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LAW OF IMMIGRATION

OF THE

Republic of Guatemala,

CENTRAL AMERICA.

PUBLISHED BY THE

CONSULATE GENERAL AT NEW YORK

UNITED STATES OF AMERICA.

NEW YORK:

GEO. F. NESBITT & CO., PRINTERS, COR. PEARL AND PINE STS.

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THE IMMIGRATION LAW
OF THE
REPUBLIC OF GUATEMALA,
(CENTRAL AMERICA.)

OFFICIAL PUBLICATION.

J. RUFINO BARRIOS, General of Division, and President of the Republic of Guatemala.

WHEREAS, The Society of Immigration has presented to the Government a project of law upon the subject of immigration, which, having been submitted to the examination of the Supreme Court of Justice, the Fiscal Minister and the Council of State, whose judgment was sought as a better guarantee of right legislation upon a subject of such importance, has received the concurrent approval of those bodies and functionaries; and

WHEREAS, It will be highly beneficial to the public interests that a law be enacted regulating the powers and duties of the said Society, and explicitly declaring the obligations assumed by the Government in respect to immigrants, as well as the rights which immigrants shall be permitted to exercise, and the duties they shall be bound

TAYLOR & FRANCIS, LONDON, 1940

to perform, for the purpose of avoiding all questions that might arise in reference to this subject, and of establishing a permanent basis for everything pertaining to this department, therefore, in the exercise of my authority, I do decree the following

LAW OF IMMIGRATION.

CHAPTER I.

OF THE SOCIETY OF IMMIGRATION.

ARTICLE 1.—The Society of Immigration ordered to be established by Decree of 20th January, 1877, shall continue to exercise its functions according to the law of its organization.

ART. 2.—The Society shall establish a Central Bureau which, under its immediate supervision, shall discharge the functions assigned to it by this present law.

Said Bureau shall be composed of the President, Treasurer, and Secretaries of the Society. It shall have a chief clerk, who may be one of the Secretaries, and as many dependents and employés as shall be necessary.

The appointment of said chief clerk and employés shall be made by the Society, on proposals of its President, and their salaries shall be fixed in the same manner.

ART. 3.—The funds of the Society shall for the present be derived from the product of the public lands and from other sources that may be designated by the Government.

ART. 4.—In accordance with the provisions contained in Article 2 of Decree (No. 198) of 25th February, 1877, the Society is empowered to dispose of the public lands (*terrenos baldios*), as may be by degrees required, in order to carry out the important purposes of its foundation; and to this end it shall procure from the Government the necessary concessions.

CHAPTER II.

OF THE CENTRAL BUREAU.

ART. 5.—This Bureau shall represent the Society before any Tribunal, and before the departmental or local authorities, whenever they take cognizance of any question relative to immigration or to contracts therewith connected.

ART. 6.—It shall keep a Register in which shall be recorded the number of immigrants arriving in the country, with a statement of their ages, trades, nationality, and certificates of good conduct.

ART. 7.—It shall also keep a Register wherein shall be entered the applications for employment presented by the immigrants who may come without a formal engagement, or who may be therefrom released, as well as the new contracts they may enter into.

ART. 8.—It shall propose to the Society the establishment of commissions and agencies of immigration, designating the persons competent to perform the duties of a commissioner or agent.

ART. 9.—It shall transmit to every commission or agency of immigration established all orders and instructions necessary to the best exercise of its functions; and the said Bureau is empowered to attend to petitions for the ingress of immigrants, based on contracts entered into with private parties, and having in view the suitability of the seasons.

ART. 10.—It shall likewise give its attention to petitions for situations from immigrants arrived without a previous engagement, and shall endeavor to obtain employment for them on favorable terms.

ART. 11.—Private parties desiring to bring immigrants to carry out their enterprises, must previously obtain a special permission from the Government, who will grant it on a report from the Society of Immigration.

This report must state whether the means at the disposal of the applicant are sufficient to enable him to comply with his proposed agreement; and whether the immigrants he intends to bring into the country, having in view their place of origin or nationality, would be easy of acclimation to the climate of the locality where they are to be employed or not.

ART. 12.—The Central Bureau may, in case of need, give the parties concerned all the assistance within its power, and which it shall deem expedient, either through the medium of its agency at the place where the immigrants shall be solicited, or on their arrival into the Republic, provided that the parties concerned shall refund to the treasury of the Society any amount disbursed in their behalf. Moreover, they shall be bound to furnish the Central Bureau with a list of individuals arrived, stating therein their ages, trades and places of departure, for the purposes set forth in Art. 6.

ART. 13.—The Central Bureau shall have power to enter into any contracts it may deem proper with the agents or *empresarios* of colonization, upon a basis to be agreed to by the Society, provided they are not in conflict with the present law.

ART. 14.—In the Capital and in other localities where there are no Commissioners of Immigration, the Bureau shall provide board and lodging for all immigrants coming on its account during a term not to exceed fifteen days; and if unforeseen circumstances should require a longer term, the Society shall be consulted in regard to the expense required by the prolongation of the time designated.

ART. 15.—During the term of a year the Bureau shall receive the correspondence sent by or addressed to the immigrants established in the settlements (*reducciones*), and shall send it to its destination at the expense of the Society.

ART. 16.—Every three months the Bureau shall present to the Society a report of the labors of the former, as also of the

doings of the Commissions and agencies; and every month it shall make a statement of the expenses incurred by the same Bureau, commissions and agencies.

CHAPTER III.

OF THE AGENTS OF IMMIGRATION AT HOME AND ABROAD.

§1. *Of the Agents at Home.*

ART. 17.—They shall diligently endeavor, in their respective districts to remove any obstacles whatever tending to check the movement of immigration.

ART. 18.—They shall make arrangements, upon orders from the Central Bureau, to receive, lodge, and give employment to the immigrants coming on account or through the intervention of the Society, and shall transport them to the place of their destination.

ART. 19.—The agents residing at the seaports shall make the proper arrangements, in order to facilitate the landing of immigrants, and their transportation inland.

ART. 20.—The home agencies shall report to the Central Bureau every three months all the business relative to immigration transacted in their respective districts, with a statement of the number of immigrants assisted or transported inland.

ART. 21.—Every three months they shall present an account, with its vouchers, of the disposition of the funds supplied by the Central Bureau for the execution of the work confided to them.

§2. *Of the Agents Abroad.*

ART. 22.—Besides the home agents, the Society shall have power to appoint others abroad, to reside at the places it may deem convenient.

ART. 23.—The salaries of these agents shall be fixed by the Society, which will make the appointments on proposals made by the Central Bureau.

ART. 24.—The consular agents of the Republic in foreign countries, who are *ex-officio* corresponding members of the same Society, shall assist the special agent, if necessary, and observe his conduct whilst in the discharge of the commission entrusted to him, and shall communicate to the Society everything deserving its consideration.

ART. 25.—The agents abroad shall reside for such time as may be necessary at the place where they must immediately discharge their commission.

ART. 26.—By all legitimate means within their reach, they shall endeavor to induce immigrants to come under conditions to be fixed on asking for them ; and generally they shall stimulate immigration to the Republic, furnishing information concerning its physical, political and social conditions, as well as the advantages offered to immigrants.

ART. 27.—They shall require from the individuals who solicit to be registered as immigrants, testimonials of good character and ability, to be given by a respectable resident of the place where they have resided during the last six months.

ART. 28.—They shall issue to the immigrant who, having the required qualifications, may ask for it, a certificate wherein shall be noted down his age, sex, trade, nationality, ability and character.

ART. 29.—On embarking immigrants for account of the Society, the agents shall prefer those vessels which, insuring safety and good accommodations, shall charge less for their passage, their owners or agents having resolved beforehand to reduce the rates ; but they shall insist on the strict adherence to the conditions of the contracts, especially so far as they refer to the good treatment of the immigrants as pas-

sengers, and these in no case shall embark in a larger number than can be comfortably carried by the ship.

ART. 30.—They shall pay the passage money totally or in part, when authorized to do so, and shall enter into contracts for the transportation of immigrants, according to the instructions they may receive from the Central Bureau.

ART. 31.—They shall keep a book wherein shall be registered all the business transacted, by order of dates, with the name, sex, age, trade, and nationality of every immigrant shipped.

ART. 32.—They shall receive the correspondence sent by the Central Bureau for the families of the immigrants established in the settlements, and shall transmit to the same bureau, at the expense of the Society of Immigration, the correspondence sent to them for said immigrants.

ART. 33.—They shall, every three months, inform the Central Bureau of everything deserving its attention, rendering an account of the disposition of the funds they have received, and suggesting the measures which, in their opinion, would foster immigration and remove the obstacles in the way of its progressive increase.

CHAPTER IV.

OF THE IMMIGRANTS.

ART. 34.—For the purposes of this law every foreigner who, being a laborer, artizan, factory hand, agriculturist, or domestic servant, being less than fifty years of age, and giving testimonials of his morality and abilities, shall come to the Republic on his own account, or at the expense of the Society, or of private parties, shall be considered an immigrant.

ART. 35.—Heads of families, having at least two able-bodied sons, shall be considered as immigrants, even if they exceed the age aforesaid.

ART. 36.—Every immigrant, having obtained a certificate of immigration, shall be entitled to the following general advantages or privileges :

1st. To be embarked in the ships chartered for the purpose.

2d. To land, free of charge, at the ports of the Republic.

3d. To introduce, free of duty, the jewels for personal use, wearing apparel, necessary household furniture, machines, agricultural implements, seeds, portable houses for their own dwellings, tools, domestic animals, carts for their own use, and victuals for six months, but for once only.

ART. 37.—The Central Bureau and the home agencies shall render their services to the immigrants, in guaranteeing to them the fulfilment of their contracts for employment.

ART. 38.—In order to grant other and exclusive privileges to the immigrants who may for the present come to the Republic, they shall be divided into three classes :

1st. Immigrants coming voluntarily and at their own expense, attracted merely by the advantages held out to them by this law and by the country itself.

2d. Immigrants ordered by private parties, either directly or through the Society.

3d. Immigrants engaged by the Society, with the purpose of forming agricultural settlements, or hamlets, on designated localities.

Those forming the first class shall, besides the general privileges, have a right to demand the assistance of the Society in facilitating the acquisition by them, on easy terms, of the best-situated lands, and also of the materials, seeds and domestic animals they may need.

Those belonging to the second class, when ordered by the Society, besides the general advantages, shall be entitled to demand the assistance and support of the Society, in exacting the fulfilment of the promises made to them by the private parties who brought them.

They shall likewise be entitled to free transportation inland ; to be lodged by the agents of the Society, or by the Central Bureau, during the first 15 days immediately after their arrival, before they can start for their place of destination ; and to free medical attendance, in case of sickness while at their lodging-place, from the physician engaged by the Central Bureau or the agents ; and, when the sickness shall require it, to be transferred to the hospital, where they shall receive the proper care.

The immigrants of the third class, besides the general advantages and those enumerated, shall have a right to claim one or more lots on the grounds appropriated by the Society to this object, free of cost if they are public lands, or payable on the terms agreed upon in the contracts, if the lands belong to the Society by any other title.

They shall also have the right to be supplied with the necessary implements for their labors, with oxen and other cattle, with seeds, dwelling houses, and in some cases shall be helped with money and victuals during a time to be fixed by the contracts.

Finally, they shall, during ten years, be exempted from the payment of export duties on the fruits of their crops, provided they belong to them exclusively, and shall enjoy all the privileges granted by Articles 50, 51 and 52.

CHAPTER V.

OF THE HAMLETS OR AGRICULTURAL SETTLEMENTS.

ART. 39.—The Society of Immigration shall have power to establish hamlets or agricultural settlements, not to exceed a hundred families each, in those localities which, under the favorable conditions of good climate and fertility, shall possess in a single tract a sufficiently large extent of arable land.

Half the number of individuals forming these settlements shall be foreign immigrants, and the other half natives ; these

latter being entitled to the same guarantees and privileges granted by this law to the former.

ART. 40.—The State favors the establishment of these agricultural settlements or new hamlets, with the purpose of having the public or private lands cultivated, or of introducing improved systems into those already cultivated.

ART. 41.—The hamlets or agricultural settlements may be established on public lands, given away gratuitously, or on private lands acquired by the Society, through purchase or otherwise, by means of special contracts in each case,

ART. 42.—When designating and granting the lands to be appropriated to the agricultural settlements, all roads, bridges, watering places, customs, municipal titles, and all other public or private rights sanctioned by law shall be respected.

ART. 43.—Forests, timber lands, lands covered with pines, firs, mahogany, cedar, and other large trees shall not be included in the above grants.

ART. 44.—Lands covered with woods of small growth, without timber trees, or with only scattered trees, may be given away; but the companies or immigrants shall be bound to pay their price, in case they shall fail to effect the establishment of the agricultural settlements, and the former shall be required to give the proper securities.

ART. 45.—The Guatemalan, or foreigner, who, in his name or representing a firm, may wish to establish a hamlet or agricultural settlement, shall send his proposal to the Society of Immigration, asking for the allotment of the lands, subject to a previous inspection of the same, with a detailed specification of the site, position, nature, and other features of the locality, as also the number and nationality of the settlers, and the resources they possess to carry out the undertaking.

ART. 46.—The allotment of the public lands whereon the agricultural settlement is to be established shall be made at

the expense of the Society, at the solicitation of the interested parties, previous demarcation and definition of rights made in the presence and with the agreement of the owners of contiguous lands.

ART. 47.—The free concession of the public lands to the companies or the immigrants, when it be made, shall be provisional; but they shall obtain their full and final ownership on their fulfilment of the conditions of the concession, and then they shall receive their legalized title.

ART. 48.—If the stipulated conditions are not complied with within the term of four years, the concession shall be considered null and void, and all works and buildings erected or in course of erection shall definitely become the property of the State.

ART. 49.—To all parties wishing to form an agricultural settlement shall be granted, on the same conditions, a tract of land equal to the sixth part of the total area of the settlement.

ART. 50.—During ten years, to be counted from the date of the provisional concession, the immigrants settled on the public lands shall not pay any direct tax, whatever, and they shall likewise be exempt, during the same term, from any other impost or personal charge, with the exception of the service relative to highways, which they shall perform, in accordance with the law now in force relating thereto.

ART. 51.—All immigrants settled in the Republic under this law shall be exempt from military service.

ART. 52.—They shall be entitled to introduce, free of duty, during the term of four years, the instruments, tools, machines and other implements they may need for their work.

ART. 53.—The agricultural settlements established on private property or on the lands which the Society may have acquired either by purchase or gift, not being public lands, shall be subjects of contracts or agreements between the

private owners, or the Society, as the case may be, and the *empresarios*, or the immigrants.

ART. 54.—To the immigrants settled on private lands or on those owned by the Society, shall be extended all the exemptions contained in Articles 50, 51 and 52.

ART. 55.—The hamlets or agricultural settlements that may be established shall be governed according to the laws of the Republic, and they shall have power to organize their municipalities as soon as they come under the conditions required by law.

ART. 56.—A formal renunciation of nationality and of the rights of foreign citizenship must precede all contracts making free concessions of lands to establish hamlets or agricultural settlements, which renunciation shall be made at the place whence may immigrate to this Republic those doing so at the expense of the Government or the Society; and the said renunciation shall be legalized in accordance with the laws of the nation to which such immigrants may belong, the same to be ratified before the Consuls or Consular Agents of the Republic.

ART. 57.—Foreigners who may come into the territory of Guatemala not having made the renunciation aforesaid at the place from whence they started, and who may wish to obtain free grants of land and the other benefits conferred by this law, shall, before obtaining them, make the renunciation aforesaid, before the Minister, Chargé d'Affairs, or Consul of their nation, the same to be ratified before the chief civil officer of the respective department; and to him shall be presented the document containing said renunciation.

ART. 58.—The immigrants settling on lands whose value they must pay, and all other immigrants, shall be entitled to choose the Gautemalan nationality, and they shall be granted the rights of citizenship, upon giving proofs of their good conduct.

ART. 59.—The Consuls and other Representatives of the Republic in foreign countries shall have the present decree translated and published in the languages of the countries of their residence.

ART. 60.—All prior enactments coming in conflict with the present law are hereby repealed.

Given in the National Palace, the twenty-seventh day of February, in the year one thousand eight hundred and seventy-nine.

J. RUFINO BARRIOS.

The Minister of the Interior,

MANUEL HERRERA.

(Faithful translation.)











