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THE PROBLEM OF THE IMMIGRANT

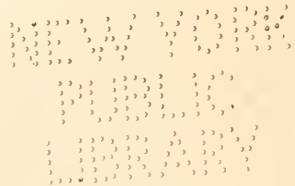


# THE PROBLEM OF THE IMMIGRANT

A BRIEF DISCUSSION, WITH A SUMMARY OF CONDITIONS,  
LAWS, AND REGULATIONS GOVERNING THE MOVEMENT  
OF POPULATION TO AND FROM  
THE BRITISH EMPIRE, UNITED STATES, FRANCE, BELGIUM,  
SWITZERLAND, GERMANY, ITALY, AUSTRIA-HUNGARY,  
SPAIN, PORTUGAL, NETHERLANDS, DENMARK,  
SCANDINAVIA AND RUSSIA

BY

JAMES DAVENPORT WHELPLEY



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# CONTENTS

CHAPTER	PAGE
I. INTRODUCTION . . . . .	1
II. EMIGRATION AN INTERNATIONAL AFFAIR . . . . .	5
III. IMMIGRATION AND EMIGRATION LAWS OF EUROPE . . . . .	22
IV. THE UNITED KINGDOM . . . . .	41
V. THE BRITISH COLONIES . . . . .	59
VI. THE UNITED STATES . . . . .	80
VII. THE UNITED STATES ( <i>continued</i> ) . . . . .	101
VIII. THE UNITED STATES ( <i>concluded</i> ) . . . . .	120
IX. FRANCE . . . . .	143
X. BELGIUM . . . . .	156
XI. SWITZERLAND . . . . .	177
XII. GERMANY . . . . .	207
XIII. ITALY . . . . .	234
XIV. AUSTRIA-HUNGARY . . . . .	245
XV. SPAIN . . . . .	273
XVI. PORTUGAL . . . . .	277
XVII. THE NETHERLANDS . . . . .	279
XVIII. DENMARK . . . . .	281
XIX. SCANDINAVIA . . . . .	285
XX. RUSSIA . . . . .	287



## P R E F A C E

DURING a year spent in studying emigration and immigration conditions in thirteen countries of Europe, it became necessary to familiarize myself with the situation in each country, so far as was practicable. It was found most difficult to get together the data required. Many different languages were involved, and the laws and regulations in some of the countries were contained in widely scattered statutes, Government decrees, and police regulations. In many instances it was only through the courtesy and disinterested kindness of Government officials, Ambassadors, *attachés* of Embassies, and consular representatives, that it was made possible to secure an intelligent idea of the situation. To these gentlemen, and to others who were most kind, I wish to express my appreciation and obligation. Believing that some of the data would be of value to the many now interested in these topics, and, indeed, even necessary for an understanding of the international situation, and knowing of no work containing the same, I have ventured to gather in book form some of the material secured, which I hope will prove useful to those who are called upon to legislate, discuss, or write upon the subject. At least, this has

been the object in view, and I trust the effort has not been in vain. No pretence is made that the discussion and data presented begin to cover the great field offered in the subject treated, nor is it intended that the volume should be considered as a technical law-book, for the legal phase is merely outlined in the attempt to give some information as to the character of legislation now in force or under consideration.

JAMES DAVENPORT WHELPLEY.

LONDON,

*February 13, 1905.*





# THE PROBLEM OF THE IMMIGRANT

## CHAPTER I

### INTRODUCTION

OUT of the remote and little-known regions of Northern, Eastern, and Southern Europe, for ever marches a vast and endless army. Nondescript and ever-changing in *personnel*, without leaders or organization, this great force, moving at the rate of nearly 1,500,000 each year, is invading the civilized world.

Like a mighty stream, it finds its source in a hundred rivulets. The huts of the mountains and the hovels of the plains are the springs which feed ; the fecundity of the races of the old world the inexhaustible source. It is a march the like of which the world has never seen, and the moving columns are animated by but one idea—that of escaping from evils which have made existence intolerable, and of reaching the free air of countries where conditions are better shaped to the welfare of the masses of the people.

It is a vast procession of varied humanity. In tongue it is polyglot ; in dress, all climes from pole to equator are indicated, and all religions and beliefs enlist their followers. There is no age limit, for young and old travel side by side. There is no sex limitation,

## 2 THE PROBLEM OF THE IMMIGRANT

for the women are as keen as, if not more so, than the men; and babes in arms are here in no mean numbers.

The army carries its equipment on its back, but in no prescribed form. The allowance is meagre, it is true, but the household gods of a family sprung from the same soil as a hundred previous generations may possibly be contained in shapeless bags or bundles. For ever moving, always in the same direction, the marching army comes out of the shadow, converges to natural points of distribution, masses along the great international highways, and its vanguard disappears absorbed where it finds a resting-place.

Gaining in volume and momentum with each passing year, without apparent regard for the law of supply and demand, the pressure of this army has already made itself felt upon the communities in which it finds its destination. The cry of protest has gone up from those who find themselves crowded from their occupations and their homes by the new arrivals, and peoples are demanding of their Governments that some steps be taken to check this alien invasion.

Throughout Europe the word, "America" is synonymous in all languages with freedom, prosperity and happiness. The desire to reach America is the first sign of awakened ambition, the first signal of revolt against harsh environment, the dream of age and youth alike. The countries of Western Europe receive the migratory element—the birds of passage who help in the harvest, or furnish labour for great undertakings and then return to their homes richer for their seasons abroad. London absorbs into her mighty heart the sands of strange-looking human beings, talking gibberish tongues, and quick to take advantage of her marvellous charities. South America, with the free-and-ea

## INTRODUCTION

manner of that part of the world, accepts those rejected elsewhere.

Following the main columns of this army back to their beginnings, the real reasons for its existence are soon discovered. The momentum is given at the source, and we find men pushing each other up the gang-planks of departing emigrant steamers to make their escape from incredible political and economic wrongs. There is another reason, based upon the first, but none the less potent. The traffic in ocean passages has reached a stage of fierce competition, unscrupulousness, and even inhumanity, inconceivable to those not familiar with its details. Men who profit by the march of these millions of people have a drag-net out over Continental Europe so fine in its meshes as to let no man, woman, or child escape who has the price and the desire or need to go. Three great countries, Italy, Austria-Hungary, and Russia—where the masses of the people are low in the social scale, and where the percentage of illiteracy is discreditable to the twentieth century—are being drained of their human dregs through channels made easy by those seeking cargo for their ships.

In numbers the emigrants of twenty years ago approximated those of to-day, but with a notable difference in character and purpose. Then they were recruited from Western and North-Western Europe, and the movement from Italy, Austria-Hungary, and Russia was comparatively small. To-day the conditions are reversed. The movement from the first-named sections is inconsiderable, and from the other countries it is overwhelming.

The Italians are driven from their country by longstanding economic wrongs now culminating in the

## THE PROBLEM OF THE IMMIGRANT

practical depopulation of Southern Italy and Sicily. The Russian Jews are leaving their homes largely because of political persecution. The emigrants from Austria-Hungary start on their journey Westward to escape burdens both economic and political. Last year 230,000 Italians, 200,000 Austro-Hungarians, and 136,000 Russians successfully passed the immigration barriers of a single country—the United States. The people of those three countries are tremendously prolific. Poverty and discomfort apparently have no effect in decreasing the birth-rate, and phenomenally large families are the rule. The total population of Italy, Austria, and Russia, notwithstanding the drain of this enormous emigration, is increasing naturally year by year, this increase being largely confined, however, to the cities and more prosperous agricultural districts.

The Governments of the countries from which people are going have become thoroughly aroused to the evils of this drain upon national vitality. The peoples of the countries into which these emigrants are moving are even more concerned over the evident weakening of their own popular institutions through the unwelcome addition to the population of the large undesirable element which participates in this alien movement.

## CHAPTER II

### EMIGRATION AN INTERNATIONAL AFFAIR<sup>1</sup>

To police the world for the purpose of putting a wholesome restraint upon emigration is within the power—even now within the line of duty—of the greater nations. This can only be accomplished by an international and binding agreement, making the power conferred impressive, absolute, and compelling. The benefits of such an agreement would be mutual, and its results conducive to the safety, happiness, and prosperity not only of the strong but of the weak, not only of the free but of the oppressed.

The purposes of such an agreement as is here suggested may be briefly outlined as follows:—To encourage a high moral, physical, political, and educational standard of admission for immigrants; and to these might well be added a financial or self-supporting qualification of sufficient scope to prevent the possibility of immediate dependence upon charity. To guard against the spread of disease from one country to another. To check undue activity on the part of transportation agents. To maintain a world-wide system of police identification and restraint of criminals. To persuade each nation to live up to its full responsibilities in the care of its own deficient. To induce the

<sup>1</sup> This chapter first appeared as an article in the *Fortnightly Review*, and is reproduced through the courtesy of the publishers.

amelioration of political or economic wrongs in given areas where such influences are driving people from one country to another to the discomfort of the latter.

To avert war, to assist each other in times of great disaster, or to work together for any purpose tending towards the mutual welfare of two or more peoples, has always been accepted as a legitimate function of Governments, and a satisfactory object of international conference or agreement. Emigration has now become an international as well as a national question. All peoples welcome the self-supporting, intelligent, and healthy foreigner; but unfortunately for the peace and safety of prosperous and well-governed communities the world over, a very large proportion of those now on the move cannot, even by courtesy or true sympathy, be placed under this classification.

Between a million and a half and two million people annually are now moving from one country to another, seeking a change in their place of permanent residence. Seven-eighths of those taking part in this exodus are from countries where the inhabitants are but partially civilized, from the Anglo-Saxon point of view; or they are being forced out of their native environment by political or economic wrongs. No nation can effectually control this movement single-handed, even in the matter of admissions to its own territory. There is a more or less well-organized conspiracy to break down or evade barriers which may be erected, and it succeeds to a remarkable degree; for the influences at work are international, hence cannot be neutralized from a single, or national, point of operation. This conspiracy is none the less effective because it is peaceful, intangible, and does not come within the jurisdiction of law. It originates in the disinclination of Governments to

assume their full responsibility, in the pernicious activity of those who profit from the moving of thousands of people, and in the inclination of the oppressed to follow the line of least resistance towards final relief.

The concern of all nations is with emigration as well as immigration. It is not to the best interests of any country that a desirable element of its population shall depart for foreign lands, taking with them, perhaps, not so much in worldly goods, but reducing the productive power, decreasing the military strength, and weakening the social fabric at a most vital point. In times of great industrial development it is necessary there should be an influx of labour from abroad, but except in remote sections, or where local conditions are not favourable to the wage-earner, this need is generally promptly and naturally supplied. There is also always a floating population the world over, usually well able to take care of itself—floating because of innate restlessness, or moved from one country to another because of various but ordinary reasons personal to each individual. It is not with the usual and natural migration of more or less responsible human beings that nations are especially concerned at this, or, in fact, at any other time.

The present emigration movement is neither usual nor natural. The countries which these emigrants are leaving are sustaining by their departure a distinct and appreciable loss in productive power, military strength is sapped, and the general tone of the districts thus depopulated drops below the normal point, for the reason that those who go are mostly males in the prime of life and at the height of their value to the community. The consequences of such an outward movement are most far-reaching. Labour becomes scarce and wages

## 8 THE PROBLEM OF THE IMMIGRANT

low. This may sound contradictory, but it is true, as is shown in Southern Italy.

Economic conditions in Central and Southern Europe are such that the cost of production must be small, or industry is impossible. Hence, when labour becomes scarce, and the natural tendency would be towards higher wages, industry and development are almost altogether checked, and the condition of the people left behind is soon even worse than when a larger number occupied the competitive field. Many other evils besides that of small earning-power follow in consequence. Tax collections grow less, hence school conveniences and other community needs are supplied in less satisfactory manner. All business grows slack and unprofitable, and the country rapidly loses its vitality. The spirit of unrest and discontent is rife among those left behind by very reason of their inability to follow. Patriotism, loyalty, and other civic virtues necessary to the welfare of a State, sink to a low ebb.

On the other hand, it is extremely undesirable that thousands of foreigners of questionable value from a mental, moral, or physical point of view, should be allowed to freely invade well-governed and prosperous communities. They underbid the labour market, raise important and vexatious municipal questions, strain charitable resources to the utmost, increase the cost of government, expose a healthy people to contagious diseases common to the poorer classes of Europe, corrupt the body politic, and in every way complicate a situation none too simple at its best.

The countries to which these people go are, as a rule, already well supplied with labour of a general character, and nearly all occupations are fully represented



when the average earning power of the individual is taken into consideration. Even countries with large areas of land open to occupation now take no comfort from an influx of the oppressed from foreign lands, for those who go forth to pioneer must have initiative energy, resourcefulness, and individuality, to play the part; and these qualities are sadly lacking in the average immigrant of to-day. They are gregarious, even clannish. Landing in the large cities, they seldom move on to the greater air-spaces of the country. They find employment, such as it is, with people of their own nationality, who shrewdly take advantage of their needs and fears, to the detriment of local industrial and social conditions.

Leaving out of consideration the movement of all unquestionably undesirable people, such as criminals, paupers, deficient, etc., four distinct causes may be assigned for the present large emigration now affecting, as stated, nearly two million people annually. These causes are natural, economic, political, and artificial. The natural emigration from any country arises from the restlessness and ambition of youth and middle age apparent in all peoples, and only to be satisfied by new adventure. As a rule, the class of people dislodged from their native environment by this cause are acceptable additions to any foreign country. Economic wrongs are causing an exodus from Italy, and in a less degree from Austria-Hungary, and the story of evil consequences to the motherland is plainly written in the depression in agriculture and industry throughout the section affected. Sicily is practically depopulated, and from some of the Italian villages over 80 per cent. of the people have gone to the United States, to escape what really amounts to slavery and results in mental and bodily starvation.

The political cause for emigration is best illustrated in the case of the Hebrews of Russia. The laws of that country for twenty-two years have been of such a character as to drive the Jews from the land of their birth. Forced to live in the towns, deprived of nearly all opportunity for making a living, they are fleeing to other lands, seeking employment, education for their children, and freedom from persecution. Under a wise and liberal administration, the Jewish Pale and Poland would support and give employment to the development of its resources to all the people now living within their boundaries. Emigration arises from political causes, and should the political powers of that country see fit, a condition could be brought about under which there would be no more than the natural movement abroad.

The artificial cause behind the present unprecedented exodus from Europe is the abnormal activity of the transportation companies in their effort to secure new and profitable cargo for their ships. The present emigration movement represents a gross annual income of at least £10,000,000 sterling, and it is encouraged and stimulated in every way known to the skilful and experienced men who have built up this business for themselves or their employers. The managements of these companies deny any knowledge of unnatural means being used to secure business, and disclaim responsibility for the thousands of sub-agents who are engaged in the sale of steamship tickets on the Continent. It is probably true that these men are not directly in their employ, but the business is done on a commission basis through general agents; hence a subdivision of profit is possible without direct responsibility. The transportation companies get the business,

however, and so successful are their methods that many emigrant authorities hold them responsible for instigating possibly 50 per cent. of the departures for foreign lands. Foreign countries, such as Italy and Hungary, have laws against soliciting for this business. Arrests have been made and sentences imposed, but the work still goes on, assisted in some places by a complacent and not entirely disinterested bureaucracy.

In the past fifty years about nine million natives of the United Kingdom have emigrated to foreign lands, over two-thirds of these having gone to places other than British colonies. Add to these the three million foreigners who have tarried in the United Kingdom for more or less time and then departed, and we have a total emigration from the British Isles alone of about twelve million people. During the past year 179,000 English, 37,000 Scotch, and about 46,000 Irish left for abroad, a total of 232,000 British who found it advantageous to leave their native land. In addition to these, about 190,000 foreigners sailed from English ports as the most convenient points of embarkation. If all of these native-born English, Scotch, and Irish had gone to British colonies, the movement might be viewed with more equanimity, but three-fifths of them went to foreign countries, and were there welcomed as the best class of immigrants received from any source. If it might be considered that, owing to overcrowded conditions, it was necessary or desirable that the population of the British Isles should be lessened by this number, little consolation can be derived from the facts in the case, for it can almost be said that as soon as a native-born left the country an alien landed to fill his place.

It is not the purpose here to enter into a discussion

of the evils which have arisen from the alien invasion of London. They are now matters of general comment and knowledge. The mere fact that an Alien Bill, proposing to restrict this movement and control the element of foreign population after its arrival, has been introduced in Parliament, and received generous support, is sufficient evidence to the effect that the British people are fully alive to the dangers presented and to the responsibilities of Government.

The United Kingdom is also largely concerned in emigration matters from a colonial point of view. Last year about 50,000 emigrants went to South Africa, about the same number went to Australia, and 75,000 were added to the population of Canada. While each of the colonies enforces more or less restrictive laws governing those who seek to enter, it is only necessary to note the experience of the United States to reach the conclusion that, should the popular tide of emigration turn towards these British colonies, attracted by prosperous conditions, or deftly directed that way by transportation interests, it would be equally impossible under present conditions for South Africa, Australia, or Canada to wholly exclude the undesirables. The United States added nearly a million to her population by immigration last year, receiving the bulk of the movement from Italy, Austria-Hungary, and Russia, and, notwithstanding the drastic police power exercised over those who seek permission to land, thousands entered that country who were not only undesirable, but whose presence is an actual detriment to the welfare of that nation.

These million emigrants did not go to the United States because of great areas of land offered for their occupation, or to scatter themselves throughout the smaller industrial communities of the West, where

labour is insufficient. They congregated largely in the already over-crowded and congested centres of population, where they complicate the living problem for those already on the ground, and increase the difficulties of municipal administration. The United States immigration laws and restrictions are severe, and they are thoroughly and intelligently enforced. With all this, however, they fall short of their purpose, for the simple reason that there is little or no control, actual or moral, over the source of supply. It is an effort to beat back the tide after it has rolled upon the shore, and in the vast multitude of arrivals many gain entrance legally whom the country would be better off without.

The emigration from France has been barely a quarter of a million people in fifty years, and the annual exodus is now less than six thousand. These people go to the United States or to Argentina. France is deeply concerned, however, in emigration matters, owing to the fact that her territory is a great highway for those coming from countries to the east and to the south. Russia, Austria, Italy, and the Levant send their thousands of emigrants each year to French ports, and the French people are thereby exposed to all the evils which follow attendant upon this movement.

Germany is largely in the same category as France, and her interest in emigration as an international question is along much the same lines. Last year Germany lost less than 25,000 of her native-born through emigration, but a quarter of a million people from countries to the east and south crossed her territory, and embarked from German ports for other lands. There is no immigration into Spain, but 60,000 of her citizens left that country last year to take up their residence elsewhere. Most of these people went to

Brazil, Uruguay, and Argentina, and by their going created a dearth of labour in many agricultural districts, to the end that production was checked or made unprofitable. Last year Italy recorded a movement of 530,000 people from her territory, and while perhaps 40 per cent. of these returned after a short absence, the net loss to her population represents a serious blow to her commerce and industry. Nearly half a million people moved out of Russia last year, and from this movement has arisen the serious problem with which England is now confronted in immigration matters, and which is shared to a certain extent by the United States.

The evils attendant upon unrestricted immigration are not theoretical, but actual, and no discussion of the subject need be purely academic. It is a practical, homely problem, engrossing the attention of Governments, puzzling the intelligent native-born, and suggesting possibilities for the future before which present results appear almost insignificant. Twenty years ago the movement was largely of people with a purpose and able to carry it out. Intelligent and industrious home-seekers and home-builders were looking for an outlet. They found it readily in the newer countries, and soon the movement decreased owing to exhaustion of supply.

Then followed the beginning of the exodus from Italy, Austria-Hungary, and Russia. This developed rapidly from an emigration due to natural causes into a stampede, gathering headway with every passing month, and dragging into its current thousands of human beings who only know that they are fleeing from a harsh environment to something which they have heard is better. This stampede has now reached such proportions as to occupy all the energies of a score of

steamship lines in handling the traffic, to warrant the establishment of new and more direct routes, and the building of new ships specially designed for the carrying of this cargo. The business is profitable: there are comparatively few restrictions upon it, and in Central and Southern Europe there is apparently a vast amount of human freight needing only the initiative push to make a start, and thus keep up for an indefinite term of years this gigantic industry. There is no demand for all these people in the countries to which they are going. The countries where they might possibly be of some advantage are getting only a comparative few.

There is no hope of an exhaustion of supply, for the most prolific races are now contributing their millions, and yet increasing the population of their own countries. There is no hope of an improvement in quality, for the best come first and the dregs follow. Regardless of consequences to themselves or others, this irresponsible horde dumps itself or is dumped into communities already strained to maintain a high level of individual life for the native-born and the large foreign element already on the ground. The result is not a matter of conjecture. The strain becomes too great, and existing social and economic standards give way under pressure. The labour market is glutted, and the shrewd and avaricious make possible a form of slavery worse than that from which the negro was freed at cost of great wars. Cities divide into colonies of aliens of different races, and the municipal authorities of highly civilized communities are confronted with new and perplexing problems. The demands upon charity and police surveillance are increased in consequence of these changed conditions, and readjustment of life to fit the new order

of things is made necessary for all, regardless of prior occupation, implied or real rights.

There is the danger of disease, one not to be lightly regarded. There are many afflictions of the body common to the peoples of Southern Europe and the Levant, which are comparatively unknown to other and cleaner peoples. One of these, trachoma, that dread and disabling disease of the eyes, Egyptian ophthalmia, as it was formerly known when introduced into Italy by Napoleon's army, is prevalent in that part of the world from which a large number of people are now emigrating. Much is done to prevent its introduction and spread elsewhere, but not enough to guarantee entire safety. Should this disease become general, it would lower the value of the public educational system in any English-speaking country. There could be no democracy where contagion was possible, and only the poorest would send their children to schools subject to the taint. That this is really a serious danger, and not a chimera of the imagination, is shown by the fact that hundreds of cases are now treated by the hospitals in New York, whereas but a few years ago the disease was practically unknown in America.

Serious plagues of disease are always a possibility in countries to which large numbers of emigrants are flocking; for those now on the move come from parts of the world where great plagues are always latent, only awaiting favourable opportunity for development. In the great rush of people to new lands the criminal, the pauper, and the deficient escape close scrutiny, and bring their evil intentions or afflictions with them to fresh fields. The nation of their origin escapes its responsibility. Upon the people to whom they go is thrust the burden which rightly belongs elsewhere.



Many of these objections to large immigration might be overlooked, or the evils so administered as to deprive them of much of their threatening character, if the communities receiving these people had extended an invitation and needed this new population. They do not, however, for even the conscientious and worthy advocates of asylum for the oppressed of all lands are beginning to realize that charity begins at home; that the oppressed alien can crowd the labour market equally with the free man; that the political refugee, afflicted with disease, is as dangerous to the community as the man who leaves his own country without cause.

The emigration movement from one country is the immigration movement into another, or perhaps a dozen others. The evils political and economic which drive a quarter of a million people from a country each year most certainly concern the countries which receive these people. The steamer which brings this freight to a foreign shore operates under two or more flags. All countries are concerned with keeping their own useful citizens at home. All countries are concerned in preventing the ingress of foreign criminals, deficient, or diseased. Emigration has unquestionably become an international affair, and, until it is so treated, complications and evils resulting therefrom can only be partially and quite ineffectually controlled by each nation acting for itself, independently of all others.

All countries have laws and regulations governing the admission of aliens. These laws are of wide variety, however, and range from mere enumeration to prohibition. Nearly all of the civilized peoples have recognized the dangers of imported disease, and the undesirability of foreign criminals. Restraining laws are generally in force, providing for inspection by

medical authorities, and forbidding the ingress of notorious criminals. With the exception of some international exchange of courtesies in the matter of criminals, there is up to the present time little or no co-operation among nations to help each other to secure desired results. The United States has taken the lead in imposing restrictions upon immigration, and by a roundabout method has inaugurated a system of inspection at several of the larger foreign ports of embarkation, which, while necessarily not entirely effective, is working satisfactorily as far as it has gone.

The Government of Italy maintains a close supervision over departing emigrants, attempts to restrain the soliciting of transportation business, and will not allow the conduct of emigrant traffic to countries not desirable as places of residence for Italian citizens. While avowedly restrictive in its intent, the Italian law is far from effective in keeping people at home; for the cause of the emigration lies deeper in the economics of the country. When these shall be readjusted, which happy event is a possibility of the future, and the conditions under which the people of Southern Italy live shall become more bearable, the depopulation now in progress will subside, if not cease altogether.

Barring such beneficial effect as the emigration restrictions of countries like Italy and Hungary may have in checking the exodus, the American law presents the only feature directly bearing upon international co-operation. No alien is allowed to land in the United States if he or she comes within the prohibited classifications, whether such alien is intending to remain in the United States or to proceed at once to some foreign country. In this manner the United States protects Canada, and Mexico and any other country reached *via*

American territory from the dangers of imported disease and the addition of criminals or deficient to their populations.

To carry out the idea of international co-operation in matters of emigration, let it be supposed that an International Conference of all the Powers was held to exchange ideas, and if possible reach some mutually satisfactory basis for an agreement. There would be many conflicting interests at work, and many differences of opinion to be adjusted. It might and probably would take much time and several meetings before an understanding could be reached, but there would be some important points upon which, in spite of possible differences as to the best methods, all would promptly agree as to the principles involved. No country desires to lose its useful citizens. To minimize this evil, a general agreement could be reached to enact laws forbidding undue effort on the part of those interested to secure passenger business. Severe penalties could be provided for violations of this restriction, and still greater penalties for inducing people to leave their homes through false representations as to prospects for employment, opportunity or wealth elsewhere. Italy already has such a law, but the operations of the promoters are carried on just beyond her borders, and the effectiveness of the law is greatly lessened.

To secure harmony in establishing a standard of admission would be more difficult, but the United States and the great nations of Western Europe would probably agree, except in minor matters, due to local needs or conditions. If aliens are to be admitted to a country not calling for them, it is a self-evident truth that the better the character of those aliens the better for all concerned. An international agreement to guard against

the spread of disease could meet with no serious objection. To exercise sanitary and discriminating supervision over all public carriers is already a part of each nation's business, but this could be so enlarged and extended as to include special reference to emigration and immigration. An international exchange of police information is now carried on to a certain extent, but it is devoid of system, and a bureau of intelligence could be organized which would make an offender against the laws of his native land an object of watchfulness throughout the civilized world.

The free movement of deficient persons having been checked, each country would be forced to assume its full responsibility in the care of its own. The greater and highest civilized nations are doing this now, and their intentions are honourable and humane; but there are countries where the Governments and the people are prone to evade the burden, and if possible shift it to the shoulders of others. Pressure at home and from abroad would compel more attention to this matter if the deficient element of the population were forced to remain stationary, otherwise serious scandal and protest would arise, to say nothing of dangers political and social. In self-defence, Governments heretofore neglectful would be constrained to take greater care and exercise closer supervision over their own unfortunate or criminal classes.

One of the greatest benefits which might come to the world from such co-operation among nations would be the power for good in the correcting of notorious evils of government. The moral force of such an alliance would be tremendous, and the physical force, should it become necessary to exercise it, overwhelming and decisive. Oppression in one part of the world,

which had the effect of driving multitudes of people from one country to another, would become the concern of all. Wrongs would be righted on demand, either willingly or through policy, for the principle would have been established that the countries into which people are moving are directly and justly interested in the affairs of the countries from which these people come. Emigration from one place becomes immigration into another. It is an international affair of gravest importance, and should be speedily recognized as such.

## CHAPTER III

### IMMIGRATION AND EMIGRATION LAWS OF EUROPE<sup>1</sup>

THE British Parliament will shortly have under consideration a measure designed to restrict immigration. At the same time, the Austrian Parliament will take up a measure the purpose of which is to lessen emigration. Both of these measures will probably become laws—the British in some form to be determined later, and the Austrian as now drawn, for it is proposed by the political party in control of the Austrian Parliament. Great Britain is the first European country which has suffered from invasion by unarmed aliens to the extent of strongly arousing public sentiment in favour of discrimination. The Austrian Government is merely following the example set by Switzerland, Germany, Italy, and Hungary.

A decrease of about 50,000 as compared with the previous year is a feature of the immigration returns of the United States for 1904. This decrease can be attributed almost entirely to vigorous administration of the American laws and more determined effort on the part of foreign Governments to keep their people at home. That this decrease is due more to legal restriction than to a natural lessening of the number of emigrants, is also shown by the fact that during the

<sup>1</sup> The substance of this chapter was first published in an article in the *North American Review*, and is reproduced by the courtesy of the publishers

same period the movement into England, a country with no restriction upon immigration, increased to a marked degree. The English immigration was largely from Russia, where there are legal restrictions upon emigration, it is true, but these restrictions are notoriously evaded.

The decrease of immigration into the United States was most marked from Italy, Austria-Hungary, and Russia, countries furnishing the largest objectionable element. There was an increase from Great Britain and Germany, where the percentage of desirable emigrants is high. The emigration from Italy, Austria-Hungary, and Russia is carried by the English and German steamship lines, the officials of which exercise considerable vigilance in preventing the embarkation of passengers who are likely to be refused admission at American ports. Thus the American restriction law operates not only at points where it is enforced, but also in foreign countries where the American Government has no legal jurisdiction over population movement.

Emigration from European countries during the past year was larger than ever before recorded, and had the United States and Canada placed no restraint upon the movement towards North America, over a million aliens would have taken the journey instead of less than 900,000. The deportation of objectionable persons who arrive at American seaports, and the exclusion of like individuals along the northern and southern borders of the country, even though those denied admission are numbered by the thousand, are but a few compared to the vast total rejected for passage by the transportation companies, and those who are deterred from beginning the voyage through fear that they will be

turned back at the point of embarkation for the sea voyage. At Naples alone, in a single year, 10,000 applicants for passage were refused by the steamship companies, because of evident inability to meet the requirements of the American law. That immigration restriction laws do restrict, if enforced with that vigour and honesty which marks the American administration, does not admit of argument.

For many years the American people have carried on their fight single-handed against the admission of objectionable aliens. The day is apparently drawing near when the involuntary co-operation of foreign Governments will be secured in reducing the volume of emigrant movement. Foreign Governments are only considering the matter because they are driven to it in self-defence. Great Britain occupies the peculiar position of being the only European country suffering from the evils of both immigration and emigration. Both of these movements of population have assumed large proportions. The loss of desirable citizens is, beyond controversy, a serious evil, and during the past year there has been a notable exodus of agricultural and skilled labour from England, Wales, Scotland, and Ireland. The Governments of Continental Europe long ago took steps to discourage this class of emigration. Through the surveillance over the citizen which is given by a system of enforced military service and the requirement of passports for those leaving, it is possible to place some check upon the outflow. The British citizen, with his greater personal liberty, is free to go at will, there being no obligation to his Government, and no requirement but the price to hinder his leaving.

The effect of one system is that the adventurous, the skilful, and desirable British citizen takes his



departure in hopes of bettering his condition, and the deficient or unfortunate citizen falls back upon that wonderful institution, British charity, for his maintenance, for British steamship companies are too well aware of the penalties involved to wittingly undertake the transportation of the latter to America. The Continental system is more apt to result in the desirable citizen being persuaded either by force, argument, or promise of betterment, to stay at home, and no obstacle being placed in the path of the pauper, the criminal, or the deficient, who can arrange for his passage to a foreign land.

It has as yet never been seriously suggested in Great Britain that there should be any restriction placed upon emigration, and while it is possible that, following the enactment of a law restricting immigration, there may be some agitation of the matter, it will probably be many years before Great Britain adopts a form of restriction law which is rapidly becoming a feature of legislation in every Continental country. One potent reason for this belief is that on the Continent the laws are based upon minute control of emigration business and traffic to a degree which would be deeply resented by powerful British commercial and transportation interests.

The antagonism of these same interests is felt even in the effort to enact an immigration law, but the positive and ever-present evils of unrestricted immigration have been so borne in upon the wage-earners of Great Britain, that no "interest" can long render futile the demand of the native population that some barrier be erected, not only against the insanitary alien, but the competitive alien as well. The English people are apparently unanimous in the belief that some law

should be enacted, but there is a vast difference of opinion as to what form this law should take. Opinion ranges from a law merely excluding the criminal and the diseased to one giving the authorities not only a discriminating power over admission, but the right to dictate the movements of aliens for some years after their arrival in Great Britain. The Bill as drawn and introduced in the last session of Parliament proposed to exclude the same classes as are declared objectionable by the American law, with the exception of contract labourers, and in addition to this it was proposed to give the authorities power to prohibit the settlement of aliens in any particular section or community, and to confer upon the courts the power to exile any alien convicted of a crime, the penalty for which amounted to at least three months in prison. It is upon these last-named points that the opposition to the political party in power has rested its case in this question of public policy, and it is possible that when a law is finally enacted it will differ considerably from the measure as first proposed. The underlying principles will be practically the same, in any case, however, as in the American law, and their enforcement will result beneficially not only to Great Britain, but to the United States and the British Colonies as well.

For years England has been a sort of clearing-house for undesirable emigration to the United States from many countries. Many emigrants rejected for passage at Continental ports found it easier to get to England than to return to their homes. The enormous alien and British emigrant traffic from British ports has resulted in the refuse being left upon British soil. The greater number of deportations from the United States are returned to England, even though they may have come

originally from other foreign countries. The effect of this upon British population is almost indescribable. Charitable institutions, prisons, and hospitals are crowded with aliens, and some of the trades are so burdened with this low grade of labour that the British workman is driven out.

The reactionary effect upon emigration to North America is also thoroughly bad, for even if once defeated in his purpose, the alien in England never quite gives up hope of being able to continue his journey, and in many cases, with a slight improvement in physical or financial condition, he is able to accomplish it. No law could be adopted by a foreign country which would be of more practical benefit to the United States and Canada than the Immigration Restriction Act which the English people now have under consideration as a measure of self-defence. The degree of benefit derived by both England and North America from this law will depend upon the scope of the measure, and especially upon the regulations subsequently provided for its enforcement. Under the English system of government, laws are brief and comprehensive, and the executive power is given wide authority in interpretation. Should the English Government see fit to disregard criticism from the Opposition, and enact a law which would be as all-comprehensive as the American law in its application to all aliens, whether stationary or in transit to other countries, no more desirable outcome could be hoped for by those charged with the great responsibility of administering the American and Canadian laws to the utmost benefit of the people whom they were designed to protect. The advantages which would result from such a notable change in the situation would be felt almost as fully and as quickly in North America as in England.

With some slight exception, there is no restraint upon immigration into any Continental country. Passports are quite generally required of foreigners, though often not demanded unless the visit to the country be extended. Every arrival, however, is reported to the police within twenty-four hours, and data as to the name of the person, his or her age, nationality, and profession, are required. Russia requires a passport before foreigners are allowed to cross the border, but this country is now an exception to the general rule. To take up residence in Switzerland, permission must be secured from the communal authorities. France occupies a unique position in requiring that immigrants entering the country from the land side shall have at least forty dollars for each adult and sixteen dollars for each child, while those entering by a seaport are required to have at least thirty dollars for each adult and twelve dollars for each child. The French laws and regulations now in force are designed not so much for the control of immigration and emigration as for the control of the considerable and decidedly objectionable trans-French emigrant traffic from the Levant *via* Marseilles and Havre, or some other French port.

The European countries of the Continent have given forth over 20,000,000 of their population to contribute to the building up of the North American communities. In earlier years the movement was from Germany, Scandinavia, Denmark, Holland, and France, and a majority of the emigrants were of a class welcome in any part of the world, especially where thrift, industry, and intelligence were needed to develop a new country. As opportunity for other than manual work grew less in the United States, as the arable free land disappeared, and, indeed, as the supply of the adventurous, intelligent

emigrants became exhausted in the countries of origin, the movement subsided, but only for a short time.

The people of other nations, such as Italy, Austria-Hungary, and Russia, discovering that it was easy to get to America, and learning that conditions were far more favourable there than at home, then began to move. The tide rose rapidly to tremendous volume, but the high quality noted of the earlier emigration was lacking. A distinctly lower and even dangerous tone characterized the more recent movement, and the American people, becoming alarmed for the safety of their institutions, legislated barriers through which immigrants were required to pass before being admitted. At first, little was done in Europe to put a stop to the tremendous loss of population which was threatened, except to demand that every citizen should perform his military service before leaving. Emigrant traffic had in the mean time become a most profitable business. Great fleets of vessels were operated by reason of it, and competition for passengers reached the point where it became absolutely necessary, in the interests of humanity as well as public policy, to put some restraint upon the energy and enterprise of the ticket-sellers, and to check, if possible, the exodus of labourers. Police regulations were found entirely inadequate to cope with the situation.

In 1860 France adopted a law which required a license for the conduct of emigration business, and imposed some regulation upon shipping in the interest of the emigrant. In 1876 Belgium adopted a law containing the same provisions as the French measure, but more elaborate as to detail. Emigration agencies were placed under Government control, and an elaborate scheme of regulation for emigrant shipping was devised. These regulations are now somewhat antiquated, and a

revision is under consideration. Both the French and Belgian laws were evidently enacted for the purpose of securing, if possible, some of the profitable emigrant traffic which was then in progress through German ports, and it may be said that a certain degree of success rewarded the effort. The Belgian Government now maintains a rather hostile attitude towards any foreign interference or even observation of her emigrant traffic. The Belgian Emigration Commissioners are exceedingly jealous of their powers, and have constituted themselves the sole judges as to the qualifications of those who shall be permitted to depart. The steamship companies operating between the important emigration port of Antwerp and the United States are forced to discriminate according to the requirements of the American law; but, owing to the attitude of the Belgian Government, they are deprived of such assistance as is rendered by representatives of the American Government at a number of ports in other countries.

In 1888 Switzerland enacted a law which is still in force, and which has served as a model for the lawmakers of other countries in framing similar legislation. Indiscriminate ticket-selling was stopped by providing for a limited number of agencies. Advertising was prohibited, and the business of the agencies which were licensed and bonded was placed under the direct and detailed supervision and inspection of Government officials. To urge a Swiss citizen to emigrate was made a crime under the law, and many similar provisions were rigorously enforced, to the end that emigration should be free from any artificial stimulus. The Swiss law, unlike some others enacted since, is not entirely selfish, for, in the interest of the emigrant, an agent is forbidden to forward any person without a passport

and identification paper, or any person who cannot be admitted to the country of destination. This latter clause, while calculated to prevent loss and suffering to the Swiss emigrant, is also of great value to a country like the United States, and could be to England also if the latter country should adopt some form of immigrant restriction, for it guarantees the arrival of very few who need be regarded with suspicion.

The Swiss law was drawn with the purpose of making emigration difficult for Swiss citizens. It was also framed so as not to interfere with the large and profitable emigration movement across Switzerland from other countries, but in such a manner as to hold those who handled it responsible for every action detrimental to the Swiss people. Heavy bonds were exacted, and severe fines and penalties were provided, for all violations of the law or Government regulations. There is one omission in the Swiss law which is most advantageous to the Swiss emigration agencies, but a source of considerable loss and trouble to Italy. No provision is made whereby the Swiss Government can check a rate war between rival transportation companies. This is accomplished in Italy and Hungary by a clause in the emigration laws of those countries, which allows the Government supervision over the rates at which passages from a native to a foreign port can be sold. It was undoubtedly not thought of as a possible measure of regulation of emigration when the Swiss law was enacted. The laws of Italy and Hungary are of subsequent enactment, but no move has been made by the Swiss Government to take to itself this important authority by further legislation. It will not be done in all probability, for some time at least, for when steamship rate wars are in progress among the

trans-Atlantic lines—a case in point occurring during the past year—Italy maintains a fixed rate on vessels sailing from Italian ports, and the Swiss agencies are thus enabled to successfully compete with the Italian agencies, and divert much business to the northern route by offering lower-priced passages to Italian emigrants.

If all the countries of Europe should enter into an agreement to restrain emigration by requiring official approval of the price at which a ticket could be sold, as is now done individually by Italy and Hungary, and will probably be done within sixty days by Austria, the result would be most beneficial, not only to the countries now losing population, but to the countries attempting to raise the standard of admission. The effect of the recent rate war was unquestionably most deplorable in many of its aspects, not upon the transportation companies, but upon the people who were thus induced to emigrate, and the countries called upon to exercise renewed vigilance in enforcing the laws against the admission of those likely to become public charges.

Up to 1897 Germany controlled emigration more by police regulation than in any other way. The performance of military service was the test of the right of a German citizen to leave his country. Thousands of emigrants evaded the law, and thus voluntarily exiled themselves. It was not until the great mass of German emigration recorded of the past fifty years had crossed the border, that the German Government took cognizance of the possibility of holding this movement in check, and devised a measure dealing with the question in a more scientific manner. The German law of 1897 is looked upon as one of the simplest and most effective of its kind. It does not



assume to give the Government such detailed control of private transportation interests as do the laws of some other countries, and thus meets with heartier approval from English and American critics.

In brief, the law forbids the emigration of a German citizen who has not fulfilled the requirements of his military obligation, places the regulation of emigration agencies under special Government officials appointed for that purpose, and affords every emigrant sailing from a German port full protection and safety through shipping regulations, and fines and penalties for agents who fail to live up to contracts made for transportation. Even the form of contract which shall be used in each case is especially designated. This law works to the benefit of foreigners sailing from German ports, as well as of German citizens.

The emigration of German citizens has decreased of late years, so much so that at the present time only between 30,000 and 40,000 are leaving the country annually. American statistics would indicate a larger movement than this, but many German-speaking residents of other European countries are accredited to the German Empire by reason of racial origin. There is an enormous trans-German emigration movement, however, and it is in the handling of several hundred thousand foreign emigrants that the administration has been most instructive. Germany is the great highway from Russia to the West, and until Austria-Hungary made special arrangements to develop the Mediterranean port of Fiume, by establishing a direct line of steamers to the United States, a large proportion of the emigration from the south also sailed from German ports. This great movement of people is conducted to the least possible detriment of German citizens, and the highest

possible profit of local transportation interests. There can be no loitering by the way, for Germany does not want these people, and her police take good care that they do not remain in German territory. There can be no indirect emigration, for the German lines to the United States are keen competitors of the English lines, and, if possible, every passenger for a trans-Atlantic port is forced to take passage on a German ship. The American standard of admission is applied to all who seek to cross from Austria and Russia into Germany, and thus the American immigration law operates in remote parts of the world with a force almost equal to a local statute.

In 1901 the present Italian emigration law went into effect. Over 2,000,000 citizens had left that country for the United States in the preceding twenty-five years, and some sections of Southern Italy had become almost depopulated through this exodus. Bad economic conditions were responsible for the beginnings of this movement, but encouragement from those who had emigrated, and the activity of ticket agents in persuading others to follow, increased the departures from year to year, until something in the nature of a crisis was reached. For many years money has been sent from the United States to Italy to assist emigration. Last year nearly 25,000,000 dollars was remitted by Italians in America, and most of this money was for the purpose stated. The Italian emigration law is drawn with the intent of meeting all of these conditions so far as is possible. The law is lengthy, and the rules and regulations for its enforcement are extraordinarily detailed. Some difficulty has been experienced in carrying them into practical effect, but the authorities are apparently well satisfied that everything

possible is being done to check emigration, and care for the happiness and safety, not only of those who take passage abroad, but for these same people after their arrival in a foreign land.

The Italian law to all intents and purposes puts the business of emigrant transportation into the hands of the Government, inasmuch as only a limited number of people can engage therein, and these few are heavily bonded against damage claims, and fines and penalties for violation of the law. The business is under constant and minute inspection by Government officials with almost unlimited power. No citizen can lawfully emigrate without the Government being fully aware of his intention and giving permission for him to go. Agents are not allowed to solicit business or to advertise. Emigrants can only go to countries where conditions meet with the approval of the Italian Government. A case in point is Brazil, to which country went many Italian emigrants a few years ago. Conditions were unfavourable, and great distress followed. Emigration to Brazil is now prohibited. Rates of passage to trans-Atlantic countries must have the approval of the emigration officials. A special court is created to deal with damage suits, claims, and other controversies arising between agents and passengers. Information is furnished to intending emigrants as to conditions in the countries of their destination. Foreign agencies are maintained to assist, protect, and help in every way Italian citizens abroad, and special facilities are provided for the sending of money to the home country.

What is of greatest importance to countries restricting immigration is the willingness of the Italian Government to co-operate in every way to prevent

violations of the immigration laws of other nations. American representatives stationed in Italy are given almost official authority for the inspection of emigrants and emigrant-ships leaving Italian ports. The law is intended to be restrictive in effect, protective in character, and certainly constitutes the most notable effort ever made by any country to check and control an exodus of its citizens. It may be argued that, notwithstanding this law, the emigration from Italy is still greater than from any other country. This is true, but it is also true that no man can say how many thousand more people would leave each year but for this restraint. All conditions in Italy have tended to drive her people forth to better themselves, and once the army was on the march, momentum was maintained and increased by the drawing power of those gone before, as well as by the example set by these pioneers for those left behind. So long as economic conditions in Southern Italy are bad, and prosperity is reported from elsewhere, just so long will the present movement continue. There can be no exhaustion of supply, for the birth-rate is large and the population is increasing in spite of the loss by emigration.

Unfortunately, however, the character of the emigration is not improving—in fact, quite the contrary. The rising generation is of the towns and cities rather than of the country. The assisted emigrant is not so desirable as the emigrant who departs on his own initiative. The objectionable feature of the present movement is largely counteracted, however, by the increasing vigilance where there is immigration restriction, and the friendly co-operation of the Italian Government in matters of administration.

In 1903 the Government of Hungary, a country

which is suffering almost equally with Italy a great loss of population through emigration, put into force a restrictive law, which is up to the present time the most drastic of its kind. In addition to adopting practically all of the features of the Italian law, the Hungarian measure gives the Government the power to name the routes by which emigrants shall leave the country, inasmuch as it serves notice that by any other route than that designated, no Government protection shall be given the traveller. This clause was adopted to force the development of the port of Fiume on the Mediterranean, and it has already resulted in a direct line of steamers to the United States from that port, and a loss to the German ports of a great amount of business formerly derived from Austria-Hungary. The Austrian Parliament will shortly enact an emigration law similar to the one in force in Hungary. There is an interesting feature of the proposed Austrian law, however, which marks a new departure in Government control of emigration. In all other European laws an emigrant is defined as one who goes abroad for long and continued residence. The Austrian measure defines that term as meaning any citizen who goes abroad to earn his living. This is evidently intended to give the Government even closer control over the movement of population than is the case in other countries, to apply the law to labourers emigrating only for a season, and to those crossing the land borders into neighbouring European countries. There is a large emigration from Austria-Hungary into Roumania, and many thousands go and come from near-by sections of Europe, their movement depending upon the demand for labourers at home.

The Russian Government maintains strict control

of emigration traffic, and the provisions of the law requiring permission to leave are most severe. Emigration from Russia has been particularly heavy since the beginning of the war with Japan. The performance of military service is a *sine quâ non* for obtaining a passport; but thousands of Russians have left without, crossing the border under the guidance of agents who make a business of smuggling emigrants out of the country. As soon as the border is crossed, the emigrants are taken up by the German railroad and transported to Hamburg or Bremen, from which points they go to the United States, Holland, or England.

In the other Northern European countries, Holland, Denmark, and Scandinavia, emigration is carefully watched and controlled by Government authorities, to the end that the laws of the respective countries shall be observed in the matter of departures, and the emigrants themselves fully protected in their dealings with transportation agents and ship-owners. In Spain and Portugal the regulation of emigration is largely a police function, the enforcement of military service being almost the sole reason for any restraint upon the outward movement of population.

France, therefore, is really the only European country which at present makes a definite demand upon an immigrant in deciding as to his qualifications for admittance, and that demand is represented merely by a small sum of money, such as is deemed sufficient to carry the traveller across French territory or to guarantee his maintenance for a reasonable time while arrangements are being made to become self-supporting. England is the only European country in which immigration restriction has become an economic necessity, and is, in consequence, a live political issue.

On the other hand, notwithstanding the great loss to the population annually through emigration, England is practically the only European country which does not now place considerable restraint upon citizens contemplating departure.

The entire tendency of Continental legislation in regard to immigration and emigration is now most favourable to countries elsewhere desiring to restrict immigration. The greater the effort made by Continental countries to keep their people at home, the less the strain upon the immigration barriers elsewhere. The situation is most hopeful from this point of view. Nearly every Continental country now compels an emigrant to secure a passport or some other form of identification paper before leaving; transportation interests are now quite generally restrained from inciting emigration; and in many countries, such as Italy, Hungary, and Russia, economic or political evils which have the effect of driving people from their homes are recognized, and no inconsiderable effort is being made to remedy them. That these influences are working to the good of all concerned there is no doubt.

Unfortunately, good laws do not always make good Governments, and even honest and intelligent government is not always entirely effective. To restrain desirable citizens from leaving their native land is one thing; but to ignore, or even expedite, the departure of paupers, criminals, and deficient, is another. It is this last-named feature of the situation which prevents countries restricting immigration from reaping full benefit from the restrictive emigration legislation of the Continent; it is because of this that never for a moment can vigilance relax in the administration of exclusion

laws. The situation is grave and threatening, for, no matter how favourable may be the laws of Europe as applied to emigration, until each nation is compelled by sentiment from within or without to bear its own social burdens, they will be unloaded as freely as possible along the line of least resistance. An emigration tide, unless thoroughly policed, carries with it the germs of anarchy, crime, disease, and degeneracy. Tremendous progress in the direction of better control has been made throughout the world in the past twenty-five years. Bearing this record of actual facts in mind, uniformity of law and administration, and greater regard among nations for one another's safety, do not appear to be impossibilities of the future.



## CHAPTER IV

### THE UNITED KINGDOM

THE area of the United Kingdom is 121,027 square miles, and the total population is 41,609,320. The decennial rate of increase of population is about 10 per cent. of the whole, notwithstanding the very large emigration. In the first half of the last century about 3,500,000 people emigrated from the British Isles. In the fifty years from 1853 to 1903 over 13,000,000 emigrated, of whom 9,500,000 were natives. By far the largest number of these went to the United States, but during the past two years the movement to Canada has grown until nearly 25 per cent. of the native British emigrants select this colony as their destination. There has been a marked increase in the emigration movement, both of British and alien passengers, from British ports during the past year. The immigration returns of the United States Government show that British immigration into that country in 1904 increased by one-third from England, was about the same from Ireland, and increased 100 per cent. from Scotland, as compared with the previous year.

Over 200,000 aliens arrive annually in the United Kingdom from European countries. Considerably over half of these are *en route* to other countries. The number of immigrants who came to the United

Kingdom in 1904 to remain permanently has not yet been officially declared, but probably approximates 75,000. The total number of British immigrants reported as arriving in the United States during the past twelve months is over 80,000. This number, of course, does not include the emigration to Canada, other British Colonies, and foreign countries other than the United States. It is evident, therefore, that the United Kingdom suffered a net numerical loss from the outward and inward movement of population during the past year. During several years preceding 1904 the native emigration was practically balanced by alien immigration. Certain causes were instrumental during the past year in increasing the number of native citizens who left the United Kingdom. Depressed conditions at home, low rates of passage resulting from a steamship rate war, and unusual inducements offered to skilled labour in North America, were among the reasons for the larger emigration.

It is not the intention, nor would it be possible here, to discuss the evils of emigration, or even of immigration, as they affect the economics of the people of the United Kingdom. The evils of emigration have not, apparently, aroused the British public to the point of considering restrictive measures other than those intended to ameliorate conditions, such as the Irish Land Purchase Act, or the changes in the national fiscal policy now under discussion. The evils of unrestricted immigration have impressed themselves most vividly upon the public mind, and every varying phase of the question has received widespread attention, and is being thoroughly discussed by those entirely competent to deal with the matter from a point of intimate personal knowledge and thoughtful investigation.

The simple statement that for every native who leaves the British Isles there immediately arrives one or more aliens, drawn, as a rule, from the lower and poverty-stricken classes of Mid-Europe, to take his place, is sufficient to bring this question home as one of the most vital matters of public policy now before the nation. A striking point of comparison between those who leave and those who arrive is found in their financial condition. It is a notorious fact that alien immigrants bring with them little or no money, hundreds of them arriving in London without sufficient funds to maintain themselves for a single week. The immigration statistics of the United States furnish evidence of the financial responsibility of British citizens who leave their native country to establish homes elsewhere. Immigrants are required there to demonstrate their self-supporting ability, or are liable to be deported on the ground of pauperism. The possession of a reasonable amount of money is deemed satisfactory if the immigrant does not fall under other prohibitions of the law, and thus the officials are able to keep account of the funds in the possession of arriving emigrants. As a rule, the better class of emigrants do not show all their money, therefore the amount exhibited is really less than that actually brought into the country. In 1903 British citizens took to the United States about £500,000 sterling, which was actually seen by the Government officials. In 1904 over £1,000,000 sterling was thus exhibited, and it is safe to assume that at least twice that amount of money was withdrawn from circulation in the United Kingdom by citizens emigrating to the United States.

The deportation of undesirable emigrants by the United States is a matter of deepest concern to the

English people. During the past year about 8000 aliens were refused admission to the United States after being brought to an American port, and they were sent back. Of those deported about 4800 were paupers, 1600 were diseased, and thirty-five were convicts. Contract labourers to the number of 1500 were also prevented from landing. It is a notorious fact that whereas most of these deported emigrants are from the Continent, by far the greatest number of them, when returned, are dumped upon English soil, as the cheapest and easiest way of getting rid of an unprofitable and highly objectionable cargo. The hospitality of England is utilized to the fullest extent, and the charitable institutions of the country are ultimately made to bear the brunt of the care of these unfortunates.

The mere fact that the United States deports these many people in a single year is alone a sufficient argument for the regulation of immigration into the United Kingdom. There is every reason to believe that the enforcement of the American law will become stricter with each passing year, and that further legislation will shortly take place, raising the standard of admission, and thereby increasing the number who will be refused a landing. Several European countries, not generally looked upon as progressive in many things, have already taken legal and administrative steps to prevent the landing of undesirables. England is practically the only country which still maintains a wide-open door for whoever may see fit to set foot upon her soil, and possibly add to the national burden of relieving want, caring for the afflicted, or restraining the vicious.

For several years public sentiment in England has expressed itself as largely in favour of restriction of immigration. It was not until the Parliamentary

session of 1904, however, that a Bill was presented proposing action along these lines. This Bill, which is given in full later in this chapter, has awakened world-wide interest among those concerned with matters of immigration and emigration, and the final action which may be taken by the English Government in regard to it is awaited with keen interest, not to say anxiety.

Under the proposed law the English people expect to exclude human beings suffering from any infectious or loathsome disease. This is merely a quarantine measure, one which has long been enforced in many countries far less advanced in civilization. It is also proposed to exclude those suffering from mental incapacity, or, in other words, those who would otherwise, as soon as their condition was brought to the notice of the proper authorities, be sent to some British institution, where they would be maintained at the expense of the ratepayers. The exclusion of criminals, those making living through avowedly criminal practice, and the exclusion of persons of notoriously bad character, are steps toward self-protection, which would be recognized as such by foreign Governments, and excite no comment.

There are two important points in the proposed English measure, however, which, if enacted into law, will cause some concern to the Governments of the countries from which the immigrants now come. One of these is the requiring of a passport or certificate of character from each person who lands; this passport or certificate presumably being signed by a person in some official position, and vised by a British consul or other representative at the port of original embarkation. A few of the European countries now provide the machinery whereby such papers can be secured at a

minimum cost by an intending emigrant. In other countries it will have to be created to supply the need. In Switzerland, for instance, a citizen in good standing can get on short notice a paper on which is recorded his civil and personal history from birth. In France there is no such law. In former days, however, there was some provision made in France for papers of this character, and the same facilities could be revived by a simple ministerial decree. Whether it would be necessary for the British Government to do more than serve notice upon all foreign Governments that such papers would be required of emigrants, is doubtful.

The requirement of a passport or identification paper would work advantageously at both ends of the journey. The emigrant under such circumstances could not leave his own country without serving notice upon his Government, and thus would be unable to get away without fulfilling all the requirements of his citizenship, military or otherwise. At present the United States does not require a passport from an immigrant, but the matter is now under favourable consideration. If England and the United States, these two havens of refuge, were closed to Continental emigration of the characterless kind, the countries of origin as well as those of destination would be benefited. Under these circumstances it would appear that the enforcement of such a requirement could only be considered by other Governments concerned as a friendly act, one working to their material advantage.

England also proposes to exclude those who are likely to become a charge upon the public funds. This restriction upon immigration is enforced by the United States, and the largest number of deportations of rejected aliens is for this cause. It is a restriction most

difficult of administration, and much depends upon the judgment of those framing the rules and regulations for the enforcement of the law, and upon the good common sense of those carrying them into effect. At present there is no examination of emigrants destined for America at the original port of embarkation as to their financial resources or ability to take care of themselves upon arrival in a foreign country, although the United States has a self-supporting requirement for admission. Should England enforce a similar requirement, it might result in the transportation companies requiring of each passenger that he or she should demonstrate actual possession of enough money to escape this disqualification on arrival. Up to the present time foreign steamship agents have not apparently been sufficiently impressed with the importance of this feature of immigration restriction, although in some cases agents selling tickets to emigrants bound for America inform the purchasers of the necessity of either having money in their possession, or of being met by friends or relatives who will guarantee their maintenance.

A matter of greatest importance, and one which does not appear to be clearly dealt with in the present English Aliens Bill, is the treatment to be accorded emigrants who are merely *en route* to the United States or Canada. Will the prohibition extend to them as well as to those whose final destination is England? Will they be allowed to proceed to Liverpool, Southampton, or some other port of final embarkation under some arrangement whereby the transportation agent will be responsible for their care and immediate departure? or will they not be allowed to land at all?

The administration of the immigration laws of the United States affords examples of both methods. The

admission of the Chinese to the United States is prohibited, but, owing to treaties with foreign countries, Chinamen *en route* are allowed to cross the United States "in bond." They are carefully guarded, and heavy penalties are imposed for allowing them to escape. On the other hand, immigrants of all other nationalities coming under the prohibited classifications are forbidden to land even if *en route* for other countries. In this manner Canada, as stated elsewhere, shares in the benefits of the American law along her entire southern border, without expense to the Canadian Government, or even any formal agreement between the two countries. The proposed English law apparently leaves this whole matter to the discretion of the Home Secretary, to be dealt with subsequently in framing the rules and regulations for the guidance of emigration officials. As in the proposed Aliens Bill the same classifications of undesirables are adopted as are found in the American law, this question of immigrants *en route* would not affect legitimate travel to the United States or Canada. It would evidently be to the advantage of those countries to have the British Government refuse the bonding privilege, for in that case the emigrants would be subjected to two examinations before being allowed to land in America, and thus bring about even a more thorough sorting out of the unfit than under the present arrangement. Great benefit would come to the English people from an absolute prohibition of the landing of any undesirable alien upon any ground whatever. The tide now flows unrestrictedly into England, and the present system of there eliminating those objectionable to the United States and Canada results in adding a most undesirable element to the population. One of the greatest benefits



to England to be derived from an immigration restriction law would be doing away with this evil.

The shipping laws of England guarantee full protection and safety for the emigrant who sails from a British port. The British quarantine system is most effective, and no such elaborate rules and regulations to be especially applied to emigrant traffic are needed as are found in the emigration laws of other European countries.

The Aliens Bill as presented to Parliament is here given in full, that it may be compared with the laws of the British Colonies and of the United States. The British Colonies have followed the example set by the United States rather than endorsed the negative position of the mother country. The Aliens Bill will also be found of interest when considered in connection with the emigration restriction legislation of other European countries treated of in subsequent chapters.

### PROPOSED ALIENS BILL.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The Secretary of State, after consultation with the Board of Trade and the Local Government Board, may in connection with alien immigration make regulations—

- (a) requiring the master of any ship landing or embarking passengers at any port in the United Kingdom to furnish the prescribed returns and the prescribed particulars with

respect to any such passengers who are aliens and to give the prescribed facilities for the execution by the Secretary of State and any officers acting under his directions of their duties under this Act or any regulations made thereunder ; and

- (b) requiring any passenger brought on any ship to any port in the United Kingdom who is an alien to furnish the prescribed certificates and the prescribed particulars with respect to his character and antecedents, and with respect to his proposed place of residence in the United Kingdom and to furnish the prescribed means of identification ; and
- (c) requiring any such alien to furnish during the prescribed time, not exceeding *two years* from his last landing in the United Kingdom, the prescribed particulars with respect to his place of residence or any change thereof ; and
- (d) providing for the inspection by officers appointed for the purpose of any passengers who are being brought to any port in the United Kingdom before those passengers are landed ; and
- (e) for enforcing the prevention of the landing of any alien, or the detention of any alien, in accordance with the provisions of this Act, and the compliance by an alien who is permitted to remain in the United Kingdom with any conditions attached to the permission by the Secretary of State ; and
- (f) for keeping the prescribed registers or records of any returns, certificates, particulars, or

means of identification furnished under this section, and for rendering those registers and records available in the prescribed manner and to the prescribed extent for use by the public.

(2) Regulations under this section shall, as soon as may be, be laid before Parliament, and may apply generally, or as respects special classes of voyages, special classes of passengers, or special ports, and may provide for the enforcement and execution of the regulations by the officers of Customs and the officers and men employed in the coastguard as well as by other authorities and officers.

(3) The expression "prescribed" means prescribed by regulations under this section.

(4) The Registration of Aliens Act, 1836, is hereby repealed.

2.—(1) If, on any inspection in pursuance of regulations made under this Act, it appears to the inspecting officer that any passenger who is being brought to the United Kingdom is an alien and—

(a) comes under any of the categories set out in Part I. of the Schedule to this Act; or

(b) is suffering from any infectious or loathsome disease, or from any mental incapacity; or

(c) refuses to furnish the prescribed certificates, particulars, or means of identification;

the inspecting officer may prohibit the landing of that passenger pending the decision of the Secretary of State on the case, or detain him pending such decision, and shall report the case to the Secretary of State.

(2) The Secretary of State shall, as soon as may be, consider the case of any person so prohibited from landing or detained, and make an order either confirming

the prohibition of the landing of the passenger or requiring the passenger, within such time as the Secretary of State may fix, to leave the United Kingdom, and thereafter remain out of the United Kingdom, or permitting the passenger to land or remain in the United Kingdom, but the Secretary of State may, if in any case he thinks it expedient, attach to the permission such conditions as, in his opinion, the circumstances of the case require.

(3) If the Secretary of State is satisfied on a representation made by any person that an alien in the United Kingdom comes under any of the categories set out in Part II. of the Schedule to this Act, the Secretary of State may, if he thinks fit, order that that person shall, within a time fixed by the Secretary of State, leave the United Kingdom, and thereafter remain out of the United Kingdom, but the Secretary of State shall not act under this section on any representation made more than *two years* after the alien has last entered the United Kingdom.

(4) The powers given by this section shall be in addition to, and not in derogation of, any other powers given by this Act.

(5) An inspecting officer, in the execution of his powers and the performance of his duties under this section, shall act in accordance with any general instructions given by the Secretary of State or by the Local Government Board.

3.—(1) Where any person being an alien is convicted on indictment of any felony or misdemeanor and sentenced to penal servitude or imprisonment without the option of a fine, or is convicted by a court of summary jurisdiction of any offence for which that court has power to impose imprisonment for a term of

three months or more without the option of a fine, and is sentenced for that offence to imprisonment without the option of a fine, the court before whom the person is convicted may, if it thinks fit, as part of its sentence, order that the person convicted, on being released from prison, shall within such time as may be fixed by the order leave the United Kingdom, and thereafter remain out of the United Kingdom.

(2) Section five of the Penal Servitude Act, 1853 shall apply to any case where His Majesty extends his mercy to a person being an alien convicted of a crime punishable by death, on condition of his leaving and remaining out of the United Kingdom as provided by this Act, with the substitution of that condition for the condition of being kept to penal servitude.

4.—(1) If the Local Government Board are satisfied, on the complaint of any sanitary authority, that the dwellings in the district of that authority or in any part of that district are overcrowded and that the immigration of aliens into that district or part has substantially contributed to that overcrowding, the Board may make regulations as regards that district or part (in this Act referred to as a prohibited area)—

- (a) for defining the limits of the prohibited area ;  
and
- (b) for prohibiting or regulating the dwelling or residence of aliens or of any particular class of aliens in the prohibited area ; and
- (c) providing for such other matters as appear to the Board necessary or expedient for the purpose of giving effect to this section.

(2) The expression “sanitary authority” in this section means any urban or rural sanitary authority, or,

in London, any sanitary authority within the meaning of the Public Health (London) Act, 1891.

(3) The Local Government Board may, for the purposes of this section, hold such inquiries as they think necessary, and subsections one and five of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply with respect to any inquiry so held.

5.—(1) The Secretary of State may, in such cases as he thinks fit, pay the whole or any part of the expenses of the return to his own country of any alien who under the Act is prohibited from landing, or ordered to leave the United Kingdom, either by a Secretary of State or by a court, and of the detention and maintenance of any such person until his departure, but any expenses so incurred shall, unless the Secretary of State directs to the contrary, be recovered from the alien, or, in the case of an alien who is prohibited from landing or ordered to leave the United Kingdom on being detained on landing, from the master of the ship by which the alien has been brought to the United Kingdom.

(2) Any expenses under this section, if recoverable from an alien, may be recovered as a civil debt in manner provided by the Summary Jurisdiction Acts, and if recoverable from the master of a ship, may be recovered in the same manner as a fine on the master of a ship may be recovered under the Merchant Shipping Act, 1894.

6.—(1) If any person fails to comply with any regulation made, whether by the Secretary of State or the Local Government Board, under this Act, he shall, in respect of each offence, if he is the master of a ship, be liable, on summary conviction, to a fine not exceeding

*one hundred pounds*, and if he is an alien be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly, and if he is any other person, be liable, on summary conviction, to a fine not exceeding *ten pounds*.

(2) If any person makes false returns, furnishes false certificates, particulars, or means of identification, or gives false information for the purposes of this Act, he shall be guilty of a misdemeanor.

(3) If any alien who has been ordered by the Secretary of State or by a court under this Act to leave the United Kingdom and thereafter to remain out of the United Kingdom is at any time found within the United Kingdom in contravention of the order, he shall be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly.

(4) The provisions of the Merchant Shipping Act, 1894, relating to the prosecution of offences shall apply to an offence by the master of a ship under this Act, as they apply to offences under that Act.

(5) If any question arises on any proceedings under this Act, or with reference to anything done or proposed to be done under this Act, whether any person is an alien or not, the onus of proving that that person is not an alien shall lie on that person.

7.—(1) The Secretary of State may, with the sanction of the Treasury as to number, salary, and remuneration, appoint such officers, and employ such persons as appear to him to be required for the proper administration of this Act, and with the like sanction provide such accommodation at any port as may be required for the temporary detention of any aliens, or for other purposes of this Act.

(2) *The salaries and remuneration of any person so appointed or employed, and any expenses incurred under this Act in relation to the provision of accommodation or the payment of expenses in connection with an alien's detention or return to his country or otherwise, shall, so far as not otherwise provided for, be defrayed, up to an amount approved by the Treasury, out of moneys provided by Parliament.*

8. In framing regulations under this Act, and in otherwise carrying out the provisions of this Act, due regard shall be had to any treaty, convention, arrangement, or engagement with any foreign country.

9. In this Act the expression "passenger" includes any person carried in a ship other than the master and crew, and the Board of Trade may by order apply all or any of the provisions of this Act which relate to passengers to any persons who, though members of a crew of a ship, are not employed in the working of the ship.

10.—(1) In the application of this Act to Scotland,  
 (a) A reference to the Secretary for Scotland shall be substituted for a reference to the Local Government Board; and

(b) The expression "sanitary authority" shall mean the local authority within the meaning of the Public Health (Scotland) Act, 1897; and

(c) A reference to sub-sections one and three of section ninety-three of the Local Government (Scotland) Act, 1889, shall be substituted for a reference to sub-sections one and five of section eighty-seven of the Local Government Act, 1888; and



- (d) The words "in manner provided by the Summary Jurisdiction Acts" occurring in section five shall not apply; and
- (e) For the words "be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly," where occurring in section six, shall be substituted the words "be liable, on summary conviction, to be imprisoned for any term not exceeding three months with hard labour."
- (2) In the application of this Act to Ireland,
- (a) The Local Government Board for Ireland shall be substituted for the Local Government Board; and
- (b) Sub-sections one and three of Article 32 of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall be substituted for sub-sections one and five of section eighty-seven of the Local Government Act, 1888; and
- (c) The words "be liable, on summary conviction, to imprisonment for a term not exceeding three months with hard labour" shall be substituted for the words in section six "be deemed a rogue and vagabond within the meaning of the Vagrancy Act, 1824, and be liable to be dealt with accordingly."

11. This Act may be cited as the Alien Immigration Act, 1904, and shall come into operation on the first day of January, nineteen hundred and five.

## SCHEDULE.

## PART I.

Persons who have within five years been convicted in any foreign country of any crime which is an extradition crime within the meaning of the Extradition Act, 1870.

Prostitutes.

Persons living on the proceeds of prostitution.

Persons who are likely to become a charge upon the public funds.

Persons having no visible or probable means of support.

Persons of notoriously bad character.

## PART II.

Persons who have within five years been convicted in any foreign country of any crime which is an extradition crime within the meaning of the Extradition Act, 1870.

Persons of notoriously bad character.

Persons who have at any time within twelve months before the representation is made been in receipt of any such parochial relief as disqualifies a person for the parliamentary franchise.

## CHAPTER V

### THE BRITISH COLONIES

IN British America, Australasia, and South Africa, the Colonies have adopted laws restricting immigration. There are no restrictions upon emigration. The laws regulating immigration are modelled largely after the American law, though Australia is the only Colony prohibiting the importation of contract labour, in fact, is the only country in the world other than the United States which enforces this principle in dealing with immigration.

#### CANADA.

With a land area of 3,619,818 square miles, Canada has a population of less than 6,000,000, or about one and a half persons to the square mile. The annual emigration is now small, though 1,000,000 Canadians have gone to the United States in the past century or less. Immigration is rapidly increasing, and now amounts to nearly 100,000 persons annually. This is due largely to the exhaustion of free land in the United States, and the development, in consequence, of the Canadian North-West. Fully half of the immigration into Canada is from the United States, and fully 75 per cent. of all immigration is from the agricultural classes of foreign countries.

The immigration restriction laws of Canada are only administered with any degree of activity upon the western and eastern sea-coasts. The provision in the United States law, which prevents prohibited classes of immigrants from landing in that country, even if *en route* to some other country, effectually protects Canada along her southern border. The Canadian Immigration Act of 1886 makes the following restrictive provisions (Ontario, Manitoba, and Quebec also have Acts regulating the immigration of children):—

Sec. 17 provides for the taking of a bond of \$300 from the master of any vessel bringing any lunatic, idiotic, deaf and dumb, blind, or infirm person, to cover cost of maintenance, if becoming chargeable within three years, and such person may be reconveyed to the port from which he was carried to Canada.

Sec. 23. The Governor-General may, by proclamation, whenever he deems it necessary, prohibit the landing of pauper or destitute immigrants in all ports or any port in Canada, until such sums of money as are found necessary are provided and paid into the hands of one of the Canadian immigration agents, by the master of the vessel carrying such immigrants, for their temporary support and transport to their place of destination; and during such time as any such pauper immigrants would, in consequence of such orders, have to remain on board such vessel, the Governor in Council may provide for proper anchorage grounds being assigned to such vessel, and for such vessel being visited and superintended by the medical superintendent or any inspecting physician of the port or quarantine station, and for the necessary measures being taken to prevent the rise or spread of diseases amongst the passengers in such vessel and amongst people on shore.

Sec. 24. The Governor-General may, by proclamation, whenever he deems it necessary, prohibit the landing in Canada of any criminal, or other vicious class of immigrants designated in such proclamation, except upon such conditions for insuring their re-transportation to the port in Europe whence they came with the least possible delay, as the Governor in Council prescribes ; and such conditions may, if the Governor in Council deems it necessary, include the immediate return, or the return with the least possible delay, of the vessel and such immigrants to the said port—such prohibited immigrants remaining on board until such return of the vessel.

Chapter 14 of the Statutes of 1902 enacts as follows :—

Sec. 1. The Immigration Act, chapter 65 of the Revised Statutes, is amended by inserting the following section immediately after section 24 :—

24A. The Governor-General may, by proclamation or order, whichever he considers most expedient, and whenever he deems it necessary, prohibit the landing in Canada of any immigrant or other passenger who is suffering from any loathsome, dangerous, or infectious disease or malady, whether such immigrant intends to settle in Canada, or only intends to pass through Canada to settle in some other country.

2. Such prohibition may be absolute, or may be accompanied by permission to land for medical treatment only, for a period to be determined as provided by order or proclamation.

Sec. 2. Any person landed in Canada from a vessel

in contravention of the Immigration Act or any Order in Council or proclamation lawfully issued thereunder, or any person landed for medical treatment who remains in Canada in contravention of such order or proclamation, may be apprehended, without a warrant, by any immigration agent or other Government officer, and may be compelled to return or be taken on board the vessel, and by force, if necessary; and every owner or master of a vessel who violates the provisions of this Act, or who aids or abets any immigrant or passenger in acting in contravention of such order or proclamation, or who refuses or neglects to take back on board the vessel any such immigrant or passenger, shall incur a penalty not exceeding ten hundred dollars, and not less than one hundred dollars in the case of each and every of such immigrants or passengers.

#### COMMONWEALTH OF AUSTRALIA.

With an area of about 3,000,000 square miles, the six Australian States have a population of about 4,000,000. The increase in population during recent years has been small, but perceptible. Severe drought and other causes have operated to retard development of the country. Conditions have improved very much during the past three years, and the population is increasing naturally and through immigration at a much faster ratio than for a decade previous to 1902. In 1902 the emigration from Australia amounted to 243,507 persons, and the immigration to 274,105, a net gain to the country through this cause of 31,598 inhabitants. Immediately upon the accomplishment of the Australian federation an Immigration Restriction Act was adopted, which is as follows:—

1. This Act may be cited as the Immigration Restriction Act, 1901.

2. In this Act, unless the contrary intention appears,—

“Officer” means any officer appointed under this Act, or any Officer of Customs ;

“The Minister” means the Minister for External Affairs.

3. The immigration into the Commonwealth of the persons described in any of the following paragraphs of this section (hereinafter called “prohibited immigrants”) is prohibited, namely :—

(a) Any person who when asked to do so by an officer fails to write out at dictation and sign in the presence of the officer a passage of fifty words in length in an European language directed by the officer ;

(b) Any person likely in the opinion of the Minister or of an officer to become a charge upon the public or upon any public or charitable institution ;

(c) Any idiot or insane person ;

(d) Any person suffering from an infectious or contagious disease of a loathsome or dangerous character ;

(e) Any person who has within three years been convicted of an offence, not being a mere political offence, and has been sentenced to imprisonment for one year or longer therefor, and has not received a pardon ;

(f) Any prostitute or person living on the prostitution of others ;

(g) Any persons under a contract or agreement to perform manual labour within the

Commonwealth : Provided that this paragraph shall not apply to workmen exempted by the Minister for special skill required in Australia or to persons under contract or agreement to serve as part of the crew of a vessel engaged in the coasting trade in Australian waters if the rates of wages specified therein are not lower than the rates ruling in the Commonwealth.

But the following are excepted :—

- (*h*) Any person possessed of a certificate of exemption in force for the time being in the form in the Schedule, signed by the Minister or by any officer appointed under this Act whether within or without the Commonwealth ;
- (*i*) Members of the King's regular land or sea forces ;
- (*j*) The master and crew of any public vessel of any Government ;
- (*k*) The master and crew of any other vessel landing during the stay of the vessel in any port in the Commonwealth : Provided that the master shall, upon being so required by any officer, and before being permitted to clear out from or leave the port, muster the crew in the presence of an officer ; and if it is found that any person, who according to the vessel's articles was one of the crew when she arrived at the port, and who would in the opinion of the officer be a prohibited immigrant but for the conception contained in this paragraph, is not present, then such person shall not be excepted by this paragraph, and until the contrary is proved shall



be deemed to be a prohibited immigrant and to have entered the Commonwealth contrary to this Act ;

- (l) Any person duly accredited to the Government of the Commonwealth by the Imperial or any other Government, or sent by any Government on any special mission ;
- (m) A wife accompanying her husband if he is not a prohibited immigrant, and all children apparently under the age of eighteen years accompanying their father or mother if the father or mother is not a prohibited immigrant ; but so that the exceptions in this paragraph shall not apply if suspended by proclamation ; and such suspension may be of general application or limited to any cases or class of cases ;
- (n) Any person who satisfies an officer that he has formerly been domiciled in the Commonwealth or in any colony which has become a State.

4. A certificate of exemption shall be expressed to be in force for a specified period only, and may at any time be cancelled by the Minister by writing under his hand.

Upon the expiration or cancellation of any such certificate, the person named therein may, if found within the Commonwealth, be treated as a prohibited immigrant offending against this Act :

Provided that in the case of a person entering the Commonwealth from any vessel under this section, no penalty shall attach to the vessel or its masters, owners, or charterers.

5.—(1) 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 asked to comply with the requirements of paragraph (a) of section three, and shall, if he fails to do so, be deemed to be a prohibited immigrant offending against this Act.

(2) Any immigrant may at any time within one year after he has entered the Commonwealth be asked to comply with the requirements of paragraph (a) of section three, and shall, if he fails to do so, be deemed to be a prohibited immigrant offending against this Act.

6. Any prohibited immigrant within the meaning of paragraph (a) only of section three may if thought fit by an officer be allowed to enter the Commonwealth or to remain within the Commonwealth upon the following conditions:—

- (a) He shall on entering the Commonwealth, or on failing to comply with the requirements of that paragraph, deposit with an officer the sum of one hundred pounds.
- (b) He shall within thirty days after depositing such sum obtain from the Minister a certificate of exemption in the form of the Schedule, or depart from the Commonwealth, and thereupon the deposit shall be returned; but otherwise the deposit or any part thereof may be forfeited, and he may be treated as a prohibited immigrant offending against this Act.

Provided that in the case of a person entering the Commonwealth from any vessel under this section no penalty shall attach to the vessel or its master, owners, or charterers.

7. Every prohibited immigrant entering or found

within the Commonwealth in contravention or evasion of this Act shall be guilty of an offence against this Act, and shall be liable upon summary conviction to imprisonment for not more than six months, and in addition to or substitution for such imprisonment shall be liable pursuant to any order of the Minister to be deported from the Commonwealth.

Provided that the imprisonment shall cease for the purpose of deportation, or if the offender finds two approved sureties each in the sum of fifty pounds for his leaving the Commonwealth within one month.

8. Any person who is not a British subject either natural-born or naturalized under a law of the United Kingdom or of the Commonwealth or of a State, and who is convicted of any crime of violence against the person, shall be liable, upon the expiration of any term of imprisonment imposed on him therefor, to be required to write out at dictation and sign in the presence of an officer a passage of fifty words in length in an European language directed by the officer, and if he fails to do so shall be deemed to be a prohibited immigrant and shall be deported from the Commonwealth pursuant to any order of the Minister.

9. The master, owners, and charterers of any vessel from which any prohibited immigrant enters the Commonwealth contrary to this Act shall be jointly and severally liable to a penalty not exceeding one hundred pounds for each prohibited immigrant so entering the Commonwealth.

Provided that in the case of an immigrant of European race or descent no penalty shall be imposed under this section on any master, owner, or charterer who proves to the satisfaction of the Court that he had no knowledge of the immigrant being landed contrary

to this Act, and that he took all reasonable precautions to prevent it.

10.—(1) The Minister, or any collector of Customs specially empowered by him, may by writing under his hand authorize any officer to detain any vessel from which any prohibited immigrant has, in the opinion of the officer, entered the Commonwealth contrary to this Act; and the vessel may then be detained either at the place where she is found, or at any place to which the Minister or collector may order her to be brought. The Minister or such collector shall forthwith give notice to the owner or agent of the vessel of the detention of such vessel.

(2) For the purposes of the detention and other lawful dealing with the vessel the officer so authorized shall be entitled to obtain such writ of assistance or other aid as is provided under any law relating to the Customs with respect to the seizure of vessels or goods.

(3) The detention shall be for safe custody only, and shall cease if a bond with two sufficient sureties to the satisfaction of the Minister or the collector be given by the master, owners, or charterers of the vessel for the payment of any penalty which may be adjudged under this Act to be paid for the offence or default.

(4) If default is made in payment of any such penalty, the officer may seize the vessel; and the like proceedings shall thereupon be taken for forfeiting and condemning the vessel as in the case of a vessel seized for breach of any law relating to the Customs, and the vessel shall be sold.

(5) The proceeds of the sale shall be applied first in payment of the penalty and of all costs incurred in and about the sale and the proceedings leading thereto, and

the balance shall be paid to the owners of or other persons lawfully entitled to the vessel before condemnation and sale.

11. No contract or agreement made with persons without the Commonwealth for such persons to perform manual labour within the Commonwealth whereby such persons become prohibited immigrants within the meaning of paragraph (g) of section three shall be enforceable or have any effect.

12.—(1) Any person who in any way wilfully assists any other person to contravene or attempt to contravene any of the provisions of this Act, or makes or authorizes any contract or agreement the performance of which would be a contravention of this Act, shall be guilty of an offence against this Act.

(2) Any person who makes or authorizes such contract or agreement shall be liable to the Commonwealth for any expense incurred by the Commonwealth in respect of any immigrant prohibited by reason of the contract or agreement.

13. Any person who is wilfully instrumental in bringing or attempting to bring into the Commonwealth any idiot or insane person contrary to this Act, shall, in addition to any other penalty, be liable to the Commonwealth for any expense in respect of the maintenance of the idiot or insane person whilst within the Commonwealth.

14. Every member of the police force of any State, and every officer, may with any necessary assistance prevent any prohibited immigrant, or person reasonably supposed to be a prohibited immigrant, from entering the Commonwealth, and may take all legal proceedings necessary for the enforcement of this Act.

15. Subject to any Act relating to the public service,

the Governor-General may appoint officers for carrying out this Act, and may prescribe their duties.

16.—(1) The Governor-General may make regulations for carrying out this Act, and for empowering officers to determine whether any person is a prohibited immigrant.

(2) All such regulations shall be notified in the *Gazette*, and shall thereupon have the force of law.

(3) All such regulations shall be laid before both Houses of the Parliament within thirty days after the making thereof if the Parliament be then sitting, and if not, then within thirty days after the next meeting of the Parliament.

17. The Minister shall cause to be made annually a return which shall be laid before Parliament, showing the number of persons refused admission into the Commonwealth on the ground of being prohibited immigrants, the nations to which they belong and whence they came, and the grounds on which admission was refused; the number of persons who passed the test prescribed by paragraph (a) of section three, the nations to which they belong and whence they came; the number of persons admitted to the Commonwealth without being asked to pass the test, the nations to which they belong and whence they came.

18. Where no higher penalty is expressly imposed, a person guilty of any offence against this Act, or against any regulation made thereunder, shall be liable on summary conviction to a penalty not exceeding fifty pounds, and in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

19. This Act shall not apply to the immigration of Pacific Island labourers under the provisions of the

Pacific Island Labourers Acts, 1880-1892, of the State of Queensland.

## SCHEDULE.

## COMMONWEALTH OF AUSTRALIA.

## Immigration Restriction Act, 1901.

This is to certify that \_\_\_\_\_, of \_\_\_\_\_, aged \_\_\_\_\_ years, a [*insert trade, calling, or other description*] is exempted for a period of \_\_\_\_\_ from the date hereof from the provisions of the Immigration Restriction Act, 1901.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 190 .  
 \_\_\_\_\_  
 Minister for External Affairs  
 [*or as the case may be*].

Regulations under the above Act were issued on 31st December, 1901 (*see Commonwealth of Australia Gazette*, 3rd January, 1902).

The Pacific Island Labourers Act, 1901, passed by the Commonwealth, enacts that no Pacific Islanders are allowed to enter Australia on or after 31st March, 1904, nor to remain there after 31st December, 1906.

The various Australian States, with the exception of Queensland, have each enacted immigration restriction measures of their own. These are merely elaborations of the general law or certain clauses particularly applicable to local conditions. The prohibited classifications are not extended, the laws being in the nature of regulations mostly for carriers, and provide punishment and penalties for violations thereof.

## NEW ZEALAND.

The New Zealand law is very similar to the Australian law, except that there is no provision for the exclusion of contract labour. The prohibitions are included in the following sections, provision being elsewhere made that they do not apply to certain classes as set forth in the Immigration Act of Australia. The Governor in Council is also given authority to provide for exceptions :—

3. Except in so far as is otherwise provided in the subsequent sections of this Act, it shall not be lawful for any person of any of the following classes (hereinafter called “prohibited immigrant”) to land in New Zealand, that is to say :—

- (1) Any person other than of British (including Irish) birth and parentage, who, when asked so to do by an officer appointed under this Act by the Governor fails to himself write out and sign, in the presence of such officer, in any European language, an application in the form numbered two in the Schedule hereto, or in such other form as the Colonial Secretary from time to time directs :

Provided that any person dissatisfied with the decision of such officer shall have the right to appeal to the nearest Stipendiary Magistrate, who shall make such inquiries as he shall think fit, and his decision thereon shall be final ;

- (2) Any idiot or insane person ;
- (3) Any person suffering from a contagious disease which is loathsome or dangerous ;



- (4) Any person who, not having received a free pardon, has within two years next preceding the date on which he lands been convicted in any country of any offence involving moral turpitude which, if committed in New Zealand, would be punishable by imprisonment for two years or upwards, not being a mere political offence :

Provided that this section shall not apply to shipwrecked persons.

4. Any person appearing to be a prohibited immigrant within the meaning of section three of this Act, but not coming within the meaning of subsections two, three, or four of that section, may lawfully land in New Zealand upon the following conditions, that is to say :—

- (1) He shall before landing, deposit with an officer under this Act the sum of one hundred pounds ;
- (2) He shall, within the period of fourteen days after landing, obtain from the Colonial Secretary or a Stipendiary Magistrate a certificate that he does not come within the prohibition of this Act ;
- (3) If within such period he duly obtains such certificate, such deposit shall be returned to him, and he shall cease to be subject to this Act ; but if not, then by force of this Act such deposit shall be forfeited to Her Majesty, and he shall be deemed to be a prohibited immigrant who has unlawfully landed in New Zealand :

Provided that the forfeiture of his deposit shall be deemed to be in satisfaction of the penalty of one hundred pounds hereinafter prescribed, and also that

no liability shall attach to the vessel, its master or owners, by reason of his having landed, except the liability for the expenses of his removal from New Zealand, and of his detention and maintenance in New Zealand pending such removal, as hereinafter prescribed.

5. In any case where any person, not being a prohibited immigrant, lands in New Zealand accompanied by his wife or children, such wife or children shall not be deemed to be prohibited immigrants.

6. In any case where any person when landing in New Zealand satisfies an officer under this Act that he is or formerly was domiciled in New Zealand, and also that he does not come within the meaning of subsections two, three, or four of section three of this Act, he shall not be deemed to be a prohibited immigrant.

7. In every case where any prohibited immigrant unlawfully lands in New Zealand, the following provisions shall apply :—

- (1) He is liable to a penalty of one hundred pounds.
- (2) Irrespective of such penalty, he is also liable to be removed from New Zealand, and, pending such removal, to be detained in prison or other safe custody for any period not exceeding six months :

Provided that upon the aforesaid penalty of one hundred pounds being paid he may at any time be released from detention for the purpose of being removed from New Zealand, or upon his finding two approved sureties, each in the sum of fifty pounds, that he will leave New Zealand within one month.

- (3) The master and owner of the vessel by which he was brought to New Zealand are jointly and severally liable—

(a) To a penalty of one hundred pounds in respect of each immigrant; and also

(b) To defray the expenses incurred by the Government in respect of such immigrant's removal from New Zealand, and of his detention and maintenance in New Zealand pending such removal:

Provided, however, that in the case of a prohibited immigrant within the meaning of subsection three or subsection four of section three hereof no proceedings shall be taken against such master or owner after the expiration of three months from the date of the arrival of such vessel in any New Zealand port.

13. For the purposes of the removal from New Zealand of prohibited immigrants, the following provisions shall apply:—

- (1) The Colonial Secretary, or any person authorized by him, may make a contract with the master, owner, or agent of any vessel 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.
- (2) Upon the contract being made, such immigrant may, with his personal effects, be placed on board such vessel by any officer under this Act, or by any officer of police, and the master shall keep such immigrant on board, and (if necessary) under custody, until the vessel has sailed.
- (3) If the immigrant appears to be destitute, the officer placing him on board may supply him with such sum of money as the Colonial

Secretary or any person authorized by him certifies to be reasonably required, in order to enable him to maintain himself for one month after disembarking from the vessel at the end of the voyage.

- (4) All moneys expended under this section shall be included in computing the expenses incurred in respect of the immigrant's removal from New Zealand.

14. Every person is liable to a penalty not exceeding one hundred pounds who in any way—

- (1) Wilfully assists a prohibited immigrant to unlawfully land in New Zealand; or  
 (2) Wilfully assists any person to evade or contravene any of the provisions of this Act; or  
 (3) Obstructs or hinders any officer in the discharge of his functions or duties under this Act; or  
 (4) Commits any breach of any of the provisions of this Act for which no specific penalty is imposed by this Act elsewhere than in this section.

#### CAPE COLONY.

The Immigration Act, 1902, enacts as follows:—

2. In the construction of this Act the following expressions shall, unless the contrary intention appears, bear the meanings hereby respectively assigned to them; that is to say:—

“Ship” shall include any ship, vessel, or boat or description thereof, used in navigation.

“Master” shall include any person other than a pilot in charge or command of any ship.

“Prohibited immigrant” shall mean and include the following persons:—

- (a) Any person who, when asked to do so by any duly authorized officer, shall be unable through deficient education to himself write out and sign, in the characters of any European language, an application to the satisfaction of the Minister ;
- (b) Any person who is not in possession of visible means of support or is likely to become a public charge ;
- (c) Any person who has been convicted of any of the following offences, that is to say, murder, rape, theft, fraud, perjury, or forgery, and who by reason of the circumstances connected with such offence is deemed by the Minister to be an undesirable ;
- (d) Any person who is a lunatic within the meaning of the second section of the Lunacy Act, 1897 ;
- (e) Any person, male or female, who lives on or knowingly receives any part of the proceeds of prostitution ;
- (f) Any person who from information officially received by the Minister from any Secretary of State or from any Colonial Minister, or through diplomatic channels, from any Minister of any foreign country, is deemed by the Minister to be an undesirable.

The usual exceptions to the operations of this law are provided for in subsequent sections.

#### NATAL.

The Immigration Restriction Act of 1903 provides as follows :—

5. The immigration into Natal, by land or sea, of any person being or appearing to be of any of the classes defined by the following subsections, hereinafter called "prohibited immigrant," is prohibited, namely:—

- (a) Any person who, when asked to do so by any duly authorized officer, shall be unable through deficient education to himself write out and sign, in the characters of some European language, an application to the satisfaction of the Minister;
- (b) Any person without visible means of support, or any person who is likely to become a pauper or a public charge;
- (c) Any idiot or insane person;
- (d) Any person suffering from a loathsome or dangerous contagious disease;
- (e) Any person who, not having received a free pardon, has been convicted in any country of treason, murder, or any crime for which a sentence of imprisonment has been passed for any term, and who, by reason of the circumstances connected therewith, is deemed to be an undesirable immigrant;
- (f) Any prostitute, and any person living on, or receiving, or who may have lived on or received, any part of the proceeds of the prostitution of others;
- (g) Any person deemed by the Minister to be an undesirable immigrant in consequence of information or advice received from any Secretary of State or Colonial Minister, or through diplomatic channels or any Minister of a foreign country, or from any other trusted source.

The usual exceptions are provided for, but it is worthy of note that under the operation of this law in 1903, British citizens to the number of 152, and 6611 other persons, were refused permission to enter Natal.

#### SOUTHERN RHODESIA.

The Immigration Restriction Ordinance of 1903 imposes restrictions upon immigration along the lines of the Natal Act.

#### TRANSVAAL AND ORANGE RIVER COLONY.

Permits are necessary at the present time for persons entering the Transvaal or Orange River Colony. Such persons must therefore apply, for the necessary permits to enable them to do so, to the Permit Secretary, Transvaal and Orange River Colony Permit Office at the port at which they propose to land, *i.e.* Cape Town, Port Elizabeth, East London, or Durban, or to H.M. Consul-General at Lourenço Marques.

Under the Peace Preservation Ordinances now in force in the Transvaal and Orange River Colony, persons who enter those Colonies without permits may be ordered to leave, and if such order is not obeyed within a given time, they will be liable to fine and imprisonment.

In several of the Colonies there are Acts restricting the immigration of Chinese ; and in some Colonies these restrictions have been extended to other Asiatics and coloured persons.

## CHAPTER VI

### THE UNITED STATES

THE area of the United States is about 3,500,000 square miles, and the population is about 80,000,000. In the past eighty-five years 25,000,000 immigrants have arrived from foreign countries, every nationality being represented. Up to 1894 the bulk of this immigration came from the United Kingdom and Germany, with a considerable percentage from Scandinavia, Italy, Russia, and British North America. It is estimated that 1,000,000 Canadians have left Canada to take up homes in the United States. Since 1894 the immigration has originated principally in Russia, Austria-Hungary, Italy, and Scandinavia.

For many years past the United States has had some form of immigration restriction law in force. As the number of immigrants increased and the percentage of undesirable aliens became greater, the laws were made more severe, until, in 1903, Congress passed the Immigration Restriction Act now in force. There have been certain political obstacles to the enactment of all restriction legislation, owing to the large number of foreign-born people who became citizens, and thus exercised a voting privilege. This same influence still hinders the securing of much-needed amendments to



the present law, whereby it would be made even more restrictive, and its administration more effective. The law is now administered without expense to the taxpayers by reason of a head tax on aliens, which supplies the Government with ample funds to carry it into effect.

It is probable that within a reasonable time the operations of this law will be so extended as to require official identification papers from every immigrant, allow of representatives of the American Government being stationed abroad to assist in the elimination of undesirable emigrants at ports of embarkation, and provide for several administrative features which have proved themselves to be desirable to give the law its full working value. Under the American system of government specific legislative authority is required for every detail of administration, hence it usually takes a number of years and much effort on the part of the authorities to bring a law to a reasonable measure of perfection. Nearly all American administrative laws are the outgrowth of experience, and are therefore represented, as a whole, in numerous Acts. That the American immigration law does restrict the movement of undesirable population to the United States and to Canada is shown elsewhere in chapters treating of its relations to the emigrant movement from other countries.

The United States immigration law is here given in full under a topical arrangement, and following each section of the Law will be found the Rules and Regulations which have been made for its enforcement. It is, up to the present time, the most far-reaching measure of its kind in force in any country, and the principles underlying it must serve as the foundation for all immigration restriction.

UNITED STATES IMMIGRATION LAWS AND  
REGULATIONS.

## HEAD TAX ON ALIENS.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation, from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the United States Treasury, and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of the Treasury to defray the expense of regulating the immigration of aliens into the United States under this Act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this Act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favour of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy; . . .

Act approved March 3, 1903.

RULE 1. Collectors of customs shall collect, as provided in section 1 of the Act approved March 3, 1903,

a duty of \$2 for each and every passenger, not a citizen of the United States, or of Canada, or of Cuba, or of Mexico, who shall come by steam or sail vessel from any foreign port to any port within the United States; but no duty shall be paid for such passengers proceeding in continuous transit through the United States to foreign territory, nor for those who have once been admitted to the United States and have paid the head tax who shall later go in transit from one part of the United States to another through foreign contiguous territory.

Regulations March 13, 1903.

SEC. 1. . . . *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

Act approved March 13, 1903.

RULE 2. Under the authority contained in the proviso to section 1 of the Act approved March 3, 1903,

the duty of \$2 levied upon railways or other transportation agencies for passengers brought by them overland from foreign contiguous territory shall be collected, until otherwise provided, in accordance with the terms of an agreement between the Commissioner-General of Immigration and certain transportation companies of the Dominion of Canada of date November 1, 1901.

RULE 3. All such moneys so collected, as well as all moneys collected for rentals of exclusive privileges at United States immigrant stations, shall be deposited to the credit of the Treasurer of the United States on account of "immigrant fund," with an assistant treasurer of the United States, or national-bank depository, in the same manner as other miscellaneous collections are reported. Separate accounts of the receipts and expenditures of money under the Act shall be rendered monthly to the Secretary of the Treasury, on forms to be furnished by the Government for the purpose.

RULE 5. The head tax provided for in section 1 of the Act approved March 3, 1903, shall be collected and paid for every alien passenger not specifically excepted therein.

Regulations March 13, 1903.

SEC. 1. . . . That there shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, . . . the head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States, and have paid the head tax who later shall go

in transit from one part of the United States to another through foreign contiguous territory : . . .

Act approved March 3, 1903.

RULE 4. Every railway company or other transportation agency claiming exemption from payment of the head tax for any passenger brought by it to a point on the land boundary of the United States for entry thereat, under the exemption from such payment provided in section 1 of the Act approved March 3, 1903, shall produce to the appropriate officer at such point a letter from an immigration officer at or nearest to the alleged residence of such passenger, stating that after investigation said immigration officer has ascertained that said passenger had already been lawfully admitted to the United States, and that the head tax for his admission had been paid at the time of such admission ; and said company or other transportation agency shall also show, as evidence that the transit of such passenger was continuous, the dated ticket issued to such passenger.

RULE 16. No alien desiring admission at a port of the United States for the professed purpose of proceeding directly therefrom to foreign territory shall be permitted to land thereat except after deposit with the collector of customs at said port by the master or owner of the vessel on which such alien is brought of the amount of the head tax, \$2, prescribed by section 1 of the Act approved March 3, 1903, said amount to be refunded upon proof satisfactory to the immigration officer in charge at the port of arrival that said alien has passed by direct and continuous journey through and out of the United States.

Regulations March 13, 1903.

SEC. 1. . . . The money thus collected shall be paid into the United States Treasury, and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of the Treasury to defray the expense of regulating the immigration of aliens into the United States under this Act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this Act. . . .

SEC. 30. . . . *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section one of this Act.

Act approved March 3, 1903.

#### PERSONS TO WHOM IMMIGRATION LAWS APPLY.

SEC. 12. That upon the arrival of any alien by water at any port within the United States, it shall be the duty of the master . . . to deliver to the immigration officers at the port of arrival, which shall . . . state as to each alien the full name, etc. . . .

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups. . . .

SEC. 32. That the Commissioner-General of Immigration . . . shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico. . . .

SEC. 2. That the following classes of aliens shall be excluded from admission to the United States. . . .

SEC. 19. That all aliens brought into this country in

violation of law shall, if practicable, be immediately sent back, etc. . . .

Act approved March 3, 1903.

RULE 6. The provisions of the immigration laws, and of regulations passed thereunder, except those of section 1 of the Act of March 3, 1903, in relation to the payment of the head tax, extend to all persons not citizens of the United States either by birth or by naturalization therein.

Regulations March 13, 1903.

#### ALIENS WHO ARE INADMISSIBLE.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States. All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanour involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises, or agreements to perform labour or service of some kind therein; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come unless it is affirmatively and satisfactorily shown that such

person does not belong to one of the foregoing excluded classes: . . .

Act of March 3, 1903.

SEC. 1. . . . That the following classes of aliens shall be excluded from admission to the United States: . . . Any person whose ticket or passage is paid for with the money of another . . . unless it is affirmatively and satisfactorily shown on special inquiry that such person does not belong to . . . the class of labourers excluded by the Act of February twenty-sixth, eighteen hundred and eighty-five. . . .

Act approved March 3, 1891.

AN ACT to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labour in the United States, the Territories, and the District of Columbia.

SEC. 8. That all persons included in the prohibition in this Act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. . . .

Act approved February 23, 1887.

SEC. 11. That upon the certificate of a medical officer of the United States Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return such alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 18. That it shall be the duty of the owners, officers, and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such



alien from such vessel at any time or place other than that designated by the immigration officers, . . . and every such alien so landed shall be deemed to be unlawfully in the United States, and shall be deported as provided by law.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe.

Act approved March 3, 1903.

RULE 15. Every alien professing to seek a landing for the purpose of proceeding directly through the United States to a foreign country shall be examined, and, if found to be a member of any one of the excluded classes, shall be refused permission to land in the same manner as though he intended to remain in the United States.

RULE 20. Not over one accompanying alien (preferably the natural guardian or a relative) shall be detained at the expense of the transportation company for the purpose of caring for an alien who, for any reason, is detained for further inquiry, if the latter requires such care. (See section 11, Act approved March 3, 1903.)

Regulations March 13, 1903.

## EXCEPTIONS TO INADMISSIBLE ALIENS.

SEC. 2. . . . But this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: *Provided*, That nothing in this Act shall exclude persons convicted of an offence purely political, not involving moral turpitude: *And provided further*, That skilled labour may be imported, if labour of like kind unemployed cannot be found in this country: *And provided further*, That the provisions of this law applicable to contract labour shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife, or either of said children, shall be found to be affected with any contagious disorder, and if it is proved that said disorder was contracted on board the ship in which they came, and is so certified by the examining surgeon at the port of arrival, such wife or children shall be held, under such regulations as the Secretary of the Treasury shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

Act approved March 3, 1903.

## ALIEN CONTRACT LABOUR.

[Original Act.]

AN ACT to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform

labour in the United States, its Territories, and the District of Columbia.

Approved February 26, 1885.

[Amendatory Act.]

AN ACT to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labour in the United States, the Territories, and the District of Columbia.

SEC. 8. That all persons included in the prohibition in this Act, upon arrival, shall be sent back to the nations to which they belong and from whence they came.

Approved February 23, 1887.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States . . . those who have been, within one year from the date of the application for admission to the United States, deported as being under offers, solicitations, promises, or agreements to perform labour or services of some kind therein . . . *And provided further,* That skilled labour may be imported if like kind unemployed cannot be found in this country: *And provided further,* That the provisions of this law applicable to contract labour shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession or persons employed strictly as personal or domestic servants.

Act approved March 3, 1903.

SEC. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labour or

## 92 THE PROBLEM OF THE IMMIGRANT

service or having reference to the performance of labour or service by any person in the United States, its Territories, or the District of Columbia, 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.

Act approved February 26, 1885.

SEC. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labour or service of any kind, skilled or unskilled, in the United States.

SEC. 5. That for every violation of any of the provisions of section four of this Act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labour or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien, shall forfeit and pay for every such offence the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labour or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labour or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section four of this Act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign

country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section two of this Act, and the penalties imposed by section five of this Act shall be applicable to such a case: *Provided*, That this section shall not apply to States and Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States, shall, directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be subjected to the penalties imposed by section five of this Act.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel, having said alien on board to deliver to the immigration officers at the port of arrival, lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; . . . whether coming by reason of any offer, solicitation, promise or agreement, expressed or implied, to perform labour in the United States. . . .

SEC. 13. . . . Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith

to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge, or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanour involving moral turpitude, or a polygamist, or an anarchist, or under promise or agreement, express or implied, to perform labour in the United States, or a prostitute, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund referred to in section one of this Act.

SEC. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this Act, he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this Act, or, if that cannot be so done, at the expense of the immigrant fund provided for in section one of this Act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this Act.

SEC. 24. . . . Immigration officers shall have power to

administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or wilfully give false testimony or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favourable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 27. That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this Act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing Act or any Acts hereby amended, but such prosecutions or other proceedings, criminal or civil, shall proceed as if this Act had not been passed.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act.

Act approved March 3, 1903.

AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year

ending June 30, 1896, and for other purposes, approved March 2, 1895, under the head "Bureau of Immigration," provides :

That the Superintendent of Immigration shall hereafter be designated as Commissioner-General of Immigration, and, in addition to his other duties, shall have charge, under the Secretary of the Treasury, of the administration of the alien contract-labour laws, etc.

#### DISEASED ALIENS.

SEC. 2. That the following classes of aliens shall be excluded from admission to the United States: . . . persons afflicted with a loathsome or with a dangerous contagious disease. . . .

SEC. 9. 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 any alien afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease 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 one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious



disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act.

SEC. 19. . . . But no alien certified, as provided in section seventeen of this Act, to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

SEC. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife, or either of said children, shall be found to be affected with any contagious disorder, and if it is proved that said disorder was contracted on board the ship in which they came, and is so certified by the examining surgeon at the port of arrival, such wife or children shall be held, under such regulations as the Secretary of the Treasury shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

Act approved March 3, 1903.

RULE 13. The expenses incurred for the keeping and maintenance of every alien temporarily removed from a vessel, as provided by law, shall be borne by the owner or owners of the vessel upon which he came until he is lawfully landed or delivered on board such vessel for deportation.

RULE 17. Every alien who left the port of embarkation in good physical condition, and who would be

qualified to land but for some sickness or disability other than a loathsome or a dangerous contagious disease, which was contracted or which developed during the voyage, may either remain on shipboard or be removed for hospital treatment at the expense of the owners of the vessel on which he came, and while detained in hospital he shall not be considered as landed; provided that, if the sickness or disability with which such alien is afflicted is so slight, in the judgment of the examining medical officer, as not to require treatment in hospital, and said alien is able to pay for the necessary medical care he needs, he shall be landed. Requests by such owners for reimbursement for hospital expenses may be made only in respect of aliens detained under the provisions of this Rule, and then only in a proper manner.

. . . . .

RULE 26. No charge for food, lodging or maintenance, or for hospital attendance, medicines, or other hospital expenses, shall be made in excess of the actual cost of furnishing the same; the intention being to make the service self-sustaining without profit.

. . . . .

RULE 18. Any alien who has been lawfully landed, but who has become a public charge from subsequently arising physical inability to earn a living which is likely to be of a permanent nature, may, with the approval of the Bureau of Immigration, be deported within one year from date of landing at the expense of the immigrant fund, provided that such alien is delivered to the immigration officers at a designated port free of charge, and the charges incurred for the care and treatment of any such alien in any public or charitable institution

from the date of notification to the Bureau of Immigration until the expiration of one year after landing may be paid from the immigrant fund at fixed rates agreed upon.

Regulations March 13, 1903.

#### ALIENS IN TRANSIT.

SEC. 1. . . . The head tax herein provided for shall not be levied upon aliens in transit through the United States, nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory.

Act approved March 3, 1903.

RULE 4. Every railway company or other transportation agency claiming exemption from payment of the head tax for any passenger brought by it to a point on the land boundary of the United States for entry thereat, under the exemption from such payment provided in section 1 of the Act approved March 3, 1903, shall produce to the appropriate officer at such point a letter from an immigration officer at, or nearest to, the alleged residence of such passenger, stating that after investigation said immigration officer has ascertained that said passenger had already been lawfully admitted to the United States, and that the head tax for his admission had been paid at the time of such admission; and said company or other transportation agency shall also show, as evidence that the transit of such passenger was continuous, the dated ticket issued to such passenger.

RULE 15. Every alien professing to seek a landing

for the purpose of proceeding directly through the United States to a foreign country shall be examined, and, if found to be a member of any one of the excluded classes, shall be refused permission to land in the same manner as though he intended to remain in the United States.

RULE 16. No alien desiring admission at a port of the United States for the professed purpose of proceeding directly therefrom to foreign territory, shall be permitted to land thereat except after deposit with the collector of customs at said port, by the master or owner of the vessel on which such alien is brought, of the amount of the head tax, \$2, prescribed by section 1 of the Act approved March 3, 1903, said amount to be refunded upon proof satisfactory to the immigration officer in charge at the port of arrival that said alien has passed by direct and continuous journey through and out of the United States.

Regulations March 13, 1903.

## CHAPTER VII

### THE UNITED STATES (*continued*)

#### ALIENS WHO BECOME PUBLIC CHARGES.

SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival, at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that cannot be done, then at the expense of the immigrant fund referred to in section one of this Act.

SEC. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this Act, he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this Act, or, if that cannot be so done, at the expense of the immigrant fund provided for in section one of this Act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury to take on board, guard safely, and return to the country whence he came, any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this Act.

SEC. 22. . . . And it shall be the duty of the Commissioner-General 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: . . .

SEC. 26. That no bond or guaranty, written or oral, that an alien shall not become a public charge, shall be received from any person, company, corporation, charitable or benevolent society or association, unless authority to receive the same shall in each special case be given by the Commissioner-General of Immigration with the written approval of the Secretary of the Treasury.

Act approved March 3, 1903.

RULE 21. No application for the admission under bond of a debarred alien will be considered except in cases in which deportation of the alien in whose behalf such application is made would involve the separation of immediate members of a family, and in that case only when a deposit of money is made sufficient to defray the expense of maintaining such alien whilst awaiting a decision upon such application.

RULE 22. The cost of returning aliens under the provisions of sections 19 and 20 of the Act approved March 3, 1903, shall include all expenses incurred for maintenance of such aliens, after such cases are brought to the attention of the Bureau of Immigration, provided such Bureau, upon investigation, has ascertained the case to be one for deportation and has so ordered.

RULE 23. Every immigration officer deporting any alien under the provisions of section 20 of the Act of

March 3, 1903, shall submit to the Bureau of Immigration for approval bills for one-half the cost of inland transportation of such alien to the seaport of deportation against the vessel or transportation line by which such alien was brought to the United States, in order that the amount so expended by any such officer may be collected and returned to him.

Regulations March 13, 1903.

#### ANARCHISTS.

SEC. 2. That the following classes of aliens shall be excluded from admission to the United States . . . anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government or of all forms of law or the assassination of public officials. . . .

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be

fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

Act approved March 3, 1903.

PROSTITUTES AND PROCURERS.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States . . . prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution ; . . .

SEC. 3. That the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden ; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold, any woman or girl for such purposes in pursuance of such illegal importation shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned for not less than one nor more than five years and pay a fine not exceeding five thousand dollars.

Act approved March 3, 1903.

ALIENS MENTALLY DEFICIENT.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous ; persons who have had two or more attacks of insanity at any time previously ; . . .

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such alien within any of the classes excluded from



admission to the United States under section two of this Act. . . .

SEC. 22. . . . And it shall be the duty of the Commissioner-General 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: . . .

Act approved March 3, 1903.

#### MANIFESTS OF ALIENS.

SEC. 12. That upon the arrival of any alien by water at any port within the United States, it shall be the duty of the master or commanding officer of the steamer, sailing, or other vessel having said alien on board, to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his 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 or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, expressed or implied, to perform labour in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge, or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanour involving moral turpitude, or a polygamist, or an anarchist, or under promise or agreement, express or implied, to perform labour in the United States, or a prostitute, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his

knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

Act approved March 3, 1903.

RULE 24. In case of the failure of the master or commanding officer of any vessel bringing aliens to any port within the United States to deliver to the immigration officers at said port lists or manifests of such aliens, as required in sections 12, 13, and 14 of the Act approved March 3, 1903, there shall be paid to the collector of customs at the port of arrival the sum of \$10 for each alien concerning whom the information required by said sections is not contained in any list or manifest as aforesaid. Under an opinion of the Solicitor of the Treasury, the fine mentioned in this Rule cannot be remitted.

Regulations March 13, 1903.

#### EXAMINATION OF ALIENS.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections twelve, thirteen, and fourteen of this Act,

it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer, and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act, bind the said transportation lines, masters, agents, owners or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers on any such alien, or, should medical officers of the United States Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of the Treasury.

Act approved March 3, 1903.

RULE 8. Every alien arriving at a port of the United States shall be promptly examined, as by law provided, either on shipboard or at some other place designated for that purpose. If found admissible, he shall be at once landed, but if upon special inquiry he is denied admission, he shall be informed that he has a right of appeal therefrom, and the fact that he has been so informed shall be entered of record in the minutes of the board's proceedings, but no appeal will be considered after any such alien has, in consequence of an adverse decision of a board of special inquiry, been transferred from an immigrant station to be deported.

RULE 9. Every alien detained for special inquiry, which shall be conducted separate and apart from the public, shall have a speedy hearing, and, upon the conclusion thereof, be either at once landed or ordered deported. If he elects to appeal from said order of deportation, he must, to enable officers to comply with the provisions of section 19 of the Act of March 3, 1903, file notice of such appeal promptly, and a like right of appeal may be exercised by any member of a board of special inquiry who dissents from the decision rendered by such board.

RULE 10. Every such notice of appeal shall act as a stay upon the disposal of the alien whose rights are thereby affected until a final decision is rendered by the Department; and, within thirty-six hours after the filing of such notice, the record of the case, together with such briefs, affidavits, and statements as are to be considered in connection therewith, must be forwarded to the Commissioner-General of Immigration by the chief immigration officer at the port of arrival, accompanied by his views thereon in writing; but on such appeal of any case to the Department no evidence

will be considered which has not already been passed upon in said case by a board of special inquiry. If additional time is granted to the friends or counsel of an appealing alien to prevent a miscarriage of justice, the said chief officer may require the deposit of a sum of money sufficient to defray the cost of maintaining appellant during the additional time thus allowed.

RULE 11. The Commissioner of Immigration or the chief immigration officer at the port of landing shall enter of record the name of every alien found upon examination to be within any of the prohibited classes, with a statement of the decision in each case; and if such decision be appealed from, immediately upon the receipt from the Department of its conclusions thereupon the alien shall be at once landed or deported in accordance with such conclusions. If a landing is refused on appeal, the master, agent, consignee, or owner of the vessel by which the said alien arrived shall be notified thereof by the commissioner or chief immigration officer, and that the said alien will be placed on the said vessel to be returned as aforesaid.

RULE 12. Attorneys and persons appearing in behalf of detained aliens shall not be permitted to charge a sum exceeding \$10 in each case, unless the commissioner shall, in writing, allow an additional compensation, which fee shall be payable through the commissioner. Any one charging an alien a fee prior to his detention, or charging or receiving from an alien or his relatives or friends a fee, gift, or compensation for his services in excess of above rates, or who shall deprive an alien of any part of his chattels or effects in lieu of or as security for said fee, shall not be permitted to practise at any immigrant station of the United States.

RULE 13. The expenses incurred for the keeping

and maintenance of every alien temporarily removed from a vessel, as provided by law, shall be borne by the owner or owners of the vessel upon which he came until he is lawfully landed or delivered on board such vessel for deportation.

RULE 14. The master, agent, owner, or consignee of any vessel on which aliens are brought to the United States shall, at least twenty-four hours in advance thereof, notify the Commissioner of Immigration of the intended time of sailing of such vessel, in order that said officer may place on board thereof every alien brought thereon who has been refused a landing.

RULE 20. Not over one accompanying alien (preferably the natural guardian or a relative) shall be detained at the expense of the transportation company for the purpose of caring for an alien who, for any reason, is detained for further inquiry, if the latter requires such care. (Sec section 11, Act approved March 3, 1903.)

Regulations March 13, 1903.

SEC. 24. . . . Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or wilfully give false testimony or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favourable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien

whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the Commissioners of Immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of the Treasury, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings, and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the Commissioner of Immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of the Treasury, whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the Commissioner of Immigration at the port of arrival of such decision.

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of



aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act.

Act approved March 3, 1903.

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

*Be it enacted, etc.,*

In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of the Treasury.

Act approved August 18, 1894.

#### DEPORTATION OF INADMISSIBLE ALIENS.

SEC. 18. That it shall be the duty of the owners, officers, and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated by the immigration officers, . . . and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law.

SEC. 19. That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came: . . . *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien

found to have come under promise or agreement of labour or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this Act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this Act, to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

SEC. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as hereinafter provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that cannot be done, then at the expense of the immigrant fund referred to in section one of this Act.

SEC. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this Act, he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this Act, or, if that cannot be so done, at the expense of the immigrant fund provided for in section one of this Act. . . .

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this Act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

Act approved March 3, 1903.

RULE 8. Every alien arriving at a port of the United States shall be promptly examined, as by law provided, either on shipboard or at some other place designated for that purpose. If found admissible, he shall be at once landed, but if upon special inquiry he is denied admission, he shall be informed that he has a right of appeal therefrom, and the fact that he has been so informed shall be entered of record in the minutes of the board's proceedings, but no appeal will be considered after any such alien has, in consequence of an adverse decision of a board of special inquiry, been transferred from an immigrant station to be deported.

RULE 9. Every alien detailed for special inquiry, which shall be conducted separate and apart from the public, shall have a speedy hearing, and upon the conclusion thereof be either at once landed or ordered deported. If he elects to appeal from said order of deportation, he must, to enable officers to comply with the provisions of section 19 of the Act of March 3, 1903, file notice of such appeal promptly, and a like right of appeal may be exercised by any member of a board of special inquiry who dissents from the decision rendered by such board.

RULE 11. The Commissioner of Immigration or the chief immigration officer at the port of landing shall enter of record the name of every alien found upon examination to be within any of the prohibited classes, with a statement of the decision in each case; and if such decision be appealed from, immediately upon the receipt from the Department of its conclusions thereupon, the alien shall be at once landed or deported in accordance with such conclusion. If a landing is refused on appeal, the master, agent, consignee, or owner of the

vessel by which the said alien arrived shall be notified thereof by the Commissioner or chief immigration officer, and that the said alien will be placed on the said vessel to be returned as aforesaid.

RULE 18. Any alien who has been lawfully landed, but who has become a public charge from subsequently arising physical inability to earn a living, which is likely to be of a permanent nature, may, with the approval of the Bureau of Immigration, be deported within one year from date of landing at the expense of the immigrant fund, provided that such alien is delivered to the immigration officers at a designated port free of charge; and the charges incurred for the care and treatment of any such alien in any public or charitable institution from the date of notification to the Bureau of Immigration until the expiration of one year after landing may be paid from the immigrant fund at fixed rates agreed upon.

Regulations March 13, 1903.

#### MAINTENANCE OF ALIENS.

SEC. 19. That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessel on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof, or of any other vessel owned by the same interest, such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign

port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanour, and shall, on conviction, be punished by a fine not less than three hundred dollars for each and every such offence; and no such vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien found to have come under promise or agreement of labour or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this Act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this Act, to be suffering with a loathsome or with a dangerous contagious disease other than one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

Act approved March 3, 1903.

RULE 13. The expenses incurred for the keeping and maintenance of every alien temporarily removed from a vessel, as provided by law, shall be borne by the owner or owners of the vessel upon which he came until he is lawfully landed or delivered on board such vessel for deportation.

RULE 17. Every alien who left the port of embarkation in good physical condition, and who would be qualified to land but for some sickness or disability other than a loathsome or a dangerous contagious

disease, which was contracted or which developed during the voyage, may either remain on shipboard or be removed for hospital treatment, at the expense of the owners of the vessel on which he came, and while detained in hospital he shall not be considered as landed ; provided, that if the sickness or disability with which such alien is afflicted is so slight in the judgment of the examining medical officer as not to require treatment in hospital, and said alien is able to pay for the necessary medical care he needs, he shall be landed. Requests by such owners for reimbursement for hospital expenses may be made only in respect of aliens detained under the provisions of this Rule, and then only in a proper manner.

. . . . .

RULE 19. Any alien who has been finally determined to be admissible may be permitted to wait for friends or remittances upon payment by him of expenses incurred by reason of such delay. In case such an alien is unable from accident or other unavoidable circumstances, to immediately continue his journey, and is without sufficient means to defray the expense of his enforced delay, the Commissioner of Immigration may, in his discretion, pay said expense, reporting said case to the Bureau of Immigration, with reasons for his action, and request that such expense be repaid out of the immigrant fund.

. . . . .

RULE 22. The cost of returning aliens under the provisions of sections 19 and 20 of the Act approved March 3, 1903, shall include all expenses incurred for maintenance of such aliens after such cases are brought to the attention of the Bureau of Immigration ; provided

said Bureau, upon investigation, has ascertained the case to be one for deportation, and has so ordered.

RULE 26. No charge for food, lodging, or maintenance, or for hospital attendances, medicines, or other hospital expenses shall be made in excess of the actual cost of furnishing the same, the intention being to make the service self-sustaining without profit.

Regulations March 13, 1903.

## CHAPTER VIII

### THE UNITED STATES (*concluded*)

#### IMMIGRATION OFFICERS.

SEC. 12. That upon the arrival of any alien by water at any port within the United States, it shall be the duty of the master or commanding officer of the steamer, sailing, or other vessel having said alien on board, to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel. . . .

SEC. 13. . . . Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival. . . .

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or



commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for sections twelve, thirteen, and fourteen of this Act, it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act, bind the said transportation lines, masters, agents, owners, or consignees: . . .

SEC. 18. . . . And any such owner, officer, agent, or person in charge of such vessel who shall land, or permit to land, any alien at any time or place other than that designated by the immigration officers, shall be deemed guilty of a misdemeanour, etc. . . .

SEC. 22. . . . And it shall be the duty of the Commissioner-General 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: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of the Treasury,

whenever in his judgment such action may be necessary to accomplish the purposes of this Act, detail immigration officers for temporary service in foreign countries.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury, upon the recommendation of the Commissioner-General of Immigration, and in accordance with the provisions of the Civil-Service Act of January sixteenth, eighteen hundred and eighty-three: . . .

. . . Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony. . . .

The decision of any such officer, if favourable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land, shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the Commissioners of Immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall from time to time designate as qualified to serve on such boards: . . .

Act approved March 3, 1903.

RULE 7. Collectors of customs on the Canadian frontier and at all points where Commissioners of Immigration are not employed, are charged within their respective districts with the execution of the laws pertaining to immigration and to the importation of labourers under contract or agreement to perform labour in the United States. They may employ all customs, immigration, and other officers assigned to them for duty in the enforcement of the Immigration Acts, and all such officers are hereby designated and authorized to act as immigration officers.

Regulations March 13, 1903.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of the Treasury.

Act approved March 3, 1903.

RULE 27. Every officer of the United States Public

Health and Marine-Hospital Service, detailed under section 17 of the Act approved March 3, 1903, for duty to any point in the United States, shall, during the continuance of such detail, be under the direction (subject to the Public Health and Marine-Hospital Service Regulations governing the medical inspection of aliens, as approved by the Secretary of the Treasury, November 18, 1902) of the immigration officer in charge of the said port.

Regulations March 13, 1903.

#### COMMISSIONERS OF IMMIGRATION.

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

*Be it enacted, etc.,*

The Commissioners of Immigration at the several ports shall be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term of four years, unless sooner removed, and until their successors are appointed; and nominations for such offices shall be made to the Senate by the President as soon as practicable after the passage of this Act.

Approved August 18, 1894.

SEC. 23. That the duties of the Commissioners of Immigration 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 the Treasury.

SEC. 24. . . . *Provided,* That nothing herein contained shall be construed to alter the mode of appointing Commissioners of Immigration at the several ports of the United States as provided by the Sundry Civil Appropriation Act approved August

eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. . . .

SEC. 25. . . . All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the Commissioner of Immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of the Treasury, whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the Commissioner of Immigration at the port of arrival of such decision.

. . . . .  
Act approved March 3, 1903.

RULE 7. Collectors of customs on the Canadian frontier and at all points where Commissioners of Immigration are not employed are charged within their respective districts with the execution of the laws pertaining to immigration and to the importation of labourers under contract or agreement to perform labour in the United States. . . .

. . . . .  
RULE 10. Every such notice of appeal shall act as a stay upon the disposal of the alien whose rights are hereby affected until a final decision is rendered by the Department; and, within thirty-six hours after the filing of such notice, the record of the case, together with such briefs, affidavits, and statements as are to be considered in connection therewith, should be forwarded to the Commissioner-General of Immigration by the chief immigration officer at the port of arrival,

accompanied by his views thereon in writing; but on such appeal of any case to the Department no evidence will be considered which has not already been passed upon in said case by a board of special inquiry. If additional time is granted to the friends or counsel of an appealing alien to prevent a miscarriage of justice, the said chief officer may require the deposit of a sum of money sufficient to defray the cost of maintaining appellant during the additional time thus allowed.

RULE 11. The Commissioner of Immigration or the chief immigration officer at the port of landing shall enter of record the name of every alien found upon examination to be within any of the prohibited classes, with a statement of the decision in each case; and if such decision be appealed from, immediately upon the receipt from the Department of its conclusions thereupon the alien shall be at once landed or deported in accordance with such conclusion. If a landing is refused on appeal, the master, agent, consignee, or owner of the vessel by which the said alien arrived shall be notified thereof by the commissioner or chief immigration officer, and that the said alien will be placed on the said vessel to be returned as aforesaid.

RULE 12. Attorneys and persons appearing in behalf of detained aliens shall not be permitted to charge a sum exceeding \$10 in each case, unless the commissioner shall, in writing, allow an additional compensation, which fee shall be payable through the commissioner. Any one charging an alien a fee prior to his detention, or charging or receiving from an alien or his relatives or friends a fee, gift, or compensation for his services in excess of above rates, or who shall deprive an alien of any part of his chattels or effects in

lieu of, or as security for, said fee, shall not be permitted to practise at any immigration station of the United States.

. . . . .

RULE 14. The master, agent, owner, or consignee of any vessel on which aliens are brought to the United States shall, at least twenty-four hours in advance thereof, notify the Commissioner of Immigration of the intended time of sailing of such vessel, in order that said officer may place on board thereof every alien brought thereon who has been refused a landing.

. . . . .

RULE 19. Any alien who has been finally determined to be admissible may be permitted to wait for friends or remittances upon payment by him of expenses incurred by reason of such delay. In case such an alien is unable from accident or other unavoidable circumstances to immediately continue his journey and is without sufficient means to defray the expense of his enforced delay, the Commissioner of Immigration may, in his discretion, pay said expense, reporting said case to the Bureau of Immigration, with reasons for his action, and request that such expense be repaid out of the immigrant fund.

. . . . .

RULE 28. There shall be made by the Commissioners of Immigration at the various ports of the United States and Canada weekly reports to the Bureau of Immigration containing a list of all aliens detained from Sunday morning until Saturday night, inclusive, of each week, in which shall be embodied the following information: Name of alien; age and sex; date of

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arrival; vessel on which alien arrived; date of detention; cause of detention; whether case has been disposed of, and if so, what disposition has been made of it.

Regulations March 13, 1903.

#### BOARDS OF SPECIAL INQUIRY AND APPEALS THEREFROM.

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act.

SEC. 24. . . . The decision of any such officer, if favourable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigration inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the Commissioners of Immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of the Treasury, upon recommendation of the Commissioner-General of Immigration, may designate



other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the Commissioner of Immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of the Treasury, whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the Commissioner of Immigration at the port of arrival of such decision.

Act approved March 3, 1903.

RULE 8. Every alien arriving at a port of the United States shall be promptly examined, as by law provided, either on shipboard or at some other place designated for that purpose. If found admissible, he shall be at once landed, but if upon special inquiry he is denied admission, he shall be informed that he has a right of appeal therefrom, and the fact that he has been so informed shall be entered on record in the minutes of the board's proceedings, but no appeal will be considered after any such alien has, in consequence of an adverse decision of a board of special inquiry, been transferred from an immigrant station to be deported.

RULE 9. Every alien detained for special inquiry, which shall be conducted separate and apart from the public, shall have a speedy hearing and, upon the conclusion thereof, be either at once landed or ordered deported. If he elects to appeal from said order of

deportation, he must, to enable officers to comply with the provisions of section 19 of the Act of March 3, 1903, file notice of such appeal promptly, and a like right of appeal may be exercised by any member of a board of special inquiry who dissents from the decision rendered by such board.

Regulations March 13, 1903.

#### COMMISSIONER-GENERAL OF IMMIGRATION.

SEC. 7. That the office of superintendent of immigration is hereby created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer, whose salary shall be four thousand dollars per annum, payable monthly. The superintendent of immigration shall be an officer in the Treasury Department, under the control and supervision of the Secretary of the Treasury, to whom he shall make annual reports in writing of the transactions of his office, together with such special reports, in writing, as the Secretary of the Treasury shall require. The Secretary shall provide the superintendent with a suitably furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary.

Act approved March 3, 1891.

AN ACT making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, approved March 2, 1895, under the head "Bureau of Immigration," provides :

That the Superintendent of Immigration shall hereafter be designated as Commissioner-General of Immigration, and, in addition to his other duties, shall have charge, under the

Secretary of the Treasury, of the administration of the alien contract-labour laws, etc.

AN ACT making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

*Be it enacted, etc.,*

. . . And hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese-exclusion law and of the various Acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of the Treasury.

Approved June 6, 1900.

SEC. 1. . . . *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

SEC. 17. . . . Should medical officers of the United States Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of the Treasury.

SEC. 19. . . . *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the

Secretary of the Treasury, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien found to have come under promise or agreement of labour or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this Act: . . .

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of the Treasury, 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 bonds, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with 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 contracts for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of the Treasury. And it shall be the duty of the Commissioner-General 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: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of the Treasury, whenever in his judgment such action may be necessary to accomplish the purposes of this Act, detail immigration officers for temporary service in foreign countries.

SEC. 25. . . . Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of the Treasury, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of the Treasury, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the Commissioner of Immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of the Treasury, whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the Commissioner of Immigration at the port of arrival of such decision. . . .

SEC. 26. That no bond or guaranty, written or oral, that an alien shall not become a public charge shall be received from any person, company, corporation, charitable or benevolent society or association, unless authority to receive the same shall in each special case be given by the Commissioner-General of Immigration, with the written approval of the Secretary of the Treasury.

SEC. 30. That after the first day of January, nineteen hundred and three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the

Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may prescribe. . . .

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said foreign countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

Act approved March 3, 1903.

RULE 21. No application for the admission under bond of a debarred alien will be considered except in cases in which deportation of the alien in whose behalf such application is made would involve the separation of immediate members of a family, and in that case only when a deposit of money is made sufficient to defray the expense of maintaining such alien whilst awaiting a decision upon such application.

Regulations March 13, 1903.

#### OFFENCES AGAINST IMMIGRATION LAWS AND PENALTIES THEREFOR.

SEC. 3. That the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold any woman or girl for such purposes in pursuance of such illegal importation, shall be

deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years, and pay a fine not exceeding five thousand dollars.

SEC. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labour or service of any kind, skilled or unskilled, in the United States.

SEC. 5. That for every violation of any of the provisions of section four of this Act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labour or service of any kind by reason of any offer, solicitation, promise, or agreement, express or implied, parole or special, to or with such alien, shall forfeit and pay for every such offence the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labour or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labour or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section four of this Act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section two of this Act, and the penalties imposed by section five of this Act shall be applicable to such a case: *Provided*, That this section shall

not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States, shall, directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be subjected to the penalties imposed by section five of this Act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanour, and shall, on conviction, be punished by a fine not exceeding one thousand dollars for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

SEC. 9. 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 any alien afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of



such disease 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 one hundred dollars for each and every violation of the provisions of this section ; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

SEC. 18. That it shall be the duty of the owners, officers, and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated by the immigration officers, and any such owner, officer, agent, or person in charge of such vessel who shall land or permit to land any alien at any time or place other than that designated by the immigration officers, shall be deemed guilty of a misdemeanour, and shall, on conviction, be punished by a fine for each alien so permitted to land of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law.

SEC. 19. That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land,

as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof, or of any other vessel owned by the same interest, such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanour, and shall, on conviction, be punished by a fine not less than three hundred dollars for each and every such offence; and no such vessel shall have clearance from any port of the United States while any such fine is unpaid.

SEC. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this Act he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came, as provided in section twenty of this Act, or, if that cannot be so done, at the expense of the immigrant fund provided for in section one of this Act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this Act.

SEC. 24. . . . Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or wilfully give false testimony or swear to any false statement in any way affecting or in relation to the right

of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

Act approved March 3, 1903.

SEC. 8. That all steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of the Treasury that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the law of March third, eighteen hundred and ninety-one, and of all subsequent laws of this country relative to immigration, printed in large letters, in the

language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them ; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding five hundred dollars, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States.

Act approved March 3, 1893.

#### MISCELLANEOUS.

SEC. 8. That all steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of the Treasury that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the law of March third, eighteen hundred and ninety-one, and of all subsequent laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them ; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding five hundred dollars, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States.

Act approved March 3, 1893.

RULE 25. The certificate required by section 8 of the Act approved March 3, 1893, to be filed with the Secretary of the Treasury, shall be filed upon the first days of January and July of each year.

Regulations of March 13, 1903.

SEC. 27. That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this Act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing Act or any Acts hereby amended, but such prosecutions or other proceedings, criminal or civil, shall proceed as if this Act had not been passed.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act.

SEC. 30. That after the first day of January, nineteen hundred and three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigration station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section one of this Act.

SEC. 31. That for the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the

proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 33. That for the purposes of this Act the words "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any waters, territory, or other place now subject to the jurisdiction thereof.

SEC. 36. That all Acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, That this Act shall not be construed to repeal, alter, or amend existing laws relating to the immigration, or exclusion of, Chinese persons or persons of Chinese descent.

Act approved March 3, 1903.

By Act of February 14, 1903, Congress transferred the Immigration Bureau and the Chinese Exclusion Service from the Treasury Department to the Department of Commerce and Labour, recently created.

## CHAPTER IX

### FRANCE

WITH an area of 204,092 square miles, France has a population of about 39,000,000. This population is practically at a standstill, owing to an abnormally small birth rate. A large proportion of the people are engaged in agriculture. There is practically no immigration into France, and almost as little emigration, as less than 6000 French citizens left France last year to seek permanent homes elsewhere. The total number of French emigrants in nearly fifty years is only about 300,000, of whom 60,000 have gone to the United States, the others being distributed among many countries.

The trans-French emigration traffic is no inconsiderable item, however, owing to that country being a convenient gathering-place for emigrants from the Levant *en route* to the West. These people come to Marseilles on the Mediterranean steamers, and are taken from there to Havre, where they embark for other countries. It is estimated that at least 20,000 Levantines were brought to Marseilles last year, were there inspected by the transportation agents as to their desirability as passengers, and those accepted were sent on to the French Atlantic ports. The police regulation

of this traffic is most minute. The emigrants are segregated into closely guarded communities in Marseilles, and a French Government inspector follows their movements from arrival until they are finally embarked upon some steamship leaving France.

The largest proportion of these emigrants are Syrians and Armenians. In the country of their adoption they usually become itinerant merchants or factory hands. They are generally of a most undesirable class, and, while not vicious, their intellectual level is low. There are exceptions to this rule, but not in sufficient numbers to remove from this emigration movement the bad reputation it has attained among those brought into contact with it. The most dangerous feature is the general prevalence of contagious and loathsome diseases, some of which are difficult of detection, and any one of which constitutes a serious threat to foreign communities into which these aliens are absorbed. The larger part of this emigration proceeds directly to the United States, and, notwithstanding the extreme care exercised by the steamship officials, assisted by American representatives, a considerable number reach New York in such condition as to become subject to deportation. The handling of this emigration business is looked upon by the French Government entirely as a matter of police regulation, and the manner in which it is taken care of exposes the French people to the minimum of danger.

The general principle that every man is at liberty to leave his own country and emigrate into another was not recognized in France during many centuries.

An ordinance of Louis XIV., dated 1669, prohibited French citizens from establishing themselves in foreign countries without the authorization of the King: a violation of this rule was punished by confiscation of



property and imprisonment, and also by the loss of French citizenship. This ordinance remained in force until the Revolution, and it is in the Constitution of 1791 that the first proclamation of the principle of freedom of emigration from France is found. During the Revolutionary period, however, several laws were passed, for political reasons, against the aristocracy who fled from France. These laws are known as *Lois contre les Emigrés*, but, having been passed for political reasons, and being directed against a class of citizens entirely different from the usual emigrants, it is unnecessary to dwell longer upon them.

In the first half of the nineteenth century a current of emigration from European countries to the United States of America and elsewhere appeared and steadily increased, and laws were passed in various countries to protect the emigrants. In Great Britain two Acts of Parliament were passed, one in 1852 and one in 1855, organizing the emigration service. In Germany and Belgium also laws were passed on this subject. In Spain two royal ordinances dealt with the policing of emigration. In Hamburg and in Bremen a commission composed of senators was appointed about the same time to control the execution of the laws and contracts on the subject of emigration, and to decide without loss of time all controversies which might arise between emigration agencies and emigrants.

In Bremen a large municipal hotel was organized where emigrants could be lodged and fed until the date of departure. They were given specially favourable tariffs on German railways between their homes and Hamburg and Bremen respectively. Thus by minutely and carefully protecting emigrants, the various countries above indicated, especially Germany, endeavoured to ensure to

themselves the profits which naturally would arise from a large movement of emigrants.

German legislation went still further, and by a circular dated September 5, 1853, the Prussian Government expressly provided that no concession for the purpose of transporting emigrants would be given unless the ports of embarkation were confined to Germany or Belgium.

“The transportation by French or Dutch ports can only be authorized when it shall have been rendered regular and sure by the adoption in those two countries of efficacious legislative provisions.”

It was under these circumstances that France, a country which had not given much attention to the subject before, French emigration having always been small, became aware of the profit which might be derived if the German and Italian emigrants could be persuaded to travel through French territory. France was already in a very favourable geographical position, and a law protecting emigrants by providing, as the Prussian circular expressed it, “efficacious legislative provisions,” would, it was thought, divert to French ports a large proportion of the German flow of emigration.

Furthermore, if the emigrants could be persuaded to pass through France, it would cheapen the cost of American importations, such as cotton, etc., as the American ships bringing goods over to France would charge less freight if they were sure to find in the French harbours emigrants to embark on their home journey.

Consequently, in 1854, a commission was appointed to study the subject of European emigration. As a result of the work of this commission, a decree was

passed on the 15th of January, 1855, amended by a decree of April 28, 1855. The main provisions of these two decrees are as follows.

In Strasburg, Paris, Havre, Forbach, and St. Louis were established commissions, which, in the interests of the police and of the emigrants, supervised both French and foreign emigrants.

The emigration service in Havre was, moreover, entrusted with inspection of the ships, the control of the provisions, and the embarkation of the emigrants.

At the same time, information offices were organized in different cities, and these offices gave, free of charge to emigrants, all information on the subject of travelling through France, of the drafting of emigration contracts, etc.

Foreign emigrants were not allowed to come into France on the land side unless they were possessed of 200 francs in the case of adults, and 80 francs in the case of children between the ages of six and fifteen. They were not allowed to enter France by sea unless possessed of 150 francs in the case of adults, and 60 francs in the case of children between the ages mentioned.

Emigration agencies were required to furnish a bond.

The luggage of emigrants travelling through France was exempted from examination by the custom-houses.

These decrees further dealt in detail with the space that had to be allowed on board ship to each emigrant, with the provisions to be taken on board, with the maximum duration of the voyage, with the measures to be taken for keeping the ship clean and healthy; and they also provided that there should be a physician on each ship, etc.

Subsequent to the passing of the two decrees of January and April, 1855, a law was passed by the French Legislature on July 18, 1860. This law deals with the liabilities and obligations imposed on emigration agencies, and is given in full.

All the requirements fixed by this law, and all the obligations imposed by it on emigration agencies, are for the protection of emigrants, and calculated to persuade foreign emigrants to employ French harbours, thereby securing their passage through France. That this is the intention of the law of July, 1860, is clearly shown by the Parliamentary documents annexed thereto, and especially by the introductory chapter to the Bill. The following lines can be quoted from this introduction :—

“The question has been raised whether, in rendering emigration easier, the law would not have the effect of favouring at the same time the expatriation of French citizens.

“Without entering into a discussion that belongs to the field of political economy, the following answer can be made :—

“In France the total number of emigrants does not quite reach 20,000 yearly ; they are furnished chiefly by Alsace-Lorraine and Basque, those from the former province going to North America, and those from the latter to South America. It is very probable that a certain number of the 20,000 are colonists rather than emigrants, that is to say, they go to Algiers, where they find another France.

“Free, therefore, from any anxiety as to French emigration, the French Government can facilitate the passing through France of the German emigrants by all possible measures, and one of the best certainly is a good legislation.”

Two decrees passed in March and April of 1861

contain a number of provisions regarding the application of the law of July 18, 1861. Both deal with provisions and questions similar to those dealt with in the decrees of 1855.

More recent legislation on the subject is scarce. The following provisions may, however, be mentioned :—

By a circular dated January 15, 1879, the passport which had been up to that time required from foreign emigrants passing through France, was rendered no longer obligatory.

A circular of the Home Office, dated January 16, 1886, draws the attention of mayors and local police officers to the fact that, although they cannot forcibly prevent the departure of emigrants, they may usefully intervene with disinterested advice of prudence and reason, especially in small villages, in order to frustrate the mercenary efforts of emigration agencies. This circular mentions Mexico, Dominique, Venezuela, Bengal, and the United States as countries presenting few opportunities for success.

The circular of January 16, 1886, was followed by one issued by the Home Office, February 18, 1886, instructing police officers to warn emigrants against going to Canada.

“Emigration to Canada,” said this circular, “can be successful in only two cases—first, for those who are willing to be employed as agricultural labourers by others; and second, for those who have sufficient pecuniary means to establish themselves independently; all others are condemned to misery.”

April 18, 1889, the Home Office issued a circular, warning against emigration to the Argentine Republic. The following is quoted :—

“The organizers of emigration to Argentina are anxious to populate big desert territories, in order to increase the value of the soil. The assistants of these organizers are merely anxious to get the premium allowed them for every emigrant they may find.

“The expatriation of French citizens is, therefore, merely a speculation.”

It is worthy of note that the spirit in which these three circulars were issued, and the practical purpose at which they aim, are entirely different from the spirit and purpose of the legislation between 1855 and 1861. It is clear that in these circulars of 1886 and 1889 the French Government sought, not to organize an emigration service which should attract foreigners to French harbours, but rather to protect French citizens from allowing themselves to be persuaded to leave their own country.

Furthermore, the Home Office issued a circular, May 28, 1891, which, by affording facilities to emigrants, encouraged immigration into the French Protectorate of Tunis.

The special commissioners for foreign emigration who were appointed by the decree of January 15, 1855, were suppressed a few years ago for reasons of economy. At present they are replaced by the ordinary police officers and by railway police officers.

The central office entrusted with all questions of emigration is the Third Bureau of the “Direction de Surêté Générale” at the “Ministère de l’Intérieur” (Home Office). There also exists another bureau, which collects all statistics of French emigration and of foreign emigration from French ports.

(Translated from the French.)

THE LAW OF JULY 25, 1860,  
CONCERNING EMIGRATION.

*Article I.*

No person can undertake the operations of engaging or transporting emigrants without authorization from the Minister of Agriculture, Commerce, and Public Works.

*Article II.*

A regulation of public administration determines the conditions under which the authorization is accorded ; the rate and the form of the guarantee to be required ; the case in which the authorization can be withdrawn ; and the obligations which emigration agencies are bound to fulfil.

[NOTE.—A regulation of public administration, or *un règlement d'administration publique*, is a decree passed by the Conseil d'Etat and promulgated by the Executive, in explanation and enforcement of a law previously passed by the French Parliament.]

*Article III.*

Imperial decrees fix the space reserved to each passenger on the boats destined to transport the emigrants, the conditions of accommodation and of the supply of food, the manner of visiting the ships before their departure ; this visit being made on French ships as prescribed in Article CCXXV. of the Commercial Code.

The fees of the experts charged with the above-mentioned visit on French and foreign vessels, as well

as the fees of doctors charged with the medical attendance, and other accessory expenses, are fixed by ministerial decrees, and must be paid by the transportation company.

*Article IV.*

No ship destined for emigration service can leave port until the captain or shipowner has secured a certificate stating that all the prescriptions imposed either by this law or by decrees and ministerial decisions made in execution thereof in the interest of the police and of the emigrants, have been fulfilled.

*Article V.*

The emigrants have the right to be received on board the day before the date fixed for departure.

They have also the right to remain on board for forty-eight hours after anchorage in the port of destination, unless the ship is obliged to leave again immediately.

*Article VI.*

Every emigrant prevented from leaving on account of serious or contagious illness, properly certified, has a right to the restitution of the price paid for his passage. The passage price is also returned to the members of his family who remain with him.

*Article VII.*

If the ship does not leave the port on the day fixed in the contract, the agency responsible is bound to pay to each emigrant, for each day of delay, an indemnity



for living expenses, the rate of which is fixed by a decree.

If the delay exceeds ten days, and if, in the interval, the agency has not provided for the departure of the emigrant on another ship, and according to the conditions fixed in the contract, the emigrant has the right to renounce the contract by making a simple declaration before the Emigration Commissioner, without prejudice to the damages which might be allowed to the emigrant.

Nevertheless, if the delay is caused by unavoidable circumstances, ascertained and verified by the Emigration Commissioner, the emigrant cannot renounce the contract, nor claim an indemnity for his living expenses in the town, provided that he be lodged and fed either in the town or on board, at the expense of the agency or its representatives.

#### *Article VIII.*

The agency is responsible for the transportation of the emigrant to the place of destination mentioned in the contract.

The shipment should be direct, unless stipulated to the contrary.

In case the ship is forced to put into port or does so voluntarily, the emigrants are lodged and fed on board, at the ship's expense, during the whole time it remains in port, or are indemnified for their expenses on shore.

In case of wreckage or of any other sea accident which might prevent the ship from continuing on its course, the agency is bound to effect the transportation of the emigrant to the place of destination fixed in the contract at its own expense.

*Article IX.*

In case the emigration agencies should not fulfil, from the departure of the vessel, their engagements towards the emigrants, the Minister of Agriculture, Commerce and Public Works proceeds to the settlement and liquidation of indemnities, with recourse to the Council of State.

The collection of these indemnities, settled and liquidated, is made by the Minister of Finance.

*Article X.*

Every infraction of the provisions of Articles I. and IV. of this law is punishable by a fine of 50 francs to 5000 francs.

In case of a repetition of the offence within the year, the fine is doubled.

Every infraction of the regulations of public administration, of the imperial decrees, and of the ministerial decisions made for the enforcement of the said regulations and decrees, concerning the rules for emigration, is punishable by penalties detailed in Article CCCCLXX. of the Penal Code.

*Article XI.*

Offences and infractions can be established—

(1) In France, by the Emigration Commissioners in their capacity of auxiliary police officers of the public prosecutor, by all officers of the police, and by the functionaries or agents who may be invested by a ministerial decision, either permanently or temporarily, with the attributes of an Emigration Commissioner ;

(2) On board French vessels in foreign ports, by

French consuls, assisted, if necessary, by such professional men as they may deem fit to designate.

Reports will be upheld until proof to the contrary is produced.

They are stamped and registered without charge.

## CHAPTER X

### BELGIUM

THE population of Belgium is 6,896,079. Each succeeding census shows a small but permanent increase in the number of people living in this country of limited area. The density of population is nearly 600 persons to the square mile. No particular form of occupation absorbs the energies of a majority of the people, for all industries and pursuits are represented with a marvellous degree of uniformity as to the number employed in each. The condition of the population is satisfactorily normal, there being a healthy percentage of births over deaths. The emigration of native Belgians is more than balanced by the immigration of aliens, the number of people leaving the country to seek homes elsewhere being about 20,000 annually. This rate of exodus has been maintained for several years past. A small net gain by the permanent movement of population in and out of the country is shown each year.

There is practically no restraint upon immigration into Belgium other than the subsequent police surveillance which is common to nearly all European countries. There is even less restraint upon emigration. The emigrant, if he so desires, may procure a passport. He can also secure from the burgomaster of the city, township, or village, where he has a residence, an identification paper, in which is set forth the date of his birth,

and which contains a certificate of good character. The procuring of these papers is not compulsory, and there is no provision of the law which would prevent any discharged convict or other undesirable character from any other country of Europe embarking at Antwerp if provided with a ticket.

The Belgian Government has shown no disposition towards assisting any foreign country in the supervision of emigration for that country from Belgian ports. In fact, in certain instances, its action has been decidedly hostile towards any inspection or even the presence of foreign officials at embarkations there in official capacity. Any discrimination which is exercised in the character of passengers taken aboard trans-Atlantic steamers is at the instance of the steamship companies in their effort to avoid deportations from the United States.

The native emigration from Belgium is inconsiderable, as shown, but owing to the fact that Antwerp is one of the important points of embarkation for emigrants from other European countries, the treatment of emigration by the Belgian Government becomes of considerable interest and importance. In 1902 over 50,000 people of other nationalities departed from Antwerp as emigrants to the United States alone. All the emigration affairs of the kingdom are controlled and administered by a commission created for that purpose. The law governing that commission is here given in full. The rules and regulations in explanation and execution of the law are detailed and elaborate, but are confined almost entirely to measures for the protection of the emigrant, and are more in the nature of shipping laws. The law also includes more or less regulation of emigration agencies such as is in force or under consideration in nearly every country of Continental Europe.

The Belgian law is not so strict in its provisions, however, as the laws of Switzerland, Germany, Hungary, and Italy. A revision of the emigration law of Belgium is now under consideration, the present law having been enacted at a time when apparently the sole purpose was to encourage emigration from other countries through Belgian ports.

*(Translated from the French.)*

THE LAW OF DECEMBER 14, 1876,  
REGULATING THE TRANSPORTATION OF EMIGRANTS.

*Article I.*

No person may engage in the work of enlisting or transporting emigrants without the authorization of the Minister of Foreign Affairs.

*Article II.*

Authorization is granted only upon condition that preliminary security is furnished, which shall serve as a guarantee for the execution of the obligations resulting from the contract of transportation, and for the payment, with commission, of the insurance premium.

*Article III.*

Emigration agencies are required to guarantee, in the interest of the emigrants, the price of transportation and provisions, all eventual losses and damages resulting from total or partial failure to execute the contract of transportation; or to deposit with the office of deposits and consignments, a sum equivalent to the amount of the guarantee.

*Article IV.*

A regulation of public administration determines—

The conditions of the preliminary authorization ;

The cases of withdrawal of the authorization granted ;

The amount and the form of the security to be furnished ;

The method of inspection and of expert examination of all that concerns emigration ;

The equipment and provisioning of the ships ;

The space reserved for the passengers, their reception on board, and their departure ;

The obligations of duly authorized agencies, as well as those of the captain during the course of the voyage ;

The model of the coupon-contract to be remitted, the blanks duly filled in, by the contractor to the emigrant ;

The conditions of the guarantee of insurance or the amount of the deposit which replaces it ;

The manner of inspection of the ships before departure, which shall take place, on Belgian ships, as prescribed in the Code of Commerce ;

The manner of delivery of the certificate stating the fulfilment of the prescriptions laid down by the laws and regulations ;

And, generally, all that concerns the policy of emigration.

*Article V.*

Any emigrant prevented from departing by reason of serious or contagious illness, properly certified, is entitled to restitution of the price paid for his passage.

The price of passage is also returned to the members of his family in direct line indefinitely, and in collateral line to the third degree inclusively, who remain with him.

*Article VI.*

If the vessel does not leave the port on the day fixed in the contract, the agency responsible is required to pay to each emigrant, for each day of delay, for his expenses on land, an indemnity the rate of which is fixed by the regulation of public administration.

If the delay exceeds ten days, and if, in the interval, the agency has not provided for the departure of the emigrant on another ship and under the conditions fixed by the contract, the emigrant has the right to renounce the contract by a simple declaration made before the maritime commissioner, and to obtain restitution of the price paid for the passage, without prejudice to the damages and interests which may be allowed him.

If, at any time, delay is produced by causes beyond the control of the shippers, verified as such by the maritime commissioner, the emigrant cannot claim indemnity for the enforced sojourn on land, restitution of the passage money, or damages and interests, provided that he is lodged and fed at the expense of the agency.

Any stipulation contrary to the provisions of the preceding article and of the present article is null and void.



*Article VII.*

The forwarder is responsible for the transportation of the emigrant to the place of destination fixed in the contract.

Transportation must be direct, unless stipulated to the contrary.

In case the vessel is forced to put into a port other than her destination, or does so voluntarily, the emigrants, notwithstanding any agreement to the contrary, are lodged and fed on board, at the expense of the ship during the full duration of the delay, or are indemnified for their expenses on land.

In case of shipwreck or any other accident at sea, which may prevent the ship from continuing on its route, the forwarding agency, notwithstanding all agreement to the contrary, is required to effect, without delay and without expense to the emigrant, the transportation of the latter to the place of destination fixed in the contract.

*Article VIII.*

The agency is required to deliver to each emigrant whose transportation it undertakes, a coupon-contract, the form of which is determined by the regulation of public administration.

*Article IX.*

In cases where the emigration agencies may have failed to fulfil the obligations which they have contracted towards the emigrants, the Minister for Foreign Affairs, or the authority delegated by him, shall proceed

to the settlement and liquidation of the indemnities, barring recourse, in event of contention, to the tribunals.

*Article X.*

Any infraction of the provisions of Articles I. and III. of this law is punishable by a fine of 500 to 5000 francs.

Any infraction of the provisions of the regulation of public administration passed in execution of this law is punishable by a fine of 26 to 500 francs.

In case of a second offence, the fine may be made double the maximum.

If extenuating circumstances exist, the fine may be reduced to less than 26 francs, but it should not be made less than a police penalty.

*Article XI.*

Infractions are adjudicated :—

In Belgium, by the Maritime Commissioners and by all officers of the police judiciary ;

On board Belgian ships in foreign ports, by the Belgian consuls, assisted by such professional men as they may deem necessary.

Verbal processes are regarded as *bonâ fide* until proved to the contrary.

*(Translated from the French.)*

REGULATION OF APRIL 29, 1890,  
IN EXECUTION OF THE LAW OF DECEMBER 14, 1876.

*Article I.*

There is instituted at Antwerp, to regulate the transportation of emigrants—

- (1) A commission of inspection ;
- (2) A commission of experts ;
- (3) A commissariat of the Government ;
- (4) A medical service.

*Article II.*

The commission of inspection of emigrants is composed of nine members, namely :

The governor of the province, who shall be the president ;

A high official from the Ministry of Foreign Affairs, who shall preside in case of the absence of the governor ;

A member of the communal council ;

Two practical business men, of whom one is a ship-owner or an ex-shipowner ;

The chief inspector of State railways, stationed at Antwerp ;

Two responsible citizens chosen by the Government ;

An official of the provincial administration, acting as secretary.

Substitutes are named, to replace, in case of illness or absence, the higher official from the Ministry of Foreign Affairs, the member of the communal council, the two business members, and the member acting as secretary.

The members of this commission are nominated by the Minister of Foreign Affairs, subject to the approval of the King.

*Article III.*

The commission of inspection

- (1) Inspects and controls, in all that concerns

emigration, the operations of the commission of experts and of the maritime commission ;

(2) Smooths the difficulties and settles the contentions arising from the transportation of emigrants.

*Article IV.*

The commission of experts is composed of seven members, namely :

The official charged with the supervision of steam engines and boilers ;

The doctor of medicine, surgery, and obstetrics charged with the emigration medical service, or his assistant ;

A subordinate maritime commissioner ;

Two captains of the high seas ;

An expert shipbuilder ;

An engineer.

Substitute members are also nominated.

The members of the commission of experts and their substitutes are, with the exception of the official charged with the supervision of engines, and of the physician, selected annually by the Minister of Foreign Affairs from a list of two candidates for each place submitted by the commission of inspection.

*Article V.*

The experts must visit the ship before its equipment, as well as at the time and in the manner prescribed in Article XXV.

The duties of the commission of experts are divided among the members according to their special qualifications.

These duties consist—

(1) In ascertaining that the proper quality and quantity of provisions have been taken on board ship and stored in a suitable place, designated in advance by the captain and agreed to by the commission.

Examination for this purpose is obligatory. The captain or his first officer must assist and give a list of the provisions taken on board.

If the provisions are found defective, the commission shall demand their replacement.

The full list of provisions for emigrants on steamers calling at Antwerp, as well as on boats sailing from that port, is given to the commission of experts, which shall use all means deemed proper to ascertain that the requirements of this list are fully met.

(2) In visiting the berths and determining whether they have been constructed according to this regulation.

The commission requires the transportation agents to remit in duplicate a certified list of these berths, and information as to the age, sex, number, etc., of the persons who shall occupy them.

A copy of this list is sent to the captain of the vessel, and to the maritime commission.

The responsibility of the commission of experts as a whole ceases the moment the ship leaves the dock or quits the quay, except in the unusual case of her being stationed in the roadstead.

#### *Article VI.*

The chief of the maritime commission

(1) Receives notice of the commissioning of all ships offered for the transportation of emigrants, and immediately informs the commissioner of the Government of the same ;

(2) Sends out all calls for meetings, notices, or orders to the members of the commission of experts, which in turn notifies the members of the commission of inspection and the Government's commissioner. He also transmits without delay copies of the reports of the commission of experts ;

(3) Receives the written declaration of the captain, stating the day and hour when the commission of experts may visit the ship, and giving the names of the freighter and ship-broker, the destination of the vessel, and the date of intended departure ;

(4) Receives the declarations of the emigration agents, the lists of emigrants, the papers and documents necessary to establish the identity of the passengers ;

(5) Receives the oral or written reports of the commission of experts concerning its visit and inspection of the vessel and loading of the provisions ;

(6) Gives the permit to depart.

This permit can only be delivered upon sight of a certificate from the commission of experts, stating that all the requisite formalities have been faithfully observed.

The maritime commissioner supervises the fulfilment of the prescriptions of this regulation. In case of disagreement between the commission, the captain, and the emigration agents, he endeavours to settle the contention, and, in case of failure, informs the commission of inspection.

For each shipment of emigrants he prepares a statement based on the reports of the experts and the physician, which statement is signed by all the members of the commission of experts.

He furnishes the commissioner of the Government,

upon the latter's request, all information concerning the service of transports for emigrants, or any other data relating to emigration.

*Article VII.*

The Government's commissioner for emigration is appointed by the King, upon the recommendation of the Minister of Foreign Affairs, and is subject to orders from the governor of the province.

*Article VIII.*

The Government's commissioner must supervise the execution of the measures prescribed by this regulation.

He is charged to seek means to ameliorate the condition of the emigrants, taking into account the exigencies of commerce and of emigration.

He may be present at the reception of emigrants in all railway stations of the country and on board ship, in order to supervise the operations of emigration agents and their representatives, and ascertain whether or not they are faithfully executing the pledges in their contracts.

He assists as often as possible at the examinations and inspections of the ships, at the embarkation of the emigrants and their baggage, and at the loading of provisions.

He must aid and protect the emigrants, and, when necessary, instruct them as to their rights under the emigration contract as well as the rights guaranteed them by the Belgian law. Emigration agents must, upon his request, submit all contracts and all documents relating thereto for his inspection.

Finally, he may be sent by the Minister of Foreign Affairs to foreign lands on any mission the Government may judge proper in the interest of the transportation of emigrants.

*Article IX.*

An assistant commissioner of emigration is appointed by the Minister of Foreign Affairs, subject to approval of the King.

This official is invested with the same powers as the Government's commissioner, who shares with him the duties of his office under supervision of the governor of the province.

The Government reserves the right to send with any shipment of emigrants a special representative, who shall receive free first-class passage from the transportation company carrying said emigrants.

*Article X.*

The *personnel* of the medical service for the emigrants comprises a principal and an assistant physician, appointed by the King upon the recommendation of the Minister of Foreign Affairs.

*Article XI.*

The physician or his assistant prescribes the medicines, instruments, and disinfectants necessary for the voyage, and ascertains whether or not they have been provided as prescribed.

He requires that the medicine chest contain instructions regarding the use of each drug.

If there is a pharmacy on board, he inspects it.



In the presence of the ship's doctor, he makes careful inspection of the steerage passengers. This inspection should be surrounded with every precaution, and made with all due regard for the personal dignity of the emigrant.

The Government reserves the right to require that this inspection should be made for the regular lines, and as often as possible for the irregular lines, in a local enclosure, suitably lighted and heated in winter.

The physician forbids the embarkation of any emigrant seriously ill, or showing symptoms of a contagious disease.

Finally, he examines the certificates of the person or persons engaged as doctors for the emigrants during the voyage.

#### *Article XII.*

Any emigrant who finds himself in the position described in Article V. of the law governing the transportation of emigrants, and Article XI. of this regulation, retains, after recovery, for himself, his consort, and the members of his family in direct line and in collateral line to the third degree, as well as for the children and young girls confided to his care and inscribed in the same contract, the right to be forwarded to his destination, at the price and under the conditions of the contract.

Expenses during the interval are charged to the emigrant.

#### *Article XIII.*

Authorization to undertake the transportation of emigrants is granted by the Minister of Foreign Affairs, who decides upon the granting of such authorization

after having received the report of the commission of inspection. The authorization can be withdrawn temporarily or permanently in case of grave abuse, and upon the advice of said commission.

*Article XIV.*

Any person or persons wishing to engage in the transportation of emigrants must furnish security to the amount of 20,000 francs.

This security shall be deposited in Belgian public bonds or in cash.

Cash security carries interest at 2½ per cent.

Restitution of the security takes place only at the end of six months after receipt of the declaration of the agent or agency renouncing the authorization, or after the withdrawal of the authorization or the decease of the party authorized.

*Article XV.*

The provisions contained in the two preceding articles apply also to parties opening emigration agencies for a foreign firm or a foreign port of debarkation.

*Article XVI.*

Any person who guides or solicits in any manner whatsoever emigrants during their transit across the country or during their sojourn at the port of embarkation, must be invested with the regular powers of an authorized agency and be admitted by the local authority.

The agency, through the instructions given its representative, becomes responsible for his acts. The

powers conferred upon him are valid for one year only, and must be vised by the commissioner of the Government within fifteen days from the date of his appointment.

*Article XVII.*

Any captain who proposes to transport emigrants must make declaration to that effect to the maritime commissioner at the port of Antwerp, and to the Government's commissioner of emigration.

After consulting the governor of the province, the commissioner of emigration determines whether or not the ship should be subjected to the formalities imposed by this regulation, which must always be enforced when the number of emigrants amounts to twenty-five.

When a ship carries less than twenty-five emigrants, the emigrants may call upon the Government's commissioner to determine the quality and quantity of the provisions, and to ensure the execution of the conditions of the contract of transportation.

*Article XVIII.*

The indemnity provided for by Article VI. of the law for the lodging and food of the emigrant, in default of the departure of the vessel on the day set, is fixed at two francs a day for an adult, and one franc a day for a child between the ages of one and twelve years.

In case of delay from causes beyond the control of the shipper, as provided in sec. 3 of the same article, the emigration agent is required to lodge and maintain, in establishment placed directly under the special supervision of the communal authorities, every passenger toward whom he has contracted obligations.

*Article XXI.*

The emigration agent is required to forward the emigrants with their effects to the place of destination, and to provide them that far with food and lodging. This obligation holds even though the ship is prevented from sailing on the date set or from continuing its voyage, for any reason whatsoever, cases of war and blockade excepted.

*Article XX.*

In the interest of the emigrants, the emigration agent insures a sum equivalent to the price of the transportation of the passengers and the provisions for the voyage. This sum shall be increased to cover all eventual losses and damages resulting from total or partial failure to carry out the pledges of the contract of transportation, at the rate of 50 per cent. on the price of the passage per adult passenger for trans-Atlantic voyages.

The receipt of the insurance broker must be deposited with the maritime commissariat before the departure of vessel.

A copy of the insurance policy is sent to the commission of inspection by the maritime commissioner.

*Article XXI.*

In case of failure on the part of the emigration agent to take out this insurance in time, he may pay into the bureau of deposits and consignments the sum fixed by the preceding article, and thus absolve himself before the maritime commissioner before the departure

of the vessel. Restitution of the sum deposited is made only upon production, before the commission of inspection, of an insurance policy or of a certified notice proving that the ship has arrived at its destination. The provisions relative to the security of the agent are applicable to said deposit.

*Article XXII.*

If, during the course of the voyage, the sum insured or deposited is encroached upon, the emigration agent is held to insure or to deposit without delay the equivalent of the deficit, and submit proof of his action to the commission of inspection.

*Article XXIII.*

The emigration agent must deliver to each emigrant a contract-coupon, duly signed, indicating :

The name, Christian name, age, profession, nationality, and last domicile of the emigrant ;

The place of destination ;

If transportation is to be effected with change in the method of travel, the name and domicile of the contractors or agents charged with procuring for the emigrant transportation for the final stages of his journey ;

The amount of money paid for passage by the emigrant, wherein is included the expense of maintenance on board ;

The sums paid in addition to passage money ;

The name of the ship and the place where it is anchored ;

The name of the captain ;

The date of departure and the hour when the emigrant must embark ;

The space which the emigrant is allowed for baggage ;

Tables of food supplied each day and for the week ;

The price of bedding and of utensils, if these are furnished by the agent ;

And, in general, all other particulars endorsed in the model prescribed by this regulation.

This contract-coupon shall be in German, English, French, Italian, or Dutch, at the choice of the emigrant.

The contract-coupons shall be extracted from a stub-book, and shall be numbered in order. The stubs shall reproduce exactly the numbers, names, and sums written on the coupons delivered to the emigrants.

The emigration agent must, whenever so requested, submit to the Government's commissioner of emigration, to the maritime commissioner, and to any member of the commission of inspection, his stub-book, as well as any provisionary contract in virtue of which, or as complement to which, he shall have delivered a contract-coupon.

#### *Article XXIV.*

All stipulations inserted in the contract, which may be contrary to the aforesaid law or to this regulation, are null and void.

#### *Article XXV.*

The maritime commissioner calls in the experts of the commission, who are charged to examine the navigability of the ship, the state of its inventory, and

the condition of its machines and engines. They decide whether it is suitable for the transportation of emigrants, examine its equipment, and ascertain whether it is provided with emergency stores, small boats, and rafts, anchors, chains, cables, small cables and hawsers necessary; they order all repairs which they judge desirable, require the replacement of objects judged defective, and the completion of unfinished work. They measure the surface area of the steerage, and determine the number of passengers that may be embarked, allowing the maximum cubic space required by the regulations in force in the country of destination as well as in Belgium.

*Articles XXVI. to XLVII. inclusive,*

prescribe in minute detail the requirements of a ship to be used in emigrant traffic. The food, water, and accommodations to be furnished passengers are stated, also the care which is to be taken of the emigrants, their luggage, and their accommodations during the voyage. A ship is not allowed to clear a Belgian port until the laws, rules, and regulations are fully complied with.

*Article XLVIII.*

All functionaries, employees, or agents of the State, province, or commune are forbidden to take direct or indirect interest in the operations of transportation and provisioning of emigrants; the same prohibition extends to the members of the commission of experts, and to those of the commission of inspection.

*Article XLIX.*

A copy of this regulation shall be transmitted by the Minister of Foreign Affairs to the diplomatic and consular representatives of Belgium in the countries of origin of the emigrants and in those of destination.

This regulation shall be posted in the chancellory in Flemish, French, and any other language designated by the Government, according to necessity.

*Article L.*

All the conditions set forth in the official model of the emigration contract are obligatory.

*Article LI.*

All previous provisions relative to the transportation of emigrants are hereby abrogated.

*Article LII.*

The Minister of Foreign Affairs is entrusted with the enforcement of this regulation.



## CHAPTER XI

### SWITZERLAND

THE population of Switzerland is 3,325,023 ; in 1880 it was 2,831,787. These figures show a most satisfactory growth in the population of a country where conditions do not change rapidly and opportunities for expansion are limited. The movement of population is satisfactorily normal, the percentage of births increasing annually and the percentage of deaths decreasing. In the year 1902 there were 38,777 more births than deaths. One-third of the total population is engaged in agriculture.

There is no perceptible immigration into Switzerland, and there is no immigration law other than the requirement that foreigners shall produce a passport before they can secure the necessary permission to take up residence in a canton. Emigration may be said to be at a minimum, the total number leaving the country in 1903 being 5817. Most of these departures were from the more densely settled districts or cities. Emigration was distributed as follows : 4238 to North America, 324 to South America, 77 to Australia, 20 to Asia, and 48 to Africa.

Switzerland occupies an important position in relation to emigration from Europe, not because of any

movement of Swiss population, but by reason of the large business transacted by Swiss emigration agencies in selling tickets to Italian and other foreign emigrants. The Italian law is more restrictive upon emigration in the matter of prices to be paid as passage money, hence the Swiss agencies are able to successfully compete with the Italian agencies in selling tickets, more especially to the United States.

The Swiss emigration law is evidently constructed to meet these conditions, and provide for strict Government supervision over emigration agencies. The two clauses in the law of greatest importance to England and the United States are those forbidding agents to forward persons whom the laws of the country of destination prohibit from being accepted as immigrants; and forbidding agents to forward persons who are not provided with papers establishing their origin and their nationality. Every Swiss citizen possesses a certificate of origin called a "Heimatschein." This certificate bears the owner's age and name, the name of his or her parents, and the name of his or her commune of origin. When the owner leaves Switzerland the certificate is legalized by the cantonal chancellor. The police regulations of Switzerland provide for an official record of each citizen from time of birth, but the information is not given to private citizens. Should the United States and England, or either one of those countries, require a certificate of character of each immigrant, the Swiss Emigration Office would instruct emigration agents to ask each emigrant to furnish a certificate of good conduct, which certificates are issued by communal authorities in rural districts, and in towns by the police, but only to citizens of good moral character.

Owing to the very large number of foreign emigrants purchasing tickets in Switzerland and passing through Switzerland *en route* to other foreign countries, the excellent laws and regulations governing Swiss emigration agencies possess much greater interest and value than they would otherwise. They are, therefore, given in full as follows :—

*(Translated from the French.)*

THE LAW OF MARCH 22, 1888,

CONCERNING THE OPERATIONS OF EMIGRATION AGENCIES.

*Article I.*

Supervision over the operations of emigration agencies, provided for in Article XXIV. par. 2 of the Federal Constitution, shall be exercised by the Federal Council with the co-operation of the cantonal authorities.

It is incumbent upon the latter in particular :

(1) To make preliminary examination as to whether the conditions of Article III. of the law regulating the granting of patents and the confirmation of sub-agents have been fulfilled by the agents or sub-agents ;

(2) To pronounce the penalties in the cases reserved to their department by Articles XVIII. and XIX. of the present law.

*Article II.*

Any person or persons desiring to engage in the business of forwarding emigrants, or of selling passage tickets, must secure from the Federal Council a patent to that effect.

If the emigration agency is in the form of a society, the by-laws, or an authenticated copy thereof, must be deposited in the hands of the Federal Council, to which all modifications of said by-laws must also be communicated. The name of the official representative of the society must also be given.

The Federal Council notifies the cantonal governments of the patents which it issues, and also of the copies of by-laws which it receives.

### *Article III.*

The patent issued by the Federal Council will not be delivered until the representatives of the emigration agencies have proved :

(1) That they possess good reputation, and are in full possession of the civil and political rights ;

(2) That they understand the business of emigration, and are in a position to forward emigrants in safety ;

(3) That they have a regular domicile in Switzerland.

The fee demanded for a patent is an annual payment of 50 francs.

The Federal Council has the right to cancel a patent when the holder no longer fulfils the conditions prescribed in this article, or is guilty of a grave infraction, or of repeated infringements upon the provisions of the present law, or takes part in an enterprise for colonization against which the Federal Council has warned the public.

The agent desiring to relinquish a patent must make declaration to that effect to the Federal Council, and return the original patent.

Emigration agents and their sub-agents must not be in the service of a maritime company, nor of a railroad in trans-Atlantic countries, nor in dependent relations with such companies.

*Article IV.*

Every emigration agency must, in exchange for its patent, deposit in the hands of the Confederation security amounting to 40,000 francs. At the time of the designation of each sub-agent, the agency must furnish additional security amounting to 3000 francs.

Persons engaged in the business of selling tickets must deposit security to the amount of 20,000 francs.

The security must consist of federal or cantonal bonds, or others equally good.

Should the value of the security suddenly decrease, for any reason whatsoever, the depositor is required to immediately make good the difference; in default of which the Federal Council has the right to withdraw the agency's patent.

The security shall be returned to the depositor only at the end of one year from the date of the annulment of the patent. If, within this period, claims are proven against the agent, deduction shall be made from the security in the amount allowed by the courts to the claimants.

A readjustment of the security furnished for sub-agents will take place each year, the amount required being based on the number of sub-agents employed.

Security so deposited is intended as a guarantee that the agents and their sub-agents will observe the requirements of this law.

*Article V.*

It is lawful for agents to be represented by sub-agents.

The latter must comply with the conditions prescribed for agents in Article III. pars. 1, 2, and 3. The nomination of sub-agents is subject to confirmation by the Federal Council; it must also be brought to the knowledge of competent authority in the canton where each one maintains his domicile.

For the confirmation of each of its sub-agents, and for all modifications in by-laws, the agents must pay a tax, the amount of which is fixed by the Federal Council.

The Federal Council has the right to withdraw its sanction from a sub-agent against whom irregularities are proven, and his immediate recall is required.

The transaction of business with emigrants can only be carried on through agents and sub-agents.

*Article VI.*

The agents or sub-agents must not be either functionaries or employees of the Confederation.

*Article VII.*

Agents are personally responsible to the authorities and to the emigrants for their own acts and those of their sub-agents, as well as those of their foreign representatives.

*Article VIII.*

The names of the agents patented and of the representatives of the societies recognized, together with

those of their sub-agents, are published in the *Feuille Federale* immediately after they have been inscribed in the official register and in the annual tables.

No one other than the persons whose names are thus published is authorized to issue in Switzerland publications of any kind relating to the forwarding of emigrants.

#### *Article IX.*

Agents and sub-agents must keep an account-book, bound and paged, for the emigration contracts which they make; also copies of all correspondence, bound and paged. The first is kept in order to furnish the Federal Council with such information as is required concerning contracts, and the relations of the agents with foreign maritime companies.

The Federal Council and the cantonal authorities have the right to examine, at any time, this account-book and the other books and papers of the agents and sub-agents.

Agents and sub-agents must furnish the police authorities all information demanded of them to assist in the capture of criminals.

#### *Article X.*

Persons, societies, or agencies which are the representatives, under any title whatsoever, of a colonization enterprise, must so inform the Federal Council, and furnish complete information regarding such enterprise.

The Federal Council is alone competent to judge in each particular case whether, and under what conditions, persons, societies, or agencies may be permitted to represent colonization enterprises.

*Article XI.*

Agents are forbidden to forward :

(1) Persons who, by reason of advanced age, sickness, or infirmity, are incapable of work, unless it can be proven that their maintenance at the place of destination is sufficiently assured ;

(2) Minors or persons under guardianship, without the written consent, duly legalized, of those exercising the authority of parent or guardian. Minors less than sixteen years of age must also be accompanied by trustworthy persons, and proof must be furnished that their maintenance at the place of destination is assured ;

(3) Persons who, after having paid for their passage, would arrive at the place of destination without resources ;

(4) Persons to whom the laws of the country of destination forbid entrance as immigrants ;

(5) Persons who are not supplied with papers establishing their origin and nationality ;

(6) Swiss citizens subject to military service, who cannot prove that they have restored their military effects to the State ;

(7) Parents who would leave in Switzerland children under age without providing for their proper care.

Before concluding contracts with emigrants, the agencies must have proof that the former have complied with the requirements of Nos. 2, 5, 6, and 7 of this article.

*Article XII.*

Emigration or colonization agencies are forbidden to conclude contracts by which they agree to deliver a



certain number of persons to a transportation company, a colonization enterprise, or a foreign Government.

*Article XIII.*

Contracts of any nature which contain provisions contrary to the prescriptions of Articles XI. and XII. are declared null and void, and render the contractors liable to penalty.

*Article XIV.*

Agencies receiving moneys on deposit must so arrange that the emigrant shall obtain, at the place of destination, the equivalent of his deposit, in cash, and at the legal rate of exchange.

*Article XV.*

In all cases, the obligation of the agent towards the emigrant comprises :

(1) The forwarding of the emigrant and his baggage to the place of destination indicated in the contract, at the price stated therein, which shall not be increased in any case or in any manner, except as provided for in Nos. 5 and 6 of this article.

No supplementary charge shall be made for transfer from the vessel to the point of debarkation ;

(2) Sufficient food and suitable lodging during the entire journey, unless the emigrant has agreed to feed and lodge himself during the land trip ;

(3) Free medical treatment in case of illness ;

(4) Suitable burial in case of death during the journey ;

(5) Insurance of baggage against all loss or damage,

according to a tariff indicated in the contract and approved by the Federal Council ;

(6) Accident insurance of the head of the family, or his representative, for the journey to the place of destination designated in the contract, for the sum of 500 francs :

The amount of premium shall be stated in the contract, and shall be based on a tariff approved by the Federal Council ;

(7) Complete maintenance during any period of delay which may occur in the course of the journey, provided such delay is not chargeable to the emigrant ; and, in case of default or insufficiency of the means of transportation indicated in the contract, prompt forwarding by other means of transportation equally as good as those mentioned in the contract.

#### *Article XVI.*

The following prescriptions must be observed in the transportation of emigrants :—

(1) For railway journeys there must be provided passenger cars which can be locked, and in which each person may be seated, according to the rules of transportation. Access to the ordinary (third-class) waiting-rooms must be accorded to the emigrants, as often as possible at stations where stops are made ;

(2) For journeys by water only the vessels of the company endorsed in the contract shall be employed. These vessels must be authorized to carry emigrants, must be provided with permanent fittings rendering possible the separation of the sexes, and must carry a physician. They must also have been submitted to the supervision of the police at the port of embarkation ;

(3) In no case shall a supplementary tax *en route*, tips, expenses of hospital, or other disbursement whatsoever, be required of the emigrant ;

(4) The price of the passage shall not be made up in whole or in part by the surrender of personal effects ;

(5) The emigrant shall not provide his own food during the ocean voyage ; such food must be furnished him in good quality and completely prepared ;

(6) Emigrants bound for transoceanic ports and unaccompanied by an agent or sub-agent must be received at the intermediate European stations and at the port of embarkation by a representative of the emigration agency. Such representative shall not leave the emigrants before the departure of their vessel ;

(7) The agents must notify the respective consuls at the ports of departure and arrival of the embarkation and debarkation of emigrants, and must provide for the reception of the latter by a representative of the agency.

If the agency does not comply with the prescriptions contained in Articles XV. and XVI., the emigrant may cancel the contract and sue for damages.

### *Article XVII.*

Emigration contracts must be made in writing and in duplicate, one copy for the emigrant and the other for the agent.

The contract must contain :

(1) The name and Christian names, year of birth, origin, and domicile of the emigrant, as well as the route to be travelled and the name of the place of destination to which the agent agrees to forward him ;

(2) Exact information as to the time of departure, as

well as, in case of transportation by sea, the date and port of departure of the vessel ;

(3) Information as to the place and space on board ship to which the emigrant will be entitled for himself, his family, and his baggage ;

(4) Exact statement (in letters and figures) of the price of transportation of person and baggage, the price of insurance of same, and, when pertinent, the price of the ticket to the interior of the transoceanic country ;

(5) Reproduction of the text of Articles XV., XVI., XXI., XXII., and XXIII. of this law ;

(6) Proviso to the effect that if the emigrant, through illness or other hindrance for which he is not responsible, is unable to undertake or to continue the journey, he shall be reimbursed the amount paid for transportation of himself and those of his family who are detained with him, after deduction of the expenses incurred by the agent in the arrangement or the partial execution of the contract.

The copy of the emigration contract held by the emigrant must never, under any pretext, be demanded of him.

The Federal Council prescribes the formula for emigration contracts.

#### *Article XVIII.*

Agents who violate this law, through their own act or that of their sub-agents or representatives in Switzerland or in foreign countries, render themselves liable to a penalty of from 20 to 1000 francs, pronounced by the Federal Council, without prejudice to actions for damages which may be brought against them. In cases of grave offence, the patent is withdrawn, and the agents,

sub-agents, or representatives found guilty are liable to imprisonment, as provided for in Article XIX., sentence to be pronounced by the cantonal tribunals.

*Article XIX.*

Such persons and their accomplices as undertake, without patent or authorization, to carry on the operations of emigration, sell tickets, participate in a colonization enterprise, or issue publications forbidden by the Federal Council (Article XXIV., No. 1) shall be denounced before the cantonal tribunals, and punished by a fine of from 50 to 1000 francs; and, in cases of grave offence, by imprisonment not to exceed six months, without prejudice to actions for damages.

*Article XX.*

Any person professing to sell tickets to emigrants is subject to all the provisions of this law which may concern him.

*Article XXI.*

Civil actions arising from the non-execution of the provisions of this law shall be introduced before the competent tribunals of the canton in which the emigration contract has been concluded, within one year from the date on which the plaintiff became cognizant of the injury done him, under pain of proscription.

The judge shall inform the Federal Council of the opening of such actions, as soon as taken (Article IV. par. 5).

The competent cantonal authorities shall notify the Federal Council of the judgments pronounced in virtue of Articles XVIII., XIX., and XXI. of the law.

*Article XXII.*

Swiss consuls at seaports are instructed to examine without charge all claims made by Swiss emigrants based on the non-fulfilment of their contracts, such claims to be presented within ninety-six hours after the emigrant's arrival. Upon demand of the interested parties deposition shall be taken and a copy of the same sent to the Federal Council.

The Federal Council shall take the necessary steps, within the limits of the power conferred upon it, to provide adequate assistance and counsel for Swiss emigrants at ports of embarkation and debarkation.

*Article XXIII.*

A deposition drawn up in a foreign country by a Swiss consul, a commissioner of emigration, or any other duly authorized person, according to the law of that country, shall be regarded as *bonâ fide*, unless proof to the contrary is produced.

*Article XXIV.*

The Federal Council imposes the rules necessary for the execution of this law.

It has the right to forbid :

(1) Announcements in newspapers or any other publications, of a nature to mislead persons wishing to emigrate ;

(2) Employment of means of transportation which do not meet the requirements of this law, or which give rise to well-founded complaints.

*Article XXV.*

The Federal Council shall designate the department through which its supervision of emigration agencies and enforcement of this law shall be exercised. For this purpose a special bureau shall be attached to that department, and instructed to put itself in communication with the proper authorities in foreign countries, and to prepare to furnish information and counsel to persons wishing to emigrate.

The Federal Council is also empowered, within the limits of the budget, to authorize special missions having in view the protection of emigrants and colonists.

*Article XXVI.*

The Federal Law of December 24, 1880, concerning the operations of emigration agencies, together with all the provisions of the cantonal laws and ordinances contrary to the present law, are abrogated from the moment of its enforcement.

No canton shall hereafter demand of any emigration agent or sub-agent, or of any emigrant, deposit or tax of any amount whatsoever, beyond the ordinary duties and fees.

*Article XXVII.*

In conformity to the provisions of the Federal law of June 17, 1874, concerning the popular vote on Federal laws and decrees, the Federal Council is required to publish the present law, and to fix the date of its enforcement.

DECREE OF THE FEDERAL COUNCIL.

The above Federal law, published April 7, 1888, shall be enforced on and after July 10, 1888.

Berne, July 10, 1888.

In the name of the Swiss Federal Council.

For the President of the Confederation :

SCHENK.

The Chancellor of the Confederation :

RINGIER.

*(Translated from the French.)*

REGULATION OF JULY 10, 1888.

PROVIDING FOR THE ENFORCEMENT OF THE FEDERAL LAW OF MARCH 22, 1888, CONCERNING THE OPERATIONS OF EMIGRATION AGENCIES.

*Article I.*

The Federal Council shall supervise emigration agencies and enforce the Federal law concerning the operations of such agencies through the Federal Department of Foreign Affairs.

*Article II.*

In conformity to Article I. par. 1 of the law, the canton shall inform the Federal Council to what authorities supervision of the agents and sub-agents established in their territory has been entrusted.

PATENTS.

*Article III.*

Patents issued under the Federal law of December 24, 1880, concerning the operations of emigration agencies, shall be valid until August 31, 1888.



*Article IV.*

Any person or persons desiring to undertake the business of forwarding emigrants, or of selling tickets, must obtain a patent from the Department of Foreign Affairs.

By tickets is meant contracts providing for the voyage by sea from a European port of embarkation to a foreign port of debarkation.

*Article V.*

Societies wishing to engage in the business of an emigration agency or the sale of tickets, must submit, with their request for patent, their by-laws, or an authenticated copy thereof, giving the name of their representative.

*Article VI.*

Any person applying for a patent must prove :

(a) That he possesses a good reputation, and full civil and political rights ;

(b) That he understands the operations of emigration, and is able to forward emigrants in complete security ;

(c) That he has a regular domicile in Switzerland.

The Department of Foreign Affairs can, in place of the proof required under *b*, subject the applicant to an examination.

Any applicant for a patent must be in position to declare that he is not in the service of a maritime company, nor of a railroad in a trans-Atlantic country, nor in dependent relations with such company.

The patent of emigration agent is issued to

foreigners only on condition that the laws of the country of which they are citizens do not prohibit their engaging in the operations of emigration.

*Article VII.*

Individuals or societies who have up to the present time been engaged in selling tickets may continue their operations without patent until August 31, 1888. At all times, however, even before the expiration of that period, they are subject to the provisions of the Federal law of March 22, 1888, concerning the operations of emigration agencies, which do not relate to the issuance of patents.

From September 1, 1888, no person or society, unprovided with a patent, shall engage in the business of forwarding emigrants or of selling tickets.

If, through the fault of the applicant, the request for patent has not been granted by September 1, 1888, he is forbidden to engage in the operations of emigration until he shall have received such patent.

*Article VIII.*

The Department of Foreign Affairs notifies the cantonal authorities of the applications for patents which it receives.

The competent cantonal authorities shall ascertain whether or not the conditions necessary to the granting of a patent have been fully complied with. Examination of the applicant is allowable.

*Article IX.*

The fee for a patent is 50 francs a year.

This fee is reduced proportionately if the patent is not issued the first month of the year. First payment is made upon receipt of the patent, and each subsequent annual payment during the month of January.

*Article X.*

The patent confers the right to engage in the operations of emigration within the territory of the Confederation; agents are required to notify the Department of Foreign Affairs of the domicile chosen by them, and of all changes in such domicile.

*Article XI.*

Agents and sub-agents are forbidden to canvass the rural districts, or otherwise endeavour to increase emigration.

*Article XII.*

Persons or societies provided with a patent for the sale of tickets may not engage in any other branch of emigration business.

*Article XIII.*

The Federal Council may withdraw patents :

(a) When the holder of the patent no longer fulfils the conditions prescribed in Article V. ;

(b) When he is guilty of grave or repeated infractions of the law ;

(c) When he takes part in a colonization enterprise against which the Federal Council has warned the people ;

(d) When he fails to furnish the security required by the law within the time fixed by Article XXVIII.

*Article XIV.*

Any agent desirous of relinquishing his patent, must make declaration to that effect to the Federal Council and return the patent to it.

SUB-AGENTS.

*Article XV.*

Agents may be lawfully represented by sub-agents whose employment has been approved by the Federal Council.

*Article XVI.*

Agencies must furnish the Department of Foreign Affairs exact data relative to the name, occupation, and domicile of sub-agents.

Sub-agents may not engage in the operations of emigration until their employment has been approved by the Federal Council.

*Article XVII.*

The employment of sub-agents is approved :

(a) When proof is furnished that they have complied

with the conditions imposed upon agents (Article VI.) ;

(b) When the information required by the cantonal authorities (Article I of the law) is satisfactory.

*Article XVIII.*

Officers and employees of the Confederation are forbidden to engage in any branch of emigration business whatsoever.

*Article XIX.*

The Federal Council takes up the matter of approval of sub-agents twice a year. In the interval the Department of Foreign Affairs may approve the employment of sub-agents, subject, however, to the final decision of the Federal Council. In the latter case, the customary fee must be paid at the time of the provisional approval.

*Article XX.*

Agents are forbidden to employ in the transaction of business with emigrants sub-agents whose appointment has not already been confirmed by the Federal Council.

The employment of sub-agents from another agency, or of secret agents, is also forbidden.

*Article XXI.*

Sub-agents shall not, without authorization from the Department of Foreign Affairs, engage in the operations of emigration in any locality other than

that in which the request for approval of their appointment indicates they are domiciled.

*Article XXII.*

The Federal Council may cancel its approval of a sub-agent's appointment:

(a) When he no longer complies with the legal conditions (Article VI.);

(b) When he gives cause for just complaint;

(c) When he carries on the operations of emigration for his personal profit;

(d) When he attempts to increase emigration by canvassing the rural districts.

Whenever the Federal Council withdraws its authorization for the employment of a sub-agent, he must be immediately dismissed.

The Department of Foreign Affairs decides whether an ex-sub-agent may be re-employed, also whether a sub-agent may pass from one agency to another.

*Article XXIII.*

Agents must pay the following fees for official approval or authorization, covering the employment of their sub-agents, and for modifications or changes in the *personnel* of the latter:—

(a) For the authorization of employment of a sub-agent, of re-employment of an ex-sub-agent, or of transfer of a sub-agent from one district to another, 30 francs;

(b) For the publication of change of domicile, or of dismissal of a sub-agent, 5 francs.

When a sub-agent dies no fee is demanded for the publication of his death.

These fees, and those prescribed in Article IX., must be paid even though, for any reason whatsoever, a sub-agent is not employed, after his appointment has been officially approved, or a holder of a patent relinquishes the same before opening up emigration operations.

#### SECURITIES.

##### *Article XXIV.*

Any person or society obtaining a patent for an emigration agency shall furnish security in the amount of 40,000 francs.

Any person or society securing patent solely for the sale of tickets (Article IV.) shall furnish security in the amount of 20,000 francs.

Agencies must, in addition, furnish security in the amount of 3000 francs for each sub-agent whose employment is officially approved.

##### *Article XXV.*

Securities shall consist of Federal or cantonal bonds, or others of equal value.

##### *Article XXVI.*

A list of the bonds or other property which the agent or society proposes to deposit as security shall be furnished the Department of Foreign Affairs, which department, with the advice and assistance of the Federal Department of Finance, shall pass upon their value and acceptability.

*Article XXVII.*

Securities are deposited in the Federal State Treasury, and charged to the Department of Foreign Affairs.

The security must be convertible according to the provisions of the contract of deposit, as regulated by the Swiss Code of Obligations.

*Article XXVIII.*

A period of fourteen days, from the date of issuance of the patent or the authorization for the employment of a sub-agent, is allowed the agent in which to deposit the security.

The Department of Foreign Affairs may, in exceptional cases, extend this period to a month.

*Article XXIX.*

This security serves as guarantee for the payment of claims for damages or penalties arising from the agency's infraction of the law.

Should the security suddenly decrease in value, for any reason whatsoever, the depositor is required to immediately furnish the equivalent.

*Article XXX.*

The expenses resulting from the safeguarding of the deposit, the remittance of coupons, forwarding of documents, etc., are charged to the depositor.

At the end of each year, coupons coming due the



year following on bonds deposited as securities shall be placed at the disposal of the depositors.

The plan to be followed in case of drafts, conversions, expiration of loans and payments of interest due on securities is left to the option of the person furnishing the security.

In cases of this nature the return of all or a part of the security takes place only after the agent has deposited an equivalent.

#### *Article XXXI.*

Neither security nor fee is demanded for those employed exclusively in the principal office of the agency as correspondents, cashiers, book-keepers, commissionaires.

At the same time, these employes, unless they are also sub-agents with security deposited for them, have no right to sign emigration contracts. Such an act will be considered a violation of Article V. of the law, and will be punished as such.

#### *Article XXXII.*

The deposited security, amounting to 40,000 or 20,000 francs, as the case may be, cannot be returned until the expiration of one year from the date of the cancellation of the patent. If, within that time, claims arise against the agency, the security shall be levied up to the amount of the claims until discharged.

The Department of Foreign Affairs shall cause to be published, in the Swiss Federal newspaper and the Swiss official journal of commerce, notice as to the period in which claims against the security may be brought.

*Article XXXIII.*

Reimbursement of the security given for a sub-agent takes place one year after his dismissal.

## GENERAL AND FINAL PROVISIONS.

*Article XXXIV.*

The Department of Foreign Affairs, and the cantonal officials charged with supervision of emigration, shall keep an exact and continuous daily register, into which shall be written the names of agencies patented, representatives of societies recognized, of persons authorized to sell tickets, and of their sub-agents. These names shall be published through the Federal newspaper immediately after the issuing of the patent or the approval of appointments.

A list of the persons authorized to forward emigrants shall be published in the annual report.

*Article XXXV.*

The cantonal authorities must distribute copies of these notices or publications in sufficient number among the police to enable the latter to see :

(a) That persons not on the list of agents do not advertise the business of forwarding emigrants ;

(b) That there does not appear in the public press or in other forms of publication any announcement of a nature calculated to mislead people desiring to emigrate. In case the author of such illegal advertisement cannot be found, the proprietor of the newspaper, or, if necessary, the printer, may be held responsible for violation of the law.

*Article XXXVI.*

Agents are personally responsible to the authorities and to the emigrants, not only for their own conduct, but that of their sub-agents and representatives in foreign countries.

*Article XXXVII.*

Agents and sub-agents must keep, according to a form provided by the Department of Foreign Affairs, a register bound and paged, containing all emigration contracts made by them. Copies of letters to their correspondents must also be bound and paged.

*Article XXXVIII.*

The Department of Foreign Affairs shall, from time to time, inspect these registers, as well as the other books and papers of the agents and sub-agents.

Agents and sub-agents shall place no obstacle in the way of the officials of the Federal Bureau of Emigration or the cantonal authorities making such inspection.

*Article XXXIX.*

Agents must send to the Department of Foreign Affairs :

(1) A list of the persons forwarded by them ; blanks for this list are furnished free of charge to agents, and should be filled out and sent in each month ;

(2) A table of the rates on all routes over which they forward emigrants, stating specifically rates for the

journey to the port of debarkation, and rates for transportation into the interior of trans-oceanic countries;

(3) The names of their representatives and of their attorneys at the ports of embarkation and debarkation ;

(4) The tariffs at which, according to Article XV., Nos. 5 and 6 of the law, the baggage of the emigrant, the head of the family, or his representative, may be insured ;

(5) A list of the sums which are remitted to the agent, and which, as provided by Article XIV. of the law, must be returned to the emigrant at the place of destination.

This list must include :

(a) The sum deposited in Swiss money ;

(b) The equivalent of such sum in the money of the country of destination ;

(c) The emigrant's name in full ;

(d) The full name and address of the person or of the office at the place of destination responsible for payment of the sum deposited.

The Federal Council may forbid agents to sell tickets providing for transportation into the interior of a country.

#### *Article XL.*

Agents must give ample notice to consulates at the ports of embarkation and debarkation of the arrival of emigrants, and must provide that the latter shall be received at such ports by a representative of the agency.

*Article XLI.*

The Department of Foreign Affairs is entrusted with the enforcement of the present regulation.

Berne, July 10, 1888.

In the name of the Swiss Federal Council.

For the President of the Confederation :

SCHENCK.

The Chancellor of the Confederation :

RINGIER.

## SUBSEQUENT AMENDMENTS.

Under date of February 12, 1889, a circular was issued by the Swiss Government, calling attention to the need of still further restricting efforts to induce emigration through colonization enterprises, and holding the agents to stricter account for promoting the same. Efforts to create Swiss colonies in foreign countries were deprecated, and the Swiss people were urged not to join any enterprise which proposed to advance to an emigrant a whole or a part of the expense of the journey.

To further emphasize the attitude of the Government in these matters, the following additions were made to the regulations concerning emigration :—

*Article XLII.*

No one shall be allowed to engage in a colonization enterprise having for its object emigration, without furnishing the Swiss Government with complete information as to such enterprise.

It is forbidden to advertise or to give information

concerning any colonization project not authorized by the Federal Council.

*Article XLIII.*

Without authorization from the Federal Council no contract can be concluded with persons to whom the expenses of emigration in whole or in part are to be advanced or paid.

*Article XLIV.*

It is forbidden to advertise in the public press or otherwise to the effect that an advance on the expense of the journey will be made to any emigrant.

## CHAPTER XII

### GERMANY

THE area of the German Empire is 208,830 square miles, and contains a population of 56,367,158, this being an average of about 270 persons to the square mile. Over 20,000,000 of the people are engaged in mining, metal works, and other industries ; over 18,000,000 are engaged in agriculture ; and about 6,000,000 in commerce and trade.

There is no restraint upon immigration into Germany other than the police surveillance which is extended to every alien or new arrival who takes up a lengthy residence in the empire. There is no restriction upon emigration other than that incident to the military service required of every German citizen. The German Government does not permit males to emigrate while they may be subject to military duty (between the seventeenth and forty-fifth years of their age), unless they have a furlough, have completed their military service, or can produce proof of unfitness therefor. All emigrants subject to military duty are required to take out passports, in which, if the holder is still under military obligations, is stated the time within which he is obliged, under penalty and punishment, to return. Minors are not allowed to emigrate without the consent of their parents or guardians.

The German Government has not made serious effort

to hinder or change the current of emigration, though public sentiment, as expressed through the press, is decidedly hostile towards any movement of the native population to distant countries other than the German Colonies or Brazil. During the past thirty-two years, about 2,600,000 emigrants of German nationality have left the home country to effect permanent settlement abroad. Over 90 per cent. of these have gone to the United States. In 1880 a very large movement of Germans to America began, and continued with annual decreases until 1892. The exodus during the eighties was due to the very great advantages offered in the western part of the United States to agricultural settlers. The movement in 1891 and 1892 was due to severe industrial depression at home. Since 1892 emigration from Germany has shown a marked decrease. In that year about 117,000 left their homes to find permanent locations elsewhere, and in 1902 the total was only about 32,000. The efforts made to stimulate emigration to Brazil and the German Colonies in Africa and Asia have met with little success.

The American statistics of immigration for 1904 show some increase of German immigrants over the preceding year. This may be partially a genuine increase, but, as the American figures are based upon racial origin, they are somewhat confusing in the classification of Europeans. Many Austrians, speaking German, but resident a considerable distance from the German border, classify themselves as Germans when interrogated as to their nationality. It is more than probable that a considerable proportion of the increase of German movement towards the United States, noted this year, is due to inaccuracy as to place of actual residence.



The movement of German citizens from the motherland to foreign countries is now an inconsiderable portion of the emigration business transacted from and across German territory. Russians, Poles, Austrians, Hungarians, and many others have for years used the German ports of Hamburg and Bremen as their place of embarkation for the ocean voyage to other countries. A considerable number of these people also cross the German Empire to take passage from the ports of Antwerp or Rotterdam. This trans-German business amounts in a single year to the handling of from 225,000 to 250,000 persons. Of non-Germans who emigrated from the German ports in 1902, 68,000 were from Hungary, 68,000 from Austria, and 56,000 from Russia. About 88 per cent. of these went to the United States, England receiving by far the greater number of the others.

All trans-German emigration is subjected to an examination before being admitted upon German soil. The large German steamship lines have an arrangement with the Prussian railway authorities, under which the latter refuse transportation to emigrants from Austria and Russia who fail to meet certain requirements. As the bulk of the emigration is to the United States, this care is exercised to prevent prohibited classes of emigrants from undertaking the long journey across Germany only to be rejected for passage at the ports of embarkation. The German police authorities hold the transportation companies responsible for the presence of undesirable aliens, and they are not allowed to remain in German sea-port cities, as is the case in England. If rejected for transportation at Hamburg or Bremen, alien emigrants are supposed to be returned to the countries of their origin. This is probably done in most cases.

It is undoubtedly true, however, that many of them are smuggled from Bremen and Hamburg to Rotterdam, and from there are taken either to the United States or to England, generally the latter country. There are also some direct passages arranged for from Bremen and Hamburg to English ports. The German steamship lines make every effort to secure the arrival of their through passenger in the United States. If such passenger, on arrival at Hamburg or Bremen, is adjudged unlikely of admission to the United States by reason of suffering from some disease or disqualification which might possibly be removed within reasonable time, he is taken care of at hospitals and other institutions in the effort to make him acceptable. Cases are on record where emigrants have been thus detained without expense to themselves for three, four, or even six months, the companies preferring to do this rather than return the entire passage money, in which there is a large element of profit.

Before entering German territory, every Russian emigrant undergoes a physical examination, is compelled to take a bath, and has his baggage disinfected. He is also supposed to have a Russian passport, a ticket through to an American port, and a certain sum of money. The places where these preliminaries occur are Memel, Tilsit, Eydtkuhnen, Illowo, Posen, Ottlotschin, Insterburg, and Prostkau. The Austrian emigrants must also have a steamer ticket and a sum of money, and under the present arrangement a passport is not required. The proposed Austrian emigration law will impose the necessity of a passport if the measure now under consideration is finally enacted. The Austrian emigrant must also present a certificate from the medical examining agents of the steamship companies

at Muslowitz or Ratibor. At Ruhleben, near Berlin, these two streams of Russians and Austrians come together, and once again every man, woman, and child is subjected to medical examination. The Hamburg and Bremen contingents are then separated and shipped direct to their respective ports of embarkation. Before the departure of the steamer, each of these emigrants is again inspected, and at these points the United States consuls are allowed to be present at the examination of those whose destination is the United States.

The native emigration from Germany is of a most desirable class. Nearly all of these people are agriculturalists, or have some trade at their command. Unfortunately, not as much can be said of the trans-German emigration. A change has been made recently in the transportation currents of Europe which will probably decrease the number of Hungarians and Austrians who sail from German ports. The Hungarian Government has made a contract with the Cunard steamship company, whereby a new line of steamers now operates from the Hungarian port of Fiume direct to the United States. The Hungarian law gives the Ministry the right to practically dictate the route by which emigrants shall leave the country. This right has been exercised in favour of Fiume, to the extent of notifying all emigrants that over this route alone will the Hungarian Government exercise its powers for the protection of Hungarian citizens *en route* to other countries. The proposed law in Austria confers the same privilege upon the Government officials of that country, and if this measure is enacted, as it probably will be, still further effort will be made to divert emigrant traffic from the German ports to Fiume, which is looked upon as the principal port of Austria-Hungary.

The German emigration law has been used as a model by all European countries which have recently legislated for the restriction of emigration, though several of the other countries have gone much further than the German law towards the control of emigration agencies and, in fact, the entire control in detail of the emigration business. All of these laws, and especially the German law, are drawn for the purpose of protecting the country thus legislating from the evil effects of emigration, but at the same time, without the slightest consideration for the country to which the emigrants are going. Desirable persons proposing to emigrate are discouraged from so doing, but no obstacle is placed in the path of an intending emigrant whose departure will be a benefit to the community he leaves behind. The German Government exercises the strictest control over trans-German emigration, to the end that the transportation interests may conduct the largest possible business without injury to German citizens.

For the purpose of encouraging German steamship business, indirect emigration to foreign countries is not allowed from German territory. If a Russian emigrant intends going to the United States, he cannot buy a ticket to England and there procure the transportation needed to complete his journey. This would work to the direct benefit of England, but for the fact that this regulation is one which can be easily evaded; and many emigrants from the Continent who intend to go to the United States as soon as they are able, prefer to make the journey to England, in hopes of finding better opportunity there to earn the money, or secure transportation, and thus reach their ultimate destination sooner than would have been possible had they attempted to make complete arrangements at the

original starting-point. The worst feature to England of the great emigration movement across Germany is the unquestionably large number of undesirables who reach the German ports, and there, being unable to secure transportation to the United States, find some legal or illegal way of getting to the British Isles. A large part of the German emigrant administration is contained in police and other minor administrative acts, but the law itself expresses the fundamental idea of emigration control, and is of interest and value to any student of the subject.

*(Translated from the German.)*

THE LAW OF JUNE 9, 1897,

CONCERNING EMIGRATION.

*Chapter I.*

MANAGERS.<sup>1</sup>

§ 1.

Any person desiring to engage in the business of forwarding emigrants to non-German countries must have permission therefor.

§ 2.

The power to grant or refuse such permission rests with the Chancellor of the Empire, under sanction of the Government.

<sup>1</sup> The word "manager" is here used in the sense of proprietor or responsible head of a business.

## § 3.

As a rule, permission shall be granted only to :

(a) German subjects who carry on and have their place of business in the Empire ;

(b) Trade companies, registered corporations, and legal personages, who have their head-quarters in the Empire ; public trade companies, branch companies, and branch stock companies, provided, however, that their personally responsible partners are all of them German subjects.

## § 4.

Foreigners and foreign companies, and such German subjects as have not their place of business and do not carry on the same in the German Empire, may be granted permission only upon condition :

(a) That they give power of attorney to a German subject resident in the Empire, who represents them in a legally responsible manner toward public authorities and private persons in matters having reference to the forwarding of emigrants ;

(b) That they subject themselves to German law and German courts in all legal disputes arising from the forwarding of emigrants.

## § 5.

Before obtaining permission, the applicant must give security in the sum of at least 50,000 marks, and, in case of intended transmarine forwarding, furnish proof that he is a shipowner.

## § 6.

Permission shall be granted only for certain countries, parts of the same, or certain places, and, in case of transmarine forwarding, only for certain ports.

## § 7.

In granting permission to such German companies as purpose the settlement of a tract of land acquired by them in transmarine countries, the Chancellor of the Empire is not bound by the provisions of section 5.

Furthermore, exceptions to the provisions of section 5 may be conceded on special grounds.

## § 8.

The permission entitles the manager to carry on business throughout the Empire, with the restriction that, outside of the communal district of his place of business and of the communal district of his possible branch establishments, he shall make use exclusively of the mediation of his agents, allowed according to section 11, in the exercise of his collective business, in all matters beyond the mere answering of inquiries for information or the publishing of forwarding opportunities and conditions.

## § 9.

The manager may exercise his right to carry on business through a substitute. The appointment of such is requisite for the carrying on of business in branch establishments.

In case of the death of the manager, as also in case of guardianship, the business may be carried on by substitute for six months at most.

§ 10.

The permission granted to a manager may, with the sanction of the Government, be at any time restricted or revoked by the Chancellor of the Empire. Approval of the appointment of a substitute may be revoked at any time by the Chancellor of the Empire.

*Chapter II.*

AGENTS.

§ 11.

Any person desiring to co-operate in a business of the kind described in section 1, in the way of preparing, negotiating, or concluding a forwarding contract (agent), must have permission therefor.

§ 12.

Permission is granted by the higher Government authorities.

§ 13.

Permission may be granted only to such German subjects as have their place of business or their residence in the district of the higher Government authority



(§ 12), and are authorized by power of attorney from an admitted manager.

Even though the above conditions are fulfilled, permission may be withheld if :

(a) Facts are discovered which prove the applicant's unreliability in respect to the intended business ;

(b) A number of persons fulfilling the conditions prescribed by the law have already received permission to carry on or extend the business of an emigration agent within the Government jurisdiction of the district in question (§ 15).

#### § 14.

Before permission is granted, the applicant must give security in the sum of at least 1500 marks.

#### § 15.

The permission empowers the agent to carry on his business in the district within the jurisdiction of which such permission has been granted, if not restricted to a part thereof ; on an understanding, however, with said jurisdiction, he may extend his business to neighbouring districts upon permission of the higher authorities in those districts.

#### § 16.

The agent may not transact any business of the kind designated in section 11 for others than the managers named in the permit certificate, nor on his own account.

## § 17.

The agent is prohibited from carrying on his business in branch establishments, or in travelling about.

## § 18.

The permission granted to the agent may at any time be restricted or revoked.

The permission must be revoked if :

(a) The requirements of section 13 are no longer complied with ;

(b) Facts are discovered which show unreliability of the agent in respect to the carrying on of the business ;

(c) The entire security or a part thereof has been employed to meet claims thereon, and has not been furnished anew or the deficiency made up within four weeks after the demand therefor.

*Chapter III.*

## REGULATIONS IN COMMON FOR MANAGERS AND AGENTS.

## § 20.

The securities given by managers and agents are held as guarantee for payment of all liabilities incurred in the carrying on of the business towards the authorities and the emigrants, as also for the payment of fines and costs.

## § 21.

More detailed regulations are issued by the Government as to the carrying on of the business by managers

and agents, and as to the supervision thereof, in particular as to :

(a) Books, lists, statistics, and other records which shall be kept, also the forms of contract ;

(b) The manner and form of security and the conditions relating to the liability, the completion of the amount and the return of the security, all of which are noted in the certificate of appointment.

#### *Chapter IV.*

### GENERAL REGULATIONS REGARDING THE FORWARDING OF EMIGRANTS.

#### § 22.

The manager may forward an emigrant only upon the terms of a written contract previously concluded.

Emigrants may not be laid under obligation to repay the cost of forwarding, or a part thereof, or advance loans made to them, after their arrival at the place of destination, either in money or labour ; neither may they be restricted in their choice of their place of sojourn, or their employment in the country of destination.

#### § 23.

The forwarding of emigrants, as well as conclusion of contracts to forward, is prohibited in the case of :

(a) Such as are liable to military service from the seventeenth completed year of age to the twenty-fifth completed year, before they have a discharge certificate (§ 14 of the law on the acquisition and the loss of

rights as subject, of June 1, 1870), or have shown a certificate from the recruiting commission, proving that there is no obstacle in the way of their emigration in respect to military service ;

(b) Persons whose arrest or detention is ordered by court or police authorities ;

(c) German subjects the cost of forwarding whom has been wholly or partially paid, or advanced, by foreign Governments or colonization companies. The Chancellor of the Empire may make exceptions from this rule.

#### § 24.

Emigrants who are not provided with the certificate called for by section 23, or who belong to the classes of persons designated in that section under (b) and (c), can be prevented from leaving the Empire by the police authorities.

The police authorities in sea-ports are authorized to prevent the embarkation by managers of persons whose forwarding is prohibited by this law.

### *Chapter V.*

#### SPECIAL REGULATIONS FOR TRANSMARINE EMIGRATION TO NON-EUROPEAN COUNTRIES.

#### § 25.

Contracts for the transmarine forwarding of emigrants must provide for the forwarding and maintenance of the same as far as the port of debarkation in non-European countries. They are to be extended for

further forwarding and maintenance from the port of debarkation to the goal of emigration in so far as this is made conditional in the granting of the permission (§ 1).

If the ship is to be boarded or changed in a non-German port, this fact must be mentioned in the following contract.

#### § 26.

The sale of passenger tickets to emigrants for further forwarding from a transmarine place is prohibited.

This prohibition does not apply to contracts whereby managers (§ 1) bind themselves for further forwarding from the transmarine port of debarkation.

#### § 27.

The manager is bound to provide emigrants with accommodation and food, without additional payment, at the place designated for their embarkation or further forwarding, in case of any delay for which the emigrants are not to blame, from the day fixed in the contract as the date of forwarding.

#### § 28.

If the delay lasts longer than a week, the emigrant has the right, without prejudice to his possible title to damages, to withdraw from the contract, and to demand restitution of the passage money paid.

#### § 29.

Restitution of the passage money may also be demanded if the emigrant, or a member of the family

accompanying him, dies before starting on the voyage, or if it is proved that illness or other circumstances beyond his control prevent his undertaking the voyage.

Should the emigrant or any of his family be prevented from continuing the journey from a transmarine port of debarkation, he may demand restitution of the money paid to cover forwarding over the further distance (§ 26).

Half the amount of the passage money may be demanded if the emigrant withdraws from his contract for other reasons before setting out.

### § 30.

If the ship is prevented from continuing its voyage by an ocean accident or other circumstance, the manager is bound (§ 1) to give the emigrants appropriate accommodation and food, without additional payment, and to bring about as soon as possible the forwarding of the emigrants and of their luggage to the place of destination.

### § 31.

Agreements contrary to the provisions of sections 27 to 30 have no legal value.

### § 32.

The manager may be bound to deposit, to cover the obligations arising to him from sections 27 to 30, a sum of money exceeding the passage price by half its amount, or insurance corresponding to such amount.

## § 33.

The manager must look to it that the ship by which the emigrants are to be forwarded is thoroughly seaworthy and properly fitted out and provisioned for the voyage.

The same obligation rests upon the commander of the ship.

## § 34.

Every emigrant-ship is subject, before sailing, to an examination as to its seaworthiness, arrangement, equipment, and provisioning.

This examination is made by official inspectors appointed by the Government.

## § 35.

Before departure of the ship, the physical condition of the emigrants and of the crew must be examined by a physician appointed by the emigration authorities (§ 40).

## § 36.

The Government issues regulations as to the quality, arrangement, equipment, and provisioning of emigrant-ships, the official inspection and control of such ships, the medical examination of the passengers and crew before embarkation, the exclusion of sick persons, the procedure at embarkation, and the protection of emigrants in respect to health and morals.

The regulations issued by the Government shall be published in the "Government Law" journal, and be laid before the Parliament at its next session for cognizance.

## § 37.

In the meaning of this law all such ocean vessels destined for non-European ports as carry besides cabin passengers at least twenty-five other passengers, are considered as emigrant ships.

*Chapter VI.*

## EMIGRATION AUTHORITIES.

## § 38.

For co-operation in the exercise of the powers accruing to the Chancellor of the Empire in the department of emigration, a council versed in the matter, and consisting of a president and at least fourteen members, is formed. The president is appointed by the Emperor. The members are elected by the Government Council. An election of members takes place every two years. For the rest, the organization of this assistant council is regulated by the Government, and its sessions, etc., by an order of business of its own.

## § 39.

Permission for such undertakings as have in view the settlement of a certain tract of land in transmarine countries cannot be granted, nor can the permission of a manager be limited or revoked until a hearing has been given before this council.

The Chancellor of the Empire may place the more important questions of emigration before this council for



consideration and approval, and its reports shall be made to him.

#### § 40.

For the supervision of the method of emigration and of the execution of the regulations referring thereto, emigration authorities must be appointed by the Government at those ports to which managers are admitted.

#### § 41.

At sea-ports the Chancellor of the Empire exercises supervision of the method of emigration through commissioners appointed by him.

The commissioners are authorized to be present at the examinations provided for in section 34, and also to undertake personal examination of emigrant-ships. It is their duty to call the attention of the land authorities to the defects and violations of regulations discovered by them, and to urge suitable action in regard to the same.

The commanders of emigrant-ships are bound, on demand of the commissioners, to give truthful information about all conditions of the ship and its voyage, and at any time to grant admission to the various parts of the ship and permit examination of the ship's papers.

In foreign countries, the duties of the commissioners in regard to the care and protection of German emigrants are performed by the representatives of the German Empire, to whom, when necessary, special commissioners are attached as assistants.

*Chapter VII.*

## TRANSPORTATION FROM NON-GERMAN PORTS.

## § 42.

By Imperial decree, and with the sanction of the Government Council, regulations of the kind indicated in section 36 can be issued, regulating the transportation of emigrants and passengers on German ships sailing from non-German ports.

*Chapter VIII.*

## PENALTIES.

## § 43.

Managers (§ 1) who violate the provisions of sections 8, 22, 23, 25, 32, and 33, or the regulations made by the authorities in their districts relating to the practice of their business, are punished with a fine of 150 marks to 6000 marks, or with imprisonment not exceeding six months.

If the transgressions have been committed by a substitute, then the punishment falls on himself, the manager is punishable likewise if the transgressions have been committed with his previous knowledge, or if he has been wanting in the necessary supervision over his substitute.

The same punishment falls on commanders who fail to meet the obligations imposed on them by section 33, clause 2, and section 41, clause 3, or who violate the regulations issued in conformity with section 36, without

regard to whether the transgression has been committed at home or abroad.

#### § 44.

Agents (§ 11) who violate the provisions of sections 15, 16, 17, 22 (clause 2), 23, and 25, or the regulations made by the authorities in their districts regarding the practice of their business, are punished with a fine of 30 marks to 3000 marks, or with imprisonment not to exceed three months.

#### § 45.

Any person who forwards emigrants without permission, as required by sections 1 and 11, or takes part in such business, is punished with imprisonment for not more than one year, or with a fine of not more than 6000 marks, or with both imprisonment and fine.

The same punishment falls upon any one attempting to drum up emigrants.

#### § 46.

Any one who violates section 26, clause 1, is punishable with a fine of not more than 150 marks, or with imprisonment.

#### § 47.

Any one who violates the regulations issued under section 42 is punishable with a fine of 150 marks to 6000 marks, or with imprisonment for not more than six months.

## § 48.

Any one who induces a female to emigrate with the purpose of giving her over to professional prostitution, by means of crafty concealment of this purpose, is punished with imprisonment not exceeding five years, loss of his rights as a citizen, and a fine of 150 marks to 6000 marks, and continuous police surveillance may also be imposed.

These same penalties are applicable to any person who, with knowledge of the purpose of emigration, intentionally promotes a female's emigration. If there are mitigating circumstances, imprisonment for not less than three months is imposed, in addition to which a fine of 150 marks to 6000 marks may be demanded.

*Chapter IX.*

## CONCLUDING PROVISIONS.

## § 49.

The terms "higher administrative authority," "police authority," etc., used herein will be explained by the central authority of the Government Council.

## § 50.

This law becomes effective April 1, 1898. At the same time, all permissions granted on the legal Government regulations for the forwarding of emigrants or the co-operation in such forwarding are cancelled.

## REGULATION OF MARCH 14, 1898,

IN EXECUTION OF THE LAW OF JUNE 9, 1897.

*Article I.*

## OPERATIONS OF THE BUSINESS OF EMIGRATION.

## § 1.

Every manager is bound to make out a list of the emigrants forwarded by him on each ship, according to an officially prescribed formula.

## § 2.

Two transcripts of the list mentioned in the preceding section must be furnished by the manager to the emigration authorities within two days after the sailing of the emigrants.

In non-German ports, when German emigrants, or such as have come over Germany, are forwarded, this list shall be given to the German consul.

## § 3.

The Imperial commissioner for emigration has the right to inspect the ship's log-book at any time.

## § 4.

The manager may forward emigrants only on the basis of a previously concluded contract in the German language. Translations into foreign languages may be added to the contract.

## § 5.

This section provides that contracts with emigrants who are to be forwarded from a German port, without change of vessel, to a non-European port, shall contain all the information required by the German law and regulations in regard to the manager and the party with whom the contract is concluded. This information is in detail, describing the person carried, the price paid for passage, and the rights, privileges, and accommodations to be given. It also states in detail the liability of the transportation agent, and cites the law in regard to these matters.

## § 6.

This paragraph prescribes the form of contract in case the transportation is over a German port without change of ship to a non-European port, for the passenger's further transportation and maintenance, or where the further transportation of the passenger from the non-European port of debarkation to the emigrant's point of destination is undertaken.

## § 7.

This section provides for contracts with passengers who, coming from or over Germany, proceed by ship or railway to a non-German port, in order to be transported thence to a non-European country.

## § 8

If, in transportation of the kind designated in paragraph 7, the further transportation and maintenance, or

only the further transportation of emigrants from the non-European port of debarkation as far as the destination of the emigrant is undertaken, then the regulations of section 7 serve therefor, with the addition, however, that the obligation of the manager provided therein to care for the transportation of the passenger shall be undertaken not only up to the landing of the passenger, but to the final destination of the emigrant. (Certain additional details are here prescribed covering the above points.)

### § 9.

This section provides for the form of contract made for the transportation of emigrants across the ocean to a non-German place in Europe.

### §§ 10 to 15, inclusive,

concluding Article I., set forth the relations of the manager to the German Government, and prescribe the manner in which his obligations shall be fulfilled.

### *Article II.*

#### BUSINESS OF THE AGENTS.

### §§ 16 to 22, inclusive,

comprising the whole of Article II., prescribe the form of receipts to be given to the passenger by the manager or agent, and require that these records shall be open at all times to the inspection of Government officials.

*Article III.*REGULATIONS IN COMMON FOR THE BUSINESS OF  
EMIGRATION MANAGER AND AGENT.

## § 23.

Managers must inform their agents, their foreign managers, or empowered substitutes, of the exact price of transportation. To empowered attorneys as to agents, it is forbidden to charge the emigrant higher rates than those fixed by the manager.

## § 24.

Managers shall copy all letters directed by them to agents and emigrants. The same regulation serves for agents in regard to communications addressed by them to the managers or emigrants.

The emigrant lists, the copies of receipts and entire correspondence, shall be kept in exact progressive order of time for three years after the last entry, or after receipt or despatch of letters, and be shown on demand to the Government commissioner of emigration, the emigration authorities, and the local police authorities in the place where the business or residence of the manager or agent is situated.

## § 25.

The higher Government authorities have the right to forbid to managers and agents the advertisement of their business by means of posters in public places for the entire extent of their districts or for single parts thereof.



In advertisements, prospectuses, and circulars, the road by which the emigrants are to be transported must be expressly and accurately designated; if a change of ship is to take place, this must also be stated.

§§ 26 to 31, inclusive.

These sections regulate the character of the security to be given by persons conducting an emigration business, and provide for the handling, appropriation, or return of the security under the varying circumstances described in the law.

## CHAPTER XIII

### ITALY

THE area of Italy is about 111,000 square miles, and the present population is estimated to be about 33,000,000, or 300 to the square mile. The population increases at the rate of a trifle over one-half of one per cent. a year. At least one-third of the population is engaged in agricultural pursuits.

There is practically no restraint upon immigration into Italy, while emigration is controlled in detail by the Italian Government, largely, however, for the benefit of the emigrants themselves. No Italian can leave his country without a permit issued by the Government. Minors must have the consent of parents or guardians. Males between the ages of eighteen and nineteen must obtain permission to depart from the military authorities, and must agree to return to Italy and perform their military service when called upon, or else forfeit their citizenship. Permission to emigrate is also required for soldiers on leave of absence or those enlisted in the reserve of the first line. Military permission is not necessary for those in the second and third reserves. No emigration is allowed to a foreign country unless a movement of Italian citizens to that country is consented to by the Italian Government.

In the past twenty-five years there has been an

enormous emigration from Italy. It was estimated in 1901 that 3,500,000 Italians were living abroad. Of these, 734,000 were in the United States, 11,000 in Canada, 1,852,000 in South America, 168,000 in Africa, and 645,000 were scattered throughout the European countries. During the past five years the emigration movement has gained great headway, now reaching an annual total of over 500,000. The greatest number go to the United States, the movement to that country in 1904 being about 200,000. Of Italians who emigrate a large percentage return to their homes, generally with money saved up as the result of a season of profitable employment. About 37 per cent. of those who go to the United States come back to Italy, and nearly 70 per cent. of those who go to Argentina. During the past two years the movement of Italian citizens from Central and South America has been very much greater than the new emigration to those countries.

The larger part of the permanent emigration from Italy is from the southern part of the country, and is due to the thoroughly bad economic conditions which have prevailed, and which result in great distress to the peasant classes. High taxes, local import duties, high rate of exchange, dishonest local administration, and other causes have made agriculture unprofitable on the large holdings into which Southern Italy is divided. These causes induce emigration, which has gathered momentum through force of example and through the encouragement of those already established in foreign countries. The larger the emigration, the worse the condition of those left behind and the greater effort made by others to leave the country. Agricultural wages are almost infinitesimal, and the people have been literally starved out. Conditions are slowly becoming better,

but in the mean time many districts of Southern Italy have become almost depopulated. The *contadino*, or Italian peasant, lives in a miserable hovel, keeps life within himself and his family by the veriest subterfuge, and what he can dig from the ground is generally the limit of his bill of fare. Meat is incredibly scarce, and even salt, that most necessary and generally the cheapest article of diet in other countries, is so heavily taxed as to be beyond the reach of the slender purse of the peasant. Little or no attempt at education is made in the rural districts, and the peasant's mental state is generally as deplorable as is his physical condition. The diseases of the underfed and impoverished are rife among them, draining their physical powers, threatening the vitality of rising and unborn generations, and a ~~menace to the entire world through their dangerously infectious character.~~

The Italian peasant is fully aware of the advantages offered in other countries, for many of his relatives and friends have gone before and are constantly urging him to follow, supplementing their advice with financial assistance. At least £4,000,000 sterling is sent from the United States to Italy each year by Italians in that country to relatives and friends at home, and the larger part of this money is used to promote emigration. In the past two years and a half 162,000 emigrants have left Italy on tickets paid for and sent to them by relatives or friends abroad. There is nothing to hold the Italian peasant in Italy if he can effect an escape to a foreign country where conditions are more favourable to his existence. There is no religious or political persecution, the oppression arising almost entirely from economic conditions, but these are all-compelling.

These conditions prevail in Southern Italy rather than in the northern portion. Emigration is large from the last-named section, but it is of a more temporary character, and a far greater percentage of those who emigrate return to their homes in improved financial circumstances than is noted of the emigration from the south. Northern Italy is a country of smaller land holdings, and a larger number of independent landholders than Southern Italy. In the latter section large estates are the rule, and this condition has not been favourable to the peasantry. The Italian Government is doing what it can under the circumstances to make life more bearable for the lower classes, but there are political and financial handicaps which render progress slow. It has been proposed that a Land Purchase Act similar to that now in force in Ireland should be applied to Southern Italy, and this may materialize within a reasonable time. In the mean time, educational facilities have been improved in towns and cities, and steps are now being taken to give the peasants of the agricultural districts some opportunity to educate their children. It does not seem probable that emigration from Italy will decrease to any great extent for some time, for it will take years to correct these evils of long standing, and to bring about a revulsion of sentiment in favour of remaining at home.

Notwithstanding the large emigration, the population of Italy is increasing annually, for the race is prolific, and poverty seems to serve as little check upon the birth-rate. This increase, however, is largely in the cities and towns, and does not furnish as desirable a class of emigrants as when the movement was recruited from the agricultural districts. Three or four thousand Italians take up their permanent residence in the United

Kingdom in each year, but it is not a favourite place to which to emigrate for these people of the South.

The emigration law of Italy is the most paternal in its character of any legislation of its kind. To stop emigration from Italy by imposing any legal restrictions would be a practical impossibility. Even with a law which enters into the minutest details of the emigration traffic, controlling and restraining not only the emigrant himself, but the agent, the transportation company, the banker and the merchant having anything to do directly or indirectly with the emigrant, no apparent check has been placed upon the outward movement of population, except that which has resulted from the immigration restriction laws of foreign countries in forcing Italians to remain at home or to change their country of destination.

The emigration law of Italy was enacted in January, 1901, and was the first emigration law of Europe to undertake entire direction of an emigration movement, including supervision over transportation and extending protection to the Italian citizen abroad. The Italian law has since served as a foundation for the legislation of Hungary, the proposed law in Austria, and in all probability marks an era of emigration control which will influence in time the course of every European Government. The general provisions of the law define the military obligation to the State, give the Government the power to prevent emigration to any country where conditions are unfavourable to the welfare of Italian citizens, and pay special attention to the protection of minors who may be induced or compelled to emigrate by those who intend to profit from their labour. Provisions are made whereby every emigrant is compelled

to have a permit or passport before he can depart, but every facility is provided for securing these papers from the authorities free of cost to the applicant, and few restrictions are imposed upon their issue.

An emigrant is held to be any one who travels third class, or in a class equivalent to the same, to a country beyond the Suez Canal, excluding the Italian colonies and protectorates, or beyond the Straits of Gibraltar, excluding the coast of Europe. This limited application of the term "emigrant" excludes Italian aliens arriving in the United Kingdom from many far-reaching provisions of the Italian emigration law, such as the return to Italy of citizens found destitute in foreign countries. Foreign emigrants sailing from Italian ports are treated as Italians except that they are not entitled to assistance from the Italian bureaus abroad.

Emigration affairs are under the direction of the Italian Foreign Office, and the organization of the service provides for a Commissioner of Emigration assisted by three other commissioners. A Council of Emigration acts in advisory capacity to the executive force. All the different departments of the Government are represented in this council.

The law provides for inspectors of emigration at Genoa, Naples, Palermo, and other towns where such officials are deemed necessary. In all centres of emigration a local and unpaid committee, recruited from among the local officials, acts as a sort of court to decide emigration questions which may arise, and to which is referred cases which must be arbitrated.

Foreign bureaus are created in countries to which Italian emigrants are going in large numbers, such bureaus to take necessary action for the protection of Italian immigrants and to act as employment agencies.

Travelling inspectors are appointed for trans-oceanic countries.

No person is allowed to engage in the business of emigration or ticket-selling without a Government licence, or without giving bonds as security against violation of the law and against damages claimed by emigrants. When the law of 1901 went into effect, there were over 7000 emigration agents at work in Italy. Great care was exercised in the issuing of licences, and competition in the business is now reduced to the minimum, so that emigration may not be unduly incited. Foreign companies can only do business in Italy after appointing an Italian citizen as a representative, who shall reside in the kingdom and be subject to the Italian law.

The amount of passage money to be charged an emigrant must be approved by the Emigration Commissioner. The rates are fixed in November, March, and July, after a conference and a subsequent agreement between the Government officials and the transportation representatives. Any transportation company charging an emigrant more than the price which has been fixed by the Government forfeits its licence to do business. Should the transportation companies effect a combine and refuse to carry emigrants at the price fixed by the Government, the emigration officials are authorized to make special concessions to other lines or to arrange for the transshipment of Italian emigrants through other European ports. Transportation companies are held responsible for the actions of their agents and employees, and all others are prohibited from acting directly or indirectly in securing emigrant traffic.

Transportation companies and their agents are forbidden to incite emigration. The dissemination of



misleading statements is punished by heavy fine and imprisonment. All advertisements of transportation companies must indicate the size and speed of the steamer, the date of the sailing, the ports called at *en route*, and the duration of the voyage.

Colonization enterprises are allowed under certain conditions, but must always be approved by the Government.

No tickets can be delivered to emigrants until the latter produce their Government passports entitling them to leave the country. Transportation companies or their agents are forbidden to receive any compensation from emigrants over and above the amount to be paid for the passage. Emigrants who are refused passage abroad at the port of embarkation must be returned to their place of origin at the expense of the transportation companies. Any delays for which the railways or transportation companies are responsible entitle the emigrant to full subsistence during the period of delay, and to a certain allowance per diem as compensation. The transshipment of emigrants in foreign ports on this side of the Atlantic is forbidden, and it is also forbidden to forward emigrants for shipment in any foreign port.

The transportation companies are held responsible for damages to the emigrant if the latter is refused a landing at the port of destination by reason of immigration laws being in force at that port, if the emigrant can prove that the transportation company was aware, before his sailing, of the circumstances which would determine his rejection. All transportation companies calling at an Italian port on their homeward voyage are required to bring back not exceeding thirty indigent Italians at the request of a consular officer abroad, an

allowance of two lire a day being made to the company for the maintenance of each passenger.

Each transportation company is required to pay into the public treasury eight liras for every adult emigrant, four liras for a half-fare, and two liras for a quarter-fare. All income from licences, duties, fines, or other special payments made under the emigration law is applied to an emigration fund, which is expended in carrying on the service. Heavy fines and penalties are provided for violations of the law or of the rules and regulations subsequently issued by decree. Wide authority is given the Emigration Council in the making of rules and regulations for the control of emigration traffic in all its features.

The by-laws providing for carrying the law into effect are most complete and detailed, requiring nearly two hundred articles to set them forth. No steamer can be used as an emigrant-ship until all the regulations regarding hygiene, safety, speed, and the allotment of proper space for berths have been complied with, and a permit issued by special commission of examiners. The quality and quantity of food for emigrants are also fixed by law, and no steamer can sail without undergoing a medical and an administrative examination to assure compliance with every detail of the law.

Every steamship company must pay the salary and expenses of a Government commissioner, generally a surgeon of the Royal Navy, who sails with each boat carrying emigrants, and whose duty it is to look after hygienic conditions and see that the law is observed.

It being impossible and perhaps undesirable for the Italian Government to check to any marked degree the great annual emigration from Italy, the only course has been adopted which seemed to present itself, not only

for the benefit of the State, but for the protection of Italian citizens. In order that the great tide of emigration shall flow to proper places, Italian consuls abroad, assisted by a staff of travelling emigration inspectors abroad, gather information as to labour conditions and forward it to the emigration department at Rome. It is there printed in the form of bulletins or circulars, and issued to the local advisory committees, whose duty it is to advise the prospective emigrant as to the best direction for him to travel.

The Italian Government receives many requests for labourers, both from foreign Governments and from contractors. Under the present law, an emigration inspector is sent to make an investigation before such a request is complied with. This system originated in an experience of several years before, when the Brazilian Government offered free transportation from Italy to Brazil for 30,000 labourers. The offer was accepted, with terrible results to the Italians who went to South America. Italian citizens were found in practical slavery, without sufficient food, and deprived of the wages due to them. The result of this treatment of Italian immigrants by the Brazilian coffee-planters has been that the Italian Government now prohibits all emigration to Brazil.

Special arrangements are made for handling safely the money sent back to Italy by her sons abroad. In the United States alone the Bank of Naples, the recognized channel for handling these funds, has forty-four branches. There is no possible way of even estimating the gross amount of money which is sent back to Italy by her millions of sons and daughters scattered throughout the countries of the world. This estimate has been placed as high as £15,000,000

sterling, though this is probably an exaggeration. The amount is sufficient, however, to form one of the largest cash items of revenue to the Italian nation, and with economic conditions as they are in Italy, this may possibly be looked upon as no small compensation for the enormous loss to the population through emigration.

## CHAPTER XIV

### AUSTRIA-HUNGARY

WHILE Austria-Hungary is looked upon as a single country in considering the political divisions of Europe, it is in reality a dual form of government for many important purposes of administration. Austria and Hungary each maintains its own Parliamentary bodies, and each one enacts laws applicable to the territory under its jurisdiction alone. In considering Austria-Hungary from emigration and immigration standpoints, therefore, it is necessary to regard the two political divisions of this empire as separate countries, and treat of each one by itself. There are some minor difficulties in so doing, especially in the matter of statistics; and as both divisions are jealous of the rights and prosperity of the empire, there is a certain commingling of interest which dims the line of demarkation between the two parts. For all practical purposes, however, it is possible to assume that Austria is one country and Hungary another, except that no estimate of the movement of population between the two can be made.

## AUSTRIA.

Austria has a superficial area of 113,903 square miles, with a total population of 26,150,708, or 226 per square mile. Over half of the population are engaged in agriculture and forestry. The population increases year by year at a normal rate, there being a considerable surplus of births over deaths. There has been a large emigration, especially in recent years, but even this has not been sufficient to overcome the natural increase.

There is no restriction upon immigration into Austria, except the usual police surveillance common to the whole of Continental Europe. A passport or some form of identification is required of a foreigner if his stay in Austria exceeds a transient character.

Up to the present time Austria has no emigration law, but a measure is now under consideration by the Austrian Parliament which, if enacted, as is probable, will provide the necessary machinery for detailed supervision of the emigration business and the movement of citizens from the country. Under the old laws now in force every Austrian subject has the right to emigrate, only limited by the performance of military duty. No passports are necessary.

During the past few years emigration from Austria-Hungary has been very large. In 1900 the annual exodus reached a total of over 100,000, and in 1903 over 200,000 went from Austria-Hungary to the United States alone. In addition to this movement, a considerable number of people move each year into

neighbouring European countries, especially to Roumania. The imperfect methods used in collecting statistics, and the apparent lack of information on the part of Government officials in this direction, make it impossible to say just what the annual emigration is from Austria-Hungary. It may be estimated approximately that emigration is equally divided between Austria and Hungary, and from the figures furnished by foreign Governments it is evident that over 100,000 Austrians are now leaving their native land each year to make their homes elsewhere. About 4000 Austrian and Hungarian emigrants came to the United Kingdom last year as their country of final destination.

The proposed Austrian emigration law is constructed much along lines similar to the Hungarian law, which is given in full elsewhere in this chapter. There are some slight differences, however, worthy of note. The new Austrian measure suggests an entirely new definition of the word "emigrant," for it says, "An emigrant is any one leaving Austria to earn his living, except those who go under contract for service or labour with an Austrian employer." Other European countries define the term "emigrant" as meaning one who goes abroad for a long and continuous residence. The fundamental idea of the proposed Austrian measure is evidently to control, and, if possible, prevent, all emigration, and to induce those who do go to retain their Austrian citizenship and to continue to look upon Austria as their home.

The Austrian measure is not so drastic as the Hungarian law in the proposed control of the details of emigration. It is stricter in regard to the protection of young emigrants of both sexes on board ship. It pays special attention to, and imposes severe penalties in, the matter of trafficking in women for immoral purposes.

It places the control of agencies under the immediate supervision of Government officials, provides for the protection of Austrians arriving in foreign countries, and suggests a method for the safe return and delivery of all money sent home by Austrians abroad. The same authority is placed in the Ministry of the Interior in regard to emigration as is carried by the Hungarian law, and provision is made whereby the Government can direct emigration to its own best advantage. It may be stated that in anticipation of the enactment of this law the Austrian Government has already sent an important official to the United States to make a report as to the best manner of protecting Austrian emigrants on their arrival in America. Considerable space is given in the proposed law to the control of contract labour for foreign countries ; a notable feature being the provision making it illegal to contract for labourers for a country which forbids the importation of contract labour. At present the United States and Australia are the only countries imposing such a restriction upon immigration.

It is estimated that at least £2,000,000 sterling is sent by Austrians from the United States each year to assist friends or relatives to emigrate. A large percentage of the emigrants are from the agricultural class, and the percentage of illiteracy is high. Under the new law it will be just as easy for an undesirable citizen to depart for a foreign country as under the present regulations.



## HUNGARY.

Hungary is larger than Austria, having an area of 125,430 square miles, but the population is considerably less, being only about 20,000,000. A normal birth-rate yields an annual increase to the population of about one per cent., notwithstanding the large emigration of recent years. Certain districts of Hungary have suffered severely from this emigration, however, becoming almost depopulated, and thus increasing the economic difficulties to be met by the Government in its attempt to legislate for the good of all sections. Extreme steps have been taken to rehabilitate places where conditions were at the worst, and for the benefit of Transylvania alone an appropriation of £8,000,000 sterling was made not long since to encourage industry and furnish employment for the people.

Nearly two-thirds of the population are engaged in agriculture. The country contains a number of different races which do not amalgamate readily, and in remoter regions conditions remain much as they were a century ago.

There is no restraint upon immigration into Hungary, except such as has been noted as in existence in Austria. There has been a considerable emigration from Hungary for many years past, but this movement became especially noticeable about five years ago. At an early date an effort was made to check the outward movement by requiring passports, and forbidding emigration agencies to operate without a licence. This apparently had no effect, for the Hungarians left without passports, and the emigration agencies operated in Hungary through their

Austrian offices. The law requiring a licence for emigration agencies was passed in 1881, but up to 1903, when the new Hungarian emigration law was enacted, not a single agency had applied for a licence.

At first, the principal cause of emigration was an unfavourable economic condition which prevented the people from securing employment. The movement was developed by the encouragement of emigration agents and the influence of those who had gone before sending back word of the enviable conditions which existed in foreign countries as compared with their native land. In March, 1903, a law was passed by the Hungarian Parliament, which was intended to have a restrictive effect upon emigration, by making it more difficult for a citizen to leave the country, and by placing under severest restraint all transportation agents. The law was drafted with the Swiss law of 1888, the German law of 1897, and the Italian law of 1901 as bases. The Swiss law furnished an example of agency control, the German law suggested the compulsory passport and the control of transportation companies, and the Italian law furnished the idea of preventing competitive transportation rates being offered by rival steamship companies.

The Hungarian law may be said to be the most restrictive emigration law in the world, and it is given in full in this chapter for that reason. It places the emigration business in the hands of the Government through regulations which keep every manager and agent under the closest supervision, and prescribe the way in which the business shall be conducted. Advertising and soliciting emigration are forbidden, rate wars are impossible, and no citizen can lawfully leave the country without notifying his Government of his

intention, and receiving permission to do so. The law states in detail the manner in which emigration shall be handled, and specifies the accommodation which shall be furnished to the emigrants by transportation lines over which he may be travelling. In this law the Government also retains the power to name the direction in which emigrants shall leave the country, by giving notice that no protection will be afforded those who choose some other exit. This is ostensibly done for the protection of the emigrant, but is in reality for the purpose of enabling the Government to develop its own ports and transportation facilities by increasing the business transacted through their medium.

It was this clause in the law which enabled the Hungarian Government to make its much-talked-of contract with the Cunard Steamship Company for a direct passenger line from Fiume to New York. The establishment of this line is not regarded favourably in the United States by reason of the character of the emigration which is common to that section of Europe surrounding the port of Fiume. The making of this contract was undoubtedly advantageous to English-people, not especially because of any increased business for a large English steamship company, but because the Hungarian emigration formerly passed through the German ports, and in the end many of the rejected passengers or aliens deported from the United States were returned to England rather than to their native country. Under the present arrangement England is relieved of a portion of her task as the clearing-house of undesirable Continental emigration bound to America.

There is an utter lack of reliable figures as regards Hungarian emigration. The estimate of the Government officials is that about 70,000 Hungarians emigrated

last year. This number is considerably less than went to the United States alone, so the estimate becomes worthless. The Hungarian Government expresses no objection to a temporary emigration of working men who avowedly intend to return, bringing their savings with them. This course is pursued by many emigrants, who go annually for a season into some of the neighbouring countries. The whole purport of the Hungarian emigration law, however, is to prevent all desirable citizens from leaving their homes permanently; but it can be stated as more than an inference that no obstacles are placed in the path of a dependent or objectionable person who desires to leave his native land. The Hungarian law, which follows, may be regarded as a composite of the Swiss, German, and Italian laws, with such provisions added as the Hungarian Government deems sufficient to give it control of the emigration movement, to the profit of the public exchequer, and the development of such sections and utilities as are of national importance and interest.

*(Translated from the Hungarian.)*

## THE LAW OF MARCH, 1903.

### CONCERNING EMIGRATION.

#### *Chapter I.*

#### ABOUT EMIGRATION IN GENERAL.

##### § 1.

In point of view of the application of this law he is considered an emigrant who goes to foreign countries

with the object of continuously living there for an indefinite time.

§ 2.

In regard to emigration, the following restrictions have been established:—

(a) Those who on account of military laws are obliged to present themselves before the authorities, or are subject to military service, are allowed to emigrate only with the permission of the respective competent authorities.

(b) Persons who are under preliminary investigation or examination for having committed a crime or offence, against whom either the judicial or police authorities have issued a warrant of arrest, are not permitted to emigrate at all.

(c) Minors can emigrate only if they are able to show the written and officially legalized consent of their father or guardian; and those who have not yet attained their fifteenth year of age, even under those conditions, can emigrate only in company of a responsible adult, and then only on condition that a future home is provided for them at their place of destination.

The following are not allowed to emigrate:—

(d) Those parents who intend to leave children under fifteen years of age at home without providing for their proper care.

(e) Those who have not sufficient funds for the journey to the place of their destination; or to meet the conditions which are established in regard to immigration into the country to which they wish to emigrate.

(f) Those who are promised, by the Government of any foreign country, or by any colonization or similar

company, or by a private person seeking to organize colonization, free transportation in whole or in part, or any advance of the cost of transportation.

### § 3.

Every emigrant must supply himself with a passport as required by that country to which he desires to emigrate.

### § 4.

The Ministry furnishes emigrants—if they apply for it—full and reliable information as to all conditions concerning those states or countries to which they have the intention of going.

### § 5.

The Ministry is empowered to prohibit the emigration to any foreign country where the life, health, morals, or property of the immigrants may be placed in jeopardy; this to apply to emigration as a whole or to persons of any particular occupation.

### § 6.

The Ministry is empowered to restrict emigration in particular direction or directions as may seem best from the standpoint of health, or to protect the interests of the emigrant.

*Chapter II.*

## PASSENGER TRAFFIC, CONTRACTORS, AND AGENTS.

## § 7.

Any person desiring to engage in the transportation of emigrants must have a licence granted by the Minister of the Interior.

## § 8.

Licences are granted to :

(1) Resident contractors, whether individuals or associations, provided the responsible managers are citizens of Hungary ;

(2) Non-resident contractors, whether individuals or associations :

(a) Provided they designate a resident citizen of Hungary as their representative in Hungary in all matters concerning emigration, and in the relations of the principals towards the Government authorities ; these designated representatives to have full power and responsibility ;

(b) Provided they subject themselves to the Hungarian law and to the Hungarian courts of justice in case of controversies arising from said emigrant business.

## § 9.

Every applicant for a licence must prove ability to transport emigrants safely and deposit in advance, as security, at least 100,000 crowns.

## § 10.

Licences are only to be granted for business with designated countries, parts of countries or places, and, if a sea journey is involved, only for designated ports.

## § 11.

Such licence gives the holder the right to extend his business over the entire territory within the scope of the law.

## § 12.

The contractor is bound from time to time to submit his tariff of fares to the Minister of the Interior for approval. Higher rates than approved of cannot be charged.

With the exception of an advertisement concerning time-tables, subsistence, and fares it is forbidden to issue proclamations or information concerning emigration, or to send any such to individuals.

It is also forbidden for contractors and their agents to attempt to induce emigration verbally, by letter, or to encourage it in any manner, to solicit from door to door, or to ask or accept any reward or service from emigrants, excepting the fare to be paid for the passage.

## § 13.

The contractor is allowed, with the permission of the Minister of the Interior, to have his business managed by a representative, and also to establish branch offices. The person selected as a representative must, however, be approved by the Minister of the Interior.



## § 14.

A licence as emigration agent can only be obtained by persons fulfilling the following requirements :—

(a) He must be a citizen of Hungary ;

(b) He must live within the judicial districts or in one of the districts in which he is doing business ;

(c) He must not be under guardianship or trusteeship, must be solvent, no criminal proceedings in penal law must be pending against him, and he must never have been condemned to imprisonment for crime or offence committed in self-interest (paragraph 38 of the law of 1881). He must not have been guilty of a transgression coming under that law, and his morality and reliability must be without reproach.

## § 15.

With the approval of the Minister of the Interior the contractor may appoint a representative competent to make contracts.

## § 16.

The contractor is responsible according to civil law for every action of his representative within the scope of emigration business.

## § 17

The representative shall not be paid by commissions on the contracts he makes, but by a regular salary stipulated in advance.

## § 18.

Only persons answering to the conditions required in section 14 regarding representatives may be appointed as such. Officers of State, of justice, magistrates and subordinate officials, clergymen and school teachers, cannot be representatives.

## § 19.

The business territory of such a representative shall be bounded only by the limits of a designated judicial district or of several designated judicial districts.

Not more than one representative of the same contractor is allowed to carry on business in any district.

## § 20.

The manager<sup>1</sup> is allowed to carry on his business in person only, and is not permitted to conclude contracts for transport business for any other manager. Neither members of the manager's family nor his employees are permitted to do business on their own account.

The injunction of section 12 refers also to the representative.

## § 21.

The concession (or licence) of the manager and that of his representative, as well as the grant of authorization, can be limited or withdrawn at any time by the Minister of the Interior.

<sup>1</sup> The word "manager" is here used in the sense of a proprietor or responsible head of a business.

The concession shall be withdrawn :

(a) If the person concerned no longer meets the requirements contained in sections 8, 14, and 18 ;

(b) If events occur to show that the manager, his representative, or substitute is unreliable ;

(c) If the deficit arising from legal deduction from the security deposited is not made good within fifteen days.

### § 22.

The security deposited by the manager is intended to cover all liabilities, as well as all fines and expenses growing out of the business, whether payable to the authorities or to private parties.

The nature of the security, as well as the manner of depositing it, its management and restitution, is to be decided by the Minister of the Interior.

### § 23.

The manager, as well as his representative, is required to keep intelligible books, as prescribed by the Minister of the Interior. He must also keep a copying-book for his correspondence.

The management of the deposit and form of contract to be used shall be fixed by decree of the Minister of the Interior.

The Minister of the Interior, as well as his authorized substitute and the police authorities, have the right to investigate the management of the business at any time, to make abstracts of the accounts, and to control the proceedings of the manager and his representative generally.

*Chapter III.*LEGAL RELATIONS BETWEEN THE MANAGER AND THE  
EMIGRANT.

## § 24.

The contractor can only transport an emigrant upon the authority of a written contract made in advance.

It is forbidden to enter into contract with persons having no passport, and also with persons described in section 2.

## § 25.

The contract is to be drawn in the Hungarian language, or in columns both in the Hungarian language and in the mother tongue of the emigrant, in duplicate, one copy of which is given to the emigrant, the other remaining with the agent.

The contract must contain the following :—

(1) The full name, age, and place of residence of the emigrant ;

(2) The exact route to be taken, and the place to which transportation is to be contracted for ;

(3) The exact time of starting, and, in case of an ocean voyage, the name of the vessel as well as the day fixed for the sailing ;

(4) If a railway journey, the class must be stated, if by ship, the place must be designated, which the emigrant, his family, and his luggage are to occupy ;

(5) The exact fare, in figures and words ;

(6) The requirements of this law regarding the duties of the contractor and the manner of settling possible complaints.

### § 26.

The contractor is bound to the emigrant :

(1) To send the emigrant with his luggage to the place stated in the contract and for the fare stated, which, under no consideration, must be increased ;

(2) To provide sufficient wholesome clean board and lodging for the entire journey, in case the emigrant has not stipulated to provide for himself during his journey on land ;

(3) To provide medical treatment free of charge, and, in case of death during the voyage, free burial ;

(4) To insure the luggage against damage and loss, and the head of the family against accident, according to the rates approved by the Minister of the Interior. The amount of the insurance premium may be stipulated in the contract as additional to the fare ;

(5) If the trip is postponed or interrupted, without any apparent fault on the part of the emigrant, to give him entire board and lodging without any extra charge, and to send him and his luggage on to his place of destination as rapidly as possible.

### § 27.

If the delay lasts longer than a week, the emigrant may cancel the contract and demand the return of the fare already paid, and, in case of having suffered loss thereby, may claim damages according to general laws.

## § 28.

The fare can also be demanded in case of the death of the emigrant, or a member of his family who accompanies him dying before beginning the sea voyage, or being prevented from leaving by illness or other circumstances for which it can be proved he is not responsible. Half of the fare can be demanded if the emigrant cancels the contract for any reason whatever before starting on his journey.

## § 29.

Agreements which violate sections 12, 26, 27, and 28 are invalid.

## § 30.

The contractor is obliged to bring back, without extra charge, such persons as, notwithstanding the prohibition contained in section 24, are sent on without a passport, if these persons had no right to emigrate according to section 2.

## § 31.

During the sea voyage, the contractor must see that the vessel in which the emigrants sail is kept in good order, on the designated course, is furnished properly, well appointed and provided with sufficient provisions. The same obligation is incumbent upon the master of the vessel.

## § 32.

Before leaving, the vessel is examined by the proper authorities, to ascertain whether all the requirements of the previous sections are provided for.

Every vessel is examined and emigrants and crew inspected by the proper medical authorities.

### § 33.

Within the meaning of this law, sea-going vessels are considered fit for emigrant transportation which sail to non-European ports, and carry at least twenty-five passengers, not including those in separate compartments.

The Minister of the Interior is authorized to make full arrangements in accord with the Minister of Commerce, respecting the quality of such vessels, their accommodations and appointments in regard to the supply of provisions, their official examinations and control, also regarding the medical examination of travellers and crew, the prohibition of the embarking of sick people, and the preservation of health and morality among the emigrants.

## *Chapter IV.*

### EMIGRATION FUND.

### § 34.

For the relief of members of the families of emigrants who remain behind in poverty, for obtaining information for them as to those who have already emigrated, for providing employment, for founding asylums for them, and lastly, for covering partly or entirely the expenses of the destitute who desire to return to their native country, special funds are to be raised as follows :—

(a) From appropriation from the Government budget ;

(b) From all unexpended balances received from issuing passports after deduction of stamp duty and fees ;

(c) From the fees fixed by law which are to be paid by the transportation agents obtaining licences ;

(d) From annual dues to be fixed by contract, payable by all banking institutions, which may be entrusted with the management of the funds of emigrants and with their return passage money.

### § 35.

The emigration funds shall be under the management of the Minister of the Interior, who shall render account of them in his annual report.

### § 36.

The Ministry is instructed to provide for the proper administration of the deposits, and to ensure the safe delivery of money sent back by emigrants by means of the Royal Hungarian Postsparkasse, or a reliable Hungarian bank.

## *Chapter V.*

### OFFICIALS.

### § 37.

For the proper treatment of questions regarding emigration, and to aid the Minister of the Interior in the performance of these duties, a Council of Emigration shall be organized.



## § 38.

The Minister of the Interior shall be president of this Council, and, in case of his being prevented, the first assistant of the Minister shall take his place.

The members of this Council shall consist of one appointee of the Prime Minister, one member each from the police and sanitary upper divisions of the Ministry of the Interior, Justice, Ecclesiastic Affairs and Public Instruction, of Commerce, Agriculture, and the Department of National Defence. Then of ten members named by Minister of the Interior from the chambers of commerce and agricultural societies, or those engaged in agriculture, manufactures, or commerce.

## § 39.

The Minister of the Interior decides as to the organization and order of business of the Council of Emigration.

## § 40.

To supervise the operation of this law and for the direct inspection of the entire emigration business, the Minister of the Interior is authorized to appoint a Commissioner of Emigration possessing the rank of a Government official (*Staatsbeamter*), and assistants according to need.

## § 41.

The Commissioner of Emigration has power to be present at the examination of vessels employed in

emigrant traffic and even to make independent examination. He is to report to the Minister of the Interior any deficiencies or irregularities, and, in special cases, to inform the local authorities.

The masters of vessels employed in emigrant traffic are obliged, if the Commissioner so desires, to furnish a true statement of the condition of the ship and its route, and to allow at any time inspection of the ship and the ship's papers.

### § 42.

The Commissioner of Emigration is the immediate subordinate of the Minister of the Interior, and his compensation, as well as that of those assigned to him as assistants, shall be placed in the annual budget. Any special services are regulated by the Minister of the Interior.

## *Chapter VI.*

### ARTICLES IN PENAL CODE.

### § 43.

Any contractor or contractor's agent who violates the stipulations of sections 12, 13, 14, 23, 24, 26, and 31, or who does not observe the decrees issued by the Minister of the Interior, according to this law, in case such action on his part does not include a graver offence, commits a misdemeanour, and is to be punished by imprisonment not exceeding two months, as well as by a fine not exceeding 600 crowns.

In case this misdemeanour is committed by the

agent, but with the knowledge of the contractor, or if the latter has neglected the inspection demanded by the circumstances, the contractor is liable to punishment together with the agent.

Every shipmaster is also guilty of a misdemeanour, and punished by the same penalty, if he does not fulfil his duty as indicated in section 31 or in the second paragraph of section 33, whether this happens in his own country or abroad.

#### § 44.

Any agent who does not comply with the provisions of sections 13, 19, and 24, as well as those regulations regarding the management of business which may be issued by the Minister of the Interior under this law, commits a misdemeanour, and is to be punished by imprisonment for not more than one month, and also by a fine not exceeding 600 crowns.

#### § 45.

Any one who engages in the transportation of emigrants, either as principal or agent, without having the licence required in sections 7 and 15, is guilty of a misdemeanour, and is to be punished by imprisonment not exceeding two months, and a fine not exceeding 600 crowns.

Letters, circulars, printed matter, and passage tickets sent out by contractors and agents without a licence, may be seized and confiscated by the proper authorities in the post-office.

## § 46.

Any one who encourages emigration at a public meeting by speeches, or by distributing printed matter or pamphlets, or by exhibiting these publicly, shall be punished with imprisonment for not more than two months, and by a fine not exceeding 600 crowns.

## § 47.

Any one is guilty of a misdemeanour, and is to be punished by a fine amounting to not more than 200 crowns, who publishes, by means of press advertisements, the business of traffic managers and agents, who have not permission of the Minister of the Interior to do business.

## § 48.

Over all violations of this law, so far as not committed by the press, the criminal court has original and appellate jurisdiction.

(a) In small and large villages, in towns with regularly designated magistrates and with independent municipal organizations, the authorities mentioned in section 13 of the Article of Law No. 20, of the year 1901, of the primary and appellate courts.

(b) In the capital and residence town of Budapest, and in the districts of Neupeest and Rakospalota, the head of the prefectory of the district shall have original jurisdiction. On appeal, the local governor of the district or his deputy, with appeal to the Minister of the Interior in the third instance.

*Chapter VII.*

## FINAL ARTICLES.

## § 49.

For the purpose of founding an emigration fund according to section 34, 80,000 crowns are appropriated for the year 1903.

## § 50.

At the moment of this law becoming operative, the law of the year 1881, as well as all decrees relative to emigration, are annulled.

## § 51.

The Minister of the Interior is authorized to fix the date when this law is to take effect, as well as when its administration shall begin.

Budapest, November 5th, of the year 1902.

(Signed) KOLOMAN SZÉLL.

## EMIGRATION DISCOURAGED.

Under date of April 13, 1904, a general circular was issued by the Hungarian Government to the local authorities, including those at Fiume, the Hungarian port on the Mediterranean, indicating the manner in which the new emigration law was to be administered. Notice was also given that special circulars would follow—one dealing with the shipping of emigrants, and their sanitary and moral protection ; one especially

devoted to the manner of housing and boarding emigrants in Fiume ; one concerning the military service due to the country from citizens ; and a fourth setting forth the method of obtaining passports and particularizing their use, and prescribing for the collection of statistical data concerning emigrants.

In this general circular emigration to Brazil was prohibited, and a temporary concession granted to the Cunard Steamship Company for transporting emigrants from Fiume to the United States was continued in force, pending the making of the final agreement between Hungary and the Cunard Company which is now in force. The rate of fare to be paid by emigrants to the Cunard Company was fixed—on ships of not more than fifteen marine miles speed, at 180 crowns for individuals over twelve years of age, and 90 crowns for children between the ages of one and twelve ; on ships of more than fifteen marine miles speed, at 200 crowns for those over twelve years, and 100 crowns for those between one and twelve ; and it was further provided that children under one year of age, if travelling in the company of grown persons, should be carried free on any vessel. Various other restrictions made in the interest of the emigrants were placed upon the company.

This general circular from the Minister of the Interior concluded as follows :—

“I further make it the duty of all the executive authorities to follow with the most vigilant attention, in their respective jurisdictions, the matter of emigration in its every phase, to endeavour to ascertain the reason for emigrating, and to take steps, so far as lies in their power, towards the removal or remedying of national, economic, or moral evils and injury caused by emigration or traceable to it ; especially to make reports to their

superiors, but under all circumstances to endeavour with good counsel and kindly explanation to dissuade emigrants from emigrating.

“I further expect the various authorities, in case the causes of emigration are insurmountable, and in case emigration cannot be prevented by legal means, and emigrants are not to be dissuaded from their intention by good counsel and enlightenment, to at least endeavour to the best of their knowledge and will to carry out the intention of the law, which is that emigration takes place in the manner and direction most in conformity to the interests of the State, and still more to those of the emigrants. Especially, let the authorities know it to be their duty to render impossible the working of secret agents of unlicensed transportation companies, to search them out and to severely punish them, and to control vigilantly the agents or representatives of the licensed transportation concern, so that their actions be kept strictly within the limits of the law, and in no case develop into encouragement of emigration.”

#### ONLY ONE SEA ROUTE FROM HUNGARY.

In carrying out its agreement with the Cunard Steamship Company, whereby that company established a new line running between Fiume and New York, the Hungarian Government issued a circular under date of April 13, 1904, which practically makes the Fiume route the only one by which an emigrant can comfortably leave Hungary for the United States. This circular sets forth that—

“The route *viâ* Fiume is laid down first of all, and a licence for the transportation of emigrants has for the present been given only for this route.

“Routes *viâ* other ports lying outside of Hungary will be designated only in case the emigrant cannot

be transported *viâ* Fiume. Such routes will always be designated in the licence granted to the particular concern.

“If any one should intend to emigrate across the sea in a different direction from the designated route, he cannot be prevented therefrom by forcible means; but in his own interest he must be warned that the Hungarian authorities have no means of affording emigrants such protection and assistance against injuries and losses that may occur on other routes, as are assured them on the designated route.”

#### INSTRUCTIONS FOR ENFORCING THE LAW.

Under date of April 18, 1904, a circular was issued containing lengthy and detailed instructions for the carrying out of the emigration law of 1903. These instructions cover the entire field indicated in that law, from the control of emigration agencies to assistance of the emigrant even after he has landed in a foreign country. Each section and paragraph of the law is taken up *seriatim*, and amplified in such manner as to leave no doubt as to its meaning or the manner in which it should be administered. Under the powers conferred by the law, detailed instructions are also given as to how emigrants shall be cared for and protected, and what measures shall be required of the steamship company at Fiume for housing, feeding, and otherwise caring for, their steerage passengers.



## CHAPTER XV

### SPAIN

SPAIN has an area of 190,000 square miles, and a population of 18,600,000. The population increases at the rate of less than one per cent. per year. About 25 per cent. of the population are engaged in agriculture. Emigration is not large, between 60,000 and 70,000 people leaving each year. The bulk of this movement is to Brazil, Uruguay, and Argentina.

There is no restriction upon immigration into Spain, except compliance with police regulations for identification and registration of the foreigner.

There are severe restrictions upon emigration of citizens. Military service is compulsory, and every possible precaution is taken to prevent a Spanish subject from leaving his native land until he has fulfilled his military obligation. Emigration agencies are held in close control by the Government, agents are required to secure a licence, and all emigrant business is conducted under Government supervision. No emigrant can lawfully be transported from Spain unless that emigrant has received a passport and identification papers together with official permission to depart. Numerous decrees have been issued enforcing these regulations, and as late as the 5th of November, 1904, a proclamation was published by the Spanish

Government calling attention to previous decrees, and urging increased vigilance upon local officials in securing compliance with the law.

The people of Spain have suffered very much through the efforts of unscrupulous transportation agents in securing emigrants. Conditions in foreign countries have been misrepresented, and every inducement has been offered to persuade the ignorant peasant to invest in an emigrant ticket to some foreign country. Agents have even gone so far as to connive with intending emigrants to evade the laws, and escape from their native land without giving notice to the Government. This traffic has been carried on in such high-handed manner that most remarkable measures have been necessary to put a stop to it. It is not an uncommon proceeding for emigrant-ships to remain on the high seas outside of the three-mile shore limit, and have the passengers brought to them unlawfully in small boats.

The decree of November, in the preamble, calls attention to the numerous decrees which have been issued for the purpose of preventing secret emigration, the use of forged or wrongfully acquired identification papers and permits, and the alarming extent to which these evils still exist. Transportation companies are accused of assisting in the infraction of the law and of being "lost to all sense of humanity" in inducing emigration of improper persons to countries where only distress and suffering can be expected as the lot of the emigrant. The Spanish Government urges the local authorities to use the utmost effort to put a stop to this traffic, so that it may not be said that it is carried on through the corruption of public officials. The decree further provides—

Sec. 1. That all decrees and notices shall be republished in conspicuous manner in every province, so that the attention of the people may be again called to them.

Sec. 2. That it shall be announced publicly that documents, such as passports, identification papers, and permits, can be secured gratuitously from the local Government officials by those entitled to them.

Sec. 3. That the intervention of emigration agents in procuring such papers as are referred to in the previous section, unless such agent has full power of attorney from the party desiring such papers, is forbidden.

Sec. 4. That special publicity is to be given to the military requirements of citizenship, and the penalties to be imposed upon principal or guardian, in case such military service is evaded, are to be made prominent.

Sec. 5. That local magistrates shall impress upon the people the sufferings which have been undergone by those who emigrated unlawfully, and who were induced by unscrupulous agents to go to places of which they had no knowledge. Citizens are also requested to report all such cases which come to their knowledge, that the authorities may make use of them.

Sec. 6. That the authorities are to exercise vigilance in preventing agents from soliciting emigration unless such agents are licensed, to prevent all advertising of an emigration business, and to generally observe the manner in which emigration agents carry on their work, to the end that the law is not violated.

Sec. 7. That the authorities are instructed to act in accord with the marine and police departments in seaports to prevent the embarkation of people emigrating unlawfully in small boats employed to carry them to ships lying in wait on the high seas, and to assist the

port authorities in preventing the departure of those who have no right to go.

Sec. 8. That officials are enjoined to be vigilant on the days before and the days of the sailing of ships, and to take especial care that Spanish or foreign ships do not take on emigrants departing unlawfully.

Sec. 9. That the local authorities shall take immediate steps for the legal arrest of those attempting to leave the country without permission.

One interesting feature of emigration from Spain is the movement which has taken place for several years past from the neighbourhood of Vigo. This movement is migratory rather than permanent, and has been of benefit to that section. The natives have left for countries where wages were high and work was plentiful, and have returned within a reasonable time with their savings. These savings have been utilized for the purchase of small land holdings, and in this manner a prosperous agricultural community has been created.

## CHAPTER XVI

### PORTUGAL

PORTUGAL has an area of 35,490 square miles, and a population of about 5,500,000. The number of inhabitants has increased on an average of about one per cent. of the total each year. Fully two-thirds of the population are engaged in agriculture. The number of emigrants from Portugal from the years 1872 to 1890 inclusive was 308,065. In the ten years following it was 270,017. The number of emigrants now leaving the country each year averages less than 25,000. Four-fifths of these go to North or South America, and the other fifth quite generally to Africa.

There are no restrictions upon immigration into Portugal, even passports for foreigners being unnecessary. Within forty-eight hours after arrival, however, a foreigner must produce at the civil governor's office, or else at the office of the magistrate of the township, a certificate, stating his nationality, issued by a competent diplomatic or consular officer.

Saving exceptions referring to operatives going to work in Spain, who are furnished with documents issued by the magistrate of the township where the individual is domiciled, no Portuguese citizen can lawfully leave the

kingdom without a passport issued by the authority of the civil Government. Military service is compulsory. Emigrants leaving the country lawfully are protected by shipping and police regulations in matters of personal comfort and safety, and emigration offices are kept under supervision and restraint by the Government.

## CHAPTER XVII

### THE NETHERLANDS

THE area of the Netherlands is 12,648 square miles, and the population is 5,347,182, or an average of 422 to the square mile. The annual rate of increase of population is nearly two per cent.

There are practically no restrictions upon immigration into the Netherlands, other than the police surveillance common to all Continental countries in greater or less degree.

Emigration from the Netherlands has never been considerable, less than 9000 having been the greatest number of citizens leaving in a single year. The annual emigration is now less than 5000. There is a large emigration of foreigners through the port of Rotterdam, and during the past year nearly 50,000 people arrived from other countries to take passage from the Dutch ports. The Government retains close supervision over emigrant traffic, and elaborate shipping laws provide for the protection, safety, and comfort of passengers in their dealings with ship-owners. It is from this port of Rotterdam that much undesirable emigration takes place to England. If an emigrant is unable to secure passage to the United States through disqualification,

he is generally able to find a way of reaching England, and this way is often *viâ* the Dutch port. It is notorious that there are men in Bremen and Hamburg whose sole business is the transfer of this class of travellers to Rotterdam, to enable them to proceed to England, or possibly in the end to the United States.



## CHAPTER XVIII

### DENMARK

THE area of Denmark is about 15,000 square miles, and the population is 2,464,770, or 160 to the square mile. The increase of population is about one per cent. per annum. This increase takes place in the rural districts rather than in the towns. Nearly one-half the population is engaged in agriculture. Emigration is chiefly to the United States, but the total emigration movement is less than 7000 per year.

There is no restriction upon immigration into Denmark, other than a certain amount of police surveillance.

The emigration business is closely supervised by the Government, and cannot be carried on without a licence. The Danish emigration law is very complete, and is the outgrowth of thirty years of legislation. These laws are enacted primarily in the interest of the emigrant, to protect him from unscrupulous agents, and complete regulations are provided for forms of emigration, transportation contract, the sanitation of ships, and the provisions and accommodations to be furnished the emigrant.

While there is, as stated, practically no restriction upon immigration, the police supervision of foreign criminals and paupers is very strict. There are several

local associations organized for the purpose of assisting ex-convicts, and their work is centred largely in deportation. Many ex-convicts are assisted to take passage to North America.

Military service is compulsory, and any one leaving without fulfilling this obligation is subject to arrest and punishment if he returns to the country. An emigrant may leave without a passport, and most of them do. Denmark is an exception to the other countries of Europe, for emigration matters are here under the Department of Justice, and passports are granted upon application to the police. A Danish law of May, 1875, still in force, provides for the deportation of paupers. It is the only law of its kind in Europe, and is here given in part.

*(Translated from the Danish.)*

#### LAW OF MAY 15, 1875.

##### *Article I.*

In future no passport shall be required from a foreigner entering Denmark. Such requirement may be made by Royal decree, however, upon citizens of countries which do now allow Danes to enter without a passport.

Foreign gypsies, musicians, showmen, strong men, acrobats, and like persons shall not be admitted to the country for the purpose of strolling about to give exhibitions. Labourers from foreign countries are also forbidden to come into Denmark seeking work, if they

are not authorized through a document issued by some foreign authority.

*Article II.*

Foreigners who are not entitled to parish relief in Denmark, and who are found to be without means, also persons specified in paragraph 2 of Article I., who are forbidden to remain, shall be sent out of the country by the police as soon as possible. When such people are deported, they shall be notified of the penalty for returning, and shall be ordered not to come back.

*Article XIII.*

Those who have not been naturalized, and who have not acquired the right of parish relief in Denmark, may be sent out of the country under orders from the Department of Justice, providing they have not been in the country for two consecutive years, and that their behaviour gives reasonable pretext for deportation.

*Article XXII.*

If any person violates the provisions of Article II. or XIII., he may be sentenced to prison, to subsist on bread and water for not exceeding six times five days, or to hard labour for not exceeding 180 days.

The above law gives the police wide authority over all objectionable aliens, and there is reason to believe that every advantage is taken of the provisions of the

law to rid the country of undesirable persons. As the police regulations of Germany are very strict in regard to the exclusion of objectionable characters, it is evident that Denmark must assist most of these deported people to go to other countries, presumably to England or to North America.

## CHAPTER XIX

### SCANDINAVIA

SWEDEN and Norway have different laws governing immigration and emigration, though they are practically the same in purpose and effect. They place emigration traffic under the control of the Government, and provide for the protection and safety of emigrants dealing with transportation companies and sailing from Scandinavian ports.

#### SWEDEN.

The area of Sweden is 172,876 square miles, and the population is over 5,000,000. The rate of increase is less than one per cent. per year. About one quarter of the people are engaged in agriculture. Emigration has increased during recent years, and nearly 25,000 people left the country during the past year. Military service is compulsory. Every Swedish subject is entitled to receive a passport on application to the police. Furthermore, every Swede is furnished with a priest's certificate, called a "Prästbetyg," which is more detailed than a passport, as all public records as to births, marriages, deaths, etc., are kept officially by the clergy of the Established Church, Lutheran. A certificate from the priest of the parish in which a Swede is domiciled

is complete and reliable evidence of identity, as it states the date and place of birth, names of parents, legitimacy, status of civil rights, and social position. It is upon these priests' certificates that passports are issued by the police authorities.

#### NORWAY.

Norway has an area of 124,130 square miles, and a population of 2,250,000. The rate of increase has been slight in recent years. Over 70 per cent. of the population are residents of the rural districts. Emigration has been on the increase during recent years, about 25,000 Norwegians having left their native country last year. The Norwegian laws in regard to passports and the control of emigration are very similar to those of Sweden, such differences only being noted as meet local requirements.

## CHAPTER XX

### RUSSIA

WITH its enormous area and population, immigration and emigration conditions in Russia are matters of locality, and cannot be treated from a national point of view. There is an enormous movement of the population within the empire, but of recent years there has been a marked exodus from Western Russia to England and the United States. The number leaving Russia during the past year has been nearly 300,000, as shown by statistics. It is possible, however, that another hundred thousand should be included in this emigration, as thousands of Russians have crossed the border into neighbouring European countries, to escape military service incident to the Russo-Japanese War. A single instance will suffice to show how general this exodus has been, in that it is known to the Russian Government that at least 3000 young and able-bodied Russians, subject to military call, came to the city of Vienna, Austria, during the summer of 1904.

Nearly all the Russian emigrants to England and the United States are of the Jewish faith, and leave Russia because of conditions unfavourable to their happiness and prosperity. The Russian laws and police regulations governing immigration and emigration are exceedingly strict. No foreigner can enter Russia

without a passport vised by a Russian official stationed abroad, and all strangers are closely watched by the Russian police. An equal or even stricter surveillance is maintained over the native population. The business of emigration is under the direction and supervision of the Ministry of the Interior, and the inciting of emigration is prevented in every possible way. No Russian citizen can lawfully leave the country without a passport and permission from the police. These are only secured with great difficulty, after long delays and at considerable expense. Military service is compulsory, and it is not easy to secure the permit necessary to lawfully cross the border. Thousands of Russians leave Russia, however, without form or ceremony, and the laws in regard to passports for departures are notoriously evaded. Agents conduct a well-organized, though secret, business in piloting emigrants across the frontier, whose departure would not be allowed if the Government had its way.

A Government commission was appointed in England two years ago to investigate the conditions in Russia which led to the large emigration in progress to England and the United States from the provinces where the Jews predominate. Information thus secured brought about a better understanding of the conditions which govern this movement of population. The Jews of Russia number about 5,000,000, and most of them live within what is called the Jewish Pale. Within the Jewish territory must also be included Poland, the combined population of these two districts being something over 40,000,000. Under normal conditions this territory would support this population in comfort and furnish adequate employment to all in the development of its resources; but the conditions are far from normal.



What are called the "May Laws" of 1882, enacted by the Russian Government, provided that only those Jews who had complied with certain requirements and thus established a legal right of residence prior to that year, should be allowed to live in the rural districts. All other Jews were driven into the towns.

This led not only to a congestion of population, but of all employments as well; and as the Russian laws still further limit the outlet for Jewish activity, life became most sadly burdensome for these people. No employment paid for directly or indirectly by the Government is open to the Jew, nor can he obtain any work from the municipality in which he resides. The Government also endeavour to prevent the Jew from obtaining work upon any enterprise over which there is Government supervision. They are rigidly excluded from railway positions, even the humblest, and in these and a thousand other ways they are made to feel the opprobrium of their descent and religion.

Overwhelming competition to obtain a living resulted from these conditions. The population of the cities increased enormously, and in these congested centres began a fierce struggle for existence. Of course, all the Jews in Russia are not poor or persecuted. The occupations of merchants or traders are open to them, and hardly a transaction can be brought about in which a Jew does not take part. The reason assigned by the Government for the enactment of the "May Laws" was the charge that the Jews were oppressing the Russian peasantry in the transaction of business. That they did have control of the commerce of the country is probably true. That they took advantage of this control may be possible. However just these charges may be, there is no question as to the effect of the

existing laws and regulations upon the population of that country and indirectly upon England and the United States, for they are the cause of a very large part of the emigration.

There is no such wide agitation for the repeal of these laws as might be expected, for the Jews who proved their right to remain in the country villages throughout the Jewish Pale and Poland, thus secured a monopoly of trade extending from large enterprises down to the village shops, and naturally those on the ground are well satisfied that the Government should restrict competition even from their own countrymen and coreligionists. The better class of Jewish emigrants are often inspired to move through the desire of obtaining educational facilities for their children. Jewish children in Russia are practically excluded from the schools, and even when Jewish communities organize schools of their own it is difficult to secure the consent of the Government for their operation.

As a rule, the first move a Jewish emigrant makes is to England. He may pass directly across Great Britain *en route* to the United States, or he may find it necessary or advisable to rest awhile in London and prepare himself more effectually to run the gauntlet of the American immigration law. It is usually this class of Russian Jews which goes to England, for many of those who are physically and financially fit sail direct to the United States from the German ports. The very large Jewish community in London, already reaching a size viewed with alarm by the people of that city, maintains institutions for the care and education of emigrants who need "reconstruction" before proceeding across the Atlantic. Inevitably, however, a large number fail to get any further, and, if deficient or unfortunate,

or even criminal, thus become permanent and undesirable additions to the population of England.

At the present time there is little prospect of immediate change in the conditions which are causing the large Russian emigration, and, stimulated also by the desire to escape military service, immigration into other countries from Russia will probably continue at or even exceed the present rate for some time to come. Russia apparently already has in effect all of the legal machinery which can be invoked to restrain emigration from her territory, and the matter resolves itself into a question of administration. Much change must not be hoped for until radical reforms are inaugurated in Russia's domestic policies and peace again prevails in the relations of that country with foreign Powers.



# INDEX

## AUSTRIA-HUNGARY,

two separate countries, 245

### Austria, 246

area and population, 246

economic conditions, 247

proposed emigration law, 247

### Hungary, 249

economic conditions, 249

causes of emigration, 250

emigration law, 252

## BELGIUM,

area and population, 156

attitude of Government towards emigration, 157

laws and regulations governing emigrant traffic, 158

## BRITISH COLONIES,

### Canada, 59

area and population, 59

immigration law, 60-62

### Australia, 62

area and population, 62

immigration law, 63-71

### New Zealand, 72

area and population, 72

immigration law, 72-76

### Cape Colony, 76

### Natal, 77

### Southern Rhodesia, 79

### Transvaal and Orange River Colony, 79

## DENMARK,

area and population, 281

emigration restrictions, 281

pauper deportation, 282, 283

- EMIGRATION from Europe, annual, 1  
 " " " sources of, 1  
 " " " destination of, 2, 3  
 " " " changing character, 3  
 " an international affair, 5  
 " artificially stimulated, 10  
 " future prospects of, 15  
 Emigrants, diseases of, 16  
 Emigration, dangers of wholesale, 25
- FRANCE,  
 area and population, 143  
 trans-French emigrant traffic, 143  
 attitude towards emigration, 145  
 law governing emigrant movement, 151-155
- GERMANY,  
 area and population, 207  
 immigration regulations, 207  
 emigration movement, 208  
 trans-German traffic, 209  
 emigration laws, 213
- INTERNATIONAL conference proposed, 19
- ITALY,  
 area and population, 234  
 reasons for emigration movement, 235  
 economic hardships, 237  
 emigration law of 1901..238
- NETHERLANDS,  
 area and population, 279  
 emigration restrictions, 279, 280
- PORTUGAL,  
 area and population, 277  
 emigration restrictions, 277, 278
- RUSSIA,  
 economic and political condition, 287-289  
 emigration restrictions, 288  
 emigration movement, 290, 291
- SCANDINAVIA,  
 Sweden, 285  
 area and population, 285  
 identification of citizens, 285  
 emigration restrictions, 285, 286  
 Norway, 286

## SPAIN,

- area and population, 273
- emigration restrictions, 274, 275

## SWITZERLAND,

- area and population, 177
- immigration, 177
- trans-Swiss emigrant traffic, 177
- identification of the citizen, 178
- law governing emigrant traffic, 179

## UNITED KINGDOM,

- area and population, 41
- emigration from, 41
- immigration into, 41
- money taken away by emigrants, 43
- England a dumping-ground, 43, 44
- proposed Aliens Bill, 49

## UNITED STATES,

- area and population, 80
- alien contract labour, 90-94
- aliens in transit, 99, 100
  - „ mentally deficient, 104, 105
  - „ inadmissible, 87-89
  - „ who become public charges, 101, 102
- anarchists, 103
- Boards of Special Inquiry, 128-130
- Commissioner-General of Immigration, 130, 131
- commissioners of immigration, 124-127
- deportation of aliens, 113-115
- diseased aliens, 96-99
- examination of aliens, 107-113
- exceptions to the law, 99
- head-tax on aliens, 82-86
- immigration into, 80, 81
- immigration officers, 120-124
- maintenance of aliens, 116-119
- manifests of aliens, 105-107
- offences and penalties, 134-140
- prostitutes and procurers, 104

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