

essions are vested with a character more or less public, with the exception of that of medicine; thus, as His Excellency Mr. Bermejo has said, they are subject to a vigilance more or less efficacious. The lawyer, the professor, the journalist,—if journalism can be considered as a profession,—are judged by the public, all of them appear before a public of more or less learning, and the abuse, therefore, is very difficult; the physician, on the contrary, works in secret, his prescriptions may be written in an idiom unknown to the vulgar; thus there can be no vigilance for this profession; which establishes a very marked distinction between this and the other professions.

All of the liberal professions cater to a public that is intelligent to a greater or less degree; the medical profession alone serves a clientele, which as a majority, is ignorant, and, in consequence, needs a much more decisive protection than that required by the other professions. It is true that the latter lend services of importance, but none, as the Honorable Mr. Bermejo has said, lends service of such character as to compromise health and life, gifts that must ever be held in the greatest esteem, and the loss of which are considered as the most irreparable.

Despite all this, it may be said: since there is a professional title, both the native and the foreign physician may be admitted to practice on equal grounds, if the foreign faculty of medicine, by virtue of the treaty, be given the same confidence as that accorded the faculty of the country. But it is necessary to keep one thing in mind, and that is: that those who seek a physician, have the idea that they are going to find a professor, whose knowledge is guaranteed by his medical faculty, created by the law of his own country, in which, as is natural, full confidence is held. This would mean then, up to a certain degree, that the faith inspired by law and authority is lacking in those who place in the hands of a physician their health and life, to permit the practice of the medical profession under a title issued in a foreign country. For these reasons, the vote of the Peruvian delegation will be in the affirmative.

*His Excellency Mr. Enriquez y Carvajal, Delegate from the Dominican Republic.*—I take the floor simply to explain the affirmative vote of the Dominican delegation, which is in comparative contradiction with the practice of my country. It happens that there the diploma of a physician of an accredited faculty, such as that of Paris, Berlin, Vienna, etc., are sufficient to entitle the possessor to practice his profession. This is not the case with the legal profession, since it is required that an attorney practice some time in the country, in order to give his title force and validity. Notwithstanding, the affirmative vote of the Dominican delegation responds to the ideas just expressed by the Honorable Mr. Matte.

The article being put to a vote, it was approved unanimously by seventeen votes.

*Secretary Macedo.*—Article 4 is now under discussion.

*His Excellency Mr. Guachalla.*—The Honorable Committee has charged me with the task of presenting a project intended to substitute, as a whole, article 4, which is put to debate. I beg the Chair to read the same, in order that it may serve as basis for discussion.

*Secretary Duret.*—The new text of article 4, that

has been mentioned by the Honorable Mr. Guachalla, is under discussion. It reads thus:

Each one of the High Contracting Parties shall officially notify the others which are the universities or educational bodies, whose titles or diplomas are to be accepted by the others as valid, for the practice of the professions referred to in this Convention.

It was approved, without discussion, by a vote of sixteen Delegations present.

Articles 5 and 6 were also approved, without discussion, by the same number of votes.

*Secretary Macedo.*—The Committee has presented as an addition to its project the following:

Art. 7. The present Convention does not alter in any way the special treaties that they may actually have in force.

This is now under discussion.

*His Excellency Mr. Guachalla.*—I would ask the Secretary to consider this article as inserted before the one referring to exchange.

*His Excellency Secretary Macedo.*—Discussion on the article will be continued, with the understanding that it will be inserted in the project of convention as article 6, the one that has been approved remaining with this number, as 7.

*His Excellency Mr. Alvarez Calderon, Delegate from Peru.*—I have asked for the floor simply to state that the term «private», added as a qualificative of the present treaties, may give rise to doubts. The treaty of Montevideo is not private; it was celebrated between several nations, in a Congress, and, perhaps, may be held as outside of the provision of the convention under discussion. Thus by simply saying «the treaties in force, expresses the idea, without giving rise to any doubts.

*His Excellency Mr. Blest Gana.*—The Committee accepts the motion made by the Honorable Mr. Alvarez Calderon.

*His Excellency Mr. Sanchez Marmol, Delegate from Mexico.*—I desire to say a few words in order to explain the provision contained in this article, which is to be the 6th of the convention. It was suggested to us by remarks made at a committee meeting by the Honorable Delegate from Bolivia, and the foundation of his argument was this: we have treaties more liberal than this that the Conference is going to approve; consequently, in order to enable me to give my approval to the article, it is necessary that it be drafted in such manner that is shall not restrict the liberty established in those former treaties. I myself prepared the draft, wherein it is intended that the treaties should remain in force that are found to be the most ample and liberal, and now I see that as it is formulated, the article does not express this idea, so that in case there are some that are more restricted, they would also remain in force.

I beg then, that the Secretary or the President kindly see that in regarding it again, these words be added to the article «and offer greater advantages.»

*Secretary Macedo.*—Discussion will continue upon the article, amended in the following terms:

«Art. 6. The present Convention does not alter in any way the treaties that the High Contracting Parties may actually have in force and which offer greater advantages.»

The article was approved by a unanimous vote of eighteen.

SESSION OF JANUARY 24, 1902.

*Secretary Duret.*—We will pass to the order of the day, and, in conformity therewith, will place under discussion the amendment proposed by the 12th. Committee to art. 4 of the project of convention on the practice of the liberal professions, already approved.

*His Excellency Mr. Blest Gana, Delegate from Chili.*—I have asked for the floor, in order to say that the amendment introduced in the project of convention, has no other purpose than to overcome the difficulties that are offered by the diversity of legislations of the countries represented in this Conference, above all that of the United States of America, which have a special system in this matter, and which, with the reform that we propose, will place all the signatory Nations on an equal footing.

The amendment was approved by a unanimous vote of sixteen of the Delegations present. That of Uruguay, not being present, did not cast its vote.

*Secretary Macedo.*—The Chair rules that the article as approved pass to the Committee on Engrossing.

SESSION OF JANUARY 28, 1902.

*Secretary Macedo.*—In conformity with the agreement of the 22nd. of the present month, the reports of the Committee on Engrossing, upon the resolutions approved by the Conference, will remain in the hands of the Secretary, at the disposal of the Honorable Delegates, who may revise them and make such remarks upon them as may be judged proper.

The report on the practice of the liberal professions reads thus:

*Committee on Engrossing.*—The undersigned have the honor to propose the following redaction for the Convention, voted by the Conference, upon the practice of the liberal professions:

Art. 1. The citizens of any of the Republics signing the present Convention, may freely exercise the profession for which they may be duly authorized by diploma or title granted by a competent national authority, of each one of the Signatory States, in any of the territories of the other nations, provided that such diploma or title complies with the regulations established in Articles 4 and 5, and that the laws of the country, in which it is desired to practice the profession, do not require the practitioner to be a citizen.

The certificates of preparatory and higher studies, issued by any of the countries, parties to this Convention, in favor of citizens of one of their number, shall have in all the rest of the contracting countries the same effect as those authorized by the laws of the Republics of their origin, provided that they do not confer greater advantages than those recognized by the legislation of the country in which such certificates are to be used, and provided that there shall be reciprocity.

Art. 2. With respect to the professional titles issued by the colleges or universities of each State, Territory and of the District of Columbia, of the United States of America, in view of the fact that those institutions are not under the control of the Federal Government, nor in many cases under that

*Secretary Macedo.*—The Chair rules that the matter pass to the Committee on Engrossing.

SESSION OF JANUARY 15, 1902.

*His Excellency Mr. Foster, Delegate from the United States of America.*—I have been informed that His Excellency Mr. Guachalla has drafted an amendment to the project on the exercise of the liberal professions, which was approved at the preceding session, and in order that he may present said amendment, I take pleasure in yielding the floor to the Honorable Delegate from Bolivia.

*His Excellency Mr. Guachalla, Delegate from Bolivia.*—The Honorable President will decide if this is an opportune moment to present, in the name of the Committee on the Practice of the Liberal Professions, a special article that has been agreed upon, acceding to the desires of the Delegation of the United States, whose conditions, in this matter, are very distinct from those of the other American countries.

The Committee has charged me with the presentation of said project, in accord with the Delegation of the United States. It is written in Spanish, and in English version has also been made.

*Secretary Macedo.*—The amendment presented by His Excellency Mr. Guachalla, in the name of the Committee, and which the Chair rules shall be printed and distributed among the Delegates, reads as follows:

**PROPOSED Amendment to Article 4 of the Project presented by the Committee on Liberal Professions.**

Art. 4. Each of the Contracting Parties shall give official notice to the others, which are the universities in the signatory countries, whose titles and diplomas are considered valid for the practice of the professions, the subject matter of this Convention, in their respective territories.

With regard to the compliance with this provision on the part of the United States of America, its State Department shall advise the other signatory Republics of all legislation of the respective states of the United States touching the recognition of the diplomas of the other signatory Republics and conveying to the respective States of the United States of America whose legislation offers reciprocity, the advice received from the signatory Republics as to the titles and diplomas of the respective colleges and universities of each Republic which are by them recommended for acceptance.

The other signatory Republics shall recognize the diplomas of such colleges and universities of the United States, its territories, and the District of Columbia as such Republics may elect.

Notwithstanding this provision, these institutions of learning of the United States of America which are not so recognized by the other signatory Republics and which consider their diplomas sufficient to justify their being so recognized may request the recognition of their professional diplomas by the other signatory Republics by means of a petition accompanied by proper evidence, which petition will be passed upon by the competent authority of each of the contracting parties.

(Signed).—*A. Blest Gana.*—*M. Sanchez Marmol.*—*Fernando E. Guachalla.*—*M. A. Martinez, Secretary.*

of the State Governments, the signatory countries shall only recognize the titles and diplomas issued by the colleges and universities of those States, whose legislation offers reciprocity, and which shall have been issued according to the conditions provided in Article 5 of this Convention.

Art. 3. Each one of the Contracting Parties reserves to itself, however, the right to require of the citizens of another country, who may present diplomas or titles of physician or of any other profession related to surgery or medicine, including that of pharmacy, that they submit themselves to a previous general examination in the branch of the profession which the respective titles or diplomas may authorize to be practiced, in such a manner as may be determined by each Government.

Art. 4. Each one of the High Contracting Parties shall give official notice to the others which are the universities or institutions of learning in the Signatory Countries whose titles or diplomas are accepted as valid by the others for the practice of the professions which form the subject of this Convention.

As regards the observance of the foregoing provision by the United States of America, the Department of State of that country shall acquaint the other Signatory Republics with the legislative acts of the respective States of the United States relating to the recognition of the titles or diplomas of the said Signatory Republics and it shall convey, to the various States of the United States whose legislation admits of reciprocity, the information which it may receive, making known the titles and diplomas of the respective institutions of learning or Universities of the other Republics which the latter may recommend as valid.

The other high contracting parties shall give due recognition to the titles and diplomas of the Universities of the States, Territories and District of Columbia of the United States, which each one of the said High Contracting Parties may select.

Notwithstanding this provision, the educational institutions of the United States, which may not be recognized by the other signatory Republics and which may consider themselves sufficiently entitled to it, may solicit the recognition of their profes-

sional diplomas by the respective Governments, by means of a petition to be accompanied with 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 certification of identification of the person, given by the respective diplomatic or consular agent accredited to the country which has issued any of these documents, shall be sufficient 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 does not modify in any manner the Treaties which the High Contracting Parties have now in force and which may offer greater privileges.

Art. 7. 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 formally denounced it.

There shall not be indispensable for the enforcement of this Convention its simultaneous ratification by all the Signatory Nations. The country approving it, shall communicate such approval to the other States, through diplomatic channels, and such proceedings shall answer the purpose of an exchange of ratifications.

Mexico, January 25, 1902.—(Signed).—*Alberto Elmore.—Rosendo Pineda.*

The Convention on the practice of the liberal professions, drafted exactly in the same terms as in the foregoing report, was signed on the 28th. day of January, 1902, by the Delegations of the Argentine Republic, Bolivia, Columbia, Costa Rica, Chili, Dominican Republic, Ecuador, Salvador, United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Peru and Uruguay,

## NUMBER 11.

## International Archæological Commission.

SESSION OF DECEMBER 16, 1901.

*Secretary Macedo*—Their Excellencies Messrs. Chavero, Delegate from Mexico, and Foster, Delegate from the United States of America, have presented the following proposition, which, by ruling of the Chair, passes to the Committee on General Welfare for examination.

**PROPOSITION of Their Excellencies the Delegates Chavero, from Mexico, and Foster from the United States, for the formation of an American International Archæological Commission.**

We desire to submit to this Honorable Conference the following preamble and resolution:

Whereas, upon the territory of the Republics re-

presented here there exist archeological and ethnological remains of inestimable value, and

Whereas, time, erosion, and vandalism are rapidly dimming and destroying this testimony:

Therefore, be it resolved, that this Conference does recommend to the respective Republics here represented that an «American International Archæological Commission» be formed by appointment, by the President of each of the American Republics, of one or more members of such Commission; that each Government represented shall defray the salaries and expenses of its Commissioner or Commissioners; that such Commissioners shall be appointed for five years, and that they shall be subject to re-appointment;

that appropriations for other expenses incident to the prosecution of the work and publication of their reports shall be made by the respective Governments subscribing, on the same basis as that on which the Bureau of American Republics is supported; that the first meeting for organization of the Commission, the election of officers and adoption of rules, shall occur in the City of Washington, D. C., U. S. A. within two years from this date; that the accounting Department of the Commission shall be exercised by the Bureau of American Republics; that this Commission shall meet at least once in each year; that the Commission shall have the power to appoint sub-commissions, which shall be in charge of explorations, or other work committed to their care; that sub-commissions may be appointed which shall cause the cleansing and preservation of the ruins of the principal pre-historic cities, establishing at each of them a Museum to contain the exhumed objects of interest found in the locality, and at such exhumed cities, to establish conveniences for the visiting public; that it is contemplated that the result of the labors of the Commission may be the establishment at some point to be designated by it, of an American International Archæological Museum, with such regulations as may be presented «by the American International Commission,» and that the result of these labors may be the interpretation for the world of the plainly written messages that have been left to us by our predecessors.

(Signed.) *Volney Foster.—Alfredo Chavero.*

SESSION OF JANUARY 22, 1902.

*Secretary Duret*.—We will now pass to the order of the day, and put to discussion, as a whole, the report of the Committee on General Welfare, upon the proposition of Their Excellencies Messrs. Chavero and Foster, for the formation of an International American Archæological Commission. Said report, which was published in Minutes No. 26m. reads as follows:

**REPORT of the Committee on General Welfare relative to the project recommending the appointment of an American Archæological International Commission.**

Their Excellencies, Messrs. Volney W. Foster, Delegate for the United States, and Alfredo Chavero, Delegate for Mexico, have proposed to the Congress, to recommend to the several American Republics the appointment of an International Archæological Commission, the labors of which shall be directed towards the establishment of an International American Museum.

The idea of searching for and preserving the masterpieces left by the peoples which have inhabited the American Republics in former times, certainly deserves to be taken in consideration:

In consequence, the Committee has the honor of recommending to the Congress the adoption of the project submitted by Their Excellencies Messrs. Foster and Chavero, with the following addition: «The Archæological Commission and the sub-commissions which it may appoint, shall subject themselves to the special laws of each one of the Contracting Parties.»

(Signed.) *J. N. Leger.—W. I. Buchanan.—Rafael Reyes.—Alfredo Chavero.—Juan Cuestas.*

*His Excellency Mr. Bello-Codécido, Delegate from*

*Chili*.—I wish Mr. President, to state my adhesion to this report of the Committee on General Welfare, of which I am member, and to manifest that if my signature does not figure at the foot of said report, it was due solely to the fact that I was not cited in time, by an involuntary omission, as I have been told by the Chairman of the Committee.

*His Excellency Mr. Leger, Delegate from Hayti*.—I find some difference between the Spanish text and the English of the report under discussion, for which reason I think it well that in voting upon said report, the same be done with the understanding that it remain subject to the definite arrangement that the Committee on Engrossing may make.

The report was approved as a whole and in part, by a unanimous vote of the Delegations present.

*Secretary Duret*.—The Chair rules that this matter pass to the Committee on Engrossing.

SESSION OF JANUARY 24, 1902.

*Secretary Duret*.—In compliance with the ruling of the 22nd. instant<sup>1</sup> there remain at the disposal of the Honorable Delegates, the reports of the Committee on Redaction, on the following resolutions of the Conference:

. . . IV. International American Archæological Commission.

The report on the International Archæological Commission, reads as follows.

*Committee on Redaction*.—The undersigned have the honor to propose the following redaction at the initiative of the Honorable Messrs. Chavero and Foster, upon the formation of an International American Archæological Commission, an initiative that was fostered by the Committee on General Welfare and voted by the Conference:

The Second International American Conference recommends, to the Republics here represented, that an «American International Archæological Commission» be formed, through the appointment, by the President of each of the American Republics, of one or more members of such Commission; that each Government represented shall defray the expenses of the Commissioner or Commissioners; that such Commissioners shall be appointed for five years, and that they shall be subject to re-appointment; that appropriations for the expenses incident to the prosecution of the work and publications of the report of the Archæological Commission shall be made by the respective Governments subscribing, on the same basis as that on which the Bureau of the American Republics is supported; that the first meeting for the organization of the Commission, the election of officers and adoption of rules, shall occur in the City of Washington, District of Columbia, United States of America, within two years from this date; that the Accounting Department of the Commission shall be exercised by the Bureau of the American Republics; that this Commission shall meet at least once in each year; that the Commission shall have the power to appoint sub-commissions, which shall be charged specially with the explorations, or other work committed to their care; that sub-commissions, may be appointed which shall cause the cleaning

<sup>1</sup> See page 74.