

With regard to the States of the United States of America, whose legislation offers reciprocity, the notice referred to shall be given by each State to the signatory Republics, through the Federal Government of said country.

Notwithstanding this provision, those educational institutions, which are not included in this description, and which should consider themselves with sufficient authority to do so, may solicit the recognition of their professional diplomas by the respective Governments, by means of a petition to be accompanied by the corresponding proofs; which shall be passed upon in the manner which each Government may deem proper.

Art. 5. The diploma, title or certificate of preparatory or higher studies, duly authenticated, and the certificate of identification of the person, given by the respective diplomatic or consular agent accredited to the country which has issued these documents, shall be sufficient evidence to meet the requirements contemplated by this Convention, after they have been registered in the Department of Foreign Relations of the country in which it is desired to practice the profession, which Department shall inform the proper authorities of the country, in which the respective title may have been issued, that these requisites have been complied with.

Art. 6. The present Convention shall remain in force indefinitely, but any of the High Contracting Parties may abrogate it in so far as such country is concerned, one year after having given the proper notice to the other Contracting Parties.

It shall not be an indispensable condition for the enforcement of this Convention that it shall be ratified simultaneously by all the signatory nations. The country approving it, shall communicate such approval to the other States, through diplomatic channels, and such proceeding shall answer the purpose of an exchange of ratifications.

*Secretary Macedo.*—As the report was already approved, as a whole, by the Conference at a previous session and discussion was suspended because of the amendments presented, the Chair rules that the project be discussed by separate articles. Therefore, article 1 is under discussion.

*His Excellency Mr. Guachalla, Delegate from Bolivia.*—I have the honor, Mr. President, to state that upon a previous occasion I regretted to be in opposition to the project, inasmuch as I consider that the restrictions therein contained impaired the rights already granted in my country; but after having exchanged opinions with the honorable members of the Committee, of which I am at present a member, we have succeeded in reaching an agreement regarding some modifications which will be submitted to the Conference. I make this explanation in order that it may not seem strange that I cast my vote in the affirmative, instead of negatively as hitherto.

*His Excellency Mr. Cuestas, Delegate from Uruguay.*—Mr. President: I find myself in the same position as the Hon. Mr. Guachalla with respect to the project, and I wish, if possible, that the amendment to which the Hon. Delegate from Bolivia has just referred be made known.

*His Excellency Mr. Guachalla.*—I will satisfy my honorable and distinguished colleague Mr. Cuestas, for it is a fact that we agreed in this matter when the project was voted on as a whole. Article 3 of the project provides: «Each one of the High Con-

tracting Parties shall officially inform the others, which are the Universities of the signatory Nations, the titles and diplomas whereof it will consider as valid for the practice of the professions of which this Convention treats, in its respective territory.»

The above article, as agreed by the Committee will be modified to the effect that each of the contracting parties instead of saying, «I accept the titles of such and such Universities or schools of other countries,» it will be entirely the opposite, i. e. «that each country upon the agreement being executed will state the university or other educational institutions of its territory the titles of which will be valid. In other words, instead of giving to each of the Nations the right to judge the identity or competency of the foreign institution which issues the title, it is the country itself which designates to the others the titles which must be accepted. Furthermore, there will be an additional article which will provide that the Convention now in discussion does not alter in any way the treaties which the High Contracting Parties may have in force at the present time. The reservations relating to physicians and pharmacists will remain as well as all the other provisions contained in the project of the Committee.

*His Excellency Mr. Cuestas.*—I have requested the floor to thank the Hon. Mr. Guachalla for the explanations he has just made and to state that, in view thereof, I see no objection in voting on the project in the same manner as the Hon. Delegate from Bolivia.

*His Excellency Mr. Blest Gana.*—I will engage the attention of the Conference for a few minutes, in order to conclude the Hon. Mr. Guachalla's statements.

As it may be inferred from article 3, the authors of the project sought the necessary guarantees for the practice of professions, that is to say, their idea was that those who went to a foreign country possessing a professional title, might have in their favor proofs or at least pretenses which would accredit their scientific knowledge.

The amendment submitted by the Hon. Mr. Guachalla has the same purpose and gives the guarantees sought; therefore, the Committee gladly accepts it as it also accepts the addition already referred to, that all treaties in force at present are not in any way affected by the approval of the project under discussion.

Having taken the votes, Article 1 of the project was approved by the unanimous vote of 18 Delegations.

Art. 2 was unanimously approved without discussion by 17 Delegations present. The Delegation of Hayti did not cast its vote on account of the absence of His Excellency Mr. Leger from the Hall.

*Secretary Macedo.*—Article 3 is now under discussion.

*His Excellency Mr. Pablo Macedo, Delegate from Mexico.*—Mr. President: I take the floor in reference to the article which if I am not mistaken was 2nd in the original project of the Chilean Delegation and which takes at present the place of the 3rd in the report under discussion; I cannot quite understand the reasons on which the restrictions contained in said article are based regarding the professions of medicine, surgery, pharmacy and those connected

therewith. If I am right concerning the spirit of the proposed convention, the idea is to give mutual strength, confidence and credit to the titles issued by any of the contracting Nations. A convention of this kind cannot be based on any principle but on that of a sincere conviction that each of our Republics takes sufficient care of public and professional instruction, so that we may feel sure that the titles or diplomas of ability, because in reality they are nothing else, issued by any of the universities of those countries, prove in fact the scientific knowledge of the persons in favor of whom said titles or diplomas have been issued.

I understand that there might be restrictions in this matter regarding, for instance, the legal profession, for, if it is true that it requires a general knowledge of law, sociology and other branches which we may say are universal, such as International Public and Private Law, it also embraces branches which are peculiar to each Nation and they are, perhaps, the most important ones in the professional practice of a lawyer, because they refer to the local laws. One may be, gentlemen, a very clever lawyer in Mexico or in the Argentine Republic, and yet remain ignorant of the laws of Peru or Uruguay; but I cannot understand said restrictions regarding medicine, which owing to the fact that it is based on the knowledge of biology, pathology and, lastly, on the knowledge of the general sciences, without lacking certain specialties of a definite character, is more general than a legal profession. Yellow fever, perhaps, is not known to the doctors of New York; it is also possible that the Mexican or South American doctors are not acquainted with certain local maladies of the United States owing to the difference in latitude, climatic conditions, etc., etc.; but it may most certainly be assured, in principle, and without fear of committing an error, that a sufficiently instructed doctor from the United States can successfully practice his profession in Chili or the Argentine and vice-versa.

I think I have found a motive for the restrictions of article 3 in the social importance which the practice of medicine holds on the lives of the people, but not even in this respect, Gentlemen, do I find such restrictions fully justified, because other professions also protect interests as sacred as life and some times life itself. For example, the professions of an engineer, evidently the constructor of railroads to whom the construction of a bridge is entrusted must have the necessary professional knowledge so as not to endanger the lives of the innumerable passengers who will cross it.

I can also cite many other examples in which the ability of the professor constitutes a veritable protection of human life. I do not see, therefore, any foundation for said article, and I humbly beg of the reporting Committee, who have so fully considered this matter, that they be pleased to explain the reason for it, for surely there must exist a reason, altho so far I have not discovered one.

*His Excellency Mr. Blest Gana.*—Mr. President: I have listened with the usual pleasure to the intelligent and methodical words of my distinguished friend Mr. Macedo, and undoubtedly I agree with him in theory and general thesis regarding the enlightened remarks he has made about some of the professions to which the project under discussions refers; for said remarks are correct; but so far as

practice is concerned they are not entirely acceptable in the case of the article under debate. The truth is relative, and therefore the remarks made by the Honorable Mr. Macedo which are perfectly well founded on a general thesis regarding the profession referred to, cannot refer to the case of the article in question. The project, as all the members of the Conference must have noticed, has as its basis the greatest possible liberalism in matters regarding the professional practice; the Committee has endeavored to overcome the difficulties in this matter by reciprocal relations of all the countries who form the Second International American Conference. Altho it is true that the practice of some professions may be allowed without taking precautions of any sort, there are others which in the opinion of the Committee, necessitated a certain vigilance on the part of the authorities of the place where such professions are to practice. For instance, His Excellency Mr. Macedo refers to the legal profession: his remarks, it is true, are well founded, but it is also true that he who has a legal action will not take the first lawyer who appears, but some one of known ability. The public generally must protect itself against the inconveniences brought about by the ignorance of professional persons.

The same thing happens regarding engineers. His Excellency Mr. Macedo quotes the case of an engineer who constructs a bridge; the lives of all those who pass over said bridge are endangered, if said work does not possess all the necessary conditions of stability; but that bridge is not constructed by the first one who offers to undertake the work; the construction of roads, railroads, bridges and all ways of communication are undertaken by companies controlling large interests or else by the Governments, and either one or the other employ, on said works, only competent engineers whose worth is proven.

The Honorable Mr. Macedo will see that this profession, like several others, can be placed under the regime of the greatest liberty, because those entrusted to employ the service of professionals are careful to satisfy themselves that such persons possess solid knowledge in their profession. Altho it is true as the Honorable Delegate from Mexico stated that titles represent an ability and knowledge of which proof has been given through examinations, that very according to the standard of the different countries, it is also true that there is a profession that of medicine, in which progress is being attained every day and it is necessary for the authorities to watch over the life and health of people. For example, a doctor finds that the profession of politics, let us say the parliamentary profession, is a great deal more profitable than that of medicine, and fails to practice the latter profession for ten years, at the end of which he enters Chili or Mexico coming from the United States and resumes his profession having a diploma of ten years standing; during this time the medical science, especially surgery, has advanced with gigantic steps. Will that doctor, who for a certain time was in parliament, be as competent as one who has just undergone his examination? Will his knowledge be in accordance with the progress attained by science since the date of his title. Evidently no. How will we know? Through the medium of an examination. And this examination, as the Honorable Mr. Macedo will see, is not com-



pulsory; it is stated that each country in which the authorities wish to watch zealously over the health and lives of its citizens may exact such examination; the Nations which think that life is not endangered through any title, even though it may have been issued at a very remote period and does not guarantee the knowledge of the most recent discoveries in the medical science, enjoy the fullest liberty to waive that requisite in favor of those who practice the learned profession in their respective territories.

In brief, the project is based upon the most ample liberty; but at the same time it furnishes to authorities jealous of the lives of their compatriots, all the arms possible to defend them. A contractor who desires to make a road, has sufficient time to look for the engineer possessed of the required competency, and the same occurs in the case of a litigant, in the selection of an able lawyer to defend his rights, but when in the midst of the night we are attacked with an ill that requires the assistance of a physician, we recur to the first that we encounter, who, perhaps, for twenty years past has not practiced his profession, and we thus fall into the hands of a veritable nullity. The same may be said in regard to pharmacists and midwives. Consequently, this exquisite care that authorities should exercise over human life, is just what the Committee has respected in founding the project that is now under debate.

*His Excellency Mr. Pablo Macedo.*—I give my heartiest thanks to my distinguished friend and colleague the Honorable Mr. Blest Gana, for the explanation that he has seen fit to make in reply to my remark on article 3; but I ought to note that it is not properly the question of professional liberty with which the Conference has to engage. There will be reasons good or bad for exacting the title, that is to say, the ability proven to the State, by the means established by law, to exercise a determinate profession. Upon this point, recent discussions in the Mexican parliament, Gentlemen, have made public my opinions; but this is not the question: we are not discussing here this point, as I understand it: we concede as existing the titles, for surely if it were not so, we would not have to take up the subject as to what effect those issued in one Nation must cause in another, because the object of our convention is that he who possesses a title of lawyer, or of engineer, in the diverse branches of the term, or of any other profession, granted in a country, may practice in the others, without the authorities of the latter having satisfied themselves, by means of an examination, as to his scientific competency. We desire, by virtue of this treaty, that he who in Chili, Peru, United States or in any other Republic, has been found to possess sufficient aptitude to discharge the duties of a profession, be recognized by the Mexican government in such light, when he comes to practice on Mexican territory.

The restriction that has been introduced in the matter of medicine signifies a lack of confidence in our respective schools and medical universities. If there is any founded reason for his, I accept the restrictions; if there is none, why put them? Certainly it is a duty incumbent on the physician to keep vigil over the life and health of citizens; it is entirely true that for the practice of medicine one needs a diploma, a natural supposition, for this is not the question under discussion; but why should

not a diploma issued by the Medical School of Santiago have equal effect in Mexico, and vice versa? Do we lack confidence in our respective medical schools? Only in this case could there exist any founded reason for the restriction of article 3, because, I repeat, the object of the convention that we are celebrating, is to give extra-territorial authority to diplomas issued by a determinate Nation.

Why should restriction be made in medicine? To this my arguments were directed a moment ago; as yet the profession of lawyer exacts knowledge entirely local, for, as I was saying, a most distinguished Chilean lawyer might be entirely ignorant of the laws of Mexico. There would be reason, perhaps, in exacting from him an examination, in which he might evidence the fact of having made special studies of Mexican legislation for the practice of his profession; but in matter of medicine, I do not understand it thus, and I think that the physician who knows how to cure in Buenos Aires or in Peru, ought to know how to cure in any other country, in Mexico or New York, or he is not a physician; and in this, Messrs. Delegates, I defend the honor of our medical schools. Why lack confidence in them? Are they so badly organized that it is not possible to establish, for the practice of the medical profession the reciprocity, which is the primordial object of the convention that we are trying to celebrate?

These, Messrs. Delegates, are the remarks that I would humbly present to the Committee.

*His Excellency Mr. Blest Gana.*—My honorable friend Mr. Macedo, with his usual talent, has found means to defend again his opinion; but ever generalizing, fleeing from the territory of the practical. He has passed unnoted the arguments that I had the honor to adduce with respect to this matter. Nobody denies that the project in question tends to establish respect for the professional titles issued in the universities of the countries that compose the Conference; but my honorable friend has not heeded the especial case that I have expounded: that of the physician who was competent ten years ago, but who to-day is not, and who, notwithstanding, is, permitted to utilize in another country his professional title. In this matter, there is so much zeal in the United States, that some States at times even refuse to admit any title that does not belong to American citizens, and who does not pass an examination before a competent committee. Why should we be more liberal than those who have studied in reality the matter in all of its phases?

I repeat, that when an architect constructs an edifice in a civilized place, when an engineer builds a bridge, the authorities do not permit that the first be delivered over to public service, nor the second to traffic without the same having been first passed upon and accepted by a committee of engineers. Consequently, there are in these cases all the guaranty that can humanely be exacted by the authorities charged with guarding the interests of society. I do not speak of the profession of the law for I have said already that he who has a suit may freely choose his lawyer, and if he is defeated, he alone is to blame for the bad outcome of the affair, due to his lack of judgment in the proper selection of a lawyer.

Let us return, therefore, to medicine, where it is a question of human life. Why not make an excep-

tion here, following the sage example of the more civilized peoples? Moreover, the restrictions contained in the project, as I have said before, are purely facultative. The country that desires to avail itself of the defense provided by the Committee, may do so; the one of the opinion that no exception whatever should be established, that all liberality possible should be conceded and to admit all professional titles, including that of medicine, without subjecting applicants to any examination, has a perfect right to proceed in this manner.

These are, Mr. President, the reasons by virtue of which the Committee insists in maintaining the article as it has been drafted.

*His Excellency Mr. Macedo.*—Messrs. Delegates: I will occupy your attention for a few moments only, for I do not wish to leave the Conference nor my esteemed and respected friend Mr. Blest Gana under the impression that I have disdained any of his arguments or his reasons, ever worthy of attention and due consideration.

In fact, I passed unheeded the argument concerning the medical profession formulated by the Honorable Mr. Blest Gana, because I understood that this reasoning pertained to another order of ideas, and which is precisely the one, as I have before said, not subject to the consideration of the Conference.

The reason why the physician may have forgotten his profession and not be up to date as regards the latest discoveries, may be generalized and applied to all other professions, and perhaps carried to the extreme of a periodical revision of all professional titles; but this reason, as I believe I have had the honor to manifest, would be applicable to solve this problem: ought we or ought we not to exact a diploma for the practice of determinate professions? It must be conceded, Messrs. Delegates, that this can only be solved in the affirmative, more especially when the medical profession is in question. These are not my ideas; but I accept the thesis, and despite this, it seems to me that the question, in the form that I have had the honor to propound it, is not affected in any manner by the reason to which so much importance is given by the Honorable Delegate from Chili. I say it is well to possess a diploma for the practice of medicine, as it is well, according to the laws of each one of our countries, to have one for the other professions, like that of lawyer, that of engineer, etc., wherein it should be exacted but my observation has consisted in this: if the title issued by a Nation is effective in others, in certain cases, why should it not be so in matter of medicine?

This has been, Messrs. Delegates, the fundamental reason for my observation on article 3. I will insist no more upon it; but I wish to state that in no manner have I forgotten, much less disdained, the arguments of the Committee, so brilliantly presented by my colleague, the honorable and distinguished Mr. Blest Gana.

*His Excellency Mr. Bermejo, Delegate from the Argentine Republic.*—I simply wish to lay the base of my vote, Mr. President, in favor of the article under discussion.

It is true that other treaties, and even those in force in our country with neighboring nations, establish the recognition of diplomas in a more ample form, without any limitation; but it seems to me that the one we have proposed is well founded. It is said that the profession of the physician is

on the same level as that of the lawyer, in the sense that the same control should be exercised over both. It appears to me that the conditions are very distinct: the physician, in the exercise of his profession, has no control, the lawyer has, as also have the other professions. When a physician goes to the bedside of a patient, he examines the case, prescribes the treatment, and that prescription at times proves the means of curing the malady and at others serves as passport to another world. What control can one have to establish efficacy in these cases? Absolutely none: and this is why the social power is interested in exercising vigilance over that profession.

With the lawyer, no such a thing can happen. He is controlled by another lawyer in his controversies before the judge, who oftentimes supplies his deficiencies, his lack of judicial knowledge, and occasionally fills that void left by his lack of scientific preparation.

This consideration induces me to believe that this restriction is convenient on the part of the social power, in order to convince itself of the aptitude and attainments of the physician and of those who exercise other professions connected with medicine.

This bases my vote in favor of the report.

*His Excellency Mr. Matte.*—I have asked for the floor in order to add one more reason in favor of the article, in the form proposed by the Committee.

It seems to me, Mr. President, that in a question of the liberal professions, one of the most important points, and in which there has been the greatest divergence, is precisely that referring to medicine. There are many partisans of liberty of professions, who, notwithstanding, leave reserved to the discretion of the State the taking of proper precautions in all concerning the exercise of that science. And if such a feeling prevails in public opinion and in the parliaments of some countries; if in them dominates, in an irremediable and absolute manner, the restrictive criterion on this point; if we would do a practical work and arrive at an agreement upon the project under discussion, in order that all the Nations here represented may sign it, it is necessary that each one of them be placed in a position where it can labor in conformity with its ideas and principles, for which the project proposed facilitates the means, whenever, according to it, the restrictions therein established are restrictive, and those countries which believe it their duty to surround the exercise of certain professions with especial precautions, may make use of the same, and those which are decided partisans of the most absolute liberty on this point may abstain from so doing.

*His Excellency Mr. Alzamora, Delegate from Peru.*—I desire like His Excellency the Delegate from the Argentine, to state that my country has celebrated treaties, especially that of Montevideo, in which the principle in its most liberal sense is admitted, and, notwithstanding, my Delegation, in this case, will vote in the affirmative, because the pacts of the class of the one now proposed, are very naturally the product of transactions; when it is sought to establish a general principle in a Conference like this, the Delegations adhere to those that they consider most acceptable, without fixing upon those that have already been established with priority.

The reasons that have been adduced in the debate, justify this mode of procedure, and may be summed up in very few words. All of the liberal pro-