chapter will be found information relating to the legislation and regulations of countries of immigration dealing with the conditions of transport and the procedure followed by immigrants from the time they leave their home until their establishment in the country of immigration, or even, it may be, until their deportation after admission.

The chapter is divided into four sections :

(1) Examination on embarkation by representatives of the country of immigration. In this section no account will be taken of the ordinary enquiries made by Consuls before granting visas, which apply to all travellers, but only of the provisions specially applying to immigrants. The examination made by the authorities of the countries of emigration are not considered here either.

(2) Conditions on the journey imposed by the laws and regulations of the countries of immigration. Under this head the sanitary conditions imposed by the legislation of the countries of immigration will be specially analysed, and a general indication will be given of the points on which the laws of the countries of emigration and immigration may conflict with respect to the application of some of these provisions.

(3) Examination on landing, or at the land frontiers of these countries. The various formalities to which the immigrant is subjected on entering the country will be examined in this section, together with the conditions of the examination resulting in such admission. The method of settling the doubtful points which may arise in this respect are dealt with in the following section.

(4) Procedure in connection with the admission of immigrants, their immediate rejection, repatriation, or deportation

after a certain period. In the matter of deportation the various police regulations of a general character have not been examined, and the study has been limited to the provisions relating to immigrants as such.

§ 1. Examination at Point of Departure.

Argentina.

Under the Act of 1876, the Executive Power may appoint special agents in Europe and America, whose duty it is to deal with questions of immigration. These agents, or the Consuls, have to issue certificates proving good conduct and professional skill to every person going to the Republic as an immigrant. These certificates are delivered free of charge.

Australia.

An intending immigrant must be examined as to his physical and mental fitness by a medical referee, and must answer the authorised list of questions put to him by the medical referee, who, if satisfied that the intending immigrant is of sound health, issues a certificate of health on payment of a fee. If an intending immigrant embarks at a place where there is no medical referee, the examination is carried out by the ship's medical officer. If the medical referee or the ship's medical officer is not satisfied, the Chief Medical Officer of the Commonwealth Medical Bureau may issue the certificate, but he must not issue a certificate to any person believed by him to be suffering from, or affected with, any disease or disability mentioned in the Act or the regulations.

An immigrant not possessing a certificate may be permitted to be examined on arrival by a medical referee.

Brazil.

Emigrants for the Port of Rio are required by the Federal Government to go through certain formalities before their departure, consisting in the presentation to the official agent of the immigration service at the port of embarkation of authentic documents proving that they fulfil the necessary conditions. In the absence of a special agent, these papers must be countersigned by the Brazilian Consul or consular agent.

The representatives of the Brazilian Government are also required to countersign at the port of embarkation the documents which must be presented by immigrants who wish to obtain the advantages granted by the Government. Such papers must give

information as to age, moral character, occupation, and degree of relationship with other immigrants.

The representatives of the Government use every means to prevent the arrival in Brazil as immigrants of persons who do not fulfil the conditions required by the regulations. If, however, passengers of this kind have embarked, and the infringement of the regulation is observed at the time of embarkation the steamship companies are required to repatriate them.

Canada.

There is no official Canadian inspection of emigrants before departure for that country except in the case of those who are financially assisted out of public or charitable funds, or are children leaving for Canada as "child emigrants".

The Governor in Council may, however, make regulations for the inspection of immigrants in the country of their domicile or origin, or at any port of call en route or on board ship, but any such inspection shall not relieve any transportation company, owner, agent, consignee or master of a vessel of any of the obligations, fines, or penalties imposed by the Immigration Act.

United States.

The Annual Report of the Secretary of Labour for the year 1919-1920 contains a recommendation to the effect that the United States should, in co-operation with other Governments, take steps to arrange that persons from overseas who wish to emigrate to the United States may, before leaving their home, apply for admission to the United States, and may be able to receive, while still at home, the immigration certificate which is at present only granted at the time of disembarkation in the ports. A system of this kind already exists between Canada and the United States.

In 1921 the Chairman of the Committee on Immigration and Naturalisation of the House of Representatives introduced a Bill requiring all future immigrants to the United States to present themselves, before their departure, to the American Consulate in their own country, in order to be examined there. Such examination would be made by inspectors experienced in emigration, and by authorised physicians, acting as Vice-Consuls, with the power to grant or refuse the necessary visa for departure.

These proposals have so far not been enacted, but the Quarantine Act of 13 February 1893 requires American consular officers to satisfy themselves of the sanitary and health conditions of ships and passengers sailing for the United States.

Aliens arriving by water at the ports of the United States must be listed in convenient groups. To each alien or head of family a ticket is given, containing his number on the list, for convenience of identification on arrival. Each list or manifest must be verified by the signature and the oath or affirmation of the master or commanding officer, to the effect that he has caused the surgeon of the vessel to make a physical and mental examination of each of the aliens and also that according to the best of his knowledge and belief the information in the lists or manifests concerning each of the aliens named therein is correct and true. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verification of the lists or manifests must be made by some competent surgeon employed by the owners of the vessels, and the manifests must be verified by such surgeon before a United States consular officer or other officer authorised to administer oaths. If any changes in the condition of such aliens occur or develop during the voyage of the vessel on which they are travelling, such changes shall be noted on the manifest before the verification.

The examination of immigrants at the port of embarkation, carried out on behalf of the transport companies, and with the consent of the authorities of the country where the port is situated, does not release the transport companies from responsibility as regards the transport of persons suffering from illness, and does not lessen the strictness of the examination on arrival.

§ 2. Travelling and Transportation Conditions.

A. Continental Immigrants.

The various national laws do not appear to contain many provisions with respect to continental immigrants travelling by rail, whether directly or in transit. They are subject to the same conditions as ordinary travellers. The question of the transport of passengers, and especially of immigrants, by rail is at present under consideration by the Committee for Communications and Transit of the League of Nations, and it is dealt with in Part III of this work, relating to treaties (see Chap. 1, Section D).

B. Transoceanic Immigrants.

The provisions relating to the transport of immigrants by sea take one of two forms :

(1) *General Sanitary Conditions.*

These are humanitarian in character, and relate to the verification by the country of immigration of the sanitary conditions under which the immigrant has travelled. They are of special importance, because these countries are interested in receiving a healthy and vigorous population, which has not been weakened by a journey under unhealthy conditions, nor attacked by epidemics or weakening diseases. Moreover, there is no general reason why these regulations should not be added to those established by the countries of emigration, which, though for different reasons, also aim at insuring the welfare of their emigrants.

The regulations in the following countries may be noted :

Argentina.

The Act of 1876 deals in Articles 18 to 37 with the conditions of the sea voyage of immigrants. This law applies to sailing ships and steamers carrying more than 40 passengers in the second and third class, and which enjoy, on this account, a preferential treatment from the point of view of paying dues. No ship of this kind may transport more than one passenger per registered ton, and the space reserved for each immigrant either in steerage or in the cabins is carefully regulated. Detailed regulations have also been issued with regard to the hygienic and safety apparatus which must be carried on board. Every immigrant ship must have on board a doctor and chemist and all the necessary medicines. The immigrants have the right to remain on board 48 hours after the arrival of the ship in the port of destination. Should the ship be voluntarily or compulsorily detained in an intermediate port the immigrants must receive board and lodging, either on board or on land, at the expense of the shipowner. Special measures are taken to deal with illness of an epidemic character and with quarantine.

All ships carrying immigrants are visited on arrival by a committee consisting of the Immigration Inspector, the Medical Officer of Health and an official of the Maritime Prefecture. This committee examines the sanitary conditions on board ship, the accommodation provided for immigrants, the food provided on the journey and the supply of drugs. It ascertains that a medical man and a dispensing chemist are on board, whether the number of passengers is in correct relation to the tonnage of the vessel, whether the dimensions of the decks, steerage and berths are adequate, if there is a sufficient number of ventilators and pumps, of kitchen utensils, life saving apparatus and life boats, whether there are any persons on board suffering from contagious diseases, if any passengers have been embarked at ports where an epidemic exists, and, finally, whether inflammable or insanitary articles are

included in the cargo. The committee further receives any complaints made by the passengers either as to unsatisfactory treatment or for any other reason.

Brazil.

When the Government pays for the transport of immigrants, it reserves the right of complete control with respect to the steamship companies, and of imposing any conditions necessary for the health and accommodation of the passengers.

Chapter IV of Decree No. 2400 of July 1913 issued by the Government of the State of Sao Paulo fixes the general conditions governing the transport of immigrants on behalf of the Government. These conditions relate to the normal average speed of the journey, to safety, the number of passengers, accommodation, the number of berths, hospitals, sanitary accommodation, laundry equipment, medical aid, provisions, drinking water, etc. But, according to Article 64, none of these regulations applies to ships coming from foreign ports where provisions are already laid down as to the transport of emigrants. In such cases the ships are required to observe the latter regulations, provided they are no less favourable to emigrants than those contained in the decree of the Government of Sao Paulo.

Canada.

The Immigration Act of 1919 provides that the Governor may, whenever he deems it necessary, prohibit: *(a)* the landing in Canada of any immigrant who has come otherwise than by continuous journey from the country of which he is a native or naturalised citizen, and upon a through ticket purchased in that country, or prepaid in Canada ; *(b)* the landing in Canada of passengers brought by any transportation company which refuses or neglects to comply with the provisions of the Act.

In accordance with the Act of 1919, if, during the journey, the master or any member of the crew is guilty of violating the law in force in the country from which the ship has departed, regarding his duties towards the immigrants, or if the master commits any breach of the contract for the passage made with any immigrant, he is liable to a fine not exceeding 100 dollars, and not less than 25, independently of any remedy which such immigrants complaining may otherwise have.

No person on board a vessel bringing immigrants to Canada shall entice or admit any female immigrant into his apartment or visit, except by the direction or permission of the master of the vessel, or frequent any part of the ship assigned to female passengers.

A written or printed notice to this effect in English, French, Swedish, Danish, German, Russian, and Yiddish, and any other language as ordered by the Deputy Minister, must be posted up in the forecastle and in the parts of the steerage assigned to steerage passengers. The immigration official at the port of arrival must ascertain if this provision has been duly observed on each ship transporting immigrants.

The Minister may detail officials for duty on vessels transporting immigrants to Canada. These officials must keep to the part of the ship assigned to immigrants. They must observe the immigrants during the journey, and report to the officer in charge at the port of arrival any information which they may have acquired as to the desirability or undesirability of such immigrants.

On all ships carrying adult [1] immigrants, provision must be made for each of them of an unencumbered area of 15 square feet on each deck assigned to their use. The area must not be occupied by goods or other articles, and may only be used for the personal luggage of the passengers. No ship may transport more than one person for every two registered tons, the captain, crew, and first class passengers included. The sale of intoxicating liquors to third class passengers and steerage passengers is prohibited. Such liquors may only be obtained by passengers of these classes on authorisation by the captain, the physician, or other qualified medical practitioner on board.

Passengers and their luggage must be landed free of charge. If housing or means of transport are not immediately at the disposal of immigrants, the captain of the ship must keep them on board for 24 hours, or until the means of departure or housing have been found.

Mexico.

The owners of undertakings for the transport of immigrants to Mexico must fit their ships with the necessary equipment for disinfection, and must have a physician on board at all times. In the ports of destination where the Government has not provided sanitary stations they must establish offices for the isolation and quarantine of immigrants, and for the care of the sick. They are further required to maintain the immigrants during quarantine, to repatriate persons not admitted into the country, to appoint a representative in Mexico in order to enter into relations with the central authorities and to provide sufficient guarantee for the fulfilment of their obligations.

[1] By the term "adult" is meant any person of or above the age of 14 years.

Peru.

According to the Decree of 16 August 1906, ships carrying immigrants to Peru are subject to inspection by the Consul of that country, accompanied by a physician in order to supervise the sanitary conditions on board. The number of health certificates issued by the Consul may not exceed the number of immigrants which the ship is capable of carrying, estimating that the space allotted to each person should not be less than 2 square metres[1] by 1.80 metres.

The ships must have a hospital on board, providing 3 square metres per patient and capable of holding at least 4 per cent. of the number of persons embarked. There must be a physician on board, and a supply of the necessary drugs as as well as accommodation for disinfecting contaminated articles in the case of infectious diseases.

United States.

The Secretary of Labour is authorised to enter into negotiations, through the Department of State, with countries vessels of which take immigrants to the United States, with a view to detailing inspectors and matrons of the United States Immigration Service for duty on vessels transporting immigrants or emigrants. These officials must keep to the part of the ship where immigrants are carried. It is their duty to observe the passengers, and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers that may have become known to them during the voyage.

On arrival in the ports of the United States, ships are boarded by officials, who examine the passengers and the crew, and are required to note the sanitary conditions and the provision made for the welfare of the passengers and the crew. They must in every case present a report to the immigration officer.

Uruguay.

According to the Act of 1890 ships carrying emigrants for a port of the Republic are required to observe the same conditions on board as to sanitary accommodation and the maintenance and treatment of emigrants as those applying to emigrants going to other ports on the Plata River (Argentine).

Venezuela.

The conditions to be fulfilled by immigrant ships are minutely regulated under the Act of 1918. They may not take more than two passengers per registered ton. The space pro-

[1] 1 square metre = approx. 1 1/5 sq. yds.

vided for each person must be 1.30 square metres if the height of the deck is 2.28 metres, or 1.33 square metres if the height is 1.83 metres, or 1.49 square metres if the height is 1.66 metres. A child is counted as half an adult person. The distance between the decks must be at least 1.66 metres. The size of the berths must be at least 1.83 metres long by 50 centimetres wide. All ships must have a physician and a chemist on board, as well as lifeboats and necessary apparatus for sanitation, safety, and the convenience of the passengers. The captain must have distributed and posted up the Venezuelan immigration law. The executive authorities issue regulations as to the provisions for sanitation and safety on board, and for securing good treatment and suitable feeding for the immigrants.

The shipowners may obtain exemption from port, watering, lighthouse, and other dues, and may even obtain special grants from the Government if they can prove that their immigrant ships are in good condition as to navigability and hygiene, that the rates of transport are moderate, and lower than those charged in general, and if they undertake not to embark immigrants who would be refused according to the provisions of Venezuelan law.

(2) *Conditions relating to the Equipment of the Ships.*

There is a series of provisions which are technical in character, and it would be difficult to enter here into a detailed examination of them. These regulations relate to the conditions under which the ships must be constructed and equipped in order to constitute immigrant ships, in accordance with the requirements of modern hygiene. A study of these questions would involve a special enquiry made by experts, such as was asked for by the International Emigration Commission. [1]

It must suffice to reproduce a certain number of characteristic passages from official reports showing the regulations adopted in some of the principal countries of emigration and

[1] The International Emigration Commission passed the following resolution on this subject :

"XXII. Hygiene of Emigrants. The Governing Body of the International Labour Office is invited to appoint a committee of experts to assist the International Labour Office in the preparation and presentation of a report to the International Labour Conference of 1922 concerning the general rules which can be adopted by general agreement between the interested countries, laying down the minimum requirements which, subject to the varying conditions of climate and the distance of the journey, must be fulfilled by emigrants' ships and railways in order to secure to every emigrant during his journey full guarantees of good treatment in respect of hygiene, security, food, and comfort in accordance with the requirements of civilisation and human dignity."

immigration and comparing them with one another. The regulations are in any case very varied, according to the country and climate, and very often a ship is subject to quite different measures at its port of arrival and departure, or according to the seas navigated.

The Bulletin of the Spanish Superior Emigration Council [1] has published the following table as to the provisions made on board for immigrants under the regulations of seven countries. It relates to the size of berths, and the distance between decks and between the berths.

Country.	Minimum distance between decks.	Size of berths. Outside measurements.	Distance between the berths. From ground to first berth	Distance between the berths. From first to second berth.	Distance between the berths. From second berth to ceiling.	Cubic metres per emigrant.
	Metres *	Metres	Metres.	Metres.	Metres.	Metres.
Argentina . . .	—	1.83 × 0.50	—	—	—	—
Belgium	1.83	1.80 × 0.61	0.23	0.80	0.80	2.85
France	1.55	1.83 × 0.56	0.15	0.70	0.70	—
Great Britain . .	1.82	—	0.304	0·759	0.759	—
Italy	2.20	1.80 × 0.56	0.40	0.70	0.70	—
Spain	2.00	1.80 × 0.56 / 1.33	0.40	0.60	0.60	2.75
Sweden	1.83	1.83 × 0.61	0.24	—	—	—

* A metre = approximately 3.28 feet.

The lower berth must be 15 centimetres above the ground in France, 23 centimetres in Belgium, 24 centimetres in Sweden, 30 centimetres in Great Britain, and 40 centimetres in Italy and Spain. The distance between the first and second berths, and from the second to the ceiling varies from 60 to 80 centimetres according to the country. The minimum distance between decks varies from 1.55 to 2.20 metres.

The Immigration Commission of the United States emphasised in its report on Steerage Legislation, issued in 1900 [2], the importance of the minimum cubic space provided by the legislation of the United States, the United Kingdom, Germany, and Italy, for emigrants on the lowest deck and on the passenger decks respectively.

[1] *Boletin del Consejo Superior de Emigracion*, 1917, año IX, Madrid. p. 15.

[2] "Reports of the Immigration Commission, Abstracts," 1911, Vol. II, p. 601. Washington.

Height between decks.	Lowest passenger deck.				Passenger decks.			
	United States law of 1908.	British law.	German law.	Italian law.	United States law of 1908.	British law.	German law.	Italian law.
Feet.	Cubic feet of air space per passenger.				Cubic feet of air space per passenger.			
6	180	150	100.6	105.9	126	108	100.6	97.1
6½	195	162.5	100.6	105.9	136.5	117	100.6	97.1
7	147	126	100.6	105.9	126	105	100.6	97.1
7½	157.5	135	100.6	105.9	135	112.5	100.6	97.1
8	168	144	100.6	105.9	144	120	100.6	97.1
8½	178.5	153	100.6	105.9	153	127.5	100.6	97.1
9	189	162	100.6	105.9	162	135	100.6	97.1

These examples show what differences there are in the legislation of various countries as to the sanitary conditions for immigrants on board ship.

§ 3. Admission (Examination and Taxes).

Argentina.

According to the Act of 1876 and the Regulation of 4 March 1880, the examination of immigrants is carried out on board sailing ships and steamers by a Commission, consisting of an inspector appointed by the Immigration Commission, a doctor appointed by the Sanitary Commission, and a representative of the port authorities. This Commission goes on board before any communication can be established between the ship and land, and while the examination is proceeding operations and work of all kinds and all movement of passengers or cargo must be suspended. Only the customs and other examinations are allowed to go on.

The Captain has to hand over a manifest, containing the names of all persons on board, and also passports and all papers relating to the journey, together with the claims of passengers if there are any. The immigrants are then questioned and classified according to their special conditions in order to see whether they comply with the provisions of the law. The examination of the Commission is particularly directed, in accordance with the Decrees of 28 October 1913 and 26 April 1916, to the health of immigrants, in order to prove that they are not suffering from tuberculosis, leprosy, trachoma, or from any organic defect rendering them unable to work. The Commission has also to discover whether there are among the immigrants any who are insane or beggars.

All passengers, including those in the first class, have to undergo this examination. When it is concluded disembarkation takes place. Those who do not wish to bene fit by the advantages granted to immigrants by the law are allowed to disembark first. Passengers in the second and third classes who claim to be immigrants are taken with their luggage on board a special steamer to the immigrants' hostel. No individual is allowed to undertake the disembarkation of immigrants without authority from the Immigration Office.

Each immigrant on disembarkation receives a free ticket entitling him to board and lodging at the hostel for 5 days. In case of serious illness which prevents the immigrant from travelling the validity of this ticket may be extended to a period not exceeding 22 days in all, at the expense of the Government. In every other case, immigrants who stay at the hostel more than 5 days do so at their own expense and in accordance with a fixed tariff. Immigrants recruited by the Government for the settlements remain at the hostel without charge until they are sent to their destination.

Immigrants' hostels are maintained by the Government at Buenos Aires, at Rosario, and in all other places where there is a need for them. These hostels are kept up by means of funds voted in accordance with the Budget Act and they are placed under the direct supervision of the Immigration Department and its auxiliary commissions. In places where there is no immigrants' hostel, immigrants are housed in public buildings or other suitable places. A hospital is attached to the hostels.

While the immigrant is staying at the hostel the official employment office tries to find him suitable work. If the immigrant decides to go to the interior of the country he is taken there at the expense of the State.

Australia.

By the Immigration Act 1901-1912, the master of a ship has to report on arrival at the first port of entry all cases in which a certificate has been issued by the ship's medical officer. The medical officer has to certify at the port of entry that immigrants have been examined on the voyage, and report all cases of intending immigrants who on the voyage have shown indications of suffering from or being affected with any disease or disability. All certificates of health issued to intending immigrants have to be attached to the passenger list and handed to an officer at the port of entry.

An officer may detain an intending immigrant on his arrival for further examination by a medical referee as to his physical and mental fitness.

The Minister for External Affairs may prevent an intending immigrant from entering the Commonwealth notwithstanding

that a certificate of health has been issued to the intending immigrant.

If a certificate of exemption from the prohibited classes is granted, this is done for a specified period only, and may at any time be cancelled by the Minister.

Every officer may, without warrant, arrest any person reasonably supposed to be a prohibited immigrant, and no person may resist or prevent such arrest; he may, at any reasonable hour, enter any building premises in which he has cause to believe any prohibited immigrant to be, and search the premises to ascertain whether any prohibited immigrant is therein.

Any prohibited immigrant, if thought fit by an officer, may be allowed to enter the Commonwealth or to remain upon the following conditions :—

(a) that, on entering the Commonwealth or on failing to pass the dictation test, he deposits with an officer the sum of one hundred pounds ; and

(b) that, within thirty days after depositing such sum, he obtains from the Minister of External Affairs a certificate as prescribed in the Act, or departs from the Commonwealth.

Exemption from the dictation test may be granted to subjects or citizens of a country with which an arrangement has been made and who have got a certificate of exemption from the dictation test. Any person who has resided in Australia for not less than five years and who is about to depart from the Commonwealth may apply to an officer for a certificate excepting him from this test.

Any immigrant who evades an officer or who enters the Commonwealth at any place where no officer is stationed, may, if at any time thereafter he is found within the Commonwealth, be required to pass the dictation test, and if he fails to do so is deemed to be a prohibited immigrant offending against this Act.

Brazil.

On the arrival of a ship at Rio, the interpreters attached to the immigration service are charged with the examination of passports, and the verification of the identity and rights of immigrants who wish to benefit by official protection. They board the ship immediately after it has been visited by the Customs, Health, and Maritime Police Services. They are given a list of second and third class passengers, to whom they offer the privileges provided by law. They give the immigrants all the necessary information as to the measures taken for protecting their interests, and do not allow hotel agents and

money changers to board the ship. They give information as to the means of changing money without risk and without payment of commission.

The names of immigrants whose passage is paid by the Government must be placed on a list, containing the following information : name, age, condition, nationality, occupation, degree of relationship with the head of the family, number of articles of luggage of each person, together with a declaration signed by the immigrants that they have not incurred any expenditure in connection with their sea voyage or their luggage. The documents must be countersigned by the official Government agent at the port of embarkation, or, in his absence, by the Brazilian Consul or consular agent. These lists are handed to the interpreters, who call the roll of the immigrants, checking the identity and condition of each one of them. They see that the luggage is complete and in order, and supervise its landing. The interpreters are also required to take note of any grievances of the passengers as to their treatment on board or the sanitary conditions of the ship.

Medical examination of the immigrants is made at the hostelry on the *Ilha das Flores*.

A qualified surgeon, a specialist in eye diseases, and a chemist, are attached to this establishment. Sick immigrants are treated in the infirmary, and, if need be, transferred to a hospital in the town.

When disembarkation takes place at Santos, immigrants are examined by the immigration inspection service at this port, and are taken after disembarkation by railway to the immigrants' hostel established at Sao Paulo by the Labour Department [1].

Canada.

Upon arrival in Canada, immigrants are subject to a civil and medical inspection, the former for the purpose of ascertaining that they have a home and employment to go to, for the express purpose of being satisfied that the person seeking admission is not likely to become a public charge, and the medical examination is for the purpose of safeguarding the public health of Canada and ascertaining that the person desiring to be admitted is capable of earning his or her own living and is not afflicted with any infectious or contagious disease or suffering from physical or mental infirmity which might tend to their becoming a charge upon the public later on.

[1] Information taken from the reply of the Brazilian Government to the Questionnaire sent out prior to the meeting of the International Emigration Commission.

It is the duty of transportation companies to provide, equip, and maintain suitable buildings for the examination and detention of passengers for any purpose under the Immigration Act at every port of entry and border station designated by the Minister of Immigration and Colonisation of Canada at which they carry on any business.

By the Act of 1919, passengers must be landed at the time or place designated by the immigration officer in charge. The master of the ship must furnish to the officer a bill of health in a form prescribed by the Act ; the bill of health must be certified by the medical officer of the vessel.

When a ship arrives, the immigration officer may go on board and inspect the vessel ; he may examine and take extracts from the manifest of passengers and from the bill of health.

Every immigrant, passenger, or other person, seeking to enter Canada must be examined by medical and examining officers ; Canadian citizens and persons who have a Canadian domicile are excepted.

The master of every vessel arriving at a Canadian port must immediately deliver to the immigration officer a typewritten or printed list or manifest in the prescribed form. This manifest must contain the names of all passengers and stowaways ; must show whether any of the persons are suffering from any disease or physical defect which may be a cause for rejection, and if so must state whether they are accompanied by relatives able to support them ; it must also state whether there has been any change in the condition of a passenger or stowaway. The surgeon of the vessel must also sign the manifest, and state that he has made a personal examination of each passenger. If there is no surgeon on the ship, a certificate must be signed by a competent surgeon at the port of embarkation to the effect that he has made the examination and that the manifest is correct.

In addition, the ship's surgeon, if there is one, or otherwise the master, must furnish the officer at the port of arrival with a full report concerning diseases, injuries, births and deaths developing or occurring on the voyage.

According to Rule 3, officers should exercise great care when adducing testimony in the case of a person who claims to be a Canadian citizen or to have Canadian domicile.

When applying the reading test officers must use the printed and numbered slips supplied by the Department of Immigration and Colonisation. If the examining inspector cannot speak or understand the language of a particular immigrant, and no qualified interpreter is available, special slips are used ; the sentences on these special slips are instructions to the person concerned to do several simple acts.

Arriving and departing seamen must be manifested on blank forms, and if they are stowaways or workaways, a note must be made to that effect. All seamen and other persons

employed on a vessel must be examined by the officer in charge. A seamen may obtain an identification or register card from the master of the vessel or the immigration officer ; the latter must make a note on the card with respect to his intention to re-ship.

If it is ascertained that a seamen does not intend to re-ship to a port outside of Canada, he must be examined as to his right to land, in accordance with the provisions of the Act.

Every immigrant on arriving at a port of entry is entitled to remain and keep his luggage on board the vessel for 24 hours, unless facilities for housing on land or for inland carriage are available earlier, and the master of the vessel is not allowed to remove any berths or accommodation used by an immigrant in those circumstances.

A passenger or other person who has been rejected or is detained for any purpose under the Act, and who is suffering from sickness or mental or physical disability, may be afforded medical treatment on board ship or in an immigrant station, or may be removed to a suitable hospital for treatment, according to the decision of the officer in charge. If the transportation company fails, in the opinion of the Deputy Minister or the officer in charge, to exercise proper vigilance or care on the journey, the company must pay the cost of medical treatment. Persons permitted to enter Canada for medical treatment are not regarded as " landed " within the meaning of the Act.

From the point of view of the obligations arising out of immigration law, transport companies bringing immigrants to Canada by land are in the same position as the masters or owners of ships. They are similarly required to report the names and description of immigrants and travellers carried by them. Immigration officers may be authorised to stop and visit trains and other vehicles on entering Canada, in order to examine immigrants and travellers in accordance with the terms of the law. They may also impose fines on the companies and their employees, should the provisions of the law not be observed. The companies may also be required by regulations to establish hostels for the detention and examination of travellers at frontier stations designated by the Minister.

The companies may not, however, be regarded as responsible for the detention of a person who has broken the law, unless such person is found in a train or other vehicle belonging to the company.

The provisions relating to the entry, inspection, and examination of immigrants at the frontier must be carried out in such a way that these operations do not uselessly retard and annoy the ordinary traveller.

The transport companies also assume responsibility as regards the action of other transport companies with whom they co-operate.

Costa Rica.

The competent authorities at the ports, and on the frontier, take steps to assure themselves that immigrants comply with the legal provisions respecting immigration. No foreigners are permitted to land until the competent authorities are certain that they do not come within one of the classes excluded by law.

Cuba.

Immigrants are examined on special premises from which the general public is excluded ; but immigrants whose admission has been refused, or who are awaiting the result of a decision with respect to their case, are authorised to receive visits from their friends or their lawyers, and to consult with them under conditions laid down by the customs authorities.

France.

In virtue of the Decree of 18 November 1920 foreign workers entering France must register at one of the Immigration Offices or, if no such office exists at the place by which they enter the country, at one of the frontier posts which are established by inter-ministerial decrees. They must show a passport which is in order, and an engagement permit issued by the Foreign Labour Department or by a departmental employment office. If these papers are found to be in order the immigrant workers receive a document permitting them to go to their destination in the interior of the country. This document must be shown by the immigrant to the authorities of the commune where he is going to work, in virtue of his contract, and in exchange he receives an identification card which is issued under the terms of the Decree of 2 April 1917. This card must have attached to it a photograph of the person to whom it belongs, and must state whether the latter is an industrial or agricultural worker and that he has been vaccinated. If foreign workers arrive at a frontier post without an engagement permit, they are, unless contrary instructions are issued, sent to the nearest immigration office, where they are vaccinated and where steps are taken to secure employment for them.

Mexico.

Foreigners are only allowed to enter Mexico at those ports open to general trade, or at the frontier stations where international commerce is allowed, or at stations specially designated by the executive authorities. Immigrant workmen

are only allowed, according to the provisions of the Decree of 25 February 1909, to enter Mexico (if they arrive by a ship carrying fewer than 10 at a time) by the ports of Tampico and Vera Cruz in the Gulf of Mexico, Guaymas, in the Gulf of California, or Mazatlan, Manzanillo or Salina-Cruz on the Pacific Coast.

In accordance with the Act of 1908, the masters of vessels are obliged to show the immigration inspectors on their arrival at a Mexican port two copies of their passenger list.

A special declaration for passengers suffering from illness may be made, stating the nature of the illness.

All passengers must submit to a medical examination, and those who are not passed must be re-embarked. If the quarantine station is not adequate to receive all such passengers, examination takes place on board. Passengers suffering from chronic infectious diseases are not allowed to land in any circumstances. Those suffering from severe contagious illnesses are allowed to land, but are then isolated in a lazaret until the termination of their illness.

Immigrant workmen brought on a single ship may be obliged to remain under observation for ten days, when one of them shows symptoms of any infectious disease, or if any case of infectious diseases has occurred during the voyage.

Panama.

According to the Act of 1914, the port health authorities are entrusted with the duty of examining foreigners whose intention it is to settle in the country. Those suffering from any illness which would entail their exclusion from Panama must be reported to the chief of the police.

By a Decree of 1 March 1916, there is no appeal against decisions taken by the medical officers of the public health authorities.

South Africa.

It is the duty of the master of a ship to furnish certain lists and returns to immigration officers on demand :—

(a) List of all passengers ;
(b) List of the crew ;
(c) List of stowaways ;
(d) A certificate under the hand of the medical officer of the ship stating any known cases of disease which have occurred upon the voyage or any known cases of physical or mental infirmity or affliction.

Every person arriving at any port may have to appear before an immigration officer and prove that he is not a prohibited immigrant. The immigration officer may require every such person :

(a) to make and sign a declaration ;

(b) to produce documentary or other evidence relative to his claim ;

(c) to submit to any examination or test to which he may be lawfully subjected.

Any immigration officer may prohibit or regulate any communication with a ship on which the immigration officer is proceeding with the examination of persons or which is suspected of having on board any prohibited immigrant, and the immigration officer may take steps to carry out any such prohibition or regulation.

United States.

Manifests.

It is the duty of the master or commanding officer of the steamer to deliver to the immigration officers at the port of arrival typewritten or printed lists or manifests made at the time and place of embarkation of each alien on board. [1]

[1] These lists must contain the following information :—

Full name, age, and sex ; whether married or single ; calling or occupation ; personal description (including height, complexion, colour of hair and eyes, and marks of identification) ; whether able to read or write ; nationality ; country of birth ; race ; country of last permanent residence ; name and address of the nearest relative in the country from which the alien came ; seaport for landing in the United States ; final destination, if any, beyond the port of landing ; whether having a ticket through to such final destination ; by whom passage was paid ; whether in possession of $50, and if less, how much ; whether going to join a relative or friend, and, if so, what relative or friend ; and his or her name and complete address ; whether ever before in the United States, and, if so, when and where ; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane ; whether ever supported by charity ; whether a polygamist ; whether an anarchist ; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organised government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organised government, or which teaches the unlawful destruction of property, or who advocates or teaches the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers, whether coming by reason of any offer, solicitation, promise or agreement, express or implied, to perform labour in the United States ; the alien's condition of health, mental and physical ; whether deformed or crippled, and if so, for how long and from what cause ; whether coming with the intent to return to the country whence such alien comes after temporarily engaging in labouring pursuits in the United States ; and such other items of information as will aid in determining whether any such alien belongs to any of the excluded classes ; and the master or commanding officer, owners, or consignees must also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens.

For purposes of manifesting, alien passengers are regarded as falling into one or another of the following three classes : first cabin, second cabin, steerage.

Alien stowaways must be manifested and produced for inspection in the same manner as are other aliens, and the fact that they were stowaways must be indicated in the manifest.

Procedure at Port of Disembarkation.

It is the duty of every person bringing an alien to any seaport or land border port of the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers. For the purpose of determining whether aliens arriving at ports of the United States belong to any of the excluded classes, the Commissioner-General of Immigration may direct that such aliens shall be detained on board the vessel bringing them, or in a United States immigration station, a sufficient time to enable the immigration officers and medical officers to subject aliens to observation and examination.

Upon arrival it is the duty of the immigration officials to inspect all aliens ; or they may order their temporary removal for examination at a designated time and place.

Medical Examination.

The physical and mental examination of all arriving aliens is made by medical officers of the United States Public Health Service, or, if no such officers are available, by civil surgeons of not less than four years' professional experience.

Medical officers detailed for any duty under the immigration law are, in matters of administration, under the direction of the immigration officer in charge at the port to which they are detailed. In considering and determining medical questions such officers are to be guided by the instructions issued by the Surgeon-General of the Public Health Service.

Aliens may be detained in hospital, and inspection as to their admissibility be postponed ; similar postponements can take place for members of a family interdependent with a member detained in hospital.

The examination is made by not fewer than two medical officers. Any alien certified for insanity or mental defect may appeal to the Board of Medical Officers of the United States Public Health Service and Marine Hospital Service, and may introduce before such board one expert medical witness at his own cost and expense.

Whenever an alien who has been naturalised or has taken up his permanent residence in the United States sends for his

wife or minor children to join him, and the wife or any of the children are found to be affected with any contagious disorder, it has to be determined whether the disorder is easily curable and the husband or father or other responsible person is willing to bear the expense of the treatment. They may be accorded treatment in hospital until cured and then be admitted, or if it is determined that they can be permitted to land without danger to other persons, they may be admitted outright.

Examination by Immigration Inspectors.

Aliens arriving at ports of the United States are examined by at least two immigration inspectors who are authorised and empowered to board and search any vessels, railway car, or other conveyance in which they believe aliens are brought into the United States. The inspectors have power to administer oaths and to take and consider evidence touching the right of any alien to enter, re-enter, pass through, or reside in the United States. Admissibility is to be determined by the appropriate immigration officers as promptly as the circumstances permit.

At seaports other than those enumerated in the Act [1] and at the land border ports double inspection is to be maintained wherever feasible.

All aliens are required to state upon oath the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes.

Any commissioner of immigration has power to require by subpoena the attendance and testimony of witnesses and to that end may invoke the aid of any court of the United States.

Any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted upon the giving of a suitable and proper bond or undertaking, or may deposit in cash such amount as the Secretary of Labour may require. In the event of permanent departure this sum is returned to the person by whom furnished or to his legal representatives.

When applying the reading test, immigration officers use printed and numbered slips. No two aliens listed upon the same

[1] These ports are :— New York, Boston, Providence, Philadelphia, Baltimore, Key West, New Orleans, Galveston, San Juan, San Francisco, Seattle, Honolulu, and the Canadian ports of Vancouver, Quebec, Halifax, and St. John.

manifest sheet are examined by the use of the same slip. If the examining inspector is unable to speak and understand the language or dialect in which the alien is examined, the services of an interpreter are used for interpreting into spoken English the printed matter read by the alien, so that the examining inspector may compare such interpretation with the slip of corresponding serial number containing the English translation of the reading matter.

If for any reason it is impracticable to adopt this general method, immigration officers may use special printed and numbered slips, the sentences appearing upon which are instructions to the alien to do several simple acts. If the applicant is unable to satisfy the examining inspectors, he is detained and examined by a board of special enquiry.

Every alien seeking a landing for the purpose of proceeding directly through the United States to a foreign country is examined, and if found to be a member of any one of the excluded classes is refused permission to land.

Groups of transit aliens must be under sufficient supervision the whole time they are within the limits of the United States, such supervision to include the conveying of one immigration official for each group of 60 or less aliens.

Head Tax.

Upon the arrival of aliens at a seaport of the United States, or at any designated port of entry on the Mexican border, the immigration officer there in charge shall certify to the collector of customs the number of such aliens, together with the name of the transportation agent or other person responsible for the payment of head tax due in respect of them, and shall specify *(a)* how many of said aliens have been held for special enquiry; *(b)* how many claim to enter for the purpose of passing in transit through the United States; *(c)* how many make unsupported claims to American citizenship; *(d)* how many make unsupported claims to being accompanied by children under 16 years of age; *(e)* how many claim to be entering for temporary stay after an uninterrupted residence of at least one year in Canada, Newfoundland, Mexico, or Cuba; this exemption shall not be lost merely because, instead of entering the United States from one of the countries named, the aliens come by way of some other foreign country in which they have sojourned temporarily.

Thereupon the Inspector of Customs shall forthwith collect a tax of 8 dollars for each alien so certified.

The head tax is not levied in respect of the following classses of aliens:—

(a) Diplomatic and consular officers and other accredited officials of foreign governments; their suites, families, and guests ;

(b) Children under 16 years of age who accompany their father or mother and whose relationship and age are established;

(c) Aliens whose legal domicile or *bona fide* residence was in Canada, Newfoundland, Cuba or Mexico for at least one year immediately preceding entry and who enter the United States from one of those countries for a temporary period in no instance exceeding six months ;

(d) Aliens who have been lawfully admitted to the United States and who later go in transit from one part of the United States to another through foreign contiguous territory;

(e) Aliens who habitually cross and re-cross the land boundaries, and who hold an identification card[1];

(f) Aliens in transit through the United States, travelling in groups ;

(g) Aliens having a *bona fide* residence in the United States who visit Canada, Newfoundland, Cuba or Mexico for a temporary period in no instance exceeding six months;

(h) Citizens and alien residents of the Philippine Islands or of the Virgin Islands of the United States.

Transportation companies may secure refund of head tax deposited on account of aliens in transit upon proving departure, by furnishing to the immigration official in charge at the port of entry a coupon containing a " transit manifest " detached in regular course from the alien's railroad ticket and showing that the alien passed through and out of the United States as required. Tourists are included in this class. An alien may enter and leave the United States by the same port and still be a " transit " passenger.

Seamen.

No alien excluded from admission and employed on board ship is permitted to land in the United States, except temporarily for medical treatment.

It is unlawful to pay off or discharge any alien on board any vessel unless he is duly admitted in accordance with the laws and treaties of the United States.

All alien seamen must be medically examined each time they arrive in the United States.

[1] With a view to identifying aliens who habitually cross the frontier, an identification card is given to such persons. This card constitutes a pass which must be promptly honoured by immigration officials, upon satisfying themselves that the person presenting it is the person represented by the photograph attached.

Seamen who land without intention to re-ship must be examined and pay tax ; lists of all arriving seamen must be given to the immigration officials and each seaman landing must have a card of identification and be registered.

Any alien seaman who lands in contravention of the provisions of the Act is taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States and if not admited he is deported.

Before the departure of any vessel it is the duty of the master to deliver to the immigration officer a list containing the names of all alien employees who were not employed thereon at the time of the arrival, but who will leave port thereon at the time of her departure, and also the names of those who have deserted or landed.

Land Frontier Examination.

No alien applying for admission from foreign contiguous territory is permitted to enter the United States unless he can prove that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of the Act, or has resided in such territory more than two years prior to the date of his application for admission to the United States.

Vessels bringing to Canadian ports aliens bound for the United States must furnish complete manifests to the United States immigration officials in charge at such ports.

All necessary facilities are afforded to the immigration officials of the United States stationed at Canadian ports to enable them to make the inspection required by law. Such aliens as, in the opinion of the examining inspector, are not entitled to admission are taken before a board of special inquiry. The decision of such a board is final unless reversed upon appeal. Any alien found admissible is furnished with a certificate of identity. Any alien not provided with the certificate prescribed who applies for admission at a point on the Canadian border where no board of special inquiry is located must be returned by the transportation company concerned to the nearest point where a board of special inquiry is located for examination. Any alien not provided with the certificate who applies for admission within one year after arriving at a Canadian seaport shall be returned by the responsible transportation company to the seaport of arrival for examination, manifesting, and assessment of head tax.

Any alien subject to the head tax seeking to enter the United States from Canada or Newfoundland is denied examination until he presents to the examining officers a certificate from a duly appointed agent of the transportation com-

pany over whose line the alien may be travelling or intending to travel, guaranteeing that responsibility for the payment of head tax on account of such alien will be assumed by the said transportation company.

An alien from Canada must furnish to immigration officers a guarantee of payment of head tax. Upon proof that such aliens have passed through the United States in transit refund of head tax will be made to the transportation line responsible for its payment.

Head tax must be paid by the alien himself to the appropriate collector of customs in all cases in which it is impracticable to proceed otherwise.

The steamship lines must return at their own expense, from seaports of Canada or the United States as they may elect, to the transoceanic country of embarkation, all aliens who belong to a class excluded by the Immigration Act.

Within the deportation period prescribed in the Immigration Act, the steamship lines which are parties to the Canadian agreement [1] must return any one of the classes subject to exclusion or deportation whenever deportation of such an alien is ordered by the Secretary of Labour.

Aliens applying for admission at the Mexican frontier stations of entry are subject to examination in the same manner and to the same extent as though arriving at seaports; if they cross the border by bridge or railway, the company concerned is responsible for the head tax.

Uruguay.

According to Article 30 of the Act of 12 June 1890, the master of a vessel carrying immigrants must fly a special flag on arrival ; immigrants are then examined by a special official called a disembarkation inspector.

According to the Decree of 18 February 1915, this inspector is accompanied by a medical officer of the maritime sanitary authorities when he makes his visit. If an immigrant who has been allowed to land conditionally is found to be suffering from any form of illness or disease which would entail his exclusion, he must be returned to the port of embarkation by the first vessel starting from that port by the company which was responsible for bringing him.

The disembarkation inspector receives a complete list of passengers, examines all suspected cases individually, and prohibits their landing if he thinks it necessary ; a fine of

[1] An agreement between the various steamship and railroad companies in Canada and the United States Commissioner-General of Immigration with reference to the inspection, etc., of aliens entering the United States from or through Canada. Cf. Rules of 1 May 1917, made under the Immigration Laws, p. 55.

100 gold pesos may be imposed upon the steamship company in such cases, or they may be obliged to return the immigrant to the port of embarkation.

In cases where the immigrant has been forbidden to land because he was suffering from a prohibited disease, the fine is only imposed if the examining doctor declares that the fact that the patient was suffering from such an illness could have been ascertained at the time of embarkation.

The master must allow the immigration inspectors to make a complete examination of the vessel.

VENEZUELA.

The Act of 1918 provides that, on arrival, every ship transporting immigrants shall be visited by the Medical Officer of Health, and an agent of the Immigration Committee, in order to ascertain the sanitary state of the ship, and to note that the legal provisions are being observed.

§ 4. Procedure in the event of Disputes, Rejection, Repatriation, and Deportation.

ARGENTINA.

The Commission which makes the examination on board immigrant ships has to determine whether the immigrants comply with the prescribed conditions of admission. The immigrants have to show to this Commission a certificate from the police authorities of their country of origin which is visaed gratuitously by the Argentine Consuls, proving that they have not, during the last ten years, been proceeded against for any crime against social order or any grave crime, that they are not mentally deficient and that they are not beggars. All those who fail to pass their examination are kept on board ship. They are forbidden to disembark and they are taken back to the place from which they came at the expense of the shipping company, which has in such a case to pay the fines laid down by the law. Before the departure of the ship, immigration inspectors have to satisfy themselves that these immigrants are really on board. If the sanitary conditions of the ship are good the immigrants who are admitted to the country are taken on a special steamer reserved for their use to the immigrants' hostel, where they may stay a certain time free of charge. They are also allowed, if they like, to remain 48 hours on board the ship. Passengers who are suffering from any illness are taken to a place notified by the Council of Hygiene under the care of officials of the Public Health Service.

Persons on whom fines have been imposed by the supervising authorities for contravention of the provisions of the Immigration Act may appeal to the Minister of the Interior. In such a case, they must first of all deposit the amount of the fine. The decision of the Minister is final.

Australia.

Rejection.

The owners, agents, etc., of a vessel which brings a prohibited immigrant to the Commonwealth, or a person who becomes a prohibited immigrant, must, on being required by any collector of customs to do so, provide a passage for the prohibited immigrant to the place whence he came, and they are also liable to pay to the Commonwealth a fair sum to recoup the State for the cost of keeping and maintaining the immigrant while awaiting his deportation from Australia.

Deportation.

Where the Minister is satisfied that, within three years after the arrival in Australia of a person who was not born in Australia, that person—

(a) has been convicted in Australia of a criminal offence punishable by imprisonment for one year or longer;

(b) is living on the prostitution of others;

(c) has become an inmate of an insane asylum or public charitable institution; or

(d) is a person who advocates the overthrow by force or violence of the established government of the Commonwealth or any other civilised country, or of all forms of law, who advocates the abolition of organised government, who advocates the assassination of public officials or the unlawful destruction of property, or who is a member of any organisation which teaches any of the doctrines and practices specified in this paragraph, he may summon the person to appear before a Board to show cause why he should not be deported from the Commonwealth.

Any immigrant who evades an officer or who enters the Commonwealth at any place where no officer is stationed or who obtains entrance or re-entrance into the Commonwealth by means of any certificate, credentials, or identification card which was not issued to him, or is forged or has been obtained by false representation, may, if at any time thereafter he is

found within the Commonwealth, be required to pass the dictation test, and shall if he fails to do so be deemed to be a prohibited immigrant.

BRAZIL.

Repatriation.

The Brazilian Government grants repatriation, at their own request, to immigrants who have spent less than two years in the country and who are situated in the following circumstances (this applies to immigrants who have come out on their own initiative or with the aid of a government grant) :—

(a) wives and orphans who are unable to earn their own living, and are without any relatives who can provide for their maintenance ;

(b) those persons who have become unable to earn their living, either as the result of an incurable disease, or of an accident occurring in the course of their employment, and who are not maintained by any members of their family ;

(c) wives and children under twelve years of age belonging to the above-mentioned cases, if the latter are really unable to provide for their family ;

(d) children under 12 years of age belonging to immigrants who are situated under the conditions mentioned above.

Persons who are repatriated are granted relief varying from 50 to 200 milreis, according to the number of the family and the length of the voyage.

The Government of Sao Paulo repatriates immigrants free of charge under the same conditions as those laid down by the Federal Government ; but this measure only applies to immigrants who are working as agricultural labourers on estates, or as farmers working on government-granted land in farm colonies.

The financial relief granted varies between 100 and 200 milreis, according to the number of the family.

Should it happen, however, that prohibited immigrants have obtained a passage and that the infringement of the regulations is noted on disembarkation, the steamship companies are obliged to repatriate such cases.

Deportation.

Any immigrant may be deported from Brazilian territory within five years of his arrival if it can be proved that he has been living on prostitution, that he has undergone certain sentences, that his conduct gives reason for the belief that he is a danger

to national safety, that he uses violent methods in support of his religious beliefs or political opinions, that he has been expelled from another country, or that the police of another country consider him to be dangerous. No deportation may take place after a period of five years.

A deported alien may appeal within a period of 10 days to the Court which has ordered deportation. Within this period the authorities may detain the deported person in special premises.

Canada.

Doubtful Admissibility.

If, at the examination at the port of disembarkation, there is any doubt as to admissibility, the immigrants concerned are detained for further examination by the officer or by a Board of Inquiry ; they are then either immediately landed, or rejected and kept in custody pending deportation.

Pending the final disposition of the case of any person detained or taken into custody, he may be released under a bond, with security approved by the officer in charge, or he may be released on making a deposit ; in either case he must appear when called upon before an officer or a Board of Inquiry for examination regarding the cause for which he was taken into custody.

Appeals.

An appeal may be made against the decision of an officer or a Board, unless the latter is based on the certificate of a medical officer. It must be filed immediately after rejection. A deposit must be made by every person making an appeal unless, having come from the United States, he returns forthwith to that country to await the decision. If the appeal is allowed, this deposit is returned to the appellant ; if it is disallowed, the balance, after deduction of regular detention charges for board, is returned.

Expenses of Rejected Immigrants.

Every immigrant, passenger, stowaway, or other person, who is rejected by an officer or a Board of Inquiry, must, if practicable, be sent back to the place from which he came on the vessel, railway train, or other vehicle by which he was brought to Canada. The cost of his maintenance, while being detained after rejection, and the cost of his return, must be paid by the transportation company.

Any transportation company which refuses or fails to do this is liable to a fine of not more than five hundred dollars, and not less than fifty dollars for each offence.

Deportation.

If any person, other than a Canadian citizen or a person having Canadian domicile, is found who is connected with a house of prostitution or is practising prostitution or receiving any benefit from prostitution, who is employed in connection with a music or dance hall or other resort frequented by prostitutes, who attempts to import any person for an immoral purpose, who has been convicted of a criminal offence in Canada or admits the commission of a crime involving moral turpitude, who has become a professsional beggar or a public charge or practises polygamy, who was become an inmate of a penitentiary, gaol, reformatory, prison, asylum or hospital for the insane or the mentally deficient, or an inmate of a public charitable institution, or who enters or remains in Canada contrary to any of the provisions of the Act of 1919, it is the duty of any officer or the official of any municipality to send a written complaint to the Minister of Immigration and Colonisation, giving full particulars.

Every person who seeks to overthrow by violence the Government of the United Kingdom or of any dominion or colony, who advocates the assassination of an official of any Government, who defends the unlawful destruction of property or attempts to create riot or disorder in Canada, who is suspected of belonging to a secret society which extorts money from a resident of Canada, by force or by threat of bodily harm, or by blackmail, or who is a member of an organisation teaching opposition to organised government, is considered as belonging to the prohibited or undesirable classes and as liable to deportation. Written complaint must be sent to the Minister in such case. It is sufficient to prove that the person concerned came within the categories mentioned at any time after 4 May 1910.

On receiving such a complaint, the Minister may order the person to be taken into custody and detained for examination, and an investigation of the alleged facts to be made by a Board of Enquiry or an examining officer. The Board follows the same procedure as in the case of an examination at the port of disembarkation.

If the Board of Enquiry is satisfied that the person concerned belongs to any of the classes referred to above, he is deported forthwith. He has a right of appeal to the Minister.

The cost of transporting deported persons falls on the transport company unless deportation takes place after five years or for reasons arising after admission.

Any person rejected or deported only by reason of inability to comply with the money qualification may be subsequently permitted to enter Canada, on fulfilling the conditions laid down in the Act ; but any person rejected or deported for any other cause, who enters or remains in, or returns to, the country after rejection or deportation, or who refuses or neglects to leave Canada when ordered to do so, may forthwith be arrested and detained for examination and deportation ; or he may be prosecuted, in which case he is liable on summary conviction to a fine not exceeding five hundred dollars and not less than fifty dollars, or to a term of imprisonment not exceeding one year, or to both, and he may then be again deported or ordered to leave Canada.

Families.

If the head of a family is deported, all dependent members of his family may be deported at the same time. If the deportation of a dependent member is ordered on account of having become a public charge, and if this is due to wilful neglect or non-support by other members of the family, all such members may be deported at the same time. Deportation in this case is at the expense of the persons concerned ; or if this is not possible the cost is provided by the Department of Immigration and Colonisation.

CUBA.

Any immigrant who considers himself unjustly treated by decisions of the immigration inspector has a right of appeal against such decision in virtue of the provisions of the Act, and his exclusion may be adjourned until a final decision has been taken.

In like manner, an inspector who is opposed to a decision taken allowing an immigrant to land may lodge an appeal against such decision.

Such appeals must be made in writing, and presented to the chief officer of customs, by whom they are transmitted, with documentary evidence in support, to the chief officer of customs of Cuba.

The expenses of looking after and maintaining immigrants who have been excluded, or who have lodged an appeal, as well as the expenses of maintenance and transport of those who have been definitely excluded, must be borne by the steamship companies.

The admission of immigrant workmen was facilitated by the Act of 3 August 1917, under certain conditions ; but the application of this law was limited to a period of two years subsequent to the termination of war.

France.

In virtue of the Decree of 18 November 1920, every foreigner who is not subject to the provisions in force concerning the immigration of foreign workers into France may be taken at his own expense to the Immigration Office or frontier post at which he ought to have registered.

Great Britain.

As regards alien women and children arriving in ports in the United Kingdom, the Immigration Officers appointed under the Aliens Acts look out for any cases of suspicion.

When a foreign prostitute is convicted of an offence the Court which convicts her has discretion, in pursuance of the provisions of the Aliens Acts, to recommend her deportation. [1]

An alien who is awaiting deportation may be detained in such manner as may be directed by the Secretary of State, and may be placed on a ship about to leave the United Kingdom ; he is deemed to be in legal custody whilst so detained, until the ship finally leaves the United Kingdom.

The master of a ship about to call at any port outside the United Kingdom may be obliged to receive an alien, against whom a deportation order has been made, and his dependents, on board the ship, and afford him and them a passage to that port and proper accommodation and maintenance during the passage. The Secretary of State has power to grant exemptions.

India.

Persons of European extraction who are found asking for alms or wandering about without any employment or visible means of subsistence are dealt with under the European Vagrancy Act 1874. They are taken in custody by the Police and endeavours are made to find employment for them. If, after the

[1] In all cases, the nationality and the part of the foreign country from which the woman comes are ascertained with all reasonable certainty before she is sent back to that country, and in some cases it is possible — whether through the connections abroad of the National Vigilance Association or otherwise — to make arrangements for the reception of the woman in her native country, and so far as possible for her care there.

lapse of a reasonable time, no suitable employment is found for them, they are removed from India at Government expense on certain conditions or released after certain sections of the Act have been read to them.

Immigrants who are not British subjects are required, in common with other subjects of foreign States, to comply with the requirements of the Foreigners Act. 1864. Under this Act, foreigners are liable to removal from British India by order of the Government of India or Local Governments.

Mexico.

When the examination of a passenger who has disembarked shows that he belongs to one of the categories subject to exclusion, he is re-embarked on the vessel by which he arrived. Should this vessel have already departed, he is re-embarked on the next vessel belonging to the same company bound for his native country, or in any other vessel proceeding to the same destination if there is no vessel available belonging to the company in question within a month. The cost of maintaining such an immigrant while he is waiting for a suitable vessel must be borne by the company by which he had been shipped.

A foreigner who has entered the country in violation of the provisions of the laws on immigration and has not been resident on Mexican territory for more than three years, is liable to be returned to his native country.

In such cases he is sent back by a ship, or train, belonging to the same company which was responsible for his arrival in Mexico. Where this is impossible, he is shipped on another vessel, or sent by another train, at the expense of the company in question.

Netherlands.

Deportation can be carried out, either on the decision of a Justice of the Peace, if the formalities demanded on entering the country have not been fulfilled, or by order of the Queen, if the foreigner in question endangers public order.

New Zealand.

According to the Immigration Restriction Act 1908-1910, the Minister of Internal Affairs may, for the purpose of removing from New Zealand any prohibited immigrant, make a contract with the master, owner, or agent of any ship for the passage of any such immigrant to the port or place whence he

came, or to any port or place in or near to his country of birth. Upon the contract being made such immigrant may, with his personal effects, be placed on board such ship by any officer or constable, and the master shall keep such immigrant on board, under custody if necessary, until the ship has sailed. If the immigrant appears to be destitute, the officer placing him on board may supply him with such sum of money as may be required in order to enable him to maintain himself for one month after disembarking from the ship at the end of the voyage.

Under the Act of 1919 the Attorney-General acting by direction of the Governer-General in Council may order disaffected or disloyal persons to leave New Zealand.

Persons awaiting deportation may be detained in custody. When deported they are not entitled to return without permission.

Panama.

According to the provisions of the Act of 1914, immigrants reported by the health authorities to be suffering from a disease which entails their exclusion can be expelled by the harbour police authorities. The transport companies are responsible for re-embarking and returning such immigrants to their place of origin, or to any other locality outside the country; they are also liable to a fine of from 200-400 balboas for each immigrant introduced surreptitiously.

Article 4 of the Decree of 1 March 1916] stipulates that immigrants travelling third class, as stated by Article 24 of the Act of 1914, must find lawful and permanent employment within three months, under penalty of expulsion. When this provision is not complied with, the Governor of the Province in which such immigrants are residing is responsible for their return to their place of origin; the expenses of their return passage are defrayed from a fund established for the benefit of immigrants by the Treasury of the Province in question; any amount in excess of the cost of passage must be restored to the interested party.

Immigrants may appeal to the Department of Foreign Affairs against any decisions taken by the Governors of Provinces with reference to immigration.

The Act of 1914 provides that foreigners residing in the country who are suffering from mental derangement, or from contagious diseases, and whose confinement or isolation becomes necessary, shall be repatriated at the cost of the State, providing that hospitals or asylums suitable for dealing with these classes of illness exist in their native country.

PERU.

According to Articles 4 and subsequent Articles of the Act of 22 September 1920, a foreigner expelled by the competent authorities can appeal to the harbour or frontier authorities against this decision, either verbally or in writing.

His claim must immediately be forwarded to a committee consisting of the judge of a court of first instance, or, in his absence, a competent justice of the peace, the municipal Alcade, and the maritime port or frontier authority.

In cases of illness the official medical officer, or, in his absence, any doctor, is competent to decide within 48 hours whether an immigrant shall be allowed to land or shall be expelled.

If the committee's decision is in favour of expulsion the interested party may demand that it be examined by the Minister of Foreign Affairs, whose decision is final.

SOUTH AFRICA.

Rejection. — Any person who fails to satisfy the immigration officer that he is not a prohibited immigrant is declared to be a prohibited immigrant and is not permitted to land or to remain in the Union.

A prohibited immigrant may, if not already under detention, be arrested without warrant and removed by warrant from the Union, and pending removal may be detained in custody.

If leave to enter the Union, or any particular province, is withheld, the immigration officer must inform the person concerned in writing, stating, as the case may be, the reasons for refusal, detention, arrest, etc. If the said person is affected by restrictions on arriving by sea, the captain of the ship in which he arrived must similarly be informed. The person concerned may appeal to the competent Appeal Board. The Governor General may appoint as many boards as he considers desirable.

A prohibited immigrant must be detained on the ship by the master, who must remove him from the Union. The immigration officer may cause the immigrant to be removed in custody from the ship and be detained in any other place. The master shall further be liable to pay the cost of the detention, maintenance, and control of any such person while so detained. The immigration officer may require the master or owner of the ship to deposit a sum sufficient to cover any expense that may be incurred by the immigration department in connection with the landing, removal, detention, maintenance, and custody.

Any such person who escapes or attempts to escape from detention may be arrested without warrant.

If a prohibited immigrant lands from the ship without proper authority, the master or owner forfeits a sum not exceeding one hundred pounds, in respect of every such prohibited immigrant. The proper officer of customs may refuse to give the master of any ship clearance papers to leave until the latter has complied with the provisions of the Act and produces a certificate of an immigration officer of such compliance.

Deportation.

Any person other than a native of South Africa who has been sentenced to imprisonment for supplying intoxicating liquor to any coloured person in contravention of any law, or for being in possession of unwrought precious metal or rough or uncut precious stones in contravention of any law and who, by reason of the circumstances connected with the offence, is deemed by the Minister to be an undesirable inhabitant of the Union, may be removed from the Union.

Every person who is suspected on reasonable grounds of being a prohibited immigrant may be arrested without warrant and searched for same under warrant.

Prohibited immigrants are not exempt from the provisions of the Act by reason that they were allowed to enter through oversight, etc.

United States.

Boards of Enquiry.

Every alien who does not appear to be clearly entitled to land is detained for examination by a Board of Special Enquiry. The owners, masters, agents, and consignees of vessels bringing aliens must pay all expenses incident to or involved in their removal from the vessel or their detention, irrespective of whether the aliens removed or detained are subsequently admitted or deported ; such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation.

Boards of Special Enquiry are appointed at the various ports of arrival for the prompt determination of all cases of immigrants detained at such ports. Each board consists of three members, and it has authority to determine whether an alien shall be allowed to land or shall be deported. Either the alien or any dissenting member of the board may appeal through the Commissioner of Immigration to the Secretary of Labour.

It is provided that Boards of Special Enquiry shall determine all cases as promptly as the circumstances permit, due regard

being had to the necessity of giving the alien a fair hearing. The alien may have one friend or relative present, provided that he is not an agent or a representative at an immigration station of an immigrant aid or other similar society or organisation and that he is actually related to or an acquaintance of the alien.

Upon determining that a witness whose evidence is desired either by the Government or the alien will not be likely to appear and testify, or produce written evidence, unless commanded to do so, the commissioner or inspector in charge issues a subpoena and has it served upon the witness by an immigration officer or employee. If the witness neglects or refuses to respond to the subpoena, the United States attorney is requested to report this fact to the appropriate district court, with a motion that an order be issued.

Appeals.

Where an appeal lies the alien must be informed of his right to it. He may appeal individually, or through any society admitted to an immigrant station, or through any relative or friend, or through any person, including attorneys, permitted to practice before the immigration authorities. A board member may also make an appeal.

There is no appeal if a Board of Special Enquiry rejects an alien because he is afflicted with tuberculosis in any form or a loathsome, contagious or dangerous disease, or is an idiot or an imbecile or an epileptic or is insane or feeble-minded, or is afflicted with constitutional psychopathic inferiority.

When an alien is certified for a physical defect the board must decide whether or not such certified defect may affect his ability to earn a living.

No alien is permitted to land for medical treatment unless the Secretary of Labour is satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering, in which case the alien is treated in the hospital under the supervision of the immigration officials at the expense of the vessel transporting him.

Aliens arriving as stowaways are detained for examination by a Board of Special Enquiry. Unless the board reaches the unanimous conclusion that beyond a doubt the alien, except for being or having been a stowaway, is entitled to land, it must exclude. Appeal is allowed in such a case.

Deportation.

All aliens brought to the United States in violation of law must be immediately sent back to the country whence they came, on the vessels bringing them.

Officials may stay deportation and request the immigration bureau's permission to reopen the case, at the same time briefly stating the general nature of the new evidence.

The mere action of referring back a case is not to be taken as an indication of any disapproval by the department of the board's decision or of what the new decision should be.

The Commissioner-General of Immigration may suspend the deportation of any alien if, in his judgment, the testimony of such alien is necessary in the prosecution of offenders against the law.

If a rejected alien is helpless from sickness, mental or physical disability, or infancy and is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master shall be required to return said alien and accompanying alien in the same manner.

The deportation of aliens shall be to the country whence they came or to the foreign port at which such aliens embarked for the United States ; if such country refuses to permit their re-entry, then to the country of which such aliens are subjects or citizens or to the country in which they resided prior to entering the country from which they entered the United States.

When an alien to be deported requires special care, the steamship company concerned must provide such care and attention as his condition calls for, not only during the ocean voyage, but also during the foreign inland journey.

Whenever a steamship company has failed for a period of 90 days after departure of such alien to comply with these terms, the Secretary of Labour, without further notice and during such period as he shall determine, will exercise his right to employ suitable persons to accompany to their final destination any other aliens requiring special care and attention and deported on a vessel of that company.

Aliens whose prompt deportation cannot be accomplished because of war or other conditions may be released and permitted to accept self-supporting employment.

A prospective employer is required fully to disclose to the immigration official having the alien in custody his plans with reference to the employment of such alien, including the wages, how often paid (giving dates), housing conditions, and duration of employment.

A prospective employer is also required to give his written stipulation to the following effect, viz. :

(a) That he will pay the current rate of wages for similar labour in the community in which the released alien is to be employed.

(b) That he will keep the immigration officer in charge of the case advised promptly of any change made in his plans.

(c) That he will notify such officer immediately upon learning that the alien released to him has left his employ.

(d) That he will retain from the released alien's wages the sums named in the Act and transmit them for deposit.

The employer must withhold from the alien's wages 25 per cent of the amount earned. The funds so deposited remain in the Postal Savings Bank until the alien leaves the United States, when the money so saved, plus the interest, if any, is delivered to the alien.

It is unlawful to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported, unless prior to re-embarkation the Secretary of Labour has consented that such alien shall re-apply for admission.

An excluded alien must be informed that the return voyage is at the expense of the steamship company which brought him, that the transport company must return him in the same class in which he came, and, in cases covered by Section 9, [1] that a refund of his transportation from the initial point of departure to the port of rejection is due to him. The fact that he has been so informed shall be entered in the minutes.

Transportation companies must furnish the original transportation contracts of all rejected aliens, such contracts showing the exact amounts paid for transportation from the "initial point of departure" to the foreign port of embarkation, from the latter to the United States port of arrival, and from the port of arrival to inland point of destination, and also the amount paid for head-tax.

At least 24 hours' advance notice of the time of the sailing of every vessel which has brought aliens to the United States must be given to the immigration officer in charge.

[1] This section is as follows :—

"That it shall be unlawful for any person, including any transportation company, other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country, or any insular possession of the United States, any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease ; and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of 200 dollars, and, in addition, a sum equal to that paid by such alien for his transportation from the initial point of departure indicated in his ticket to the port of arrival for each and every violation of the provisions of this Section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed."

If the vessel by which any alien ordered to be deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel.

The following persons are liable to deportation at any time within five years after entry [1]: —

Any alien (1) who at the time of entry was a member of one or more of the classes excluded by law; (2) who enters or is found in the United States in violation of the law; (3) who within five years after entry becomes a public charge: (4) who is sentenced to imprisonment for a term of one year or more because of conviction for a crime involving moral turpitude or who is sentenced more than once because of conviction in this country of any crime involving moral turpitude committed at any time after entry; (5) who is found an inmate of or connected with the management of a house of prostitution or practising prostitution, who receives shares in or derives benefit from any part of the earnings of any prostitute; (6) who manages or is employed by any house of prostitution or music or dance hall or any other place where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; (7) who imports any person for the purpose of prostitution or of any other immoral purpose; (8) who after being excluded or deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways specified, returns to the United States; (9) who, at any time within three years after entry, enters the United States at any place not designated by immigration officials or without inspection. [2]

Officers must make a thorough investigation of all cases when they are credibly informed or have reason to believe that a specified alien in the United States is subject to arrest and deportation on warrant.

Upon receipt of a telegraphic or written warrant of arrest the alien is taken before the person or persons therein named and granted a hearing to enable him to show cause why he should not be deported. Pending determination of the case, he may be taken into custody or allowed to remain in some place deemed secure and proper, except that in the absence of special instructions an alien confined in an institution shall not be removed therefrom until a warrant of deportation has been issued.

[1] Certain persons belonging to the immoral, anarchist or criminal classes may be deported irrespective of the period of their stay.

[2] The last provision is applicable only within three years.

The full record must be forwarded to the bureau of immigration for determination as to whether or not a deportation warrant shall be issued.

The full record must be supplemented by a medical certificate showing (1) whether such alien is in condition to be deported without danger to life ; (2) whether he will require special care and attention on the ocean voyage.

Upon receipt of the department's decision the alien is taken into the custody of the immigration officials for deportation.

CHAPTER V.

THE TREATMENT OF IMMIGRANTS AFTER ADMISSION.

Once admitted to the country of immigration the immigrants are under certain definite obligations. These chiefly concern the formalities of registration. They are dealt with in the first section of this chapter, in so far as they differ from those imposed on all foreigners which it is impossible to mention here.

Immigrants also enjoy certain privileges. The second section relates to measures adopted for facilitating the finding of work by immigrants.

The third section is devoted to the general provisions adopted in the countries of immigration for protecting immigrants after admission. In this section will be found an analysis of several measures to which reference has already been made in previous chapters.

On the other hand, no further mention will be made of the advantages granted to immigrants before or during the journey, as this matter has already been dealt with in Chapter III, section 2.

§ 1. Registration.

AUSTRALIA.

By the Registration of Aliens Act 1920, every alien [1] who enters the Commonwealth in an oversea vessel must, immediately after arrival at the first port of call in the Commonwealth, register himself as an alien. This is done by properly completing a notice in accordance with the prescribed form, and by attend-

[1] "Alien" is defined as any person over the age of sixteen years who is not of British nationality.

ing in person before an aliens registration officer on board the vessel with various documents.

An alien must not change his place of abode unless he first gives notice to the nearest aliens registration officer of the date on which he intends to change it, and of his intended new place of abode.

Every child of an alien resident in the Commonwealth, other than a natural-born British subject, must, within three months after he attains the age of sixteen years, be registered as an alien, unless he is exempted by this Act.

The following are exempt from the provisions of this Act :— consuls and their staffs, all aliens exempted by or under the authority of the Minister, and the master and crew of any public vessel of any Government.

DENMARK.

In accordance with the Act of 1912 an employer must make a written declaration to the local chief of police within four days of the arrival of any foreign workmen at their place of destination. This declaration must contain the following information :

1. The number of foreign workmen in his employ, indicating separately men, women, and children, their nationality, their place of origin, and, as far as possible, their names; the police then make a note of this information and add an exact description (as regards young persons under 16 years of age travelling unaccompanied, the names of their parents or guardians and their customary place of residence should also be indicated if possible).

2. When workmen arrive under the guidance of a foreman or an agent, the name and domicile of the latter should also be added.

3. The name of the institution, association, or Danish or foreign agency through which the Danish employer engaged the workers in question.

4. The period for which the workmen have been engaged.

5. The general or special nature of the work for which they have been engaged.

6. The site of the quarters provided for them.

When workmen move from one place to another within Denmark, the employer whose service they are leaving must inform the local police authorities to whom the declaration had previously been made, and their new employer must also furnish the police authorities of his own district with a declaration of the same nature as the one described above, adding the name and address of the last employer.

France.

In accordance with the provisions of the Act of 8 August 1893 concerning the residence of foreigners in France, and the protection of workers of French nationality, all foreigners not yet having obtained permission to reside in France must, on arriving in a commune with the intention of exercising a trade, business or occupation of any kind, make a declaration of residence before the mayor, or the commissioner of police, representing the mayor, for this purpose, within eight days of his arrival, furnishing proof of his identity. Declarations cannot be accepted by the mayor or the commissioner of police if the person by whom they are made has not produced proper documentary evidence of identity as required by the administrative regulations. A register on which foreigners must be inscribed is provided for this purpose, and a copy of the entry dealing with each case is delivered to the foreigner, after he has made his declaration, in the form of an identity card describing his civil status, on payment of the necessary fees.

On taking up his residence in a new commune, a foreigner must have his certificate visaed within two days of his arrival by the mayor or police commissioner, at his new place of residence.

The Labour Code (Book 2, Article 164) prohibits all persons from knowingly employing a foreigner who is not in possession of a certificate, in accordance with the Act of 8 August 1893.

In virtue of the Decree of 18 November 1920, all foreigners over 15 years of age intending to reside in France more than 15 days must apply for an identity card within 48 hours of their arrival at the first locality where they intend to reside. These cards are delivered free of charge to foreign workers on their arrival in France by the special commissioner of police at the frontier station or immigration office. They are stamped with the words "industrial worker" or "agricultural worker".

The identity cards serve as a safe conduct, and foreigners must have them visaed by the mayor, or commissioner of police, both on arrival and on departure in all localities where they intend to reside [1]. Foreigners applying for an identity card must supply three photographs and fill up two questionnaires, giving the following information: name, Christian name, ancestry (with date and place of birth), date and place of birth, family circumstances, Christian name and age of children under 15 travelling or living with the applicant, name, age and nationality of wife, two references abroad, two references in France, last place of domicile abroad, previous extent of residence in France, time and place of such previous residence, and any other necessary information for establishing the foreigners' identity. This information is inserted on the card. One copy of this questionnaire is preserved at the prefecture of the Department in which

[1] Decrees of 2 April 1917 and 18 November 1920.

the identity card is delivered ; the other, with one photograph, being sent to the central services of the Ministry of the Interior.

House proprietors, hotel and lodging-house keepers, must notify the commissioner of police, or the mayor, of the presence of foreigners living in their houses or establishments, within 24 hours of arrival. The same provision applies to restaurant or boarding-house keepers who habitually receive strangers. Mayors must inform the Prefect of the Department of the decease of any foreigner whose death certificate they have delivered, and the Prefect must immediately notify the central services at the Ministry of the Interior.

Identity cards are given up at the frontier by foreigners leaving France, and the frontier authorities send them to the central services of the Minister of the Interior; they also notify the central services of the names of foreigners who have not given up their card, after having established their identity.

A section entitled "central services" has been established at the Ministry of the Interior (General Safety Department) where cards corresponding to the identity cards delivered to foreigners are kept up-to-date. These cards also contain information with regard to any convictions which foreigners have incurred.

Any foreigner who has been guilty of tampering with, surcharging, or falsifying an identity card, or who has made use of an identity card to which he is not entitled in connection with any administrative act, is liable to expulsion from French territory.

Great Britain.

In accordance with the Aliens Order 1920, every alien must as soon as possible furnish particulars concerning himself to the registration officer of the district in which he is resident and must produce to the registration officer either a passport furnished with a photograph or some other document satisfactorily establishing his nationality and identity. He must furnish particulars of any circumstance affecting in any manner the accuracy of the particulars previously furnished by him. He must, if he is about to change his residence, furnish particulars as to the date on which his residence is to be changed, and as to his place of residence, and he must within forty-eight hours of his arrival in the registration district into which he moves report his arrival to the officer of that district. If at any time he is absent from his residence for a continuous period exceeding two months, he must report to the registration officer of the district of his residence his current address and every subsequent change of address.

If an alien has no residence in the United Kingdom he must report to the registration officer of every district in which he

stays for more than twenty-four hours. If he gives the name and address of a British subject, who is a person of respectability and good credit, the alien is deemed to be resident at that address, and the provisions of the Aliens Order apply accordingly.

It is the duty of any person with whom an alien is lodging or staying to take steps, either by giving notice to the registration officer of the presence of the alien in his household or otherwise, to secure compliance with the terms of the Order in respect of the registration of or reporting by the alien.

The Secretary of State may by order impose special restrictions on any alien. He may also, if he thinks fit, make an order requiring an alien to remain thereafter out of the United Kingdom.

The Aliens Order can be amended by Order in Council, and it is specifically stated that a reference to the Aliens Order "shall, unless the context otherwise requires, be construed to refer to this Order as amended by any Order in Council for the time being in force."

India.

Every foreigner on arrival in any port of British India, if an order for reporting arrival is in force in that place, must report himself to the Commissioner of Police, District Magistrate or any officer appointed to receive such reports. Licenses to travel in India have to be obtained in certain circumstances.

The Netherlands.

Foreigners arriving in the country must establish their identity to the satisfaction of the Chief of Police by means of a passport, or by some other method. Those wishing to reside provisionally in the country are given a certificate of residence available for three months (this certificate is only delivered in practice in the larger towns), and, on the other hand, the police authorities must enter the name of the foreigner in a register kept for this purpose. Those wishing to settle permanently in the Netherlands must have their names entered on the registers of population. [1]

New Zealand [2].

The Registration of Aliens Act passed in 1917 provides for the registration of all persons of the age of fifteen or over who are not British subjects either by birth or by naturalisation

[1] Reply of the Netherlands Government to the Questionnaire sent out prior to the meeting of the International Emigration Commission.

[2] *The New Zealand Official Year Book*, 1919, p. 87.

in New Zealand. The Government Statistician is charged with the duty of compiling and keeping the register, but the actual registration is effected by Registration Officers (mostly police officers) throughout the Dominion.

Upon receipt of an application for registration the Registration Officer issues a certificate of registration, and forwards the application in duplicate to the Superintendent of Police for the district, who files one copy and sends the other on to the Commissioner of Police for transmission to the Government Statistician. Registered aliens are required to notify all changes of address.

§ 2. Facilities for Finding Employment.

Argentina.

By the Act of 1876, Article 9, the Immigration Department at Buenos Aires and also the committees in their respective localities must have attached to them, whenever there is need, an employment office, the staff of which is determined by the Budget Act. Article 10 of the same Act lays down that the duties of these employment offices are as follows:—

(a) to receive applications from skilled and unskilled workers ;

(b) to obtain advantageous conditions for immigrants and to see that the latter are placed with reliable people ;

(c) to intervene at the request of immigrants with regard to contracts concluded by the latter and to ensure the strict execution of the terms of the contract on the part of the employers ;

(d) to place in a special register the number of vacancies filled giving particulars of the pay, nature of the work, conditions of the contract, and the names of the contracting parties.

In places where there is no employment exchange these duties are fulfilled by the immigration committees (Article 11).

Employment should be found as far as possible within the five days during which the immigrants are staying at the immigrants' hostel.

Australia.

Employment exchanges are available to newly arrived immigrants on the same conditions as to Australian citizens.

Austria.

Employment exchanges both public and private are equally available to foreigners and nationals.

Belgium.

Employment exchanges are open to immigrants without any conditions as to nationality or residence.

Bolivia.

Reference has already been made in Chapter III to the Labour Office. It is the duty of this Office to find employment for immigrants.

Brazil.

Full information and advice is given to immigrants to enable them to decide where they would like to settle. If the immigrant wishes to go as a settler to one of the colonisation centres founded by the Government or by a private undertaking, he is received on his arrival by the local administration which sees that he is installed on the plot of land and provided with a temporary residence. Those who wish to be employed as wage-earners in agriculture or in industry can apply for employment, in accordance with their qualifications, through the official Information and Employment Office whose duty it is to give them information regarding the demand for labour and the conditions of labour in the different parts of Brazil.

In the State of Sao Paulo, when an immigrant is placed in employment by the official employment agency, attached to the immigrants' hostel, the contract is concluded in the presence of an official charged with this work. The worker then receives an employment book as a proof of his engagement in case of a dispute with the employer.

Canada.

The public Employment Service of Canada is available to the fullest extent to workpeople of all races and classes.

By the Act of 1919, the Governor in Council may make regulations to safeguard the interests of immigrants seeking employment from any companies, firms or persons carrying on the business of intelligence offices, or employment or labour agencies.

By the Immigration Aid Societies Act of 1906, societies may be formed, with a view to assisting emigrants to reach Canada from Europe and to obtaining employment for them.

With regard to private employment agencies, it was found in the past that abuses were apt to occur owing to lack of control of the private employment agencies in various parts of the Dominion, but in 1913 an Order in Council was passed by the Canadian Government providing that all employment agencies having business dealings with immigrants must take out a licence from the Department of the Interior (for which no fee is payable), and must not charge more than one dollar for securing employment for immigrants. [1]

The report of the Oversea Settlement Committee in London, 1920, states that the work in connection with the employment of wage-earning women in Canada has been greatly assisted by the establishment under the auspices of the Department of Immigration and Colonisation at Ottawa of a Council of Immigration of Women which co-operates with the Ministry of Labour in Canada in placing wage-earning settlers in employment.

Chile.

Alien immigrants have in Chile the same facilities for finding employment as Chilian workers, and the employment exchanges do not make any distinction between Chilian workers and aliens. The work of the employment exchanges consists principally in getting facilities for the transport of persons who desire to go to districts where labour is very scarce.

Czechoslovakia.

Immigrant wage earners looking for work in Czechoslovakia can apply for this purpose to the public employment exchanges established in almost all districts of the Republic.

Finland.

Alien applicants may benefit by the municipal employment exchanges on the same conditions as nationals. The first duty of the exchanges, however, is to see that workers living in the home country are employed.

[1] Dominions Royal Commission, 5th Interim Report, London, 1917, p. 11.

France.

The French employment exchanges are available to alien workers on the same conditions as to nationals, with the reservation, however, that in cases of equal skill priority is given to the employment of French unemployed workers.

By the Decree of 18 November 1920, modifying that of 21 April 1917, regarding identification papers for foreign workers, immigration offices and frontier stations have to receive and allocate immigrants, whether the latter arrive singly or in bodies and with or without assured employment. These offices and stations have to give the immigrants identification papers and other documents necessary for them to stay in France, to look for work for the immigrants, if necessary, and make temporary provision for board and lodging.

These immigration offices are attached to the national system of the departmental or municipal employment exchanges through the medium of the Foreign Labour Department of the Ministry of Labour. These offices also regulate the admission of foreign workers into France.

The identification cards issued by the Agricultural Labour Service to foreign agricultural workers contain the following paragraph relating to authorised changes of occupation :—

"In order to avoid disturbances in the labour market the agricultural worker on the termination of his contract cannot be authorised to work in industry or commerce except in the event of the public employment exchange in the locality where he would be employed being unable to find him employment in agriculture, but being able to offer him a post in industry or commerce. If in any other circumstances he leaves agricultural employment in order to take a post in industry he is liable to be taken back to the frontier at his own expense."

Germany.

The employment offices of the Chambers of Agriculture are available for the use of alien agricultural workers and the public employment exchanges are available for the use of all aliens in so far as there are vacancies for which no suitable German worker can be procured.

An Order issued by the President of the Federal Employment Office on 26 May 1920 forbids private employment agencies to find employment for foreign workers, and imposes penalties for any attempt to bring about a breach of a contract of employment concluded by an immigrant worker.

GREAT BRITAIN.

Any immigrant has the right to register at a Government employment exchange immediately on his arrival, and the services of the exchange are at once available with a view to placing him in any vacancy for which he is eligible.

HUNGARY.

Immigrant workers can apply individually to the provincial offices and also to the agencies of employers' and workers' organisations.

ITALY.

Employment exchanges were constituted in Italy by Decree of 17 November 1918. Alien immigrants in Italy have the same right as nationals to apply to these exchanges.

LUXEMBURG.

Employment exchanges are available to aliens on the same conditions as to nationals.

NETHERLANDS.

Immigrants can make use of the free public employment exchanges on the same conditions as Dutch subjects.

According to the reply of the Netherlands Government to the Questionnaire, there is a special Dutch employment exchange at Oberhausen (Germany). It was created in 1907 by the Association of Dutch Employment Exchanges, and is subsidised by the State and a large number of communes. Its work is confined to finding employment both for Dutch subjects going to Germany and for Dutch subjects and Germans intending to settle in the Netherlands.

NORWAY.

Public employment exchanges may be used by immigrants in the same way as by nationals.

PARAGUAY.

The Director of the Immigration Section (Department of Lands and Settlements) has, in accordance with the Act of 13

June 1920, to find employment for immigrants under advantageous conditions, according to the work for which they are suitable, to keep a registry of the number of vacancies filled, indicating the day, the nature of the work, the conditions of the contract, and the number of persons concerned, and register all applications for employment.

POLAND.

The employment exchanges are open free of charge to immigrants on the same conditions as to nationals.

SOUTH AFRICA.

Young men wishing to learn farming under colonial farmers can apply to the various Departments of Agriculture.

Provincial Labour Bureaux are established at Cape Town and Durban, where immigrants who are in search of work can apply. In other towns they can apply either to the local bureau, or to the office of the Resident Magistrate.

Female immigrants can apply to the South African Colonisation Society in London or to the Young Women's Christian Associations in the principal towns of South Africa.

Moreover, the office of the High Commissioner in London gives information to all those wishing to emigrate to South Africa. The Union Department of Labour sends the High Commissioner a monthly summary of the labour situation in the different trades, and also a complete list of vacant positions. This information is published in a Circular which appears periodically. In certain cases, the High Commissioner publishes lists of vacancies in the newspapers.

SWITZERLAND.

The employment exchanges, whether official or private, are available for the use of immigrants without restriction.

UNITED STATES.

The services of the Federal, State, and Municipal employment offices are without exception open to immigrants on the same terms as to citizens.

The United States immigration law provides for the maintenance of a Division of Information in the Bureau of Immigration, the functions of the Division being prescribed by that law as follows :—

"It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several states and territories desiring immigration. Correspondence shall be had with the proper officials of the states and territories and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each state and territory, and shall publish such information in different languages and distribute the publications among all admitted aliens at the immigrant stations of the United States and to such other persons as may desire the same. When any state or territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Labour, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such state or territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Labour, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted."

According to the reply of the United States Government to the Questionnaire of the International Labour Office, "the Division of Information is the only agency of the Federal Government which specifically seeks to inform arriving immigrants concerning the matters refered to. Several of the states, however, maintain departments which are intended to promote a mutually beneficial distribution of immigrants and, in some instances, their colonization on the land. There are also a good many private agencies in various parts of the country which exist for the same purpose, but ... such state and private agencies are in no sense under the direction or control of the Federal Government except in cases where their operations are carried on at immigration stations."

URUGUAY.

The employment agencies of Uruguay are available on equal terms to nationals and immigrants.

The Decree of 2 March 1912 lays down that anyone who desires to emply alien workers must make a written application to the management of the immigrant's hostel at Montevideo stating the number and nationality of workers required, the nature of the work for which they are intended, the wages or share in profits to be granted to them, and the conditions and nature of payment.

The manager of the immigrant's hostel submits the application to the Minister of Industry with a report on the subject. In the event of a favourable decision the application is sent on to the competent Uruguayan Consulate stating the shipping company which is to undertake the transport of the workers.

VENEZUELA.

The Act of 1918 set up a Central Immigration Office at Caracas and a provincial office in all the State capitals. The principal function of these offices is to procure for immigrants who arrive without a contract an occupation in accordance with their qualifications.

§ 3. The Protection of Immigrants.

BRAZIL.

In order to provide the immigrants of various nationalities with adequate protection, the Government of the state of Sao Paulo allows the nomination of special honorary delegates whose duty it is to represent each of the nationalities established in the settlement centres. These " settement directors ", appointed by each nationality, act as advisers who aim at rendering the adaptation of the immigrants to their work during the first few months as easy as possible. In particular they serve as intermediaries between the settlement administration or the government and the settlers who wish to submit claims.

CANADA.

By the Act of 1919, the Deputy Minister may issue to agents of transportation companies, forwarding and transfer companies, hotel and boarding houses, a license as immigrant runners. This license may be cancelled at any time.

No person is allowed to conduct, solicit or recommend, for hire, reward or gain, any immigrant to the owner of a vessel, an inn-keeper or boarding-house keeper, or to any other person, in connection with the immigrant's journey to his final destination in Canada, unless he has a license ; no person may give an immigrant any information, or assist him to his destination, or book passengers, or undertake the transportation of the immigrant's luggage, without a license.

Immigrant runners must not sell passenger or luggage tickets to, or buy them from immigrants at rates other than

those charged by the transport companies ; they are not permitted to go on board any vessels until all passengers have been landed, or to go into any immigrant station, unless authorised to do so by the officer in charge.

Every inn-keeper or boarding-house keeper who receives an immigrant into his house within three months after arrival must keep a list of prices charged for board and lodging, and for separate meals, posted in a conspicuous place and also printed on his business cards. Inn-keepers and boarding-house keepers have no lien on the effects of an immigrant for any amount claimed for board and lodging exceeding five dollars.

Under pain of a fine of $5 to $25, the innkeeper may not detain the effects of an immigrant who offers him a sum of $5, or such less sum as is actually due for his board or lodging.

Denmark.

The provisions of the Act of 1 April 1912 concerning the labour of foreign workmen are applicable to foreign workers employed in the country in manual labour, connected with agricultural work, forestry, horticulture, brickmaking, turf pits, sand pits, clay or chalk pits, quarries, etc., unless they have resided in the country for two years ; these provisions do not apply to domestic servants.

The Minister of the Interior is authorised to extend the provisions of the Act to foreign workmen engaged in other forms of manual labour.

Employers must draw up a written contract according to a form provided for this purpose by the Minister of the Interior within 15 days of the arrival of foreign workmen.

Within fourteen days of their arrival, the employer must provide each of them with a wage book, where the amount of wages paid is entered every pay-day.

When a foreign workman falls ill, the employer has to provide immediate medical attention, either by providing a doctor and the necessary medicine himself, or by sending him to hospital. In all cases where the illness is not due to the workman's own negligence or misconduct, an employer must reimburse all the medical expenses to the public autorities, including hospital expenses ; this liability extends for a maximum period of six months.

All employers engaging foreign workmen included under the provisions of this Act must insure them with a mutual insurance society approved by the Minister of the Interior for this purpose, and entitled " Health Insurance for Foreign Workmen ". The State adds an annual grant to this fund amounting to 50 öre per workman insured, and one-sixth of the amount granted by way of relief, to the extent of 1 Kr. per workman insured.

The contracts made in accordance with § 4 must contain provisions as to the conditions under which the contract can be cancelled before the date of expiry provided for. They must also contain exact information with regard to the rate of wages paid (whether by day, or at piece rates), the length of the day's work, days of rest and, the conditions regarding the payment of the worker's journey in proceeding to and leaving the locality where he is employed.

Employers are prohibited from inserting a clause in the contract giving them the right to impose fines in case of bad work, or neglect, on the part of the workers.

When hutments with dormitories are provided by the employer for workmen, the proper legal provisions dealing with the fitting up of such buildings must be strictly observed. The employer is responsible for seeing that the workmen keep these hutments in proper order and in a state of cleanliness, and that they are properly aired every day.

The Act provides that inspectors shall proceed to the locality to verify whether a proper written contract has been made between the employer and his workmen, whether the workers are provided with proper labour books and whether the buildings provided are in proper condition. If any infringement of these provisions is noted, the employer is granted a short time by the police in which to comply with them.

In case of disputes between the employer and his workmen, the chief of the local police, on being appealed to by either party, should attempt to effect a reconciliation between them by intervening personally and giving his opinion as to the proper interpretation of the terms of the contract. Police tribunals are competent to determine the responsibility for the non-observance of the provisions of the contract, and to lay down the reciprocal duties of the contracting parties ; they may order the workers' effects to be restored to them if the necessity arises. The judgment rendered may also make the employer responsible for refunding the cost of maintenance of the workers, and the cost of their expulsion from the country, to the public funds involved, if the employer has been held responsible for the breach of the contract by his illegal action ; these provisions apply when the expulsion of a foreign workman takes place at the request of the police, or of the Poor Law authorities.

France.

The Foreign Labour Department attached to the Ministry of Labour seeks, on the occasion of visits of inspection and supervision, to procure improvements in the conditions of employment and living of foreign workers. Foreign immigrants who come to France in order to work either in agriculture or in

industry are supervised on arrival by the frontier Immigration Office, whose duty it is to direct them to their destination. Workers in industry are not sent to an employer unless the Office has received a signed application indicating in a precise manner conditions regarding wages, housing, food, etc., stipulating expressly that equality of wages for French and foreign workers is provided for and specifying that the foreign workers are entitled to benefit by any general increase in wages whatever may be the scale indicated on the application. The employers undertake, moreover, to submit to the Foreign Labour Department all difficulties which may arise between them and their foreign workers.

The applications are examined, and the wages offered are checked with a view to determining whether the impossibility of finding French labour for the work is not due to the low rate of wages proposed in comparison with the wages which are normal and current in the district. When a considerable body of workers is proceeding to any particular place the supervising officer makes a preliminary enquiry with regard to the housing conditions. Supervisor interpreters verify on the spot the carrying out of the contracts with regard to wages, housing, food, etc., and make sure in particular that the wages are the same for all. When the foreign workers receive certain advantages in kind (housing, food) the officers make an effort to ensure that the remuneration of the foreign worker is equivalent to that of a national. [1]

The Agricultural Labour Service which is attached to the Ministry of Agriculture also deals with the protection of foreign immigrants engaged in agricultural work in France.

Dutch Guiana.

By a Royal Decree of 3 May 1872, amended on several occasions and most recently on 6 August 1920, the Government of Dutch Guiana regulates in great detail the conditions in which emigration to that country may be organised and the conditions which are granted to immigrants. This Decree is applicable to immigrants recruited either by individuals or by the colonial administration for agricultural or industrial enterprises, for public works, or for enterprises of public utility.

In order to supervise the conditions of this immigration, agents of the Government are stationed in all ports wherever the recruiting is carried on and they have to supervise carefully the conclusion of contracts by the immigrants. These contracts are sometimes made by the agents themselves and sometimes by other persons, but they must in every case have the visa

[1] *Bulletin du Ministère du Travail*, June 1920, p. 25, and *Le Traité de Travail franco-italien du 30 septembre 1919*, by Piganiol.

of an agent. They must be explained and translated to the immigrants and must bear their signature or be provided with a special mark.

All contracts must contain, apart from the provisions which are laid down by international agreements, indications as to the length of the engagement (the working year being counted as 300 days), point of departure, place of destination, probable length of the journey, the number of hours worked per day (which should normally not exceed 8 in agriculture and 10 in factories), the exact amount of the wages, and other conditions (including the housing, which must be clean and convenient, and gratuitous medical assistance). In case repatriation is provided for, the contract must fix the date after which the immigrant has a right to be repatriated and, if he consents to renew, the conditions of the renewal, which should provide for repatriation at a later date.

Similarly, it should be stipulated in the contract that on the termination of the latter the immigrant will be free to settle on land which may be placed at his disposal by the colonial administration.

India.

The Governments of countries to which emigration under the Indian Emigration Act is permitted appoint Protectors and Inspectors of Immigrants. Annual reports on the working of the labour laws and on the treatment of the immigrants are submitted by the Protectors. In countries which do not belong to the British Empire, His Majesty's Consuls look after the interests of the Indian immigrants.

Dutch Indies.

An Order of 7 October 1911 lays down that immigrant coolies (generally Chinese) are subject to special protective regulations unless they have signed a special contract placing them under the Order relating to coolies.

In particular, the employer must keep a special register stating what foreign workers he employs, together with the dates of the beginning and end of their contract. He must pay the agreed wages regularly without being allowed to make other deductions than those authorised by the court, and these must never exceed one quarter of the wages. When the contract expires or is cancelled he must transport the foreign workers at his own expense to the place from which they came. He must also see that they are provided with medical aid and with drugs. Fulfilment of the contract is secured on both sides by means of penal provisions.

Foreign workers, on the other hand, who are subject to the special contracts drawn up under the Order relating to coolies are subject to the Regulations of 20 July 1880 and 13 July 1889. In order to be valid such contracts must be registered by the administrative officials of the colony. Their object is to bring the Order into effect. In particular, the Order contains penal provisions of which the most important are those preventing any arbitrary violation of the contract on the part of the worker, or his excessive idleness. The Order also mentions other coercive measures, in particular restriction on the freedom of the worker to leave the undertaking, the right to bring back defaulting workers to the undertaking, and the sole right of the employer to cancel the contract after consultation with the head of the Central Administration.

New regulations as to the contracts of coolies on the east coast of Sumatra were introduced by the Order of 21 June 1915.

This Order encourages the freedom of labour, dealt with above. The new contracts must state clearly the nature of the work, hours of work, usual wages, overtime pay, sums paid in advance, the period of the contract, periods and days of rest, housing, medical treatment, the return to the place of origin at the expiry of the contract, administrative control over the execution of the contract, obligation to submit contracts to the inspector of labour, etc.

Penalties on "excessive idleness" and "refusal to work" have been abolished, but those known as "penal sanctions" which relate to all violations of the labour contract have been retained. On the part of the worker this includes :

(a) The fact of not starting work at the agreed hour;

(b) Desertion ;

(c) Obstinate refusal to carry out the work required.

Similarly the provision has been retained which permits the staff of the employer to bring back workers to the undertaking in the name of public authority, if during the period of the contract they have been sentenced in court, have suffered imprisonment or after illness, or for other reasons fail to return to the undertaking at the required time.

Section 24 of the new Order relating to Coolies states that, as soon as the Governor-General considers that circumstances allow, these provisions will be suspended, whether for undertakings throughout the district or in a specified area, whether for all labour contracts or for such as will later be designated by him. By this Section the Governor General is also authorised to reduce the maximum period of all contracts or of certain classes of them.

The revision of these provisions is at present under consideration. A Dutch parliamentary Commission published a report

in 1919 on this subject proposing the abolition of the penal sanctions while retaining punishment and forced return for leaving work, though only on the advice of the Inspector of Labour.

Paraguay.

The Director of the Immigration Section (Department of Lands and Settlements) has, in accordance with the Act of 13 June 1920, to assist foreign settlers in making claims for non-observance of labour contracts, and to inspect official and private settlements in the country.

United States.

When it is necessary to detain arrested women and girls they must not be incarcerated by immigration officials in jails or other similar places unless it is absolutely unavoidable; but if there is not attached to the immigration station or quarters a room suitable for such purpose, and if such aliens are not already being detained in some proper institution, arrangements are made for their detention by some philanthropic or other similar society, preferably under the control of organisations or persons of the same nationality and religion as the detained aliens.

A female employee is designated at each immigration station to keep in touch and co-operate with philanthropic and similar societies. The society concerned is requested to submit weekly reports regarding the condition and behaviour of the detained alien.

Cases of women and girls must be handled in a particularly considerate and careful manner, not only while the aliens are being detained in the United States but, in the event of deportation, after they arrive in the country of their birth or at the port where they originally embarked for the United States. In furtherance of their proper treatment abroad arrangements have been made (in addition to those for some time existing by virtue and in pursuance of the White Slave Traffic International Agreement) for advising certain women's organisations in Europe to ensure that responsible and charitably disposed persons will have knowledge of them and be able to extend assistance.

Venezuela.

According to the Act of 1918, immigration contracts must be based on the following principles :—

1. Their period must not exceed one year for domestic servants and employees, two for artisans, four for agricultural workers.

2. Wages must be paid in cash weekly. The contracts must state whether board is included in the wages.

3. Families must be given free housing for at least one year.

4. If an allotment is placed at the disposal of the immigrant, it must be at least 4 hectares in area.

5. The work in agricultural undertakings must not exceed three days a week and four during harvest.

6. No work must be undertaken on other property without the consent of the employer.

APPENDIX.

List of Acts, Bills, and Regulations consulted.

ARGENTINA.

Immigration and Settlement Act of 18 October 1876.
Order of 4 March 1880 concerning disembarkation of immigrants.
Decree of 17 June 1881 concerning transport facilities on river vessels.
Decree of 30 December 1882.
Act of 30 June 1910 concerning the defence of the social order.
Decree of 28 October 1913 concerning contagious diseases.
Regulation of 26 April 1916 for the application of Article 32 of the Immigration Act.
Decree of 31 March 1919.
Decree of 10 August 1921.

AUSTRALIA.

The Immigration Act 1901-1920.
Pacific Islands Labourers Act 1901-1906.
Contract Immigrants Act 1905.
Memorandum respecting requirements of Contract Immigrants Act, 5 June 1909.
Aliens Registration Act 1920.
Nationality Act, 1920.
War Precautions Act Repeal Act, 1920.

BOLIVIA.

Regulation of 18 March 1907 concerning immigration.
Presidential Decree of 27 October 1921.

Brazil.

Federal Decree of 9 July 1911 on settlement.
Regulations of 3 November 1911 concerning the settlement office.
Decree of the Government of Sao Paulo, No. 2400 of 9 July 1913, concerning immigration and settlement.
Act of 11 January 1921 concerning admission of foreigners.

Canada.

The Immigration Aid Societies Act, 1906.
The Immigration Act.
Chinese Immigration Acts of 1906, 1908 and 1917.
The Naturalisation Act, 1919.
Orders in Council :—
P.C. 918, 919 and 924 (9 May 1910) ;
P.C. 269 (15 February 1911) ;
P.C. 371 (19 February 1913) ;
P.C. 23 and 24 (7 January 1914) ;
P.C. 1202, 1203, and 1204 (9 June 1919).

Chile.

Regulation of 15 October 1895.
Decrees of 1898, 1906, 1910, concerning immigration.
Decree of 1 September 1899, amended in 1903 and 1908, concerning settlement.
Decree of 24 June 1905, concerning the immigration service.
Regulation of 25 September 1907 concerning immigration.
Decree of 14 October 1907 concerning the immigration and settlement service.
Immigration Act of 12 December 1918.

Colombia.

Immigration Act of 18 November 1909.
Decree of 3 November 1920 concerning immigration

Belgian Congo.

Decrees of 21 March 1910 and 19 November 1916 concerning the regulation of immigration.
Order of 7 August 1921.

Costa Rica.

Immigration Act of 20 July 1896.
Decrees of 22 May 1897 and 10 June 1904, amended by those of 21 July 1906 and 20 June 1910.

Decrees of 24 November 1905, 15 January 1912, 13 August 1914, and 28 January 1918.

Immigration Restriction Act of 1905.

CUBA.

Order No. 155 of 15 May 1902.
Immigration Act of 11 July 1906.
Regulation of 20 August 1910.
Act of 3 August 1917.

DENMARK.

Act of 1 April 1912 concerning foreign workers.

EQUADOR.

Immigration Decree of 14 September 1889.
Immigration Bill 1916.

FRANCE.

Act of 8 August 1893 concerning aliens and the protection of national labour.

Labour Code.

Decree of 2 April 1917 concerning foreign workers.

Interministerial Decree of 18 July 1920 establishing a permanent immigration commission.

Decree of 18 November 1920 concerning foreign workers.

Bill introduced by Mr. Edmond de Warren and others concerning the establishment of an Immigration Office (Chamber of Deputies, 1921).

Interministerial Decrees of 5 and 25 August 1919 concerning the control of immigration.

Circular of the Minister of Agriculture dated 13 September 1920 addressed to the Presidents of Departmental Offices of Agriculture concerning the operation of the Agricultural Labour Service.

GERMANY.

Decrees of 24 February 1920 and of 24 July 1920 concerning the immigration of workers.

Order of the President of the Federal Employment Office dated 26 May 1920 concerning the employment of foreign workers.

GREAT BRITAIN.

Aliens Act 1905.
Aliens Restriction Act, 1914.
Aliens Restriction Amendment Act, 1919.
Statutory Rules and Orders, 1920.
The Aliens Order, 1920.

Guatemala.

Immigration Act of 30 April 1909.

Dutch Guiana.

Royal Decree of 19 March 1863 concerning the supervision of the importation of labourers into Dutch Guiana.

Royal Decrees of 1 August 1869, 19 April 1895, and of 10 October 1914 concerning the settlement of immigrants.

Royal Decree of 3 May 1872, to complete and amend the Regulations concerning immigration and recruiting (revised at later dates, particularly on 6 August 1920).

Regulations of 21 August 1878 concerning the institution of an Immigration Fund.

Order of 11 December 1914, amended in 1916, concerning the grant of portions of State land intended for small holdings and for the encouragement of immigration of settlers.

Honduras..

Immigration Act of 8 February 1906.

India.

Foreigners' Act, 1864.
European Vagrancy Act, 1874.

Netherland Indies.

Regulation of 13 July 1880 concerning the reciprocal rights and duties of employers and immigrant labourers on the west coast of Sumatra.

Orders of 20 July 1880 and 13 July 1889 concerning foreign contract labour.

Order of 7 October 1911 on immigrant workers.

Orders of 3 October 1911 and 5 October 1914 concerning coolies on the land and in the mines.

Order of 20 June 1915 concerning coolies on the east cost of Sumatra.

Italy.

Decree of 17 November 1918 concerning employment offices.

Mexico.

Immigration Act of 22 December 1908.

Decree of 25 February 1909 concerning admission of foreign workers.

Decree of August 1917 concerning the validity of the identification card given to emigrants by the Spanish authorities.

Presidential Decree of 27 January 1921 concerning settlement.

Instructions to consular agents of 18 May 1921.

NEWFOUNDLAND.

Immigration Act of 10 May 1906.

NEW ZEALAND.

The Immigration Restriction Act 1908-1910.
Registration of Aliens Act, 1917.
Undesirable Immigrants Exclusion Act, 1919.
Immigration Restriction Amendment Act, 1920.

PALESTINE.

Ordinance of the High Commissioner concerning immigration, 1920.

PANAMA.

Act of 24 March 1913 concerning immigration of Chinese, Turks, Syrians and North Africans of Turkish race.

Regulation of 31 May 1913 for the application of the Act of 24 March 1913.

Immigration Act of 19 December 1914.

Decrees of 1 March 1916 and 2 June 1917 concerning immigration and naturalisation of foreigners.

PARAGUAY.

Immigration Act of 9 October 1903.
Settlement Act of 25 June 1904.
Act of 13 June 1920 concerning immigration.

PERU.

Decree of 16 August 1906 concerning the transport of immigrants.

Decree of 14 May 1909.

Act of 31 December 1909.

Act of 22 September 1920 concerning admission and expulsion of foreigners.

SALVADOR.

Law of 6 October 1913 for the protection of social interests.

Decree of 5 October 1914 concerning immigration.

South Africa.

The Immigrants Regulation Act, 1913.

Switzerland.

Federal Constitution of 29 May 1874.

Federal Decree of 29 November 1921 concerning the admission of foreigners.

United States.

Treaty between the United States and China concerning immigration of 5 October 1881.

Act of 6 May 1882, amended 5 July 1884, providing for the enforcement of the Exclusion Treaty with China.

Act of 3 August 1882 establishing the Immigrant Fund.

Act of 26 February 1885 prohibiting immigration of labourers under contract.

Act of 13 September 1888 prohibiting the going of Chinese labourers to the United States.

Act of 19 October 1888 authorising payment to informer in cases of violation of Contract Labour Law.

Act of 3 March 1891 establishing the office of Superintendent of Immigration.

Act of 5 May 1892 prohibiting the going of Chinese persons into the United States and providing for registration of resident labourers.

Act of 15 February 1893 authorising the President to suspend immigration from countries in which cholera or other infectious or contagious diseases exist.

Act of 3 March 1893 requiring steamship or transportation companies to post copies of Immigration Law in foreign countries.

Act of 3 November 1893 amending law prohibiting the going of Chinese persons into the United States and providing for the registration of resident labourers.

Act of 18 August 1894 authorising appointment of Commissioners of Immigration.

Act of 2 March 1895 changing title of Superintendent of Immigration to Commissioner General of Immigration.

Joint Resolution of 5 July 1898 prohibiting the immigration of aliens into Hawaii or their entry into the United States from Hawaii.

Act of 30 April 1900 fixing status of labourers within Hawaii and providing for their registration.

Act of 6 June 1900 providing for the Commissioner General of Immigration to administer the Aliens Exclusion Law.

Act of 29 April 1902, amended 27 April 1904, regulating the going of Chinese persons from Insular Possessions, etc.

Executive Order of the Governor of the Philippine Islands of 23 December 1904 concerning the departure of Chinese residents of the Philippine Islands to other parts or possessions of the United States.

Act of 3 February 1905 authorising refund of head tax.

Act of 6 February 1905 charging the officers of the General Government of the Philippine Islands with the administration of the immigration laws of the United States therein.

Act of 2 March 1907 concerning passports, expatriation, repatriation and citizenship of married women and children.

Sundry Civil Appropriation Act of 4 March 1909 repealing law establishing the Immigrant Fund.

Act of 25 June 1910 concerning the White Slave Traffic.

Act of 24 August 1912 providing for the reimbursement of charges for maintenance or return of excluded aliens.

Act of 4 March 1913 creating the Department of Labour.

Act of 23 June 1913 providing for sending of deported aliens to offices designated by the Secretary of Labour.

Immigration Act of 5 February 1917.

Immigration Rules of 1 May 1917.

Rules governing the admission of Chinese of 1 May 1917.

Executive Order of 26 July 1917 concerning passports.

Proclamation of 8 August 1918 concerning passports and Executive Order of 8 August 1918 containing Rules and Regulations on same subject.

Act of 16 October 1918, amended 5 June 1920, concerning the immigration of members of the anarchist and similar classes.

Joint Resolution of 19 October 1918 concerning the re-admission of certain aliens.

Orders of Department of Labour of 9 July 1919, 1 March 1921 and 14 March 1921 concerning the admission of Mexican labourers.

Act of 10 May 1920 concerning the deportation of certain undesirable aliens.

Act of 5 June 1920 to amend the Act of 5 February 1917.

Document entitled Naturalisation Laws and Regulations, 24 September 1920.

Act of 26 December 1920 concerning the treatment in hospital of alien seamen.

Act of 19 May 1921 to limit the immigration of aliens into the United States.

Regulations of 1 June 1921 for the enforcement of the Act of 19 May 1921.

URUGUAY.

Settlement Act of 4 April 1889.

Immigration Act of 12 June 1890.

Immigration Act of 1907.

Decree of 7 July 1911 concerning the advance by the State of money for the passages of immigrants.

Decree of 2 March 1912 concerning the demand for foreign labour.

Decree of 11 October 1912 concerning immigration offices.

Decree of 22 February 1913 concerning the repayment of money advanced by the State for the passages of immigrants.

Decree of 9 August 1913 setting up a settlement committee.

Decree of 19 December 1914 concerning land intended for settlement purposes.

Decree of 6 January 1915 concerning settlement.

Decree of 18 January 1915 concerning immigration.

Regulations of 18 February 1915 concerning immigration.

VENEZUELA.

Immigration Act of 26 August 1894.

Immigration Act of 26 June 1918.

PART III.

INTERNATIONAL AGREEMENTS CONCERNING EMIGRATION AND IMMIGRATION.

INTRODUCTORY REMARKS.

The regulation of emigration and immigration is mainly carried out by the national laws which are analysed in Parts I and II of this work.

Each country of emigration can by means of its legislation impose certain rules on its own nationals so long as they remain under its authority, and each country of immigration can subject foreigners to certain legal obligations as soon as they arrive on its territory. But this authority is necessarily limited and in each case stops at the frontier of the country concerned. As a result of this limitation and of the essentially international character of emigration, legislation by itself is inadequate.

A considerable number of Governments desirous of following emigration in all its phases, whether on the departure of the emigrant or during the journey or when the emigrants are at their destination, feel the need for completing their legislative action by diplomatic agreements. For that purpose it is necessary to have recourse to treaties with foreign powers which are willing to admit, either on a basis of reciprocity, or otherwise, an extension of national action. There are a great many of these cases, and hundreds of such treaties have in point of fact been concluded. Any examination, therefore, of the regulation of migration must necessarily be completed by a study of treaties.

Part III of the present volume deals with this branch of the subject.

* * *

Treaties are even more difficult to analyse than laws, and it would be presumptuous to hope to present a complete and perfect analysis at the first attempt. The question is in fact particularly vast and complex.

It should be noted that treaties concerning emigration often cover a much wider field than legislation on the same subject, for instead of dealing with emigrants only during the comparatively short period during which they are on the territory of the country of emigration, they are frequently applicable to emigrants during the journey and during the time they stay

abroad. Thus many countries try to improve and to regulate conditions of life and labour for their nationals in other countries by means of diplomatic agreements.

On the other hand, as all treaties aim at regulating the relations between the Governments and the citizens of two or more countries, it may be said that there are very few diplomatic agreements which do not exercise a certain influence either on the phenomenon of emigration itself or on the treatment of foreigners.

To be absolutely complete, a study of this kind should therefore go back to a fairly distant past and include a review of the relations of something like one hundred sovereign and non-sovereign States.

It has been necessary under these conditions to restrict this study to the most important and most precise treaties and it has only been possible to include characteristic examples dealing with customary and general questions, although it is recognised that any such limitation must necessarily be more or less arbitrary.

Nevertheless, this part of the book, in which it has been impossible as in the other parts to do more than analyse the different provisions without reproducing the actual texts, already contains a reference to over a hundred treaties and agreements. It is put forward as a first attempt, and the International Labour Office would be obliged if the readers of the book would be good enough to inform it of any corrections or additions which would make the volume better and more complete.

* * *

The international agreements have been divided into two series :

(1) General treaties, i.e. those applicable to the whole problem of emigration.

(2) International conventions the scope of which is confined to a particular matter.

In the first series will be found, after a brief historical note, an analysis of the principal bilateral treaties concerning emigration and recruiting. The innumerable peace treaties previous to that of Versailles, several of which deal with questions of emigration, have been left aside. On the other hand, the treaties which brought to an end the war of 1914 to 1918 are mentioned, not only because they include a large number of provisions relating to emigration, but also and above all because they lay down in the chapters referring to the League of Nations and the Permanent Labour Organisation new methods and new objects to be pursued with regard to the protection of emigrants.

A brief analysis is also given of various provisions of interest to emigrants, which are found scattered in agreements of a different kind, such as Treaties of Commerce and those concern-

ing the residence of foreigners. These tend more and more to include clauses relating to emigration.

A final paragraph refers to some of the powers granted by legislators to their Governments to draft treaties or to engage in negotiations on the question of emigration.

In the second series special treaties, which usually refer to one particular aspect of social legislation, are studied. These treaties may be of two different kinds, bilateral conventions and treaties or general conventions.

The former, which have hitherto been by far the most numerous, are concluded between two particular countries [1] and they aim at the regulation of certain special matters. They extend the action of national legislation on a particular point to foreign territory, based generally on reciprocity, and their object as a rule is to ensure equality of treatment of national and foreign workers and the application to the latter of labour legislation, or else to procure fair treatment for all migrants of the contracting countries, whether workers or not.

It will be seen that bilateral treaties relating to labour legislation have been particularly numerous on the question of insurance, either insurance in general or a particular form of it, such as insurance against accidents, or against old age, or against unemployment. Among the bilateral treaties dealing with the situation of immigrants of all classes, reference is made to those relating to the transfer of savings, to relief measures, to repatriation, to the protection of minors and the infirm, to the right of association, to the naturalisation of foreigners, to police measures and passports.

At the end of the book an examination is made of treaties, conventions and draft conventions which may be classified as follows :—

Those dating from before the war which were generally concluded as a result of action taken by international associations for social reform and which deal with such matters as the regulation of the conditions of labour, of measures of relief, the traffic in women and children ; and, on the other hand, the more recent international conventions either concluded or in process of being concluded under the auspices of the League of Nations and the Permanent Labour Organisation.

An idea is thus given of the vast scope of international conventions which regulate the situation of emigrants, a subject which it would be impossible to exhaust in the present volume.

[1] A certain number of these bilateral treaties permit a third country to adhere to them.

CHAPTER I.

GENERAL TREATIES.

A. Historical Review.

Precedents for an international agreement on emigration, which were reported to the International Emigration Commission, go back to the year 1783.

A Treaty of Friendship and Commerce was concluded on 3 April 1783 between Sweden and the United States of America; Article 6 deals with the question of emigration, stipulating that the provisions of that Article shall not prejudice in any way measures which Sweden may have enacted or may enact in regard to it. On the other hand the United States or one of the Federal States remained free to legislate on the subject. The clause in question was extended to include Norway by Article 18 of the Treaty of Commerce and Navigation concluded on 4 July 1827 by the same two signatory States.

Since the Treaties of Paris (1814) and of Vienna (1815) the slave trade has been prohibited by various international agreements, and an international system for preventing it was organised, which continued to be developed until the Treaty of London of 1841 admitted the right to visit ships.

After the abolition of slavery, France was obliged to consider the problem of the recruiting of workers for her colonies in Martinique ; she had recourse first to the immigration of Indians, who were engaged for a period of five years, and later to immigrants of African race. The latter method was considered by the abolitionists to be merely a disguised form of the slave trade. They protested, with the result that a Convention was concluded between Great Britain and France on 1 July 1861. The object of this Convention was two-fold : to put an end to the recruiting of immigrants on the African coast and to regulate the conditions of immigration of Indian coolies in

French colonies. On 1 July 1921 the British Government denounced the Convention.

Shortly before this, the Treaty of 24 October 1860, between China and Great Britain, had regulated the emigration of Chinese coolies. By this treaty the Emperor of China undertook to compel all provincial governors to proclaim that any Chinaman who wished to enter into employment in a British colony was free to conclude contracts for this purpose, and consequently had the right to embark on any British ship in any port whatsoever. By mutual agreement, such regulations were to be introduced in each port as were considered suitable for the protection of Chinese emigrants.

In 1868 the Burlingame Treaty was concluded between the United States and China in order to regulate the position of Chinese immigrants in the North-American Pacific States. This treaty recognised the right of nationals of each of the contracting parties to emigrate to the territory of the other, but any form of emigration which was not purely voluntary in character was prohibited.

In 1869 negotiations were begun between the North German Confederation and the United States with a view to protecting German emigrants going to America. Reasons of humanity and general utility led the President of the United States to express a desire to extend the agreement to other countries of emigration. Negotiations were suspended later as difficulties arose between Germany and the United States in regard to international tribunals, (i.e. emigrants' courts, Article XXIII of the scheme) and also because France objected to the proposed agreement.

A Convention was concluded on 20 September 1870 between Austria-Hungary and the United States concerning the emigration of their nationals. In the same year the Governments of the Netherlands and of Great Britain signed an agreement regulating the emigration of workers from the British Indies to Dutch Guiana. On 17 March 1917 this agreement was denounced by the British Government.

In 1874 Germany reopened the negotiations with a view to a treaty between European countries and the United States for the regulation of the conditions of transport by sea for all emigrants. Various difficulties arose which caused the initiative taken to fail.

In 1877 a Treaty was concluded between China and Spain, by which the Chinese Government undertook not to place any impediment in the way of the free and voluntary emigration of Chinese subjects to Cuba.

In 1880 a Treaty was concluded between China and the United States. The latter remained free to regulate, restrict or suspend the immigration of Chinese workers into the territory of the United States, but could not prohibit such immigration entirely.

Four years later, in 1884, the Government of the Netherlands, with the support of the Italian Government, suggested that a Convention should be concluded between countries of trans-oceanic emigration and proposed that an international conference on emigration should be convened. Belgium, France, Sweden, Norway, and Denmark supported this proposal, but in spite of all the efforts of the proposers no practical result was attained.

In 1888 a third agreement was signed between China and the United States concerning the exclusion of Chinese labourers from immigration to the United States for a period of 20 years.

Later, China reopened negotiations with the Washington Government with a view to the signature of a new Treaty, which was concluded on 3 December 1894 and denounced by the Chinese Empire ten years later.

On 8 December 1892 France and the Republic of Liberia concluded an agreement for the delimitation of African frontiers. Article 4 of the Convention provides that Liberia shall facilitate on the coast as in the past the free recruiting of workers by the French Government or its nationals, subject to reciprocity of treatment on the French section of the Ivory Coast.

In 1897 Portugal signed an agreement with Spain, according to which the authorities of each of these two countries were not to allow subjects of the other country to leave their territory unless the persons concerned were in possession of a certificate establishing the *nihil obstat* of the respective consuls.

A series of Treaties of Friendship, Commerce and Navigation were concluded on the following dates and between the following countries :—

5 January 1889 between Italy and the Dominican Republic;
16 April 1890 between Italy and Mexico ;
18 October 1890 between Italy and Bolivia ;
22 August 1893 between Italy and Paraguay ;
29 December 1903 between Italy and Cuba ;
13 November 1905 between Italy and Guatemala.

All these treaties deal with the recruiting in Italy of workers for the other contracting countries, for persons to whom they have granted concessions, or for persons or companies belonging to these countries. It is provided that in such cases general supervision shall be exercised in order to secure that contracts shall be equitable and strictly observed, that conditions of transport, disembarkation and settlement of the aforesaid emigrants shall be in keeping with the requirements of humanity, hygiene and security, that all infringement of the provisions shall be severely punished and that emigrants shall receive the protection necessary to prevent exploitation and fraud.

In 1904 the Chinese Empire signed an agreement with Great Britain regulating the recruiting of coolies for work in British colonies and protectorates.

A Franco-British Convention of 1906 dealt with the question of recruiting in the New Hebrides.

The emigration of Japanese to the United States is regulated by an agreement (Gentlemen's Agreement) concluded in 1907, which specifies the cases in which the Japanese Government shall voluntarily grant passports to emigrants going to the United States.

In regard to Japanese emigration to Canada notes were exchanged on 23 December 1907 between Great Britain and Japan. On the other hand there is an unpublished Agreement of 1908 between Japan and Canada (also known as the "Gentlemen's Agreement" or the "Lemieux Agreement"), under which Japan voluntarily restricts the movement of Japanese to Canada to a comparatively small number.

On 1 April 1909 an Convention was concluded between Portugal and the Transvaal concerning the engagement of native workers in the Portuguese province of Mozambique.

A Protocol was signed between Peru and China on 28 August 1909 in order to clear away the difficulties which had arisen as a result of the Peruvian Decree of May 1909, which suspended the immigration of Chinese subjects to Peru.

On 3 April 1911 a Treaty of Commerce and Navigation was signed by Great Britain and Japan, which deals with the admission of subjects of either of the Contracting Powers to the territory of the other.

On 4 May 1914 a sanitary Convention was Concluded between Italy and Uruguay. This convention states that the two governments will adopt uniform rules concerning sanitary measures on board emigrant ships.

On 22 May 1914 Spain and the Republic of Liberia signed a Convention regulating the recruiting of agricultural workers in the Republic for employment in the Spanish colony of Fernando Po.

During the war a number of international conventions were concluded with reference to the recruiting of civilian workers in neutral or allied countries. In France an interministerial committee for labour treaties was set up in 1917 to draft conventions.

The Peace Treaties concluded after the war of 1914-1918 also deal will emigration questions.

* * *

The conclusion within recent years of several agreements of this kind between countries of emigration and countries which require foreign labour concerning the emigration, the recruiting and the protection of workers abroad constitutes a new phenomenon in the sphere of international labour legislation. The very great importance of this phenomenon in regard to the respective rights of countries of immigration

and emigration cannot be denied. Agreements or treaties concluded before the war regulated the conditions in which foreign workers could benefit by labour legislation, but no convention dealt with the conditions of the transport of workers from the territory of one State to that of another.

The three principal agreements of this kind are the Franco-Polish Convention concerning emigration and immigration dated 7 September 1919, the Franco-Italian Convention of 30 September 1919 , and the Convention of 20 March 1920 between France and the Czechoslovak Republic.

" The three documents may be considered as forming one whole ; the particular clauses relating to individual emigration and the recruiting and the conditions of immigrant workers in France are more comprehensive in the conventions with Poland and the Czechoslovak Republic than in the Franco-Italian Treaty ; but the essential parts of the Treaties are almost identical in all three of these diplomatic instruments, which are all inspired by the same spirit.

" These three Conventions will mark an indisputable step in advance in regard to the international application of labour legislation ; they will promote the harmonious development of the various national laws while securing for workers efficacious protection based on mutual respect for the sovereign rights of the contracting States. " [1]

A Treaty of the same kind was concluded between Italy and Luxemburg on 11 November 1920.

Further, reference should be made to the emigration Convention between Greece and Bulgaria signed at Neuilly sur Seine on 27 November 1919 as provided in Article 56, Par. 2 of the Peace Treaty between the principal Allied and Associated Powers and Bulgaria, and in conformity with the decision of the said Allied and Associated Powers.

An agreement was concluded in 1919 between France and Austria for the utilisation of Austrian labour. For this purpose the French Foreign Labour Department drew up an individual contract with regulations analagous to those in force for foreign workers in general, providing for and authorising the breaking of contracts on easier conditions, and also stipulating for the expulsion of workers from French territory under certain conditions.

It should be noted that the Franco-Portuguese agreement, according to which the Portuguese Government, subject to certain protective regulations, placed at the disposal of France Portuguese workers mobilised for war industries has been prolonged by tacit renewal and by verbal agreements.

A new agreement was signed on 24 June 1921 between Poland and Austria, which is chiefly of interest in that it is

[1] Bertrand Nogaro : *Les récentes conventions d'émigration et d'immigration.* (« *Revue Politique et Parlementaire* »), Paris, 10 October 1920.

concerned solely with the recruiting of Polish workers for employment in Austrian agriculture.

The last treaty to be considered here is one between Italy and Brazil, signed on 8 October 1921, which regulates Italian migration to Brazil, and the treatment of immigrant workers. It has not yet been ratified.

The more important of these general conventions are discussed below in slightly more detail. They are arranged in chronological order.

B. Principal General Treaties relating to Emigration.

1. *Conventions relating to the Slave Trade.*

The most important treaties relating to emigration which were formerly concluded between governments dealt with a very special form of emigration, namely the forced emigration of African slaves transported by force from Africa to America and various other countries. In spite of the very special character of this emigration, it seems appropriate to indicate the important results which were obtained by agreement between the powers.

The need for an international agreement for the abolition of the slave trade was realised at the time of the Treaty of Paris of 30 May 1814. In point of fact the slave trade was condemned at the Congress of Vienna in 1815. A Declaration of 8 February 1815 showed the opinion of the powers on this question, but it did not contain either a decision or a precise engagement. A new declaration in favour of the abolition of this trade is to be found in the additional Article to the second Treaty of Paris of 20 November 1815. Similar declarations were repeated at the Congresses of Aix-la-Chapelle of 1818 and Verona of 1822. In execution of the above mentioned declarations the slave trade was the subject of legislative measures and of treaties in different countries. France concluded with Great Britain the Conventions of 30 November 1831 and 22 March 1833, in accordance with which a mutual right of visit could be exercised at certain places on board ships of either country.

Great Britain also concluded Treaties for the suppression of the slave trade by sea with Portugal 1817, Spain 1817, the Netherlands 1818, Sweden 1824, Brazil 1826. Numerous treaties were also concluded with other States between 1831 and 1841 and 16 European and 10 American States have by means of Conventions admitted the principles laid down in the Anglo-French Treaty of 1831.

On 20 December 1841 a Treaty was signed in London by which France, Great Britain, Prussia, Austria and Russia re-

cognised a reciprocal right of visit on board ship with a view to preventing the slave trade and they agreed to treat it in the same way as piracy ; this was a measure which Great Britain had already proposed in 1822 at the Congress of Verona. The Treaty was not ratified by the French parliament. For those States which agreed to it, it is still in force. In 1879 a special agreement substituted the " German Empire " for " Prussia " in the text of the Convention.

By a new Treaty concluded between France and Great Britain on 29 May 1845 the verification of the flag was substituted for the right of visit. The two powers undertook to prohibit the slave trade in their colonies. The Treaty of 1845, concluded for ten years, was not renewed. In 1859 and 1867 instructions were given by mutual agreement to the commanders of cruisers by the French and British Governments. They admitted the right of verifying the flag, which consisted in the examination of the ships' papers and in taking a ship suspected of fraud into a port or before the authorities of the country whose flag it was flying.

The United States, which rejected the right of visit and the right of verifying the flag, undertook as far as Great Britain was concerned, by the Treaty of 9 August 1842, to maintain on the coast of Africa a fleet sufficiently large to ensure the execution of their own laws against the slave trade.

On 7 April 1862 Great Britain and the United States admitted by treaty a reciprocal right to visit suspected merchant ships.

In 1877 Great Britain signed with Egypt a Convention for the suppression of the slave trade; this was renewed in 1895. Conventions were also signed with Turkey in 1880 and Italy in 1889.

With regard to the traffic by land the Act of the Berlin Conference of 26 February 1885 concerning African affairs contains provisions for the suppression of slavery and particularly the negro traffic. The signatory powers undertook to use all means in their power to put an end to the slave trade and to punish those who were carrying it on. In 1888 a blockade was established on the coasts of Zanzibar and Mozambique, by Germany, Great Britain, the Netherlands and Italy with a reciprocal right of visit. France refused to allow ships flying the French flag to be visited by the cruisers of other States ; but it took part effectively in the blockade by sending a cruiser to supervise ships sailing under the French flag.

In May 1889 the Belgian Government approached several powers with a view to organising a conference for the final abolition of slavery and the slave traffic. This conference met at Brussels on 16 November 1889 and sat until 2 July 1890.

The Brussels Conference brought together representatives of the States which had participated in the Berlin Conference of 26 February 1885 and also those of the Congo Free State.

The general Act of this conference contains provisions of various kinds regarding measures which each Government should take with a view to preventing the slave trade. The treaties for the suppression of the slave trade already in existence between various powers were maintained, but their application was restricted to a certain piece of territory fixed by the conference. The boundary line of this territory starts from Beluchistan, passes along the coasts of the Indian Ocean including the Persian Gulf and the Red Sea as far as Cape Tangalane ; from this cape an arbitrary line enclosing the island of Madagascar joins the coast of Beluchistan, passing at a distance of 23 miles from Cape Raz-el-Had.

An international maritime office was established at Zanzibar ; the commanders of cruisers visiting ships can obtain there all the information they require. The office centralises all documents and information which may facilitate the repression of the slave trade in the maritime zone. The powers communicate documents and information relating to the slave trade and the exchange of these is centralised by an Office established at Brussels [1].

The ratifications of most of the signatory States were deposited on 2 July 1891 and those of the United States and of Portugal on 2 February and 30 March 1892 respectively. France deposited only a partial ratification on 2 January 1892.

Since then there has been rather less diplomatic activity concerning the slave trade.

On 21 November 1895 and 19 June 1899 Treaties were concluded between Great Britain and Egypt relating to the prohibition of the importation and exportation of slaves into and out of the Sudan and there is also a clause in the Treaty of Peace, Commerce, and Navigation of 10 August 1905 between Colombia and Ecuador forbidding slave traffic.

Finally, a Decree of the Government of Zanzibar has completely forbidden the slave trade since 9 June 1909.

In recent years the traffic by sea has become much less important, thus rendering less indispensable the maintenance of close supervision of the sea routes.

2. *Treaties between the United States and China.*

From the outset the immigration of Chinese, which began about 1849, was regarded unfavourably in California. They

[1] This Office, which was created in 1892, is called the Office for the Suppression of the Slave Trade and is attached to the Belgian Ministry for Foreign Affairs. Among other duties it has to centralise documents and information concerning the whole trade. The original members of this Office are the Governments which signed or adhered to the general Act of the Brussels Conference, that is to say, Austria-Hungary, Belgium, the Congo, Denmark, France, Germany, Great Britain, Italy, Liberia, the Netherlands, Norway, Persia, Portugal, Russia, Spain, Sweden, Turkey, United States, Zanzibar.

were refused the right to become citizens, and a prolonged conflict ensued between the State legislature, which aimed at strict regulation of the admission of Chinese, and the federal authorities, represented in particular by the President and the Supreme Court, which on different occasions had to cancel this anti-Chinese legislation.

The question of Chinese immigration in the United States was definitely dealt with for the first time by the Burlingame Treaty signed on 28 June 1868. This treaty laid no restriction on voluntary immigration, and even made an express declaration to the effect that both parties fully recognised the essential and inalienable right of a man to change his residence and nationality, as well as the advantages to be obtained from emigration and immigration undertaken for the purpose of satisfying curiosity or carrying on trade, or for taking up permanent residence elsewhere, but every other form of immigration than that which was purely voluntary was prohibited. On their arrival in the States, Chinese subjects were to enjoy all the privileges, immunities and exemptions as regards journeys and residence which were enjoyed by the citizens and subjects of the most favoured nation. They were, however, refused the right to naturalisation.

Public opinion on the Pacific coast of the United States was not satisfied by this treaty. Agitation was continued, and severe laws were again proposed and voted. In order to put an end to the movement, the Governments of the United States and of China agreed in 1881 on the text of a fresh treaty, which, while respecting the privileges and immunities granted under the previous treaty, limited immigration in a much more far-reaching manner. This treaty, which, according to the text, is intended to be observed for ever, includes the following Articles :

" Article 1 : Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects, or threatens to affect, the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

" Article 2 : Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and

Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favoured nation. "

The United States Congress applied the treaty so severely that President Arthur was obliged to veto certain of the restrictive laws voted for the purpose of carrying the treaty into effect. In order to settle the differences at issue, fresh diplomatic negotiations were opened in 1886, resulting in the signing of a new Treaty on 12 March 1888. This treaty provided for the exclusion of all Chinese labourers during 20 years, and prohibited the re-entry of Chinese labourers who had returned to China unless they left in the United States a wife, children, or other relative, or property to the value of more than a thousand dollars. The treaty was not, however, ratified by China. Nevertheless, an Act was passed by the American Congress on 1 October 1888 prohibiting the admission of Chinese labourers for a period of 10 years, and their re-admission after they had once departed.

In 1894, China and the United States re-opened diplomatic negotiations, which resulted in the Treaty of 8 December 1894, effecting certain relaxations in the regulations established by the American Act. The exclusion of Chinese labourers for a period of 10 years was maintained and recognised, but the right to re-enter the United States was granted to Chinese who had temporarily returned to their country, as had previously been recognised in the treaty of 1888. This treaty was only valid for 10 years, and in 1904 China refused to renew it. In order to overcome Chinese opposition, Congress re-enacted, under the head of national legislation, all the provisions which had been in force until then by virtue of previous laws and treaties. Since then no treaty has been made with China, and the Chinese are subject to ordinary legislation — with a reservation, however, as regards the permanent treaty of 1881, which remains in force, and which has sometimes been referred to in recent legislation, in particular in the American Immigration Act of 1921.

3. *Anglo-Chinese Treaties of* 1860 *and* 1904 *on the Emigration of Coolies.*

A Convention was concluded on 13 May 1904 between Great Britain and China concerning the recruiting of Chinese workers for employment in British colonies and protectorates. This Convention was concluded in consequence of the stipulations concerning the emigration of coolies contained in Article V of the Anglo-Chinese Convention of 24 October 1860. According

to the 1904 Convention, whenever indentured emigrants are required for a British oversea colony or protectorate the British diplomatic representative at Pekin must inform the Chinese Government of the place of destination of the workers, the port of embarkation proposed and the conditions of engagement. The Chinese Government will issue instructions to the authorities of the port specified so that the necessary steps may be taken to facilitate emigration. The Taotai of the port must then appoint an official, called a Chinese Inspector ; this official, in agreement with the British consular officer or his representative must publish by means of proclamations or notices in the local press the text of the indenture and all necessary details concerning the country of destination, its legislation and other matters of interest to emigrants. The British consul, in agreement with the Chinese Inspector, makes arrangements for the installation of the necessary offices, which are called the Emigration Agency. Suitable quarters are provided in the Agency for the Chinese inspector and his staff. The names of persons desirous of emigrating are enrolled in a register which is kept in English and Chinese. Persons under 20 years of age are not enrolled unless they prove that they have obtained the consent of their parents or other lawful guardians or of the competent magistrate. After having signed the indenture in the Chinese manner the emigrant cannot leave the depot before embarkation without a permit signed by the Chinese Inspector and countersigned by the British consul or his delegate unless he has cancelled the contract and his name is taken off the register.

Before departure every emigrant is examined by a doctor appointed by the British consul or his delegate. Embarkation must take place in a treaty port and ships intended for the transport of emigrants must satisfy the conditions laid down in the appendix to the text of the agreement. With a view to better protection of emigrants the Chinese Government may appoint consuls or vice-consuls in the country of destination. The indentures must state definitely the country of destination, the duration of the engagement, hours of employment, labour conditions, wages and method of payment, particulars concerning food, clothing, free transport and the conditions, if any, of free repatriation to port of departure of the worker and his family, free medical attendance and supply of medicines and any other privileges to which the emigrant is entitled. A copy of the indenture, in English and in Chinese, is given to every emigrant. The indenture is not considered final and irrevocable until after the embarkation of the emigrant. In colonies or protectorates in which emigrants are employed, officials are appointed whose function it is to see that emigrants have free access to courts of justice in order to obtain redress for any injury which they may have suffered. The convention further deals with the repatriation of coolies and prohibition of the transfer of indentured workers to third parties.

4. *Franco-British Convention of* 1906 *on the New Hebrides.*

The Franco-British Convention, signed on 20 October 1906, in order to put an end to the difficulties resulting from the absence of jurisdiction concerning the natives of the New Hebrides and to regulate disputes between their respective nationals in the said islands, contains provisions regulating the recruiting of native workers. A recruiting license issued by the High Commissioner representing the particular signatory power under whose flag the recruiting ship is sailing, or by his delegate, is required by anyone who intends to recruit natives. In the case of professional recruiting agents, the license is not issued until the agent has deposited security amounting to £80. Recruiting licenses are valid for one year only. The master of every recruiting ship must keep a register of the workers engaged. For the recruiting of women the consent of their husbands or the chief of the tribe is required. Children cannot be engaged unless they have reached a certain minimum height. Engagements cannot be contracted for more than a three years' period. They come into force on the day the worker lands in the island in which he is to be employed, but the time spent on board nevertheless counts for wages.

The regulations establish the formalities to be accomplished on board the recruiting ships in case of the death of a recruited worker. A recruited native who, on landing, is in such a state of health that he is incapable of working must be cared for at the expense of the recruiting agent and the period of his stay in hospital or of his incapacity for work is included in the period of the engagement. The register of engagements kept by masters of recruiting vessels must be submitted for inspection and verification to the proper authorities. Every engagement of a native worker must be reported by the employer to the proper authority within three days of disembarkation. On the expiry of the engagement the worker cannot enter into a new engagement without written permit from the Resident Commissioner or his delegate. The license is issued only after interrogation of the native in the presence of the employer and four witnesses, two of whom must be natives, if possible belonging to the same tribe as the worker in question, and only if the latter declares that he wishes to re-engage ; the duration of this new engagement must not exceed one year. It is renewable under the same conditions.

Every person who engages immigrant workers must keep for every worker in his employment an individual engagement book in which is inscribed the name and sex of the engaged person, identification marks, the name of his tribe, the place and date of recruiting, the name of the recruiting agent, the name of the ship, and the duration and conditions of the engagement. Days off duty, due to illness, are noted in the engagement book, and also days of absence from work for other reasons.

The duration of absence from work without good reason is added to the period of the engagement. The engaged person may be retained beyond the period of his engagement for disciplinary punishment to which he has been duly sentenced, but the additional period may not exceed two months for every year of the engagement. Surrender of engagement contracts must be freely accepted by the engaged person and approved by the competent authority. The engaging parties are bound to treat their workers with kindness and to supply them with a sufficient quantity of food in conformity with the customs of the country, rice being included at least once a day. Further, they are obliged to provide shelter, clothing, and medical attendance for their employees.

Workers cannot be compelled to work except between sunrise and sunset. An hour's rest must be given for meals in the middle of the day. Except for domestic work or the care of live stock, workers must not be compelled to work on Sunday.

Wages are paid exclusively in cash. Payment is made either before the competent authority or in the presence of two non-native witnesses who sign the worker's book, which must also be signed by the employer. Whenever the book does not specify a wage agreed at the time of engagement, this wage is reckoned at 10 s. per month. At the request of the worker part of the wage may be handed over by the employer to the proper authority in order to be paid to the worker at some later date.

At the demand of the employer the Resident Commissioner may punish any employee who has given grounds for complaint. Punishment may consist in extra work, a fine, extension of the duration of the engagement or a summary punishment not exceeding one month's imprisonment.

At the end of their engagement workers must be repatriated. They must be taken back to the place where they were recruited, or, should this be impossible, to the nearest possible place. In case of unjustifiable delay in excess of one month the Commissioner may take steps for the repatriation of the workers engaged at the expense of the employer.

In case of continued bad treatment the Commissioner, after warning the employer twice in writing, may cancel the contract and may provide for the repatriation of the worker at the expense of the employer ; this also applies if the engagement is not freely accepted by the worker of if the latter does not clearly understand the terms of the contract.

Repatriated persons are enrolled on a register kept by the master of the transporting ship, similar to the engagement register. This register is inspected by the authorities.

The authorities have the right to institute enquiries in regard to the recruiting and engagement of native workers.

Persons who are not natives may employ natives freely, subject to the two following conditions—that they must not engage them for a period of more than three months, with the

option of renewal, and that they must not be transported to an island more than 10 miles distant from the island in which their tribe lives ; but they may employ freely natives who are known to have worked for at least five years with non-native employers, and who are able to make themselves understood easily in a European language or in the vernacular used between natives and non-natives.

The regulations provide for penalties for infringement of the above conditions.

5. *Convention between Portugal and the Transvaal.*

On 1 April 1909 a Convention was signed between the Portuguese and the Transvaal Governments, concerning the recruiting of natives of the Portuguese province of Mozambique for mining work in the Transvaal. The Government of the said province reserves to itself the right to prohibit the engagement or recruiting of workers by a Transvaal employer if it is proved by an enquiry instituted by agreement between the representatives of the two Governments, that this employer has failed seriously or repeatedly to comply with the obligations imposed upon him in virtue of the Convention or of regulations in force in the province. An umpire is appointed if the representatives of the two Governments do not succeed in reaching an agreement. Licenses for recruiting native workers are issued by the Government of the province, and may be cancelled at any time. Before leaving the province every worker is given a passport valid for a year, for which the employer has to pay to the Government of the province a fee of 13 s. Workers cannot be engaged in the first instance for a period exceeding one year, but afterwards they may be re-engaged for one or more further periods not exceeding two years without a special permit from the Portuguese Curator specified in the Convention. Workers who, on the expiry of their engagement, do not return to Mozambique territory and have not obtained a special permit from the Curator, are considered to be clandestine immigrants. The Transvaal Government guarantees that natives will be discharged when their contract expires and that no pressure will be brought to bear on them to induce them to renew their contracts. A Portuguese official is appointed to undertake the duties of Curator for Portuguese natives in the Transvaal. The rights and obligations of this official are specified in the Convention. He alone acts as consul in regard to natives. The Convention further deals with reductions in railway fares for the benefit of natives engaged, customs regulations in regard to merchandise and luggage of the workers in question, exemption from taxes levied on natives in the Transvaal in favour of Portuguese in possession of a Portuguese passport lawfully issued,

and with the issue of passports to Portuguese natives in the Transvaal without passports, to those who desire to go to another colony or to territory other than the province of Mozambique, or to clandestine immigrants in possession of a Portuguese passport who are seeking employment other than in the mines, or to natives who desire to work for an employer but who have not concluded a regular contract before going to the Transvaal, or who desire to enter into a contract with another employer. The Transvaal Government binds itself to assist this official in the manner indicated in the Convention. Money belonging to Portuguese natives who die in the Transvaal is handed to this official. He is also supplied with full information concerning compensation for labour accidents, in order that he may pay the amount of this compensation to the persons entitled to receive it.

6. *Hispano-Liberian Convention.*

A Convention concluded on 22 May 1914 between Spain and the Republic of Liberia, and ratified by these two States on 2 May 1915, regulates the recruiting of agricultural workers in the Republic, with a view to their employment in the Spanish colony of Fernando Po. In agreement with Spain the Republic establishes a consulate at Fernando Po ; further it appoints " labour agents " in ports suitable for the embarkation of agricultural workers. The Spanish Governor-General is, in return, authorised to appoint recruiting agents in Liberia and to establish a recruiting agency there. The aforesaid authorities are charged with the inspection of labour contracts (Articles 5,9 *et seq.* defining conditions of collaboration of these authorities). The contracts last not more than two years nor less than one, and the Fernando Po authorities are obliged to see that no contract labourer stays in the colony beyond the period agreed. Labourers may not be recruited without the permission of the Spanish and Liberian authorities. The distribution of labourers among the various employers is effected by the Curator, who is appointed by the Spanish Government ; contracts must be concluded in the presence of the Liberian consul and must reproduce the relevant regulations in force in the colony. The Government of the Spanish possessions in the Gulf of Guinea guarantees payment in full of the wages of these agricultural labourers. The labourer receives half his wage monthly ; the other half is handed over at the end of the contract to the captain of the ship which transports the labourer and is paid to the latter on his arrival in Monrovia in the presence of the labour agent. The Liberian consul in his capacity of representative of the agricultural labourers may go to the Curator's office in Fernando Po, to lodge complaints which he considers justified

in the interests of his compatriots and to appeal to the Governor-General against decisions of the Curator. Subject to permission obtained in advance from the proprietors, he may also visit the Fernando Po plantation in order to obtain information as to the labour conditions of agricultural labourers of Liberian origin.

7. *The Franco-Polish Convention of 1919.*

On 7 September 1919 a Convention between France and Poland was signed at Warsaw regulating emigration and immigration " in a spirit of friendliness and harmony " and guaranteeing to nationals of both countries reciprocity of treatment in regard to labour legislation. The objects of the Convention are (1) to guarantee all administrative facilities to nationals of each of the two countries before their emigration to the other country and in regard to their repatriation ;(2) to authorise the recruiting of bodies of workers in one of the two countries for the benefit of undertakings situated in the other country.

The essential principles laid down by the Convention are the following :—

(1) Explicit provision for complete equality of treatment for immigrant workers and nationals in regard to conditions of labour, wages, protection, accidents, etc.

(2) Freedom of immigration and emigration from one country to the other subject to justifiable restrictions due to the conditions of the labour market or to sanitary laws.

(3) Annual determination of the number and category of workers who may be recruited collectively ; institution for this purpose of a commission meeting alternately at Paris and at Warsaw at least once a year to which each of the two Governments must submit the opinions of a consultative committee comprising delegates of the departments concerned and representatives of employers and workers.

(4) Recruiting of bodies of workers to be effected exclusively through the public employment exchanges with the addition of an official commission or of representatives of employers charged with the conduct of the medical examination or the examination of workers as to their capacity before their departure.

(5) The placing of workers who have a contract of employment to be subject to the proviso that this contract shall be in conformity with the principles established by the Convention.

The Convention deals in the first place with questions of wages ; " Immigrant workers shall receive, for equal work, remuneration equal to that of nationals of the country in the same occupation who are employed in the same undertaking on similar work, and based on the customary rate of wages current in the district. " (Article 2.)

In addition to equality of wages the Franco-Polish Convention and the other conventions referred to below attempt to enforce as far as possible the wider principle of the equality of treatment of foreign and national workers. Article 3 of the Convention provides that immigrant workers " shall enjoy the protection accorded to workers by the national legislation of the high contracting parties and the protection which may be guaranteed to them by the contracting parties in virtue of special conventions concluded either between them or with other powers. " Thus the French Government, taking advantage of the powers accorded by the Act of 9 April 1898 (Art. III, last paragraph) has abrogated the restrictive clauses of laws concerning industrial accidents in favour of Polish workers as had already been done as a result of special conventions in favour of Belgian, Italian, British and Luxemburg workers.

The necessary arrangements for the payment of annuities and pensions in Poland and in France are to be made by means of an agreement between the French and Polish administrative departments concerned.

Article 4 of the Convention contains further a " most favoured nation " clause ; if, subsequent to the coming into force of the Convention, conventions concluded between one of the two contracting parties and another power grant to workers of the latter greater advantages than those provided in the Franco-Polish Convention the same benefits must be granted to nationals of one or other of the contracting parties employed in the other country.

In virtue of this clause the greater benefits granted to Italian workers working in France by the Franco-Italian treaty of 30 September 1919 are applicable to Polish immigrants also.

The convention provides that the competent administrative departement in each of the two coutries shall supervise the protection of workers and the application both of labour legislation and of the regulations mentioned in the agreement in regard to workers of the other country employed in the national territory. All complaints formulated by foreign workers concerning the labour or living conditions imposed by their employers or concerning difficulties of any kind which they may experience owing to the fact of their living in a foreign country shall be addressed or transmitted to this department either directly or indirectly through the medium of the proper

[1] Nogaro, *op. cit.*

eonsular authorities ; these complaints may be submitted in the native language of the workers coneerned. These provisions shall not restrict in any way the functions of consuls as fixed already or as may be fixed in the future by treaties, conventions and laws of the country in which they are resident.

In regard to individual emigration the Convention provides that except in cases in which the situation of the labour market would make it impossible to procure employment for emigrants no special permit shall be required on leaving the eountry of origin for workers who are going from one country to another in order to find employment either for themselves or their families. Reeiprocally no permit shall be required on leaving the eountry of residenee when the emigrant returns to his eountry of origin. In order to benefit by this privilege workers must be provided with eertifieates of identity issued by the national authorities. On arrival these workers shall be aceepted by the authorities of the eountry of destination, who shall allow them to enter the country freely, subject only to sanitary or police regulations or other provisions eontained in the Convention. If these workers on arrival at the frontier do not produee a eontract of employment, or if this contraet contains provisions contrary to the Convention, they shall be sent to any destination they may ehoose if they have the means to go there. Otherwise they shall be taken to one of the free lodging houses or direetly to a free employment offiee near the frontier.

An interesting provision in the Convention aims at regulating the volume of emigration according to the state of the labour market. " If the condition of the labour market at certain times, in certain areas, and in certain trades, renders it impossible to find employment for immigrants who come separately and on their own initiative to seek work, the Government coneerned shall at once warn the other Government through diplomatic channels, and the latter Government shall, in turn, inform its nationals. If this notifieation fails to produee the desired result, the eontracting parties shall by agreement adopt other effective measures." (Article 10).

In regard to the reeruiting of bodies of workers the two contraeting parties pledge themselves to authorise such reeruiting in their territories for the benefit of enterprises situated in the other country, but each Government reserves to itself the right to determine the districts in its territory in which recruiting is to be authorised or those to which the workers may be sent. The number and category of workers to be reeruited shall be determined by mutual agreement in such a way as not to injure the eeonomie development of one of the eountries or the workers who are nationals of the other.

In order to ensure the execution of this Article the Governments undertake to appoint a special Commission to whieh

they will submit the views of a National Consultative Committee which is to include representatives of employers and workers as well as representatives of the Government departments concerned. (Article 12.)

In Poland recruiting is to be effected exclusively through the medium of the National Office for Employment and the Protection of Emigrants, and in France by the National Employment Office. Previous to their departure the workers are to be accepted and classified or rejected either by an official mission of the Government of the country of destination or by the representative of the employer or by the representative of a trade organisation : in the last two cases the representative must be approved by the two Governments.

The labour contracts proposed by the employers and the applications for workers presented by them shall be in conformity with model contracts and model applications drafted by agreement between the two countries. A copy of the demand shall be submitted for the visa of the competent department of the country in which the workers are to be employed and transmitted by the said department to the corresponding department of the country in which the workers are being recruited. The visa shall not be given unless the conditions of the contract are in conformity with the principles of the Convention and proper provision can be made for the housing and feeding of the workers and unless the demand for labour justifies the recruiting of such foreign labour.

Special arrangements are to be made determining the conditions for the application of the Convention in regard to the recruiting of bodies of workers, medical examination, etc., on departure, and transport. Regulations are to be issued to determine conditions of transfer to savings banks in the country of origin of the savings deposited by workers in savings banks in the other country concerned.

The Convention is valid for one year and will be renewed from year to year tacitly unless it is denounced within three months following the expiry of each period.

All problems connected with the application of this Convention are to be resolved by diplomatic negotiations. (Art. 16).

Finally, the additional protocol stipulates that within three months following the exchange of ratifications of the Convention, a special convention shall determine the conditions subject to which French workers in Poland and Polish workers in France shall be entitled to benefit by the relief, insurance and social welfare legislation and shall be able to exercise trade union rights and right of association in conformity with the national legislation of each of the contracting parties.

This special Convention was signed at Warsaw on 14 October 1920. [1]

[1] See Chapter II, Section I, paragr. 1.

8. *The Franco-Italian Treaty of 1919.*

In this agreement which was signed in Rome on 30 September 1919 and came into force on 31 May 1921 in France and Italy. simultaneously, the two contracting parties aim at regulating the emigration of workers from one country to the other, facilitating in their respective countries the settlement of immigrants who are nationals of the other country, and at establishing to as great an extent as possible equality of treatment for their nationals and those of the other State. The Franco-Italian Treaty contains not only provisions regarding the entry and departure of workers (precisely the same as those in the Franco-Polish Convention) but also a series of provisions relating to social welfare and the relief and protection of workers all based on the principle of absolute equality of French and Italian workers in the two countries in respect of statutory regulations.

In regard to industrial accidents the treaty reaffirms the Franco-Italian Convention of 1906 and proclaims absolute equality and complete reciprocity ; it further provides that Italian and French nationals shall benefit *ipso facto* by any extension of legislation on this subject and that all subsequent social insurance legislation (health, invalidity, unemployment, etc.) shall be extended to them on conditions to be defined by special agreements.

The following are the main provisions of this treaty :—

Like the Franco-Polish Convention, the Franco-Italian Treaty provides that the two Governments bind themselves to give every administrative facility for nationals of each of the two countries desirous of emigrating to the other. No special permit is required on leaving the country of origin for workers going to the other country either individually and of their own accord or as a result of collective recruiting, nor is any permit required for their families. Such workers and their families may also penetrate freely into the country of destination without any special permit. If the state of the labour market makes the emigration of workers undesirable the Government concerned notifies the other Government immediately. If necessary the two Governments will examine jointly the measures to be adopted.

The wages of immigrants must not be less than those paid in the same undertaking or district to nationals of the same category for equal work or, if there are no such workers, the normal and current wages paid to workers of the same category in the district. The Governments undertake to enforce particularly this equality of wages.

Immigrant workers enjoy the same protection as is granted to nationals by legislation and custom in regard to conditions of labour and living conditions.

Each Government may appoint a technical expert attached

to its embassy in the other country to deal with labour questions and maintain relations with the authorities concerned.

The signatory governments exercise joint supervision in order to ensure that the number of workers who may be recruited collectively cannot injure the economic development of one of the two countries or the workers of the other. A commission has been appointed for this purpose ; it meets as a rule in Paris at least twice a year. Article 6 makes provision for facilitating the passage of emigrants at the frontier.

The system of pensions for industrial and agricultural workers (including special pensions for miners) in force in each of the two countries must be applied to nationals of the other without restriction or diminution of the rights accorded to nationals of the country, subject however to the regulations contained in the Treaty in regard to the method of calculation and the payment of benefits and allowances paid by the State.

In regard to the acquisition, possession and transmission of small rural or urban properties, immigrants have the same rights and privileges as nationals, excluding, however, privileges granted as a result of war and with reservations regarding the provisions of Acts concerning the residence and settlement of foreigners.

Immigrants may be members of the administrative council of a mutual benefit society subject to the proviso that the number of foreign members shall not exceed half of the total number of members less one.

Subsidies are paid to mutual benefit unemployment funds, public unemployment relief funds, and public institutions for providing work for the unemployed in each of the contracting States for benefits paid to the nationals of the other State.

Immigrants who require relief, medical attendance or other assistance are to be accorded the same treatment as nationals either in their own homes or in hospitals. They are entitled to allowances for family responsibilities which are in the nature of relief grants, if their families live with them.

The cost of the relief is not refunded by the country of origin in so far as the relief is required owing to acute illness. In other cases, including relapses, the cost must be refunded for the period subsequent to the first 45 days. But the State in which the worker is resident shall continue to pay the cost of relief without refund :— (1) in respect of the maintenance of old people, the infirm and incurables who have lived continuously in the country for at least fifteen years, this period being reduced to five years in case of invalidity resulting from one of the industrial diseases included in a list which is to be prepared by a special agreement ; (2) in respect of sick persons, insane persons and all other persons receiving relief who have lived in the country continuously for five years. In case of illness, a worker who has lived in the country for at least 5 consecutive months every year for the aforesaid period is deemed to have lived in the country continuously. In the case of minors under 16 years of age it is suffi-

cient if the person who is responsible for them has satisfied the conditions of residence specified above.

When the period of 45 days has expired, in the case of persons receiving relief who have not complied with the conditions of residence, the State of origin is bound after notification of the State of residence either to repatriate the person in receipt of assistance, if he can be transported, or to refund the cost of treatment to the State in which the person concerned is resident. Repatriation cannot be enforced in case of special relief to large families or to women at childbirth.

The procedure, conditions and methods of repatriation and the method of ascertaining and estimating the length of continuous residence are to be regulated by the two signatory States by means of special agreements.

Workers and employers in both countries may be members of conciliation and arbitration committees in case of collective disputes between employers and workers in which they are concerned.

The committee, composed of Frenchmen and Italians, provided for in Article 9 of the Franco-Italian Convention of 15 June 1910 for the protection of children and in certain cases of adult workers, will extend its activity to cover Italian workers in France and French workers in Italy, of whatever age, in places where a sufficient number of workers of the other country is employed.

Immigrant workers shall enjoy complete equality of treatment in regard to the application of legislation regulating labour conditions and concerning the health and safety of workers.

Philanthropic and friendly societies among Italians in France and among Frenchmen in Italy and joint societies in either of the two countries, which are constituted and which act in accordance with the laws of the country concerned, enjoy the same rights and advantages as are accorded to French and Italian societies of the same kind.

Neither of the two contracting States may impose special taxes on nationals of the other State by reason of the fact that they are working within its territory.

This Article is without prejudice to the provisions of laws and regulations concerning the general taxes imposed on foreigners, particularly in connection with the issue of residence permits.

The two Governments, taking note of the fact that equality of treatment is already sufficiently realised in the question of public elementary education and private schools, reserve the right to negotiate a special Convention on primary and vocational education for immigrants and their families.

One or more special conventions are to be concluded to regulate, in conformity with the spirit of the Treaty, the situation of seamen, fishermen and, in general, all paid staff employed in the fishing industry and in the mercantile marine.

The Treaty, which was in the first instance to remain in force for one year, may be renewed tacitly from year to year.

Article 26 provides for the solution of difficulties respecting the application of the Convention by arbitration.

It may be noted that the Convention does not apply to colonies, possessions and protectorates, but the two Governments undertake to enter into negotiations for the purpose of concluding special conventions on this matter.

9. *The Greco-Bulgarian Convention.*

By Article 56 of the Treaty of Peace, concluded at Neuilly between the Allied and Associated Powers and Bulgaria, the latter country is required not to place any obstacle in the way of persons determining their nationality and also to allow persons concerned to resume or not, as they desire, Bulgarian nationality. Bulgaria is further required to recognise all the measures that the Allies may consider suitable with regard to reciprocal and voluntary emigration of racial minorities.

In conformity with the decision of the principal Allied and Associated Powers on 27 November 1919 to the effect that in virtue of Article 56, par. 2, of the Treaty of Peace with Bulgaria those Powers deem it desirable that reciprocal and voluntary emigration of ethnic, religious or linguistic minorities in Greece and Bulgaria should be regulated by a convention concluded between these two powers on the conditions decided upon on the above date, Bulgaria and Greece signed, on 27 November 1919, a Convention concerning reciprocal emigration, the principal provisions of which are as follows :

a) Recognition of the right of nationals of the contracting parties belonging to ethnic, religious or linguistic minorities to emigrate freely to the territories of either party.

b) Reciprocal undertaking to facilitate the exercise of this right and not to hinder directly or indirectly the freedom of migration, nothwithstanding contrary laws or regulations which, in this respect, shall be deemed to be null and void.

c) No obstacle may be raised to the departure of a voluntary emigrant except in case of condemnation to corporal punishment for violation of the common law ;

d) Recognition of the right of voluntary emigration in the case of all persons over 18 years of age. The husband's declaration of emigration implies that of the wife ; the declaration of emigration of parents or guardians implies that of their children or wards under 18 years of age.

e) Emigrants lose the nationality of the country which they leave from the time when they leave it, and they acquire that

of the country of destination as soon as they arrive in the territory of that country.

f) Exemption from all import or export duty of furniture of all kinds which emigrants take with them or have transported.

g) Institution of a Joint Commission consisting of one member nominated by each of the contracting parties and of an equal number of members of another nationality, from whom the chairman shall be chosen, and who shall be nominated by the Council of the League of Nations; the function of this Commission is to supervise and promote voluntary emigration as provided in the Convention and to proceed to the liquidation of rural or urban landed property belonging to emigrants and in general to take all steps required for the execution of the Convention and to decide all questions which may arise in connection therewith.

h) Valuation of the landed property of emigrants, it being provided that the persons concerned shall be heard or shall have been duly summoned, and payment to the Joint Commission by the Government of the country in which liquidation takes place of the value of the property liquidated, which shall remain the property of the said Government.

i) Funds to be advanced by the States concerned to the Joint Commission with a view to facilitating emigration and advancing the value of their property to emigrants to the extent of the funds available.

j) States whose frontiers adjoin those of one of the signatory States to be allowed to adhere to the Convention.

10. *The Franco-Czechoslovak Convention of 1920.*

A Convention concerning emigration and immigration was concluded on 20 March 1920 between the Czechoslovak and the French Republics. This Convention is, in most respects, based on the Franco-Polish Convention of 3 September 1919. The principal differences are as follows :—

(1) Suppression of the "most-favoured nation" clause contained in Article 4 of the Franco-Polish Convention.

(2) In case of complaints formulated by foreign workers in respect of labour or living conditions or difficulties of any kind which they may experience the department concerned shall proceed to make the necessary enquiries and shall alone be competent to intervene with a view to clearing away difficulties or settling disputes ; for this purpose the Governments shall if necessary appoint, each in its own territory, inspectors or special officers who speak the language of the immigrant workers.

(3) In Czechoslovakia recruiting is effected by the Central Labour Office (Ministry of Social Welfare) and in France by the National Employment Office, and all direct recruiting operations effected in the country by employers or their representatives otherwise than through these official organisations shall be null and void and any engagements concluded as the result of such operations shall also be null and void.

(4) The application for each organised recruiting operation shall not receive the official visa unless in addition to the conditions stipulated in the Polish Convention an assurance is given that no strike, lock-out or trade agitation of any kind is in progress in the establishment presenting the application.

In the model contract for Czechoslovak workers engaged in France, Article VII concerning health insurance deserves special attention. It takes account of the fact that in Czechoslovakia health insurance is compulsory while in France there is no compulsory system. According to Article VI, in establishments employing 100 or more Czechoslovak workers the employer must provide a Czechoslovak interpreter for every 100 such workers and for every additional fraction of 100 amounting to more than 50. This interpreter, who must be approved by the French Ministry of Labour, is paid by the employer. Article XI of the contract of employment provides that workers who have fulfilled their contract in full shall when this contract expires be paid a bonus of 100 francs if the contract has lasted one year, 75 francs if it has lasted 9 months and 50 and 25 francs respectively if the contract has lasted 6 or 3 months. The workers shall be entitled to this bonus (Art. XII) if the employer terminates a contract before the date fixed, except in case of dismissal due to the action or fault of the worker himself.[1]

11. *The Italo-Luxemburg Treaty.*

The main lines of this agreement, which was signed on 11 November 1920, are similar to those of the Franco-Italian Treaty of 30 September 1919. Equality of treatment in regard

[1] The Central Office for Workers in Germany *(Deutsche Arbeiterzentrale)* entered into negotiations with the Czechoslovak Government with a view to the conclusion of an agreement regarding the recruiting of Czechoslovak workers for employment in Germany. The agreement, which was concluded in February 1922, provides that the recruiting of workers in Czechoslovakia may only be carried out through the employment exchanges and the provincial labour offices, which are in constant contact with the German Central Office. The workers are only to be employed in those parts of Germany in which the rate of wages is such as to be equivalent to the normal wage in Czechoslovakia at the current rate of exchange. A portion of the wages is to be retained as a guarantee against breach of contract, and a deposit made to cover the cost of tools, etc., supplied. This money is to be paid back at the average rate of exchange prevailing during the period of the contract.

to social welfare, relief and labour legislation is regulated on principles similar to those already set forth in the paragraph dealing with the Franco-Italian Treaty. The two Governments agree to provide all administrative facilities for nationals of each of the two countries who are desirous of going to the other country to work there. When the state of the labour market is not favourable for the finding of employment for immigrants, the Government concerned must immediately notify the other contracting party through the ordinary diplomatic channels. Like the Franco-Italian Treaty, the Treaty between Italy and Luxemburg contains no clause authorising one of the two parties to recruit workers in the territory of the other by means of official missions. Laws or regulations in force in each of the two countries, which stipulate that the right to benefit by social insurance laws is subject to the condition that the person concerned is resident in the territory of the country in question, shall not be applicable to the nationals of the other contracting State. The principle of equality of treatment is applicable to insurance, wages, labour conditions, the health and safety of workers, compensation for industrial accidents, rights, privileges and benefits in connection with mutual benefit societies, unemployment, public relief, co-operation, acquisition, possession and transmission of small properties, whether rural or urban, and admission to schools. The same principle is applied in regard to old age and invalidity insurance legislation. The nationals of each of the two States receive in the territory of the other the same treatment in regard to medical attendance as nationals, either at home or in hospitals, until they are repatriated, the date of repatriation being decided by the two Governments through the ordinary diplomatic channels. The cost of relief up to the time of repatriation is borne by the State in which they are resident, no refund being made by the State to which the person receiving relief belongs. In this respect the Treaty between Italy and Luxemburg differs from the Franco-Italian Traty in not fixing a maximum period for the payment of relief by the State in which the person concerned is resident. Equality of treatment also includes trade union guarantees.

Another difference between this Treaty and the Franco-Italian Treaty is that immigrant workers are authorised to submit in their native language complaints or demands which they may have to formulate in regard to labour conditions and living conditions or difficulties of any kind which they may experience in the country of immigration. Further, the Treaty between Italy and Luxemburg provides that Italian workers working in Luxemburg may appoint from among their comrades a representative to explain their demands in regard to labour conditions either to employers or to the authorities to whom the supervision of labour is entrusted ;

both employers and authorities must afford the said representative every facility for the accomplishment of the task entrusted to him. In the Franco-Italian Treaty this right to appoint a representative is limited to workers employed in mining operations.

The Treaty deals particularly with the question of education ; it recognises that emigrants shall have the same right as nationals to be admitted to public elementary and technical schools, the benefit of the arrangement or financial assistance for the purposes of education, and that they shall be able to establish additional schools or classes intended specially for the teaching of their mother tongue.

Like the Franco-Italian Treaty, this Treaty contains a clause authorising each of the two Governments to appoint a technical expert attached to its embassy or consulate in the other country to deal with labour questions and maintain relations with the competent authorities.

The method of application of certain principles is left to be decided by special agreements. Finally it should be noted that the Treaty contains a " most favoured nation " clause in regard to the treatment of workers who are nationals of one of the contracting parties employed in the territory of the other.

12. *The Austro-Polish Agreement of 1921.*

An Agreement was signed on 24 June 1921 at Cracow between the plenipotentiaries of the Emigration Office at the Ministry of Labour and Social Welfare of the Polish Republic on the one hand, and of the Federal Ministry of Agriculture and Sylviculture of the Austrian Republic on the other hand, concerning the recruiting of Polish workers for employment in Austrian agriculture.

According to the terms of this agreement, the recruiting and placing of workers of the Polish Republic for the purpose of employment in Austrian agriculture is exclusively reserved to the Central Office of Agricultural Labour *(Landarbeiterzentrale)* attached to the Federal Ministry of Agriculture and Sylviculture at Vienna, and the Emigration Office of the Ministry of Labour and Social Welfare at Warsaw. The two Governments must take the necessary steps for preventing all other recruiting operations than those made through the medium of these official organisations. Applications for labour made directly by Austrian employers to the Polish Emigration Office will not be taken into consideration.

A model contract has been drawn up to regulate the conditions of recruiting. All private arrangements reached without the approval of the competent authorities, for the purpose

of changing the conditions in the said contract, are declared null and void. All infringements of this regulation may be punished by the Austrian authorities, by requiring the employer to repatriate the workers at his own expense and further to meet all legitimate demands for compensation put forward by the latter.

The transport of the workers is carried out at the employer's expense by the central Office. Special arrangements will be concluded between the Federal Minister of Agriculture and the Government of any State through which the Polish workers are to be transported. Such agreements will be communicated to the Polish Ministry of Labour and Social Welfare. The principle of equality of treatment is applied to Polish workers as regards insurance legislation and labour legislation in general.

Inspectors of Labour, appointed by the Austrian Ministry, will watch over the execution of recruiting contracts. These officials will draw up reports, which must be submitted to the Emigration Attaché nominated by the Polish Government to its Legation at Vienna. The Attaché is empowered to make inspections of this kind himself, in agreement with the Federal Ministry, or to take part at his own expense in those carried out by the said Ministry. He must transmit to the Austrian authorities all claims addressed to him by the workers.

The worker who wishes to send home money to his family in Poland has only to pay the sum in question to the account of the Emigration Attaché in the Postal Savings Bank, indicating the name of the depositor, the address of his employer, and the name and address of the person who is to receive the money. If the family of a worker is in want owing to not receiving remittances, the Federal Ministry must see that the employer retains one-third of the wages of the worker concerned, which he must pay into the above-mentioned account of the Polish Emigration Attaché, supplying also the necessary information.

Differences between the signatories to the agreement as to its application are to be settled through diplomatic channels. The agreement was to remain in force up to December 1921, but if not previously cancelled it is to remain in force until the end of 1922. Negotiations for its renewal may be entered into before 1 December 1922.

Labour contracts proposed by employers must conform to the model already referred to, according to which the hours of work are fixed for each agricultural undertaking by collective agreement or by local custom. In the latter case they must not exceed 10 hours, or 11 hours during harvest, excluding the mid-day rest of one hour and two half-hour intervals for breakfast and tea. The time taken in going to the place of work will not be included in the hours of work, provided it does not exceed half an hour. As a guarantee that the worker

will carry out the contract, the employer is entitled to retain 20 per cent. of his monthly salary for the first three months. This sum is to be paid into the Postal Savings Bank and to be given to the worker at the end of his engagement, subject to any deductions for which he may have become liable according to the terms of the contract. The contract also determines the conditions of assistance required of the employer in case of illness of the worker until sickness insurance for agricultural workers has been introduced in Austria.

As regards the execution of the contract, the employer and the worker are subject to official supervision by representatives of the Federal Ministry and by the Polish Emigration Attaché at Vienna. These authorities will act as arbitrators in disputes between the two parties, who are not however required to follow their awards and who always retain the right to lay their grievances before the Austrian Courts.

An additional protocol lays down the details of procedure for recruiting and transport and for the repatriation of Polish workers.

13. *The Italo-Brazilian Treaty.*

Negotiations entered into at Rome in 1920 between Italy and Brazil for the conclusion of an emigration and labour agreement finally resulted in a Treaty signed on 11 October 1921, which lays down the standards to be observed in regulating Italian emigration to Brazil and the treatment of the emigrant workers.

The Treaty is preceded by a declaration by which the two States reserve to themselves the right to negotiate a general emigration and labour treaty for the benefit of their respective nationals. The main points of the Treaty are as follows :—

(1) Equality of treatment between the subjects of the two contracting parties as regards industrial accidents without residential or other conditions.

(2) Recognition by the Brazilian Government of labour contracts, whether individual or collective, concluded in Italy by Italian workers, and to be carried into execution in Brazil, in so far as they are not contrary to public regulations.

(3) Recognition by the Federal Government of Brazil of agreements which are or may be entered into between Italy and individual Brazilian States.

(4) The obligation of the Federal Government of Brazil to watch over the execution of labour contracts concluded between employers and workers, and to be responsible for the protection and best possible placing of Italian immigrants.

The Brazilian Government also undertakes to facilitate the or-

ganisation and working of producers' co-operative societies, credit societies, mutual aid societies, provident societies, etc., formed by Italian agricultural workers, as also the work of properly constituted Italian societies formed in Brazil for the benefit of Italian immigrants. The most favoured nation principle is embodied in Section 6, according to which " Italian immigrants shall enjoy all present or future facilities, advantages and privileges granted to immigrants from other countries."

The Treaty is to come into force after having been approved by the Italian Government and the Brazilian National Congress, and after having been duly ratified by the respective Governments. It is to remain in force until at least six months' notice to cancel it has been given by either of the two parties.

A short time before the signature of this Treaty, the General Emigration Office came to an agreement with two associations of planters *(fazendeiros)* in the state of Sao Paulo (Brazil) regarding the terms of a model contract for Italian agricultural workers taken to Sao Paulo.

This contract lays down the conditions of recruiting and free transport of the workers, their families and luggage. On the arrival of the settlers at Sao Paulo the contract is transferred to the proprietor of the plantation *(fazenda)* where they are to work, after agreement with the Italian Consul at Sao Paulo or his substitute. On this occasion the rate of remuneration for the work to be done by the settler will be specified in view of the fact that the conditions of work vary from plantation to plantation, and in order to avoid the possibility of the settler being compelled to do work to which the agreed remuneration would not correspond. It is laid down that the settler may receive a monthly advance on account of work done, the balance due to be paid at the end of the year. The settler has further the right to sell produce of his own growing as, when and to whom he likes, and he is entitled to buy or not, as he pleases, articles of prime necessity at the stores established for the purpose by the proprietor of the plantation. The associations of planters undertake to encourage, according to rules to be prescribed, the working of free commercial and credit institutions to be formed for the purpose of facilitating the sale of the settlers' own produce. The contract also contains sanitary and moral clauses ensuring healthy dwellings and medical aid for the settlers. The latter must be free or at least not cost him more than three milreis per family per month, while drugs have to be provided at cost price. The inviolability of the settler's home is expressly declared in the contract, except in the case of crime, offence, or danger to public health. The planters must open free shools for the settlers' children, in which the teaching of Italian and of the history and geography of Italy must be compulsory.

The Italian consuls, or their substitutes, and the agents

of Italian societies recognised by the Government of the State of Sao Paulo must have free access to the plantations in order to verify that the contract is being faithfully observed. Disputes as to the execution of the contract must be submitted to the consul, who will settle them through a deputy sent to the spot. Contracts transferred to private planters must be examined every year, from the point of view of remuneration, by the president of the association of planters, and the Italian consul, or their substitutes. The latter will also fix by agreement the fines to be imposed on the settlers in each individual case of contravention of orders and instructions on the work to be done. The fines will be paid into a special fund for establishing co-operative mutual aid societies in case of sickness, accident, death or repatriation. The fund will be supervised by the associations of planters and the consul or their representatives.

A similar form of contract has been drawn up for direct recruiting by individual planters. [1]

C. The 1919 and 1920 Peace Treaties.

Among the diplomatic instruments which have had the greatest effect on migratory movements, and are likely to continue to do so in the future, are the five treaties which put an end to the war between the Allied and Associated Powers and their enemies. These are the Treaties signed with Germany at Versailles on 28 June 1919 ; with Austria at St. Germain-en-Laye on 10 September 1919 ; with Bulgaria at Neuilly-sur-Seine on 27 November 1919 ; and with Hungary at Trianon on 4 June 1920 ; and with Turkey at Sèvres on 10 August 1920. All five include a preliminary part consisting of 26 Articles relating to the League of Nations and another part in 39 Articles devoted to the Permanent Labour Organisation, which must both exert great influence in these matters.

The Covenant of the League of Nations aims primarily at promoting international co-operation, and for this purpose it contains, besides provisions prohibiting the resort to war, an obligation to maintain open, just, and honourable relations between nations, to observe rigorously the prescriptions of

[1] This contract of labour has met with protests in Brazil and the State of Sao Paulo has refused to ratify the clauses relating to the inviolability of the residence of the colonists, to the rights of the consuls and to Italian schools. These clauses have in point of fact been deleted in the contracts of all Italian workers who have been recruited in virtue of this agreement and taken to the State of Sao Paulo since the beginning of the year 1922 by societies for providing labour for industry in the State.

international law, and to maintain justice and a scrupulous respect for all treaty obligations. With regard to emigration, the provisions of the Covenant which are of special interest are the measures aiming at securing in a general manner fair conditions of labour for men, women and children and at establishing and instituting the necessary international organisations for this purpose. Among special questions, the provisions relating to the treatment of native populations, to agreements in connection with the traffic in women and children and with the guarantee and maintenance of freedom of communications and transit, are of particular interest to emigrants.

The Permanent Labour Organisation, associated with the League of Nations, is charged with the development of the physical, moral and intellectual welfare of the workers. In particular among the duties imposed on this Organisation by the terms of the Peace Treaties, is the improvement of conditions connected with the recruiting of labour, the consideration of measures against unemployment, and the protection of workers employed abroad. Among the principles which are to govern world policy, and whose realisation is entrusted to the Labour Organisation, the Peace Treaty prescribes that the labour regulations issued in each country must secure fair economic treatment for all workers legally resident in the country.

A large number of special measures relating to emigrants and to alien workers have already been adopted for carrying out this programme. These will be examined in more detail in the sections relating to multilateral agreements of a special nature.

In addition, the peace treaties themselves contain a large number of special provisions relating to repatriation, to the right to emigrate and to settle abroad, and the protection of workers abroad. Among these provisions special attention will be directed to those under Article 276, on account of their general character.

The Treaty of Versailles, in dealing with the treatment of nationals of the Allied and Associated Powers, stipulates that Germany binds herself (a) not to impose upon nationals of the aforesaid powers in regard to the exercise of occupations, professions, trade and industry, any prohibition not equally applicable to all foreigners without exception ; (b) not to submit nationals of the aforesaid powers to any regulation or restriction in regard to the rights referred to in paragraph (a), which might directly or indirectly contravene the stipulations of the said paragraph, or which would be different from or more disadvantageous than those which are applicable to nationals of the most favoured nation ; (c) not to impose upon the nationals in question, their property, rights or interests, including companies and associations in

which they are interested, any duty or direct or indirect taxation, different from or higher than those which are or may be imposed on her own nationals or on their property, rights, or interests ; (d) not to impose upon the nationals in question any restriction which was not applicable to these same nationals on 1st July 1914, unless the same restriction is imposed upon her own nationals also.

The same treaty adds that nationals of the Allied and Associated Powers shall enjoy in German territory constant protection for their persons, property, rights and interests, and shall have free access to the courts of law.

Identical conditions are contained in the Treaties of St. Germain, Trianon and Neuilly, signed by Austria, Hungary and Bulgaria respectively, with the Allied and Associated Powers, but they do not appear in the Treaty of Sèvres which was concluded with Turkey[1].

A reference to the texts of the treaties themselves is necessary for all the other numerous clauses connected with the subject under consideration, because the examination of all the clauses in any way related to the question of settlement abroad would involve a special study exceeding the scope of this work.

§ 4. Convention relating to the Transit of Emigrants.

Until recently the question of the transit of emigrants was generally left to the sole decision of the countries across whose territory the journey took place. The national character of these measures was further accentuated as a result of the conditions introduced by the war. The question had only been dealt with by treaty in a very subsidiary manner, and the first signs of regulation in this direction almost all disappeared during the course of the war. It was only after the resumption of peace conditions that an attempt was made to renew such relations, and then in a closer manner than before.

The Conference which was held at Barcelona under the auspices of the League of Nations from 10 March to 20 April 1921 considered the question of the transit of travellers, and adopted a draft Convention signed by 34 powers (Albania, Austria, Belgium, Bolivia, the British Empire, Bulgaria, Chile, China, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Guatemala, India, Italy, Japan, Latvia, Lithuania, Luxemburg,

[1] The Treaty of Neuilly of 27 November 1919 adds to paragraph *c* of this clause the words " or to nationals of any most favoured power, or to their property, rights or interests ".

the Netherlands, New Zealand, Norway, Panama, Persia, Poland, Portugal, Roumania, the Serb-Croat-Slovene State, Spain, Sweden, Switzerland, and Uruguay) which will come into force as soon as five powers have formally ratified it[1]. This Convention stipulates in particular that persons and baggage shall be deemed to be in transit when the passage across the territory of a contracting State, with or without transhipment, and with or without a change in the mode of transport, is only a portion of a complete journey beginning and terminating beyond the frontier of the States across whose territory the transit takes place. (Article 1.)

According to the Convention, every facility must be given for free transit of persons travelling by rail or waterway without making any distinction based on nationality or otherwise. Such travellers must not be subject to any special dues in respect of transit, and reasonable rates must be applied on routes operated or administered by the State or under concession. These provisions are only compulsory for contracting States.

Certain provisions are contained in Article 5 which appear to refer particularly to undesirable emigrants. It declares that none of the contracting States shall be bound to afford transit for passengers whose admission into its territories is forbidden, and that each State shall be entitled to take reasonable precautions to ensure that persons in transit are in a position to complete their journey.

The Convention does not abrogate treaties, etc., concluded before 1 May 1921, and does not entail the withdrawal of facilities which are greater than those provided by it.

The Convention is drawn up in very general terms. It is not yet in force, and to bring it into effect will no doubt raise certain difficulties, but, such as it is, it provides an interesting indication of the desire of governments to facilitate the conditions of transit for travellers, a question which is of great importance, and which is of interest to hundreds of thousands of emigrants every year.

E. Commercial Treaties.

Commercial treaties usually contain clauses providing that the subjects of each of the contracting parties shall enjoy in the territory of the other party freedom to enter and leave the country and settle in it, and full protection and security for their persons, goods and property, provided that they comply with the laws and regulations of the country. It is also customary to specify in these treaties the guarantees and privileges which will be granted to merchants of each of the signatory

[1] This Convention, which has already been ratified by several countries, will come into force on 31 October 1922.

States in the territory of the other State. Many of these treaties include a most favoured nation clause.

During the nineteenth century and up to the present time commercial treaties have been very numerous. Almost all States have concluded such agreements. It is unnecessary to examine each of them in detail, but some indication can be given of those clauses which are most interesting from the point of view of emigration. Among these reference should be made in the first case to those applicable in a general way to all citizens of the other State concerned.

One of the oldest of these treaties dealing with the situation of immigrants as such is the Franco-Swiss Agreement of 23 February 1882, stating that " all kinds of industry and commerce which may be carried on by Frenchmen in France is equally legitimate for Swiss citizens, without requiring them to fulfil any more onerous conditions, whether pecuniary or otherwise." This is a stipulation which the most favoured nation clause has made of fairly general application.

One of the most noteworthy is the commercial Treaty concluded on 31 October 1897 between Switzerland and Chile, which stipulates generally in regard to the protection of nationals of each party residing in the territory of the other that such nationals shall enjoy the benefit of all privileges or immunities which may be granted to the citizens of any other nation. However, such concessions cannot be demanded by Switzerland in virtue of the most favoured nation clause unless they are granted by Chile to a State other than one of the Latin-American States.

The Greco-Swiss Treaty of 10 June 1887 appears to be based on the same general principle ; it provides that the subjects and the commodities of each of the contracting parties shall enjoy in the territory of the other all privileges, immunities or advantages accorded to the most favoured nation.

The Franco-Japanese Treaty of 4 August 1896 contains a similar, and even more explicit, clause : "Frenchmen in Japan, and Japanese in France, shall not be required, under any pretext whatsoever, to submit to charges or pay taxes, duties, contributions, or stamp duties, under whatsoever denomination, other or higher than those which are or may be imposed on nationals or subjects of the most favoured nation. They are exempt from all taxation imposed in lieu of personal service. "

The above Treaty between Switzerland and Greece and the Treaties between Switzerland and Roumania, and Switzerland and Serbia, of 5 March 1893 and 28 February 1907 respectively, stipulate explicitly for exemption from military service and all military charges.

* * *

In regard to emigrant workers in particular, certain countries recognise the principle that their position should be dealt with

in commercial treaties, and have inserted in various treaties of this kind clauses concerning the treatment of their workers when employed in countries other than their own ; provision is even made in some cases for the conclusion of labour conventions based as far as possible on the principle of reciprocity.

Italy has concluded commercial treaties with different countries which stipulate certain fixed conditions of treatment for emigrants. Such treaties are those concluded with the Dominican Republic, 5 January 1889, with Mexico, 16 April 1890, with Paraguay, 22 August 1893, and Cuba, 29 December 1903. The Consular Convention of 13 November 1905 between Italy and Guatemala,and the extradition Treaty of 8 October 1910 between Italy and Bolivia, also make provision with regard to the treatment of Italian workers.

Article 15 of the Treaty of 15 December 1891 between the Congo Free State and the Republic of Liberia, provides that the nationals of each of the two parties shall be permitted to emigrate and contract engagements with a view to employment in the territory of the other party.

China and Mexico concluded a commercial Treaty on 14 December 1899, which contained clauses regulating the right of their respective nationals to emigrate to the other country in so far as this emigration is voluntary.

Article 17 of the commercial Treaty of 13 July 1904 between Italy and Switzerland states that the contracting parties pledge themselves to examine jointly and amicably the question of the treatment of Italian workers in Switzerland, and of Swiss workers in Italy in respect of social insurance, with the object of guaranteeing to the workers of either of the two nations employed in the country of the other nation the benefit of equivalent treatment as far as possible ; the agreements necessary were to be ratified separately, independently of the coming into force of the treaty.

A similar clause expressed in almost the same terms is found in the supplementary treaty to the commercial Treaty of 6 December 1891, concluded between Italy and Germany on 3 December 1904, and in the supplementary Treaty to the commercial Treaty of 6 December 1891, concluded between Germany and Austria-Hungary on 25 January 1905. In the latter the words " and the protection of workers " are added after the words " social insurance ".

The Convention of 1905 between Russia and Germany, which is a supplement to the Treaty of Commerce and Navigation of 1894, also contained clauses concerning the regulation of questions relating to emigrants.

It was in particular stipulated that passports for Russian emigrants intending to be employed in German agriculture should be valid for not more than 10 ½ months. This maximum period was intended to prevent a worker from acquiring permanent rights as regards German sickness and old age insurance.

The commercial Treaty of 11 February 1906 between Italy and Austria-Hungary (final protocol) and the commercial Treaty of 2 May 1911 between Germany and Sweden contain similar clauses relating to insurance [1].

On 21 February 1911 a commercial Treaty was concluded between the United States and Japan, providing that citizens or subjects of each of the contracting parties shall be free to enter, to travel and reside in the territories of the other, but it was understood, — and it was on this condition that the treaty was ratified by the American Senate—that the Japanese Government should continue to restrict and supervise the emigration of workers to the United States in the same way as during the three preceding years [1].

A Treaty of Commerce and Navigation was signed by the United Kingdon and Japan on 3 April 1921. In providing that the subjects of each of the contracting parties "shall have liberty to enter, travel and reside in the territories of the other and, conforming themselves to the laws of the country, shall in all that relates to travel and residence be placed in all respects on the same footing as native subjects".

The Treaty of Commerce and Navigation concluded on 2 May 1911 between Germany and Sweden contains the following Article : " The contracting parties undertake to examine in a spirit of friendliness the situation of Swedish workers in Germany and of German workers in Sweden in respect of workers' insurance, with a view to guaranteeing by means of special agreements to the workers of one of the two countries employed in the other treatment which will give them as far as possible equivalent privileges."

A supplement to the Treaty of Commerce and Navigation concluded on 26 February 1871 between Italy and the United States was concluded on 25 February 1913 ; it guarantees to the nationals of each of the contracting parties the protection of their persons, property and rights in the territory of the other contracting party, including protection in respect of rights derived from the application of laws concerning responsibility for accidents ; it further gives relations or heirs of a person who has been the victim of an accident the right to bring an action. This treaty was the first international Convention concluded by the United States of America in the socio-political sphere.

The two Treaties concluded on 16 April 1920 between Italy and Mexico concerning commerce and extradition respectively also contain clauses dealing with the situation of emigrants.

Finally the commercial Treaty between Italy and Czechoslovakia, which was signed on 23 March 1921, contains the following clause :

[1] See Part II, Chapter II, paragr. 3 (Conditions of race, religion or nationality : UNITED STATES).

" The two contracting parties undertake to initiate in as short a time as possible negotiations with a view to concluding agreements to guarantee to the workers of one of the two countries who may be in the territory of the other equality of treatment as compared with the workers of the other country in all matters relating to the application of legislation for the protection of workers, to medical attendance and admission to hospitals, to insurance against industrial accidents, to education and to freedom of association and trade organisation."

This clause specifies, for the first time in a commercial treaty, the obligation to regulate questions regarding the employment of foreign labour in accordance with the principle of equality of treatment. It is an interesting application of the *pactum de contrahendo*, and is remarkable for its scope and sphere of action.

F. Treaties concerning the Residence of Foreigners.

By means of treaties concerning the residence of foreigners, the contracting States establish conditions of residence of nationals of one of the States in the territory of the other State. The number of these treaties is not large, as frequently freedom of immigration and settlement is in principle guaranteed to citizens or subjects of all foreign States, subject to the proviso that they comply with the laws and regulations of the country. As has already been pointed out, provisions concerning the residence of foreigners are frequently inserted in more general treaties or in commercial treaties, no special agreement being concluded.

Foreigners who desire to benefit by the rights conferred by such treaties must as a rule prove their identity and their nationality. This proof usually consists in the presentation of an identification card, declaration of registration or a passport. The treaties provide that foreigners shall be treated on the same footing as nationals in regard to travelling and residence. They give foreigners the same right as nationals to engage in commerce, to carry on manufactures and to trade in all articles allowed by law, to work, to acquire and possess all kinds of real or personal property, subject, however, to legislative conditions and restrictions. They enjoy constant and complete protection and security for their person and property ; they have free access to the law courts. They are not compelled to pay taxes or duties other or higher than those paid by nationals, nor are they compelled to do military service in the Army, the Navy, or the Militia. Their houses, shops or factories are respected, provided that they are used for legitimate purposes. In regard to the rights of residence in the country, foreigners

do not enjoy absolute equality of treatment as compared with nationals. Foreigners may always be expelled as a result of administrative decisions or a judicial sentence. The country of origin undertakes to receive its nationals at any time, provided that they have preserved their rights of nationality. This obligation usually includes the family of the person expelled. Some treaties impose restrictions in regard to the exercise of certain occupations by foreigners.

The Treaty concerning the residence of foreigners concluded between Switzerland and Germany on 14 November 1910 provides an example of this type of international treaty. It regulates the right of nationals of each of the contracting parties to settle permanently in the country of the other party or to stay there temporarily for a longer or shorter period, on condition that and for such times as they comply with the laws and the police regulations of the country. In order to be able to claim this right, the persons concerned must produce a certificate of origin. Nationals of each of the two contracting parties, who have settled permanently or are resident in the territory of the other, remain subject to the laws of their country of origin in regard to military service or the charges imposed in lieu of personal service ; in the other country they cannot be compelled to perform any military service whatever, nor to pay any charges imposed in lieu of personal service. They are treated in exactly the same way as nationals in regard to war indemnities or expropriation for reasons of public utility. They are entitled to maintenance and medical attendance in conformity with the regulations in force for nationals in the place where they are resident until they can be sent to their country of origin without danger to their own health or that of others. The cost of maintenance and medical attendance and the cost of burial cannot be reclaimed from the country of origin nor from its public bodies or funds. If the person in receipt of relief or other persons who in conformity with civil law are liable for the payment of such expenses are in a position to make such payment, the right to demand refund of money expended for such purpose remains reserved.

Nationals of each of the contracting parties expelled from the territory of the other must be admitted to their country of origin at any time. The wife of the person expelled and children who are minors, and are living with him, even if they do not possess, and have never possessed, the nationality of the country which is called upon to admit them, must also be admitted, provided that they have not become nationals of the other party or of a third State. The despatch of expelled persons must take place after direct correspondence between the proper authorities of the two countries. But preliminary correspondence shall not be required, and the expelled person shall be admitted by the frontier authorities without any other formality, if he possesses a certificate of origin or other valid certificate of identity which

the contracting parties reserve to themselves the right to specify by an exchange of notes, or if, in the opinion of the frontier authorities, the actual or previous nationality of the expelled person appears to be indisputably established by other proofs.

The method of admission of expelled persons, and in particular the frontier zones and localities in which they are admitted, is to be regulated by means of an exchange of notes. The cost of transport of expelled persons to the place where they are admitted is defrayed by the country which expels them. Each of the two parties has the right to reject nationals of the other country whose settlement or stay in their country may be prohibited, as well as persons who do not belong to either of the contracting parties.

With the object of maintaining, after the abrogation of the Treaty of 31 May 1890, the facilities provided by Article 1, paragraph 2, in conjunction with Article 3, and those provided in Article 10 of the aforesaid Treaty, Switzerland and Germany concluded on 31 October 1910 a Treaty regulating certain rights of nationals of each of the contracting parties in the territory of the other. In conformity with this agreement, nationals of each of the contracting parties enjoy in the territory of the other the same legal protection as nationals for their persons and property. They have the right to exercise in the same way, and on the same conditions as nationals, all branches of industry and commerce without being subject to contributions, taxes or duties other or higher than those levied on nationals. The provision concerning the exercise of industry and commerce applies by analogy to the exploitation of rural property which the nationals of one of the contracting parties may possess in the territory of the other.

Switzerland and Austria also concluded a Treaty concerning the residence of foreigners on 7 December 1875; it contains similar provisions in regard to the relief of nationals of the contracting parties. A certain number of similar treaties have been concluded by other countries.

G. National Legislation authorising the Conclusion of Treaties concerning Emigration.

National laws have made provision for the regulation by means of international agreements of questions relating to emigration. The message of President Roosevelt which led to the creation of the great American Immigration Commission in 1907 recommended that the United States should take the initiative in convening an international conference to discuss the question of immigration. This recommendation was formally

endorsed by the United States Congress, which on 20 February 1907 gave the President the necessary powers for this purpose.[1]

After consultation with and subject to the approval of the Senate, the President of the United States is authorised to convene at his own discretion, in the name of the Government of the United States, an international conference to meet in a place to be fixed by agreement, or to send to foreign countries special commissioners with a view to regulating foreign immigration to the United States, to providing for the mental, moral and physical examination of immigrants, through the medium of American consuls, or other representatives of the Government of the United States, either at the ports of embarkation or in some other place ; to secure the assistance of foreign Governments in their own territory to prevent evasion of the United States immigration laws, to conclude such international agreements as may be deemed necessary to prevent the immigration of aliens to whom entry into the United States is or may be prohibited in accordance with United States legislation, and finally to regulate all questions relating to such immigration.

Article 3 of the Franco-Italian Convention of 1904, by which the two nations undertake to promote international legislation, runs as follows :— "Should any State take the initiative in inviting various governments to take part in an international conference for the purpose of standardising by means of conventions certain provisions of labour legislation, the adherence of one of the two governments to the proposed conference shall involve a favourable reply on the part of the other government."

The Austrian Bill of 1913 contains certain provisions making it possible for the government to conclude international treaties of very wide scope in the matter of emigration, and in particular to allow it to institute legal proceedings abroad for offences committed by foreigners in Austria, or to secure compensation for damages sustained by Austrian emigrants.

The Spanish Act of 1907 provides that the Government shall conclude international treaties with a view to preventing clandestine emigration and to improving the conditions of the emigrant.

The Hungarian Act of 1909 authorises the Government to conclude reciprocal conventions with other States as a result of which Hungarian subjects emigrating in contravention of that Act would be stopped on their way across the territory of the other State and sent back to Hungary. On the other hand, in the case of nationals of the foreign country being

[1] The Italian Emigration Office replied to this initiative in 1908, and fixed the lines of procedure for an international conference, the scheme being semi-officially communicated to the Government of the United States, and discussed with that Government in 1909.

found in Hungary after having migrated in spite of regulations in force in that country, the Act of 1909 lays down that the Hungarian Government alone will have the right to determine the procedure to be followed with a view to the deportation of such persons.

Article 11 of the Honduras Act of 8 February 1906 authorises the Government to conclude treaties with other Governments concerning immigration and interior colonisation, if it should consider such a measure desirable.

The Italian Acts of 1901 and 1919 expressly provide for the possibility of agreements to be concluded with other Governments for the institution of offices for the protection of Italian emigrants and of enquiry and employment offices for the benefit of such emigrants.

The Italian Decree of 8 April 1920, which instituted in the General Emigration Office a social insurance commission for Italian emigrants in foreign countries, provides that the aforesaid commission shall report on the clauses of draft labour treaties relating to social insurance.

The Japanese law stipulates that the provisions of that law shall not be applicable either to persons who emigrate in accordance with a special treaty concluded by the Empire, or to emigration agents who make the arrangements for such emigration.

The Czechoslovak Bill specifies that the Government shall be authorised to conclude emigration conventions, based on the principle of reciprocity; by means of these conventions, compliance with the regulations of Czechoslovakia can be guaranteed in the countries concerned. The Government is empowered to conclude diplomatic conventions intended to regulate the relations of Czechoslovakia with other countries on the subject of social insurance, and to make the necessary arrangements in the laws and regulations in force with a view to rendering the protection of the insured persons and the insurance institutions effective.

CHAPTER II.

SPECIAL TREATIES.

The treaties which have been studied so far deal with the emigration situation as a whole and provide in a general way for the conditions of the emigrant. Whether it is a question of treaties of peace, of labour, of residence or commercial treaties, whether the Governments are making provision for the condition of settlers abroad or in transit, or whether they are considering the subject of nations or persons of white, yellow or black race, it is always the general conditions of life of the emigrants, while living abroad, which are regulated by these general treaties.

The international conventions which will be studied now have not such a wide scope. They deal not with the whole life of the emigrant but with a particular question, such as insurance, savings, relief or some such protective measure, which it is necessary to make provision for.

A large number of treaties have been concluded with reference to these special cases so far as their application to foreigners is concerned. These special Conventions, however, are very important for the emigrant, who in that way has the support of his country in the midst of difficulties inseparable from his life abroad. Reciprocity is generally adopted as a basis of agreements intended to ensure this protection, in cases where the Governments hesitate to admit the principle of equality for both nationals and foreigners ; treaties are also inspired in many cases by broad considerations of social justice.

In spite of their more restricted scope as compared with that of the general treaties considered in the previous chapter, it is necessary to examine in some detail those agreements which most frequently refer to special points of labour legislation.

* * *

The special treaties which are considered in this chapter may be divided into two groups, those concluded by two States and those concluded by more than two States.

Up to now the former have mainly been concluded between neighbouring countries in which there was a movement of seasonal and temporary migration. Between such States there are generally continuous and frequent relations, and in such cases it is both easier and more urgent to act. In the case of transoceanic emigration, which is generally more important than continental emigration, very few treaties have hitherto been signed.

Bilateral treaties which are adapted to the particular needs of the two countries concerned provide for these countries a special regime of reciprocity.

The multilateral treaties, on the other hand, are the result of agreements among a large number of countries on a certain number of general principles applicable to the legislation of all the countries concerned. In order to forestall criticism, or from fear of competition, or in order to ensure fair treatment for their citizens employed abroad, the different Governments mutually undertake to adopt a uniform system. These multilateral conventions tend towards the establishment of a universal system, or, at least, a system of equality among all the contracting countries. These arrangements, which aim at satisfying considerations of a general moral character rather than particular interests, were generally arrived at before the war on the initiative of the International Associations for Social Reform. Since the war and in accordance with the Treaty of Peace the League of Nations has the duty of drawing up general conventions of a political or economic nature, and the Permanent Labour Organisation conventions concerning labour questions. These two kinds of international treaties and conventions are examined in the following pages.

Section I.

BILATERAL TREATIES.

These treaties are devoted either to the development of labour legislation properly so called, or to the recognition of the rights of citizens in general. The first seven of the following sub-sections deal with the first aspect, namely that of labour questions. The concluding sub-sections cover subjects of interest to emigrants as a whole, including those who are workers.

The first of the special treaties concerning provision for social welfare is the Franco-Belgian Agreement of 1882 on Savings Banks.

Germany, by inserting in its protective legislation clauses promising reciprocity to such States as would grant to the

German workers on their soil equivalent advantages to those granted under the German laws, had already prepared the ground for international arrangements ; but the initiative for the first agreement of this nature came from France and Italy, who concluded the Convention of 15 April 1904, their purpose being "to assure to the worker reciprocal guarantees similar to those which commercial treaties have provided for the products of labour, and in particular : (1) to facilitate for the nationals of each contracting party working abroad the enjoyment of their savings and to grant them the benefit of social insurance ; (2) to guarantee to the workers the benefits of laws already enacted in their favour and to contribute to the progress of labour legislation."

Following this treaty reciprocity in the matter of compensation for accidents was demanded by a large number of other States. Various countries entered into negotiations, resulting in the conclusion of the treaties mentioned below.

The majority of these treaties refer to insurance, a subject which has given rise to more negotiations than any other.

It should be noted that most of the special points referred to in these agreements are dealt with in the general treaties which have already been examined in Chapter I. No further reference will be made to those treaties.

§ 1. Treaties concerning Insurance in General.

The Franco-Italian Treaty of 15 April 1904 has been mentioned. This agreement, which was the first in date, remains the prototype of its kind. It is very complete, since it passes in review all the usual forms of social welfare and of insurance (savings, accidents at work, old age pensions, unemployment, etc.) and also the regulation of inspection with a view to enabling emigrants from both countries to benefit as far as possible by one identical system of protection. [1] This treaty paved the way for a series of special agreements between France and Italy ; but these arrangements themselves were not sufficient for the attainment of the original programme, and in 1916 an exchange of views took place, which led to the general labour Treaty, which was signed at Rome on 30 September 1919. That treaty is analysed in Chapter I.

An Agreement was concluded on 31 July 1912 between Germany and Italy concerning workers' insurance. This agreement is based on Article 2a of the Treaty of 3 December 1904, supplementary to the Treaty of Commerce, Customs and Navigation of 6 December 1891 between Germany and Italy. The supplementary treaty makes effective provision for the

[1] Pic, *La protection légale des travailleurs*, Paris, 1909.

establishment of a special convention concerning workers' insurance. Insurance in Germany against accidents at work and accidents at sea on the one hand, and insurance in Italy against accidents in general, on the other hand, are considered as equivalent, and equality of treatment for the nationals of both countries and their surviving dependents is provided for in the case of this insurance. This equality of treatment, however, does not exclude the substitution of a lump sum for the pension which had already been provided for in certain cases by legislation in Germany. This lump sum is calculated in accordance with the general rules enacted by the German Federal Council on 21 December 1912.

The Convention further establishes that any Italian whose name is on the books of the *Cassa Nazionale di Previdenza per la invalidità e per la vecchiaia degli operai* or of the *Cassa Invalidi della Marina Mercantile*, may demand the transference to the *Cassa Nazionale di Previdenza* of the obligatory contributions which he has paid during his period of labour in Germany to the German insurance institutions, i.e., of half the sum paid on his account to these institutions. This transference carries with it the loss by the insured Italian and his surviving dependents of all right to payments from German insurance institutions against disablement or death. Thus, the German insurance institutions benefit to the extent of half the contributions paid on the account of the insured person, i.e., by that part which is paid by the employer, without their having to make any payment in case of disablement or death. Italy made reciprocal concessions. German workers employed in Italy may be affiliated to the *Cassa Nazionale*, which up to that time had only been available for Italians: in the same way, Germans who are members of the crew of an Italian ship benefit by payments from the *Cassa Invalidi della Marina Mercantile*, the greater part of which had hitherto been exclusively reserved for Italians.

The German-Italian Convention also makes provision for mutual assistance and legal assistance from the authorities, for reciprocal exemption from stamp duties and other fiscal demands, and also for the co-operation of the consular authorities so far as the notification of actions, enquiries and payments is concerned. The contracting parties finally reserve to themselves the right of ensuring more completely, by means of additional conventions, equality of treatment for the nationals of both countries in the matter of insurance against disablement, old age and death.

The Franco-Italian Agreement signed at Paris on 16 February 1920 and ratified on the 19th of the same month, enacts that " as concerns the special legislation in force in the territories of Alsace and Lorraine which have been restored to France, the conditions under which the Treaty of 30 September 1919 is to be applied, especially so far as concerns

insurance institutions against accidents at work, sickness, disablement, and old age shall be the subject of special arrangements between the two countries." It is further agreed that benefits under the scheme instituted by the German-Italian Agreements of 31 July 1912/25 March 1913 shall remain assured to Italian workers and their legal dependents as regards the rights which have come into existence since 11 November 1918 up to the date of these arrangements.

Poland concluded an Agreement with France concerning social insurance on 14 October 1920. This was in fact provided for by the Agreement of 3 Septembder 1919, and its object is to regulate for French and Polish citizens the questions of social welfare, relief and protection of workers.

The Articles of this Convention are an exact reproduction of those in the Franco-Italian Labour Treaty of 30 September 1919, except for one difference, which should be noted. By Article 13 of the latter treaty, the State of residence has the right to receive from the State of origin the refund of the expenses of treatment in case of sickness for any period exceeding 45 days ; the refund applying only to the time in excess of the 45 days. The State of residence can also repatriate the person in receipt of benefits, at the end of the 45 days, if he can be moved. Articles 7 and 9 of the Franco-Polish Convention increase this period to 60 days.

All Polish workers who are brought to France have to undergo a double medical examination (one in Poland and one in France); this is not the case for workers who go from Italy.

The French Government introduced into the Chamber of Deputies, in the sitting of 16 February 1921, a Bill approving the Convention[1]. Similarly the Polish Minister of Labour and Social Welfare introduced a Bill for the ratification of the Convention into the Diet on 30 July 1921.

The Minister of Public Welfare in Czechoslovakia has opened negotiations with the Austrian Republic on the one hand and the German Republic on the other hand with a view to concluding treaties concerning social insurance.

The Act of 16 December 1911 (Articles 32 and 33) concerning Insurance against Loss of Health and for the Prevention and Cure of Sickness and for Insurance against Unemployment and for purposes incidental thereto (National Insurance Act, 1911) may here be mentioned.

In virtue of the Act :

"If an insured person ceases to be permanently resident in the United Kingdom and becomes a member of any society or institution established in a British possession or foreign country, of a kind similar to an approved society, which is

[1] This Bill has since been passed by the French Parliament and came into force in France on 16 May 1922.

approved by the Insurance Commissioners, or of any branch established outside the United Kingdom of an approved society, the transfer value of such person, or, in the case of a deposit contributor, the amount standing to his credit in the Post Office fund, shall be paid to such society or institution or branch ; but no such payment shall be made, unless the Insurance Commissioners are satisfied that the society, institution or branch in question gives corresponding rights to any of its members becoming resident in the United Kingdom.

"Where an arrangement has been made with the Government of any British possession or with the Government of any foreign State, whereby insured persons may be transferred to a society or institution established in the British possession or foreign State similar to an approved society or the Post Office fund, it shall be lawful for the Insurance Commissioners to make such arrangements as may be necessary for any such transfer as aforesaid, and for the determination of the amount to be transferred in any such case, and of the rights to which any person transferred is to be entitled ; so, however, that nothing in this Section shall affect the rights of a society under this Part of this Act to refuse applications for membership.

"If a person who has for not less than 5 years been a member of an approved society for the purpose of this Part of this Act has ceased permanently to reside in the United Kingdom, and does not join such a society, branch or institution as is in the last foregoing section mentioned, and the approved society is willing to permit him to remain a member of the society and to become entitled to benefits independently of this Act, the society may, subject to regulations by the Insurance Commissioners, transfer from the account of the society under this Part of this Act to the credit of the society independently of this Act such sum as would have been transferred to the Post Office fund had the member ceased to be a member of the society and become a deposit contributor, and so much of any reserve value which may have been credited to the society in respect of him as would in such a case have been cancelled shall be cancelled. "

§ 2. Conventions concerning Accident Insurance.

Argentina.

A Convention concerning compensation for accidents at work, of which workers domiciled on the territories of the two contracting parties may be the victims, was concluded on

27 November 1919 between the Argentine and Spain[1]. Under this agreement, the citizens of each of the signatory States who may meet with accidents at work in the other State, and also their legal dependents, shall benefit by the compensation and advantages provided by the laws in force for the citizens of the said State. Notwithstanding any contrary regulations in force locally, the rate of compensation provided for under the preceding article is maintained if the worker or employee who meets with the accident or his legal dependents have quitted the territory of the State where the accident occurred and inhabit another country. On the death of a Spanish worker in the Argentine Republic consequent upon an accident at work, or of an Argentine worker in Spain from the same cause, the legal dependents of the dead man are entitled to the legitimate legal compensation, whatever may be the country which they inhabit. On the death of a worker, consequent upon an accident at work in one of the two signatory countries, his legal dependents resident in the other contracting country are entitled to the legitimate legal compensation, whatever may be the nationality of the worker. It is stipulated that the Retirement and Pension Fund *(Caja Nacional de Jubilaciones y Pensiones)*, or the office which carries on its functions so far as concerns the payment of compensation for accidents at work in the Argentine Republic, and the analogous office in the kingdom of Spain must notify the respective consuls of the high contracting parties so that the facts may be communicated to the dependents. The regulations of the Convention are applicable in all cases of compensation now pending before the National Retirement and Pension Fund in the Argentine or before the analogous office in Spain, provided that the obligation to pay has not lapsed.

The Convention shall remain in force for five years, and shall be continued from year to year provided it is not denounced by either party. A year's notice of denunciation must be given.

Shortly after the signing of this Convention an agreement of the same kind was concluded between the Argentine and Italy. The regulations of the Italo-Argentine Convention, signed on 26 March 1920, are identical with those of the Hispano-Argentine Convention.

Belgium.

It must first be noticed that the Act of 24 Sept[illegible] 1903 concerning compensation for the results of accidents work

[1] On 13 July 1922, the Spanish Government obtained the Royal sanction to ratify this Convention. The Argentine Government incorporated the Convention in a Bill constituting the Argentine Labour Code, which was introduced into the Chamber of Deputies in a Message of 6 June 1921; it is embodied in the text of Articles 512-519.

and the Act of 27 August 1919 amending the above-mentioned Act to meet war conditions apply to all Belgian or foreign workers working in Belgium in a business undertaking subject to these laws. Similarly, as these Acts form part of public law *(ordre public et statut réel)*, all business undertakings situated in Belgium, even when they are the property of foreigners and only employ foreign workers, are subject to the law if they come within the category of undertakings subject to the law. Seeing, however, that the application of this rule may give rise to legal inconsistency, certain treaties have been concluded between Belgium and foreign countries.

The essential provisions of these arrangements will be briefly examined.

Belgium concluded in 1905 a series of agreements which derived their inspiration from the treaties of 1904. The first in date was the Agreement of 15 April 1905 with the Grand Duchy of Luxemburg, under which "Belgian workers who meet with accidents at work in the Grand Duchy of Luxemburg and their legal dependents shall be allowed to benefit by the same indemnities and the same guarantees as the subjects of the Duchy, and reciprocally. This rule shall not apply to workers occupied temporarily, i.e., for a maximum period of six months, and who remain attached to a business undertaking situated in the territory of the other State, in which case only legislation of this latter State shall be applicable. The regulations of Article 48, para. 2, and of Article 49, para. 4 of the Luxemburg Act of 5 April 1902 are suspended in the case of legal dependents of Belgian nationality. An additional Convention concluded at Brussels on 22 May 1906 provides further that benefits under the agreement shall not apply to persons attached to transport undertakings and occupied either intermittently or even habitually in the country other than that where these undertakings are located.

The Agreement between Belgium and France of 21 February 1906 represents a model treaty. It is reproduced word for word in the Agreement between France and Luxemburg, concluded on 27 June of same year. Article 1 lays down as a principle complete equality of status for subjects of the contracting parties. In consequence, foreign workers who meet with accidents are entitled to compensation and guarantees granted under the law of the other State; this privilege is not optional. This equality of status covers all benefits granted by laws concerning accidents and includes gratuitous legal assistance and all the fiscal exemptions provided in these laws. [1] In cases where laws conflict, Article 1 implicity lays down as a principle the application of the law governing the locality where the accident occurs and Article 2 provides for the two customary exceptions relative to workers tempo-

[1] Mahaim, *Le Droit international ouvrier.*

rarily detached and to the mobile staff of transport concerns. Article 3 guarantees reciprocity of treatment in the matter of fiscal exemptions and Article 4 obliges the respective authorities mutually to assist in the carrying out of the provisions of the agreement.

The Convention relating to accident insurance concluded at Berlin on 6 July 1912 will be examined under the heading of Germany. Under the terms of the Convention concerning insurance against accidents at work concluded at the Hague of 9 February 1921 between Belgium and the Netherlands, business undertakings, which are subject to the laws of obligatory compensation for injury sustained as a result of accidents at work in virtue of the legislation of one or other of the contracting parties and which, whilst having their headquarters located on the territory of one party, also extend their activites over the territory of the other, are, so far as concerns work carried out in either country, exclusively subject to the legislation of that country. The application of this territorial principle is in any case suspended when the work in question is performed by persons domiciled in the territory of the country where the business undertaking is located. In this case the legislation of the country where the headquarters of the undertaking are located is applied. On this point, the agreement departs considerably from the principles established by previous international conventions. Previous conventions, in effect, took into consideration the fact that the worker was working away from home and did not refer to his place of domicile. On the other hand, the duration of the work performed abroad by the worker working away from home is no longer taken into account, so that the departure from the territorial principle is much greater in every respect than in preceding conventions. This is due to a peculiarity of Dutch legislation, which grants benefits under Dutch law to all persons domicilied in the Netherlands, so long as they are in the service of a Dutch employer (Article 9). The Dutch Government, however, was unable to renounce this principle, and so subjected Dutch subjects abroad to Belgian legislation, which, in certain cases, is perhaps less favourable. On the other hand, seeing that Belgian legislation is purely territorial and makes no provision for work performed abroad, there was nothing to prevent the Belgian Government from sanctioning this departure from the territorial principle, which assures in all cases legal compensation to its own subjects. [1]

Article 3 provides for the case of transport concerns. For the mobile portions of the undertaking which pass from one territory to the other, the law of the country where the headquarters of the undertaking are situated always applies.

[1] See the report giving the reasons for the Bill approving the Convention of 9 February 1921, *Revue du Travail*, Brussels, May 1921.

This law therefore regulates in every case the compensation for injury resulting from accidents of which members of the mobile staff may be the victims.

The accident to which the compensation law in force in one of the States applies cannot give rise to any action other than that authorised by the legislation of the State to which the said law belongs.

The competent administrative and judicial authorities must give each other mutual assistance, in accordance with the regulations agreed upon between the two countries regarding civil and commercial matters. In virtue of this clause, it is specially necessary to apply the regulations of the international Convention concluded at the Hague on 17 July 1905. In urgent cases, the authorities must even proceed ex-officio to an examination of the matter as though the execution of a national law were concerned. The Convention establishes reciprocity in fiscal exemptions in the same way as previous conventions of the same kind. The regulations concerning actions to which the accident may give rise, the mutual assistance to be rendered by the authorities and the fiscal exemptions remain applicable so long as the business undertaking concerned, in whatever country its headquarters are situated, only carries on its activities and is subject to insurance regulations in one or other of the two countries. Whenever, in applying legislation regarding accidents at work in one or other of the two countries, it is necessary to take into account the value of a salary fixed in the currency of the other country, the conversion is made on the basis of a mean value determined by each of the two Governments for the application of its legislation which should be brought to the knowledge of the other Government.

Czechoslovakia.

Under the terms of Article 3 of the Convention of 20 March 1920 between France and the Czechoslovak Republic, "so far as accidents are concerned, and in accordance with the last paragraph of the French Act of 9 April 1898 concerning accidents at work and under the conditions indicated in this paragraph, the restrictions provided for so far as concerns Czechoslovak workers who may meet with accidents, and also their legal dependents or representatives who are not resident or have ceased to reside in French territory, are completely abolished on account of the reciprocity assured to French workers by Czechoslovak legislation, which has been deemed to be equivalent. An agreement concluded in the shape of an "understanding between the competent administrative bodies in France and Czechoslovakia will lay down precisely the necessary regulations for the payment of pensions and allowances in France and Czechoslovakia."

Denmark.

On 12 February 1919 an Agreement was concluded by Denmark, Norway and Sweden concerning reciprocity in the matter of compensation for accidents at work. This is not, strictly speaking, a bilateral treaty, inasmuch as three countries have adhered to it, but it is so closely connected in its general conception with the treaties concerning compensation for accidents which are analysed in this chapter, that this would appear to be the proper place to examine it. Under the terms of this agreement, the regulations of Article 34, paragraph 1, of the Danish law of 6 July 1906 concerning accident insurance shall not be applied to the surviving dependents of Norwegian or Swedish subjects. So far as Norway is concerned the regulations of Article 5 of the law concerning industrial workers shall not be applied to the surviving dependents of Danish or Swedish subjects. The regulations of the first part of Article 8 of the Act of 18 August 1911, amended by the Act of 30 July 1915, shall not be applicable to Danish or Swedish subjects nor to their surviving dependents, in cases where they reside or intend in future to reside in Denmark or Sweden. To the extent provided for in the case of Norwegian subjects in the Act of 13 August 1915, Article 25, and in the Act of 18 August 1911, Second Part, Article 26, Danish or Swedish subjects and their surviving dependents who have resided outside Denmark, Norway or Sweden and return to one of these countries to take up their residence there are entitled to the compensation granted under the terms of the law. The medical examination provided for in the last paragraph of Article 4 of the Act of 18 August 1911 may take place either in Denmark or in Sweden, and the certificate granted by a Danish or Swedish doctor shall have the same validity as if it had been granted by a Norwegian doctor. With regard to Sweden, the regulations of Article 27 of the Act concerning accident insurance of industrial workers of 17 June 1916 shall not be applicable as far as concerns Danish subjects not resident in Sweden nor as far as concerns Norwegian subjects resident in Denmark or in Norway. In accordance with these regulations, Danes residing in any country whatever and Norwegians residing in Denmark or in Norway, shall be entitled to compensation in accordance with the regulations of Articles 6, 7 and 27 of the Act in question. Finally the regulations of Article 27 (second paragraph of the said Act) shall not be applicable so far as Danish or Norwegian subjects are concerned.

France. [1]

The Franco-Italian Agreement of 9 June 1906 concerning compensation for accidents at work stipulates that workers

[1] For the Agreement of 21 February 1906 between France and Belgium, see *Belgium.*

or employees of Italian nationality who may meet with accidents owing to or during work performed on French territory, or their representatives, shall be entitled to the same compensation as that granted to workers or employees of French nationality or their representatives, and reciprocally. These regulations are likewise applicable under the conditions provided for in the other articles of the agreement to the legal dependents who were not residing in the country where the accident took place on the date when it occurred, or who have since the accident ceased to reside there.

The Franco-Italian Agreement embodies, therefore, the principle of assimilation in the same way as the Franco-Belgian Treaty of 21 February 1906. The agreement regulates questions relative to the enquiries to be made at the time of the accident and allows the heads of business concerns and the insurers who have arrears owing, to pay the sums due into the hands of the consular authority, and decrees a series of measures intended to facilitate payments through the competent national funds.

The Convention concluded between France and the Republic of San Marino, which was signed at Paris on 9 August 1917 and approved by a Decree of 27 July 1918, may be considered in connection with the above Agreement. The principal interest in this Convention is derived from the co-operation of the Italian Government which is implied by its terms. It extends to the nationals of the two countries the benefits of the Franco-Italian Agreement of 9 June 1906. In order to facilitate the application of this provision San Marino undertakes to adopt Italian legislation concerning industrial accidents, and the necessary transfer of money will be carried out by the Italian national funds. The necessary formalities will be fulfilled by the Consular authorities of San Marino, or, if there are none available, by the Italian Consular authorities.

This Convention has been concluded for 5 years and may be prolonged from year to year by tacit agreement.

These two Conventions, although they resemble each other in many ways, are independent and that signed with San Marino might exist quite apart from the 1906 agreement with Italy, which would, in that case, have to facilitate the carrying out of the Convention with San Marino concerning accidents at work, although the principal Convention had disappeared. [1]

Another Convention was signed on 27 June 1906 by France and Luxemburg. Its text is precisely the same as that of the Franco-Belgian Agreement of 21 February 1906 cited above.

The Anglo-French Agreement of 3 July 1909 concerning accidents at work is analogous to the other Conventions concluded by France, in that it embodies the principle of assimila-

[1] Piganiol, *Le Traité du Travail Franco-Italien*, 30 September 1919, pp. 139-141, Toulouse, 1921.

tion and the application of the law valid in the locality of the accident, subject to the two usual exceptions for workers in transport concerns and workers abroad temporarily, i.e., for a period less than six months. But the ratification of the Treaty was made subject to modifications of the British legislation relating to the five points enumerated in Article 5. The first declares that compensation due to French subjects in England must be compulsorily fixed by the County Court, whilst English law permits the fixing of compensation by agreement between the parties or by arbitration. The other points provide likewise for the intervention of the County Court, and of the French National Pension Fund, with a view to facilitating the payment of pensions. An Act of 20 October 1909 authorised the British Government to introduce into the Act of 1906 concerning compensation for accidents at work all the modifications deemed necessary with a view to its application to French citizens.

France, in consequence of Article 3 of the Franco-Polish Convention of 7 September 1919, has abrogated in favour of Polish workers the restrictive clauses in its legislation concerning accidents at work. France has also opened negotiations with the Czechoslovak Republic as a consequence of the Convention of 20 March 1920 with a view to concluding special reciprocity agreements on the question of accident insurance.

Germany.

Following the entry into force of the Belgian Act of 24 December 1903, and at the request of the Belgian Government, the Federal Council of the German Empire, by Decree of 27 February 1906, ordered the abrogation of restrictive regulations under German laws concerning foreign workers who may meet with accidents, and their legal dependents. This Decree is not a diplomatic agreement, but it plays the same part and is worth mentioning.

According to this Decree, the said restrictive regulations shall not apply to Belgian subjects, even when persons entitled to pensions do not habitually reside in the districts of the kingdom of Belgium which, in virtue of the resolution of the Federal Council of 13 October 1900, are considered as the frontier region for the purpose of the regulations cited above. The right of drawing a pension is in any case subject to the condition that the person entitled to it, so long as he does not reside on German territory or in a foreign district classified as a frontier region, shall obey the present and future regulations decreed for persons of his nationality by the Imperial Insurance Office in virtue of the law concerning insurance against industrial accidents. As regards those persons entitled to pensions, the day on which the Decree comes into force is considered

as the day on which the regulations of the Imperial Insurance Office of 5 July 1901 are applied. The regulations under paragraph 21 of the Act concerning insurance against industrial accidents, and under paragraph 9 of the Act concerning insurance against accidents in the building trade, relating to the exclusion from all right to a pension of surviving legal dependents, do not apply to Belgian subjects, even when at the time of the accident they are not habitually residing in the districts of Belgium recognised as frontier districts.

A similar system was introduced as regards Luxemburg, the whole territory of which was defined, by an Order of the German Federal Council, as a frontier district, and, as such, exempt from restrictive measures. The system under which foreigners in Luxemburg were placed at a disadvantage as regards industrial accidents was similarly suspended on behalf of subjects of the German Empire from 12 May 1905. Another Treaty was concluded between Germany and Luxemburg on 2 September 1905. It deals particularly with the legal points at issue ; it upholds the principle of the application of the law in force at the place of the accident, and deals especially with the case of undertakings working on the territory of both countries. [1]

The Treaty of 27 August 1907 between Germany and the Netherlands closely resembles that of 2 September 1905 between Germany and Luxemburg. It is interesting in that it attempts to abolish inconsistencies in the laws arising from Article 9 of the Dutch law. This Article resulted in effect in frequently imposing a double obligation to insurance upon employers, and on the other hand it sometimes happened that workers were completely uninsured ; moreover, workers in Dutch establishments whose German branch is comparatively unimportant do not come within the provisions of the German law, and if they are domiciled in Holland are not insured in either of the two countries. The Treaty deals first with business concerns which have establishments in both countries and lays down a territorial principle for the law concerning accident insurance. Any branch is henceforward to be considered and treated as an independent establishment. However, two exceptions are made to this principle, the first (Article 2) for the "mobile" portion of transport concerns, the second (Article 3) for concerns of all kinds which have been in existence for less than six months. These two categories continue to be subject to the principle in force at the headquarters of the firm. The other clauses of the Treaty concern measures of administrative procedure. One of them (Article 7) stipulates that heads of business concerns cannot be forced in the case of accident insurance in either of the two countries to pay higher contri-

[1] Mahaim, *op. cit.*

butions or premiums by reason of the fact that the business which they control is located in the other country. [1]

The Agreement of 6 July 1912 between Germany and Belgium provides that when businesses, which are located on the territory of one of the contracting parties and which extend their activities over the territory of the other party, are subject to laws concerning compensation for accidents at work, only the legislation of the country where the said activities are exercised is applicable. In any case legislation of the country where the business is located remains applicable for the period of the first six months of its activities. So far as concerns the undertakings of the States, provinces and communes of the two countries, and the public officials in the service of these undertakings, the legislation of the country where the undertaking is located shall alone apply. Similar provision is made in the case of the mobile portions of transport undertakings.

When, in either of the two countries, payments have been made by way of legal indemnity, in consequence of an accident the consequence of which must be compensated in accordance with the legislation of the other country, the debtor is bound to make the said payments. When an accident which has occurred on the territory of one of the two countries falls within the scope of the legislation of the other country, or when the enterprise concerned is liable for compensation within only one of the two countries, the legislation of this country shall also regulate the actions in the matter of civil responsibility which arise from the accident in virtue of the laws of the other country. The authorities of the two countries agree to grant mutual assistance and legal assistance. Exemptions from stamp duty and from other fiscal demands are applicable to the subjects of the other country. The payment of compensation is effected by the authorities of either country, who should furnish, in addition, the necessary information. The system of provision for social welfare in force for German public servants, which in their case takes the place of insurance against accidents, is brought into conformity with the said insurance. This agreement is not retrospective.

This Convention became ineffective owing to the war, and is now one of those whose maintenance the Belgian Government has notified to the German Government, which has recognised its survival by the application of Article 289 of the Treaty of Versailles.

In accordance with the exchange of notes of 30 November 1912 and 12 February 1913 between Germany and Spain concerning the reciprocal notification of accidents at work, of which Spanish sailors on German vessels or German sailors on Spanish vessels may be the victims, these accidents must be notified in the former case to the Spanish consul, if the accident has

[1] Mahaim, *op. cit.*, p. 236.

occurred in a German or foreign port, and to the civil governor or *alcade* if it has occurred in a Spanish port. In German ports the notification is made by the German authority to whom the captain has made the declaration provided for under the law, and in foreign ports by the German consul. The latter is bound to notify the competent authority, where possible, within 24 hours of the arrival of the vessel in a Spanish port when the accident has occurred on the high seas. Reciprocally, when a German sailor serving on board a Spanish vessel meets with an accident at work, the Spanish authority to whom the declaration has been made or the Spanish consul, as the case may be, is bound to inform either the German consul or the police authority of the port. Similarly, the Spanish consul is bound to make the notification as far as possible within 24 hours. The agreement does not apply to the colonies and dependencies of the two countries.

The supplementary Agreement of 30 May 1914 between Germany and the Netherlands inserts in the Convention of 27 August 1907 an Article 3, declaring that the place of domicile of the insured persons is henceforth immaterial, and that if an undertaking which comes within the provision of the said Convention is subject to accident insurance in one of the two contracting States, any person occupied in the said undertaking is, *ipso facto*, subject to accident insurance, whether or not he resides on the territory of the said State.

Great Britain. [1]

In accordance with the exchange of notes of 3 February and 2 April 1909 between Great Britain and Sweden, the widows and children of British subjects are entitled to the life pensions provided for by the Swedish Act of 5 July 1901, even if they are not domiciled in Sweden at the time of the accident, and Swedish legal dependents domiciled in Great Britain are authorised, subject to reservations provided in Article 6 of the Act cited above, to receive the life pensions to which they are entitled under the terms of that Act, these measures being reciprocal.

Hungary.

Under the terms of the Convention concluded between Italy and Hungary on 19 September 1909, each of the two States ensures to the subjects of the other State resident in its territory the same rights as those possessed by its own subjects in the other country. The legal dependents of victims of accidents are treated in exactly the same way as if they were resident

[1] For the terms of the Anglo-French Convention of 3 July 1909 concerning industrial accidents, see *France*.

in the country where the accident took place. The wholehearted assistance of the local authorities is assured to the consular authorities of the two countries for the purpose of verifications relative to the exercise of the rights concerned. The body on which the compensation for injuries caused by the accidents falls may discharge its obligations in this respect by remitting to the competent body in the other country the capital sum which constitutes the pension. Moreover, either of the countries may use the respective body of the other country as an intermediary for the payment of pensions. The Convention also regulates exemptions from taxes, dues, etc. on documents, the arbitration of disputes which may arise concerning the interpretation or the application of the terms of the agreement, etc.

Italy. [1]

The Italo-Argentine Convention of 26 March 1920 concerning accidents ar work is analagous in substance to the Convention of 27 November 1919 between Spain and the Argentine Republic, which is considered elsewhere (see *Argentine)*.

In the Labour Treaty of 11 November 1920 between Italy and Luxemburg, already cited, the principle of equality of treatment is expressly applied *inter alia* to compensation for accidents at work.

Luxemburg.

The Agreements signed by the Grand Duchy of Luxemburg concerning accidents at work have been already noticed in the course of this study (See *Belgium*, *France*, *Germany* and *Italy)*.

Norway.

See the Agreement of 12 February 1919 signed between Denmark, Norway and Sweden (See *Denmark)*.

Netherlands.

The Treaty of 27 August 1907 between thé Netherlands and Germany has been considered elsewhere (See *Germany)*. For the Dutch-Belgian Treaty, see *Belgium*.

[1] For the Franco-Italian Convention of 9 June 1906 and the Italo-Hungarian Convention of 19 September 1909, see *France* and *Hungary*.

Spain. [1]

The Argentine-Spanish Convention of 27 November 1919 has been analysed in the section on Argentina.

Sweden.

Agreement of 12 February 1919 with Denmark and Norway, already cited, see *Denmark.*

Exchange of notes of 3 February 1909 between Sweden and Great Britain, see *Great Britain.*

Switzerland.

Switzerland has not concluded any special treaty concerning either compensation for accidents at work or other matters of social insurance with foreign countries. Mention must, however be made of a measure taken by Belgium, which, by a Royal Decree of 20 February 1901. classed the canton of Neuchâtel among the foreign States whose subjects benefit by the same subsidies as Belgian nationals. This measure in favour of the canton of Neuchâtel is due to the fact that the canton by an Act of March 1898 established payments equivalent to those provided for by the Belgian Act of 10 May 1900.

§ 3. Conventions concerning Old Age and Invalidity Insurance.

According to § 1233 of the German Insurance Act. the Federal Council may decide that aliens who are generally subject to this Act may be exempt if their admission to Germany has only been authorised for a limited period. A measure to this effect was applied before the war to Polish workers from Austria and Russia engaged either mainly or secondarily in German agriculture and forestry. Agreements with these various countries were concluded in the commercial treaties of 1905, but the present Polish Government no longer considers these provisions as valid [2].

By certain other provisions of the German Health Insurance Act aliens are also subject to a more special system, but these provisions do not appear to have given rise to international arrangements.

[1] For the exchange of notes of 30 November 1912 and of 12 February 1913 between Germany and Spain concerning reciprocal notification of accidents at work affecting Spanish or German sailors, see *Germany.*

[2] See Chapter I. § 5.

The following agreements have been concluded by France in regard to this form of insurance :—

1. Agreement of 9 August 1910 with Italy, concerning payments made into the national pension funds. The object of this Agreement was to regulate the conditions under which paragraph 6 of Article 1 of the Franco-Italian Convention of 15 April 1904 should be applied. This arrangement permits Italians living in France and French subjects living in Italy to make payments intended for the national fund in their own country and to enjoy their pensions when they fall due. The financial relations between the two funds are similarly regulated, and free postage is assured for the despatch of money for the funds.

2. Convention with Belgium of 14 February 1921 with a view to guaranteeing to the nationals of the contracting parties working in French or Belgian mines the benefit of the special pension scheme for miners in force in each of the two countries[1]. French workers in Belgian mines benefit without any residential condition by the grants provided for by Belgian legislation relative to pensions. If they have worked for thirty years in the Belgian mines and if they also fulfil the other conditions as to age and continuity of service required under the special old-age pension legislation for Belgian miners, they are further entitled to the subsidies granted both by the State and by the welfare funds. Belgian workers in France who, at the age of 55 years, have either served thirty years in the French mines (representing 7,920 effective working days) or have worked for wages in France for thirty years, of which at least fifteen were in the mines, benefit on the same terms as the French miners by grants and increases made both at the expense of the French State and of the autonomous pension fund for miners. It is, however, specified that in the case of those who have been unable, owing to residence in Belgium, to qualify for a pension with the national fund for old age pensions, the increases from the autonomous fund are to be deducted in reckoning the pension which will be equal to that to which they would be entitled if the payments provided for by the law of 29 June 1894 had been made. The persons concerned who have not completed thirty years of service, representing a minimum of 7,920 effective working days, either in the French mines or in the Belgian mines, but whose cumulative period of service in the mining enterprises of the two countries reach that figure, are entitled to a pension whose amount (including the subsidies granted by both States) is at least equal to the amount of the minimum pension fixed by the less favourable legislation. The pension scheme for the widows of the workers in question is determined

[1] This Convention has come into force in France as a result of the Act of 12 May 1924.

by the legislation of the country which has paid the pension of their husbands, in cases where the husband was included in the category of workers whose period of service in the mines of one of the two countries amounted to thirty years. The widows of workers, whose cumulative period of service in the mines of the two countries has reached this figure, are entitled to an increase intended to bring the amount of their pension, when it falls due, to the minimum amount provided for by the legislation in the less favourable country. The advantages provided for under the agreement accrue to those workers who, after the date of its coming into force, fulfil the conditions as to age and length of service necessary for a claim to a grant or an increase. They likewise accrue to the widows whose claims arise after that date. In exceptional cases, where workers reside at the time that the Convention comes into force in the country in whose mines they have ceased to work, they are entitled to benefit by the advantages provided in the Convention if they satisfy the conditions as to age and length of service specified therein. Reforms to be subsequently applied in either country to the scheme of old age pensions at present in force shall be extended without restriction to the nationals of the other country. Difficulties relative to the application of the Convention, when they cannot be regulated by agreement, shall be submitted to the consideration of one or more arbitrators.

3. Finally, it should be mentioned that the Franco-Italian Treaty of 30 September 1919 established equality of treatment so far as concerns workers' and peasants' retirement pensions, including the special pensions of miners, always with the reserve that the rules which it established concerning the method of calculation and the payment of bonuses and grants at the expense of the State shall be observed.

Italy and Luxemburg have also adopted the principle of equality of treatment with regard to the laws concerning old age and invalidity insurance in the Treaty concluded on 11 November 1920 between those two countries.

Uruguay is at present negotiating agreements regarding old age and invalidity pensions in general and regarding pensions for employees and workers in the public services (railways, tramways, telephone, etc.) with countries which have similar legislation to its own.

§ 4. Conventions on Unemployment Insurance and Relief.

The first treaty to be concluded on the subject of insurance, the Franco-Italian Treaty of 15 April 1904, provided for the conclusion of agreements on the subject of unemployment insurance, but neither Italy nor France possessed well-developed

unemployment insurance systems, and the clause has therefore remained purely theoretical in character up to the present. Hitherto no real reciprocity convention seems to have been concluded with respect to this kind of insurance, but the subject arises in general treaties concluded between various governments in connection with the recruiting of labour, and in particular in the Franco-Italian Treaty of 30 September 1919, and the Treaty between Italy and Luxemburg of 11 November 1920 referred to above, which provides for unemployment relief for subjects of each of the contracting parties working in the country of the other.

Further, the Draft Conventions adopted by the International Labour Conference at Washington (1919) establish provisions of an international character with regard to unemployment insurance and reciprocity, which will be dealt with later (see Chapter II, Section II, § 7). On the other hand, the various measures which have been introduced as a result of the present crisis and the unemployment relief granted to persons out of work have given rise to much diplomatic activity, although somewhat uncertain at present in view of the temporary and exceptional character of the legislation involved.

Among the bilateral conventions which have thus been made, reference may in particular be made to those of Switzerland with various countries, notably with Czechoslovakia, Germany, Italy, the principality of Lichtenstein, and the Grand Duchy of Luxemburg. The most definite of these agreements is that recently concluded between Switzerland and Italy by an exchange of notes of 4, 11, 15 and 16 March 1921, containing the following provisions :—

The Italian Government ensures to Swiss subjects resident in Italy reciprocity in respect of the application of the Decree of 30 January 1921, which contains provisions in favour of workers insured against unemployment, who through no fault of their own did not pay their contributions during the year 1920.

Switzerland has granted unemployment benefit to Italians residing in Switzerland since 1 January 1920. Residence must have been uninterrupted except in the case of mobilisation, and in this event the person concerned must have returned to Switzerland before 1 January 1921. This exception applies also to Italians who went to Italy in connection with their military duties, provided that they returned to Switzerland before 1 January 1921, as well as to Italians who left Switzerland for a short period for family or business reasons. Italian subjects residing in Switzerland receive in francs the nominal value of the benefits granted in lire to Swiss subjects residing in Italy (1 franc = 1 lire). The amount of the benefit varies according to the normal wage, in conformity with the following scale :—

Class	*Daily Wage*	*Benefit*
1.	1 to 4 frs.	Fr. 1.25
2.	From 4 to 8 frs.	Fr. 2.50
3.	More than 8 frs.	Fr. 3.75

The right to benefit is generally determined by legal provisions in force in each of the two countries. The agreement was to last three months, but unless it was denounced one month before its expiration was to be renewed for an indefinite period ; nevertheless, it can after that date be denounced at any time, 30 days' notice being given. The agreement came into force on 31 March 1921.

Another series of conventions has been negotiated between Italy and France, Germany and Switzerland. These conventions do not as yet appear to have taken any definite shape.

Foreigners in Germany have a right to unemployment relief *(Erwerbslosenfürsorge)* in all cases where it can be proved that their own country grants equivalent relief to German citizens. This condition has hitherto been fulfilled in the case of Austria, Czechoslovakia, Danzig, Denmark, Italy, Luxemburg and Switzerland.

This provision is applicable in case of short time and also of total unemployment.

The situation of alien workers in Austria has been the same as that of nationals in the matter of unemployment insurance since 1 July 1921. Special agreements have been concluded with Czechoslovakia, Germany, and Poland.

Foreign workers residing in Belgium have a right to unemployment benefit on a basis of reciprocity. This condition is fulfilled at present for subjects of Great Britain, Denmark, Austria, Netherlands, and Poland.

There are also a certain number of agreements relating to insurance against unemployment which have been concluded as a result of the Washington Convention on Unemployment. Reference is made to these below.

§ 5. Conventions concerning Health Insurance

No international agreement seems to have been made relating solely to health insurance in contradistinction to insurance against accidents, old age and invalidity. Health insurance usually only affects the persons concerned for a limited period, and then at a time when foreigners cannot in effect be transported to their own country. Foreigners may also easily be made subject to the same provisions as nationals without the intervention of international treaties and conventions. The majority of compulsory health insurance acts

also apply equally to nationals and to foreigners. It may, however, be remarked that Section 32 of the British Health Insurance Act provides for the possibility of conventions of this character.

The German law also contains certain special provisions for foreigners who are subject to the law. An Order of 17 November 1913 authorised the exemption from its application of foreign workers engaged in inland navigation or on temporary work in the frontier district.

As a rule national laws and conventions on insurance in general, together with treaties on the recruiting of labour abroad, are sufficient to regulate questions of health insurance ; hence the absence of special treaties.

§ 6. Treaties on the Protection of Workers.

In this matter treaties are also unusual. Legislation for the protection of workers, particularly in connection with the work of children, young persons and women, the weekly rest day, the hours of work, night-work and the payment of wages are all intended to apply to all persons working in the country, whether nationals or foreigners. They impose definite obligations on the employers, who must respect them and see that they are respected with regard to all their workers, independent of nationality. In order to be of any practical value, international conventions can therefore only decide that foreigners should be more favourably situated in the country of immigration than its nationals. It is easily comprehensible that governments would be reluctant to adhere to such conventions, although this kind of claim has already been formulated, and may ultimately be included in special treaties as to the recruiting of labour. From another point of view these conventions may serve to define the scope and conditions of the application of labour legislation.

The Franco-Italian Treaty of 15 April 1904 may be cited as an example of a Convention of this kind. In virtue of Article 4 of that Convention, an arrangement was concluded on 15 June 1910 between France and Italy concerning the protection of young French workers working in Italy and of young Italians working in France. In general, and leaving out of consideration the reservations established under the arrangement, all the regulations of the French Act of 2 November 1892, particularly with regard to ages and penalties, remain applicable to young Italians working in France. Similarly the regulations of the Italian Act of 10 November 1907 remain applicable to young French workers in Italy.

Under the terms of this arrangement, young Italians in France and young French subjects in Italy, in order to obtain an identity book for admission to work, as provided for by both nationals laws, must furnish to the municipal authority a certificate made out on a special form to be obtained from the competent consulate. This certificate shall not be required either from Italians whose birth is entered on the French civil register, nor from French subjects whose birth is entered on the Italian civil register. The mayors shall only issue an identity book if the consular certificate is presented to them, bearing either a photograph of the holder stamped by the consulate on the certificate itself, or the signature of the holder written in the presence of the consul. This certificate shall be visead by the mayor, stamped with the seal of the commune, and attached to the identity book, of which it becomes an integral part.

Regarding the admission to work in France of young Italian workers of from 12 to 13 years, the certificate provided for by the Italian Act of 15 July 1887, No. 3961, may replace the certificate of primary education required under the French Act of 28 March 1882, and reciprocally in the case of young French subjects of from 12 to 13 years working in Italy. Above the age of 13 years the certificate mentioned above shall not be required.

All forwarding, proceedings, correspondence, or processes of legalisation, which come within the competence of the consular authority in the execution of the terms of the arrangement, shall be gratuitous. Similarly, consular certificates and other documents provided for in the arrangement shall be exempt from all dues and taxes, as has been provided for already by the laws of both countries, in the case of the labour identity book and the certificates necessary for obtaining it.

During the whole period of employment of the young worker, his identity book shall remain in the keeping of his employer, and must be returned to him when he leaves such employment. Labour inspectors and police officers shall examine, on their visits of inspection to industrial establishments, all identity books and consular certificates. They shall confiscate those which have obviously been irregularly delivered, or to be in the possession of a young worker other than the person entitled to it.

Admission to work in unhealthy or dangerous industries is regulated by the law of the country. In the case of glass factories, dangerous and unhealthy labour prohibited in the case of children in Italy shall be prohibited to children in France, and reciprocally. But owing to the differences existing between the French Act of 2 November 1892 and the Italian Act of 10 November 1907, concerning the age limit

to which legal protection extends, the decrees issued in each of the two countries in virtue of the national law shall specify the ages between which this kind of labour shall be prohibited. Both Governments undertake to make every possible effort to make these ages correspond in both countries, by means of regulations within the countries. For this purpose they undertake to bring about, if necessary, an international agreement as is provided for in Art. 3 of the Convention of 15 April 1904. The two Governments undertake also to organise in the great industrial centres employers' committees whose labour shall be unpaid, and who shall include wherever possible representatives of the same nationality as the young workers. The sub-prefect or *conseiller de préfecture*, the mayor of the commune, the labour inspector and the consul, shall be *ex officio* members of these committees, whose business it shall be to supervise the strict application of the laws and regulations and to ensure that equitable and humane treatment is given to young workers living away from their own family, and that as far as concerns them, hygiene and morality shall be respected.

§ 7. Conventions relating to a Specified Occupation (sailors, miners, agricultural workers)

International conventions do not always apply to the working class as a whole. Sometimes the members of some special trade are the subject of these arrangements. Among the occupations which have thus been given special consideration the chief one is that of seamen.

Regarding this subject reference has already been made to the exchange of notes between Germany and Spain (see Treaties regarding accident insurance) concerning the reciprocal notification of accidents at work, of which Spanish sailors on German ships or German sailors on Spanish ships may be the victims. As concerns the assistance to be rendered in certain cases to distressed seamen, Denmark signed Declarations of 25 July 1883 with Great Britain ; 10 August 1883 with Sweden and Norway ; 31 March 1885 with Germany, and 21 May 1885 with Italy. These four identical agreements provided that when a seaman belonging to one of the contracting States, after serving on board a ship belonging to the other State, happens owing to shipwreck or other causes to be reduced to a state of distress, whether in some third country or in the colonies of that country, or in the colonies of the State under whose flag the ship sails, the Government of this latter State shall be obliged to assist the seaman until he finds another ship or other employment, or until his arrival in his own country, or the colonies of his own country

or until his death. It is understood that a seaman in such a situation must take the first opportunity which presents itself of furnishing to the competent authorities of the State, whose assistance he claims, proof of his destination and its causes. He must further prove that this destination is the natural consequence of his leaving his ship, failing which the seaman shall lose his right to assistance. He shall also lose this right if he has deserted or has been dismissed from his ship for having committed a crime or misdemeanour, or if he has left it owing to incapacity for work caused by a disease or disablement resulting from his own fault. The assistance rendered shall include maintenance, clothes, medical attention, medicines, travelling expenses, and, in case of death, funeral expenses.

Denmark also signed with Great Britain the Declaration of 11 April 1877, concerning the heirs and dependents of British or Danish sailors, and with France the Declaration of 1 April 1886, concerning the treatment of the heirs and dependents of distressed seamen of either country.

Great Britain and Italy signed on 8 June 1880 an Agreement concerning assistance to distressed seamen, the terms of which are similar to those set forth in the case of Denmark.

Norway has Agreements with Italy (12 June 1881), with Great Britain (12 July 1881), Sweden (25 August 1909), the Netherlands (20 May 1912), concerning the relief of distressed seamen.

Reference has already been made to the Franco-Belgian Convention of 1921 concerning retiring pensions for miners. Several conventions and recommendations of the International Labour Conference are similarly applicable only to certain categories of workers. This applies especially to the decisions of the second session relating solely to seamen and to those of the third session which dealt more especially with agricultural workers. Certain measures for health and safety also apply only to particular trades. The subject will be dealt with under the head of multilateral treaties.

* * *

Besides international conventions relating to workers in general or to certain categories of workers, some bilateral conventions come up for consideration which cover the whole of the immigrant population without making a distinction between workers and the rest of the population.

§ 8. Conventions relating to Savings and the Transfer of Money.

Before the first official efforts were made to prepare international labour legislation France concluded with Belgium an

Agreement on 31 March 1882 relating to Post Office Savings Banks "with a view to granting new facilities to the depositors" of the two countries.

The agreement consisted essentially in permitting the funds paid in as savings, either to the Post Office Savings Bank in France or to the General Savings Bank in Belgium, to be transferred on the request of the persons concerned, without charge, from one country to the other through the medium of the respective postal administrations. The maximum amount of this transference was fixed in 1882 at 2,000 francs for each account, but on 4 March 1897 a new agreement was arrived at reducing this maximum to 1,500 francs because that was the sum laid down in the French Act of 29 July 1895 as the maximum individual deposit. A revision was necessary in any case so that the persons concerned might be granted free postage to a much larger extent.

The provisions of the agreement of 1897 specified the conditions in which the transfer and repayment might take place. Each contracting State reserves to itself the right in case of *force majeure* or serious circumstances to suspend wholly or partly the benefits of the Convention.

On 8 November 1902, Belgium signed with the Netherlands a Convention relating to co-operation between Dutch Post Office Savings Banks and the Belgian General Savings Bank. This agreement aimed at making detailed modifications in the Convention concluded between the two countries on the same question on 16 September 1883. The Belgo-Dutch Convention of 1902 is based on practically the same principles as the Franco-Belgian Agreement of 1897 except that it fixes no limit to the value of the money that can be transferred.

With a view to carrying out Article 1 of the Franco-Italian Convention signed at Rome on 15 April 1904 a preliminary Agreement was concluded at the same time; it refers exclusively to the Post Office Savings Banks of the two countries and it reproduces word for word the text of the Franco-Belgian Agreement. The second Agreement signed on 20 January 1906 extends these provisions to ordinary savings banks.

In addition to their convention with Belgium on the subject of savings banks, the Netherlands concluded special Treaties for the despatch of money with Great Britain and Ireland on 7 October 1921, with the United States on 27 November 1886, and with Russia on 4 September 1904.

Italy concluded on 25 September 1906 an Agreement aiming at the establishment of an international service between the Post Office Savings Banks of Italy and Egypt and also an agreement with Great Britain on the same subject which came into force on 1 January 1918.

The Emigration and Immigration Convention concluded by France and Czechoslovakia on 20 March 1920 specifies that Regulations, agreed to by the competent French and Czecho-

slovak administrations, will determine the conditions on which the money deposited by workers in the Savings Banks of one country shall be transferred to those of the other country.

§ 9. Conventions concerning Relief and Repatriation.

The question of relief for the subjects of contracting States and of their repatriation is dealt with in several general treaties relating to labour and the settlement of immigrants. Thus the Treaty referring to the recruiting of labour concluded on 13 May 1904 between Great Britain and China deals with the repatriation of coolies ; the Franco-Italian Treaty of 30 September 1919 lays down that "the procedure, conditions and the manner of repatriation and the method of determining the length of continued residence shall be regulated by the two signatory States in special agreements." The questions of invalids, lunaties, medical assistance and care are also regulated in this agreement. Similarly the Italo-Luxemburg Treaty of 11 November 1920 deals with medical assistanee and repatriation.

One of the oldest agreements is that of Eisenach concluded on 11 July 1853 between Austria, Germany and Luxemburg.

It establishes the principle of reciprocity with regard to public relief and a renunciation of the repayment of expenses except in the ease of action taken against assisted persons who are in a position to pay. In this case contracting parties undertake to give reciprocal aid.

Italy and the Principality of Monaco signed on 20 July 1871 an Agreement in accordance with which the natives of one of the contracting parties who fall ill on the territory of the other (with the exeeption, however, of mental or chronic diseases) are attended to in the local hospitals.

Special agreements on these questions are not, however, a novelty. Declarations relating to relief and repatriation of destitute subjects of the contracting parties were signed by Belgium with Germany on 7 July 1887 ; with Italy, 24 January 1880 ; and with Switzerland, 12 November 1896. These agreements ensure to destitute persons residing in a foreign country the same benefits as those which are granted to the nationals of the country by the legislative provisions regarding public relief ; they stipulate, in addition, that the repatriation of destitute persons expelled for any reason whatever shall be carried out at the expense of the country which makes the expulsion, and the destitute person is to be furnished with the resources necessary to reach the frontier. In addition the expul-

sion will be postponed as long as the state of health of the destitute person makes it necessary. The Italo-Belgian declaration adds that expulsion is not to be enforced if relief is necessitated only by temporary incapacity for work or if it is granted to a widow who is a natural born subject of one of the two countries and who has acquired the nationality of the other by marriage. Destitute persons who are ill, infirm persons who become disabled, orphans, abandoned children and lunatics who are treated or maintained by public funds shall only be repatriated as a result of a previous request addressed by one of the Governments to the other through diplomatic channels. This request shall not be refused on the ground that the destitute person has lost his nationality, unless he has already acquired another. No person who has been expelled or conducted to the frontier and who has lost his nationality without having acquired another one can be rejected by the country in which he was born. Administrations which have advanced money either by way of relief or of other expenses can demand the recovery of this money before the courts of the country of which the person concerned is a national either against the latter or against other psrsons who are legally bound to provide for his maintenance. In the case of repatriation wives shall not be separated from their husbands nor children from their parents, except in the case of persons treated or maintained by means of public funds, to which reference is made above. Repatriation shall not take place if an agreement has been arrived at between the interested parties that the destitute persons shall continue to receive relief and that the expenses shall be repaid by the person legally liable (or on conditions which may be laid down).

With regard to Denmark there is an Agreement of 11 December 1873, together with additional declarations of 25 August 1881 and 21 February 1898, with Germany, with a view to regulating the treatment of the subjects of one of the contracting parties who are without resources on the territory of the other and also the reception of individuals who are returned from the territory of one of the contracting parties to that of the other. Mention may also be made of the Conventions of 28 July 1888 and of 26 May 1914 with Sweden and Norway concerning the relief to be granted to the subjects of one of the contracting parties who are without resources on the territory of the other party.

France has recently concluded three Conventions dealing with the question of relief, with Belgium, Luxemburg, and Portugal. These Conventions are based upon the principles put forward by the International Relief Office. [1]

Italy concluded Agreements with Germany on 8 August

[1] Cf. Piganiol, *op. cit.*

1873 and with Austria-Hungary on 10 December 1895. Notes were also exchanged on the subject of relief for destitute persons with Bulgaria on 31 October 1880 and 20 April 1881, and with Luxemburg on 28 January and 25 February 1881.

With regard to the Netherlands reference may be made to the declarations exchanged with Switzerland on 25 March and 17 April 1909 relating to the admission by one of the parties of the subjects of the other in lunatic asylums; the exchange of notes with Norway, 24 May 1909 and 6 May 1910 on the same subject; the Treaty of 29 September 1910 with Argentina relating to medical assistance for destitute persons; finally the Treaty of 11 February 1911 with France concerning the repatriation of lunatic and destitute subjects or former subjects.

In Switzerland, in addition to the Declaration of 12 November 1896 with Belgium, which has already been referred to, there is the Declaration of 6 and 15 October 1875 with Italy relating to reciprocal relief for destitute invalids and the Convention of 27 September 1882 with France relating to free relief for lunatics and abandoned children. These two agreements have been denounced, but they continue in force as a provisional *modus vivendi*.

Provisions relating to relief for foreigners are also to be found in the Convention of 14 September 1887 with France, which aims at ensuring the observation of the laws as to free compulsory elementary education; the Declaration of 16 May 1889 with Portugal, which aims at ensuring free reciprocal relief to destitute invalids; and the treaties regarding the settlement of emigrants concluded with Germany and Austria.

The Convention between Switzerland and France applies only to lunatics and deserted children. France does not demand the repayment of the ordinary hospital expenses (French law of 24 vendémiaire, year 11, Chapter 5, Article 18) and the Swiss Cantons act similarly with regard to France.

In addition, there are, so far as Switzerland is concerned, two settlement treaties which contain provisions relating to relief for foreigners. The treaty with Germany lays down the principle that each "of the two parties undertakes to provide that on its own territory the subjects of the other party who require relief shall be maintained and shall receive medical help in accordance with the rules in force for their own subjects, at the place where the person concerned is staying, up to the time when the return of the latter to the country of origin may be undertaken without danger to his own health or that of other persons, etc." The treaty with Austria contains identical provisions (see "Treaties concerning the Residence of Foreigners").

§ 10. Conventions concerning the Protection of Minors and the Infirm.

The protection of infirm foreigners has been regulated in general terms in a number of consular agreements. The Franco-Swiss Treaty of 15 June 1869 in particular organised in a detailed manner the protection of persons by their consuls. The most important agreements, however, on this subject are at present contained in the two Hague Conventions of 12 June 1902 and 17 July 1905 to which reference will be made later under the head of multilateral treaties.

§ 11. Treaties concerning the Right of Association.

The principle of putting foreigners on a footing of equality with nationals in connection with the right of association is admitted to-day wherever the right of trade unions to a legal statute has been recognised.

In certain cases, however, this right is limited with regard to the administration of associations which are composed partly or exclusively of foreigners ; the latter are, in such an event, excluded from the directorate, or the number of foreigners who are allowed to participate in the administration is more or less limited. These provisions come within the domain of national legislation.

The French Act of 21 March 1884 prohibits foreign workers in the colonies engaged under the title of immigrants (coolies, Chinese, Indians, etc.) from joining trade unions.[1]

General treaties frequently refer to associations of workers, as for instance the Labour Convention concluded between Italy and Luxemburg on 11 November 1920, but there is no special treaty concerning this right.

The Treaty of Commerce signed at Rome on 23 March 1921 between Italy and the Czechoslovak Republic also declares that a special labour treaty should be concluded by the two countries, in order, among other things, to ensure to workers of one of the countries employed in the other equality of treatment with nationals, particularly with regard to the right of association and trade organisation.

One of the Recommendations of the International Labour Conference which met at Washington in 1919 aims at securing for foreign workers, on condition of reciprocity and upon terms to be agreed between the countries concerned, the same right of lawful organisation as that enjoyed by nationals [2].

[1] Mahaim, *op. cit.*
[2] Cf. Chapter II, Section II, § 7.

A Draft Convention adopted by the International Labour Conference at Geneva in 1921 requires Members of the Organisation ratifying the Convention to secure to all persons engaged in agriculture the same right of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.

§ 12. Agreements concerning the Nationality of Emigrants.

The nationality of emigrants has been made the subject of special agreements, such as that concluded on 26 May 1869 between the United States of America and Sweden and Norway. Under the terms of this Treaty, Swedish or Norwegian subjects who have resided in the United States for six years without interruption, and who have become American citizens by naturalisation, shall be considered as such by the Governments of Sweden and Norway, and reciprocally Americans who have resided continuously in Sweden or Norway for five years, and who have obtained Swedish or Norwegian naturalisation, shall be regarded by the American Government as Swedish or Norwegian subjects. The declaration of intention to become citizens of one or other of the countries has in neither of the two countries the effect of legally acquiring nationality. Naturalised citizens who return to their country of origin continue to be liable to prosecution and legal punishment in accordance with the law of that country, for any crime committed before their emigration, but not for the mere fact of having emigrated, subject to a reservation as to the scope of the legislation of the country of origin, and of any other motive for acquittal. In cases where the subject of one of the parties, who has become a citizen of the other, takes up his residence once again in the territory of his country of origin, and requests to be permitted to take up his original nationality again, the Government of the country of origin is authorised to consider him immediately as its subject under such conditions as it may think suitable. The Convention of 26 May 1869 is followed by a protocol of the same date which lays down precisely the meaning of different clauses on points which might be variously interpreted. The Convention for the extradition of criminals and fugitives concluded on 21 March 1860, between Sweden and Norway and the United States, remains in force without modification.

Other Treaties concerning the naturalisation of emigrants have been concluded between the United States and Peru (15 October 1907) ; United States and Salvador (14 March 1908) ; United States and Portugal (7 May 1908) ; United States and Honduras (23 June 1908) ; United States and Uruguay (10 Au-

gust 1908) ; United States and Nicaragua (7 December 1908), followed by a supplementary Convention (17 June 1911) ; and United States and Costa Rica (10 June 1911).

Among the Treaties signed by the United States regarding the nationality of emigrants, it is worth while to make special mention of the Treaty of 22 February 1868, with the North German Confederation, with a view to the regulation of the condition of emigrants coming originally from the latter State. Under the terms of this Treaty, after five years' domicile in America a German is considered as a citizen of the United States, and reciprocally an American becomes a German after five years' domicile in Germany. When the German who has become a citizen of the United States returns to his former country, he recovers his original nationality if he has no longer any desire to return to America. This desire to return is presumed to have ceased to exist after two years' domicile in Germany.

Similar Conventions have been concluded by the United States with Belgium (16 November 1868) ; Mexico (18 July 1868) ; Great Britain (13 May 1870) ; Austria Hungary (20 September 1870) ; Denmark (1872) ; and the Republic of Haïti (22 March 1902).

§ 13. Conventions relating to Passports and Frontier Police Measures.

The passport system, which at the beginning of this century seemed to be gradually disappearing, re-appeared in every country during the war. A number of Acts and Regulations was passed everywhere, both as regards the passports themselves and also with reference to the visa. Since the resumption of peace conditions, there has been some difficulty in getting rid of these papers, and international agreements are only slowly being concluded with a view to the suppression of visas and passports as between certain countries, although such agreements are now becoming more and more frequent.

In general, these very substantial obstacles to emigration and immigration are abolished by bilateral conventions, sometimes also by multilateral conventions. This diplomatic output is too plentiful and at the present moment much too incomplete for it to be possible to indicate here their constantly amended provisions. The question has been examined as a whole in connection with emigration legislation (see Part I, Chapter 3).

Diplomatic agreements relating to frontier police and measures of supervision for undesirable aliens and immigrants are generally concluded in the form of bilateral conventions between neighbouring countries. They frequently affect the situation of immigrants very closely and very directly, and it is impossible, therefore, not to mention them here. But these

conventions are so numerous, so varied and so frequently modified that no detailed analysis of them can be given.

§ 14. Conventions relating to Public Health.

Conventions relating to public health concluded between two or more countries for fixing the conditions under which their nationals are examined at the frontier often react profoundly on the conditions under which emigration and immigration take place. These measures may even go so far as to result in the temporary prohibition of emigration and immigration. Such conventions are, however, too numerous and too specialised in character to be examined here, besides which they generally do not refer to emigrants as such, but rather to travellers as a whole.

As an exception to this rule, reference may be made to the public health Convention of 4 May 1914, concluded between Italy and Uruguay, which indicated under what conditions steps could be taken on board ship for ascertaining that measures relating to disinfection and contagious diseases were being observed. Section 16 in particular runs as follows : " The two governments reserve the right to adopt special measures for ships which are found to be in an insanitary condition or overloaded. Ships, however, cannot be considered as overloaded if they are emigrant ships proceeding from an Italian port with a Royal Emigration Commissioner on board, and if they have the equipment provided for under Italian and Uruguayan emigration law, as well as the compulsory apparatus for disinfection referred to under section 13, and provided that the number of emigrants and passengers does not exceed the maximum laid down under such law. "

Section II.

MULTILATERAL TREATIES.

Before the creation of the League of Nations and of the Permanent Labour Organisation there were very few of these agreements on the subjects of emigration, immigration, and the treatment of foreign workers. Reference may, however, be made, in connection with this period, to the Berne Labour Conventions of 1906, concluded on the initiative of the International Association for Labour Legislation, as regards workers properly so-called, and, as regards immigrants in general, to certain

conventions relating to civil law, legal and charitable assistance and the white slave traffic.

Since the Peace Treaties of 1919 and 1920 the number of multilateral conventions already adopted or in process of adoption, on the initiative of the League of Nations and the International Labour Office, has increased. Among the former are the conventions relating to the transit of emigrants, to passports and the traffic in women and children. Among the latter are the numerous Conventions and Recommendations of the International Labour Conference which affect emigration and the equality of treatment of foreign and national workers.

These Conventions are specially important because, unlike the bilateral Conventions to which reference has already been made and which can be denounced at any time by the Governments concerned, they apply to a considerable number of countries which have agreed to them as a result of discussions in common and in accordance with a special procedure.

These general Conventions are frequently open for the adherence of other States. They come into force even if they have not been ratified by all the contracting parties and their tendency is to constitute for a large part of the world new international laws set up as a result of agreements. Although this procedure is only in its initial stages it appears likely that it will exercise a growing influence on the conditions of emigrants, who constitute an essentially international population.

§ 1. The Berne Labour Conventions of 1906.

It is impossible to overestimate the importance of the Labour Conventions approved at Berne in 1906, which constituted the first agreements arrived at by a large number of European States in the sphere of international labour legislation, equally applicable to foreign and national workers in all the contracting countries. As a result of a vigorous propaganda carried on by the national sections of the International Association for Labour Legislation, and of the adoption of precise texts by their General Assemblies, the Swiss Government convoked the Governments to an international conference, which led to the conclusion of two general agreements known as the Berne Labour Conventions, 1906 The first refers to prohibition of the night work of women in. industry, the second to the prohibition of the use of white phosphorus in the manufacture of matches. When the war broke out the former had been ratified by 14 States and the second by 7, and as a result of the efforts made by the Permanent Labour Organisation on the recommendation of the International Labour Conference at Washington in 1919, ten further States have since given their adhesion.

In 1914, other Conventions were in a more or less advanced state of preparation by the Association for Labour Legislation and other similar associations. They referred particularly to child labour, social insurance and emigration., and have not been reconsidered since. With regard to the International Conventions dating from before the war, it should be noted that those which have been adopted are automatically applicable to all workers in the country, both nationals and foreigners, without any formal declarations having been made on this point.

§ 2. International Draft Convention concerning Charitable Relief for Foreigners (1912).

As a result of a resolution of the Congress of Public and Private Welfare which was held at Copenhagen in 1910 on the initiative of the Danish Government, the Governments of Argentina, Austria-Hungary, Denmark, France, Germany, Great Britain, Greece, Italy, Japan, Luxemburg, Netherlands, Norway, Roumania, Sweden, Switzerland and the United States proceeded, on the invitation of the French Government, and with a view to settling the means of ensuring relief to destitute foreigners, to the appointment of delegates, who met at Paris on 16 November 1912.

This Conference passed a Draft Convention on the basis of absolute equality of treatment for nationals and foreigners as far as questions of public relief, the reciprocal repayment of the expenses of relief, and exoneration for cases of temporary relief are concerned.

Destitute persons of each of the contracting States who, either as a result of physical or mental disease, pregnancy or childbirth, or for any other reason whatsoever, are in need of relief, of medical care or of any other form of help shall be treated on the territory of each one of the other signatory States in the same way as the nationals of those States. The different kinds of public relief in force in the country shall be applied to them, and especially the provisions relating to the relief of workers. Repatriation can be effected in the event of the reason which gives a right to relief appearing to be of a permanent character. If the State of which the destitute person is a subject does not authorise repatriation within 45 days of the notification by the State in which he is residing, it shall be bound to repay to the latter at the end of 45 days all the expenses of relief incurred up to the time when authorisation for repatriation is granted. If this authorisation arrives after the expiration of the delay of 45 days and at a time when the destitute person is no longer in a condition to be transported,

assuming that he could have been transported at the expiration of the delay mentioned above, the State of which the person concerned is a natural born subject shall repay to the State in which he resides the expenses of relief for the period between the expiration of the delay in question and the day when the transport of the destitute person once more becomes possible. The expenses of repatriation as far as the frontier of the State to which the person concerned is being sent and the expenses of assistance during this transport, as well as the expenses of burial, should this be necessary, shall in every case be borne by the State in which the person resides. The delay of 45 days shall be increased by 30 days if postal correspondence with the capital of the State in which the person was born takes more than 4 days, and by 60 days if such correspondence takes more than 12 days.

Authorisation for repatriation granted by the State in which the person was born shall indicate the authority which is charged with the duty of receiving the destitute person as well as the place on the frontier where the person is to be handed over. The State in which the person resides shall indicate to the authority just referred to the day on which the destitute person is to be handed over. This communication shall be made at least 10 days before the date fixed, unless there is an agreement to the contrary. It shall indicate if necessary the number of nurses required to receive the person who is being repatriated. Repatriation shall not take place if the continuation of the relief is ensured and repayment of the expenses by the State in which the person was born is agreed to on conditions determined in each case. This repayment may be made either by philanthropic organisations or out of public funds. In the application of all these provisions the Government concerned shall take into account not only the interests of administration, but also humanitarian requirements and especially the situation of the family of the destitute person. As far as possible wives shall not be separated from their husbands nor children from their parents. Apart from cases specifically provided for, the repayment of expenses incurred for treatment, relief or other forms of help as well as, if necessary, the repayment of the expenses of burial shall not be demanded either from the State in which the person was born, from the province or commune in which he was born or from any other public authority in this country. Similar provisions apply in the case of transport expenses as far as the frontier of the State in which the person was born and the expenses of relief during the transport. Should the person concerned or other persons who are legally liable for his maintenance be in a position to pay the expenses in question repayment can always be demanded from them. Each of the contracting States undertakes to give all reasonable help within the limits of its legislation in facilitating the repayment of these expenses by the person legally liable.

Each one of the contracting States shall grant to the destitute subjects of the other so far as transit from its territory is concerned the same facilities and reduced fares as to its own destitute subjects.

Correspondence between States with regard to these questions shall be carried on through diplomatic channels unless there are special agreements authorising direct relations between the respective authorities in the States concerned.

Every destitute person who is a national of the State in which he resides, and also of another State, shall be considered from the point of view of relief as a subject of the State in which he resides. The Convention does not affect the agreements, rules or customs concerning assistance to lunatic foreigners and their repatriation.

The Governments of the contracting States reserve to themselves the right of excluding by special agreement certain forms of relief from the benefits of the Convention. The Convention shall not be applied as a right to the colonies or other dependencies of the contracting States.

The war broke out before a new Conference could meet for the exchange of signatures, and the Convention has so far not been adopted definitely. However, the International Committee of the Public Relief Congress has been meeting again since 1920. It has resumed full activity and although it has not yet been successful in bringing about a general agreement it contributed to the insertion of clauses relating to relief in the Franco-Italian Treaty of 1919 and to the establishment of bilateral Draft Conventions drawn up in the form of model treaties which it is trying at the present time to have adopted by the different Governments. [1]

§ 3. Convention regarding Legal Assistance to Foreigners (1905).

The Convention concluded at the Hague on 17 July 1905, regarding civil procedure, and signed by Austria-Hungary, Belgium, Denmark, France, Germany, Italy, Luxemburg, Norway, Netherlands, Portugal, Roumania, Russia, Spain, Sweden and Switzerland, stipulates in Article 20 that "nationals of each of the contracting countries shall have access to the benefits of gratuitous legal assistance, on the same terms as nationals of the country itself, so long as they act in accordance with the legislation of the State where gratuitous legal assistance is claimed." Article 24 of the same Convention establishes that "physical restraint, either in order to carry out the law or merely for the protection of the subject himself, shall not be applied

[1] Piganiol, *op. cit.*, pp. 164-165. (Cf. Chapter II, § 1, para. 9).

in civil or commercial matters to foreigners belonging to one of the contracting States, in cases where such measures would not be applicable to nationals of the country itself." A fact to which a national domiciled in the country may draw attention in order to obtain release from physical restraint, should have the same effect for the benefit of the national of a contracting State, even if the fact occurred abroad.

§ 4. Convention concerning the Guardianship of Minors and Insane Persons.

The first Hague Convention of 1902 relating to the guardianship of minors regulates the relationship of Belgium, France, Germany, Luxemburg, the Netherlands, Portugal, Roumania, Spain, Norway and Sweden and Switzerland by determining from the international point of view the measures which can and should be taken on behalf of foreigners whose age necessitates legal protection. The guardianship of a minor is, in accordance with this Convention, regulated by the law of the country of residence. If the law does not arrange for guardianship the diplomatic or consular agent can provide for it with the authorisation of the State of which the minor is a subject, in accordance with the law of this State, if the State in which the minor is habitually resident is not opposed to it.

The guardianship is extended to the person and to all the property of the minor wheresoever the latter may be found. An exception may be made to this rule in the case of immovable property which may be placed under a special regime by the law of the country in which it is situated. Meanwhile the organisation of the guardianship as well as the necessary measures for the protection of the person and of the interests of a foreign minor in all cases of urgency may be taken by the local authority.

The Convention is applicable only to the guardianship of foreign minors who have their habitual residence on the territory of one of the contracting States ; but this rule shall not prevent measures for the protection of the person or interests of a minor from being taken or information from being given by the authorities of one country to those of another.

The Convention of 17 July 1905 signed by Belgium, France, Germany, Italy, the Netherlands, Portugal, Roumania, and Sweden deals with the guardianship of adults who are feeble-minded or afflicted with lunacy and the protective measures of a similar kind, such as the institution of a judicial council. In accordance with this Convention measures of restraint are regulated by the law of the country of which the person concerned is a subject. The competent authorities, in accordance with this law, determine the measures of restraint or arrange for

the guardianship. Provisional measures necessary for the protection of the person and property of the individual concerned may be taken by the local authority, which must inform the authority of the country of origin what it has done. Should the latter refrain from intervention or from replying within 6 months, the local authority is empowered to act; if, however, the law of the country of which the person concerned is a subject specifies that the supervision shall be entrusted to a particular person this supervision shall be respected as far as possible.

All provisions of the Convention are applicable either to the movable or immovable property placed under a special regime by the law of the country in which it is situated; they are applicable either to restraint properly speaking or to the institution of a guardianship as well as to all similar measures in so far as they involve a restriction on civil liberty.

§ 5. Police and Passport Conventions.

Almost all Conventions relating to frontier police take the form of bilateral agreements. An important exception to this rule was made at a Conference which took place in February 1920 at Buenos Aires, and which was attended by representatives of the principal countries of immigration in South America (Argentina, Bolivia, Brazil, Chile, Paraguay, Peru and Uruguay). The principal object of this conference was to organise mutual protection against undesirable immigrants who frequently made use of round-about routes to obtain admission to the territory of a particular State. A general administrative Agreement was signed on 28 February 1920 which dealt with the exchange of information, with the co-operation of the police, and with the duty of South American States in the event of crimes committed by immigrants. In accordance with this Agreement the contracting parties undertook to transmit to one another information concerning all individuals who are considered a danger to society, relating particularly to their civil status, their aliases, information of a civil nature as regards parentage, occupation, identification (finger prints, photograph, description). Moreover, they undertook to communicate immediately all information of a judicial character relating to condemnation of such persons and legal action taken against them, or to their departure or deportation from the country.

Passport questions have usually been made the subject of national laws and regulations, the exact import of which is defined or limited by means of bilateral agreements between governments. Sometimes these agreements take the form of mutual engagements by several countries, as recently

took place in the case of the Succession States of the Austro-Hungarian Empire.[1]

A general Conference on Passports, Customs Formalities, and Through Tickets took place, however, in Paris, on the initiative of the Provisional Committee for Communications and Transit of the League of Nations. On 21 October 1920 it adopted a series of resolutions, aiming above all at uniform national laws in these matters. Satisfactory replies have already been received from various governments.[2]

§ 6. Conventions concerning the Suppression of the Traffic in Women and Children.

The International Office for the suppression of the traffic in women and children was constituted as a result of the first international Conference which met in 1899 to consider the question.

On the initiative of France a diplomatic Conference took place in 1902. On 25 July of that year it adopted a draft Convention, a draft Protocol, and draft Regulations, with a view to the suppression of the criminal traffic which consists in engaging women and girls for purposes of prostitution, and to taking measures for the protection of its victims. An Agreement in these respects was signed at Paris on 18 May 1904. Under the terms of this agreement the contracting parties undertook: (1) to establish an authority for centralising information concerning the white slave traffic; (2) to exercise supervision with a view to tracing the abductors of women and girls intended for prostitution; (3) to receive the declarations of prostitutes of foreign nationality with a view to establishing their identity and their civil status, and tracing those who persuaded them to leave their country; (4) to hand over the victims of this criminal traffic who may be destitute to institutions for their assistance or to private individuals; (5) to send back to their native country such women and girls as may demand their repatriation, or whose repatriation may be claimed by persons having authority over them.

The contracting parties agreed, finally, to exercise supervision over the offices or agencies which undertake to find situations abroad for women and girls.

In 1910 a fresh international Conference was held at Paris, which redrafted the draft Conventions and Protocols of 1902.

[1] Convention signed at Gratz on 27 January 1922 by Austria, Czechoslovakia, Hungary and the Serb-Croat-Slovene State.

[2] See Part I, Chapter 3.

This conference resulted in an international Agreement and a Protocol signed on 4 May 1910. Under the terms of this Agreement each contracting State undertook in cases where its legislation was not sufficient to propose to its parliament necessary modifications. In ordering punishment for the crime which consists in seducing, abducting, or procuring for prostitution a woman or girl, whether minor or of age, the powers in 1910 fixed one single age (20 years) for all countries, so far as concerns the minority or majority of the victim, with a view to the suppression of this crime. An international Conference to deal with the question of the white slave traffic was also convoked in 1913. This Conference voted certain Recommendations, but owing to the war they have been applied only to a relatively small extent. The Treaties of Peace of 1919 and 1920 have conferred on the League of Nations the task of preparing agreements on the subject of the traffic in women and children (Art. 23 of the Treaty of Versailles).

The Assembly of the League of Nations at its sitting on 15 December 1920, decided that a questionnaire should be drafted by the Secretariat and dispatched to the Governments, and that the Council should request the countries which had signed the Conventions of 1904 and 1910, or which stood by those Conventions, to send representatives to an international Conference. This Conference, which opened at the end of June 1921, adopted resolutions concerning in particular the ratification of the agreements of 1904 and 1910 ; the punishment of attempts or acts undertaken with a view to the perpetration of the crimes taken into consideration in the 1910 Convention ; the extradition of persons prosecuted or condemned for these crimes ; adoption by each country of measures for stopping the traffic ; the supervision of agencies and employment offices ; the issuing of reports by the Governments concerned on the application of the measures taken with a view to the suppression of the traffic ; the nomination of a consultative committee under the auspices of the League of Nations ; the suppression of the traffic in children and the suppression of mass deportations of women and children.

The special provisions of interest to emigrants are covered by Articles 6 and 7 of the Convention, which run :

" 6. The Conference recommends, in connection with the question of emigration and immigration, that all States should adopt such administrative and legislative measures as are required to check the traffic in women and children. It particularly draws the attention of Governments to the necessity of providing for the protection of women and children travelling alone, not only at the points of departure and arrival, but also during the journey.

" 7. The Conference recommends that the International Association concerned with the traffic in women and children

be invited to take concerted measures so as to provide for the return to their own country of women or girls who may have been expelled by the authorities of another country or may have been refused permission to stay there."

An appeal was also addressed by the Conference to the International Emigration Commission, appointed by the Permanent Labour Organisation, with a view to pointing out the utility of formulating precise regulations with a view to the suppression of the traffic in women and children, which might eventually be introduced into an international agreement on the subject of emigration and immigration.

The minutes of this Conference were signed by delegates from the following 32 countries : Albania, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Czechoslovakia, Denmark, France, Germany, Great Britain, Greece, Hungary, India, Japan, Lithuania, Monaco, The Netherlands, Norway, Panama, Poland, Portugal, Roumania, Siam, South Africa, Spain, Sweden, Switzerland and Uruguay. The process of ratification is still in progress [1].

§ 7. Conventions and Recommendations of the International Labour Conference.

As noticed above, the Peace Treaties of Versailles, St. Germain, Neuilly and Trianon charge the Permanent Labour Organisation with the duty of protecting the interests of workers when employed in countries other than their own, and among the principles which it is to try to have applied in every country they place the guarantee of equitable economic treatment for all workers lawfully resident in a country.

The work of the Permanent Labour Organisation in these matters is carried out through the medium of the International Labour Conference which periodically brings together delegates of the States Members of the Organisation. Each Member is represented by four delegates, two being Government delegates, the other two representing respectively the employers and the workers. The two non-Government delegates must be chosen in agreement with the most representative organisations of employers and workers in the country concerned, if such organisations exist. Each delegate at the Conference, which may

[1] A note of the Secretary-General of the League of Nations states that on 21 March 1922, the last date on which the Convention could be signed, 33 States had officially given their signatures and among them two States which are not Members of the League of Nations, namely Germany and Hungary. A certain number of these signatory States have made reservations with regard to certain of their colonies. Other States can still adhere to the Conventions but they cannot figure among the signatories.

be compared both to a diplomatic conference and to a legislative assembly, has the right to vote individually on every question, but the decisions of the Conference must be submitted to ratification and approval by the governments of the various countries, and do not constitute resolutions which in themselves have international legal force.

In accordance with the Peace Treaties, when the Conference has decided on the adoption of proposals, it must decide whether such proposals shall take the form of a Recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or of a draft international Convention, for ratification by the Members. In either case, when the text of these Recommendations and draft Conventions has been submitted to them by the Secretary General of the League of Nations, each of the Members undertakes to bring the recommendation before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, within the period of one year from the closing of the session of the Conference, and in exceptional circumstances, within 18 months. The draft Convention becomes a Convention as soon as two or in some cases three governments have ratified it. Subsequent ratifications are then added to it.

The International Labour Conference has held three sessions. The first, at Washington in 1919, adopted six draft Conventions and six Recommendations ; the second, at Genoa in 1920, devoted to maritime questions, adopted three draft Conventions and four Recommendations. The third, at Geneva in 1921, adopted seven draft Conventions and eight Recommendations. Three of these draft Conventions and seven of the Recommendations refer to agriculture.

This is a new and important form of international activity, the results of which are dealt with in the various publications of the International Labour Office. Reference can only be made here to the fact that the 16 draft Conventions relate to the following questions :

First Session (Washington, 1919).

1. Limitation of the hours of work to eight in the day and forty-eight in the week ;
2. Unemployment (exchanges, insurance, and statistics) ;
3. Employment of women before and after childbirth ;
4. Night work of women ;
5. Minimum age for admission of children to industrial employment ;
6. Night work of young persons employed in industry.

Second Session (Genoa, 1920).

7. Minimum age for admission of children to employment at sea ;
8. Unemployment indemnity in case of loss or foundering of the ship ;
9. Facilities for finding employment for seamen.

Third Session (Geneva, 1921).

10. Age for admission of children to employment in agriculture ;
11. Right of association and combination for agricultural workers.
12. Workmen's compensation in agriculture ;
13. Use of white lead in painting ;
14. Application of the weekly rest in industrial undertakings ;
15. Minimum age of admission of young persons to employment as trimmers and stokers ;
16. Compulsory medical examination of children and young persons employed at sea.

At the beginning of 1922 all the Washington Conventions and two of the Genoa Conventions (facilities for finding employment for seamen and the minimum age for admission to employment at sea) had come into force.

The majority of the Conventions and Recommendations refer to questions of public law, which are automatically applicable to foreign workers as well as to nationals. Some of them, however, contain provisions of special importance to emigrants and foreign workers. Reference may be made to :

(1) The Washington Convention on unemployment which was ratified before 1 January 1922[1] by Denmark, Finland, Great Britain, Greece, India, Norway, Roumania, and Sweden. This Convention has given rise to legislation in British Columbia, Denmark, Japan, Norway, Roumania, and Spain, and to Bills in numerous other countries. By this Convention all these countries must establish a system of free public employment exchanges, under the control of a central authority. The operations of the various national systems are to be co-ordi-

[1] The *Official Bulletin* of the International Labour Office publishes periodical Notes upon the measures taken to give effect to the Draft Conventions and Recommendations adopted by the International Labour Conference.

nated by the International Labour Office, in agreement with the countries concerned.

Another provision of the same Convention, relating to unemployment insurance, has special reference to foreign workers. It states that "The Members of the International Labour Organisation which ratify this Convention, and which have established systems of insurance against unemployment shall, upon terms being agreed between the Members concerned, make arrangements whereby workers belonging to one Member, and working in the territory of another, shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter."

(2) The Washington Recommendation on the question of unemployment, which has already given rise to legislation in nine countries (Belgium, Denmark, France, Germany, Great Britain, Greece, Italy, Poland, and Spain) and to Bills in several other countries, contains the following Article :—

"That the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned."

(3) A Recommendation on the reciprocity of treatment of foreign and national workers, which has resulted in legislative measures in eight countries (Argentina, Belgium, Czechoslovakia, France, Italy, Luxemburg, the Netherlands, Poland) is of particular importance from the point of view of foreign workers, and its origin and scope should therefore be referred to in greater detail.

At its sitting of 29 August 1919, as a result of a communication from the Commission on International Labour Legislation of the Peace Conference, the Supreme Council of the Allied and Associated Powers decided not to deal with the rights and privileges of allied workers in enemy territory and vice versa in the Treaty with Austria, and to refer the resolution of the Commission on International Labour Legislation to the International Labour Conference at Washington.

In November 1919 the International Labour Conference at Washington, after discussing the resolution submitted to it in committee and in a plenary session, recommended to the States Members of the Permanent Labour Organisation :—

> "That each member of the International Labour Organisation shall, on condition of reciprocity, and upon terms to be agreed between the countries concerned, admit the foreign workers (together with their families) employed within its territory to the benefits of its laws and regulations for the protection of its own workers, as well as to the right of lawful organisation as enjoyed by its own workers."

(4) The Recommendation concerning the limitation of the hours of work in inland navigation, adopted by the second session of the International Labour Conference (Genoa, 1920), invites countries whose territories are riparian to waterways which are used in common by their boats should enter into agreements for limiting the hours of work of persons employed in inland navigation on such waterways. This Recommendation has given rise to Bills and other preliminary measures in Chile, Denmark, Germany, Netherlands, and Poland.

(5) A Recommendation adopted at the same session, which has resulted in the introduction or drafting of Bills in eleven countries (Argentina, Canada, Denmark, Finland, France, Germany, Italy, Norway, Poland, South Africa, and Sweden), urges the establishment in every country of a seamen's code which is to provide a clear and systematic codification of the national law in each country, so that the seamen of the world, whether engaged on ships of their own or foreign countries, may have a better comprehension of their rights and obligations and also so as to facilitate the establishment of an International Seamen's Code.

(6) The Genoa draft Convention concerning unemployment indemnity in case of loss or foundering of the ship, which has not yet come into force, provides the first instance of international legislation on a special form of insurance in an occupation in which the number of workers employed abroad is particularly large. This draft Convention stipulates that "in case of loss or foundering of any vessel, the owner or person with whom the seaman has contracted for service on board the vessel shall pay to each seaman employed thereon an indemnity against unemployment resulting from such loss or foundering.

"This indemnity shall be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under this Convention to any seaman may be limited to two months' wages."

(7) The Convention concerning facilities for finding employment for seamen, adopted at Genoa which has been ratified by Sweden and Norway, and has given rise to Bills in several other countries, contains several provisions from which the many seamen abroad may derive benefit. The main principle of the convention is to be found in Article 4, which runs: "Each Member which ratifies this convention agrees that there shall be organised and maintained an efficient and adequate system of public employment offices for finding employment for seamen without charge. Such system may be organised and maintained either (1) by representative associations of shipowners and seamen jointly under the control of a central authority, or (2) in the absence of such joint action, by the State itself.

"The work of all such employment offices shall be administered by persons having practical maritime experience.

"Where such employment offices of different types exist, steps shall be taken to co-ordinate them on a national basis."

The obligation to take steps to secure equality of treatment for the seamen of all countries is secured by Article 8 : "Each Member which ratifies this Convention will take steps to see that the facilities for employment of seamen provided for in this Convention shall, if necessary by means of public offices, be available for the seamen of all countries which ratify this convention, and where the industrial conditions are generally the same."

Further, "The International Labour Office shall take steps to secure the co-ordination of the various national agencies for finding employment for seamen, in agreement with the Governments or organisations concerned in each country."

(8) Among the measures which the third International Labour Conference, held at Geneva in 1921, adopted, reference should specially be made to those recommending that the Washington Convention and Recommendation on unemployment should be applied to agriculture, in which many immigrants are frequently employed, to the Convention relating to the rights of association and combination of agricultural workers, and to the provisions relating to the extension to wage earners in agriculture of the benefits provided under systems of insurance against sickness, invalidity, old age and other similar social risks on conditions equivalent to those prevailing in the case of workers in industrial and commercial occupations. A draft Convention on workmen's compensation in agriculture is of special interest to foreign workers. In effect it states that the Members of the International Labour Organisation shall extend to all agricultural wage earners employed in their countries their laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

Such are the chief Conventions and Recommendations with a bearing on emigrants working abroad which have been adopted by the International Labour Organisation, and which are all in process of ratification and execution by the Governments.

The International Labour Conference of 1922 will have on its agenda the question of the communication of statistical and other information regarding emigration and immigration.

The International Emigration Commission[1], appointed by the Governing Body of the International Labour Office in 1920

[1] See International Labour Office : *Report of the International Emigration Commission*, Geneva, 1921. The various Resolutions of the Commisl sion which are to be examined by the Governing Body of the Internationa-Labour Office are as follows :—

as a result of a Resolution passed by the International Labour Conference at Washington in 1919, proclaimed the need for an improvement of the documentary information available and

Statistics.

1. Each Member shall communicate to the International Labour Office, at intervals as short as possible and not exceeding three months :—

All available information, legislative, statistical, or otherwise, concerning emigration, immigration, the repatriation and transit of emigrants, including reports on measures taken or contemplated in respect of these questions.

Whenever practicable, the information referred to above shall be made available for such communication not later than three months after the end of the period to which it relates.

2. That the Director of the International Labour Office be requested to consult the statistical departments of Members with a view to proposing the form of a suitable schedule to be submitted to the 1922 Conference.

International co-ordination of measures for the protection of emigrants.

3. The Commission requests the Governing Body of the International Labour Office to take all measures necessary to ensure that the Technical Emigration Section, assisted, if necessary, by a few experts, shall investigate the question of international co-ordination of legislation affecting emigration.

Employment of emigrants.

4. Each Member should undertake to place at the disposal of emigrants and immigrants the services of its public employment exchange systems in addition to the special services which may exist for the purpose of assisting them in seeking employment.

5. For this purpose it would be desirable that permanent relations should be established between public employment exchanges and the public services of emigration or of immigration or of both where they exist.

6. Each Member should undertake to furnish to the public employment exchanges of other countries which may apply for it all available information necessary for the proper carrying out of the provisions of Resolution 4, particularly as regards contiguous frontier areas. This exchange of information will be effected either directly between the competent exchanges or by other means established by the appropriate authority.

7. It is desirable that in localities where emigrants and immigrants are concentrated in large numbers, an organisation should be set up to find them employment and to provide them with any information which may concern them, having regard to the conditions mentioned in the two previous resolutions.

Equality of treatment of foreign and national workers.

8. It is desirable that, in default of legislative measures already existing in the various countries, the Members of the International Labour Organisation should take steps to bring about as far as possible by means of international conventions equality of treatment between immigrant workers and their dependents and their own nationals, particularly in respect both of labour and social insurance legislation, and of relief, and of the right of association for trade union purposes.

the drawing up of comparable statistics. In the Report of the Commission which contains the programme of the international measures to be considered with a view to alleviating the lot of

9. The International Labour Office is requested to prepare a report for submission to a future Conference with a view to bringing about as far as possible uniformity of legislation in respect of social insurance, either between all countries or between certain groupe of countries.

State supervision of emigration agents.

10. It is desirable that each Member should undertake to organise a State supervision over the owners of undertakings and agents dealing with the transport of emigrants by land or by sea, over emigration agents and sub-agents, over all emigration offices or offices which sell tickets to emigrants, over agents engaged in recruiting or in finding employment in foreign countries, and in general over all persons interested in the promotion of emigration and who are carrying on their business on its territory.

11. Each Member should undertake to place at the disposal of all persons, free of charge if possible, all available information regarding the conditions of emigration.

12. Each Member should make it a punishable offence to disseminate false statements with a view to inducing emigration.

13. The Emigration Commission calls the attention of Members to the fact that it is desirable for those countries which have not already done so to insert in their legislation the principle of the joint and several responsibility of employers and other persons engaged in the transport of emigrants by land or sea for obligations entered into in their names, and for faults committed by their representatives, agents, and sub-agents, whether avowed or secret, as well as by any other person working for their profit and in their interest.

Collective recruiting of workers in foreign countries.

14. That if and when bilateral Conventions for the recruitment of bodies of workers are made between Members in pursuance of the Recommendation of the Washington Conference, or where collective recruiting takes place in another country, the following principles should be borne in mind :—

(1) Inspection and supervision by the competent authorities of the two States concerned, each on its own territory.

(2) Recruiting operations should be carried on exclusively through the medium of offices or agents authorised by the competent authorities of the States.

(3) Consultation of employers' and workers' organisations concerned in case of recruiting carried out as a result of convention betweens Governments.

(4) To see that the recuiting does not disturb the labour markets of the two countries ; particularly, that the wages should not be less than those paid in the country of immigration, and that workers recruited should not arrive on the occasion of strikes or lock-outs.

(5) Contracts signed in the country of emigration shall be fully enforceable in the country of immigration, except in the case of such clauses as are contrary to public order.

15. If it appears that workers or employees (men or women) are recruited for another country in order to replace workers or employees of that country who are involved in a strike or lock-out, the undertaking which has carried

emigrants, and which was submitted to the International Labour Conference at Geneva in 1921, this need for documentary information is placed at the head of the Resolutions which were

out this recruiting, or for the profit of which the recruiting has been carried out, should repay to the workers and employees thus recruited all their expenses, including the expenses of the journey in both directions.

Deductions from wages on account of advances paid to emigrants.

16. That in cases of contracts involving deductions from wages or salary by reason of advances made to an emigrant before leaving his country, each Member shall make provision, where necessary, securing to the courts of its country or other competent authorities the power to declare such contracts null and void in so far as they are contrary to the existing legislation of the country of immigration for the protection of wages.

Measures concerning the suppression of the traffic in women and children.

17. Except in so far as it is otherwise provided, all measures proposed by the International Emigration Commission for the protection of emigrants shall apply equally to men and to women and children, to male and female workers and employees.

18. This Commission instructs the Director of the International Labour Office to communicate the resolutions of the Commission to the League of Nations in order that the League may select such of them as are applicable to the suppression of the traffic in women and children.

19. It is desirable that protection for women and children leaving one country for another as emigrants should be the subject of full consideration by the Members of the International Labour Conference, and that this subject be added to the agenda of the Conference of 1922.

Inspection of emigrants before embarkation.

20. Every Member should make provision for an effective examination of emigrants in every port where emigrants embark, and if desirable at the chief points of the frontier through which emigrants pass.

With the object of reducing the chances of rejection by the country of immigration and to prevent the development of contagious diseases en route, the said examination should bear chiefly on the following points :—

1. Whether the emigrants have complied with all conditions required before their departure.

2. Whether they satisfy the provisions in force in regard to entry into the country of immigration.

21. It would seem to be desirable that special conventions made between the States concerned should stipulate the conditions under which examinations of emigrants shall take place ; the manner in which countries of emigration and immigration shall provide for such examinations in their respective ports or at their frontiers ; the conditions under which admission to the countries shall be secured ; the form to be given to certificates and other necessary documents ; and any other provisions concerning emigration, immigration and repatriation.

Hygiene of emigrants.

22. The Governing Body of the International Labour Office is invited to appoint a Committee of Experts to assist the International Labour Office

adopted. For that reason the Governing Body of the International Labour Office, in undertaking a close study of the general problems of emigration which were referred to it, has

in the preparation and presentation of a report to the International Labour Conference of 1922 concerning the general rules which can be adopted by general agreement between the interested countries laying down the minimum requirement which, subject to the varying conditions of climate and the distance of the journey, must be fulfilled by emigrant ships and railways in order to secure to every emigrant during his journey full guarantees of good treatment in respect of hygiene, security, food and confort in accordance with the requirements of civilisation and human dignity.

Insurance of emigrants.

23. Every emigrant shall be guaranteed for the benefit of his dependents against the risk of death or disablement from the time he commences his journey until he arrives at the destination stated on his ticket, and accordingly the Commission draws the attention of Governments to the desirability of instituting, if they have not already doneso, a system guaranteeing emigrants against risk of death or disablement when travelling.

Permanent commission.

24. Whereas the question of emigration is of immediate interest to many nations and to the future peace of the world; whereas also the problems raised by this question are complex, and require careful and constant study, the Commission requests the Governing Body of the International Labour Office to consider the creation of a Commission composed of a small number of members, and aided if necessary by experts, to assist the Office in its work, and to follow from day to day with full moral authority the development of this question.

General and technical education.

25. In countries receiving immigrants, general and technical schools shall be open as far as possible to immigrants and their families.

Protection of emigrants.

26. Each country which receives emigrants should provide for suitable reception and protection of emigrants in its ports or at its frontiers.

Application of laws restricting immigration.

27. Whenever a State makes a considerable modification in its legislation with regard to emigration or immigration, it is desirable that in applying any provisions made in this respect it should take such precautions as may be possible to avoid any vexatious consequence to emigrants which might result from too sudden an application of such measures.

28. The International Emigration Commission, having been informed of the request of the Delegate of the Chinese Government, and recognising the connection existing between the question raised by him and that of emigration dealt with by the Commission, adopts the following resolution :—

The International Emigration Commission proposes that the International Labour Conference should include as an item of the Agenda : "Equality of treatment from the economic point of view, without distinction of country of origin, for all immigrants legally admitted in the country of immigration. "

decided to submit as a preliminary question to the consideration of the International Labour Conference (Fourth Session, October, 1922) that of improving documentary information.

Questions referred to the Permanent Commission.

29. The Commission decides to refer the following resolutions to the Permanent Commission for examination.

a) *Taxes on foreign workers.*

Whenever a country receiving immigrants imposes special taxes applicable only to foreign workers, the amount of such taxes should be paid by the employer.

b) *Responsibility in case of sickness contracted in a foreign country.*

In countries receiving immigrants which medically examine emigrants on their arrival, and in which no law exists concerning occupational diseases, there should be established the principle that compensation should be paid to immigrants who, having worked for a certain period in such countries, contract occupational diseases or incurable diseases, such as tuberculosis or ankylostomiasis, as well as diseases originating in places where the immigrants work.

c) *Protection of emigrants.*

For the purpose of providing for suitable reception and protection of emigrants in their ports or at their frontiers, the States concerned should make mutual arrangements to establish the necessary services in common and to avail themselves eventually of the co-operation of relief institutions belonging to the countries of the emigrants.

APPENDIX

List of Treaties, Conventions, Agreements, Notes Exchanged, etc., consulted or referred to, presented in chronological order, with an indication of subjects dealt with.

Bilateral Treaties, etc.

Date.	Countries.	Subject.
3 April 1783	Sweden, United States	Friendship and Commerce
28 July 1817	Great Britain, Portugal	Slave Trade
23 September 1817	Great Britain, Spain	Slave Trade
4 May 1818	Great Britain, Netherlands	Slave Trade
6 November 1824	Great Britain, Sweden and Norway	Slave Trade
23 November 1826	Brazil, Great Britain	Slave Trade
4 July 1827	Sweden and Norway, United States	Commerce and Navigation
30 November 1831	France, Great Britain	Slave Trade
22 March 1833	France, Great Britain	Slave Trade
9 August 1842	Great Britain, United States	Slave Trade and other matters
29 May 1845	France, Great Britain	Slave Trade [1]
24 October 1860	China, Great Britain	Emigration of Chinese Coolies
1 July 1861	France, Great Britain	Emigration of Labourers from India to the French Colonies [2]
7 April 1862	Great Britain, United States	Slave Trade
22 February 1868	North German Confederation, United States	Nationality of Emigrants
28 June 1868	China, United States	Chinese Immigration
4 July 1868	Mexico, United States	Nationality of Emigrants
16 November 1868	Belgium, United States	Nationality of Emigrants
26 May 1869	Sweden and Norway, United States	Nationality of Emigrants

[1] Expired in 1855.
[2] Denounced by Great Britain 1 July 1921.

Date.	Countries.	Subject.
15 June 1869	France, Switzerland	Protection of Incapacitated Persons by Consuls
13 May 1870	Great Britain, United States	Nationality of Emigrants
8 September 1870	Great Britain, Netherlands	Emigration of Labourers from India to the Dutch Colony of Surinam [1]
20 September 1870	Austria-Hungary, United States	Naturalisation
26 February 1871 (Additional Convention of 25 February 1913)	Italy, United States	Commerce and Navigation
20 July 1871	Italy, Monaco	Poor Law Relief
7 October 1871	Great Britain, Netherlands	Transfer of Money
20 July 1872	Denmark, United States	Nationality of Emigrants
8 August 1873	Germany, Italy	Poor Law Relief
11 December 1873 (25 August 1881 and 21 February 1898, Additional Declarations)	Denmark, Germany	Poor Law Relief
6/15 October 1875	Italy, Switzerland	Relief for Sick Paupers
7 December 1875	Austria, Switzerland	Residence
1877	China, Spain	Chinese emigration to Cuba
4 March 1877	Belgium, France	Post Office Savings Banks
11 April 1877	Denmark, Great Britain	Deceased Seamen's Property
4 August 1877	Egypt, Great Britain	Slave Trade [2]
24 January 1880	Belgium, Italy	Poor Law Relief
25 January 1880	Great Britain, Turkey	Slave Trade
8 June 1880	Great Britain, Italy	Relief of Distressed Seamen
31 October 1880 and 20 April 1881	Bulgaria, Italy	Relief for Sick Paupers
17 November 1880	China, United States	Chinese Emigration
28 January and 25 February 1881	Italy, Luxemburg	Relief for Sick Paupers
12 July 1881	Italy, Sweden and Norway	Relief of Distressed Seamen
12 July 1881	Great Britain, Sweden and Norway	Relief of Distressed Seamen
23 February 1882	France, Switzerland	Commerce
31 March 1882	Belgium, France	Savings Banks

[1] Denounced by Great Britain.
[2] Renewed in 1895.

Date.	Countries.	Subject.
27 September 1882	France, Switzerland	Relief for Lunatics and Abandoned Children
25 July 1883	Denmark, Great Britain	Relief of Distressed Seamen
10 August 1883	Denmark, Sweden and Norway	Relief of Distressed Seamen
16 September 1883	Belgium, Netherlands	Savings Banks
31 March 1885	Denmark, Germany	Relief of Distressed Seamen
21 May 1885	Denmark, Italy	Relief of Distressed Seamen
1 April 1886	Denmark, France	Seamen's Wages and Inheritances
21 December 1886	Netherlands, United States	Transfer of Money
10 June 1887	Greece, Switzerland	Commerce
7 July 1887	Belgium, Germany	Poor Law Relief
14 December 1887	France, Switzerland	Primary Education
12 March 1888	China, United States	Chinese Emigration [1]
5 January 1889	Dominican Republic, Italy	Commerce and Navigation [2]
14 September 1889	Great Britain, Italy	Slave Trade
16 April 1890	Italy, Mexico	Friendship, Commerce and Navigation
18 October 1890	Bolivia, Italy	Friendship and Extradition
15 December 1891	Congo, Liberia	Friendship, Residence and Commerce
8 December 1892	France, Liberia	Delimitation of Frontiers
3 March 1893	Roumania, Switzerland	Commerce
22 August 1893	Italy, Paraguay	Friendship, Commerce and Navigation
20 December 1893	Cuba, Italy	Commerce and Navigation
3 December 1894	China, United States	Chinese Emigration [3]
25 June 1895	Austria-Hungary, Italy	Poor Law Relief
4 August 1896	France, Japan	Commerce
12 November 1896	Belgium, Switzerland	Poor Law Relief
31 October 1897	Chile, Switzerland	Commerce
16 May 1898	Portugal, Switzerland	Relief for Sick Paupers
19 January 1899	Egypt, Great Britain	Slave Trade
14 December 1899	China, Mexico	Commerce
22 March 1902	Haïti, United States	Nationality of Emigrants
8 November 1902	Belgium, Netherlands	Savings Banks
15 April 1904	France, Italy	Social Insurance

[1] Not ratified by China.
[2] Additional to the Treaty of Commerce and Navigation of 18 October 1886.
[3] Denounced by China in 1904.

Date.	Countries.	Subject.
13 May 1904	China, Great Britain	Emigration of Chinese Coolies
13 July 1904	Italy, Switzerland	Commerce
24 September 1904	Netherlands, Russia	Transfer of Money
3 December 1904	Italy, Germany	Commerce [1]
1905	Germany, Russia	Commerce and Ocean Navigation [2]
25 January 1905	Austria-Hungary, Germany	Commerce [3]
15 April 1905	Belgium, Luxemburg	Accident Insurance
10 August 1905	Colombia, Equador	Commerce and Navigation
2 September 1905	Germany, Luxemburg	Accident Insurance
13 November 1905	Guatemala, Italy	Friendship, Commerce and Navigation
20 January 1906	France, Italy	Savings Banks
11 February 1906	Austria-Hungary, Italy	Commerce
21 February 1906	Belgium, France	Accident Insurance
9 June 1906	France, Italy	Accident Insurance
27 June 1906	France, Luxemburg	Accident Insurance
25 September 1906	Great Britain, Italy	Savings Banks
25 September 1906	Egypt, Italy	Savings Banks
20 October 1906	France, Great Britain	New Hebrides
1907	Japan, United States	"Gentlemen's Agreement"
28 February 1907	Serbia, Switzerland	Commerce
27 August 1907 (30 May 1914, Additional Convention)	Germany, Netherlands	Accident Insurance
15 October 1907	Peru, United States	Naturalisation of Immigrants
23 December 1907	Great Britain, Japan	Japanese Emigration to Canada
1908	Canada, Japan	Lemieux Agreement on Emigration
14 March 1908	Salvador, United States	Naturalisation of Immigrants
7 May 1908	Portugal, United States	Naturalisation of Immigrants
23 June 1908	Honduras, United States	Naturalisation of Immigrants
10 August 1908	United States, Uruguay	Naturalisation of Immigrants

[1] Additional to the Treaty of Commerce, Customs and Navigation of 5 December 1891.

[2] Additional to Russo-German Treaty of 1894.

[3] Additional to Treaty of Commerce of 6 December 1891.

Date.	Countries.	Subject.
7 December 1908 (17 June 1911, Supplementary Convention)	Nicaragua, United States	Naturalisation of Immigrants
3 February and 2 April 1909	Great Britain, Sweden	Accident Insurance
25 March and 17 April 1909	Netherlands, Switzerland	Relief of Lunatics
1 April 1909	Portugal, Transvaal	Recruiting of Native Workers
24 May 1909 and 6 May 1910	Netherlands, Norway	Relief for Lunatics
3 July 1909	France, Great Britain	Accident Insurance
25 August 1909	Norway, Sweden	Relief of Seamen
28 August 1909	China, Peru	Chinese Immigration
19 September 1909	Hungary, Italy	Accident Insurance
9 August 1910	France, Italy	(*a*) Pension Funds (*b*) Application of Franco-Italian Convention, of 1 April 1904
29 September 1910	Argentina, Netherlands	Medical Assistance for Paupers
8 October 1910	Bolivia, Italy	Friendship and Extradition
31 October 1910 and 13 November 1910	Germany, Switzerland	Residence
11 February 1911	France, Netherlands	Repatriation of lunatics and paupers
21 February 1911	Japan, United States	Commerce
3 April 1911	Great Britain, Japan	Commerce and Navigation
2 May 1911	Germany, Sweden	Commerce and Navigation
10 June 1911	Costa Rica, United States	Naturalisation
20 May 1912	Netherlands, Norway	Relief of Seamen
6 July 1912	Belgium, Germany	Accident Insurance
31 July 1912	Germany, Italy	Insurance of Workers
30 November 1912 and 12 February 1913	Germany, Spain	Accident Insurance for Seamen
4 May 1914	Italy, Uruguay	Hygiene
22 May 1914	Liberia, Spain	Récruiting of Native Workers for Colony of Fernando Po
26 May 1914	Denmark, Norway, Sweden	Poor Law Relief
9 August 1917	France, San Marino	Accident Insurance
1919	Austria, France	Employment of Austrian Labour

Date.	Countries.	Subject.
12 February 1919	Denmark, Norway, Sweden	Accident Insurance
7 September 1919	France, Poland	Emigration and Immigration
30 September 1919	France, Italy	Labour
27 November 1919	Bulgaria, Greece	Emigration
27 November 1919	Argentina, Spain	Accident Insurance
16 February 1920	France, Italy	Application of Social Insurance Funds for Italians in Alsace and Lorraine
20 March 1920	Czechoslovakia, France	Emigration and Immigration
26 March 1920	Argentina, Italy	Accident Insurance
1920	Italy, Mexico	Commerce
14 October 1920	France, Poland	Social Insurance and Welfare
11 November 1920	Italy, Luxemburg	Labour
11 November 1920	Italy, Luxemburg	Old Age and Invalidity Insurance
9 February 1921	Belgium, Netherlands	Accident Insurance
14 February 1921	Belgium, France	Miners' Pensions
4, 11, 15 and 16 March 1921	Italy, Switzerland	Unemployment Benefit
23 March 1921	Czechoslovakia, Italy	Commerce
24 June 1921	Austria, Poland	Recruiting of Polish Workers
8 October 1921	Brazil, Italy	Emigration

Multilateral Treaties, etc.

Date.	Treaty, etc.	Subject.
30 May 1814	Treaty of Paris	Peace
8 February 1815	Declaration of Congress of Vienna	Slave Trade
20 November 1815	Additional Article to Second Treaty of Paris	Slave Trade
24 October and 19 November 1818	Protocols of Congress of Aix-la-Chapelle	Slave Trade
28 November 1822	Resolutions of Congress of Verona	Slave Trade
20 December 1841	Treaty of London	Slave Trade
26 February 1885	Act of the Berlin Conference	West Africa
2 July 1890	Act of the Conference of Brussels	Slave Trade

Date.	Treaty, etc.	Subject.
1902	Convention	Guardianship of Minors and Insane Persons
25 July 1902	Draft Convention	Traffic in Women and Children
18 May 1904	Agreement	Traffic in Women and Children
17 July 1905	Convention	Legal Assistance to Foreigners
17 July 1905	Convention	Guardianship of Adults
26 September 1906	Convention of Berne	Prohibition of the Night Work of Women in Industry
26 September 1906	Convention of Berne	Prohibition of the Use of White Phosphorus in the Manufacture of Matches
4 May 1910	Convention	Traffic in Women and Children [1]
16 November 1912	Convention	Charitable Relief for Foreigners
1913	Recommendations	Traffic in Women and Children
28 June 1919	Treaty of Versailles	Peace
10 September 1919	Treaty of St. Germain	Peace
27 November 1919	Treaty of Neuilly-sur-Seine	Peace
28 February 1920	Administrative Agreement of Buenos Aires	Judicial Supervision of Immigrants
4 June 1920	Treaty of Trianon	Peace
10 August 1920	Treaty of Sèvres	Peace
21 October 1920	Resolutions of League of Nations Conference	Passports, Customs Formalities and Through Tickets
27 January 1921	Convention of Gratz	Passports
July 1921	Convention of League of Nations Conference	Traffic in Women and Children

Conventions and Recommendations adopted by the International Labour Conference.

FIRST SESSION (WASHINGTON)

Date.	Convention or Recommendation.	Subject.
October/November 1919	Convention	Hours of Labour
October/November 1919	Convention	Unemployment
October/November 1919	Convention	Maternity
October/November 1919	Convention	Night Work of Women

[1] Redrafting the Draft Convention of 1902.

Date.	Convention of Recommendation.	Subject.
October/November 1919	Convention	Minimum age
October/November 1919	Convention	Night Work of Young Persons
October/November 1919	Recommendation	Unemployment
October/November 1919	Recommendation	Reciprocity of Treatment
October/November 1919	Recommendation	Anthrax
October/November 1919	Recommendation	Lead Poisoning
October/November 1919	Recommendation	Government Health Services

SECOND SESSION (GENOA)

June/July 1920	Convention	Minimum Age at sea
June/July 1920	Convention	Unemployment Indemnity
June/July 1920	Convention	Employment for Seamen
June/July 1920	Recommendation	Hours of Work, fishing
June/July 1920	Recommendation	Inland Navigation
June/July 1920	Recommendation	National Seamen's Code
June/July 1920	Recommendation	Unemployment Insurance

THIRD SESSION (GENEVA)

October/November 1921	Recommendation	Unemployment in Agriculture
October/November 1921	Recommendation	Protection of Women Wage-earners in Agriculture
October/November 1921	Recommendation	Night Work of Women in Agriculture
October/November 1921	Recommendation	Age for Admission to Employment in Agriculture
October/November 1921	Recommendation	Night Work of Children and Young Persons in Agriculture
October/November 1921	Recommendation	Development of Technical Agricultural Education
October/November 1921	Recommendation	Living-in Conditions of Agricultural Workers
October/November 1921	Draft Convention	Rights of Associations and Combination of Agricultural Workers
October/November 1921	Draft Convention	Workmen's Compensation in Agriculture
October/November 1921	Recommendation	Social Insurance in Agriculture
October/November 1921	Draft Convention	Use of White Lead in Painting

Date.	Convention or Recommendation.	Subject.
October/November 1921	Draft Convention	Application of the Weekly Rest in Industrial Undertakings
October/November 1921	Recommendation	Application of the Weekly Rest in Commercial Establishments
October/November 1921	Draft Convention	Age of Admission of Young Persons to Employment as Trimmers and Stokers
October/November 1921	Draft Convention	Compulsory Medical Examination of Children and Young Persons

SUPPLEMENT

TO

LEGISLATIVE AND DIPLOMATIC MEASURES

Adopted between 1 January 1922
and the End of August 1922.

Legislative and Dipolmatic Measures Adopted between 1 January 1922 and the End of August 1922.

Since this book was prepared and while it was in the press, a certain number of countries modified their laws and regulations, while others introduced entirely new measures and concluded new diplomatic agreements. The most important changes of a general character are briefly analysed in this supplement country by country.

Canada

On 16 May 1922 new regulations were announced by the Immigration and Colonisation Department. The former monetary test as a means of determining the immigrant's fitness has been dropped, and the new regulations permit the entry of the following classes: (1) *bonâ fide* agriculturists having sufficient means to begin farming; (2) *bonâ fide* farm labourers intending to follow that occupation and having reasonable assurance of employment; and (3) female domestic servants intending to follow that occupation and having reasonable prospects of employment. A further provision empowers the officers of the Department to admit nationals of countries having special treaties or agreements respecting immigration, and British subjects from Great Britain, Ireland, the United States, Newfoundland, or any of the self-governing Dominions who have sufficient means of maintenance pending employment. American citizens may enter if able to show that their labour or service is required in Canada. Immigrants other than British must have passports from their country of origin, and those from Europe must have passports endorsed by the Canadian agents in Europe. Asiatics, except where there are special agreements in force, must have $250 each.

Czechoslovakia

The Emigration Act of 15 February 1922 gives the following definition of the term "emigrant": "An emigrant under the terms of this Act is any person who proceeds from the territory of the Czechoslovak Republic to another country with the purpose of seeking his living there or with the purpose of not returning; also any member of his family who shall accompany him or follow him". Apart from a brief reference to the National Defence Act, the Emigration Act places no restriction on emigration except in the vital interests of the emigrant himself. Certain

classes of persons, for instance, are defined and forbidden to emigrate; these correspond with those who are excluded by the immigration laws of other countries, e.g. persons too old to work, who, on arrival, would find themselves without means of support.

All protective measures are based on a system of special emigration passports, and are, in general, directly handled by the State, although the assistance of philanthropic associations is contemplated and regulated.

With a view to protecting the emigrant, recruitment of individuals for emigration to countries outside Europe, whether with a view to taking up land or to accepting employment, is prohibited. Exceptions may be allowed where due regard has been had to the interests of the emigrant, and where both his nationality and his right to return are guaranteed to him ; such exceptions are allowed by way of administrative regulation.

The clauses on the engagement of Czechoslovak nationals in European countries enforce collective recruitment, the co-operation in both countries of the public employment exchanges, and the mention of a definite person or body as employer. It is specified that "the employment contract must guarantee that there is neither strike nor lock-out in the undertaking and that wage and labour conditions shall be accorded to the immigrant worker which shall be at least as favourable as those accorded to nationals who are of the same degree of skill, and these conditions shall continue during the whole period of the contract." A further clause enjoins that, in the matter of terminating an employment contract, the immigrant worker shall have rights equal to those granted to the national.

For suppressing secret propaganda, the number of representatives of foreign shipping companies, and the number of licensed emigration offices, is restricted. Representatives may only receive fixed salaries; they may take no sort of commission, nor may they act for any other transport agency. The transport agencies and their representatives may not make use of the services of any middlemen or of any persons operating outside their licensed offices. Should the Ministry of Social Welfare give permission for the employment of persons to conduct parties of emigrants, such persons must wear a badge which can be easily recognised and must be provided with a license. Transport agencies must at all times be able to produce a list of their employees and at once dismiss an employee when requested by the Ministry. They must undertake to keep their books and correspondence for five years, reckoning from the date of the last entry, and to produce them on request. Apart from announcements the contents of which are strictly controlled, transport agencies are forbidden to enter into negotiations with any person until such person shall himself have approached them. Principals are equally liable with representatives for any contraventions of the law of which the latter may have made themselves guilty.

The provisions relating to the transport of emigrants are designed to cover the usual abuses. The Czechoslovak consular representatives at ports of embarkation abroad must be informed of the intended arrival of emigrants in good time. They will then note the carrying out of regulations dealing with accommodation and food arrangements before embarkation and on board ship, medical examination, sanitary and other measures, and the persons appointed to conduct parties of emigrants. Emigrants' hostels situated at the frontier or at the collecting centres will also be subject to supervision and, if necessary, be suppressed.

The punitory clauses as to solicitation to emigrate in general, risk to young persons under 18 years of age, and the white slave traffic conform to the international Conventions on the white slave traffic. The transport of emigrants shall be prohibited in cases where a foreign State or foreign corporation is itself assisting or proposing to assist such emigration ; the object of this is to protect the emigrant against incitement.

The Government is empowered to conclude treaties on emigration and immigration with other States on the basis of mutual obligations and to carry them out, with a view to the application of the clauses of this Act, and of the regulations enforcing it, on the territory of foreign States.

Respecting transit through the country the text of the Act runs : "The Government is empowered, with a special view to the relief of distress, to public security and health, to issue the necessary instructions regulating the entry and transit of migrants from other States travelling through Czechoslovak territory."

Under the Regulations promulgated on 8 June 1922, a Permanent Emigration Council is to be appointed at the Ministry of Social Welfare. The functions of this Council are to give the Ministry advice on questions concerning emigration, immigration, and re-emigration. It consists of representatives of employers, workers, migration experts, transportation undertakings, humanitarian organisations, the State Land Office, Statistical Office, and Shipping Office and of all Government Departments. The Council will be nominated for a period of three years, the first period commencing 1 September 1922.

France

A Decree of 6 June 1922 regulates the conditions on which entry and travelling permits will be issued to foreign workers coming into France, cancelling a previous Decree of 19 November 1920. By the terms of this new Decree every foreign worker holding a proper employment contract will receive, when presenting himself either at an immigration office or a French frontier station, a safe-conduct allowing him to proceed to the place where his employment lies. He must notify his arrival to

the local authorities within a week, and will receive from them the special identity card instituted by the Decree of 2 April 1917. Should a foreign worker have omitted to present himself at the immigration office or at the frontier station on his entry into France, he must, nevertheless, make application for a card from the local authorities. A preliminary enquiry will then be held in order to make sure that such worker holds a recognised employment contract according to the conditions laid down by order of the Ministries of Labour and of Agriculture. An identity card will be issued when the results of the enquiry are favourable. Such card may not be refused on account of the situation in the labour market except after examination into each individual case conducted by the competent authorities of the Ministry of the Interior, in agreement with those of the Ministries of Labour or of Agriculture.

Any change of address entails the obligation of submitting the identity card to the local authorities of the worker's new residential district for a fresh visa. Finally, the Decree obliges every employer engaging a foreign worker to assure himself previously that such worker has not contravened the regulations of the Decree.

Great Britain

The Oversea Settlement Act 1922 gives power to the Government to co-operate in carrying out "agreed schemes" in association with a Dominion Government or with approved private organisations, either in Great Britain or the Dominions. An "agreed scheme" may be either a development or settlement scheme, or one for facilitating migration by assistance with passages, initial allowances, special training, or otherwise. It is laid down that no scheme shall be agreed to without the consent of the British Treasury, which must be satisfied that the government or organisation concerned is making a proper contribution to the expenses of the scheme. The contribution of the British Government is not in any case to exceed one half, and its liability to make contributions is not to extend beyond a period of fifteen years after the passing of the Act. The aggregate amount expended by it is not to exceed £1,500,000 in the financial year 1922-23 or £3,000,000 in any subsequent financial year.

India

The Indian Emigration Act 1922 has two main objects. Indentured emigration has been prohibited since 1917 by a Rule under the Defence of India Act, which will shortly expire. The first object of the new Act is, therefore, to make this prohibition permanent. The second is to provide machinery for the future con-

trol of emigration. The general underlying principle is the framing of safeguards for the help and protection of would-be emigrants in India and in the land of their adoption.

The Act of 1908 is repealed and the new measure substituted for it. Emigration is defined as the departure by sea out of British India of any person who departs under an agreement to work for hire in any country beyond the limits of India, or who is assisted to depart, otherwise than by a relative, for the purpose of working for hire or engaging in agriculture in any country beyond the limits of India. Persons who emigrate freely, without assistance and without any agreement, are therefore excluded from the definition and are not affected by the Act. The definition also excludes any person going to a country where he has resided for not less than five years, or the wife or child of such person, and the wife or child of a man who has lawfully emigrated if they are going to join him.

Power is given to the Local Governments to appoint Protectors of Emigrants, whose duties are to protect and aid all emigrants, to inspect vessels bringing returned emigrants, to enquire into treatment received by returned emigrants both abroad and during the voyage, to aid and advise returned emigrants, etc. The Local Government may appoint an Advisory Committee to assist a Protector of Emigrants. There is also a clause which gives the Governor-General in Council power to appoint agents in foreign countries in order to safeguard the interests of Indian emigrants to those countries. This power can, of course, only be exercised with the permission of each government concerned.

A distinction is drawn between emigration of skilled and unskilled workers. The latter is permitted only to such countries and on such terms and conditions as the Governor-General in Council may specify, with the approval of both Chambers of the Indian Legislature. The Governor-General has, however, the power to suspend the emigration of unskilled workers to any country, for reasons which must be stated in the notification.

A different system is laid down for skilled workers, who are generally speaking better able to look after themselves. Conditions are therefore prescribed for those who engage or assist skilled workers to emigrate. They must give particulars as to the numbers of emigrants, the place to which they are going, the accommodation to be provided, the provision to be made for the health and well-being of the emigrants, the terms of the agreement, and the security to be furnished for the due observance of such agreement. The Governor-General in Council may prohibit the emigration of skilled workers to any country, if he believes that sufficient grounds exist for such action.

The Governor-General in Council has power to make rules which may deal, among other matters, with the licensing, supervision, and control of recruiting agents, the information to be supplied by such agents, places of accommodation and medical care for emigrants, the minimum age of non-dependent emigrants,

the compulsory measures that must be adopted on emigrant ships, and, generally, the security, well-being, and protection of emigrants before departure and on their return to India. Penalties are provided for unlawful emigration or inducement to emigrate, but any prosecution of this kind must be sanctioned by a Protector of Emigrants or a District Magistrate.

The Act refers to emigration to all countries, the exception previously made for Ceylon and the Straits Settlements being continued only for twelve months from the date of the coming into force of the Act.

According to the draft Rules which have been published, each country to which the emigration of unskilled workers is permitted will appoint commissioners in India who, in their turn, will appoint emigration agents and inspectors of emigration to supervise the work of the latter. The agents, who must have a license countersigned by a district magistrate, must give to every person recruited by them a statement containing particulars as to the conditions of life and labour in the country which they represent. They are forbidden to carry on recruiting operations in pilgrim centres or to recruit :

(1) Persons below the age of 18 and women unaccompanied by relatives ;

(2) More than a certain proportion of single men.

All emigrants must appear before a magistrate, who may examine them regarding their reasons for emigrating and their knowledge of the conditions on which they are going. The agent may not be present during this examination. Non-recruited emigrants who desire to obtain assisted passages may apply directly to the Commissioner of the country concerned.

Suitable accommodation must be provided for the emigrants both in the areas in which they are recruited and at the port of embarkation. This will be inspected periodically. All emigrants must be examined before departure by the Medical Inspector of Emigrants.

The duties of the agents who are to be appointed by the Indian Government abroad will be to obtain information regarding the welfare and status of Indian immigrants, to protect and advise these immigrants, to inspect immigrant ships on arrival, to visit places where Indians work and reside and to submit annual reports.

Italy, Poland

The Italian and Polish Governments concluded a Treaty of Commerce on 12 May, which touches on various matters of interest to emigrants.

As regards the general situation of nationals of the two countries Article 1 lays down that subjects of either of the two contracting parties domiciled or temporarily resident on the terri-

tory of the other are to be entitled, with respect to their domicile and carrying on of their trade or industry, to the rights, privileges, immunities, favours, and exemptions granted to the most favoured nation.

Article 5 declares that the subjects of the contracting parties may in no case be subjected when carrying on their trade or industry in the territory of the other country to higher rates of taxation of any kind than those imposed on nationals of the country itself. They are similarly exempt from military service and the obligation to undertake compulsory official duties, whether state or municipal.

Article 16 deals more particularly with the position of emigrants and emigration undertakings. It states that the Polish Government is prepared to facilitate the journey of emigrants leaving its territory or those in transit for Italian ports, and those returning to their country through these ports.

The Polish Government declares that it agrees to allow Italian steamship companies, which conform in all other respects to Polish legislation, to establish agencies in Poland for the sale of tickets, and to carry on business there for direct transport from Trieste to South American and Mediterranean ports.

The Italian Government, in conformity with Italian emigration legislation, will ensure the same protection to Polish as to Italian emigrants, whether within Italy or on board ship. Moreover, the Italian Government undertakes that every ship leaving the port of Trieste with Polish emigrants on board shall carry an interpreter approved by the Italian emigration authorities.

Portugal

A Decree has been promulgated, which requires every Portuguese citizen wishing to leave the country, with certain very limited exceptions, to pay a deposit equivalent to £20 sterling. This deposit is not refunded except to travellers returning within three months : there appears to be no exception made in favour of emigrants.

A further Decree defines the conditions to be fulfilled by emigrants before leaving the country. A Portuguese worker may only leave for a European country or colony of a European country if he can prove to the competent Portuguese authorities that work has been secured for him in the country to which he is going. Such proof must consist of a declaration signed by the employer for whom he intends to work abroad. This document must be countersigned by the Portuguese consular agent in the district of destination, and must give explicit information on all useful points, particularly in connection with the wages guaranteed to the worker and other conditions of labour. The Portuguese General Emigration Department is instructed to supervise the observance of the Decree.

The Emigration Act of 30 December 1921 supersedes in the different countries of the Kingdom all previous Orders, including those of 21 May 1921 and 12 May 1920, as well as former Austrian and Hungarian Orders.

The administration of emigration is entrusted to the Ministry of Social Affairs, under which an Emigration Section is established. This Section has to draw up an annual report on emigration questions. Emigration commissioners are appointed in all national ports, and a representative of the Emigration Section is to be attached to the diplomatic and consular services of all countries to which emigration attains substantial proportions.

In principle emigration is free, but it may be suspended by the Minister for a certain time in any given direction, if the interest of the country so demands. In order to emigrate an emigrant must be provided with a passport, and must embark at a national port. Passports are not issued unless an emigrant can prove that he has fulfilled his military and fiscal obligations, satisfies the conditions required by the country of destination, and has reached the age of 18 years. If he is less than 18 years of age, he may only leave in company with his parent or guardian, or the accredited representative of such persons. He must also prove that no criminal actions is pending against him.

Shipping companies who intend to transport emigrants must obtain a permit from the Ministerial Council, and comply with all the provisions of the Act. They must pay a deposit of 500,000 dinars as security for the execution of their obligations, both towards the emigrant and the State. They must, moreover, pay a fee for each emigrant embarked, and allow the Minister unlimited right to supervise their operations. Companies may not employ agents or carry on the business of money-changing or make any propaganda for emigration. They are completely responsible for all acts of their representatives.

Emigrant and immigrant transport may only be effected on vessels embarking and disembarking at national ports and under the conditions laid down by the maritime authorities. Contracts and agreements must be approved by the Minister. Payment must be effected in Serbian currency. All ships transporting over fifty emigrants must carry a representative of the Ministry, whose duty it is to supervise and control the sanitary accommodation and the carrying out of laws and regulations. The company must undertake to repatriate gratis all emigrants who are rejected on arrival, and to supply the Government with fifteen free tickets for the return journey of poor emigrants approved by the authorities. The company or its authorised representative must draw up a contract in duplicate written in the Serb, Croat, or Slovene languages. If the point of departure is within the country, all cost of transport, board, lodging, medical aid, and the conveyance of luggage must be undertaken by the company until the time of

embarkation. Provision is also made for compensating the emigrant in the event of breach of contract or delay in its execution.

An Emigrant Fund is established which is to consist of the revenue from fees imposed under the Act and regulations. Emigrants returning to the country may also be required to pay a duty for the benefit of the fund. The latter is to be used to meet the cost of the emigration service, grants and subsidies to emigrants' organisations, grants to poor emigrants, the erection of emigration institutes, and in general for all purposes of value to emigrants.

Sweden, Italy

A Swedish Royal Decree dated 4 November 1921 states that, as from 1 December 1921, Italian workers and their representatives are placed on a footing of complete equality with Swedish nationals under the Accident Insurance Act. Hitherto the Swedish Act of 27 June 1916 on compulsory insurance against industrial accidents applied to foreign workers, but Section 27 stipulated that persons not Swedish citizens and not resident in the country, who were entitled to sickness gratuity or an annuity, were liable to have the payment reduced by from 20 to 50 per cent of its capital value. In case of death, the funeral gratuity, annuities, or capital payments were only granted to those who were resident in the Kingdom at the time of the accident. Exceptions to this rule were, however, authorised on condition that other countries accorded reciprocal treatment to Swedish nationals.

United States

By a Joint Resolution of 11 May 1922, the operation of the Act of 19 May 1921 is extended to 30 June 1924, with two amendments. The first of these makes steamship companies, bringing immigrants in excess of the three per cent quota to the United States, liable to a fine $200 for each immigrant so brought, and to the payment of return costs for the immigrant. The second increases from one to five years the period of time aliens must have resided in contiguous countries before being admitted to the United States without regard to immigration quotas.
